
UNIT 6 TOURISM REGULATIONS

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6.0 OBJECTIVES

As a tourism professional it is imperative on you to know all those legal and quasi-legal regulations that concern the tourist trade in this country. The objective of this Unit is to give you all the important information that relates to the:

- inbound-outbound travellers,
- economic regulations concerning such travellers,
- health regulations of the travellers,
- law and order regulations in vogue in the country,
- catering for the travellers, and
- regulations concerning environment protection in force in the country.

6.1 INTRODUCTION

A land of stupendous dimensions—colourful, exotic, traditional, modern... With her varied topography, picturesque valleys, high mountain peaks and cascading rivers. She never ceases to surprise tourists with her kaleidoscopic attractions.

This is how India is introduced to an itinerant tourist (Tourist Information Booklet, India. Department of Tourism, Government of India). Undoubtedly this description excites his/her imagination. Matched by the unfailing warmth and hospitality of our people, India should naturally become a destination for tourists from all parts of the globe. But nay! soon the excitement subsides and gives way to a realism that evokes a different response—India, a land of disorder where laxity in all kinds of regulations is a norm. This is an image based only partially on truth, but very largely a consequence of lack of information or even disinformation to some extent about the legal, regulatory control practiced in the country and adhered to in the same measure as in any other part of the world.

It is, therefore, an essential requirement on the part of a tourism professional to obtain and master comprehensive information on the regulations that affect tourism both directly and indirectly. Also important is the passing of this information on to the itinerant tourists. This will help to annul their misfounded fears regarding India as a prospective destination. In addition this will enable them to know about and respect the regulations during their stay in India. In this Unit our aim has been to provide you with important information in this regard.

Here you must keep in mind the fact that the development and promotion of tourism in the country has largely been the responsibility of the Deptt. of Tourism. Sadly, it has been functioning as a regulatory authority without any supporting legislation that specifically relates to tourism. As a result it has not always been possible to ensure a co-ordinated development of the infrastructure and a uniform regulatory code for tourism. In this context it is noteworthy that Asian and European Countries, which value their tourism potential, have very successfully provided support and incentives to the tourism sectors by incorporating such features into a Tourism Act. (See Appendix A for the salient features of some of these Acts).

6.2 INBOUND-OUTBOUND TRAVEL REGULATIONS

A traveller who is also a tourist is governed by the laws and regulations in force in the country which he visits. As a tourism professional, therefore, it is of vital concern to you that you are well versed in such regulatory controls that will affect your prospective clients. It is only then that you will be able to provide them with all the necessary information.

As a tourism professional dealing with outbound tourists it is important for you to obtain information about regions which your clients are intending to visit.

6.2.1 Passport and Visa Requirements

It is extremely important for all the visitors (except from Nepal, Bhutan and Bangladesh) from abroad to possess a valid **passport** issued by their respective countries before they enter Indian territory through land, sea or air route.

Currently **visa** is an essential requirement for people of all nationalities for entering India. There are several kinds of visas as listed below, available to foreign nationals:

- **Entry Visa**
- **Tourist Visa**
- **Business Visa**
- **Long-term Visa** (maximum duration of five years; multiple entry facility), and
- **Collective Landing Permit** (group tourists from abroad)

Indian Consular Offices in different countries issue Indian visas. The fee for this visa is US \$ 5 per person. But nationals of Britain pay a Visa fee of £23 (1994 rates).

The maximum duration for which tourist visas are issued is 180 days. But if a visa is issued for a lesser duration and an application for the extension of the same is made within 180 days, no extra fee is charged. The only requirement is submission of a set of identical passport photographs. There is also the provision for the extension of visa beyond 180 days, but this is exceptionally operated. In such cases then the fee charged varies within a fixed scale.

Extension of Visa

Conversion of transit visa into other visa and stay valid upto one month	Rs. 125
Extension of visa upto 6 months on one month visa collected abroad.	Rs. 625
Extension of visa upto one year	Rs. 1300
Grant of five year visa	Rs. 2600

Note : The rates given here are those which persuit in January 1994 and they are changeable subject to government decision.

Visas can be renewed in all State capitals and district headquarters on an application made to the district police chief (Commissioner of Police/Senior Superintendent of Police/Superintendent of Police). Visa renewals and extension cases in the cities of New Delhi, Bombay and Calcutta are handled by Foreigners' Regional Registration Offices (FRROs). In Madras such cases are dealt with by the Chief Immigration Officer (CIO). In Appendix-B we have given you addresses of major Indian Consular Offices overseas and FRRO and CIO in India.

The outbound travellers will seek visas from the embassies/consulates of respective countries they intend to visit. Most of these offices are located in New Delhi. The addresses of the embassies of the neighbouring countries have been given in Appendix-C.

6.2.2 Special Permits

Normally there is no restriction on Indian and foreign nationals for movement within India. But in the case of border states and the two groups of islands, (Andaman and Lakshadweep), a visitor requires a special entry permit. This permit is valid for a maximum period of 15 days only. For group tourists the application for special permit must be made atleast two weeks in advance of the intended date of visit. We have given below detailed information with regard to the issuance of such permit state-wise.

Andaman and Nicobar Islands

Foreign nationals visiting the islands require prior permission. This can be obtained from Immigration Officer Port Blair on arrival. Permits can be obtained in advance from Chief Immigration Officers at Delhi, Bombay, Calcutta and Madras.

Arunachal Pradesh

All foreign nationals intending to visit Arunachal Pradesh require restricted area permits issued by Deputy Secretary, Ministry of Home Affairs, Government of India, Lok Nayak Bhawan, Khan Market, New Delhi, 110003; Tel : 4619709. Indian Nationals (domestic tourists) can obtain permits from Arunachal Bhawan at New Delhi, Calcutta, Guwahati and Tezpur.

Assam

Only Guwahati, Sibsagar, Halflong and Kaziranga are open for foreigners. To visit these places permits are issued by Assam State Tourist Information Centres at Delhi and other parts of the country. Tourists can apply with passport size photographs, photocopy of passport and visa number. Permit is granted to groups of four and above only.

Gujarat

Border regions of the Rann of Kutch are restricted areas. Permits to visit Banni region and areas beyond the India Bridge are issued for both foreign and Indian nationals by the District Collector, Bhuj.

Himachal Pradesh

Lahaul and Spiti and the district of Kinnaur are restricted areas for which entry permits are granted to a group of four or above, sponsored by a travel agency for a fixed itinerary. These permits are issued by Deputy Commissioner, Shimla; Deputy Commissioner, Kullup; Deputy Commissioner Keylong and District Magistrate, Rampur.

Lakshadweep

Only the island of Bangaram (which had no habitation) is open to foreign tourists. Permits are issued by FRROs. However, the Government is planning to open two more islands soon. For domestic tourists, entry permits and travel arrangements are handled by the Commissioners office in New Delhi.

Manipur

Foreign nationals require an inner line permit from the Deputy Secretary, Ministry of Home Affairs, Government of India, Lok Nayak Bhawan, Khan Market, New Delhi.

Meghalaya

Foreign nationals travelling to Meghalaya in groups of four or more can obtain restricted area permits from Meghalaya House at Delhi, Bombay and Calcutta. Individual travellers should contact Deputy Secretary, Ministry of Home Affairs.

Mizoram

Mizoram is a restricted area for foreign tourists, permit may be obtained from the Deputy Secretary, Ministry of Home Affairs. Indian nationals can obtain inner line permits from Resident Commissioner of Mizoram at Delhi, Bombay, Calcutta and Madras.

Nagaland

Foreign nationals cannot enter without a special permit which can be obtained from the Deputy Secretary, Ministry of Home Affairs. A visit to the Deputy Resident Commissioner, Nagaland House, New Delhi is recommended for advice and help for obtaining the permit.

Sikkim

Foreign nationals can obtain permits for Gangtok, Rumtek, Penayangtfe and Thodong from Sikkim Tourist Information Centre at Delhi, Calcutta and Siliguri. They have to apply with passport size photograph, photocopies of passport and Indian visa.

Tripura

Tripura is also a restricted area. Foreign tourists visiting Tripura are required to obtain a permit from the Deputy Secretary, Ministry of Home Affairs.

Uttar Pradesh

Foreign nationals have to obtain permission from the Government of India to enter the Tehsil Dharchola and Tehsil Muspari areas near the border of Tibet. Permit may be obtained from Deputy Secretary, Ministry of Home Affairs, Lok Nayak Bhawan or District Magistrate, Pithoragarh.

West Bengal

Parts of Sunderbans area are restricted for tourists. Conducted tours by West Bengal tourism authorities require no prior permission. Written permission is required for Tiger Project Area, including Sajna Khali Bird Sanctuary from the Field Director, Project Tiger, PO, Canning, District 24-Parganas. For other areas of Sunderbans contact Forest Officer, 24-Parganas, 35, Gopal Nagar Road, Calcutta-27.

Note: The areas for which Special Permits are required or which come under the category of restricted areas are as per January 1994. The Government of India may open more areas, hence it is advisable to recheck and update yourself as and when you need the information.

6.2.3 Custom Regulations

The usual duty free regulations of one bottle of liquor, i.e. 950 ml or less and 200 cigarettes apply for India. If the tourist brings in more than \$1000 in cash or in traveller's cheques, it must be declared by completion of a currency declaration form. While small items like perfumes, cosmetics etc., are allowed into the country, larger items like video cameras are likely to be entered on a 'Tourist Baggage Re-export' form to ensure that the article is taken back on departure. The TBRE form should be resubmitted on departure.

A tourist can clear goods upto Rs.2,400 in value duty free. Goods brought in excess of this are chargeable to duty as per prevailing law.

Note: The figures/amount and regulations are as per the prevailing law in January 1994. They are subject to change by the Government hence, it is better to always keep one self update on them.

Check Your Progress 1

- 1) Why is it necessary for a tourism professional to obtain knowledge about regulations related to tourism ?

- 2) Mention the types of visa. How can a visa be extended ?

- 3) What do you understand by restricted areas ?

6.3 ECONOMIC REGULATIONS —

The inbound as well as outbound tourist is subject to several economic regulations. We have dealt with some of the more important ones in the following Sub-sections. You, as a tourism professional, are likely to deal with tourists generally within the ambit of these regulations.

6.3.1 Currency

Tourists are not allowed to bring Indian currency into the country or take it out of the country. However, there is no restriction on the amount of foreign currency or travellers cheques that may be brought into India. However, the import and export of local currency is prohibited due to stringent exchange control regulations.

On arrival, visitors should declare all foreign currency above \$1,000. They are supposed to exchange currency only at banks and through authorised dealers, which include most hotels.

With each exchange of currency, they are issued an exchange certificate which should be retained to re-exchange unused rupees on leaving the country. It is also their proof that they exchanged currency through legal channels. You must caution the foreign tourists **not to exchange currency in black market**. The one who does so is not only breaking the law of the country but at the same time also running the risk of getting cheated. For example a tourist from east Europe was passed on used lottery tickets as currency in lieu of \$ 1000 by cheats in Delhi.

Foreigners are not allowed to leave India with any local currency. For their convenience banks at international airports are open 24 hours daily to convert unused rupees. But encashment certificate must be produced while returning Indian Rupees.

6.3.2 Insurance

Insurance companies active in the field of movement of persons and travel have become increasingly involved in the provision of insurance to protect the client as well as the agent or the operators of tourism services. Most schemes are in the field of protection and security of the traveller as, for example, the Green Card scheme governing international travel by private motorists. Besides such insurance or indemnity schemes, travel has offered a number of creative situations and possibilities to insurance companies.

The typical tourist is generally confronted by two major travel risks:

- i) Natural or human risks, like contagious disease, civil strife, natural disasters which may occur at the tourist destination. The agent or operator is neither in a position to foresee or forecast such events nor is he in all cases able to find ways to minimise or avoid the consequences in such circumstances. Most legislation accepts 'force majeure' or Common Law doctrine on the question of compensation liability of the agent, operator or provider of services.

However, since most risks are allocated between the operator and the tourist by contract rather than the operation of the law, the pre-supposition is that both the operator and the tourist have equal bargaining power. But in fact, the tourist lacks the economic strength to negotiate coverage of all risks.

- ii) Risks due to the acts of omission on the part of the operator or what is termed "fault-oriented" risks. These are generally understood to arise from violation of a particular law or regulation or the failure to conform to standards, which in many cases remain undefined. In some cases reasonable standards are subject to discretionary interpretation when referred to tribunals which have been established to hear and decide such cases.

The same assumption of reasonable care devolves on the tourists as well.

Thus there is a necessary limitation on tourist risk evaluation in both legislation and insurance coverage. What is termed "constructive notice", is often considered sufficient to impose a legal obligation on the parties to a contract.

Insurance can therefore be unreliable as in the case of :

- i) **Agents' professional liability:** a policy covers acts and omissions by the agent but not fraud or agents' unlawful conduct.
- ii) **Exclusion clause protection:** Such a policy also demands a 60 day time limit within which to file a claim, which the tourist is often not aware of.

Therefore, international efforts have been directed towards the development and implementation of a comprehensive system aimed at providing availability, affordability, clear and consistent exclusions, and compulsory funding and accountability by travel and tourism operators in the field of tourism.

In theory, no legal system insists on or sanctions strict liability against all risks, and suggests only a compromise between the tourist and the operator. In general legal precepts cover such factors as:

- i) which party is more liable to pay,
- ii) the seriousness of the risk and the harm it may result in,
- iii) the ability of the party to spread the cost of the risk amongst its customers, and
- iv) the importance of protecting the injured party.

Beyond this, certain no-fault risks are compensated through the medium of insurance.

Insurance is therefore supplementary to the need for uniform principles of law and administration that inter-governmental organisations are trying to bring about.

6.3.3 Income-Tax

If a person not domiciled in India intends to stay in the country for more than 120 days, an 'Income Tax Clearance' certificate is required in order to leave the country. This document will prove that the person's stay in India was financed by his own money and not by working or selling his goods.

The foreign sections of the Income Tax Department at Delhi, Calcutta, Madras and Bombay issues these certificates on being shown the person's passport, visa extension form and the currency exchange receipts which have been used by the person.

6.3.4 Foreign Travel Tax

For international travel from Indian airports Rs. 150 must be paid for travel to neighbouring countries and Rs. 300 for travel to all other countries (1994 rates). This tax is also applicable to infants who may not be occupying seats.

6.4 HEALTH REGULATIONS

Health protection of travellers is viewed from a dual standpoint including preventive and curative measures. Vaccination is the internationally accepted form of preventative health care. Curative measures are based on the particular circumstances related to climate, environment and disease factors at the destination.

6.4.1 Vaccination

WHO, under international sanitary regulations, publishes regular information concerning both required and recommended vaccination procedures for international travellers. The local tourist information centres also advise domestic tourists regarding epidemic conditions within the country. Diseases have been successfully controlled or eradicated as a result of implementing the vaccination regulations.

A standard format has been developed for vaccination certificates so that the procedures of one country are recognised in other countries. This is an excellent example of international cooperation in the prevention of disease. The current fears regarding AIDS can also be overcome by similar international cooperation. Once an infectious disease has been notified, if vaccination procedures are not available, health checks can be related to visa formalities if tourists are coming from the identified countries or regions of the world.

6.4.2 Health Insurance

Travellers may be concerned not only with medical attention to specific diseases at the destination, but also for pre-existing health problems. Provision of medical attention to travellers has therefore been a key issue of debate.

A further question that inevitably comes up, in the provision of health care, is the responsibility of payment. Social security often pays for the health care of both residents and non-residents in some foreign countries. In other cases, only entitled persons may claim free medical attention. Reciprocal arrangements do exist between countries which have economic or cultural ties with each other like E.E.C countries. In some cases, emergency or accident cases may be treated free. In all other cases, medical treatment must be paid for at the existing rate, which varies according to the cost of living in different countries. Private medical insurance companies are generally used to provide coverage for such expenditure. Such insurance can be purchased either at home or in the

receiving country. Spain's Seguro Turistico is the best known example of medical insurance for the tourist.

In commercial contracts, difficulties may arise due to the exclusion of pre-existing medical conditions, or insurance may not be available to senior citizens who are in the high-risk category. Lack of medical insurance can be an obstacle to the movement of both international and domestic travellers. It has been suggested by WTO that where there are state owned insurance companies, medical insurance should be extended to cover all sections of the population, regardless of age. This has been accepted in principle by UFTAA.

Check Your Progress 2

1) Why should a tourist be advised to exchange currency through legal channels only ?

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2) Discuss the travel risks confronted by a tourist.

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3) Which documents will be shown to get an Income Tax Clearance Certificate?

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6.5 LAW AND ORDER REGULATIONS

All tourists, in the matter of law and order regulations, are subject to the regulations enforce in the land of their visit. India is an attractive tourist destination, yet tourists have, on occasions, complained of the treatment they get while vacationing in India. There is a lack of tourism consciousness which leads to avoidable behaviour towards the tourist, particularly by dealers and shopkeepers, intermediaries and tourist guides, touts, owners of boarding houses or house-boats, hoteliers, and operators of surface transport. We have given here the essential information for the facility of the tourists in such matters.

6.5.1 Police and District Officials

The administrative set up in India divides the country into states further sub-divided into districts. Each district in the states is manned by a District Magistrate/Collector and a Police Chief designated as the Superintendent/Senior Superintendent of Police. These two officials are the top functionaries of the state at the level of the district. The tourist should be advised to meet either of these officials in case of any difficulty pertaining to the matter of law and order in the district. In all emergencies 100 is the number to be dialled. You must also learn how to file the First Information Report (FIR) at the police station.

6.5.2 Law on Cheating

Tourists often complain of cheating while shopping. There have been complaints that at times guides and touts tend to direct the tourist to shops which give them a percentage on the amount of business they generate. Whenever the tourist does not patronise the establishment suggested by a guide, he is treated indifferently. Another type of complaint is that of cases like the ones listed below:

- a tourist has come to see the Taj at Agra. He is told there is curfew and he cannot go (which is not true). He is pushed towards shopping,
- the tourist wants to see some museum; he is told repairs are going on hence he should spend that time on shopping,
- fare of delux bus is charged but he is put on an ordinary bus, and
- the tourist wants to go to government emporium instead he is taken to private shop with government approved written on its board, etc.

The tourist's money and belonging are some times stolen or the staff of the hotel is negligent. Hotels have also been, at times, accused of overcharging beyond approved tariffs, overbilling for services and overbooking. The business code is also based on an attitude of mistrust and given the fact that regulations are difficult to enforce, tourists or travel organisers often face genuine problems which can be in the nature of a breach of contract.

The legal system in India is extremely overburdened. For a tourist to get a just settlement from a court can take many years. The first complaint has to be registered at a district court where the backlog of cases is already so enormous that a time bound settlement is unrealistic.

Interestingly, one country which has endeavoured to ensure effective and prompt redressal of tourist grievances is the Federal Republic of Germany, where there is no tourist legislation. All complaints are serviced under the civil code. A booklet has been prepared by their Tourist Board to inform the tourist of his rights and the procedure for making a complaint to the relevant body.

It is possible to set up a grievance cell, to be administered by the Tourism Department, or the Ministry, where, by the principle of mutual adjustment, a just settlement can be arrived at and compensation paid to the tourist. Such a grievance cell should handle complaints that are beyond the scope of insurance claims. In countries where insurance is statutory, a special premium is charged to cover the claims of tourists on the basis of experience. However, some claims are bound to arise out of exclusion clauses, and a properly constituted grievance cell is normally competent to handle such complaints.

6.5.3 Law on Antiquities

The antiquities of India are covered under Antiquities and Art Treasures Act, 1972. According to the rules given in this Act, the following items come under the category of antiquities and art treasures:

- i) Sculpture
- ii) Painting
- iii) Other works of art and craftsmanship illustrative of science, art, crafts and religion and of historical interest.

All the above items, to become antiquities, should have been in existence for not less than one hundred years.

In addition to these, all manuscripts or other documents of scientific, historical, literary or aesthetic value in existence for not less than seventy five years cannot be exported out of India.

For further clarifications and enquiries we have listed addresses of relevant authorities in different regions of India in Appendix-D.

6.5.4 Shopping Malpractices—Regulations

Tourist spending is becoming an increasingly important source of revenue generation, especially in hard currency, in most tourist receiving countries. This particularly important in India, where the average stay of a tourist is reckoned to be 28 days. This implies that the opportunity for a tourist to shop in the different cities increases. In the items of tourist expenditure, next to transport and accommodation, shopping is the third important area.

India offers a diversity of shopping interests and attractions for tourists i.e., from inexpensive souvenirs and handicrafts to the costly variety of gems and jewellery, carpets, artefacts like ivory, precious stones, paintings etc. Notwithstanding the foregoing, the complaints commonly voiced against shopping in India relate to:

- non-adherence of quality standards,
- supplied product not matching the samples approved, and
- unscrupulous practices of touts and petty shopkeepers who mushroom around tourist spots.

Examples of a variety of complaints by tourists have been highlighted, from time to time, in the media. This aspect has also been pointed out time and again by the travel trade. Unless checked, the continuance of such a situation results in bad word-of-mouth publicity for India.

These complaints are aggravated and accentuated by lack of authentic information regarding prices, quality, standard of establishment, system of certification and recognition of shopping establishments.

Whilst bargaining is one of the pleasures of shopping, in the local ambience, which cannot and should not be denied to a tourist for the sake of its experience, it has to be recognised that at some important tourist centres in India, prices quoted and charged defy all concepts of bargaining. Some discipline needs to be enforced in this area. The image of bargaining creates other problems also. You may laugh at it but the example here is worth citing: Some one gave a friendly advice to a small group of tourists that while shopping they should start by quoting half the price as acceptable to them and they may ultimately get the thing at 40 per cent less the original quote. The group applied this to everything they wanted to have and this created odd situations. For a cold drink they would bargain for Rs. 3 instead of 6, a cup of tea they wanted at 50 paise instead of Re. 1 and so on with every one laughing at them. And soon it was pointed out to them.

Examples of complaints frequently raised at an important tourist region pertain to non-execution or non-fulfilment of orders placed against advance or down payment for delivery of the product offered. This has been noticed with repetitive frequency in the case of carpets. A classic illustration cited is the despair of a foreign tourist who made an advance payment of \$ 2000 for a carpet, which he never received. On subsequent inquiry he was informed that the stock of carpets was washed away in floods and could he send another \$ 1000 to enable the execution of the order. There have been cases where the quality of carpets shown was a better one when orders were booked but when executed the quality was inferior. Legislation and regulation should be so designed as to discourage such tendencies by indicating the severity of action for indulging in such malpractices.

This also needs to be brought home to other agents concerned with tourist shopping, like taxi drivers, bus conductors, guides, couriers and others, who tend to direct tourists only to such establishments which assure them a reasonable return on the volume of business generated by their efforts. In fact they should be made to realise that such malpractices ultimately effect the image of the destination which is a loss for all in the long run.

Several establishments selling souvenirs and artefacts boldly display large signs indicating that they are Government or Ministry of Tourism approved emporiums or shops. The emphasis is on the word Government, and the lettering for "approved" is in non-descript and unreadably small print. This needs to be reviewed for systems of recognition, if at all required, for avoidance of unfair practices by shopping establishments.

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Check Your Progress 3

- 1) Discuss the long-term impact on a destination having complaints of cheating tourists.

- 2) Mention the malpractices in shopping.

- 3) Why should a tourism professional know about the law enforcing agencies ?

- 4) How old should the following objects be to attract the provisions of Antiquities and Art Treasures Act, 1972
 - i) Manuscript
 - ii) Documents of Scientific value
 - iii) Sculpture
 - iv) Painting

6.6 ACCOMMODATION AND CATERING REGULATIONS

Many countries have legislation covering the hospitality sector as a sequel to common law, constitutional law or penal codes enacted by Central or State Governments. The purpose of such legislation is to transform the relationship between the hotel- keeper or the restauranteer and his clients into a business contract or a consumer contract. The emphasis in the former type of contract is to foster the business relationship and enhance goodwill between the business partners. In the latter type of contract, the emphasis is on security and consumer’s use of the facilities and services offered.

There is a third area of legislation that covers the classification of facilities and services offered by the hotel sector to enhance consumer protection and consumer satisfaction as well as to protect domestic trade vis-a-vis international competition. Here the emphasis of legislation is to ensure that an establishment supplies accommodation and facilities to their clients and the standards commensurate with the price charged. It is to be regretted that not much progress in this regard has been made in India. In the following Sub-sections, therefore, we shall delve mostly on the features that may be accommodated in such a legislation/regulation.

6.6.1 Legislation for Hospitality Sector

Legal duties and responsibilities covered by legislation may be as listed here:

- a) Right to accept or refuse lodging to a person or a group: refusal is generally under three conditions:
 - i) Improper conduct or objectionable character
 - ii) Inability or refusal to pay
 - iii) Minors who behave in an objectionable manner or cannot pay for services consumed.
- b) Duty to protect person and property of a guest or patron. The management is not liable under the following conditions:
 - i) Injury or disturbance.
 - ii) Refusal to pay charges.
- c) Entry of police is to be purely investigatory unless:
 - i) The management makes a specific complaint.
 - ii) The police determines, upon investigation, that arrest is proper.
- d) Locking out of a guest is permissible under two conditions:
 - i) Refusal to pay.
 - ii) Overstay.
- e) Acceptance of valuables for safe-keeping is permissible under the following conditions:
 - i) Valuables are accepted for safe-keeping in a metal safe or vault, for which a receipt has been issued.
 - ii) The value of the goods should not exceed a certain value, which is agreed upon, in writing, by the management and the guest.
 - iii) The general liability of a depository for hire.
 - iv) No liability where guest's negligence is established.
- f) Hotel Manager's lien is:
 - i) To demand proper charges for accommodation and meals and any other extras.
 - ii) On property in and around the hotel, but no stolen property in the possession of the guest.
 - iii) Not intended to cover prior debts; but only the present service/facility provided to the guest.
 - iv) Items under lien must be held for 60 days, whereafter they can be publicly auctioned, giving a 10-day notice which must be delivered to the guest at the residential address noted in the hotel register. Money gained in excess of the guest's liability must be paid up within six months or deposited with a competent authority along with a statement of the claim, copy of the published notice, costs and the amount received at the sale.
- g) Fraud can be established under the following conditions:
 - i) Using deception to acquire accommodation.
 - ii) Departure without payment.
 - iii) Failure to pay rental or other charges without reasonable cause.

Penalties and their severity will depend on the number of offences.
- h) Guest's right of privacy cannot be violated except under specified legal conditions.
- i) Tenancy can be established by :
 - i) length of stay (30 days and above).
 - ii) a special agreement.

- iii) existence of a permanent residence.
- j) The management is responsible for : guests, invitees of guests, employees and any other persons lawfully on the premises or property.
- k) High standards of care relate to:
 - i) Selection and retention of employees
 - ii) Accommodation facilities
 - iii) Evicting guests and others
 - iv) Key-control and guest room security
 - v) Fire security
 - vi) Lighting, maintenance, SOS call numbers
 - vii) Research into common problem areas and common experience

6.6.2 Catering Regulations

In the succeeding paragraphs, the regulations relating to catering by restaurants have been briefly examined.

With the development of domestic and international tourism world wide, standardisation in the preparation and serving of food is reflected in Hotel and Restaurant ordinances and Public Health Acts that have been extended to cover catering services in many countries. The salient features of such legislation are:

- i) Consumer protection through quality control,
- ii) Through pricing policy to comply with demand,
- iii) Vending and consumption of liquor and intoxicating beverages, keeping in view the interest off the consumer, the vendor, revenue to the State as well as conforming to social norms.

Legislation also covers the hygiene of those who are employed to handle provisions and to cook and to serve food items, since the management of an hotel or a restaurant is liable for any danger to the guest or patron's life and well-being, whilst legally on the premises.

Ordinances also cover equipment and technology, to comply with Health Laws as well as to retain the professional standards demand of catering establishments.

Legislation in the field of restaurant operations is often an extension of that in the hotel sector, as in many cases, the services are combined into one product. Therefore, restaurants also share some of the common problems that are faced by hoteliers and often the solutions are similar.

6.7 ENVIRONMENT PROTECTION AND CONSERVATION

Cultural resources, both natural and man-made, have great value for tourism. They should be properly listed and documented with the help of available technology and the concerned organisations. There is a lot of pressure on these resources and pollution emanating from different human activities, like settlements, industries, mining etc., requires special study and attention if the ancient cultural heritage of the destination is not to be damaged.

6.7.1 Environmental Concern

India has a wealth of flora and fauna, it is estimated that there are over 500 species of mammals, 2000 species of birds, 30,000 species of insects in addition to hundreds of species of aquatic and reptile life in the country.

Much of the fauna of the country is protected by the Indian Wild Life Protection Act of 1972. As a result the country has developed 66 national parks, 333 wild life sanctuaries and 35 zoological gardens.

The provisions of the Act prohibit killing or poaching of any of the protected species. The violations of the provisions of the Act attract severe punishment ranging from fine in terms of money to detentions and imprisonment for extended periods.

6.7.2 Conservation

Preservation and maintenance requires in-depth study and proper financing, since much of the ancient heritage is subject to the depredations of both natural and human factors.

Most countries have an Antiquities and Art Treasures Act, which enables National Museums to acquire items which could be stolen or smuggled out of the country. Similarly, Archaeological Survey organisations discharge the responsibility of conservation of monuments and documentary heritage. Art and craft are also brought under the museum movement, since they form the backbone of our cultural identity, and an important area of expenditure by the tourist.

Many countries indicate linkages with Town and Country planners, for the implementation of Master Plans, and for the identification of conservation zones.

A heritage-conservation area has been defined as an area of special architectural, historical and cultural interest or an area which is geographically and ecologically unique. Such areas can be small or can include whole towns, squares, streets or groups of buildings, features of archaeological interest, waterways, beaches, forests, mountains etc.

Within a designated area, the conservation of its cultural identity is an integral component of all developmental schemes. In this way, the quality of life of those living and working in such zones will improve, and they will have an increased income from crafts, trade and tourism.

Conservation and Pollution Control Measures Suggested	
By	
WTO	
i)	Providing for pedestrian zones at holiday resorts (shopping malls, public parks, playgrounds etc.)
ii)	Encouraging the resident population, through contests and other activities, to decorate their houses and balconies.
iii)	Co-ordinating tourist recreation with the social and cultural activities of the local population, through information and publicity campaigns.
iv)	Applying multiple-use concepts of facilities wherever possible.
v)	Awarding National Quality seals of approval for tourist recreation facilities to operators of accommodation units and other travel services.
vi)	Many countries have also initiated the formation of Heritage Bodies and Art and Cultural funds, which then serve to identify conservation-heritage zones, and co-ordinate funding, for which tax reliefs to contributors are given by the concerned governments.

In view of the fact that the 7th Plan envisages a growth rate of 10-12% per annum in international tourism, the servicing of this projected increase in the number of tourists, would require a matching increase in infrastructure. 50 million domestic tourists per annum would also require services and facilities, perhaps at a budget or economy level. This expansion should be given weightage in the Master Plan of any city, so that tourism services are not only integrated with other activities, but its special needs are taken care of.

Check Your Progress 4

- 1) What is the purpose of legislation covering the hospitality sector?
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2) Why is hygiene important in Catering regulations?

3) What does the Indian Wild Life Protection Act of 1972 deal with ?

4) Write fifty words describing the effects of pollution on tourism.

6.8 LET US SUM UP

You must have realised by now how important is it to dispel myths regarding lack or even absence of any regulations in India that concern the tourists. We have given you necessary information pertaining to such regulations and we expect you to pass it on to the itinerant tourist and assure him that he will be landing in an orderly place meeting the highest standards of civilization.

6.9 KEYWORDS

- EEC Countries:** European Economic Community Countries.
- Heritage Conservation area:** Areas where national heritage is sought to be conserved.
- Kaleidoscopic:** Bright and interesting objects.
- Restricted Area Permit:** Needed for areas where entry of foreigners is restricted.
- Special Entry Permit:** Needed for areas which foreigners can visit after obtaining permits.

6.10 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

- 1) This is because of many reasons: i) unless the professional is aware of these he cannot guide others/clients. Rather the fear is that they may be misguided as happens in many cases ii) to remove misconceptions about India as to lack of information iii) to respect the laws of the land etc. See Sec. 6.1.
- 2) Base your answer on Sub-sec. 6.2.1.
- 3) Well a restricted area is one which, because of strategic importance like defence, security etc. is closed to foreigners (in some cases even to domestic tourists). As mentioned in Sub-sec. 6.2.2 the entry to these areas is through Special Entry

Permits issued by competent authority. There has been a consistent demand from the Tourism Industry to do away with restricted areas and SEPs in such zones that have tourist attractions. See Sub-sec. 6.2.2.

Check Your Progress 2

- 1) Read carefully Sub-sec. 6.3.1 for your answer.
- 2) Base your answer on Sub-sec. 6.3.2 taking into account the natural/human risks and fault oriented risks.
- 3) These include i) Passport ii) Visa extension form iii) Currency exchange receipts.

Check Your Progress 3

- 1) It will spoil the image of the destination leading to a fall in its demand amongst the tourists and the travel trade etc. See Sub-sec. 6.5.4.
- 2) Base your answer on Sub-secs. 6.5.2 and 6.5.4.
- 3) Consult Sub-sec. 6.5.2.
- 4) i) 75 years ii) 75 years iii) 100 years iv) 100 years

Check Your Progress 4

- 1) Mention the reasons listed in Sec. 6.6.
- 2) Base your answer on Sub-sec. 6.6.2.
- 3) Mention the provisions against poaching, killing and developing of national parks. See Sub-sec. 6.7.1.
- 4) Discuss your answer with your counsellor.