

## ***Sustainability in Tourism: A Time to Walk the Talk***

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EQUATIONS

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**Synopsis:** The United Nations (UN) General Assembly has approved the adoption of 2017 as the International Year of Sustainable Tourism for Development. Our quest of probing tourism from the lens/ point of view of "Who Really Benefits from Tourism?" brings into the foreground certain realities, issues and concerns that makes us question - is tourism in the country actually moving towards sustainability or is sustainable tourism an oxymoron? Sustainable tourism, which has been chosen as the cornerstone to guide tourism development in the years to come is the step in the right direction. However, the concern is on how these ideas will be translated into actionable points. The fear is that in the absence of a clear understanding of what the framework, guidelines & action plan of sustainable tourism encompasses,, it then is left to be interpreted by each entity in the way they want it, to meet their interest and will continue to remain on paper unless given serious thought and delivered upon. Our concern stems from the way tourism has grown in this country, the dilution of regulatory frameworks to push tourism, the policies that are over loaded with the industry perspective of tourism development and negligible attention being given to the perspectives of local communities and looking into the wide impacts of tourism. To illustrate our point of view, we build the discussion based on two case studies that were adjudicated by the National Green Tribunal, one with respect to coastal tourism and the other hill tourism. The time is running out, unless "Sustainable Tourism" is not adopted in true spirit and practice, it is not long when even the concept of "Sustainable Development" will be up for sale.

*The United Nations (UN) General Assembly has approved the adoption of 2017 as the International Year of Sustainable Tourism for Development. The resolution, adopted on 4<sup>th</sup> December 2015, recognizes "the importance of international tourism, and particularly of the designation of an international year of sustainable tourism for development, in fostering better understanding among peoples everywhere, in leading to a greater awareness of the rich heritage of various civilizations and in bringing about a better appreciation of the inherent values of different cultures, thereby contributing to the strengthening of peace in the world".*

"The declaration by the UN of 2017 as the International Year of Sustainable Tourism for Development is a unique opportunity to advance the contribution of the tourism sector to the three pillars of sustainability – economic, social and environmental, while raising awareness of the true dimensions of a sector which is often undervalued" said UNWTO Secretary-General, Taleb Rifai<sup>1</sup>. This decision follows the recognition by global leaders at the UN Conference on Sustainable Development (Rio+20) that "well-designed and well-managed tourism" can contribute to the three dimensions of sustainable development, to job creation and to trade.

The UNWTO defines Sustainable Tourism as 'leading to management of all resources in such a way that economic, social and aesthetic needs can be fulfilled while maintaining cultural integrity, essential ecological processes, biological diversity and life support systems. Article 3 of the Global Code of Ethics for Tourism, adopted by the World Tourism Organisation (UNWTO) in 1999, further articulates practices that the tourism industry should engage in to achieve goals of Sustainable Development. Furthermore, the Agenda 21, an action plan formulated at the United Nations Conference on Environment & Development Rio de Janeiro, Brazil, in June 1992 identifies tourism with the potential to play an important role in the global movement towards Sustainable Development with Chapter 28 focusing on the role of local authorities in the fruition of the objectives of Sustainable Development.

The United Nations' organisations, including the UNWTO and UNEP accepted the three-pillar (environmental, socio-cultural and economic) concept of sustainable tourism. It calls for consistency with economic as well as socio-cultural and environmental objectives and also

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<sup>1</sup> **United Nations declares 2017 as the International Year of Sustainable Tourism for Development**, Press Release No.15094 of December 2015. <http://media.unwto.org/press-release/2015-12-07/united-nations-declares-2017-international-year-sustainable-tourism-develop>

enables tourism operations to remain competitive in the long run. While there has been discussion about inclusion and integration of a fourth dimension – that of political sustainability, it never materialised because critics argued that unlike the other pillars of sustainability, this does not relate directly to the impacts of tourism.

Our quest of probing tourism from the lens/ point of view of “Who Really Benefits from Tourism?” brings into the foreground certain realities, issues and concerns that makes us question - is tourism in the country actually moving towards sustainability or is sustainable tourism an oxymoron?

Sustainable tourism, which has been chosen as the cornerstone to guide tourism development in the years to come is the step in the right direction. However, the concern is on how these ideas will be translated into actionable points. The fear is that in the absence of a clear understanding of what the framework, guidelines & action plan of sustainable tourism encompasses,, it then is left to be interpreted by each entity in the way they want it, to meet their interest and will continue to remain on paper unless given serious thought and delivered upon. Our concern stems from the way tourism has grown in this country, the dilution of regulatory frameworks to push tourism, the policies that are over loaded with the industry perspective of tourism development and negligible attention being given to the perspectives of local communities and looking into the wide impacts of tourism.

Our research shows that the tourism sector in this country is yet to develop standards for economic, social and environmental sustainability, which is based on environmental and social justice that the existing legal frameworks of the country and international conventions have laid down. The concern emanates from the observation that not only industry but also government and the judiciary are looking into the paradigms of development that are far from being sustainable. To illustrate our point of view, we build the discussion based on two case studies that were adjudicated by the National Green Tribunal (NGT), a special court for hearing environment-related cases. They were established drawing inspiration from the India's constitutional provision of Article 21 of the Constitution of India that assures the citizens of India the right to a healthy environment.

## 1. Mandarmani, West Bengal<sup>2</sup>

The case is still sub-judice but important as reference to understand the genesis of expansion of tourism and related activities along the coast of India that questions the very premise of sustainability.

In this case the petitioners raised that constructions of several hotels, resorts and restaurants are going on in the Mandarmani sea beach, West Bengal in utter violation of the Coastal Regulatory Zone Notification 2011, and these establishments are running the hotels in complete violation of environmental regulatory framework. It was also highlighted that indiscriminate commercial development and unplanned construction of the area and cutting and removing the trees and timber to create space for construction of hotels, resorts and restaurants was causing serious environmental pollution, extinction of various marine species and complete destruction of the forest cover along the coast that works as natural barriers to sea erosion and disasters like Tsunami. And this was going on right under the nose of the West Bengal Pollution Control Board, forest department, the local administration, and other concerned departments and authorities.

In January 2016, the NGT in an interim order, stated that to protect the environment from being further polluted and degraded in the CRZ area, all the authorities are restrained from granting permission to construct any hotels or resorts on the prohibitory zone declared under the CRZ Notification 2011. The local authorities were directed to restrain themselves from further sanctioning of any building plan for construction in these areas.

In July 2016, the Tribunal said that, “there is no hesitation to hold that all the hotels running at Mandarmani Beach is in breach of the existing laws and the rules that are mandatorily required

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<sup>2</sup> Before the National Green Tribunal, Eastern Zone Bench, Kolkata, O.A. No. 18/2016/EZ  
**Bishnu Pada Pakhira v Member Secretary, West Bengal Pollution Control Board & Ors.**

to be followed". In the affidavit of the State Pollution Control Board, a table containing a list of 74 hotels/resorts situated on the Mandarmani beach has been filed which clearly reflects that none of the hotels have the necessary 'certificate to consent to establish or operate'. Coming down heavily on the violations, the Tribunal stated that while adjudicating this matter it would be essential to consider as to why these hotels were permitted to run when the concerned authorities were aware that they were doing so in violation of the mandatory laws required to be complied with.

In December 2016, the Tribunal stated that as per the affidavit filed by the State Coastal Zone Management Authority, it is clearly indicated that most of the hotels are located either in CRZ-I or CRZ-III categories. It also stated that a large number of hotels are located on the beach itself and are affected by the high tide.

In this context, it is important to track down the history of the growth of tourism in the 7300km coastal stretch of peninsular India and tracking the dilution of CRZ Notification over the years to facilitate the process. The chronology of amendments of the original CRZ Notification, 1991 shows that it had been diluted 25 times till 2011, most of which was at the behest of the tourism industry. Starting from the Vohra Committee Report in 1992 till the recent amendments of the new CRZ Notification, 2011 tourism industry has played a very malicious role, in completely ripping apart the regulatory framework to suit their business interest<sup>3</sup>. While MoEF showed eagerness to cater to the demands of the tourism lobby, it decided to completely ignore the voices from the ground all along the coast. The listed 25 amendments of CRZ Notification, 1991 and the CRZ Notification, 2011 were made against the backdrop of strong opposition from various stakeholders, especially the coastal communities. Fisher folk associations and organisations like the National Fishworkers Forum, Coastal Action Network, Indian Coastal Women Movement, National Union of Fishermen, South India Fishermen Welfare Association, Tamil Nadu Fishermen Welfare Association, Tamil Nadu Pandy Fisher People Federation, Democratic Unorganised Workers Trade Union, Fish Marketers Association of Tamil Nadu and Kerala Swatantra Matsya Thozhilali Federation had vehemently opposed the relaxation of the regulatory framework to facilitate industrialization and had made numerous submissions to the MoEF against them. Similar opposition had poured in from the coastal communities in the western coastal region from Kerala to Gujarat. Civil society organisations working on coastal ecology and with communities had also critiqued, questioned and appealed against the dilution of the regulatory framework and the moves by the MoEF<sup>4</sup>.

The Ministry of Environment, Forests and Climate Change (MoEFCC) has already issued eight amendments to the CRZ Notification, 2011<sup>5</sup>. Of these, four were issued as drafts seeking public comments. These amendments draw extensively from the "Report of the Committee to Review the issues relating to the Coastal Regulation Zone, 2011", a six-member committee set up in June 2014 and headed by Shailesh Nayak, the then Secretary, Ministry of Earth Sciences. While the report of this committee was never made public by MoEFCC on the grounds that the report was not approved, the amendments were rolled out without any public notice or consultation. While MoEFCC did not disclose the proceedings of the committee meetings and its report on the pretext that the report is yet to be accepted, a series of amendments continued to be pushed

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<sup>3</sup> Glimpse of such petitions by the tourism industry to the government: In March 2008, the Planning Commission's High Level Group on Services Sector (HLGSS) released a report, part of which was the tourism sector report, prepared by a sub group on tourism headed by the Executive Director (Hotels, Travels, Tourism & Foods), ITC Limited. The report predicted a shortage of 1.5 lakh tourist accommodation rooms in India by 2010, and proposed a relaxation of land acquisition laws as well as coastal regulation zone norms by MoEF in order to attract affluent tourists with more hotels on Indian's coast. This was followed by the XIth Five Year Plan Tourism Report in September 2008 which was the outcome of Working Group and Steering Group set up by Planning Commission. As these bodies were largely industry centred, their emphasis was on the same lines as that in the HLGSS report. **Accountable To Whom? Corporate Social Responsibility of Multinational Hotels in Goa, Calling to Accounts, Image and Ethics in Corporate Accountability in Tourism**, EQUATIONS, September 2014 (2<sup>nd</sup> Print), [http://www.equitabletourism.org/files/fileDocuments1031\\_uid18.pdf](http://www.equitabletourism.org/files/fileDocuments1031_uid18.pdf)

<sup>4</sup> **Coastal Regulation in India - Why do we need a new Notification**, Apr 2009, EQUATIONS [http://www.equitabletourism.org/files/fileDocuments814\\_uid13.pdf](http://www.equitabletourism.org/files/fileDocuments814_uid13.pdf)

<sup>5</sup> **How MoEFCC turned proposals of CRZ committee into amendments to CRZ Notification**, 29 June, 2016, <https://counterview.org/2016/06/29/how-moefcc-turned-proposals-of-crz-committee-into-amendments-to-crz-notification/>

through, significantly benefiting the interest of the industrial lobby, including tourism. Critical analysis reveals that all of these are linked to the preliminary and final set of issues identified and recommendations made by the Shailesh Nayak Committee. The Shailesh Nayak Committee report recommends that a new draft CRZ Notification be issued to augment development on the coast. The MoEFCC has been quick to pick several of the proposed changes, to shape individual amendments to the existing CRZ Notification, 2011<sup>6</sup>:

Below is a comparison of the amendments issued since November 2014, which has relevance to tourism:

***CZMP extension***

<b>Comparison of recent amendments to CRZ Notification and Shailesh Nayak Committee Report</b>			
<b>S.N</b>	<b>Date of issue</b>	<b>Changed introduction</b>	<b>Provision of the draft Notification/Excerpt from the committee report</b>
1	Final-31.03.2015	Gave extension to Coastal Zone Management Plans (CZMP)	The committee appreciated the involvement of National Centre of Sustainable Coastal Management (NCSCM) in HTL demarcation. It suggested that CZMP be based only on the HTL thus demarcated. (For the last year and a half the states have been waiting for NCSCM to complete demarcation of HTL to base their representative CZMPs on it)
2	Final-23.03.2016	Gave extension to CZMP	

***Relaxations in CRZ II areas***

<b>Comparison of recent amendments to CRZ Notification and Shailesh Nayak Committee Report</b>			
<b>S.N</b>	<b>Date of issue</b>	<b>Changed introduction</b>	<b>Provision of the draft Notification/Excerpt from the committee report</b>
3	Final – 04.02.2015	Provided relaxation to hotel, resorts to be developed in CRZ II area by doing away with: 1) Regulations pertaining to height and number of storeys of building; 2) Restriction on	Clause 7 B (1) of the proposed draft notification prescribes regulations for CRZ II areas. In the section 1) No height regulation suggested; 2) No restriction suggested for the first 200 meters from the HTL, or till the Hazard line from HTL; 3) No restriction on extraction of sand in CRZII areas stated

<sup>6</sup> **Points to be kept in mind while looking into these amendments are:**

**CRZ I:** Ecologically Sensitive Areas: Areas that are ecologically sensitive or important, with rich genetic diversity, at risk of inundation on rise of sea level and between the High Tide Line (HTL) and Low Tide Line (LTL).

**CRZ II:** Urban Areas: Areas that have already been developed upto or close to the shoreline. Area that falls under the municipal limits or any other legally designated urban areas that is already substantially built up and has been provided with approach roads, sewage and drainage systems.

**CRZ III:** Rural Areas: Areas which were originally undisturbed, coastal zones in rural areas and those areas falling within the municipal limits or designated urban areas but are not substantially built up.

**NDZ:** No Development Zone: The first 200 m of the CRZ III.

**CRZ IV:** Water Areas: Water area from the LTL to 12 nautical miles on the seaward side; water area of the tidal influenced water body from its mouth to the sea upto the influence of tide.

		building tourism resorts in the first 200 meters from High Tide Line (HTL) and the area between the HTL and the ' Hazard line' as demarcated in different states; 3) Restrictions on extraction of sand (except for structural foundation and swimming pool)	
4	Draft-31.03.2015 Final – 16.06.2015	Made existing town and city building norms applicable to buildings in CRZ II (earlier buildings in CRZ II areas were permitted as per the building norms as on 19.02.1991).	7 B (1) (b) of the Proposed Draft Notification "... buildings permitted (in CRZ II) on the landward side....shall be subject to local town and country planning regulations issued from time to time".

• **Relaxations related to reclamation of seabed**

<b>Comparison of recent amendments to CRZ Notification and Shailesh Nayak Committee Report</b>			
<b>S.N</b>	<b>Date of issue</b>	<b>Changed introduction</b>	<b>Provision of the draft Notification/Excerpt from the committee report</b>
	Draft 11.12.2014 Final -17.02.2015	Allowed memorials and monuments in CRZ IV areas	7 D (v) of the Proposed Draft Notification; " no reclamation of the sea bead except for ....other infrastructure required in larger public interest such as bridges, sealinks on stilts, rods, important national installations related to coastal security, tourism shall be accorded clearance by the respective authorities at the State/ UT level. With regard to monuments/memorials proposed by the State/UT government recommended by the local CZMA to be approved by the MoEFCC on case to case basis..."
	Draft -25.06.2015 Final – 30.12.2015	Allowed reclamation in CRZ for roads (earlier reclamation was permitted only for roads on stilts).	

• **Clearance procedures**

<b>Comparison of recent amendments to CRZ Notification and Shailesh Nayak Committee Report</b>			
<b>S.N</b>	<b>Date of issue</b>	<b>Changed introduction</b>	<b>Provision of the draft Notification/Excerpt from the committee report</b>
	Final- 28.11.2014	1. Clarified clearance procedures:  2. Devolved powers to State Environment Impact Assessment Authority (SEIAA) to appraise projects not	1. State Governments shared with the Committee that the clearance procedures are complicated. 2. States also suggested that projects not listed in the EIA Notification should be dealt with by the respective State Governments. (The committee had meetings with the

	listed in EIA Notification, 2006 (earlier MoEFCC was responsible to appraise projects not listed in the EIA Notification).	officials of state governments in July, August and October, 2014)
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Reference to this context, important to bring to light that 'Tourism' does not find a mention in the schedule of activities in the scope of Environmental Impact Assessment (EIA) Notification, 2006. The construction of new tourism projects and expansion of existing ones were brought under a more general sector of 'Building and Construction Projects (item 8a) and Townships and Area development Projects (item 8b)'. The earlier notification of 1994 (in its amended form) provided mandatory EIA for selected tourism projects and contained an investment criteria (all projects costing more than Rs.5 crore); projects within protected areas, projects located within 500 meters of the coast; and above 1000 m above sea level. An EIA process was essential for both the design stage of a project and also its implementation stage. However, with no provision in place to cover landscape and visual impacts in regulations, which is critical for sustainable tourism, the 2006 notification diluted the regulatory scope of building sustainable tourism projects. The lack of a dedicated categorisation limits the process of EIA taking into account the multifarious impacts of tourism industry on the economic, social, cultural and ecosystems of a given project area. Thus a large number of tourism projects that potentially have wide-ranging impacts escape the scrutiny of an EIA process. In this context it is important to remind that The Apex Court while discussing the development paradigm had stated that "when there is a state of uncertainty due to lack of data or material about the extent of damage or pollution likely to be caused, then in order to maintain ecological balance, the burden of proof that the said balance will be maintained, must necessarily be on the industry or the unit which is likely to cause pollution<sup>7</sup>."

Important to mention here that by the Ministry's own submission, consultations on the draft Notification were held only with representatives of industry and central government agencies before the amendment was made. State governments, panchayats and municipalities, NGOs, trade unions and local community groups were partially or completely kept out of the process<sup>8</sup>.

Today the 7,600km of coastal stretch of this country is witnessing devastation. Innumerable beach resorts, hotels, mines, industries, nuclear and thermal power plants, hazardous chemical plants and hubs, industrial aquaculture, special economic zones (SEZs), special tourism zones (STZs), expanding coastal towns, cities, ports and harbours, ill-conceived mega projects, rampant reclamation, large scale mechanized and destructive fishing, are threatening our coastal environment, marine resources and traditional livelihood. Both industry and government (at the central and state) are chasing the same target of economic growth through incentivising industry and deploying domestic and foreign private capital on a massive scale in new infrastructure and industrial developments. The collusion of the industry and the government is apparent. There is a relentless drive for acquisition of land to facilitate the interest of the investors. In the process, all kinds of land; from agricultural land to forest, revenue land and common property resources are being targeted. None of the ecosystems are being spared. The collusion is so strong that, the policies and regulatory frameworks today are corporate driven. Since tourism is the most unregulated sector in the country today, the hijacking of the policies of the government by the tourism corporations becomes a matter of serious concern.

*Are we consciously moving towards sustainable development and thinking differently?* It is a question that tourism industry and the planners need to take up seriously and think through. Of the 1,300-odd islands that surround India, the NITI Aayog has identified 10 in Andaman and Nicobar and Lakshadweep for development, in consultation with the five inter-ministerial groups that was formed to identify islands. Among the islands the NITI Aayog has identified are the Smith Island, Ross Island, Avis Island and Long Island from Andaman & Nicobar. From

<sup>7</sup> **Narmada Bachao Andolan v Union of India** AIR 1999 SC 3345

<sup>8</sup> **EQUATIONS' Critique on Environmental Impact Assessment Notification, 2006**, EQUATIONS

February 2007, [http://www.equitabletourism.org/files/fileDocuments373\\_uid10.pdf](http://www.equitabletourism.org/files/fileDocuments373_uid10.pdf)

Lakshadweep, the islands that have been identified include Bangaram, Thinnakara, Suheli, Cheriyam and Minicoy. The officials said that the PM would review the progress made in pushing the idea of developing the islands as potential tourist destinations.

The conservationists and social scientists are raising the question - is NITI Aayog aware that the Lakshadweep & Minicoy islands are coral islands? That they are extremely eco-fragile and can go bust with the slightest changes in temperatures or salinity of the waters? Tourism means heavy tourist traffic, hotels, food, generation of tourist waste, left overs, scavengers, coral damages, over fishing and so on. Are they also aware of the fresh water situation on some the islands and problems of growing transport? Are they well planned and prepared for all these possible eventualities? These plans and proposals are completely, even appallingly, ignorant of the historical, social, ecological and legal context of the unique island systems. In

A&N archipelago, many of the projects have, in fact, been proposed in areas that are protected under the Wildlife Protection Act as protected areas or under the provisions of the Andaman and Nicobar Protection of Aboriginal Tribes Regulation of 1956 as tribal reserves. There is no acknowledgement of right to land and resources that are guaranteed to the indigenous communities and nor does one see any accounting for the rich and rare biodiversity that thrives in the islands. What is of even greater concern is that NITI Ayog's proposal appears completely ignorant of the fact that A&N islands are located in one of the world's most seismically active zones, that earthquakes, tsunamis and cyclones are regular occurrences here and that huge costs will have to be paid if these are not factored into development planning<sup>9</sup>.

## 2. Manali-Rohtang Pass, Himachal Pradesh<sup>10</sup>

On February 2014, the Principal Bench of NGT passed orders in a 2010 case which had been transferred from the High Court of Himachal Pradesh in 2013 with Application No. 237 (THC)/2013 (CWPIIL NO. 15 of 2010). In 2010, the High Court had taken suo moto cognizance of the high pollution levels between Manali and Rohtang Pass, which was affecting the ecology of the region. Through the proceedings at the High Court and subsequently by NGT, several crucial observations were made regarding the cause for high pollution levels in the area:

1. Carbon emissions resulting from the motor vehicles
2. Indirect effect of crop burning
3. Municipal waste and
4. Increase in tourism

While these observations are valid, the final judgement shows that the Tribunal did not seem to have assessed adequately how and why this situation has come about in the Manali-Rohtang area. Why tourism grew in the region? Who were instrumental in bringing in tourists in the area? How land use pattern, livelihood options and socio-cultural milieu of the local communities changed over the years?

From the economic sustainability point of view, the initial order to completely shift to only CNG and battery operated vehicles, or the subsequent order of allowing only a 1000 vehicles in the area were a direct blow to the economy of the unorganised sector in tourism. The initial order of a blanket ban on all vehicles had come just days before the beginning of the tourist season. The NGT ordered for complete ban on dhabhas and khokas (hire ski equipment) and other eateries at Rohtang. The order also affected those who were operating other tourism linked activities at Solang, Rohtang and Marhi in the form of snow scooters, ATVs, snow bikes, paragliding, renting of coats and boots, pony and Yak rides. While it is fact that fuel from the snow scooters, ATVs and snow bikes do cause harm to the environment, the solution cannot be a blanket ban, without offering alternate ways of conducting these activities or alternate sources of livelihood for the dependent communities. Even shift to battery-operated vehicles, as was ordered by the Tribunal, meant huge financial liabilities on the small tourism operators. Furthermore, heavy environmental compensation was levied to the tune of Rs.1000 per day for petrol vehicles and Rs. 2500 per day for diesel vehicles. This resulted in taxi owners charging huge sums of money

<sup>9</sup> Editorial, **Islands on the margins of our consciousness** -Protected Area Update, Vol. XXII, No. 5, October 2016 (No. 123), Editor: Pankaj Sekhsaria,

<https://www.facebook.com/groups/protectedareaupdate/permalink/1126829657407008/>

<sup>10</sup> Court on Its Own Motion v State of Himachal Pradesh, O.A 237 of 2013 dated 30-5-2016

from the customers. In one instance, a tourist was charged Rs. 9000 for travel between Manali and Rohtang. Bus fares also went up from Rs. 90 to Rs.900 per trip.

In the garb of controlling environmental impacts, while the Tribunal came down heavily on the unorganised sector, it allowed for the construction of an Aerial Ropeway between Vashisht and Rohtang Pass. As per the Environment Impact Assessment (EIA) Notification, 2006, Aerial Ropeways are included among the list of activities which mandatory need to go through an EIA process before it can be approved. From the January 2015 order, it is evident that no feasibility study had been conducted for the ropeway project, much less an EIA. Nobody on the ground (the local community) had any knowledge of any public consultation about the project. Are these steps towards ecological sustainability? If the Tribunal was concerned about the well being of the environment and environmental sustainability, how could it allow the Aerial Ropeway project? None of the orders were based on any scientific study or carrying capacity assessment.

Similar question arises with respect to the large infrastructure projects as the Rohtang Tunnel. One wonders that if littering and municipal waste are a threat to ecology, then why is the tunnel not considered to be detrimental to the environment? Surely an 8.8 kms tunnel in the Himalayas would have some serious impacts on the stability of the mountains and affect the ecosystem a lot more seriously than municipal waste? Will it not surge vehicular traffic?

The Tribunal while discussing the case states that, "diverse and devastating impacts are attributable to unregulated and heavy tourism, overcrowding, misuse of natural resources, construction of buildings and infrastructure, littering of waste and other activities associated with tourism. The characteristics of these tourism spots are unique and are very vulnerable i.e. their ecology and environment can be subjected to rapid degradation because of the above activities. The negative impacts of tourism can only be managed effectively if they have been identified, measured and evaluated. These effects could be direct or indirect. Direct impacts are caused by presence of tourists and indirect impacts are by infrastructure created and services required in connection with tourism activities". It is regrettable and of concern to see that the Tribunal did not even think it was important to look into the impacts of large infrastructure projects proposed in the same area.

On similar lines, the Tribunal did not think about steps or regulatory measures to control the number of people coming into the Manali region itself. After all, as long as tourists flock Manali, the number of people going to Rohtang will not decrease.

The Judgement completely levies the blame of environmental degradation on the unorganised sector and lets the bigger players of the industry and the government goes scott free. In the process, it fails to acknowledge the large segment of the unorganised sector in tourism that contributes significantly to the expanding tourism economy. Sustainability in tourism cannot be reached only by supporting the big businesses. In order to be sustainable, tourism cannot be thought about without the unorganised sector, who are involved and contribute significantly in the tourism economy. What about the rights of people living in and around Manali and Rohtang?

Right to wholesome environment is a fundamental right protected under Article 21 of the Constitution of India. But the question is, does the responsibility of this wholesome environment lie only with the local communities and the small unorganised players in the tourism industry? Why should their fundamental right to life and livelihood be taken away because while on one hand tourism had been pushed in the region and on the other hand, no steps were taken to ensure sustainable tourism in the region over the past decades?

In this respect it is important to bring into focus the cardinal principles of "Sustainable Development" laid down by the Supreme Court (SC). According to Supreme Court of India (SC), *some of the salient principles of "Sustainable Development", culled out from Brundtland Report and other international documents are inter-generational equity; use and conservation of natural resources; environmental protection; the precautionary principle; polluter pays principle; obligation to assist and cooperate; eradication of poverty and financial assistance to the developing countries. Amongst all these, the most important tenets are "the precautionary*

*principle” and “the polluter pays principle” and the “onus of proof” is on the actor or the developer/industrialist to show that the action is environmentally benign.*<sup>11</sup>

### **Let Actions Speak Louder than Words:**

Sustainable tourism is about assessing impacts, planning, regulating, adapting and refocusing based on dialogue and decision making that includes all stakeholders in tourism, especially the local communities who bear the brunt of the fallouts of tourism. There is a need to accept that tourism is not just a holiday, it changes the entire social, cultural, environmental and economic nature of the place where it thrives. There are social costs: abuse of women, children particularly those forced into sex work, trafficking and child labour because of tourism. There are environmental costs: proliferation of unplanned and unregulated tourism into pristine ecosystems have led to several undesirable impacts on all kind of ecosystems – coastal, hill, wetlands, mountains, forests and deserts; land alienation, change in land use pattern and loosing community rights over natural resources, conflicts over ownership and access to natural resources between local communities and tourism industry and privatisation of common resource properties have been the footprints of tourism. The economic impacts of tourism becomes visible upon analysing how globalisation, trade and investment policies on tourism development have affected lives of local communities by forcefully changing traditional livelihood practices and making the host community overtly dependent on tourism.

The tourism industry in India is growing immensely and the Ministry of Tourism & State Tourism Departments are supporting this growth. However, that many local communities face serious problems because of this growth, adds a dimension to this issue. India’s formal tourism industry has shown very little concern about the huge impacts that tourism brings on the social, cultural, environmental and economic rights of the local communities, individual and towards the community as a whole.

The need of the day is to move beyond lip service as far as the sustainability of tourism is concerned. Government and tourism industry (both formal and unorganised) need to take solid steps to ensure that principles of “Sustainable Tourism” do not get co-opted. It is not pushed under the carpet and replaced by practices that come under the garb of sustainability, but are questionable.

With 2017 being declared as the International Year of Sustainable Tourism for Development, it is an opportune time for the Ministry of Tourism (MoT) to review and strengthen the Comprehensive Sustainable Tourism Criteria of India (CSTCI), which was developed on the lines of the Global Sustainable Tourism Criteria (GSTC)<sup>12</sup>, and which seems to be the only tool currently available with MoT to address issues of sustainability in tourism with regard to the practices of the tourism industry. Necessary dialogue needs to be initiated with other ministries, like MoEFCC to ensure that criteria is implemented in true spirit.

While this has been a progressive initiative, however as it is on voluntary basis and not binding on the tourism enterprises, the challenge has been to ensure the implementation of the CSTCI. The Ministry must review the progress of CSTCI – to assess what has been achieved and the effectiveness of the same.

Research on the issue shows that, in many of their responses in the Parliament to questions on CSTCI, the MoT mentions that “The tour operators approved by MoT have to sign a pledge for commitment towards S&H Code and Sustainable Tourism to fully implement Sustainable Tourism practices, consistent with the best environment and heritage protection standards, such that the present tourism resource requirements optimize both local community benefit and future sustainable uses”.

The question arises, is it sufficient to merely sign a pledge. Even if we were to consider the CSTCI as the minimum standards that should be implemented, to what extent have each of the

<sup>11</sup> **Vellore Citizen’s Welfare Forum v UoI** AIR 1996, SC 2715

<sup>12</sup> The STCI was first launched in April 2013 and further revised in August 2014, to cover principles and indicators for sustainable tourism practices for the tour operators, hotel sector and for beaches, backwaters, lakes & rivers.

travel trade federations and associations who have signed the pledge imbibed the principles in their own practices. The MoT and the tourism industry (both formal and unorganised) must jointly develop guidelines to making it mandatory for all sectors of the tourism industry.

CSTCI relates mainly to environmental issues while skimming over other equally critical concerns linked to the impacts that tourism is responsible for. The complexity of the tourism issues can be understood from the two case studies that were presented. However, the approach of MoT and the stakeholders involved in the formulation of this document seem to be not acknowledging the existing wide ranging negative impacts that tourism has on the people living in and around tourism places and have worked with the premise that all is well in tourism and how therefore it can be made more sustainable in the future..

While the MoT engaged with key stakeholders in the formulation of this document, what seems apparent is that the people affected by tourism in these places were not consulted with. We therefore believe that the Ministry needs to undertake a mapping of the tourism sectors for developing sector-specific criteria (mega tourism projects / circuits, amusement parks, water parks, cruises, destination level, various ecosystems) based on feedback from all stakeholders in tourism, especially people affected by tourism.

Research on the various issues of sustainable tourism and developing mechanisms for planning and regulation needs to be undertaken to provide solid foundation for practise of sustainable tourism and to ensure that the tourism policies and practices in the country are holistic in nature.

It has been rightly said that sustainable development is meant to secure a balance between developmental activities for the benefits of the people and environmental protection and therefore, "it is a guarantee to the present and bequeath to the future generations." The balance between environmental protection, protection of the socio-cultural rights of the communities and protection of right to livelihood and the push for developmental activities could only be maintained by strictly adhering to the principle of sustainable development. The time is running out, unless "Sustainable Tourism" is not adopted in true spirit and practice, it is not long when even the concept of "Sustainable Development" will be up for sale.