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“STUDY OF TOURISM LAWS IN MAHARASHTRA”

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Abstract:

Tourism is a vital sector of the economy, and the state of Maharashtra in India is no exception to its impact. Tourism in Maharashtra has witnessed remarkable growth over the years, drawing travellers from around the world to its diverse attractions. To ensure the sustainable development of this industry, it is imperative to have a comprehensive understanding of the legal framework that governs it. This study delves into the laws and regulations that pertain to tourism in Maharashtra, highlighting their significance in managing and promoting this sector.

One of the key findings of this study is the complexity of the legal framework governing tourism in Maharashtra, involving various state and central regulations, as well as policies implemented by regional authorities. It identifies the need for a streamlined and harmonized legal structure to enhance the efficiency and effectiveness of tourism management.

Furthermore, the study examines the implications of these laws on various stakeholders, including tourists, tour operators, and government bodies. It also explores the challenges faced in enforcing and complying with these regulations, especially in the context of rapid tourism growth.

In conclusion, the study sheds light on the vital role that tourism laws play in shaping the tourism landscape of Maharashtra. It emphasizes the need for ongoing research and policy development to address the evolving needs of the industry while ensuring responsible and sustainable tourism practices. This abstract provides a glimpse into the comprehensive research, highlighting its significance in contributing the betterment of tourism in Maharashtra.

Introduction:

The state of Maharashtra, known for its diverse culture, rich history, and stunning landscapes, has always been a magnet for travellers from all around the world. To ensure the protection and regulation of this thriving tourism industry, it's essential to delve into the study of tourism laws in Maharashtra.

Maharashtra boasts a plethora of tourist destinations, ranging from the bustling streets of Mumbai to the serene beaches of Goa, the ancient caves of Ajanta and Ellora to the hill stations like Mahabaleshwar and Lonavala. Each of these destinations has unique legal provisions and regulations that govern the tourism sector.

Understanding these laws is crucial for travellers, tourism professionals, and law enthusiasts. It ensures a safe and enjoyable experience for tourists while supporting the responsible growth of the tourism industry.

The study of tourism laws in Maharashtra covers a wide spectrum of topics, including:

1. **Heritage and Cultural Preservation:** The state is home to numerous heritage sites and cultural landmarks. Laws related to the protection and preservation of these assets are vital.
2. **Safety and Security:** Tourist's safety is a top priority. Laws address issues such as emergency response, surveillance, and health and safety standards.
3. **Economic Aspects:** The tourism industry is a significant contributor to Maharashtra's economy. Understanding the laws governing taxation, licensing, and permits is essential.

By delving into the study of tourism laws in Maharashtra, one can appreciate the intricate balance between promoting tourism and protecting the state's natural and cultural treasures.

History:

The history of tourism laws in Maharashtra reflects a gradual evolution in response to the growing importance of the tourism industry. Key legislation includes the Maharashtra Tourism Development Corporation Act, which established the Maharashtra Tourism Development Corporation (MTDC) in 1975 to promote tourism.

Over the years, various amendments and additions have been made to address changing needs. The Maharashtra Prevention of Dangerous Activities of slumlords, bootleggers, Drug offenders, Video pirates, sand smugglers, and persons engaged in Black-marketing of Essential Commodities Act, 1981, includes provisions related to regulating certain activities affecting tourism.

Additionally, Maharashtra has adopted national laws and guidelines to govern aspects of tourism, such as environmental conservation and consumer protection. It's essential to refer to the latest legal documents and amendments for the most current information on tourism laws in Maharashtra.

Development in Maharashtra State:

1. Maharashtra Tourist Trade Act, 1955: One of the earliest significant legislations pertaining to tourism in Maharashtra was the Maharashtra Tourist Trade Act, 1955. This act aimed to regulate and license various tourism-related businesses, including travel agencies, tour operators, and tourist guides. It provided a legal framework for the functioning of these entities.
2. Development of Tourism Infrastructure: Over the years, Maharashtra took a lot of efforts for the development of tourism infrastructure, including the establishment of hotels, resorts, and tourism promotion agencies like the Maharashtra Tourism Development Corporation.
3. Consumer Protection and Labour Laws: As tourism in Maharashtra grew, laws related to consumer protection and labour right became increasingly important to ensure the welfare of tourists and workers in the tourism industry.
4. Modernization Digitalization: With the advent of the internet and digital technologies, there has been a shift towards modernizing and streamlining tourism regulations to adapt to changing business models and customer preferences.

Tourism in Maharashtra:

Maharashtra has a lot of beautiful destinations, which attracts and lures travellers of any age to witness this majestic state. From the Mumbai the city of dreams to the hilly regions like Matheran, Mahabaleshwar, Lonavala, Khandala everything is tempting in Maharashtra.

Maharashtra state has a coastal area, so tourists can enjoy the best beaches here. Maharashtra is rich in history which has carved in significant caves. Tourist visit these masterpiece places which are being here from history.

Top places for visit in Maharashtra¹:

Lonavala:

Lonavala is the hill station located 67 km from pune with height of about 622m. There are numerous forts, caves, waterfalls and lakes.

Mahabaleshwar:

Mahabaleshwar is the another popular hill station in Maharashtra. Forts, lakes, temple, krishnabai temple, lingamala falls, pachgani are the main tourist attraction.

Pune:

Pune has the a lot of historical monuments from Maratha period, it is also known as the cultural capital of Maharashtra. Pataleshwar cave, Sinhagad fort, Shanivar Wada, etc. are the tourist attraction.

Aurangabad:

Aurangabad is also known as the tourism capital of Maharashtra. Aurangabad is much popular for Ajanta and Ellora caves which are oldest UNESCO World heritage sites.

Constitutional Perspective:

The Drafters of the Constitution of India while framing the fundamental rights, were aware of what fundamental right have to be applied to nonnatives and what rights have to be reserved only for the citizens of India. And consequently, only the particular rights are available to foreigners i.e Article 14, Article 20, Article 21, Article 22, Article 23, Article 24, Article 25, Article 26 and 27.²

Supreme Court lately has reaffirmed the right to life and liberty i.e. Article 21 that along with the citizens of India it is available to foreign citizens also in response where police against three

¹ <https://www.incredibleindia-tourism.org>

² The Constitution of India, 1950

Uganda people filed an FIR. SC observed “Article 21 of the Constitution of India is applicable to all persons, whether Indian or Foreign citizen. People’s right to liberty cannot be restrained by the police due to a business dispute.”³

Role of Government in Tourism:

The government’s role has undergone a lot of changes from past years, now the government seeks to attract and foster tourism. Maharashtra today is competing with other states in the tourism industry and within the states, cities are competing with one another to gain a good revenue from tourism industry. Thus, the state governments have formulated number of policies to foster such ends. The most pervasive plans are made for economic development are the five-year plans, which is made by the planning commission. which considers tourism as a vehicle for economic development.⁴

Tourism Law:⁵

Tourism is a most rich industry in India, which attracts a huge number of tourists, but it there is lack of specific legislation for Tourism. Tourism has always been benefit for the state, for providing employment for number of people, even having a positive impact tourism has damaged the heritage and environment. Tourists can be seen causing chaos in tourist spots, polluting and scribbling on monuments, destroying public property. Even in the past years, tourists were not granted freedom, tourist were seen with suspicion, and a reporting were made to the heads of state of tourists actions or wrong acts i.e crimes. Tourists were punished according to the laws of their land. While a lot of principles, ethics and international laws were considered while assigning punishments to the offenders; serious offences were not tolerated.

There are a number of laws that are regarding the tourism, directly and indirectly. The rules governing tourism are different and may be resolve into:

- There are broader regulations that apply to this business in unanticipated ways due to its unique rates, similar to damages for disappointment.
- The Tourism-industry-specific rules, ranging from histeric common bonifaces and carriers, state, central, and international regulations that in present regulate this business.

³ (2011) 6 SCC 161

⁴ Indian Tourism Statistics Reports on Ministry of Tourism(2000-2015)

⁵ <https://lawtimesjournal.in/need-of-tourism-laws-in-india>

The Indian government has not legislated any tourism legislation. Still, in 2002, the National Tourism Policy was developed for the growth and promoting tourism assiduity, and it includes essential principles for guarding the interests of tourists. Different laws govern different aspects of tourism. They are:

- Laws relating to Foreign Tourists
 - ❖ Foreigners Act, 1946
 - ❖ Passport Act, 1967

- Laws relating to Criminal Activities
 - ❖ Indian Penal Code, 1860
 - ❖ Code of Criminal Procedure, 1973
 - ❖ The Indian Evidence Act, 1872
 - ❖ The Narcotic Drugs and Psychotropic Substances Act, 1985
 - ❖ The Immoral Traffic (Prevention) Act, 1956

Maharashtra State Tourism Laws:⁷

1. Maharashtra Tourism Policy 2016:
Coverage under the Tourism Policy – 2006 – Tourism projects in the private sector, state public/ joint sector and the co-operative sector but not the central public sector will be considered for the incentives under “The Tourism Policy-2006”. The proposed tourist facilities shall be open to all and shall not be confined to the exclusive use of any particular individual or members of any group or club or have any such other restrictions.
2. Champaner-Pavagadh Archaeological Park World Heritage Area Management Authority Act, 2006.
3. Registration of Tourist Accommodations: The Maharashtra Registration of Tourist Accommodation Act mandates that hotels, lodges, and other accommodations must register with the tourism department. This ensures compliance with safety standards and facilitates the monitoring of facilities to enhance the overall experience for visitors.
4. Waste Management and Environmental Laws: To address the environmental impact of tourism, Maharashtra has stringent laws governing waste management and environment conservation. This includes waste disposal regulations and measures to preserve

⁶ <https://lawtimesjournal.in/need-of-tourism-laws-in-india>

⁷ <https://www.latestlaws.com/bare-acts/tourism-laws>

ecologically sensitive areas.

5. Maharashtra Tourist Vehicle Rules: The operation of tourist vehicles is subject to specific regulations to guarantee passenger safety and fair business practices. Compliance with these rules is essential for operator offering transportation services to tourists.
6. Maharashtra encourages responsible tourism through a code of conduct for visitors. This includes guidelines on respecting local customs, minimizing environmental impact, and promoting cultural sensitivity.

Conclusion:

Maharashtra's commitment to responsible tourism is reflected in its comprehensive legal framework. By striking a balance between development and conservation, the state aims to offer an enriching experience for tourists while preserving its unique cultural and natural heritage. As travellers explore the diverse landscapes and cultural treasures of Maharashtra, adherence to these laws ensures a harmonious coexistence between tourism and the state's inherent charm.

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