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# **A COMPARATIVE STUDY ON TOURISM LAWS IN INDIA AND SAUDI ARABIA.**

AUTHORED BY - MS. KRUPA NAIK

## **Abstract.**

The One land that all men desire to see, and having seen once, by even a glimpse, would not give that glimpse for all the shows of all the rest of the globe combined.

-By Mark Twain.

The absence of clear legislative provisions in India, coupled with the rapid growth in its tourism sector, has resulted in an unorganized and chaotic state of affairs within the country. The global tourism industry has evolved into a significant economic force, contributing substantially to the development of numerous countries. Saudi Arabia has recently amended its tourism laws and has framed a comprehensive and effective framework which not only includes licensing but also includes provisions relating to environment protection to develop sustainable tourism. India and Saudi Arabia, with their rich cultural and historical heritage, have emerged as prominent players in the international tourism arena. This research conducts an in-depth comparative analysis of the tourism laws in India and Saudi Arabia, examining legislative frameworks, regulatory bodies, and policies shaping their respective tourism sectors. The objective is to identify commonalities and disparities, shedding light on the legal intricacies influencing the growth and sustainability of their tourism industries.

**Keywords:** Tourism laws, India, Saudi Arabia, legal framework, regulations, policies, sustainable tourism, cultural preservation, infrastructure development.

## **1. Introduction:**

### 1.1 Background:

The global tourism industry has witnessed unprecedented growth, transforming into a key driver of economic development. Nations around the world, recognizing the multifaceted benefits of a thriving tourism sector, have invested in crafting robust legal frameworks to govern this domain.

This paper focuses on India and Saudi Arabia, both possessing unique cultural tapestries that make them attractive tourist destinations. Understanding the legal structures underpinning their tourism industries is crucial for comprehending the dynamics of their economic and cultural interactions with the global community. Tourism laws need to be regulated as the stats show a very intriguing number of Foreign tourist arrivals during 2022 were 6.19 million (tourism, 2022 - 23) with a growth of 305.4% over same period of the previous year. Indian National Departures during 2022 were 21.09 million (Provisional) with a growth of 146.7 over same period of the previous year. <sup>1</sup>

## 1.2 Objectives:

This research seeks to:

- a. Scrutinize the legal architecture of India's tourism industry, encompassing legislative enactments, regulatory bodies, and policies.
- b. Examine the evolving legal landscape of Saudi Arabia's tourism sector, considering recent legislations, regulatory mechanisms, and policy initiatives.
- c. Draw comprehensive comparisons between the two nations, emphasizing the legal elements that distinguish or align their approaches to tourism.
- d. Evaluate the repercussions of existing legal frameworks on the development and sustainability of the tourism sectors in India and Saudi Arabia.

## 2. Legal Framework of Tourism in India:

### 2.1 Regulation/ policies/ legal framework:

India's tourism industry operates within the contours of various regulations, with the National Tourism Policy been formulated in 2002 serving as a cornerstone. This policy delineates the roles and responsibilities of stakeholders, aiming to provide a comprehensive legal framework for the sector. The new tourism policy 2015 has played a pivotal role in making India a global tourist hub.

### History of tourism regulations/ policies in India.

#### The initial 1982 Tourism Policy:

As you move through the five-year plans, you'll notice that the Sixth Five-Year Plan (1980–1985)

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<sup>1</sup> Annual Tourism Report 2022 – 23, Ministry of Tourism, Government of In

served as a pivotal period in Indian tourism history. The "Tourism Policy" of the nation was initially announced in 1982. It included a concept for the "Travel Circuit" along with an action plan that outlined the development objectives.

This national policy has rightly described tourism as a "common endeavour," emphasising the value of teamwork.

#### National Tourism Policy, 2002 :

The National Tourism Policy of 2002 serves as the primary regulation governing India's tourism sector. It outlines the legal framework for tourism development, addressing issues such as licensing, classification of tour operators, and the promotion of sustainable tourism practices. The tag line of National Tourism Policy is 'ATITHI DEVO BHAV'.

#### The New Tourism Policy 2015 –

The Indian government is working to establish India as a worldwide tourist hub, having recognised the country's true tourism potential. This is reflected in the 2015 New tourist Policy. The government's initiatives under The New Tourism Policy 2015 are listed below:

1. The "Incredible India" smartphone application has been released by the Indian government. A visitor can use this app to acquire dependable, high-quality services from service providers approved by the government.
2. For the Union Territories of Daman and Diu and Dadra and Nagar Haveli, the Ministry of Tourism, Government of India, has introduced a new travel brand. Additionally, Dadra and Nagar Haveli's Vision 2020 has been made available. This has been started in an effort to support these communities' overall economic development.
3. The state government of West Bengal plans to establish an eco-tourism board in an effort to promote West Bengal as a top travel destination. The Jalpaiguri district has already initiated a massive tourism operation. There are plans to create such projects in Kunjanagar and Sylee.

India's commitment to sustainable tourism is reflected in its policies, which aim to strike a balance between economic development and environmental conservation. The National Tourism Policy of India outlines the overarching principles and objectives of tourism development in the country.

It emphasizes sustainable and responsible tourism practices, cultural preservation, and the creation of tourism-related infrastructure. Recognizing the significance of India's rich cultural heritage, the Heritage Tourism Policy focuses on the preservation and promotion of heritage sites. This policy aims to leverage cultural assets to attract tourists while ensuring their sustainable management.

## 2.2 Regulatory Bodies:

The effective implementation of tourism laws in India falls under the purview of various regulatory bodies, with the Ministry of Tourism playing a central role. Indian Government has launched various schemes to develop tourism in the country. Schemes like 'Swadesh Darshan' and 'Prashad scheme' not only boost tourism sector but also advance infrastructural and policy development.

### **SWADESH DARSHAN Scheme –**

In 2014-15, the Ministry of Tourism introduced the 'Swadesh Darshan' flagship initiative, providing financial aid to State Governments, UTs Administration, and Central Agencies for developing tourism infrastructure at various destinations. This support was contingent on factors such as fund availability, submission of suitable Detailed Project Reports, adherence to scheme guidelines, and the proper utilization of previously released funds. Between 2014-15 and 2018-19, a total of 76 projects were sanctioned across 31 States/UTs, amounting to Rs. 5292.57 Crore. Subsequently, the Ministry of Tourism has revamped the Swadesh Darshan scheme, now referred to as SD2.0. The revised objective is to foster the creation of sustainable and responsible destinations through a tourist and destination-centric approach.<sup>2</sup>

### **PRASHAD Scheme –**

In 2014-2015, the Government of India initiated the 'PRASAD' scheme, operating under the Ministry of Tourism, where 'PRASAD' stands for 'Pilgrimage Rejuvenation and Spiritual Augmentation Drive.' This program is designed to identify and develop pilgrimage sites throughout India, enhancing the overall religious tourism experience. The goal is to integrate these pilgrimage destinations in a prioritized, planned, and sustainable manner, offering a comprehensive religious tourism experience. The substantial growth of domestic tourism is closely linked to the success of pilgrimage tourism.

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<sup>2</sup> <https://tourism.gov.in/schemes-guidelines-schemes/swadesh-darshan-scheme>

To fully harness the potential of pilgrimage tourism, comprehensive development of selected pilgrimage destinations is imperative. This requires collaborative efforts from the government and other stakeholders. The primary objective of the PRASAD scheme is to pave the way for the advancement and promotion of religious tourism in India.<sup>3</sup>

### 2.2.1 Ministry of Tourism:

The Ministry of Tourism is the nodal agency responsible for the formulation and implementation of national policies and programs for the development and promotion of tourism. It works in collaboration with other government departments to ensure a holistic approach to tourism development.

### 2.2.2 India Tourism Development Corporation (ITDC)

Since its establishment in October 1966, ITDC has been at the forefront of the nation's tourist industry's progressive development, promotion, and growth. In general, the Corporation's primary goals are:

- To build new hotels, take over and operate existing ones, and promote hotels, beach resorts, and traveller's lodges/restaurants; To offer traditional services like transportation, entertainment, and shopping;
- To create and disseminate promotional materials for tourists;
- To provide managerial and advisory services both domestically and internationally;
- To continue operating as limited money changers, full-fledged money changers (FFMC), etc.;
- To offer creative, dependable, and cost-effective solutions, including project implementation and consulting, to the engineering and tourism development sectors.

## **3. Legal Framework of Tourism in Saudi Arabia:**

Saudi Arabia's tourism laws have undergone substantial evolution, particularly with the introduction of the Saudi Tourism Strategy and the Tourism Investment Law. The tourism industry in Saudi Arabia is poised for growth, driven by government efforts to attract both domestic and foreign tourists. A new Tourism Law, effective from May of the current year, replaces previous regulations and aims to regulate the entire industry, fostering development and

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<sup>3</sup> <https://tourism.gov.in/prashad-scheme>

creating investment opportunities for Saudis and foreigners. The law encompasses various sectors, including accommodation, travel agents, tourist and guides.

Under the Tourism Law, all activities within the tourism industry are regulated, and licenses are required for business operations. Notably, the law opens up tourism activities to foreign entities, a significant change from previous restrictions. The Saudi Commission for Tourism and National Heritage will play a crucial role in monitoring and enforcing compliance, with the power to penalize offenders and set standards.

The law emphasizes transparency, consumer protection, and Saudization requirements for employees. It introduces tourist visas for non-GCC tourists, reflecting a shift in Saudi Arabia's visa policy. Furthermore, the law focuses on the development of tourist destinations, both within cities and natural sites, with an emphasis on coordination between different authorities.

Saudi Arabia is actively seeking foreign investment in the tourism sector, aligning with its strategy to increase competition and support sustainable development. The sector is considered a significant job creator, with an emphasis on providing employment opportunities for Saudi nationals. Foreign investors must present a viable Saudization Plan to be considered for opportunities in the Kingdom's tourism market. Overall, the Tourism Law signifies the government's commitment to the industry's development, with the aim of making tourism a key contributor to the Saudi economy.

#### 3.1.1 Saudi Tourism Strategy:

The Saudi Tourism Strategy, launched as part of Vision 2030, outlines the roadmap for developing the tourism sector. It addresses key areas such as tourism infrastructure, cultural preservation, and the facilitation of foreign investment.

#### 3.2 Regulatory Bodies:

Regulating the tourism sector in Saudi Arabia falls under the purview of the Saudi Commission for Tourism and National Heritage (SCTH), Tourism Development Council.

##### 3.2.1 Saudi Commission for Tourism and National Heritage (SCTH):

SCTH is the primary regulatory body overseeing the tourism sector in Saudi Arabia. It plays a

crucial role in formulating policies, issuing licenses, and ensuring compliance with national regulations.

The Saudi Commission for Tourism and National Heritage (SCTH) evolved to become the first government agency overseeing the Kingdom's tourism sector. Established in 2000, initially focusing on tourism, it later integrated the National Heritage and Museums sector in 2008. The SCTH aims to organize, develop, and promote the tourism sector, emphasizing the preservation and promotion of the National Heritage's cultural and economic contributions.

SCTH's goals include overcoming obstacles to tourism development, leveraging the Kingdom's vast tourism potential, and aligning the sector with Saudi Arabia's cultural and international significance. The vision emphasizes ethical, social, and civilizational dimensions, followed by economic aspects, regional and international roles, and interaction with other communities. The Saudi society actively participates in formulating this vision, which prioritizes sustainability, economic viability, and consideration of social, cultural, environmental realities, Islamic values, and traditional hospitality.

### 3.2.2 Tourism intelligence centre.

The Government's Tourism intelligence centre provides services like issuing periodical indicators and providing interactive visualizations of tourism data and statistics.

### 3.2.2 Saudi Tourism Authorities:

Saudi Arabia, with its diverse regions, has established regional tourism authorities to facilitate localized tourism development. These authorities work in coordination with SCTH to implement national policies at the regional level.

The functions of Saudi Tourism Authorities are:

- Emphasizing the Kingdom's appeal as both a global and local tourist hotspot
- Creating tourism packages and offerings
- Engaging in local and international tourism exhibitions.
- Vigilantly identifying new tourist experiences and recommending enhancements
- Overseeing marketing and promotional initiatives for tourist destinations within the Kingdom.<sup>4</sup>

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<sup>4</sup> <https://mt.gov.sa/about/tourism-in-Saudi>

### 3.2.3 Tourism Development Fund:

The functions of Tourism Development Fund are:

- Backing investment and fostering the growth of tourist destinations in designated areas.
- Funding institutions engaged in the tourism industry.
- Advancing cutting-edge technologies and infrastructure to cater to diverse tourism activities.
- Formalizing contracts and partnerships with funding entities.<sup>5</sup>
- Providing financial support to academic training centers, universities, and institutes specializing in tourism.
- Extending loans and initiating programs relevant to the sector.

### 3.2.4. Tourism Development Council.

The functions of Tourism Development Council :

- Assisting investment and fostering the growth of tourist destinations in specified areas.
- Providing financial support to entities involved in the tourism sector.
- Advancing state-of-the-art technologies and infrastructure to accommodate diverse tourism activities.
- Finalizing contracts and agreements with financial institutions.
- Funding academic training centers, universities, and institutes specialized in tourism.
- Extending loans and initiating programs relevant to the industry.<sup>6</sup>

## **3.3 Policies:**

Saudi Arabia's Vision 2030 encompasses ambitious goals for the tourism sector, emphasizing cultural heritage preservation, infrastructure development, and efforts to attract international tourists.

### 3.3.1 Vision 2030:

Vision 2030 is Saudi Arabia's long-term development plan, and the tourism sector is a crucial component of this vision. The plan envisions the transformation of Saudi Arabia into a global tourism destination, with a focus on cultural experiences, historical sites, and modern attractions.

Tourism Ecosystem Objectives –

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<sup>5</sup> <https://mt.gov.sa/about/tourism-sector-entities>

<sup>6</sup> <https://mt.gov.sa/about/tourism-sector-entities>

- Playing a role in diversifying the national economy
- Generating suitable employment opportunities for citizens
- Drawing in investments
- Augmenting sources of income

### 3.3.2 Cultural Heritage Preservation:

Recognizing the significance of its cultural heritage, Saudi Arabia has implemented policies to preserve and showcase historical sites. This includes initiatives to restore and maintain archaeological and cultural landmarks.

### 3.3.3 Infrastructure Development:

Infrastructure development is a key focus of Saudi Arabia's tourism policies. The nation is investing in the construction of hotels, transportation networks, and recreational facilities to enhance the overall tourism experience.

## **4. Comparative Analysis:**

### 4.1 Similarities:

A comparative exploration reveals commonalities in the priorities of India and Saudi Arabia concerning tourism. Both nations emphasize sustainable tourism, cultural preservation, and infrastructure development to enhance the overall tourism experience.

#### 4.1.1 Sustainable Tourism Practices:

India and Saudi Arabia share a commitment to sustainable tourism practices, recognizing the importance of balancing economic development with environmental conservation. Both nations have integrated sustainability principles into their legal frameworks and policies.

#### 4.1.2 Cultural Preservation:

Preserving cultural heritage is a common goal for India and Saudi Arabia. Both nations recognize the significance of their historical and cultural assets and have implemented policies to protect and showcase these treasures to the world.

#### 4.1.3 Infrastructure Development:

The importance of infrastructure development is acknowledged by both countries. Investments

in transportation, accommodation, and recreational facilities are seen as essential components of tourism growth, ensuring a positive experience for visitors.

#### 4.2 Differences:

While India and Saudi Arabia share common ground in certain aspects, there are notable differences in their legal frameworks and approaches to tourism development.

##### 4.2.1 Legal Framework:

India does not possess an established legal framework for tourism, with lack of comprehensive legislation. Being a country with diverse cultural heritage it is evolved as an hub for tourism, yet till date India lacks Tourism legislation/ enactment. Saudi Arabia has undergone recent legal reforms, indicating a shift toward opening up its tourism sector to the world. Also Saudi Arabia has developed efficient wings relating to tourism sector like Saudi Commission for Tourism and National Heritage, Tourism intelligence centre, Tourism Development council, Saudi Red sea authority etc. apart from its well established Tourism Laws.

##### 4.2.2 Vision and Strategy:

The long-term visions of India and Saudi Arabia for their tourism sectors differ. While India's policies emphasize the diversification of tourism products and sustainable practices, Saudi Arabia's Vision 2030 seeks to position the nation as a global tourism hub, integrating cultural experiences with modern attractions.

## **5. Impact on Tourism Development:**

### 5.1 Challenges:

Both countries face challenges associated with balancing cultural preservation against the demands of tourism development, ensuring environmental sustainability, and addressing infrastructure-related issues.

#### 5.1.1 Cultural Sensitivity:

The challenge of maintaining cultural sensitivity in the face of tourism development is pertinent to both India and Saudi Arabia. Striking a balance between welcoming tourists and preserving cultural authenticity remains a challenge.

### 5.1.2 Environmental Sustainability:

The environmental impact of tourism is a shared challenge. Both nations must navigate the delicate balance between promoting tourism and protecting their natural ecosystems, addressing issues such as pollution, waste management, and habitat conservation.

### 5.1.3 Infrastructure Management:

The rapid growth of tourism poses challenges in managing infrastructure. Both India and Saudi Arabia must grapple with issues related to congestion, waste, and the sustainable development of tourist facilities.

### 5.2 Opportunities:

Legal reforms in both India and Saudi Arabia present opportunities for growth, foreign investments, and job creation. The judicious utilization of these opportunities can propel the tourism sectors of both nations to new heights.

#### 5.2.1 Economic Growth:

A robust tourism sector can be a significant driver of economic growth for both India and Saudi Arabia. By attracting more tourists and encouraging spending within the local economies, these nations can stimulate economic activities and create job opportunities.

## **Conclusion:**

This comparative study, although providing valuable insights into the tourism laws of India and Saudi Arabia, is by no means exhaustive. The complexity of the tourism industry, coupled with the dynamic nature of legal landscapes, necessitates continuous evaluation and adaptation. As India and Saudi Arabia endeavour to carve a niche in the global tourism landscape, ongoing legal reforms become imperative to address challenges and harness opportunities. India needs to enact a concrete legal framework relating to tourism laws. Apart from a legislation it is a need of the hour for India to develop tourism development authorities or councils to regulate tourism and keep timely checks on the subjects. The analysis underscores the intricate relationship between legal frameworks and the sustainable development of the tourism industry in diverse cultural contexts.