

Impact Of Crime On Our Tourism Industry: With Special Effect To Legal Safeguard.

Dr. Varinder Singh^{1*}, Navjot Kaur²

¹*Associate Prof. of laws, GNDU, RC, Jalandhar

²Research scholar, GNDU, Amritsar

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ABSTRACT

India is a land of diversity. Different state has their own important art, area, architecture, culture, tradition, language, food, and history. Tourism brings an opportunity for natives and non-natives to know or feel together in cultural exchange. The tourism industry in India brings growth and development to the economic status of the country. Tourism does not only provide money to the monument's authority; it creates businesses more affordable for people and brings lots of profits to hotels, transport, and lodging. It also provides a helping hand to the skilled artisan to make their fortune. But the tourism sector is affected by the impact of negativity prevalent in that area. There is no doubt that tourism has become available for almost everybody as social mobility and income has increased, and working patterns have changed. What is more, being an important economic sector stimulating the development of "economically backward" countries and regions, it was mainly considered to have only positive effects. It was not until the turn of 1970s that research in this area intensified and began to present some negative impacts of tourism development. Tourism is typically regarded as a major industry in many countries and a particularly desirable one since it is relatively low in energy consumption and pollution. According to the World Tourism Organization, tourism generates 6% of total worldwide exports and about 10% of all employment. Tourism has a larger effect on tourism in developing countries than in developed ones. Analysis shows that political and institutional insatiability measured in terms of terrorism, crime, and corruption discourages international tourism movement.

Researcher, in this paper, wants to analyze how crime in the guise of terrorism, communal riots, or white-collar crimes affect the tourism industry. The researcher also wants to analyze how the legal system can make the country more peaceful and flourish the tourism industry to enhance our economy and diverse culture.

KEYWORDS: *tourism, crime report, Foreign Tourist Arrivals, crime, tourist, policies.*

"The one land that all men desire to see and having seen once, by even a glimpse, would not give the glimpse for all the shows of all the rest of the globe combined" – Mark Twain on India.

INTRODUCTION:

India is a divergent state. India is one of the most diverse lands found anywhere else in the world. From language to dressing style, the country has been hailed as one of the most complex amalgamations of various cultural identities. Here diversity is not just confined to people but also includes culture, area, or language. Where on the north side there is a big range of Himalayas, on the south there is a long never-ending line of seashore. According to the World Economic Forum's (WEF) yearly Travel and Tourism Competitiveness Report, India ranks 10th in terms of "price competitiveness." Luxurious accommodations are reasonably priced, eating out is inexpensive, and you can travel over the nation by rail for pennies. Tourism is regarded as one of the most important sources of economy for any country. From starting to till now tourism nature or

planning is a changed process. Tourism is not confined to just domestic tourism, the government focuses on the foreign public also. They tried their best to avail more and more foreigners so that they could make investments and give rise to foreign money.

As per the various travel sites India is regarded as an overall risky place as its regions are vast and according to the diversity, the risk factor is higher than the other countries. The World Economic Forum's Travel and Tourism Development Index 2021, which replaced its previous Travel and Tourism Competitiveness Report, ranks India 54th out of 117 countries overall¹. The peninsula drew in 8.6 million foreign tourists in February 2023 alone. With 10.9 million international arrivals in 2019 and 6.98 million non-resident Indian arrivals, India beat out major tourist destinations like South Korea, Egypt, and Australia to be the 22nd most visited country in the world².

TOURISM POLICIES AND ITS VALIDATION AS PER CONSTITUTION:

Development of tourism industry requires tourism planning. Tourism Planning leads to tourism development. Tourism Planning is the process for tourism development. Planning refers to methods and means used in making decisions about the future. Tourism Planning helps in problem solving and arriving at decisions which help planner in achieving desired objectives. Planning for tourism is very crucial. Tourism planning in India was started after independence. The conscious and organized efforts to promote tourism in India were made in 1945, when a committee was set up by the Government under the leadership of Sir John Sargent, then Educational Adviser to the Government of India (Krishna. A. G. 1993). Thereafter systematic tourism development took place in India. The tourism planning approach has been evolved in Second and Third five-year plans. The sixth five-year plan emphasizes tourism as an instrument for economic development, integration and maintains social harmony. After the 1980s tourism activity gained momentum as employment generator, source income, foreign exchange earnings and as a leisure industry. The government has taken several significant measures to promote tourism industry. The objectives of tourism development are to foster understanding between people, to create employment opportunities and bring about socio-economic benefits to the community, particularly in the interior and remote areas. It also strives towards balance, sustainable development and preserve, enrich and promote India's cultural heritage. One of the major objectives is the preservation and protection of natural resources and environment to achieve sustainable development. Tourism was recognized as an industry by the Planning commission of India in June, 1982. Tourism as a separate subject does not find a place in the Seventh Schedule of the Constitution of India even though a number of its components are either in the Union List, State List or in the Concurrent List. Under the new Policy, Tourism will be placed in the Concurrent List as such a step will provide a Constitutional recognition to the tourism sector and help in channelizing development of tourism in a systematic manner by enabling the Central Government to bring in legislation governing the activities of various service providers in the tourism sector. Inclusion of Tourism sector in the Concurrent List of the Constitution of India is very important mile stone of the first tourism policy³.

AT PRESENT, TOURISM STATISTIC IN INDIA:

Our counstitutional framewoks focus euality for all the citizens not only social equality but economic equality aswell. Tourism is one of the main source of economic stability and growth in India. For the promotions of tourism governments time to time lauch program for the arrivals of tourist like incredible India movement so that econoic conditions of that area became better. Following data shows the percentage of the tourist arraivals in India in past few years.

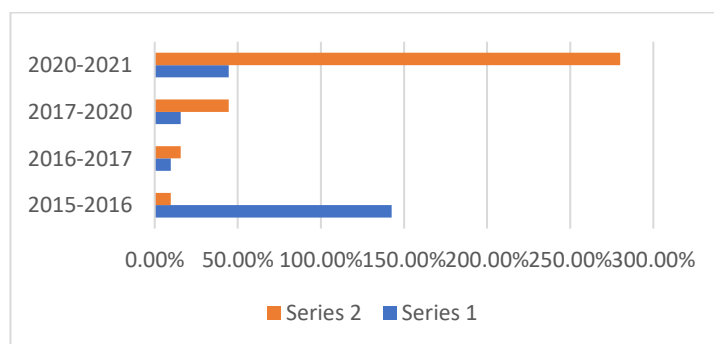


Fig. 3 (Foreign Tourist Arrivals)

¹ WIKIPEDIA, available at: https://en.wikipedia.org/wiki/Tourism_in_India (last visited on June 21, 2023).

² Ajitsa K, *Indian tourism statistic 2023: ultimate guide*, GO WITH GUIDE, (Aug. 2, 2023, 9:40 p.m.) available at: <https://gowithguide.com/blog/> (last visited on 5th sep, 2023).

³ IOSR JOURNALS, available at: <http://iosrjournals.org/>, (last visited on 5th June, 2023).

Foreign Tourist Arrivals (FTAs) FTAs during 2017 were 10.18 million with a growth of 15.6% over same period of the previous year. During 2016, FTAs were 8.8 million with a growth rate of 9.7% over 2015. During 2017, a total of 1.7 million foreign tourists arrived on e-Tourist Visa registering a growth of 57.2%. During 2016, FTAs on e- Tourist Visa in India were 1.08 million as compared to 0.445 million in 2015, registering a growth of 142.5%. 13.3 Arrivals of Non Resident Indians (NRIs) in the year 2016, there were 5.77 million arrivals of NRIs in India, with a growth rate of 9.7% over 2015. 13.4 International Tourist Arrivals (ITAs) in concordance with UNWTO, ITAs include both FTAs and Arrivals of NRIs. In the year 2016, there were 14.57 million ITAs in India, with a growth rate of 9.7% over 2015. 13.5 Foreign Exchange Earnings (FEEs) FEEs during the period 2017 were Annual Report, 2017-18 102 Rs.1,80,379 crore with a growth of 17% over same period of previous year. The FEEs from tourism in rupee terms during 2016 were Rs.1,54,146 crore with a growth rate of 14.0% as compared to FEE of Rs.1,35,193 crore during 2015 with a growth of 9.6% over 2014. FEEs during the period 2017 were US\$ 27.693 billion with a growth of 20.8% over same period of previous year. The FEEs from tourism in US \$ terms during 2016 were US \$ 22.92 billion with a growth rate of 8.8% as compared to FEE of US\$ 21.07 billion during 2015 with a growth of 4.1% over 2014. 13.6 Indian National Departures The numbers of Indian Nationals Departures from India, during 2016, were 21.87 million as compared to 20.38 million, during 2015, registering a growth of 7.3%. 13.7 Domestic Tourism Domestic tourism continues to be an important contributor to the sector. As per the data furnished by State/UT Governments and other information available with the Ministry of Tourism, the domestic tourist visits during the year 2016 were 1613.6 million as compared to 1432 million in 2015 Ministry of Tourism 103 registering a growth of 12.68% over 2015⁴.

Recently, compared to the last years and after the COVID situation, as per the Indian tourism statistics⁵ 2022 India witness a massive growth in tourism industry in post COVID era. Here are the few observations which was cited by tourism department in their official website.

1. Due to restriction related to COVID-19, The number of Foreign Tourist Arrivals (FTAs) in India during 2021 decreased to 1.52 million as compared to 2.74 million in 2020, registering a negative growth of 44.5%.
2. While foreign tourist arrivals (FTAs) experienced a negative growth rate in 2021, NRI and ITA arrivals experienced positive growth. Arrivals of NRIs have increased by 52.6% from 2020 to 2021. In comparison to 2020, there was a 10.6% increase in yearly international tourist arrivals in India in 2021.
3. For FTAs, air travel is the most chosen mode of transportation. 87.5 % of the FTAs entered India via air routes, 11.8 % via land routes, and 0.7 percent via sea routes. Around 53.6% Foreign tourists arrived in India through the Delhi and Mumbai airports.
4. In 2021, the top 15 source markets for FTAs in India were the United States, Bangladesh, the United Kingdom, Canada, Nepal, Afghanistan, Australia, Germany, Portugal, France, the Maldives, Sri Lanka, the Russian Federation, Iraq, and the Netherlands. In 2021, the top 15 nations accounted for approximately 80.9 percent of total FTAs in India.
5. Tourism continues to play an important role as a foreign exchange earner for the country. In 2021, foreign exchange earnings (FEE) from tourism were US \$ 8.797 billion as compared to US\$ 6.958 billion in 2020, registering a positive growth of 26.4%.
6. The publication provides information on global and regional tourism receipts as well as international tourist arrivals (ITA). In 2021, tourism grew steadily on a global scale despite the COVID-19 prohibition. According to UNWTO, the number of ITAs in world estimated to rise by 5.3 percent to 427 million in 2021.
7. 1.64% of all tourists worldwide comes from India. The top 10 ITA source nations worldwide are France, Italy, Mexico, United States, Spain, Turkey, Austria, Germany, United Kingdom, and Poland. India rose from 25th place in 2019 to 19th place in the world for tourism in 2020

HOW CRIME IMPACT ON TOURISM:

A Public Wrong is a 'Crime'. It is an injury to the State even though the victim of the crime is an individual. Acts of crime are considered anti-social. Hence the States takes the responsibility of punishing the criminal in the interest of state. Crime impact on only the society but it impacts the each and every sector. The aim of this research is to find out what are crime and violence and the effect it as on the country and the tourism sector. How large of an impact does crime and violence have on the tourism industry. What can be done to reduce crime and violence? What is the main contribution to crime and violence?

According to a report by National Crime Records Bureau, a total of 384 cases of crime against foreign tourists were registered during 2014, constituting 79 per cent of total crime against foreigners. Assaults constituted rape, forgery, theft, cheating and "intent to outrage [a woman's] modesty⁶."

⁴ MINISTRY OF TOURISM, available at: <http://tourism.gov.in/>, (last visited on 6th June 2021).

⁵ MINITSERY OF TOURISM, available at: <https://tourism.gov.in/sites/default/files>, (last visited on Aug 12th, 2023)

⁶ Disha Rao Chaudhury, "we're not sure if India is as safe as the tourism minister believes it to be", *INDIA TODAY*, oct 5th, 2017, available at: <https://www.indiatoday.in/> (last visited on 5th June 2023).

Crime against the foreigner as per the various reports seen an increase. 9 out of 10 crimes are done in the metropolitan areas where the risk factor is comparatively high than the small town. Newspapers are filled with the news regarding tourist victims one of such instances can be seen in times of India in on sep, 2022, where it was cited that Karnataka accounted for the highest number of criminal cases involving foreign nationals among South Indian states, according to National Crime Records Bureau (NCRB) data. The state, however, stood third nationally, after West Bengal and Delhi⁷. Recently, one of the cites suggest the following data regarding categories of crime against tourist are⁸:

Number of crimes committed against foreigners in India

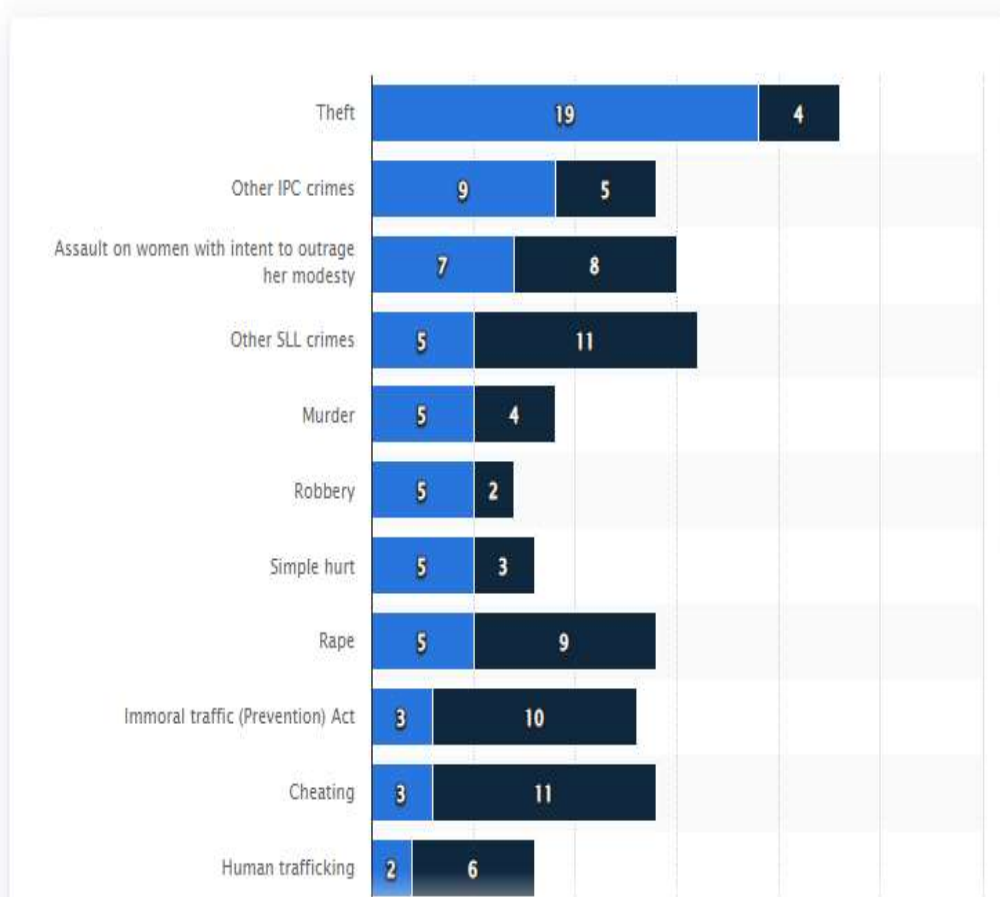


Fig. 2 (crime against tourist)

CRIMES WHICH ARE PREVELANT AGAINST FOREIGNERS:

Many foreigners or even domestic people before going to any destination searched above the locality and make sure that such place is safe and secure. But when any report they found which is against their interest they skip the destination. Development in the field of technology make the tourism easier and assessable to the peers worldwide. People in these days are more inclined towards online bookings and traveling guides. Reviews about the place are more like a guide book regarding the place, food and availability of others means of transport. In the era of social media where travel blogging is a thing presumption with regard to place is commonly made on the basis of opinion of bloggers. Many bloggers post the videos and comment regarding do and don't of places to travel in India. Here is the figure which shows how various sites are giving caution to the travelers about crime linkage in India⁹.

⁷ Khushi Agarwal and Navya Aggarwal, "Karnataka saw more case against foreigner in south India last year", *Times of India*, sep 11, 2022, available at: <https://timesofindia.indiatimes.com/city/bengaluru/karnataka-saw-most-cases-against-foreigners-in-south-india-last-year/articleshow/94125095.cms> (last visited on Aug 6th, 2023)

⁸ NEXTIAS, available at: <https://www.nextias.com/current-affairs/o8-12-2022/crimes-against-tourists> (last visited on July 12th, 2023)

⁹ Ajitsa K, *Indian tourism statistic 2023: ultimate guide*, GO WITH GUIDE, (Aug. 2, 2023, 9:40 p.m.), available at: <https://gowithguide.com/blog/>.



Fig. 3 (Red Flags¹⁰)

Reports show that there are certain crimes which effect on tourist places. Such crimes are:

a). Petty crime, especially theft of personal property (including U.S. passports), is common, particularly on trains or buses, at airports, and in major tourist areas. Pickpockets can be very adept and women have reported having their bags snatched, purse-straps cut, or the bottom of their purses slit without their knowledge. If you are traveling by train, lock your sleeping compartments and take your valuables with you when leaving your berth. If you travel by air, be careful with your bags in the arrival and departure areas outside airports. Violent crime, especially directed against foreigners, has traditionally been uncommon, although in recent years there has been a modest increase. Be cautious about displaying cash or expensive items to reduce the chance of being a target for robbery or other crime, and be aware of your surroundings when you use ATMs. ATM card scams have been used to clone credit card details to withdraw money. Gangs and criminal elements operate in major cities and have sometimes targeted unsuspecting business travelers and their family members for kidnapping or extortion.

b). Sexual Assault: Travelers should be aware that there have been reported cases of sexual assault, including rape, of U.S. citizens traveling throughout India. U.S. citizens, particularly women, are cautioned not to travel alone in India. Western women, especially those of African descent, continue to report incidents of verbal and physical harassment by groups of men. Known locally as "Eve-teasing," these incidents of sexual harassment can be quite frightening. Sexual harassment can occur anytime or anywhere, but most frequently has happened in crowded areas such as in market places, train stations, buses, and public streets. The harassment can range from sexually suggestive or lewd comments to catcalls to outright groping. If you are a woman traveling in India, you are advised to respect local dress and customs. While reported incidences of sexual assault have been isolated, Indian authorities report rape is one of the fastest growing crimes in India. Among large cities, Delhi experienced the highest number of crimes against women. Although most victims have been local residents, recent sexual attacks against female visitors in tourist areas underline the fact that foreign women are at risk and should exercise vigilance¹¹.

c). You should exercise care when hiring transportation and/or guides and use only well-known travel agents to book trips. Some scam artists have lured travelers by displaying their name on a sign when they leave the airport. Another popular scam is to drop money or to squirt something on the clothing of an unsuspecting traveler and use the distraction to rob them of their valuables. Tourists have also been given drugged drinks or tainted food to make them more vulnerable to theft, particularly at train stations. Even food or drink purchased in front of the traveler from a canteen or vendor could be tainted.

¹⁰ Red flag as per Merriam Webster means, "to identify or draw attention to (a problem or issue to be dealt with)"

¹¹ COUNTRY REPORTS, available at: <https://www.countryreports.org/>, (last visited on 10th June 2023)

d). Some vendors sell carpets, jewelry, gemstones, or other expensive items that may not be of the quality promised. Deal only with reputable businesses and do not hand over your credit cards or money unless you are certain that goods being shipped are the goods you purchased. If a deal sounds too good to be true, it is best avoided. Most Indian states have official tourism bureaus set up to handle complaints.

CRIME REPORTS STATISTICS:

Recent data of national crime bureau shows that in the post pandemic era crime against tourist see a rapid growth in the 2021 compare to 2017. As per the national crime bureau report the following data shows that there is a growth of crime against foreigner¹². Not only it shows the increase percentages in crime but offences also vary from various state to state.

TABLE 13A.2
Crime against Foreigners (Crime Head-wise) - 2021

SL	Crime Head	Cases of Crimes committed against		
		Foreign Tourists	Other Foreigners	Total Foreigners (Col.3+Col.4)
[1]	[2]	[3]	[4]	[5]
IPC				
1	Murder	5	4	9
2	Culpable Homicide not amounting to Murder	0	0	0
3	Attempt to Commit Murder/Culpable Homicide	2	1	3
4	Simple Hurt	5	3	8
5	Grievous Hurt	0	1	1
6	Assault on Women with Intent to Outrage her Modesty	7	8	15
7	Kidnapping and Abduction	0	3	3
8	Human Trafficking	2	6	8
9	Rape	5	9	14
10	Theft	19	4	23
11	Extortion	0	0	0
12	Robbery	5	2	7
13	Dacoity	1	1	2
14	Cheating	3	11	14
15	Forgery	0	0	0
16	Insult to the Modesty of Women	0	0	0
17	Other IPC Crimes	9	5	14
	Total IPC	63	58	121
SLL				
18	Immoral Traffic (Prevention) Act	3	10	13
19	Other SLL Crimes	5	11	16
	Total SLL	8	21	29
	Total Crimes against Foreigners	71	79	150

■ As per data provided by States/UTs

TABLE 13A.2 Page 1 of 1

A total of 80,27,133 foreigners (including 28,58,790 foreign tourists) have visited India during 2015 in comparison to 76,79,099 visits by foreigners in the year 2014, showing an increase of 4.3%. Figure- 25.1 reflects trend on visits of foreigners in the country during last five years, figures is based on report 'Immigration Control & Measures in India - 2015' published by Central Foreigners Bureau. In view of large number of foreigners visiting the country, it is imperative to study their safety and security aspects.

Out of 365 cases of crimes against foreigners, 271 cases were registered under crimes against foreign tourists, showing 74.2% of total crimes against foreigners during 2015. Among 365 cases of crime against foreigners, majority of cases were reported in Delhi (147 cases) followed by Maharashtra (53 cases), Uttar Pradesh (33 cases), Goa (30 cases), Rajasthan (24 cases), Karnataka (22 cases) and Haryana (15 cases), these 7 States/UTs together accounted for 88.8% (324 out of 365 cases) of total such cases registered in the country. Delhi has reported highest incidents of crime against foreign tourists accounting for 41.7% (113 out of 271 cases) of total such cases followed by Maharashtra (36 cases), Uttar Pradesh (32 cases), Goa (26 cases),

Rajasthan (20 cases), Punjab (13 cases) and Karnataka (12 cases) and these States/UT have accounted for 13.2%, 11.8%, 9.6%, 7.4%, 4.8% and 4.4% of such crimes respectively during 2015. Among 365 cases of crime against foreigners, maximum cases were reported under thefts accounting for 61.1% (223 out of 365 cases) followed by assault on foreign woman with intent to outrage her modesty (23 cases), forgery (15 cases), rape (12 cases), robbery (10 cases) and cheating (9 cases) during 2015. Large number of cases of theft (108 out of 223 cases) and rape (3 out of 12 cases) were reported in Delhi alone. Maximum cases of assault on foreign women with intent to outrage her modesty (5 out of 23 cases) and forgery (13 out of 15 cases) were reported in Goa and Maharashtra respectively during 2015¹³.

As can be seen from the aforementioned statistics, the government does not examine its fundamental data gathering, which influences our tourism. In addition to formulating rules and concentrating on travel input, the focus should move from developing new rules to modifying and improving the current ones. For a safer experience in India, the focus should move from developing new rules to modifying and improving the current ones.

TOURISM LAWS IN STATES:

India is well-known for its tourism hotspots, attracting travelers from all over the world to discover the country and its numerous beauties. The good news is that acquiring a tourist visa is an easy process. The bad news is the never-ending list of legal requirements to meet. The Indian judicial system's perplexing character doesn't help matters either¹⁴. The World Tourism Organization has started the Tourism Legislation Information Service on its website. Its documentation center had by 1998 collected more than 2000 items of laws and regulations governing the main areas of tourism activities in over 140 countries. Because of the diverse nature of tourism, there is no single entity that can be classified as tourism regulation. However, laws are pervasive in the tourism industry in order to regulate, permit, promote, empower or ban the commercial/leisure activities of both service providers as well as tourists¹⁵. Sitikantha Mishra and G. Ravindran in a paper on "An Overview of Tourism Legislation in India" presented in a Workshop on Tourism Legislation in India in January 1998, mentioned that: "The emergence of tourism as an important activity has brought into focus the need for harmonious relationship between the tourists and the providers of the tourist services. A number of problems of tourists have their roots in the absence of any standard norms regulating the trade. Once the standards of quality of services are laid down and revised periodically as per market exigencies, everyone would be clear about whether in a particular case the services were deficient or not¹⁶. There is no specific laws with regard to tourism but there are certain acts which directly or indirectly deals with tourism some of them are: The Indian Forest Act, The Wildlife Protection Act, The Forest Act, The Ancient Monuments Act, Regulations made by the Archaeological Survey of India, Aircraft Act of 1934, The Carriage by Air Act 1972 etc.

India does not have central or state regulation which regulate the tourism laws in India, although in 2002 national policy tourism was made in order to regulate the tourism in our country. With regard to the crime by or against the tourist there is no specific legislation. In the absence of such law such situations are regulated by the law of land that means IPC and other criminal legislation. To make India a year-round travel destination and to increase visitors, spending, and time spent there in order to boost the contribution of tourism to the Indian economy. The Policy aims at enhancing the tourist experience throughout his/her journey from arrival to return and it will be a key element of planning for tourism development under the Policy¹⁷.

HOW TO TACKLE CRIME AGAINST TOURISM:

- a). Strict rule should be made regarding the crime against tourist. Government should make all endeavors that websites should not be used as policy to restrict the tourists to visit certain place. Law is meant to guide the people how to be safe rather than restricting them by promoting bad rumors. The government of India's effort to have the G20 in Kashmir attracts more tourists to the area, which is a prime example of positive publicity.
- b). There is a situation where law is silent on the issue regarding the crime against foreigner. Policies by the state governments at ground level is needed as each state face different level of crimes. Government should make strict rule so that these petty crimes should be stopped. Government while promoting the tourism ads

¹³NATIONAL CRIME RECORD BEUREU, *available at*: <http://ncrb.gov.in/>, (last visited on 13th June, 2023).

¹⁴ Arryan Mohanty, need of tourism law in India, *LAW TIMES JOURNAL*, *available at*: <https://lawtimesjournal.in>, (last visited on Aug. 7th, 2023).

¹⁵ IGNOU PEOPLE'S UNIVERSITY, *available at*: <https://egyankosh.ac.in/bitstream/123456789/11391/3/Unit-16.pdf>, (last visited on Aug 3rdS, 2023)

¹⁶ Ibid.

¹⁷ BYJU EXAM PREP, *available at*: <https://byjus.com/free-ias-prep/national-tourism-policy-upsc-notes/>, (last visited on Aug 16th 2023)

in various platform should also focus on the basic information regarding the crime prevalent in that area. Helpline desk and their basic information should also be cited by various vernacular and social media means.

c). Law is just a paper booklet until its implementation. For the implementation of these laws and policies separate branch of civilian force for the executions of these laws regarding foreigners are need of an hour. As per the various report our economic stability very well depends on the foreign movie regulation in our country. Keping in mind government should make task force or specials courts just to have a check on the crime against the foreigner and for that separate set of laws should be made.

d). Appointment of experts in the field of laws who are well versed in foreign languages are also needed. These experts will help to guide them regarding the legal process. Only if the certain rules and regulation is formed then only the tourist policies which are already made can be implemented easily and uniformly.

Without a solid vision, this issue is merely a hot topic that will make a story for a single day. India, the nation of diversity, may generate more money from tourism provided that our country makes this experience of tourist more safe and secure. To make this happen, there is a need not only for laws and their execution, but also for morale awareness among the general public so that they may see it as their responsibility rather than dismissing the fact that it will not affect them in general.