

Protecting Consumers As Tourists

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Protecting Consumers as Tourists gained global attention during COVID-19 pandemic. Lockdowns everywhere resulted in cancellation of millions of flights upsetting travel plans of billions of travelers. **The issue that surfaced globally was refund of cancelled tours and travels.** COVID-19 pandemic was admittedly a “force majeure” incident where neither the airlines, nor tour operators nor the travelers / tourists were responsible for this unprecedented mass scale cancellations.

In India MGP (a voluntary consumer organization) was on forefront in taking up this issue where consumers were brazenly refused full refund of their tickets / tour costs by airlines and tour operators. MGP also approached UNCTAD to issue Advisory to Member States for ensuring full refunds. Responding promptly, UNCTAD issued Advisory dtd 4th June 2020 calling upon Member States to ensure full refund or voluntary credit vouchers for affected travelers / tourists.

MGP conducted on-line survey of tourists who were being refused full refund of tour costs and Credit Vouchers after deducting cancellation charges / rescheduling charges were issued much against the will of the tourists.

Supreme Court of India in a Public Interest Litigation (PIL) directed all airlines / travel agents / tour operators to give full refund of airline tickets of flights cancelled due to COVID. The Supreme Court also made some concession to the airlines in financial distress by allowing them to issue credit vouchers for a limited period.

However, many tour operators in India refused full refund to the tourists and insisted on tourists to accept Credit Vouchers much against their wish and that too after deducting cancellation charges and rescheduling charges determined arbitrarily by them. MGP therefore approached Central Consumer Protection Authority (CCPA) seeking full refund for these tourists. However, the Tour Operators are vehemently opposing and challenging the CCPA orders for full refund. MGP is therefore engaged in long-drawn legal battle for last 4 years and thousands of tourists are still awaiting anxiously for their legitimate refunds of tours cancelled during COVID pandemic.

On the backdrop of this scenario, which may be seen even in many other countries, the International Code for Protection of Tourists (ICPT) evolved by UNWTO in 2022 may come as a big relief to consumers as Tourists in future. These are the recommendations for UN Member States and hope the same will find place in national policies of UN Member States sooner than later.

On going through the ICPT it is felt that a few more additions can be considered to ensure better protection of consumers as Tourists at global level.

A. **Visa fee Refunds /Re-validation:** During COVID pandemic millions of tourists who were issued tourist visas lost their visa fees in view of cancellation of flights due to lockdowns, No refund nor renewal or extension of visas was considered by any Member States. It is a fit case for UNCTAD to evolve guidelines for Refund / Re-validation / Extension of validity of Visas in cases of emergency cancellation of tours like COVID pandemic in future.

It is also noticed that Tourist Visas are rejected without giving any reasons. Reasons for Visa rejections should be made known to tourists.

B. **Insurance Refund:** During COVID pandemic millions of flights got cancelled and as such many travel insurance policies issued by Insurance Companies did not come into operation at all. However, Insurance Companies refused refund of policy premiums paid by tourists and thus many insurance companies have indulged in unjust enrichment by denying legitimate refunds to tourists which may be of millions of dollars. UNCTAD may consider evolving guidelines for ensuring refund of insurance premium when tours would be cancelled in some emergency cases.

C. **Govt. Tax Refunds:** If tours are cancelled due to emergency situations, tourists should be entitled for full refund of Tax paid

D. **Fair Terms of Contracts:** Tourists have to invariably sign the contract prepared by Tour Operators, which is often one-sided with no option to the tourist to negotiate or alter terms and conditions therein. Considering that such Terms & Conditions should be fair and equitable, UNWTO & UNCTAD may consider evolving a standard format of Terms & Conditions which may be used globally in future for better protection of Tourist interest.

E. **Hotel Check-in / Check-out timings :** In many countries hotels have a fixed check-in and check out timings. Say check-in by 12 noon or 2 pm and check-out by 10 to 11 am. In many cases consumers check-in late evening (say by 9 pm) and want to check out by say 7 pm next day evening. Although total stay in such case is less than 24 hours, the consumer is charged for 2 days. This is unfair and exploitative in nature. UNWTO & UNCTAD should prevail upon its Member States to ensure 24-hrs check in facility where consumers may be charged on their actual duration of stay.

F. **Rights of Tourists in case of Delays at Airports:** Arrangements for minimum essentials like water, food to be made obligatory for airlines.

G. **Dispute Resolution through ADR / ODR:** Currently there exists no international legal framework for settlement of travel & tourism disputes.

However, UNGCP guidelines 37 to 41 on Dispute Resolution read with guideline 78 on Tourism expects UN Member States to encourage fair, inexpensive and expeditious dispute resolution through ADR. The ICPT evolved by UNWTO goes a step further and also recommends that UN member states should foster development of ADR / ODR mechanism which would be fair, expeditious, inexpensive. The ODR mechanism will do away with physical presence of parties. This is a sustainable way of dispute resolution and hence strongly recommended for disputes involving cross-border tourism disputes.

While protecting Consumers as Tourist, we should also protect the Planet from the Tourists. **In tourism, Hotels, Tourist spots and Tourists themselves are the major sources of generating and encouraging unsustainable consumption practices.**

In hotels, guests (tourists/travelers) are seen irresponsibly using and wasting many resources such as energy, water and plastic. Usage of towels, soaps, shampoos etc is uncontrolled. Some hotels do put up messages that to save water, detergents etc, guests may re-use towels and avoid changing bed sheets every day. To make such exercise meaningful, the hotels should consider giving direct incentives to guests / customers. Wastage of food in hotels is another major area of concern.

Whilst protecting Consumers as Tourists, we must also try to protect our Planet from Tourists. At tourist spots, tourists are seen irresponsibly using and throwing plastic bottles of water, beverages etc. They must be reminded to avoid “use & throw” practices at tourist spots and adopt sustainable practices in their conduct as a tourist.

We all must collectively promote Responsible & Sustainable Tourism.
