

AN ANALYSIS OF THE POSSIBILITY OF A CONSOLIDATED & COMPREHENSIVE LEGISLATION ON TOURISM IN INDIA AND THE PROTECTION OF THE RIGHTS OF FOREIGN TOURISTS

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1. INTRODUCTION

Tourism is a vast sector/ industry in India and it attracts a huge number of tourists/ visitors, but there is a lack of a consolidated and comprehensive legislation because of the varied nature of various segments of the tourism sector. Tourism has a multifaceted industry in India with several sectors, such as, locations, travelers, tourist service provider, hospitality etc. and all these are governed by various laws. India is an ancient and historical country with diversity which has its own special and rich heritage, culture, traditions, rite, rituals and festivals as well as scenic beauty & aesthetic becoming an enormous part of its identity. Due to all these things, India is considered to be a centre of tourism and the numbers of visitors, national and abroad as well, is increasing day by day. Foreign Tourist Arrivals (FTAs) was 1,09,30,355 in 2019 and 27,44,766 was in 2020 in India.¹ Due to Corona Pandemic, Number of FTAs decreased in 2020 and in subsequent years.

Tourism is an important activity of the country and there should be a cordial/ harmonious relationship between the tourists and the tourist services providers. Tourism is a dynamic and vibrant industry involving people from diverse corners of the world and includes transits, intermittent stays coupled by travel documentation based on the laws of the countries of origin and visit etc. Tourism has various benefits as well as some negative effect. Advantages of tourism, such as, boosting the economy, learning about different cultures, increasing tolerance etc. are as positive effect, on the other hand depletion of local water resources due to excessive water consumption for tourists, visitors' trash- water bottles, food containers, cosmetic packaging etc. are affect the environment.

There are a number of problems of tourists due to the absence of a consolidated regulating instrument about tourism. It should also be so because global tourism is becoming highly

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¹ 'India Tourism Statistics at a Glance- 2021', available at: <https://tourism.gov.in/sites/default/files/2022-09/India%20Tourism%20Statistics%20at%20a%20Glance%202021%20%281%29.pdf>, (last visited on 26.09.2022).

competitive in the neighbouring destinations/countries.

However, In India, various laws are made in order to regulate, promote, etc. of all the segments of tourism. But now, with the advancement of electronic media and technologies, new areas have emerged that need to be incorporated in a comprehensive and consolidated tourism legislation. Tourism laws are derived from a variety of sources in India. All three Lists of the Indian Constitution, have various elements related to tourism, though it is not specifically referred to anywhere in these Lists. For example, aviation, emigration, monuments, shipping etc. fall within the Union List; forests, protection of wild animals, transport etc. enumerated under the Concurrent List whereas law and order etc. fall into the State List. There is not a consolidated and comprehensive law that encompasses all aspects of tourism. It has been argued that legislation on tourism seeks to define the rights and responsibilities of its various segments in clear and unambiguous terms. A crucial point, regarding a comprehensive and consolidated enactment of tourism, is that it should be made from various point of views, i.e.,: interest of tourism industry, international as well as domestic tourists, International relations, and national/ destination/ host population/ organisations operating in the tourism sector. There are many grey areas like sex tourism, child labour etc. that also need to be addressed in the broader ambit of tourism legislation. Awareness about any legislation to stakeholders is most important in order to make it more effective. It is possible that law may exist but unless the stakeholders are sensitized about that, the Law may not serve any fruitful purpose.

Objectives: The main objectives of this research paper are analyses: i) the possibility of a consolidated legislation on Tourism, and ii) the rights of foreign visitors and non-citizens and protection of its.

Importance of the Study: By this study we will be able to know by securing and protecting the rights of visitors, the possibility of a consolidated legislation about tourism in India. If a consolidated legislation is possible then to give suggestions to make it better and if it is not possible, refuse to make unnecessary efforts.

Adopted Research Method: For the present research paper, the Doctrinal Method has been adopted. For this purpose, various statutes, books, journals, commentaries, reports, magazines, newspapers, websites etc. have been consulted and referred, where needed. In preparing this paper, analytical, critical, historical, evaluative and socio-legal approaches are also applied to examine the existing laws, policies and their effects.

Universe of Study: The present research has taken within its purview the rights and protection of tourists' especially foreign tourists and the possibility to make a consolidated legislation regarding tourism in India.

2. A BRIEF OVERVIEW OF EXISTING LAWS TO GOVERNING THE TOURISM

There are various laws in India which are directly or indirectly connected to tourism. In other words, the Indian tourism industry is regulated with various laws regarding immigration, tourists, environment, travel documentation, antiquities, heritage and the related. A sound awareness of the same is necessary to the travel professional and tourists. Some of these are as follows:

Tourists and Travel Documents Related: The Registration of Foreigners Act, 1939; The Customs Act, 1962; The Passports Act, 1967; Conservation of Foreign Exchange and Prevention of Smuggling Act 1974; The Customs Tariff Act, 1975; Foreign Contribution Regulation Act, 1976; Emigration Act, 1983; Foreign Exchange Management Act (FEMA), 1999 and Non-Resident Indian (NRI) related laws.

Environment/Sustainable Tourism related: The Wild Birds and Animals Protection Act, 1912; The Indian Forest (Conservation) Act, 1927; The Wildlife (Protection) Act, 1972; the Water (Prevention and Control of Pollution) Act 1974; The Forest Conservation Act, 1980; The Air Prevention and Control of Pollution Act, 1981; The Environment Act, 1986; The National Environment Tribunal Act, 1995 Energy Conservation Act, 2001; The Biological Diversity Act, 2002 etc.

Industrial and Hospitality Laws: The Indian Contract Act, 1872; The Sale of Goods Act, 1930; The Minimum wages Act, 1948 and other Labour Legislations; Prevention of Food Adulteration Act, 1954.

Preservation and Conservation Related: Ancient Monuments Preservation Act, 1904; The Ancient Monuments and Archaeological Sites and Remains Act, 1958; Antiquities and Art Treasures Act, 1972; Heritage Conservation and Preservation Act, 2010 etc.

Accommodation Related: The Sarais Act, 1867; **Protection of Tourists and Health Related-** Indian Penal Code, 1860; Consumer Protection Act, 2019; Prevention of Food Adulteration Act, 1954 etc.

Except above there are various other rules, regulations, codes, guidelines, orders, Lists which are directly control the tourism sector, such as: Code of Conduct for Safe & Honourable Tourism,

2010; Foreigners (Tribunals for Assam) Order, 2006; Foreigners (Tribunals) Order, 1964; Foreigners Order, 1948; Regulating Entry of Tibetan Nationals into India, 1950; Foreigner Regional Registration Offices (FRRO) Contact List; Guidelines for Adventure Tour Operators, 2012; Guidelines for Approval and Registration of Incredible India Bed & Breakfast/Home-stay Establishments; Guidelines for Domestic Tour Operators; Guidelines for Inbound Tour Operators; National Tourism Policy, 2002; Non-Resident Indian (NRI) Related Laws; Guidelines/ Regulations of Department of Tourism for Categorization of Hotels, National Conservation Policy etc.

When it comes to foreign tourists visiting India, there are three laws that firstly one needs to comply, i.e., i) The Passport (Entry into India) Act, 1920 with its Rules, 1920 and 1950; ii) The Registration of Foreigners Act, 1939 with Rules, 1992; iii) The Foreigners Act, 1946. It is pertinent to describe some of the salient features of the said Acts here.

As per Registration of Foreigners Act and Rules, every foreign visitor must register himself within 14 (fourteen) days and within 24 hours in case of a tourist from Pakistan, at the Foreigner Regional Registration Office (hereinafter referred as the FRRO) unless mentioned otherwise in his visa. They must have a worldwide driving permit if they choose to drive in India. Such tourists mustn't engage in public nudity unless they are within an area that's dedicated for that purpose, like the Nude Beach in Goa. Any cash, bank notes or traveller's cheques exceeding limit must be disclosed in the Currency Declaration Form.

Passport: Every foreign visitor, entering India must have a valid passport or any other internationally recognised travel document. It is necessary that International visitors must keep their passport on them at all times.

Visa: A valid tourist visa, granted by an authorized Indian delegate overseas, is necessary. Travelers from Nepal or Bhutan don't require a passport or visa for entry into India.

Temporary Landing Permit: A temporary landing permit facility, up to a maximum of 03 days, can be given to an alien who enters in India by Air or Sea, without a valid visa, under emergent situation, like demise or sudden sickness in the family, provided the Immigration Officer is satisfied regarding the bona-fides of the foreigner except from some country.²

Restricted/Protected Area: A foreign tourist can't visit the restricted and protected areas without permission. FRROs have been delegated powers by the Ministry of Home Affairs for the same, a specified period and with some conditions. However, the Ministry of Home Affairs can issue such

² China, Afghanistan, Iraq, Ethiopia, Nigeria, Iran, Somalia, Pakistan, Sri Lanka, and person of Pakistan origin.

permits to an individual. The Protected Areas are the whole of Nagaland and Sikkim; Parts of Mizoram, Manipur, Uttaranchal, Arunachal Pradesh, Rajasthan, Jammu & Kashmir and Himachal Pradesh. The Restricted areas are the whole territory of Andaman and Nicobar Islands and part of Sikkim.

Customs and Currency Regulation: To have satellite phones is prohibited in India. Foreign Currency in excess of a limit must be declared.

Rights of Foreigners in India

It is pertinent to discuss the rights of foreigners. The traditional Hindu philosophy is based on the principal of *Vasudhaiva Kutumbakam*³ which means the whole world is a family. Since ancient times, India has always been known for its hospitality and has always welcomed with open heart its foreigner guests too. India is a land of knowledge. Lakhs of people visit India every year for various reasons such as tourism, medical reasons, research, study etc. India is taking care of some basic rights which are inherent in human beings and cannot be taken away on the basis of territorial jurisdiction. India has been an example of not only providing those basic rights of the foreigner but also protecting and implementing them. India is signatory to various international instruments including Universal declaration of Human Rights which assure basic human rights to the people including those who are temporarily visiting the country. Part III of the Constitution of India, which is also known as “Magna Carta” of Indian Constitution, provides various fundamental rights to the other nationals, such as, right to life and liberty, prohibition on human trafficking and forced labour etc.

Concept of foreigner: The term ‘foreigner’ has been defined under various legislations in India. However, it has been defined in a similar way without any elaboration. The Foreigners Act, 1946 has defined the term foreigner under Section 2(a). As per this Section, a foreigner is a person who is not a citizen of India. Section 2 (a) of the Registration of Foreigners Act, 1939 also defines the term foreigner in the same way saying that “foreigner” is the person who is not citizen of India.

The abovementioned definitions are not sufficient in distinguishing between foreigners and various other sections of non-citizens, such as, refugees or even illegal. Because the human rights applicable to a person who is visiting India for legitimate purposes like tourist, student, researcher, patient are different from the person who is an illegal migrant. However in both the cases the person may be

³ It is Sanskrit term found place at Mahaupnishad.

designated as “foreigner”. Due to its porous borders and boundaries with its neighbours, India experiences an influx of unauthorised immigrants on its soil.

Rights available to foreigners: The legal mechanism governing foreigners in India is double edged. On one hand the age- old law gives power to the government to control and restrict the activities of foreigners while on other hand, the dynamic constitutional provisions ensure the safety, privacy and equality. In India there is much legislation governing foreigners or non-citizens which include the Foreigners Act of 1946, the Passport (Entry into India) Act of 1920, the Registration of Foreigners Act of 1939, and the Registration of Foreigner Rules of 1992. All of these laws explicitly give to India the authority to limit foreigners' freedom of movement within the country etc.

Article 14 ⁴ which provides the right to equality before law and equal protection of laws is available to all the persons. According to Article 14, “the state shall not refuse to any individual within the territory of India from the equality before the law or the equal protection of the laws.” There is no discrimination between citizens and non-citizens Article 21 also include the citizens as well as non - citizens. This right is available to every person who is within the jurisdiction of the country.

A seven-judge Bench of the Top Court in *Maneka Gandhi v. Union of India* case ⁵ interpreted the word “law” in the expression “procedure established by law” in Article 21 to be a law which “must be right, just and fair and not arbitrary, fanciful or oppressive”. Therefore, any rule or procedure, if drafted/ drafted by the government, to limit a foreigner’s ability to petition in a local court to preserve his life and liberty must be non-arbitrary and should fulfill the reasonableness tests. Moreover, Article 21 of the Constitution has been interpreted by the Apex Court in such a way from time to time so as to include various other right within the ambit of right to life such as right to social security, right to privacy, right to health, right to clean environment, right against sexual harassment etc. Therefore, all the implied rights that are considered to be the part of right to life and personal liberty are also available to foreigners and persons visiting India. Articles 17 & 18 ⁶ are basically not rights but obligations on everyone. Further Article 32 ⁷ is provided to everybody who is in India whether citizen or not for the preservation of the fundamental rights provided to them as non- citizens also have certain fundamental rights, so they have the right under Article 32 to move to the Supreme court if those rights are infringed.

Foreigners’ Related Issues: A system of checks and balances is necessary to ensure the rights of

⁴ The Constitution of India.

⁵ AIR 1978 SC 597.

⁶ *Supra* note 4.

⁷ *Ibid.*

foreigners and national interest. The provisions like Section 3, Sub-section 2, Clause (e) of the Foreigner's Act, 1946 and other provisions that give the authority to the Central Government to detain any foreigner and force them to "reside at a particular place" without a specified time limit are in place. There is currently no set standard for how foreign people should be treated in detention facilities, but the Supreme Court has instructed the centre to develop suitable standards for housing foreign nationals in detention facilities across the nation.

The National Human Rights Commission report 2018 made a number of recommendations, including creating a clear legal framework that complies with Article 21 and international law, separating foreign nationals in custody from those who are being held for criminal offences, and ensuring there is no indefinite detention of foreign nationals. Article 21 of the Constitution, which also applies to foreign nationals, prohibits indefinite detention of any person.

It is necessary to classify the status of different immigrants to India. It is easier to comprehend the unique needs of foreigners who enter Indian Territory out of fear. The proper application of fundamental rights to non-citizens will be ensured by a clear description and categorization. Although here Refugees and Asylum Seekers Protections Act, 2000 is enforce and define the Refugees and Asylum Seekers and their rights.

Increasing channels to provide online travel and hospitality, calls for a legal framework. Misrepresentation of information is a big problem in the online tourism business. There is a need for a clear and comprehensive law to provide and manage insurance coverage for the tours and other travel related services as the risk factor is involved during all phases of the tour. There should be a strict regulatory framework for the businesses and the consumers in the sector of Gaming, Gambling, Amusement Parks and Time-Share Resorts.

Role of Courts: In a famous case, *State of Arunachal Pradesh v. Khudiram Chakma*⁸ the honourable Apex Court addressed the rights of Chakma refugees and stopped them from being forcibly expelled from the state of Arunachal Pradesh on the ground of humanitarian basis and in the light of Article 21. The Court said that Article 19 (1) (d) and (e) do not apply to foreign nationals. Foreign nationals likewise cannot use the Article 14 mechanisms. The rights granted to foreign nationals under Articles 19(1) (d) and (e) are expressly denied to them. In *Chairman, Railway Board v. Chandrima Das*⁹ case the Apex Court held that the right to life provided under Article 21 of the Constitution is available not only to the person who is a citizen of India but also to every person

⁸ (1994) Supp (1) SCC 615.

⁹ AIR 2000 SC 988.

who may not be a citizen of this country. Even the tourist visiting India is also entitled to protection of his life. Fundamental rights provided under Part III of the Constitution are in consonance with rights provided under Universal Declaration of Human Rights adopted by the UN General Assembly.

Recently in the famous case of *Johnny Paul Pierce v. Union of India*¹⁰ the Court dealt with a question of the staying back of a foreigner who was stuck in India during Covid-19. US resident Johnny Paul Pierce, 74 years old person, requested an extension of his stay to remain in India, citing the fact that he felt safer in Kerala than he would have in the USA. On February 26, 2020, Pierce had landed in Kerala. Although his tourist visa was valid until January 26, 2025, he was only permitted to stay in India for 180 days at a single visit due to visa regulations. Pierce was confined to Kerala, as a result of the COVID-19 pandemic-related countrywide lockdown. He made a request for permission to extend his stay on the grounds that he was a senior citizen and the COVID-19 situation in the USA was getting worse and he did not receive a favorable response from the Commissioner of Immigration and Foreigners Registration Officer. He filed a writ petition to the Hon'ble High Court of Kerala in accordance with Article 226 of the Indian Constitution, arguing that since his visa is valid until 2025, there should be no restriction on his ability to stay in India for longer than 180 days at a time. However, the single bench of the High Court considered the writ petition and on the basis of precedents of the Supreme Court held that a foreign national cannot claim the protection of Article 19(1) (e) of the Constitution of India. Secondly, the Court also reiterated to the Petitioner, based on established precedents of the Supreme Court, that his plea to permit him to stay back in India cannot be accepted and extension of visas to foreign nationals fall exclusively within the domain of the Government of India. However, due to the pandemic situation and the no availability of the international flights, the Court directed the Foreigner's Registration Officer to consider the petitioner's representation within a period of two weeks, strictly in accordance with the applicable guidelines and policies.

3. INTERNATIONAL AGREEMENTS BY MINISTRY OF TOURISM, GOVT. OF INDIA

India has also tied up with various international organizations to promote tourism and protect visitors, such as, the UNWTO (United Nations World Tourism Organization), WTTC (World Travel and Tourism Council), UNESCO (United Nations Educational, Scientific and Cultural

¹⁰ AIR 2020 Kerala 203

Organization) WHO (World Health Organization), ILO (International Labor Organization), WTO (World Trade Organization) and many others. All these institutions have played a crucial role in shaping the legislative framework also for the tourism industry to function well. The GCET (Global Code of Ethics for Tourism) states many vital articles which cover the social, economic, environmental and cultural components of the travel and tourism sector. India is also a member of WTO's GATS (General Agreement on Trade in Services) and GATT (General Agreement on Tariffs and Trade). GATT is one of the first and the landmark multilateral trade agreements covering the provision of tourism services which came into force in January 1995.

International Cooperation Division of the Ministry of Tourism, Government of India holds consultations and negotiations with countries for signing of Agreements/MoUs for bilateral/multilateral cooperation in the field of tourism. Signing of an Agreement/MoU (Memorandum of Understanding), for cooperation in the field of tourism, is an ongoing process. The Ministry of Tourism, Government of India has signed Bilateral Agreements/MoUs with more than 48 countries. The Division also engage in negotiations and consultations with the various international organisations, such as, UNWTO (United Nations World Trade Organisation); ESCAP (Economic and Social Commission for Asia and the Pacific); BIMSTEC (Bay of Bengal Initiative for Multi Sectoral Technical and Economic Cooperation); MGC (Mekong-Ganga Co-operation); ASEAN (Association of South-East Asian Nations); SAARC (South Asian Association for Regional Cooperation) and SASEC (South Asian Sub-regional Economic Co-operation).

4. EFFORTS TOWARDS A CONSOLIDATED TOURISM LEGISLATION BY THE CENTRAL GOVERNMENT

The Ministry of Tourism is trying and debating for drafting a consolidated Tourism Legislation for the country but these efforts are still in the infancy stage. Generally, the demand for a consolidated/common tourism legislation is from the point of view of protecting the interests of international tourists as regards their safety and standards of services, sustainable tourism development, protecting the interests and economic benefits of the host/ local population. By this legislation, legal protection will be served to the travel consumers and service providers/ organizations. This will also aid in the conservation/ preservation of natural resources, cultures, traditions. As we know, for any establishment to work better it requires a set of rules/ regulations. It is notable that not every country has consolidated / common tourism legislation unlike Mongolia or Myanmar.

Initiatives taken by the Ministry of Tourism to Facilitate of Tourists: The Ministry of Tourism, Government of India has taken various steps/initiatives for safeguarding/ protecting of tourists as

well as service providers, such as: i) The Ministry along with all stakeholders, including the Tourism Departments of all States and UTs, have adopted on 1st July, 2010, the '*Code of Conduct for Safe & Honourable Tourism*' which is a set of guiding principles to promote tourism activities as well as to protection of the basic right like dignity, safety and freedom from exploitation of both tourists and local residents. ii) Financial assistance by the Central Government to the State Governments for setting up of TFSO (Tourist Facilitation and Security Organization). iii) Issuance of Guidelines by the Central Government, time to time, on Safety and Security of Tourists for State Governments/ Union Territories. iv) Formulation of a voluntary plan for granting sanction to inn/ hotel projects and categorization of working hotels under Star System from the point of view of their appropriateness for international tourists. v) Formulation of a voluntary scheme of approving Travel Agents, Adventure Tour Operators & Tourist Transport Operators to encourage quality and standard of service in these categories. vi) Facility of a 24x7 Toll Free Multi-Lingual Tourist Helpline in 10 (ten) international as well as regional languages including Hindi & English. vii) Issuance of advisory to State Governments/ UT Administrations for establishment of Tourist Police. viii) Social Awareness Media Campaigns with the aim of sensitizing stakeholders in the tourism sector and the general public about the significance of good conduct and behaviour towards tourists and to reinforce the spirit of 'Atithi Devo Bhava'. ix) Issuance of advisories to States/UTs to mark Selfie Danger Zone at the tourist places. x) A regular update on the recent circumstances and the safety guidelines is posted regularly on the website- www.incredibleindia.org.

Issues Relating to Consolidated Legislation for Tourism: As we know, India is a Union of States ¹¹ and set up a federal structure in which a division of legislative power/ functions between the Centre and the states exists. Under our Constitution, distribution of legislative powers is twofold, *i.e.*, with respect to territory and subject matter. With respect to the territory, Parliament may make laws for the whole or any part of the territory of India and the state Legislature may make laws for the whole or any part of the State. ¹² With respect to subject matter, a three-fold distribution of legislative powers by placing them in three lists, namely, Union List (97 items), State List (66 items) and Concurrent List (47 items) under VIIth Schedule of the Constitution. The subjects related tourism come in these three Lists. It is a barrier to making a Consolidated/ Common Tourism Legislation. Other than it, different states may have different laws on the same subject/ subjects of concurrent list.

Tourism being a multi-faceted and a protracted industry, it's difficult to have a common law binding

¹¹ *Supra* note 4, art. 1.

¹² *Ibid*, art. 245 (1).

every sector and all stakeholders and because of its multifaceted nature it can't even be expected to be self-regulated. Increasing channels to provide online travel and hospitality, calls for a legal framework. Providing and Managing insurance coverage for the tours and other travel related services has been a challenging task as the risk factor is involved during all phases of the tour and it should be also done. It also calls for a strict regulatory framework for the businesses and the consumers in the sector of Gaming,¹³ Gambling,¹⁴ Amusement Parks¹⁵ and Time-Share Resorts.¹⁶ Information asymmetries and misrepresentation have always posed a major challenge for the consumer to understand the level of expectancy and the same has to be covered by the laws. The reputational harm caused to the businesses of tourism by the frivolous lawsuits needs to be addressed. All these can't be placed in one legislation due to its different nature.

5. CONCLUSION

Tourism is a very vast sector in India due to diversity, special and rich heritage, culture, traditions, rite, rituals and festivals as well as scenic beauty & aesthetic of our nation. We also have the spirit of 'Atithi Devo Bhava'. That's why millions of travellers (national as well as international) keep coming here to see, understand and enjoy the heritage, culture, traditions, rite, rituals and festivals, scenic beauty & aesthetic etc. of our nation. But to control tourism in our Country, the lack of a consolidated and comprehensive legislation is being told. Various segments of tourism are governed by the various laws which are difficult for every stakeholder to know. There are some obstacles in protecting the rights of foreign tourists due to the online business of tourism and the power of division between Centre and state. To protect the rights and facilitate the travel of visitors, India has tied up with various international organizations. International Cooperation Division of the Ministry of Tourism, Government of India holds consultations and negotiations with countries for signing of Agreements/ MoUs for bilateral/multilateral cooperation in the field of tourism. The Ministry of Tourism, Government of India has taken various steps/initiatives for safeguarding/ protecting the interest of tourists as well as service providers. The contribution of the Top Court of India has also been positive in protecting the rights of foreign visitors.

Increasing channels to provide online travel and hospitality, calls for a legal framework. Misrepresentation of information is a big problem in the online tourism business. There is a need

¹³ Gaming is the action or practice of playing gambling games.

¹⁴ To bet money on the result of a card game, horse race, etc.

¹⁵ An outdoor area for entertainment, with a merry-go-round, roller coaster etc. refreshment booths and the like.

¹⁶ A timeshare resort is a resort that provides accommodation/ s to owners who have purchased the right to stay in the resort during a set period. It is often located in areas that are traditionally considered popular vacation destinations and are often very similar to a conventional hotel.

for a clear and comprehensive law to provide and manage insurance coverage for the tours and other travel related services as the risk factor is involved during all phases of the tour. There should be a strict regulatory framework for the businesses and the consumers in the sector of Gaming, Gambling, Amusement Parks and Time-Share Resorts.

The term 'foreigner' needs to be defined properly so that international tourists, refugees, illegal immigrants and inadmissible groups of persons can be separated.

Tourism is a multi-faceted and a protracted industry that's why it's difficult to have a common law binding every sector and all stakeholders. The next difficulty, regarding common law on tourism, is that we have a federal structure of government due to this the power of legislation on the subjects are divided between Centre and states so, different states may have different laws on the same subject/ subjects of concurrent list. Therefore, finally we can say that consolidated and comprehensive tourism legislation is not possible. It is possible that all the laws, i.e., statutes, regulations, rules, orders, guidelines, instructions etc., relating to tourism, can be consolidated at a place as a guidebook/ information book and circulated amongst all stakeholders for awareness.

Suggestions:

1. The term 'foreigner' should be defined properly by amending Section 2 (a) of both Registration of Foreigners Act, 1939 and The Foreigners Act, 1946, so that international tourists, refugees, illegal immigrants and inadmissible groups of persons can be separated,
2. Clear-cut laws should be made regarding:
 - i) Providing online travel and hospitality and misrepresentation of information.
 - ii) To provide and manage insurance coverage for the tours and other travel related services.
 - iii) To regulate the businesses and the consumers in the sector of Gaming, Gambling, Amusement Parks and Time-Share Resorts,
3. All the laws, i.e., statutes, regulations, rules, orders, guidelines, instructions etc., relating to tourism, can be consolidated at a place as a guidebook/ information book and circulated amongst all stakeholders for awareness.