

INTRODUCTION

Tourism is a multi-sectoral activity that requires inputs from various activities like construction, manufacturing, agriculture and other activities providing goods and services used by the tourist. Tourism has no clearly determined boundaries. It has no physical output but involves various inputs. The activities involved in tourism vary from place to place.

The recommendations of the World Tourism Organization¹ define tourism. It says that "Tourism comprises activities of people traveling to and staying in places outside their usual environment for more than one consecutive day for leisure, business, and other purposes."

Today tourism is a major economic activity, globally, for developing and developed countries alike. It has become a major source of foreign exchange earnings, a generator of personal and corporate incomes, a creator of employment and a contributor to government revenues. In 1994 itself the World Tourism Organization estimated that there were 528.4 million tourist arrivals world wide which generated US \$ 321,466 millions in receipts. According to the World Tourism Organization the year 2005 saw more than 800 million international tourist arrivals, and the tourism receipts were of the

¹ (Adopted by the United Nations Statistical Commission on March 4, 1993) cited in Report of the Working Group on Tourism (11th Five Year Plan 2007-12), Ministry of Tourism, Government of India

order of US \$ 682 billion.² The World Travel and Tourism Council (WTTC) for 2006 forecasted that travel and tourism will generate 234 million direct and indirect jobs world-wide, accounting for 8.7% of the global employment, and it will contribute up to 10.3% of the global GDP. According to the same estimate, the global travel and tourism activity is expected to increase by 4.7% between 2007 and 2016.³

There has been a remarkable growth in the last three years, in foreign tourist arrival to India due to the various efforts made, including promoting India through the 'Incredible India' campaign in overseas markets. It has increased by about 65% from a level of 2.38 million in 2002 to 3.92 million in 2005, while the foreign exchange earnings have grown by about 96% during the same period. The Tourism satellite accounting for India has brought out that Tourism's contribution to GDP of the country has been 5.9% in 2003-04, while employments in tourism sector both direct and indirect has been 41.8 million in the same year which accounts for 8.78% of total employment in the country⁴. Though the growth in tourism in India has been impressive, India's share in global tourist arrivals and earnings is quite insignificant. It is universally acknowledged that the tourism resources in the country have the potential to generate significantly higher levels of demand from the domestic

² Cited in Report of the Working Group on Tourism (11th Five Year Plan 2007-12), Ministry of Tourism, Government of India.

³ Ibid

⁴ Ibid

and international markets, and, if exploited intelligently in a sustainable manner, can prove to be the proverbial engine of growth-for the economy.⁵

The growth of tourism has brought with it problems too, particularly relating to its impact on societies and natural environment. Links between tourism and prostitution are mostly common in developing countries. Amidst these, since the tourism in the developing world is mostly unorganized, the protection and welfare of the facilitators of tourism attains equal importance. Tourism is overwhelmingly an industry of private sector service providers, although the public sector has a significant role to play in infrastructure areas either directly or through Public Private Partnership mode. It is a multi-sectoral activity characterized by multiple services provided by a range of suppliers. It is quite similar to manufacturing industry, where the supply chain is as important as the end product. The related sectors include airlines, surface transport, hotels, basic infrastructure and facilitation systems, etc. Thus, the growth of tourism cannot be attained unless the issues related to all the sectors are addressed simultaneously. However there is no reason to believe that tourism will decline as a major economic activity in the future. All indications are that it will increase to become a significant feature of economic and social development in many countries. The challenge then is *inter alia* to ensure that such growth can be accommodated with adequate protection and welfare of the workers.

⁵ Ibid

All economic activities are undertaken for profit. It is a harsh fact that in all such profit systems, the interest of workers always remains in stake, in all profit systems the capitalists are the policy makers and in order to achieve maximum profits the workers who actually and actively participate in making profit are generally ignored, in such a state of affair the profit system becomes highly unprofitable to them.

Like concern in all other economic activities, the concern in tourism is *inter alia* the protection of the rights and interests of the workers. Though there are no special laws to protect the workers engaged in tourism in India, and since tourism involves various activities, the responses can be found in various provisions under various laws. Further the provisions of laws relate to each problem in a peculiar and distinct way and in an area like labour which is so vast the laws should be broadly and widely interpreted in order to ensure protection of workers. Labour area which is so vast and diverse is difficult to regulate, however the protection of working people is of utmost necessity for the development or even survival of the mankind.

The present work is concerned with rights of the unorganized workers engaged in tourism. Therefore it is essential to first conceive the meaning of the word "Unorganized". The area of labour is divided mainly into two parts- Organized Sector and Unorganized Sector. This division is not effected by any

law or regulations. It is in the course of time that the areas which could be organized came under Organized Sector and the areas which were left unorganized came under Unorganized Sector. In the early 1970s the International Labour Organization (ILO) started studying and identifying the unorganized sector through its World Employment Program missions in Africa. This was the time when the concept of unorganized sector began to receive world-wide attention. The ILO's effort strengthened and succeeded when the Director General of ILO submitted a report containing matters like the role of this sector in promoting employment, the absence of adequate laws for providing protection to the workers in this sector and the absence of scope for application of International Labour Standards in this area. However in India, the Unorganized Sector has assumed recognition and importance only during the last few decades. The unorganized Sector includes a variety of employments and very little information is available about the conditions of work in many employments in this Sector. The Unorganized Sector is generally referred to one which falls outside the purview of Organized Sector. The Sector cannot be defined on the level of organization because there may be enterprises with very few workers and who may be working dispersedly.⁶ In many cases an employer is not identified and hence no employer employee relationship can be established. As such the study of the area becomes difficult right at the identification which persists at the point of providing any protection or welfare to these workers.

⁶ Para 5. Chapter VII, Report, Second Labour Commission

There are two main approaches of defining Unorganized Sector. The first one is based mainly on the number of workers employed in an undertaking. In India some studies have restricted the Informal Sector to enterprises employing less than 10 or more persons.⁷ The other approach in defining Unorganized Sector is based on the belief that the number of workers in an undertaking or employment cannot be the factor that enables one to distinguish the Unorganized Sector from the Organized Sector. This approach attempts to distinguish Unorganized Sector from the Organized Sector by the presence of legal protection, size of establishments, capacity of the workers to organize themselves in unions and the systematic manner which production processes are organized in perceptible patterns⁸.

It may be argued that the number of workers in an undertaking cannot be the factor in distinguishing the Unorganized Sector from the Organized Sector. The word Unorganized *per se* denotes the unorganized nature of work concerned. The number of workers employed in an enterprise cannot and should not be the basis of defining Unorganized Sector simply because such an enterprise based definition does not take into account a vast number of unorganized labour who work as agricultural workers, cultivators, construction workers, self employed vendors, artisans, traditional crafts persons, home based workers, traditional service workers etc. Almost the entire non-

⁷ See generally Report, Second Labour Commission

⁸ Ibid

agricultural activity in rural India is unorganized. All these sub-sectors are mostly unorganized in terms of organization, employment and labour participation.⁹

The Unorganized Sector is also called the informal Sector. In our country the terms Unorganized Sector and Informal Sector are used interchangeably in research literature. In official records and analyses the term Unorganized Sector is commonly used. The official definition of the Informal Sector enterprises here consists of Directory Establishments which employ five persons or less and Own Account Enterprises that employ oneself. Officially, these constitute the Unorganized Sector in industries. However, the available database and hence, the modes of estimation of the unorganized workforce are not so dependable.¹⁰

The Unorganized Sector is too vast to come within the confines of a definition. Hence descriptive means are often used. It cannot be denied that labour legislations do not provide enough protection to the Unorganized Sector. Despite the existence of various labour laws, for various reasons the workers in this sector do not get adequate social security and other benefits. The workers in this sector are highly exploited, they are mostly employed on casual basis and there hardly any trade union to fight for their rights. Collective bargaining is almost non-prevalent in the Unorganized Sector. As these workers and

⁹ See generally, Para 22, Chapter VII, Report, Second Labour Commission

¹⁰ Para 28, Chapter VII, Report, Second Labour Commission

particularly women have not been able to organize themselves, they are further discriminated against.

As a consequence of new economic policies, a section of permanent workers are getting casualised and contractualised. At the same time there are sections of workers in the Unorganized Sector, who are getting Organized and Unionized. However, the practical purposes cannot be fulfilled if both these workers are not brought under the purview of Unorganized Sector.¹¹ Thus, the workers in Unorganized Sector include all the workers in Unorganized Sector irrespective of Unionization or the reforms for getting organized, as well as the casual and contract workers in the Organized Sector who, for one reason or another, have failed to get benefits under the protective, welfare or social security legislations.

The First Labour Commission defined the Unorganized Sector as the part of the workforce "who have not been able to organize in pursuit of a common objective because of the constraints such as:

1. casual nature of employment,
2. ignorance and illiteracy,
3. small size of establishments with low capital investment per person,
4. scattered nature of establishments, and

¹¹ See generally, Para 23, Chapter VII, Report, Second Labour Commission

5. Superior-strength of the employer operating singly or in combination.”

Illustrative categories of unorganized labour were listed in the First Labour Commission Report. These consisted of contract labour including construction workers, casual labour, labour employed small scale industries, handloom/power loom workers, beedi and cigar workers, employees in shops and commercial establishments sweeper and scavengers, workers in tanneries, tribal labour and other unprotected labour.

The Second Labour Commission *inter alia* to proposed a legislation which would build around the unorganized work force, a system, that will assure at least minimum protection and welfare to workers in the unorganized Sector and has observed that the “Unorganized Sector “ is a term that eludes definition. It said that its main features can be identified and the sector and processes where unorganized labour is used can be listed though not exhaustively. Apprentices, casual and contract workers, home based artisans and a section of self employed persons involved in jobs such as vending, rag picking, rickshaw pulling etc., according to the Report, came under Unorganized Sector. Agricultural workers, migrant labour and those who perform manual and helper jobs also came under the category of Unorganized Sector workers.

The Sample Study of economic activities that the study groups of the Second Labour Commission has brought out some general characteristics of the employments in the Unorganized Sector.¹²

1. It is in general a low wage and low earning sector.
2. Women constitute an important section of the workers in this sector.
3. Family labour is engaged in some occupations such as home based ones.
4. Economic activities, which engage child labour, fall within this sector.
5. Migrant labour is involved in some sub-sectors.
6. Piece-rate payment, home based work and contractual works are increasing trends in this sector;
7. Direct recruitment is on the decline. Some employees are engaged through contractors. An increasing trend to recruit workers through contractors is visible in areas of home based work. There is a short convergence of home based work and engagement in work through contractors.
8. If some kinds of employment are seasonal, some others are intermittent. As such, underemployment as well as under payment is a serious problem.

¹² Para 30, Chapter VII, Report, Second Labour Commission

9. Most of the jobs in this sector are for the greater part, on a casual basis.
10. Both employed and self employed workers can be found in a number of occupations.
11. Workers are not often organized into trade-unions. The self employed are seldom organized into associations. There is not much recourse to collective bargaining.
12. There are many cooperatives of self-employed workers which fall within this sector.
13. Very often, others supply raw materials, production by self employed workers, therefore, become dependent on, or linked with enterprises or individuals active in other sectors.
14. Debt bondage is very common among the employed as well as the self employed worker in the Unorganized Sector.
15. The self employed have less access to capital, whatever capital they manage is mostly from non-banking and usurious sources, especially from the trader contractor.
16. Health hazards exist in a majority of occupations.

There are certain other factors specific to some of the sub sectors in the unorganized sector. For instance the Hawkers and vendors face harassments from authorities such as police, traffic police and local self Governments.

Some analysts differentiate the terms Unorganized and Informal. However, it must be pointed out that it has almost become universally accepted practice to treat the words "Unorganized Sector" and "Informal Sector" as denoting the same area. They are therefore regarded as interchangeable words. In this work too the practice is followed.

Only a small percentage (6-7%) of the total workforce of our country is employed in the Organized Sector. ¹³ Rest of the workers, therefore belong to Unorganized Sector. These workers have not been able to organize themselves and are further discriminated against. Under the existing labour laws, they cannot be benefited. For various reasons the workers in this Sector cannot get social security and other benefits, as do their counterparts in the organized sector. There is hardly any trade union or other institutional machinery to fight for their rights and interests. Finding that legislation for the unorganized workers would be a definite answer to the poverty of our country the Unorganized Sector Workers Social Security Bill, 2007 has been introduced in the Parliament. Though the Bill has not been able to come up as a law and is still lying in the table for discussion, the commitment of the present government has thrown a ray of hope. ¹⁴

¹³ Refer to the Report of the National Commission for Enterprises in the Unorganised Sector; also refer the Second Labour Commission Report

¹⁴ The prime Minister reaffirmed the commitment in his speech on the occasion of the Independence day, 2007

In the Bill the Unorganized Sector has been defined as *an enterprise owned by individuals or self-employed workers and engaged in the production or sale of goods or providing service of any kind whatsoever, and where the enterprise employs workers, the number of such worker is less than ten.*¹⁵

The Bill defines Unorganized Sector Worker as *a home based worker, self-employed worker or a wage worker in the Unorganized Sector.*

The Bill has drastically failed to incorporate all unorganized works within the ambit of Unorganized Sector. It does not recognize casual and contract workers in the Organized Sector as unorganized workers. There are various employments in the country where, though ten or more workers are engaged but are never given benefits under the labour laws. They are unorganized in the real sense of the term but are not recognized under the Bill as unorganized workers.

The main problem of the workers in the Unorganized Sector is that there is no specific law to regulate the working hours, wages, social security and other benefits for the workers in this sector; The variety, complexity and dimensions of the Unorganized Sector and paucity of information about the conditions of work in this sector is such that in-order to work in this field, one requires to undertake a comprehensive if not an exhaustive study of the

¹⁵ Section 2 (k)

different kinds of employments and the conditions and needs of the workers in this sector.

The workers engaged in Unorganized Sector are impregnated with various other problems. There are wide variations of wages on the regional basis. There is also variation of wages on the basis of the gender of the workers. The workers working in this sector receive lesser wages as compared to the workers engaged in similar works in the Organized Sector. There is no regulation for healthy working conditions. The workers in this sector have to work for long hours. They have no time for leisure or holidays. They are either illiterate or less educated and have low bargaining power. In many cases, an employer is not identified and even if a law applies to a particular employment, in the absence of an employer, the law which mostly bases itself on the employer-employee relationship becomes helpless. The safety dragnet which covers a worker in the organized sector is lacking in the Unorganized Sector. Schemes and opportunities that still available are conspicuous by absence of compliance. Truly, since about 92-93 percent of the total workforce in our country is engaged in Unorganized Sector, if properly conceived and effectively implemented a law for the unorganized workers will make a definite contribution to the eradication of poverty.¹⁶

¹⁶ See generally, Chapter VII, Report, Second Labour Commission

Tourism being a multi-sectoral activity, the unorganized workers engaged in tourism would include workers engaged in all unorganized areas that contribute to tourism. The responses identified in various chapters in this work would apply to all these workers. However for the purpose of giving justice to the present work selective employments are studied through the collection of responses. The workers engaged in:

1. Travel agencies and tourist information centers,
2. Tourist guides,
3. Hotel workers
4. Telephone booth workers,
5. Drivers,
6. Porters,
7. Yak and horse attendants,
8. Trekking guides,
9. Tourist amusers,
10. Singers and dancers
11. Other persons contributing to the village tourism, and
12. Various workers contributing in tourist festivals, rafters, gliders, etc.

All have a direct role to play in tourism in the state of Sikkim. With a view to expand tourism, many activities are being carried on in the State. These include location and development of the tourist destinations which involves a great deal of construction works. Thus the construction workers form a part of

the present study. The traditional decorative and handmade traditional articles are the main attraction of tourist in the state therefore traditional artisans and those engaged in the sale of such products fall within the ambit of the present study. Further, the list is only illustrative and not exhaustive.

The unorganized workers especially in the hill state of Sikkim face different and distinct problems. The unorganized workers engaged in tourism in the hill state of Sikkim like those working in construction works, trekking guides, rock climbers, porters, taxi drivers etc. are vulnerable to accidents. The victims and dependents of the victims of such accidents do not have adequate social security. The geographical and climatic conditions of the place make working in various employments extremely difficult. During winters, in places of high altitudes working in construction sites becomes very difficult due to chilling weather. Those engaged in restaurants have to give in many times the labour under the normal conditions to be able to cater quality service. Cleaners work in extremely challenging conditions. The work conditions in other employments too are no far better.

As already pointed out a great majority of the total workforce in the county are engaged in Unorganized Sector. Despite their numerical strength, they are extremely vulnerable to exploitation. Most of them are poor, illiterate or less educated and have low bargaining power. The position of the unorganized workers engaged in tourism in the state of Sikkim, as everywhere

else revolves around issues relating to reasons for the workers to remain unorganized and the impediments for their being thus, the scheme to ensure their welfare, and the remedy to their present status. These basic questions define the area of the research of the present work.

The inquiry into the above issues is achieved through a critical analytical study of the International Labour Laws, the Constitution and the general Indian statutes. A close look is given to the case laws and milestones of judicial decisions. As the present work includes a special reference to the state of Sikkim, to know the ground realities, a field study is done in different unorganized employment sectors under the tourism industry in the East district of Sikkim. Further the applicable State Acts, Rules thereto and State Rules under the national legislations that are being implemented in the State are also analyzed to get the taste of the legal and institutional safeguard to these workers.

An attempt has been made to find the responses to the challenges faced by the unorganized workers engaged in tourism under the globally recognized labour laws. The relevant international instruments and international movements are discussed in the light of prevailing conditions. The responses to the problems of the unorganized workers can be found in various UN instruments. The human rights are recognized universally as well as by our national Constitution and other legislations. Further International Labour

Organization is a specialized agency for labour welfare which works under the umbrella of United Nations. There are various ILO instruments too in this regard. The United Nations Charter itself aims at promoting higher living standards and full employment in Article 55(a). The UN instruments and the ILO instruments together ensure adequate protection of the rights and interests of the workers. However International laws have their own limitations. The implementation of these laws is subject to the discretion of the national Governments. Despite this fact they are important as all these instruments seek to indicate the areas where legislative measures need to be taken.

Different ILO conventions, declarations and covenants including International Covenants on Economic Social and Cultural Rights, International Covenants on Civil and Political Rights and Universal Declaration of Human Rights have been analyzed for the purpose of the present study. Thus in this work Chapter I forms a comprehensive account of the international instruments and movements with regard to the rights of the unorganized workers being studied.

The constitutional responses to the challenges being faced by the unorganized workers in tourism have been incorporated in chapter II of this work. In this chapter an attempt is made to locate the relevant constitutional

provisions applying to the different challenges in the work world. The Preamble of our Constitution sets out broad objectives to secure to all the citizen of India social, economic and political justice and equality of status. The equality spirit of the Preamble has been elaborately dealt with under Part III of the Constitution. It not only guarantees equality before law and equal protection of laws to the unorganized workers but also confers certain affirmative rights. Whereas, Articles 14, 15 (1) and (2) and 16 (1) and (2) prohibits discrimination against any person, the state is empowered to make special provisions for women, children and the classes which are not at par with the people in general and are identified as backward. Under Article 16 (4) such backward classes can be given reservations in Public appointments. Women can be given special protection under both of these sections. Right to freedom of speech and expression, of assembly and of association and also of profession, occupation, trade and business have been protected as fundamental rights. Broad recognition of life and personal liberty has been made in Article 21. The right to life includes right to live with human dignity and all that goes with it such as bare necessities of life. The judicial activism has given new dimensions to these rights. Beggar and other similar forms of forced labour have been specifically prohibited.

Non justiciable rights are contained in Part IV of the constitution. In this part of the Constitution the State is given direction to achieve certain broad objectives through appropriate policies including laws. In particular the State is

directed to minimize inequalities in income, eliminate inequality of status, facilities and opportunities. Equal pay for equal work has also been set as an objective to be achieved. The Directives also pose a duty on the State to ensure right to work, to education and to public assistance in certain cases. Just and human conditions of work, maternity benefits etc. have also been recognized as objectives to be achieved. The State has also been directed to promote the welfare of the people by securing and protecting as efficiently as it may a social order in which justice-social, economic and political informs all institutions of national life. Living wage, decent standard of life and full enjoyment of leisure and social and cultural opportunities all find place in Directive Principles.

Elaborate analyses of these provisions of the Constitution are done in the light of the prevailing work conditions in our country. The analyses of these provisions help in identifying the areas where the State has succeeded in making and executing policies in the realization of the constitutional goals and where the duties still remain due on the State. It may be worth mentioning that the broad and numerous provisions in the Constitution along with the broad and liberal interpretation of these provisions by the judiciary makes the Constitution, the best guardian of the rights of these workers.

The labour legislations being innumerable much of which applying to the Unorganized Sector, any attempt to give an exhaustive treatment to all of them would be futile. The unorganized area of labour being so huge and

diverse, and tourism being a multi-sector activity, some provisions in one or more of these laws may apply to a particular section of unorganized workers engaged in tourism and thus become relevant for the determination of the rights of these workers. But in the present work earnest attempt is made by picking up a few notable labour legislations having a direct bearing with the labour relations particularly with the unorganized workers engaged in tourism. Though because of the requirement of certain number of workers, these legislations do not apply to all workers engaged Unorganized Sector, they are so made that they comprehend and cover almost all important issues relating to the unorganized workers engaged in tourism.

The Workmen's Compensation Act, 1923 imposes liability on the employer to pay compensation in cases of accidents resulting in death or injury to the workmen and creates a right on the part of workmen or his dependents to receive the same. The Act also formulates the amount of compensation to be paid prescribing the principles to decide the quantum of compensation. It also set out procedure, machinery and the modes of realization of compensation. The Payment of Wages Act, 1936 makes provisions to ensure that wages are duly paid to the workmen in time and without unauthorized deductions. The Act also creates machinery to check the exploitation of workmen by employer in relation to wages. The Payment of Gratuity Act, 1972 comes with a scheme for the payment of gratuity to the employees in different establishments. Payment of Bonus Act, 1965 requires payment of bonuses stipulated in the Act.

Elaborate provisions to prescribe eligibility, disqualifications, procedure to calculate the quantum of bonus and mode of payment thereof have been stipulated in the Act. Machinery to ensure the observation of the provisions of the Act has also been created. Similarly, the Minimum Wages Act, 1948 ensures the payment of certain minimum wages which is to be fixed by the appropriate Government, to the employees engaged in different employments and different class of work in the same employment. Elaborate methodology has also been provided in the Act for the fixation of minimum rates of wages. The Maternity Benefits Act, 1961 sets out provisions to facilitate the working women in times of maternity. The Act requires the employer to ensure benefits to the working women before, during and after the delivery of child.

With a view to regulate and in certain cases abolish Contract labour and to facilitate them with basic amenities, the Contract Labour (Regulation and Abolition) Act, 1970 has been enacted by the legislature. It aims to abolish a variety of malpractices indulged in by the contractors/ sardars/ khatadars/other intermediaries. The Act attempts to provide the required facilities to these workers in view of the peculiar circumstances they work in. The Equal Remuneration Act, 1976 has been brought into force for the implementation of the provisions the Constitution¹⁷ and Convention on Equal Remuneration, 1951 of which India is a signatory¹⁸. The Act basically concerned with discrimination in remuneration on the grounds of sex is now used to ensure

¹⁷ Article 39 (d)

¹⁸ India has ratified this convention on September 25, 1958

equal remuneration generally. The Act seeks to protect the right of equal remuneration for the work of equal value. The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1986 is a comprehensive law dealing with the employment and conditions of service of the construction workers. These Acts are comprehensively dealt with and the interpretations of the courts are also cited wherever necessary.

As stated earlier, the Unorganized Sector as an important area of work world was recognized in our country only recently. Therefore, not much has been done by the legislature with a view of protecting particularly the unorganized workers. A bill as an outcome of the Second Labour Commission's recommendations is lying in the table of the Parliament for discussion¹⁹. The Protection of Women against Sexual Harassment at Workplace Bill, 2007 which came as an outcome of the celebrated decision of the Hon'ble Supreme Court in the case of *Vishaka v State of Rajasthan*²⁰ is also lying in the table for discussion. Both of these bills are relevant for ascertaining the rights of unorganized workers engaged in tourism. Courts are the guardians of justice. Therefore the fountain of justice flows from the courts. It is the courts that interpret law, declare unjust law as void, give effect to just law, and in cases of some legislative gaps existing, fill the vacuum and direct the appropriate Government to enact law in the area. Here again, the area of labour being so huge and diverse, there are innumerable decisions of different courts

¹⁹The Unorganized Sector Workers' Social Security Bill, 2007.

²⁰ AIR 1997 SC 3011

that deserve consideration. It is not possible to exhaustively cover all those decisions in a work like this. Therefore an earnest attempt is made by selecting some landmark decisions particularly those of the Supreme Court. The decisions are categorized under different heads to show the direction of justice in different areas of concern.

The Indian judiciary led by the Supreme Court has made great contribution in the area of labour through its pronouncements. The glimpses of the decisions of various courts can be found all through this work. However in chapter IV the landmark decisions of the Apex Court in the area of labour, best fitting the problems of unorganized workers engaged in tourism, are included.

An attempt is made to investigate the position of the unorganized workers engaged in tourism in the State of Sikkim by analyzing the State Acts, Rules thereto and the State Rules under the national legislations that are being implemented in the State. To understand the ground realities and the problems of the unorganized workers engaged in tourism in the state of Sikkim, an empirical study was also done. For this four hundred workers engaged in various unorganized sub-sectors under tourism in the East district of Sikkim were interviewed through a questionnaire for the purpose of collection of data. The data so collected are tabulated in different groups. The tables so prepared are then analyzed and are utilized for ascertaining the real position of the

existing rights of unorganized workers engaged in tourism in the state of Sikkim.

As stated earlier tourism involves various inputs varying from place to place. For example in Singapore shopping is a major tourist activity but not entertainment whereas in London, both shopping and entertainment are important inputs. In Sikkim the main attractions of the tourist involve snow and Rhododendrons. Many tourists shop on handicrafts. With the development in village tourism many tourists visit villages wherein the villagers cater them with traditional food and amusements. Thus the activities involved in tourism in the state of Sikkim mostly requires the role of drivers, tourist guides, hotel workers, sales persons, traditional artisans, telephone booth workers, workers engaged in tourist information centers, trekking guides and porters. In village tourism the role of dancers and singers and amusers is prominent. The role of cooks, cleaners etc. are also equally significant. In the state of Sikkim tourism is in the initial phase of development. Tourism in the state is being seen as a major revenue generator for the future. Therefore various projects supporting various types of tourism like village tourism, eco-tourism, pilgrimage tourism, heritage tourism, etc. in the state are being carried on as input to tourism. This involves a lot of construction works. Therefore construction workers become inseparable form tourism workers in the State. In the wake of these facts, the present work concentrates on the work environment of persons engaged in the informal sector of the tourism industry. Due regard has also given to the

government reports and also to the conclusions attained from the informal interactions with the workers, employers and Government Officers in the State. The work ends with the findings, conclusions and suggestions.