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**STANDING COMMITTEE ON LABOUR  
(2018-19)  
(SIXTEENTH LOK SABHA)**

**MINISTRY OF LABOUR & EMPLOYMENT  
AND  
MINISTRY OF INFORMATION & BROADCASTING**

**SAFETY, SECURITY AND WELFARE OF TV/BROADCASTING/  
DIGITAL ENTERTAINMENT/ ADVERTISEMENT INDUSTRY  
WORKERS**

**FORTY-FOURTH REPORT**



**LOK SABHA SECRETARIAT  
NEW DELHI**

**December, 2018/Agrahayana, 1940 (Saka)**

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DIGITAL ENTERTAINMENT/ ADVERTISEMENT INDUSTRY  
WORKERS**

*Presented to Lok Sabha on 18.12.2018*

*Laid in Rajya Sabha on 18.12.2018*



***LOK SABHA SECRETARIAT***

***NEW DELHI***

**December, 2018/Agrahayana, 1940 (Saka)**

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**COMPOSITION OF THE STANDING COMMITTEE ON LABOUR  
(2018-19)**

**DR. KIRIT SOMAIYA - CHAIRPERSON**

**MEMBERS**

**Lok Sabha**

2. Shri Udayanraje Pratapsingh Bhonsle
3. Shri Rajesh Diwakar
4. Shri Ashok Kumar Dohrey
5. Shri Satish Chandra Dubey
6. Shri Devajibhai Fatepara
7. Shri Satish Kumar Gautam
8. Dr. Boora Narsaiah Goud
9. Shri Rama Chandra Hansdah
10. Shri C. N. Jayadevan
11. Shri Bahadur Singh Koli
12. Dr. Arun Kumar
13. Shri Kaushalendra Kumar
14. Shri Hari Manjhi
15. Shri R. Parthipan
16. Shri Dayakar Pasunoori
17. Shri Hariom Singh Rathore
18. Shri Naba Kumar Sarania (Hira)
19. Shri Kodikunnil Suresh
20. Shri Mulayam Singh Yadav
21. Vacant

**Rajya Sabha**

22. Dr. Banda Prakash
23. Shri Ram Narain Dudi
24. Shri N. Gokulkrishnan
25. Shri Nazir Ahmed Laway
26. Shri P.L. Punia
27. Shri Rajaram
28. Shri Amar Shankar Sable
29. Ms. Dola Sen
30. Shri Akhilesh Prasad Singh
31. Shri Madanlal Saini

**SECRETARIAT**

- |                            |   |                     |
|----------------------------|---|---------------------|
| 1. Ms. Rimjhim Prasad      | - | Joint Secretary     |
| 2. Shri P.C. Choulda       | - | Director            |
| 3. Shri C. Vanlalruata     | - | Additional Director |
| 4. Shri Mohinder Paul Rana | - | Executive Assistant |

## **COMPOSITION OF THE STANDING COMMITTEE ON LABOUR**

**(2017-18)**

**DR. KIRIT SOMAIYA - CHAIRPERSON**

### **MEMBERS**

#### **Lok Sabha**

2. Shri Udayanraje Pratapsingh Bhonsle
3. Shri Rajesh Diwakar
4. Shri Ashok Kumar Dohrey
5. Shri Satish Chandra Dubey
6. Shri Devajibhai Fatepara
7. Shri Satish Kumar Gautam
8. Dr. Boora Narsaiah Goud
9. Shri Rama Chandra Hansdah
10. Shri C. N. Jayadevan
11. Shri Bahadur Singh Koli
12. Dr. Arun Kumar
13. Shri Kaushalendra Kumar
14. Shri Hari Manjhi
15. Shri R. Parthipan
16. Shri Dayakar Pasunoori
17. Shri Hariom Singh Rathore
18. Shri Y.S. Avinash Reddy
19. Shri Naba Kumar Sarania (Hira)
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22. Dr. K. Chiranjeevi
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24. Shri N. Gokulkrishnan
25. Shri Nazir Ahmed Laway
26. Shri P.L. Punia
27. Shri Rajaram
28. Shri Amar Shankar Sable
29. Ms. Dola Sen
30. Shri Tapan Kumar Sen
31. Vacant

#### **Secretariat**

1. Ms. Rimjhim Prasad - Joint Secretary
2. Smt. Anita B. Panda - Director
3. Shri C.Vanlalruata - Additional Director
4. Shri Mohinder Paul Rana - Executive Assistant

## **INTRODUCTION**

I, the Chairperson, Standing Committee on Labour (2018-19) having been authorized by the Committee to present on their behalf this Forty-Fourth Report on 'Safety, Security and Welfare of TV/Broadcasting/Digital Entertainment/ Advertisement Industry Workers' relating to the Ministry of Labour & Employment.

2. The Committee took oral evidence of the representatives of the Ministry of Labour & Employment alongwith the representatives of the Ministry of Information & Broadcasting on 04<sup>th</sup> May, 2018, 20<sup>th</sup> June, 2018 and took further oral evidence of the representatives of the Ministry of Labour & Employment alongwith the representatives of the Ministry of Information & Broadcasting on 19<sup>th</sup> November, 2018.

3. The Committee considered and adopted the Draft Report at their Sitting held on 27<sup>th</sup> November, 2018.

4. The Committee wish to express their thanks to the officers of the Ministry of Labour & Employment and Ministry of Information & Broadcasting for tendering oral evidence and placing before them the detailed written notes and post evidence information as desired by the Committee.

5. For ease of reference, the Observations and Recommendations of the Committee have been printed in thick type in the body of the Report.

**New Delhi;**  
**17<sup>th</sup> December, 2018**  
**26<sup>th</sup> Agrahayana, 1940 (Saka)**

**DR. KIRIT SOMAIYA**  
**CHAIRPERSON,**  
**STANDING COMMITTEE ON LABOUR**

## Gist of Recommendations

1. The Committee were concerned to note that 'The Cine-Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981 did not include Television, Broadcasting/Digital Industry Workers under its ambit. The Committee are satisfied to note that finally the two nodal agencies *i.e.* the Ministry of Labour and Employment and Ministry of Information and Broadcasting have finally agreed at a consensus that television/broadcasting/Digital Industry workers are to be included in 'The Cine-Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981.' Accordingly, the Committee recommend that clause 2(c) of the said Act be amended to include Television/Broadcasting/Digital Entertainment industry workers at the earliest.

2. The Committee were informed that the Ministry of Labour and Employment has prepared a draft code on Occupational Safety, Health and Working Conditions by amalgamating 13 Labour Laws relating to Safety and Health Standards, Health, Working Conditions, Welfare provisions, Leave and hours of work and this Code elaborately defines 'audio-visual production' and 'audio-visual workers'. However, they observed that the said code is still at draft stage and a considerable amount of time would be required, before it is enacted as an Act and desired that the above-mentioned definitions be made a part of the

existing 'The Cine-Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981' by amending the same.

3. The Committee have observed that as per Gazette Notification No. GSR 321(E) dated 2<sup>nd</sup> May, 2002, the remuneration of Cine Workers has been increased to an amount not exceeding Rs.8,000 per month or not exceeding Rs.1 lakh, where it is paid in lump sum or installments. However, as this amount is meagre, the Committee, therefore recommended that the remuneration of a cine worker be upwardly revised an amount not exceeding to Rs.16,000 per month or Rs.2 lakh if paid in lump sum or in installments.

4. The Committee observed that the Central Government has delegated all the powers exercisable by it, except power to make rules, under this Act, to the State Government. However, the Committee, made it clear that the Ministry of Labour and Employment being the nodal Ministry under the provisions of the said Act cannot abdicate its responsibility for proper implementation of the Act and recommended that a foolproof regulatory mechanism be put in place by them in conjunction with the Ministry of Information & Broadcasting in good time.

5. The Committee noted that most of the workers in Television/ Broadcasting/ Digital Entertainment Industry in the country are working on 'piece rate basis', due to which there is a problem in identification of these workers. The Ministry of Information and Broadcasting submitted that they did not register the workers of television/broadcasting/digital entertainment industry. The Committee, therefore desired that the



**Ministry of Labour and Employment and Ministry of Information work in tandem and after including the television/ broadcasting/digital entertainment industry workers under ‘The Cine-Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981’, a nation-wide survey of these workers be carried out at the earliest.**

**6. The Committee were concerned to note the pathetic condition of studios in terms of civic amenities while realising that this matter is not the sole responsibility of either the Ministry of Labour and Employment or Ministry of Information and Broadcasting, but involves multiple agencies. However, keeping in view the welfare of workers of television/ broadcasting/digital entertainment industry workers, it desired that both the Ministries work in tandem with all concerned agencies who accord statutory clearances to a studios, to ensure that infrastructure of all studios is upto the mark, so that the safety and welfare concerns of all people involved in television/broadcasting/digital entertainment industry is adequately taken care of.**

**7. One strong omission in the provisions of ‘The Cine-Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981 that has captured the Committees’ attention is the lack of any specific provision for the safety and security of women TV/ Broadcasting/ Digital Entertainment workers. The Committee have therefore exhorted upon the Ministry of Labour & Employment to put in place specific safeguards catering to the safety and security of female workers in good time and come up with stringent penal provisions that would act as a deterrent.**

## **REPORT**

### **INTRODUCTION**

The Committee observed that in recent past there has been a high growth in Television and Digital entertainment sector leading to the need for specification of workers in the sector urgently. The Committee have been informed by the Ministry of Labour and Employment that no specific safeguards were provided in the labour laws with regard to the terms and conditions of employment, payment of wages and provisions of other amenities to low paid artists and technicians engaged in the production of feature films. In order to make suitable provisions with respect to these matters for cine workers, the Cine-Workers and Cinema Theatre Workers (Regulation of Employment) Bill was passed in both the Houses of Parliament in 1981 and received the assent of the President on 24th December, 1981. It came on the Statute book as THE CINE-WORKERS AND CINEMA THEATRE WORKERS (REGULATION OF EMPLOYMENT)ACT, 1981 (50 of 1981) as amended from time to time.

1.2 The following are the salient features of the Act:-

- (i) The Act covers all cine-workers as define therein, i.e., an individual who is employed directly or through any contractor or other person in, or in connection with, the production of a feature film to work as an artiste and whose remuneration with respect to such employment does not exceed, where such remuneration is by way of monthly wages, a sum of eight thousand rupees per month and where such remuneration is by way of a lump sum, a sum of one lakh rupees.
- (ii) Every producer of a feature film before engaging cine-workers mentioned above, will be required to enter into a written agreement with each one of them in the prescribed form and the agreement shall be registered with the competent authority notified under the law and where the worker is entitled to the benefits of provident fund under this Act, a copy of such

agreement should also be deposited with the Regional Provident Fund Commissioner concerned. Where the cine-workers are engaged through a contractor or other person, the agreement will have to be executed by the producer and such contractor or other person.

- (iii) A dispute could be raised by the affected workman in case of breach of any of the terms and conditions of the agreement with the conciliation officer in the State. In the event of the parties failing to arrive at a settlement the conciliation officer will report to the Central Government about the failure to arrive at a settlement and the Central Government may refer the dispute to single member cine-workers tribunals constituted under the law Subjects to revision by the High Court, the awards of the Tribunal will be final. If any settlement is arrived at before the conciliation officer, it shall be binding on the parties to the dispute. The above procedure for the raising of disputes closely follows the provisions of the Industrial Disputes Act, 1947.
- (iv) As the object of the legislation is to ensure that the cine-workers is protected from exploitation as regards the terms and conditions of employment, penalties are provided in cases where the producer of a feature film fails to register the agreement entered into with a worker or when he takes work from a worker without executing an agreement.
- (v) The Employees' Provident Funds and Miscellaneous Provisions Act, 1952, has been made applicable to such cine-workers as have completed assignments in five feature films with one or more different producers.

1.3 However, the Committee were concerned to note that till date television/broadcasting/digital entertainment industry workers were bereft of all social security, labour welfare safeguards as they were not included in the definition of 'Cine Workers' as envisaged in "The Cine-Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981. This had lead to these workers being very vulnerable, as no specific no specific safeguards were provided in the labour laws with regard to the terms and conditions of employment, payment of wages and provisions of other amenities to low paid artists and technicians engaged in television/broadcasting/digital entertainment industry. In

order to correct this anomaly, the Standing Committee on Labour decided to take up examination of this vital subject, so as to ensure that justice is finally provided to television/broadcasting/ digital entertainment industry workers.

## **II. DIFFERENT LABOUR LAWS FOR WELFARE OF TV/ BROADCASTING DIGITAL ENTERTAINMENT/ ADVERTISEMENT INDUSTRY WORKERS**

2.1 During the Sitting held on 20.06.2018 the Committee desired to know whether both the Ministries have decided to incorporate 'TV/ Broadcasting/ Digital Entertainment/ Advertisement Industry Workers in the definition of The Cine-Workers and (Regulation of Employment) Act, 1981. In response, The Ministry of Information and Broadcasting has submitted as follows.

*‘महोदय, बैठक में आने से पहले भी मैंने सहभागी सचिव से चर्चा की है। सिने वर्कर एक्ट वर्ष 1981 से है, लेकिन स्टूडियो या टीवी में जो काम कर रहे हैं, वे इसमें शामिल नहीं हैं। अगर अलग एक्ट बनाने की बात कही जाए, तो यह मुश्किल भी आ सकती है कि बहुत से वर्कर कॉमन होते हैं, वे कभी सिनेमा में काम करेंगे और कभी स्टूडियो में काम करेंगे। दो एक्ट बनाने से कुछ कठिनाई हो सकती है। पिछली बैठक के बाद इनका रेफरेंस आया था और हमने उस बारे में विभागीय मंत्री जी का आदेश लेकर कार्रवाई की है। इस बारे में हम एक सप्ताह में ही सूचित कर देंगे कि सिने वर्कर एक्ट है, उसी के स्कोप को बढ़ाकर उसमें टीवी वर्कर्स को भी शामिल कर लिया जाए। डेफिनेशंस में जो-जो क्लाइज आएंगे, उसमें एप्रोप्रिएट अमेंडमेंट करके हम आसानी से काम कर सकेंगे।’*

‘We have here in the Cine Workers and Cinema Theatre Regulation of Employment Act 1981 two type of cinema workers are there. There is a definition under section 2(c) which were covered under this Act. We have also consulted Ministry of I&B, which has given a no objection on 20.6.2018 to our proposal to continue with the widening of the definition of cine workers. They have very clearly written that Ministry has no objection for inclusion of TV, broadcasting, digital entertainment, advertisement industry workers in the ambit of the Cine Workers & Cinema Theatre Workers Act....’

‘.....After getting this NOC we have worked on the definition of cine workers to include TV, broadcasting digital entertainment and advertisement industry workers. What we proposed to do here is we are

actually in the process of making four codes by amalgamating a number of Acts'

2.2 The Committee desired to know whether the Ministry has initiated any efforts to include the TV/ Broadcasting/ Digital Entertainment/ Advertisement Industry Workers under Cinema Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981. The Ministry replied as under:

"The Ministry has prepared a preliminary draft on Code on Occupational Safety, Health and Working conditions by amalgamating 13 Labour Laws relating to Safety and Health Standards, Health and working conditions, welfare provisions and leave and hours of work. This code defines "audio-visual production" and "audio-visual worker" as under:

"Audio-visual production" means audio-visual produced in wholly or partly in India including animation, cartoon depiction and audio-visual advertisement.

"audio-visual worker" means a person, who is employed, directly or through any contractor, in or in connection with the audio-visual production to work as an artiste including actor, musician, singer, anchor, news reader or dancer or to do any work, skilled, unskilled, manual, supervisory, technical, artistic or otherwise, and his remuneration with respect to such employment in or in connection with the production of audio-visual does not exceed, where remuneration is by way of monthly wages or where such remuneration is by way of lump sum, in each case, the amount notified in this regard by the Central Government.

The Code on Social Security and Welfare is being formulated with the objective to provide universal Social Security including pension, sickness benefit, maternity benefit, disablement benefit, and invalidity benefit, dependent's benefit, medical benefit, group insurance benefit, provident fund, unemployment benefit and international worker's pension benefit. This code covers all kinds of employment. The definition of worker provided in this code also includes TV/Broadcasting/Digital Entertainment workers."

2.3 The Committee desired to know whether the 'Cine Workers and Cinema Theatre Workers (Regulation of Employment Act, 1981)' is applicable to TV/ Broadcasting/Digital Entertainment Industry Workers and if not, the reasons thereof. The Ministry replied as under:-

"This act applies those workers who are covered under the definition of the Cine Workers as given under section 2 (c) of the Cine Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981."

2.4 The Committee observed from the data furnished by the Ministry that as per Cine Workers Welfare Fund Act, 1981, cine worker means who has been employed, directly or through any contractor or in any other manner, in or in connection with the production of not less than five feature films to work as an artiste (including actor, musician and dancer) or to do any work, skilled, unskilled, manual, supervisory, technical, artistic or otherwise. However, this definition of cine worker does not include TV/Broadcasting/Digital Entertainment workers. The Committee enquired about the rationale for not including the above workers in definition of cine workers and comments of the Ministry whether there be a separate Act for TV/Broadcasting/Digital Entertainment workers alongwith the reasons for not covering the TV/Broadcasting/ Digital Entertainment/ Advertisement Industry Workers under the Cinema Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981. The Ministry of Labour & Employment replied as under:

"The TV/ Broadcasting/ Digital Entertainment/ Advertisement Industry Workers falls under the domain of the Ministry of Information and Broadcasting. However, they have been requested to provide inputs for inclusion of the TV/Broadcasting/Digital Entertainment workers in the ambit of the Cine Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981."

2.5 The Committee desired to be apprised of details of Labour Laws/ Acts that cover the regulation, employment, safety and welfare of TV/ Broadcasting/ Digital Entertainment/ Advertisement Industry Workers. The Ministry submitted as under:

"It is in the concurrent list and the Ministry of Labour& Employment has been allocated the administration of laws relating to the Working Conditions and Welfare of Cine-Workers and Cinema Theatre Workers, as defined under the Cine Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981, all the provisions of that cover the regulation, employment, safety and welfare aspects of the Cine workers are being covered."

2.6 The Committee desired to know whether the Ministry of Labour & Employment and Ministry of Information & Broadcasting have entered into an MOU in regard to the terms and conditions of TV/Broadcasting/ Digital Entertainment/Advertisement Industry Workers. The Ministry of Labour & Employment replied as under:

"There is no need for signing of the MOU as the benefits to the TV/Broadcasting/Digital Entertainment/ Advertisement Industry Workers can be extended by including them in the definition of Cinema Worker in the Cine-Workers and Cinema Theatre Workers, as defined under the Cine Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981."

2.7 The Committee desired to know the names of the authorities who have been authorized by the Central Government under section 2(d) of the Cine Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981 and also the details of such agreements that have been registered with the authorities in last three years. In reply the Ministry furnished as under:-

"The Central Government has delegated all the powers exercisable by it, except power to make rules, under the Cine Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981 vide notification number SO 3455 dated 4<sup>th</sup> November 1988 to the State Governments."

2.8 The Committee observed from the background note furnished to the Committee that the Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955, regulates certain conditions of service of working journalists and other persons employed in newspaper establishments in print media only. It has further been noted that "The Act does not cover in its purview the TV, Broadcasting, Digital Entertainment and Advertisement Industry Workers nor safety, security, protection & welfare issues thereon of such workers. In this regard, the Committee desired to know the rationale for not including the TV/ Broadcasting/ Digital Entertainment/ Advertisement Industry Workers under the above mentioned Act. Further committee enquired as under what Labour Laws are the above mentioned category of workers covered. The Ministry in their written reply stated as under:

"The Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955, was enforced in newspaper establishments at a time when electronic media did not exist. As per the report of the 2nd National Commission on Labour, the Commission does not consider any need for statutory wage boards. There is no reason why relatively better organized sets of workers should not use the method of collective negotiations to get their wages fixed from time to time. The Commission was also not sure that successive Wage Boards have really solved the problem, In fact, the Commission was of the view that there is no need for any wage board, statutory or otherwise, for fixing wage rates for workers in any industry. Accordingly, extending the scope of the Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 was not considered further in the Ministry."

2.9 There are three Central Acts; the Cine Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981, the Cine Welfare Workers Cess Act, 1981 and the Cine Workers Welfare Fund Act, 1981 to regulate employment and welfare measures for the cine workers and special provisions are made for social security of cine workers in Para 81 of Employees Provident Fund Scheme, 1952. In this regard, the Committee asked the Ministry to furnish their comments on the definition of employer, employee (cine workers), wages and contractor needs to be amended uniformly in all the aforesaid statutes. In response, the Ministry mentioned as under:-

"The levy of cess has been abolished, and the Cine Workers Welfare Cess Act, 1981 becomes inconsequential and has been repealed. As regards the Cine Workers Welfare Fund Act, 1981 the same has been recommended for repeal since there is no cess being collected and the welfare schemes are being funded from the General Budget by the Government of India. There is no need to continue the Acts.

Also, this Ministry has prepared a preliminary draft on Code on Occupational Safety, Health and Working conditions by amalgamating 13 Labour Laws relating to Safety and Health Standards, Health and working conditions, welfare provisions and leave and hours of work. This code defines "audio-visual production" and "audio-visual worker" as under:

(i) "Audio-visual production" means audio-visual produced in wholly or partly in India including animation, cartoon depiction and audio-visual advertisement.

(ii) "audio-visual worker" means a person, who is employed, directly or through any contractor, in or in connection with the audio-visual



production to work as an artiste including actor, musician, singer, anchor, news reader or dancer or to do any work, skilled, unskilled, manual, supervisory, technical, artistic or otherwise, and his remuneration with respect to such employment in or in connection with the production of audio-visual does not exceed, where remuneration is by way of monthly wages or where such remuneration is by way of lump sum, in each case, the amount notified in this regard by the Central Government.

In addition to the above, the Code on Social Security and Welfare is being formulated by amalgamating 15 legislations with the objective to provide universal Social Security including pension, sickness benefit, maternity benefit, disablement benefit, and invalidity benefit, dependent's benefit, medical benefit, group insurance benefit, provident fund, unemployment benefit and international worker's pension benefit. This code covers all kinds of employment and the definition of worker provided in this code also includes TV/Broadcasting/Digital Entertainment/Advertisement industry workers."

2.10 The Committee also noted that the Cine Workers Welfare Cess Act, 1981 (Act no.30 of 1981) was enacted to finance the activities of promoting certain Cine Workers 'welfare by imposing and collecting Cess on feature films. By May, 2012 the Cine workers including actors, musicians, cameramen, light boys, electricians etc. whose monthly remuneration is below Rs.8,000 or who draw a lump sum remuneration below Rs.1,00,000 are covered by the Cine Workers Welfare Fund Act, 1981 and Cine Workers Cess Act, in respect of their welfare. However, there is no change in the wages for coverage under the 'Cine Workers and Cinema Theatre Workers (Regulation of Employment Act, 1981)'.

(a) On being asked whether a Cine Worker who draws a monthly salary of over Rs.1,600 or lump sum above Rs.15,000 gets excluded from the benefits of social security cover and other conditions, the Ministry of Labour and Employment stated as under:-

"The Cine Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981 covers only those cine workers who are covered under the definition of cine workers as defined under Section 2 (c) of this Act.

However, as per the Gazette Notification No. GSR 321 (E) dated 2<sup>nd</sup> May 2002, the cine workers, whose remuneration does not exceed rupees eight thousand per month where such amount is paid monthly or an amount not exceeding one lakh rupees where it is paid by way of lump

sum or installments, are eligible for all the welfare schemes for the purposes of the Cine Workers Welfare Fund Act 1981."

(b) On being asked by the Committee to furnish the reasons for amending The Cine Workers Welfare Fund Act, 1981 twice in the year 1988 and 2002 respectively, the Ministry of Labour and Employment stated as under:-

"The Labour Welfare Organisation, under the Ministry of Labour & Employment deals with the Cine Workers Welfare Fund Act and Rules. This organisation looks after the welfare of Cine workers as defined under section 2(b) of the Cine Workers Welfare Fund Act, 1981. The amendment was carried out to include more cine workers into the ambit of this Act."

(c) The Committee further enquired the reasons for not carrying out the similar amendments in the 'Cine Workers and Cinema Theatre Workers (Regulation of Employment Act, 1981).' The Ministry replied as under:-

"The Central Government has delegated all the powers exercisable by it, except power to make rules, under the Cine Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981 vide notification number SO 3455 dated 4<sup>th</sup> November 1988 to the State Governments. The State Governments are enforcing the provisions under the Cine Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981. This Ministry has not received any suggestions/inputs/views from the enforcing authority, i.e., State Government to enhance the income ceiling limit."

(d) The Committee queried the logic for carrying out the amendments in the 'Cine Workers Welfare Fund Act, 1981' while leaving the 'Mother Act' i.e the 'Cine Workers and Cinema Theatre Workers (Regulation of Employment Act, 1981)' untouched. In response, the Ministry replied as under:-

"The Labour Welfare Organisation, under the Ministry of Labour & Employment deals with the Cine Workers Welfare Fund Act and Rules. This organisation looks after the welfare of Cine workers as defined under section 2(b) of the Cine Workers Welfare Fund Act, 1981. The amendment was carried out to include more cine workers into the ambit of this Act. The Central Government has delegated all the powers exercisable by it, except power to make rules, under the Cine Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981 vide notification number SO 3455 dated 4<sup>th</sup> November 1988 to the State Governments."

The State Governments are enforcing the provisions under the Cine Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981, this Ministry has not received any suggestions/inputs/views from the enforcing authority, i.e., State Government to enhance the income ceiling limit."

2.11 While deposing before the Committee on safety, security and working condition etc. of the Cine workers on 19.11.2018, the representatives of the Ministry of Labour & Employment have submitted as under:

'.....one of the codes is Occupational Safety, Health and Working Conditions Code. So, we are preparing it. That has already gone for inter-Ministerial discussions. The stakeholders meeting and tripartite meeting is scheduled on 22<sup>nd</sup> of this Month. Then, we will be moving the Parliament for this Code. This Cine Workers and Cinema Theatre Workers Act, 1981 is included and going to be amalgamated into this Code along with 13 labour laws. In the proposed Code, we are widening the definition of cine workers. The earlier definition of cine workers as per Section 2 (c) was related to only the feature films. It says that persons whose remuneration is below Rs. 1,600 per month and later on it was Rs. 8,000 per month or a lumpsum of Rs. 1 lakh. So, by definition anybody having wages of Rs. 8,000 per month or less is covered by this Act for feature film. But we want to change it and bring TV, broadcasting and advertising industry in the proposed Code. It is because once the Code is passed, this Act will be repealed. So, there are two ways. Either we can go for amendment of the present Act. Since this is going to be repealed in view of the Code, it is better to keep a new definition of cine workers and we proposed to call them as audio visual worker. Audio visual worker, by definition, will be like this. Audio visual production means, audio visual produced wholly or partly in India, including animation, cartoon depiction and audio visual advertisements. That means, it includes anything like TV, broadcasting, media, not social media, digital entertainment, advertisement industry, etc. The definition of audio visual worker is a person who is employed directly or indirectly in or in connection with the audio visual production, including feature films, cinema, TV, broadcasting to work as an artist, including actor, musician, singer, anchor, news reader or dancer or to do any work, skilled, unskilled, manual, supervisory, technical, artistic or otherwise and his remuneration with respect to such employment in or in connection with the production of audio does not exceed the amount notified in this regard by the Central Government. That means we can notify it later on. So, this is the action we are taking from the Ministry of Labour and Employment.'

‘...जैसा मैंने बताया कि चार कोड्स थे। There is another Code on Social Security and Welfare. इस कोड में भी हमारे ऑडियो-विडियो वर्कर्स को कवरेज मिलेगा। जो लोग अन-अर्गनाइज्ड सेक्टर में काम कर रहे हैं, जहां दस से कम वर्कर्स काम कर रहे हैं, वे अन-अर्गनाइज्ड वर्कर्स हैं। इसमें जो लोग बिना कंपनी के काम कर रहे हैं, उनको कोड ऑन सोशल सिक्योरिटी एंड वेल्फेयर में भी लाभ मिलेगा। उसमें पेंशन, सिकनेस बेनिफिट, मैटर्निटी बेनिफिट, डिसएब्लमेंट बेनिफिट, इनवैलिडिटी बेनिफिट, डिपेंडेंट्स बेनिफिट, मेडिकल बेनिफिट, ग्रुप इंश्योरेंस बेनिफिट, प्रोविडेंट फंड तथा अन-एम्प्लायमेंट बेनिफिट शामिल है। So, this will be giving a comprehensive social security also from the other side which will be covering unorganised workers along with the people working in this sector. So, this is what I had to submit from our side.’

**2.12 During the course of examination of the subject, the Committee were apprised of the stark reality that ‘The Cine-Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981 did not include Television, Broadcasting/Digital Entertainment Industry Workers under its ambit. The Committee fully comprehend that at the time of enactment of the Act, the television industry was in its nascent stage and digital entertainment was at a conceptual stage. However, with the passage of time, television industry started gaining ascendancy and now digital entertainment industry is experiencing rapid expansion, yet the workers of these industries have not been able to secure for themselves any social security in the form of coverage under extant Labour Laws. However, while expressing concern over this**

**oversight on the part of the Government, the Committee are satisfied to note that finally the two nodal agencies i.e. the Ministry of Labour and Employment and Ministry of Information and Broadcasting have finally arrived at a consensus that Television/ Broadcasting/ Digital Entertainment Industry workers are to be included in “The Cine-Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981.’ Accordingly, the Committee recommend that 2(c) of the said Act be amended to include Television/Broadcasting/digital entertainment industry workers at the earliest.**

**2.13 The Committee express their satisfaction on being informed that the Ministry of Labour and Employment has prepared a draft code on Occupational Safety, Health and Working Conditions by amalgamating 13 Labour Laws relating to Safety and Health Standards, Health, Working Conditions, Welfare provisions, Leave and hours of work. Further, this Code elaborately defines ‘audio-visual production’ and ‘audio-visual workers’ as under:-**

- (i) “Audio-visual production” means audio-visual produced in wholly or partly in India including**

**animation, cartoon depiction and audio-visual advertisement.**

**(ii) “audio-visual worker” means a person, who is employed, directly or through any contractor, in or in connection with the audio-visual production to work as an artiste including actor, musician, singer, anchor, news reader or dancer or to do any work, skilled, unskilled, manual, supervisory, technical, artistic or otherwise, and his remuneration with respect to such employment in or in connection with the production of audio-visual does not exceed, where remuneration is by way of monthly wages or where such remuneration is by way of lump sum, in each case, the amount notified in this regard by the Central Government.**

**However, they observe that the said code is still at draft stage and a considerable amount of time would be required, before it is enacted as an Act. The Committee, therefore desire that the above-mentioned definitions be made a part of the existing ‘The Cine-Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981’ by amending the same.**

**2.14 The Committee note that as per Gazette Notification No. GSR 321(E) dated 2<sup>nd</sup> May, 2002, the remuneration of Cine Workers has been increased to an amount not exceeding Rs.8,000 per month or not exceeding Rs. 1 lakh, where it is paid in lump sum or instalments. However, they are of the considered opinion that this amount is meagre for the present time and thus warrants an increase after a lapse of almost sixteen years. Accordingly, the Committee, therefore recommend that the remuneration of a cine worker be upwardly revised to an amount not exceeding to Rs.16,000 per month or Rs.2 lakh if paid in lump sum or in instalments.**

**2.15 The Committee would also like to be apprised of the amount of Cess collected under the Cine Workers Welfare Cess Act, 1981 since its inception and till its abolition in the year 2016 as well as the amount spent on the welfare of Cine Workers. They further desire to be apprised of the amount collected under Cine Workers Welfare Fund Act, 1981 till date and the amount spent and number of beneficiaries.**

### **III. NODAL MINISTRY FOR ADMINISTRATION AND MONITORING OF SAFETY, SECURITY AND WELFARE OF TV/ BROADCASTING DIGITAL ENTERTAINMENT/ ADVERTISEMENT INDUSTRY WORKERS**

3.1 The Committee desired to know the nodal Ministry of the “Cine Workers and Cinema Theatre Workers (Regulation of Employment Act,

1981)' to regulate the framework for regulation of employment of cine workers and who oversees its implementation and reviews the Act from time to time. In response the Ministry of Labour and Employment submitted as under:-

"Ministry of Labour & employment is the nodal Ministry for the Cine Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981. However, it is pertinent to mention that The Central Government has delegated all the powers exercisable by it, except power to make rules, under the Cine Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981 vide notification number SO 3455 dated 4<sup>th</sup> November 1988 to the State Governments."

3.2 The Committee observed from the documents furnished by the Ministry of Information and Broadcasting that examination of safety, security, protection & welfare of TV/ Broadcasting/Digital Entertainment/ Advertisement Industry Workers is a matter which falls within the domain of the Ministry of Labour and Employment. The policy decisions in matters pertaining to the regulation of the service conditions of employees/ class of employees are to be taken by the Ministry of Labour and Employment. Such policy decisions once taken by the Government are acted upon by the Ministry of Information & Broadcasting. In the above context, the Committee desired to know the comments of Ministry of Labour& Employment. The Ministry of Labour & Employment, in their written replies, submitted as under:

"As per the Government of India (allocation of Business) Rules, the Ministry of Labour& Employment has been allocated the administration of laws relating to the Working Conditions and Welfare of Cine-Workers and Cinema Theatre Workers, as defined under the Cine Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981. The Central Government has delegated all the powers exercisable by it, except power to make rules, under the Cine Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981 vide notification number SO 3455 dated 4<sup>th</sup> November 1988 to the State Governments. It is pertinent to mention here that as per the Government of India (allocation of Business) Rules, matters relating to Broadcasting, Cable television, Films/Film industry, Advertising and Visual Publicity, administration of the Cinematograph Act,1952 have been allocated to the Ministry of Information and Broadcasting. Therefore policy decisions in matters pertaining to the safety, security, protection & welfare of TV/



Broadcasting/Digital Entertainment/ Advertisement Industry Workers is a matter which falls within the domain of the Ministry of Information and Broadcasting. However, the comments of the Ministry of Information and Broadcasting has been invited as to whether TV/ Broadcasting/Digital Entertainment/ Advertisement Industry Workers needs to be included in the definition of Cine Workers."

3.3 The Committee enquired as to whether the Ministry has framed any guidelines for working conditions of TV/ Broadcasting/ Digital Entertainment/Advertisement Industry Workers like working hours, minimum wages, payment of wages social securities etc and also about grievance redressal system. In response, the Ministry of Labour & Employment submitted as under:

"It does not relate to Ministry of Labour & Employment. However, the coverage of four labour codes namely Code on Wages, Code on Industrial Relations, Code on Social Security & Welfare and Code on Occupational Safety, Health and Working Conditions are universal and will cover all workers."

3.4 When the Committee further desired to know the authority for monitoring the content broadcasted by the TV channels, the Ministry of Information & Broadcasting replied as under:

"Electronic Media Monitoring Centre (EMMC) has been set up by the Government as a state-of-the-art facility with a view to monitor the content of satellite TV channels *w.r.t.* violation of Programme and Advertising Codes. EMMC has the technical facility to monitor and record 900 channels."

3.5 The Committee asked to furnish the names of the authorities who have been authorized by the Central Government under section 2(d) of the Cine Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981 and also the details of such agreements that have been registered with the authorities in last three years. In reply the Ministry furnished as under:-

"The Central Government has delegated all the powers exercisable by it, except power to make rules, under the Cine Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981 vide

notification number SO 3455 dated 4<sup>th</sup> November 1988 to the State Governments."

3.6 The Committee desired to know the conciliation officers under section 4 of the Cine Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981 and also to furnish the number of cases for conciliation have been received in the last three years and how many decided. The Ministry of Labour & Employment submitted as under:

"The State Government who is enforcing the provisions of the Cine Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981, may appoint conciliation officers consequent upon delegation of powers by the Central Government vide notification number SO 3455 dated 4<sup>th</sup> November 1988 to the State Governments."

3.7 On being enquired by the Committee as to whether the Ministry have any set guidelines for regulation of content broadcasted by TV channels and initiating action against some regional TV channels which broadcast sensitive content which may lead to untoward incidents in areas affected by militancy/civil unrest, the Ministry of Information & Broadcasting stated as under:

"As per existing regulatory framework, programmes and advertisements telecast on private satellite TV channels are regulated in terms of the Programme and Advertising Codes prescribed under the Cable Television Networks (Regulation) Act, 1995 and Cable Television Network Rules, 1994 framed thereunder. The Act does not provide for pre-censorship of the programmes and advertisements telecast on these channels. However, all these channels are required to adhere to the said Programme and Advertising Codes which contain a wide range of parameters to regulate programmes and advertisements on TV channels.

Rule 6(1)(p) of the Programme Code provides that: "No programme should be carried in the cable service which contains live coverage of any anti-terrorist operation by security forces, wherein media coverage shall be restricted to periodic briefing by an officer designated by the appropriate Government, till such operation concludes. Explanation- for the purposes of this clause, it is clarified that "anti-terrorist operation" means such operation undertaken to bring terrorists to justice, which includes all engagements involving justifiable use of force between security forces and terrorists" (The said codes are available on Ministry's website: [www.mib.nic.in](http://www.mib.nic.in)).

Thus, this Ministry has the statutory mandate, through the Cable Act and the Rules framed thereunder to regulate the

content carried by TV channels with regard to programmes and advertisements as per the provisions of Programme and Advertising Codes. Further, when the channels are granted permission to uplink/downlink a particular channel from or into India as per uplinking/downlinking Guidelines, they furnish an undertaking to comply with the Programme and Advertising Codes at all times. In case of violation of the codes, the Ministry takes action against the defaulting channels in terms of powers conferred by Section 20 of the Cable Act and Uplinking/Downlinking Guidelines. Apart from this, the Ministry has also issued directions to States to set up District level and State level Monitoring Committees to monitor content telecast on cable TV channels, Private FM Radio Channels and Community Radio Stations. The Ministry has constituted an Inter-Ministerial Committee (IMC) under the Chairpersonship of Additional Secretary (I&B) and comprising officers drawn from Ministries of Home Affairs, Defence, External Affairs, Law, Women and Child Development, Health & Family Welfare, Consumer Affairs, Information & Broadcasting and a representative from the industry in Advertising Standards Council of India (ASCI) to take cognizance *suo-motu* or look into specific complaints regarding violation of the Programme and Advertising Codes. The IMC functions in a recommendatory capacity. The final decision regarding penalties and its quantum is taken by the Ministry on the basis of the IMC recommendations which can range from issuing a warning or advisory to even taking the channel off air in some cases. Electronic Media Monitoring Centre (EMMC) has been set up by the Government as a state-of-the-art facility with a view to monitor the content of satellite TV channels w.r.t. violation of Programme and Advertising Codes. EMMC has the technical facility to monitor and record 900 channels.

Apart from the aforesaid regulatory framework, Government has encouraged self-regulation in electronic media by Broadcasting Industry. The following are the self-regulatory mechanisms established by industry bodies to deal with the complaints relating to telecast of programmes and advertisements on TV channels:

- (i) News Broadcasters Association (NBA) - a representative body of news and current affairs TV channels – has set up News Broadcasting Standards Authority (NBSA) to consider complaints against or in respect of broadcasters relating to content of any news and current affairs telecast on TV channels.
- (ii) Indian Broadcasting Foundation (IBF), which is a representative body of non-news & current affairs TV channels, has set up Broadcasting Content Complaints Council (BCCC) to examine the complaints about television programmes
- (iii) Advertising Standards Council of India (ASCI), established in 1985, has set up Consumer Complaints Council (CCC) to consider complaints in respect of advertisements."

3.8 The Committee desired to know whether it is a fact that a few news channels are monopolizing the electronic news media and to furnish a detailed note on the same and how the Ministry of Information & Broadcasting proposes to tackle/deal with this alleged monopolization. In their written replies, the Ministry submitted as under:

"As on 30.04.2018 there are 875 private satellite TV channels permitted in India. Out of 875 channels, 388 are News and Current Affairs TV channels and 487 are non-news TV channels. Thus, it may be seen that there is no such monopoly in electronic news media."

3.9 Section 22A of the 'Cine Workers and Cinema Theatre Workers (Regulation of Employment Act, 1981) states that 'The Central Government may, by notification in the Official Gazette, direct that any power exercisable by it under this Act or rules made thereunder (other than the powers conferred by this section and section 23) shall, in relation to such matters and subject to such conditions, if any, as may be specified in the notification be exercisable also by the State Government or by such officer or authority subordinate to the State Government as may be specified in the notification'.

3.10 The Committee desired to know the regulatory mechanism to ensure that the States carry out their duties with due diligence. In response, the Ministry stated as under:-

"The Central Government has delegated all the powers exercisable by it, except power to make rules, under the Cine Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981 vide notification number SO 3455 dated 4<sup>th</sup> November 1988 to the State Governments.

The State Governments are enforcing the provisions under the Cine Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981."

3.11 The Ministry of Labour & Employment informed the Committee that they had asked for comments from the Ministry of Information & Broadcasting as to whether TV/Broadcasting/ Digital Entertainment/ Advertisement Industry worker needs to be included in the definition of Cine workers.

3.12 On being asked by the Committee to furnish the response of Ministry of Information & Broadcasting in this regard, the response of the Ministry of Labour and Employment was as under:-

"The Information & Broadcasting Ministry, has informed vide OM No. M-35020/42/2016-DO (F1) dated 20.06.2018 (copy attached) their no objection for inclusion of TV/Broadcasting/ Digital Entertainment/Advertisement Industry Workers in the ambit of the Cine Workers and Cine Theater Workers (Regulation of Employment) Act, 1981. They have also mentioned that these workers cannot be added in the ambit of Cinematograph Act 1952.

Action in this regard will be initiated immediately after the Minutes of the meeting of Standing Committee on Labour held on 04<sup>th</sup> May, 2018 wherein discussions were held with the Ministries and the Representatives from the TV/Broadcasting/ Digital Entertainment/Advertisement Industry. In this meeting it was also discussed that a subcommittee will be formulated, which would comprise of representatives of TV/Broadcasting/ Digital Entertainment/Advertisement Industry, Information and Broadcasting Ministry and the Labour Ministry. Based on the views of this subcommittee the Act may be amended."

**3.13 In regard to the agency/authority under whose jurisdiction/domain would important issues like guidelines for working conditions of Television/Broadcasting/Digital Entertainment Industry workers, the lack of clarity between the two nodal agencies i.e. the Ministry of Labour and Employment and the Ministry of Information and Broadcasting deeply concerns the Committee. Deprecating this lackadaisical attitude on part of the two concerned Ministries, especially the Ministry of Labour and Employment, the Committee are of the firm opinion that the**

**Ministry of Labour and Employment has a vital role to play here, as it is the nodal agency for safeguarding the interests of workers. They therefore, desire that while the onus is on the Ministry of Labour and Employment, they should actively seek the cooperation of Ministry of Information and Broadcasting and all the State Governments/UT Administrations to ensure safeguarding the interests of the workforce of television/broadcasting and digital entertainment industry while focusing on the development of this Sector as well.**

**3.14 The Committee deprecate the tardy response of the Ministry of Labour and Employment to their query seeking information about the regulatory mechanism under the ‘The Cine-Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981 to ensure that states carry out their duties with due diligence. Rather than apprising the Committee on the extant regulatory mechanism if any, it has merely been stated that "The Central Government has delegated all the powers exercisable by it, except power to make rules, under the Cine Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981 vide**

**notification number SO 3455 dated 4<sup>th</sup> November 1988 to the State Governments.” In the views of the Committee this reply tantamounts to the Ministry of Labour & Employment trying to pass the buck to the States. The Committee, therefore, would like to make it clear that the Ministry of Labour and Employment being the nodal Ministry under the provisions of the said Act cannot abdicate its responsibility for proper implementation of the Act and therefore recommend that a foolproof regulatory mechanism is put in place by the Ministry of Labour & Employment in conjunction with the Ministry of Information & Broadcasting in good time and the Committee be apprised of the same.**

#### **IV. DETAILS OF NUMBER OF TV CHANNELS AND WORKERS IN TV/BROADCASTING STUDIOS**

4.1 The Committed noted that the number of TV artistes & Broadcasting industry workers all over India is around 2 crore, yet, this is still an unorganised sector industry and desired to know whether the Ministry of Labour and Employment ever contemplated to bring these workers under the ambit of an organized sector industry. The Ministry of Labour and Employment in their written reply submitted as under:-

"All TV artistes & Broadcasting industry are not an unorganised sector industry. The EPF & MP Act and ESIC Act are also applicable to TV/ broad casting/digital entertainment, advertisement industry. Establishment engaging 20/10 workers are obliged to register under the said Acts and provide social security benefits to such workers."

4.2 Further, the Committee queried as to whether the Ministry of Labour and Employment have collected details of artistes/workers in

the TV/ Broadcasting industry, in this context, to which the Ministry replied in the negative.

4.3 When the Committee enquired about details of major TV / Broadcasting studios registered with the Ministry and the criteria for issuing license to a TV channel/Studio, the Ministry of Information & Broadcasting submitted as under:

"The Ministry does not register TV/ Broadcasting studios, nor does it issue license to them. In respect of TV Channels, the Ministry grants permission for the uplinking and downlinking of Private Satellite TV channels under the Policy Guidelines of Uplinking and Downlinking of TV channels in India, 2011. The guidelines are available on this Ministry's website i.e. [www.mib.gov.in](http://www.mib.gov.in). Copy of the Guidelines is at Annexure A."

4.4 During the course of oral evidence held on 04.05.2018, the Secretary, Ministry of Labour & Employment deposed that most of the workers are working on 'piece rate basis' due to which there is problem in a identification of these workers. The Committee desired to know whether the Ministry came up with any solution/s for identifying these workers. The Ministry of Information & Broadcasting stated that the matter concerns the Ministry of Labour & Employment.

4.5 The Committee asked the Ministry to furnish state-wise details of TV/ Broadcasting/Digital Entertainment/Advertisement Industry Workers enrolled with the studios/Ministry and total number of Child Artists working in TV/Broadcasting/Digital Entertainment/Industry and State-wise details of instances of studio violating the safety guidelines in TV/ Broadcasting studios alongwith action taken against such studio. The Ministry of Information & Broadcasting replied as under:

"The Ministry does not register TV/ Broadcasting/ Digital Entertainment/ Advertisement Industry Workers enrolled with the Studios nor the Ministry maintain the number of Child Artists working in TV/ Broadcasting/ Digital Entertainment/ Advertisement Industry. This Ministry grants permission for the uplinking and



downlinking of private satellite TV channels under the Policy Guidelines for uplinking and downlinking of TV channels in India, 2011. Hence, the details sought for are not maintained in the Ministry."

4.6 When the Committee desired to be apprised of the details of all registered and nonregistered channels in the Country, the Ministry of Information & Broadcasting submitted as under:

"As on 30.04.2018 there are 875 private satellite TV channels permitted in India. The detailed list of which are available on the website of this Ministry i.e. www.mib.gov.in. A copy of the list is at Annexure B."

4.7 The Committee desired to know the definition of electronic media companies in private sector and also asked the Ministry to furnish details of the 1029 electronic media companies along with staff details. The Ministry submitted as under:

"The detail of 1029 electronic media companies are enclosed herewith as Annexure I. (As per latest data number of establishments in above category are 1254 with 2,98,234 workers )."

4.8 The Committee observed from the documents furnished by the Ministry of Labour and Employment that as on 31.3.2017, 85680 establishments were covered under trading and commercial establishment head with 1,34,57,559 members form advertisement industry. The Committee asked the Ministry of Labour & Employment to furnish the State-wise details of the same. In response the Ministry of Labour and Employment furnished the following:-

"The 'Trading and Commercial Establishments' includes advertising industry also along with various trading and commercial activities. State wise details are enclosed separately as Annexure-II.(As per latest data number of establishments in above category are 90,598 with 1,49,32,610)."

<b>Number of Estts,accounts and UANs in respect of Trading and commercial establishments State-wise (as per industry code 524)</b>			
<b>Sl.No</b>	<b>State Name</b>	<b>No. of Estts</b>	<b>Total accounts</b>
1	ANDAMAN AND NICOBAR ISLANDS	40	1556

2	ANDHRA PRADESH	3249	232887
3	ASSAM	1338	92387
4	BIHAR	1196	67652
5	CHANDIGARH	480	82434
6	CHATTISGARH	657	59598
7	DELHI	11305	1959263
8	GOA	400	54992
9	GUJARAT	5099	604267
10	HARYANA	2304	850975
11	HIMACHAL PRADESH	329	49092
12	JHARKHAND	956	87633
13	KARNATAKA	6925	1457349
14	KERALA	3818	408179
15	MADHYA PRADESH	1720	186454
16	MAHARASHTRA	16801	3577594
17	ORISSA	2018	165690
18	PUNJAB	1677	180913
19	RAJASTHAN	2452	325120
20	TAMIL NADU	12918	2480643
21	TELANGANA	3728	732108
22	TRIPURA	107	4325
23	UTTAR PRADESH	4346	463569
24	UTTARAKHAND	326	27197
25	WEST BENGAL	6409	780733
	<b>Total</b>	<b>90598</b>	<b>14932610</b>

4.9 The Committee enquired to know under which Labour Act are the Film Studios registered and also asked the Ministry of Labour and Employment to furnish details of such Act/s and State-wise data of registered studios. In response, the Ministry of Labour & Employment replied as under:-

‘As per the Government of India (allocation of Business) Rules, matters relating to Broadcasting, Cable Television, Films/Film industry, Advertising and Visual Publicity, administration of the Cinematograph Act, 1952 have been allocated to the Ministry of Information and Broadcasting. Therefore policy decisions in matters pertaining to the safety, security, protection & welfare of TV/Broadcasting/Digital Entertainment/ Advertisement Industry Workers is a matter which falls within the domain of the Ministry of Information and Broadcasting.,

**4.10 On the issue of details of Television/ Broadcasting/ Digital Entertainment Industry workers in the country, the Committee were informed by the Ministry of Labour & Employment that most of the workers herein are working on ‘piece rate basis’, due to which there is a problem in identification of these workers. On their part, the Ministry of Information and Broadcasting submitted that they did not register the workers of Television/Broadcasting/Digital Entertainment Industry. While expressing concern at this lack of data and not wanting to pinpoint the blame on any particular agency, they desire that the Ministry of Labour and Employment and Ministry of Information & Broadcasting work in tandem and after including the Television/ Broadcasting/Digital Entertainment Industry workers under ‘The Cine-Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981’, a nation-wide survey of these workers be carried out at the earliest so as to have an accurate and up-to-date data on these workers.**

**The Committee further desired to be apprised of the State-wise details of registered studios in the Country as well as the number of active studios as on date.**

## **V. UNSAFE AND UNHYGIENIC WORKING CONDITIONS IN STUDIOS**

5.1 During the course of their Study Tour Visit to Mumbai, the Committee were apprised of the pathetic conditions in which television industry workers hard to work, as the studios lacked basic civic amenities, lending to unhygienic working conditions and lack of basic safety infrastructure including fire fighting equipments which posed a grave danger to their personnel well being and safety.

**5.2 Another important issue what drew the attention of the Committee was the pathetic condition of studios in terms of civic amenities, while realising that this matter is not the sole responsibility of either the Ministry of Labour and Employment or Ministry of Information and Broadcasting, but involves multiple agencies, but keeping in view the welfare of workers of television/broadcasting/digital entertainment industry workers, the Committee desire that the Ministry of Labour and Employment and Ministry of Information and Broadcasting work in tandem with all concerned agencies who accord statutory clearances to a studios, to ensure that infrastructure of all studios is upto the mark, so that the safety and welfare concerns of all**

**people involved in television/broadcasting/digital entertainment industry is adequately taken care of.**

## **VI. GIST OF FICCI REPORT-2018**

6.1 The Committee asked the Ministry of Information & Broadcasting to furnish the gist of the FICCI report, 2018 titled “Re-imagining India’s M & E Sector”, the Ministry furnished as under:

"Gist of the FICCCI report, 2018 Titled “RE-imagining India’s M&E Sector” is as under:

The Media & Entertainment sector has always been the most prominent global brand ambassador for India. The Indian economy is growing and the M&E sector is a reflection of this. The Indian M&E sector reached INR 1.5 trillion (USD 22.7 billion) in 2017, a growth of almost 13 percent over 2016. With its current trajectory, it is expected to cross INR2 trillion (USD 31 billion) by 2020, at a CAGR of 11.6 per cent.

M&E sector’s growth in 2017 was led by the digital, film, and events segment. As India’s digital infrastructure matures, it has given a boost to gaming as a segment which witnessed significant growth in 2017, albeit from a small base.

The film segment also led on the growth front, mainly due to the international revenues generated by Indian films which in results led to corresponding growth for the animation, VFX and post production business.

The Events segment continued its strong run which was supported by increased below-the-line spends across tier II and III cities, growth in sports events, premium properties and activations. Television continued its strong run, on the back of digitization of television homes, and tent pole properties like the IPL and non-fiction programming, particularly in regional languages.

The local media of print, OOH and radio – which do rely more on local advertising – were impacted by demonetization and the introduction to GST in India, but showed a smart recovery towards the end of the year.

Subscription growth outpaced Advertisement growth in 2017. Cable TV digitisation, Box office collections of films etc. led to an almost 15 per cent growth in subscription revenues in 2017. Going forward, micropayments, enabled through the UPI and BHIM app developed by the National Payments Corporation of India, will further

accelerate subscription revenues for entertainment content. Advertising revenues witnessed growth of just under 10 per cent.

Digital Advertising (17 per cent of total advertising in 2017) led the overall Advertisement industry growth. The share of digital advertising is expected to grow to 22 per cent by 2020. Print industry witnessed some de-growth in English language advertising and moderate growth in the Hindi and regional language advertising segments.

Indian film industry witnessed of 27 per cent due to a combination of high growth in overseas theatrical releases (particularly in China), growth in satellite rights values and domestic box office collections. The growth would be 18 per cent if global theatrical revenues are restated based on what the Indian studios earned, and not at gross box office values

Digital subscription made a strong impact in 2017, with a growth of 50%. As per industry estimates, there are around 2 million paid digital subscribers across application providers, and between 1 and 1.5 million customers who have moved entirely to digital media consumption. By 2020, it is expected that there would be 4 million digital only consumers which will generate subscription revenues of INR20 billion.

Digital infrastructure and payments are expected to grow the India online gaming over 2times from INR30 billion in 2017 to INR68 billion by 2020. Growth will be driven by real money and social gaming on mobile devices.

The animation, post production and VFX segments are expected to grow at a CAGR of 20 per cent till 2020, to reach INR 114 billion which would be led by the growth expected in the domestic film, TV and digital segments as well as the outsourcing by international studios on the back of increased content creation for digital and TV, and more sequel-based action and animation films.

The M&E industry continues to perform along with the Indian economy, which is a reflection of the growing disposable income led by stable economic growth.

The proliferation of digital infrastructure will enable shifts in consumption patterns which will be based not as much on geographic, gender and age criteria, but more on the ability to pay. We estimate that there are around 1 to 1.5 million digital only consumers in India today, who would not normally use traditional media, and we expect this customer base to grow to around 4 million by 2020, and generate significant digital subscription revenues for the M&E sector.

The M&E sector continues to show great potential, and it is expected to grow on the back of India's need for escapism, knowledge

and social acceptance. Media and entertainment has become a necessity of life, and provides exciting opportunities for existing and new companies as it heads towards an INR2 trillion (USD31 billion) industry by 2020."

6.2 The Committee observed that in recent past there has been a high growth in Digital entertainment sector leading to the need for specification of workers in the sector urgently. The Committee, therefore desired to be apprised of the action initiated by the Ministry of Information & Broadcasting in this regard alongwith a detailed note on the suggestions of the Ministry of Information & Broadcasting. The Ministry stated that the matter related to the Digital Sector is dealt with by the Ministry of Electronics & Information Technology.

6.3 The Committee desired to know whether the Ministry of Information & Broadcasting have framed any guidelines on outsourcing of work by TV / media channels, the Ministry have replied as under:

The TV channels are free to produce their content in any manner. Hence, the Ministry has no role on outsourcing of work by TV/ media channels.

**6.4 The Committee note that as per the report of FICCI published in the year 2018, titled "Re-imaging India's M & E Sector", the M&E Sector reached Rs. 1.5 trillion in 2017, a growth of almost 13 percent over 2016. Further, the growth is expected to cross Rs. 2 trillion by the year 2020. While applauding the rapid growth of this sector and its positive impact on the economy, the Committee desire that the Ministry of Labour and Employment and Ministry of**

**Information and Broadcasting work in unison to ensure that the welfare and safety of workers of this vital sector is never compromised and is adequately taken care of, as it is the toil of these workers which is never accorded its due as they are always behind the lens and not in front of it.**

## **VII. SPECIAL SAFEGUARDS FOR WOMEN WORKERS**

7.1 During the course of oral evidence held on 19.11.2018, the Committee pointed out that there was an urgent need of a mechanism that would cater for safety and security of the vulnerable women workers, as it is common understanding that large women workforce is affiliated to this field.

**7.2 One glaring omission in the provisions of ‘The Cine-Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981 that has captured the Committees’ attention is the lack of any specific provision for the safety and security of women TV/ broadcasting/ digital entertainment workers. The Committee further observed that the cine industry employs a good amount of female workers who work in close proximity of their male counterparts and that too in odd hours. While lauding the mental and physical strength of the women cine workers but being fully aware of their vulnerability at the work place, the Committee exhort upon the Ministry of Labour & Employment to put in place specific safeguards catering to**



**the safety and security of female workers in good time and come up with stringent penal provisions that would act as a deterrent. They would further like to be apprised of the progress achieved herein.**

**New Delhi;**

***27<sup>th</sup> November, 2018***

***6<sup>th</sup> Agrahayana, 1940 (Saka)***

**DR. KIRIT SOMAIYA**

**CHAIRPERSON,**

**STANDING COMMITTEE ON LABOUR**

**Annexure - I****Number of Estts,accounts and UANs in respect of Electronic Media companies in private sector  
(as per industry code 185)**

OFFICE_ID	OFFICE_NAME	STATE_NAME	No.of Estts	Total accounts
122	GUNTUR	ANDHRA PRADESH	8	875
121	KADAPA	ANDHRA PRADESH	7	553
126	RAJAMUNDRY	ANDHRA PRADESH	3	127
124	VISHAKAPATNAM	ANDHRA PRADESH	5	117
<b>Total</b>			<b>23</b>	<b>1672</b>
340	GUWAHATI	ASSAM	12	946
342	SHILLONG	ASSAM	2	
343	TINSUKIA	ASSAM	1	72
<b>Total</b>			<b>15</b>	<b>1018</b>
141	BHAGALPUR	BIHAR	2	1
142	MUZAFFARPUR	BIHAR	2	29
140	PATNA	BIHAR	14	967
<b>Total</b>			<b>18</b>	<b>997</b>
380	CHANDIGARH	CHANDIGARH	13	354
160	RAIPUR (CHATTISGARH)	CHATTISGARH	9	540
<b>Total</b>			<b>22</b>	<b>894</b>
101	DELHI (NORTH)	DELHI	67	8641
105	DELHI (SOUTH)	DELHI	61	17316
104	LAXMI NAGAR	DELHI	8	1278
<b>Total</b>			<b>136</b>	<b>27235</b>
170	GOA	GOA	11	1175
<b>Total</b>			<b>11</b>	<b>1175</b>
180	AHMEDABAD	GUJARAT	12	4505
187	BHARUCH	GUJARAT	1	48
185	NARODA	GUJARAT	3	39
181	SURAT	GUJARAT	6	275
182	VADODARA	GUJARAT	4	82
184	VAPI	GUJARAT	2	4
<b>Total</b>			<b>28</b>	<b>4953</b>
200	FARIDABAD	HARYANA	5	296
203	GURGAON	HARYANA	37	2372
201	KARNAL	HARYANA	8	73
202	ROHTAK	HARYANA	1	9
<b>Total</b>			<b>51</b>	<b>2750</b>
220	SHIMLA	HIMACHAL PRADESH	6	199
<b>Total</b>			<b>6</b>	<b>199</b>
230	RANCHI	JHARKHAND	7	167

<b>Total</b>			<b>7</b>	<b>167</b>
240	BANGALORE	KARNATAKA	69	84071
245	BELLARY	KARNATAKA	3	86
248	BOMMASANDRA	KARNATAKA	39	2171
246	CHIKAMAGALUR	KARNATAKA	1	
241	GULBARGA	KARNATAKA	1	28
242	HUBLI	KARNATAKA	4	81
249	K R PURAM (WHITEFIELD)	KARNATAKA	49	6092
243	MANGALORE	KARNATAKA	4	86
244	MYSORE	KARNATAKA	5	166
483	MYSORE ROAD	KARNATAKA	15	1085
247	PEENYA	KARNATAKA	11	740
250	RAICHUR	KARNATAKA	2	96
251	SHIMOGA	KARNATAKA	2	81
<b>Total</b>			<b>205</b>	<b>94783</b>
272	KANNUR	KERALA	3	77
273	KOCHI (COCHIN)	KERALA	20	6892
275	KOLLAM	KERALA	1	8
274	KOTTAYAM	KERALA	2	82
271	KOZHIKODE (CALICUT)	KERALA	8	715
270	THIRUVANANTHAPURAM(TRIVENDRUM)	KERALA	12	640
<b>Total</b>			<b>46</b>	<b>8414</b>
291	BHOPAL	MADHYA PRADESH	9	224
294	GWALIOR	MADHYA PRADESH	2	27
290	INDORE	MADHYA PRADESH	7	674
292	JABALPUR	MADHYA PRADESH	4	116
481	SAGAR	MADHYA PRADESH	2	14
293	UJJAIN	MADHYA PRADESH	1	
<b>Total</b>			<b>25</b>	<b>1055</b>
320	AKOLA	MAHARASHTRA	1	84
311	AURANGABAD	MAHARASHTRA	8	384
310	BANDRA(MUMBAI-I)	MAHARASHTRA	81	12493
312	KOLHAPUR	MAHARASHTRA	2	51
317	MALAD (KANDIVALI)	MAHARASHTRA	91	21274
313	NAGPUR	MAHARASHTRA	11	1405
314	NASIK	MAHARASHTRA	1	22
315	PUNE	MAHARASHTRA	44	22002
316	SOLHAPUR	MAHARASHTRA	4	67
318	THANE (MUMBAI-II)	MAHARASHTRA	17	2139
319	VASHI	MAHARASHTRA	9	1809
<b>Total</b>			<b>269</b>	<b>61730</b>
360	BHUBANESWAR	ORISSA	9	463
<b>Total</b>			<b>9</b>	<b>463</b>
381	AMRITSAR	PUNJAB	2	29
382	BHATINDA	PUNJAB	1	

384	JALANDHAR	PUNJAB	4	481
383	LUDHIANA	PUNJAB	3	432
<b>Total</b>			<b>10</b>	<b>942</b>
400	JAIPUR	RAJASTHAN	18	679
401	JODHPUR	RAJASTHAN	4	83
403	UDAIPUR	RAJASTHAN	1	58
<b>Total</b>			<b>23</b>	<b>820</b>
417	AMBATTUR	TAMIL NADU	13	5887
410	CHENNAI	TAMIL NADU	60	18439
411	COIMBATORE	TAMIL NADU	19	6977
412	MADURAI	TAMIL NADU	6	303
420	PONDICHERRY	TAMIL NADU	1	131
413	SALEM	TAMIL NADU	3	1979
418	TAMBARAM	TAMIL NADU	9	1276
414	TIRUNELVELI	TAMIL NADU	2	201
415	TRICHY	TAMIL NADU	7	213
416	VELLORE	TAMIL NADU	6	677
<b>Total</b>			<b>126</b>	<b>36083</b>
120	HYDERABAD	TELANGANA	66	18440
129	KARIMNAGAR	TELANGANA	1	18
128	KUKATPALLI	TELANGANA	7	2814
123	NIZAMABAD	TELANGANA	1	1
127	PATANCHERU	TELANGANA	1	318
125	WARANGAL	TELANGANA	2	281
<b>Total</b>			<b>78</b>	<b>21872</b>
341	AGARTALA	TRIPURA	3	45
<b>Total</b>			<b>3</b>	<b>45</b>
431	AGRA	UTTAR PRADESH	5	260
482	ALLAHABAD	UTTAR PRADESH	2	219
432	BAREILLY	UTTAR PRADESH	4	172
433	GORAKHPUR	UTTAR PRADESH	1	8
430	KANPUR	UTTAR PRADESH	4	268
434	LUCKNOW	UTTAR PRADESH	8	263
435	MEERUT	UTTAR PRADESH	21	1291
437	NOIDA	UTTAR PRADESH	52	12683
436	VARANASI	UTTAR PRADESH	1	20
<b>Total</b>			<b>98</b>	<b>15184</b>
460	DEHRADUN	UTTARAKHAND	2	22
<b>Total</b>			<b>2</b>	<b>22</b>
471	BARRACKPORE(TITAGARH)	WEST BENGAL	4	209
474	DURGAPUR	WEST BENGAL	3	63
472	HOWRAH	WEST BENGAL	3	47
475	JALPAIGURI	WEST BENGAL	1	180
480	JANGIPUR	WEST BENGAL	1	31
470	KOLKATA	WEST BENGAL	19	8487

478	PARK STREET	WEST BENGAL	6	6585
477	SILIGURI	WEST BENGAL	6	159
<b>Total</b>			<b>43</b>	<b>15761</b>
<b>Sub Total</b>			<b>1254</b>	<b>298234</b>

**STANDING COMMITTEE ON LABOUR**  
**(2017-18)**

**Minutes of the Sixteenth Sitting of the Committee**

The Committee sat on Friday, the 4<sup>th</sup> May, 2018 from 1130 hrs. to 1300 hrs. in Committee Room No. '2', Parliament House Annexe - Extension Building, New Delhi.

**PRESENT**

**Dr. Kirit Somaiya, MP – Chairperson**

**MEMBERS**

**LOK SABHA**

2. Shri Rajesh Kumar Diwakar, MP
3. Shri Ashok Kumar Dohare, MP
4. Shri Devajibhai Govindbhai Fatepara, MP
5. Shri C.N. Jayadevan, MP
6. Shri Kaushalendra Kumar, MP
7. Shri Hari Manjhi, MP
8. Dr. Arun Kumar, MP
9. Shri Satish Kumar Gautam, MP
10. Shri R. Parthipan, MP

**RAJYA SABHA**

11. Shri Nazir Ahmed Laway, MP
12. Shri N. Gokulakrishnan, MP
13. Ms. Dola Sen, MP

**SECRETARIAT**

1. Ms. Rimjhim Prasad - Joint Secretary
2. Smt. Anita B Panda - Director
3. Shri C. Vanlalruata - Additional Director
4. Shri Kulvinder Singh - Under Secretary

**WITNESSES**

**REPRESENTATIVES OF MINISTRY OF LABOUR AND  
EMPLOYMENT**

<b>Sl. No.</b>	<b>Name</b>	<b>Designation</b>
1.	Shri U.P. Singh	Secretary
2.	Shri Heera Lal Samariya	Additional Secretary (L&E)
3.	Shri Raj Kumar	DG, ESIC
4.	Shri J.K. Sagar	Chief Labour Commissioner
5.	Shri R.K. Gupta	Joint Secretary
6.	Shri Rajit Punhani	Joint Secretary
7.	Shri Manish Kumar Gupta	Joint Secretary
8.	Shri H.L. Meena	Economic Advisor

**REPRESENTATIVES OF MINISTRY OF INFORMATION AND  
BROADCASTING**

<b>Sl. No.</b>	<b>Name</b>	<b>Designation</b>
1.	Shri N.K. Sinha	Secretary
2.	Ms. Jayashree Mukherjee	Addl. Secretary
3.	Shri Ali R. Rizvi	AS&FA
4.	Shri Rohit Kumar Parmar	Sr. Economic Advisor
5.	Shri Ashok Kumar R. Parmar	Joint Secretary
6.	Ms. Anju Nigam	Joint Secretary

2. At the outset, the Chairperson welcomed the representatives of the Ministries of Labour & Employment (MoLE) and Information & Broadcasting (I&B) to the sitting of the Committee convened to have briefing by the representatives of the Ministry on 'Safety, Security, Protection & Welfare of TV/ Broadcasting/Digital Entertainment/Advertisement Industry Workers'. The Chairperson then drew attention of the representatives to Direction 58 of the 'Directions by the Speaker' regarding confidentiality of the proceedings of the Committee during deposition before the Parliamentary Committees. He then asked the representative of Ministry of Labour Employment, to give an overview of Subject.

3. The representative of the Ministry of Information & Broadcasting, accordingly, briefed the Committee *inter-alia* highlighting the details of Acts related to safety, protection and welfare of the cine workers; difficulties in collection/identification of cine workers data due to this sector being unorganised and implementation of Majithia Wage Board Act; linking of Atal Pension Yojana with National Health Insurance Scheme; details of Journalist Welfare Scheme; participation of Centre and State Governments in making a law for safety and welfare of cine workers; feasibility for collection of some part of the profit of a feature film and the same may be controlled by Ministry of Labour & Employment for the welfare of cine artistes; definition of audio-visual workers in Cine Act Code for cine workers; applicability of ESI, EPF Acts and the need of a new Act for welfare of cine workers; monitoring of safety measures for cine workers in cine studios; etc. Further Secretary, Ministry of Labour & Employment also suggested making local administration participate, alongwith Central Government, in drafting an Act to compensate the cine workers to protect them during untoward situations in movie studios like that of fire, hit and run cases; etc.

4. The representatives of the Ministry also responded to various queries raised by the Members which *inter-alia* included implementation and monitoring of Labour Acts for welfare of cine workers; possibility of enacting an Act for cine workers; the criteria followed by the Ministry of Information and Broadcasting while issuing licenses to studios; details of child labour working in the industry; threats to child artistes, specially girls, working in T.V. serials; accountability of studio owners towards safety and protection of cine workers; list of registered studios with Ministry of Information & Broadcasting; insurance for cine workers; details of registered and unregistered channels and details of monitoring of safety and welfare laws for cine workers at State level; monitoring of the content broadcasted by the regional channels in troubled areas i.e. in Jammu and Kashmir; etc.



5. The Chairperson thanked the witnesses for appearing before the Committee and briefing them on the Subject as well as responding to the queries raised. The Chairperson directed the representatives of Ministries of Labour & Employment and Information & Broadcasting to furnish written replies within 7 days in respect of those queries, for which information was not readily available with them during the meeting as well as which required detailed and statistical information.

**The witnesses then withdrew.**

[A copy of the verbatim proceedings was kept on record]

**The Committee then adjourned.**

**STANDING COMMITTEE ON LABOUR**  
**(2017-18)**

**Minutes of the Twenty Third Sitting of the Committee**

The Committee sat on Wednesday, the 20<sup>th</sup> June, 2018 from 1400 hrs. to 1500 hrs. in Committee Room No. '2', Parliament House Annexe - Extension Building, New Delhi.

**PRESENT**

**Dr. Kirit Somaiya, MP – Chairperson**

**MEMBERS**

**LOK SABHA**

2. Shri Rajesh Kumar Diwakar, MP
3. Shri Ashok Kumar Dohare, MP
4. Shri Satish Chandra Dubey, MP
5. Shri Bahadur Singh Koli, MP
6. Dr. Arun Kumar, MP
7. Shri Satish Kumar Gautam, MP

**RAJYA SABHA**

8. Shri Rajaram, MP
9. Shri N. Gokulakrishnan, MP
10. Ms. Dola Sen, MP

**SECRETARIAT**

1. Shri C. Vanlalruata - Additional Director
2. Shri Kulvinder Singh - Under Secretary

**WITNESSES**

**REPRESENTATIVES OF MINISTRY OF LABOUR AND EMPLOYMENT**

<b>Sl. No.</b>	<b>Name</b>	<b>Designation</b>
<b>1.</b>	<b>Shri Heera Lal Samariya</b>	<b>Secretary (L&amp;E)</b>
<b>2.</b>	<b>Shri Raj Kumar</b>	<b>DG, ESIC</b>

3.	<b>Dr. V.P. Joy</b>	<b>Central Provident Fund Commissioner</b>
4.	<b>Shri Jitendra Kumar Sagar</b>	<b>Chief Labour Commissioner</b>
5.	<b>Shri R. K. Gupta</b>	<b>Joint Secretary</b>
6.	<b>Ms. Kalpana Rajsinghot</b>	<b>Joint Secretary</b>

**REPRESENTATIVES OF MINISTRY OF INFORMATION AND BROADCASTING**

<b>Sl. No.</b>	<b>Name</b>	<b>Designation</b>
1.	<b>Shri Amit Khare</b>	<b>Secretary, I &amp; B</b>
2.	<b>Ms. Jayashree Mukherjee</b>	<b>Addl. Secretary</b>
3.	<b>Shri Ali R. Rizvi</b>	<b>AS&amp;FA</b>
4.	<b>Shri Rohit Kumar Parmar</b>	<b>Sr. Economic Advisor</b>
5.	<b>Shri Ashok Kumar R. Parmar</b>	<b>Joint Secretary</b>
6.	<b>Shri Vikram Sahay</b>	<b>Joint Secretary (P&amp;A)</b>

**REPRESENTATIVES OF FICCI, PHDCCI & ASSOCHAM**

<b>Sl. No.</b>	<b>Name</b>	<b>Designation</b>
1.	<b>Shri B. P. Pant</b>	<b>Consultant, FICCI</b>
2.	<b>Shri Ravi Wig</b>	<b>Past President &amp; Chairman (PHDCCI)</b>
3.	<b>Shri P. K. Joshi</b>	<b>Head Industrial Relations (PHDCCI)</b>
4.	<b>Shri Rajeev Bhardwaj</b>	<b>Co-Chairman (ASSOCHAM)</b>

**REPRESENTATIVES OF FEDERATION OF WESTERN INDIA CINE EMPLOYEES (FWICE)**

<b>Sl. No.</b>	<b>Name</b>	<b>Designation</b>
1.	<b>Shri B.N. Tiwari</b>	<b>President, FWICE</b>
2.	<b>Shri Gajender Chauhan</b>	<b>Advisor</b>
3.	<b>Shri Gangeshwarlal Srivastava</b>	<b>Gen. Secretary - FSSAMU</b>
4.	<b>Shri Ashok Dubey</b>	<b>General Secretary, FWICE</b>
5.	<b>Shri Sharad Shelar</b>	<b>President CCMAHDA</b>
6.	<b>Shri Wasim Qureshi</b>	<b>Treasurer, FWICE</b>
7.	<b>Shri Peer zada</b>	<b>Legal Advisor, FWICE</b>

2. At the outset, the Chairperson welcomed the representatives of the Ministries of Labour & Employment (MoLE), Information & Broadcasting (I&B) and representatives of ASSOCHAM, PHDCCI to the sitting of the Committee convened to have evidence of the representatives of the Ministries on 'Safety, Security, Protection & Welfare of TV/ Broadcasting/Digital Entertainment/Advertisement Industry Workers'. The Chairperson then drew attention of the representatives to Direction 58 of the 'Directions by the Speaker' regarding confidentiality of the proceedings of the Committee during deposition before the Parliamentary Committees. He then asked the representatives of Business Associations to give an overview of Subject.

3. The representatives of the Business Associations, accordingly, briefed the Committee *inter-alia* highlighting necessity for updation of Working Journalist and Other Newspaper Employees (conditions of service) and Miscellaneous Provisions Act, 1955 being old, obsolete and not relevant anymore; the workers of TV/ media to have unequivocal political commitment, domestic legal freedom offering robust protection for freedom of expression, early warning and rapid response mechanism that give journalists and media workers immediate access to authorities and protective measures when threatened, combating impunity through a special investigative unit, independent commission, specialised prosecutors, specialised protocols and methods of investigation and prosecutions and training of prosecutors and judiciary because due to lack of safety and security measures like compensation and insurance, no journalist is willing to visit disturbed areas to collect news and information, particularly in Naxalite areas. Then the Chairperson, requested the representatives of Business Associations to take leave.

Thereafter, the Chairperson welcomed the representatives of Federation of Western India Cine Employees (FWICE) and requested them to present their views on the Subject. The representatives of the Federation of Western India Cine Employees (FWICE), accordingly, briefed the Committee on issues *inter-alia* Cine Workers Welfare Fund Act, 1981 being confined only to the workers employed in the cinema industry and not the television or media industry workers and the same to be extended to the TV/ media workers; details of unprotected workers benefitted under Industrial Dispute Act, 1947, Bombay Industrial Relations Act, 1946 and Mathadi Act in the State of Maharashtra; Safety and Protection of female artists in Cine Studios and setting specific timings of work for them; framing of Rules and Regulations for payment of wages and working hours and welfare of TV/ Broadcasting/Digital Entertainment/Advertisement Industry Workers; monitoring of implementation of Acts for safety and welfare of the above said workers etc.

4. The representatives of the Ministries and FWICE also responded to various queries raised by the Members which *inter-alia* included implementation and monitoring of Labour Acts for welfare of cine workers; possibility of enacting an Act for TV/media workers; details of timely payment of wages to workers and their working hours, PF for workers of TV/Broadcasting/Digital Entertainment/Advertisement Industry Workers; opinion of FWICE on the Safety, Security, Protection & Welfare of TV/Broadcasting/Digital Entertainment/Advertisement Industry Workers etc.

5. The Chairperson thanked the witnesses for appearing before the Committee and sharing their views on the subject as well as responding to the queries raised. The Chairperson directed the representatives of Ministries of Labour & Employment and Information & Broadcasting and FWICE to furnish written replies within 7 days in respect of those queries, for which information was not readily available with them during the meeting as well as which required detailed and statistical information.

**The witnesses then withdrew.**

[A copy of the verbatim proceedings was kept on record]

**The Committee then adjourned.**

**STANDING COMMITTEE ON LABOUR**  
**(2018-19)**

**Minutes of the Fifth Sitting of the Committee**

The Committee sat on 19<sup>th</sup> November, 2018 from 1530 hrs. to 1635 hrs. in Committee Room No.2, Block-A, PHA-Ext. Building, New Delhi.

**PRESENT**

**Dr. Kirit Somaiya – CHAIRPERSON**

**MEMBERS**

**LOK SABHA**

2. Shri Ashok Kumar Dohrey, MP
3. Shri Satish Chandra Dubey, MP
4. Shri Satish Kumar Gautam, MP
5. Shri Rama Chandra Hansdah, MP
6. Dr. Arun Kumar, MP
7. Shri Kaushalendra Kumar, MP
8. Shri Hari Manjhi, MP

**RAJYA SABHA**

9. Shri Ram Narain Dudi, MP
10. Shri P.L.Punia, MP
11. Shri Rajaram, MP
12. Shri Amar Shankar Sable, MP
13. Shri N. Gokulakrishnan, MP
14. Shri Akhilesh Prasad Singh, MP

**SECRETARIAT**

1. Ms. Rimjhim Prasad - Joint Secretary
2. Shri P.C. Choulda - Director
3. Shri C. Vanlalruata - Additional Director
4. Shri Kulvinder Singh - Under Secretary

## REPRESENTATIVES OF MINISTRY OF LABOUR & EMPLOYMENT

Sl. No.	Name	Designation
1.	Shri R.K. Gupta	Joint Secretary
2.	Shri Ajay Tiwari	Joint Secretary
3.	Shri Rajan Verma	Additional CLC
4.	Shri M.K. Mandal	Deputy Director General
5.	Shri N.K. Santoshi	Deputy Director General
6.	Shri M.K. Sharma	Additional Commissioner, ESIC Hqrs.
7.	Shri Jagmohan	Additional Central PF Commissioner

## REPRESENTATIVES OF MINISTRY OF INFORMATION AND BROADCASTING

Sl. No.	Name	Designation
1.	Ms. Jayashree Mukherjee	Additional Secretary
2.	Ms. Anju Nigam	Joint Secretary

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3. Thereafter, the Chairperson welcomed the representatives of the Ministries of Labour & Employment and Information & Broadcasting to have further Oral evidence on the subject `Safety, Security, Protection & Welfare of TV/Broadcasting/Digital Entertainment/Advertisement Industry Workers`. The Chairperson then drew attention of the representatives to Direction 58 of the 'Directions by the Speaker' regarding confidentiality of the proceedings of the Committee during deposition before the Parliamentary Committees.

4. Thereafter, the representatives of the Ministry of Labour & Employment accordingly, briefed the Committee inter-alia highlighting consultation of Ministry of Information & Broadcasting, which gave no objection to their proposal to widening the definition of Cine Workers and inclusion of TV, broadcasting, digital entertainment, advertisement industry workers in the ambit of the Cine Workers & Cinema Theatre Workers Act; proposal of amalgamating a number of Acts in to four codes, one of them being Occupational Safety, Health and Working Conditions Code, wherein a

new definition for cine workers *i.e* 'audio visual worker' was being proposed which would encompass all workers of television /films broadcasting / digital entertainment industry; etc.

5. The representatives of the Ministries also responded to various queries raised by the Members which *inter-alia* included various provisions & laws related to the of TV, broadcasting, digital entertainment, advertisement industry workers; data regarding the Unorganised Sector workers; regulatory mechanism or regulatory body in regard to Un-organised sector; implementation of Social Security Act, 2008; details of Un-organised Workers Identification Number for workers who are not covered under either EPFO or ESIC; regulatory body for implementation of labour laws; steps taken by the government for using the unused/ dormant EPFO fund; number of Un-organised workers; penal provisions which act as a deterrent, in case of disagreement of Conciliation and amount for the penal action; lack of specific safety and security provisions for Women working in TV, broadcasting, digital entertainment, advertisement industry, monitoring agencies and concerned Ministries in regard to social security and labour safety etc.

6. The Chairperson then thanked the witnesses for appearing before the Committee and briefing them on the Subject as well as responding to the queries raised. The Chairperson directed the representatives to furnish written replies within 7 days in respect of those queries, for which information was not really available with them during the meeting as well as which required detailed and statistical information.

The witnesses then withdrew.

[A copy of the verbatim proceedings was kept on record]

**The Committee then adjourned**

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**XX Do not pertain to this Report.**



**LOK SABHA STANDING COMMITTEE ON LABOUR**  
**(2018-19)**

**Minutes of the Sixth Sitting of the Committee**

The Committee sat on 27<sup>th</sup> November, 2018 from 1100 hrs. to 1200 hrs. in Committee Room No.2, Block-A, PHA-Ext. Building, New Delhi.

**PRESENT**

**Dr. Kirit Somaiya – CHAIRPERSON**

**MEMBERS**

2. Shri Rajesh Kumar Diwakar, MP
3. Shri Satish Chandra Dubey, MP
4. Shri Rama Chandra Hansdah, MP
5. Shri C.N. Jayadevan, MP
6. Dr. Arun Kumar, MP
7. Shri Kaushalendra Kumar, MP
8. Shri Hari Manjhi, MP
9. Shri R. Parthipan, MP

**RAJYA SABHA**

10. Shri Nazir Ahmed Laway, MP
11. Shri P.L.Punia, MP
12. Shri Rajaram, MP
13. Ms. Dola Sen, MP

**SECRETARIAT**

1. Ms. Rimjhim Prasad - Joint Secretary
2. Shri P.C. Choulda - Director
3. Shri C. Vanlalruata - Additional Director

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2. The Committee first took up draft Report on 'Safety, Security and Welfare of TV/Broadcasting/Digital Entertainment/Advertisement Industry Workers'. After some deliberation, the Committee adopted the Report without any modification and authorised the Hon'ble Chairperson to finalise the Report in light of consequential changes that might arise *inter-alia*, out of factual verification of the draft Report and to present the same to both Houses of Parliament in the ensuing Winter Session of Parliament, 2018.

3. XX XX XX XX

4. XX XX XX XX

5. XX XX XX XX

6. XX XX XX XX

The witnesses then withdrew.

[A copy of the verbatim proceedings was kept on record]

**The Committee then adjourned**

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**XX Do not pertain to this Report.**