

**21**

**STANDING COMMITTEE ON LABOUR**

**(2020-21)**

**SEVENTEENTH LOK SABHA**

**MINISTRY OF LABOUR & EMPLOYMENT**

**[Action taken by Government on the Observations/  
Recommendations of the Committee contained in their  
Forty Fourth Report (Sixteenth Lok Sabha) on 'Safety,  
Security and Welfare of TV/Broadcasting/Digital  
Entertainment/Advertisement Industry Workers']**

**TWENTY FIRST REPORT**



**LOK SABHA SECRETARIAT**

**NEW DELHI**

**July, 2021/Ashadha, 1943 (Saka)**

**TWENTY FIRST REPORT**

**STANDING COMMITTEE ON LABOUR**

**(2020-21)**

**(SEVENTEENTH LOK SABHA)**

**MINISTRY OF LABOUR & EMPLOYMENT**

**[Action taken by Government on the Observations/ Recommendations of the Committee contained in their Forty Fourth Report (Sixteenth Lok Sabha) on 'Safety, Security and Welfare of TV/Broadcasting/Digital Entertainment/Advertisement Industry Workers']**

*Presented to Lok Sabha on 22.07.2021*

*Laid in Rajya Sabha on 23.07.2021*



**LOK SABHA SECRETARIAT**

**NEW DELHI**

*July, 2021 /Ashadha, 1943 (Saka)*

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**COMPOSITION OF THE STANDING COMMITTEE ON LABOUR  
(2020-21)**

**Shri Bhartruhari Mahtab - Chairperson**

**MEMBERS**

**LOK SABHA**

2. Shri Subhash Chandra Baheria
3. Shri Pallab Lochan Das
4. Shri Pasunoori Dayakar
5. Shri Feroze Varun Gandhi
6. Shri Satish Kumar Gautam
7. Shri B.N. Bache Gowda
8. Dr. Umesh G. Jadhav
9. Shri Dharmendra Kumar Kashyap
10. Adv. Dean Kuriakose
11. Shri Sanjay Sadashivrao Mandlik
12. Shri Khalilur Rahaman
13. Shri D. Ravikumar
14. Shri Nayab Singh Saini
15. Shri Naba Kumar Sarania
16. Shri Ganesh Singh
17. Shri Bhola Singh
18. Shri K. Subbarayan
19. @ Vacant
20. # Vacant
21. \$ Vacant

**RAJYA SABHA**

22. Shri Dushyant Gautam
23. Shri Neeraj Dangi
24. Shri Oscar Fernandes
25. Shri Elamaram Kareem
26. ^ Shri Mahesh Jethmalani
27. Dr. Banda Prakash
28. \* Shri Naresh Bansal
29. Ms. Dola Sen
30. Shri M. Shanmugam
31. Shri Vivek Thakur

**SECRETARIAT**

1. Shri T.G. Chandrasekhar - Joint Secretary
2. Shri D.R. Mohanty - Director
3. Shri Kulvinder Singh - Deputy Secretary
4. Shri Devudu Babu Badireddi - Assistant Executive Officer

@ Vacancy occurred *vice* Shri P.K. Kunhalikutty resigned *w.e.f* 3<sup>rd</sup> February, 2021.

# Shri John Barla ceased to be Member of the Committee *w.e.f* 07.07.2021 *vice* he was appointed as Union Minister.

\$ Dr. Virendra Kumar ceased to be Member of the Committee *w.e.f* 07.07.2021 *vice* he was appointed as Union Minister.

^ Nominated *w.e.f* 11th June, 2021 *vice* Dr. Raghunath Mohapatra expired.

\* Nominated *w.e.f* 23rd December, 2020 *vice* Shri Rajaram retired.

## **INTRODUCTION**

I, the Chairperson, Standing Committee on Labour (2020-21) having been authorized by the Committee do present on their behalf this Twenty First Report on Action taken by Government on the Observations/Recommendations of the Committee contained in their Forty Fourth Report (Sixteenth Lok Sabha) on 'Safety, Security and Welfare of TV/Broadcasting/Digital Entertainment/Advertisement Industry Workers' relating to the Ministry of Labour & Employment.

2. The Forty-Fourth Report was presented to Lok Sabha and also laid in Rajya Sabha on 18<sup>th</sup> December, 2018. The Ministry of Labour & Employment furnished their replies on 19<sup>th</sup> March, 2021 indicating action taken on the recommendations contained in that Report. The Committee at their sitting held on 8<sup>th</sup> July, 2021 considered and adopted the Draft Report.

3. An analysis of the action taken by Government on the Observations/Recommendations contained in the Forty Fourth Report (Sixteenth Lok Sabha) of the Committee is given in Appendix-II.

4. For the facility of reference and convenience Recommendations/Observations of the Committee have been printed in thick type in the body of the Report.

**New Delhi;**  
**20<sup>th</sup> July, 2021**  
**29 Ashadha, 1943 (Saka)**

**BHARTRUHARI MAHTAB**  
**CHAIRPERSON,**  
**STANDING COMMITTEE ON LABOUR**

## CHAPTER-I

### REPORT

This Report deals with the action taken by Government on the Observations/Recommendations of the Committee contained in their Forty Fourth Report (Sixteenth Lok Sabha) on 'Safety, Security and Welfare of TV/Broadcasting/Digital Entertainment/ Advertisement Industry Workers' relating to the Ministry of Labour & Employment.

2. The Forty-Fourth Report was presented to Lok Sabha/ laid in Rajya Sabha on 18<sup>th</sup> December, 2018. It contained 10 Observations/ Recommendations. Replies of Government in respect of all the recommendations have been received and are categorized as under:-

- |                                                                                                                                                                                    |                                         |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|
| (i) Recommendations/Observations which have been accepted by the Government – <b>Rec. Para Nos.- 2.12, 2.13, 2.14, 2.15, 3.14, 4.10, 5.2, 6.4 and 7.2</b>                          | <b>Total:09</b><br><b>Percentage:90</b> |
| (ii) Recommendations/Observations which the Committee do not desire to pursue in view of the Government's reply – <b>Rec. Para No.- NIL.</b>                                       | <b>Total:00</b><br><b>Percentage:00</b> |
| (iii) Recommendations/Observations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration – <b>Rec. Para No.3.13.</b> | <b>Total:01</b><br><b>Percentage:10</b> |
| (iv) Recommendations/Observations in respect of which replies of the Government are interim in nature – <b>Rec. Para No.- NIL.</b>                                                 | <b>Total:00</b><br><b>Percentage:00</b> |

**3. The Committee desire that Action Taken Notes on the Observations/ Recommendations contained in Chapter-I may be furnished to them at the earliest.**

4. The Committee will now deal with some of their earlier Observations/ Recommendations which either require reiteration or merit further comments.

## **I. UTILISATION OF CESS COLLECTED**

### **(Recommendation Para No. 2.15)**

5. In their earlier Report, the Committee desired 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 showing the number of beneficiaries.

6. In their Action taken Note furnished to the Committee, the Ministry of Labour & Employment have furnished the following data:-

| <b>Year</b> | <b>Cess collected (Cr)</b> | <b>Expenditure(Cr)</b> |
|-------------|----------------------------|------------------------|
| 1999-2000   | 0.50                       | 0.20                   |
| 2000-2001   | 0.58                       | 0.83                   |
| 2001-2002   | 0.26                       | 0.51                   |
| 2002-2003   | 0.85                       | 0.54                   |
| 2003-2004   | 0.85                       | 0.85                   |
| 2004-2005   | 0.61                       | 0.88                   |
| 2005-2006   | 1.05                       | 0.93                   |
| 2006-2007   | 1.26                       | 0.92                   |
| 2007-2008   | 1.35                       | 0.97                   |
| 2008-2009   | 2.43                       | 1.24                   |
| 2009-2010   | 1.29                       | 1.70                   |
| 2010-2011   | 0.00                       | 1.82                   |
| 2011-2012   | 1.51                       | 1.44                   |
| 2012-2013   | 1.63                       | 1.53                   |
| 2013-2014   | 6.81                       | 1.46                   |
| 2014-2015   | 1.73                       | 1.29                   |
| 2015-2016   | 1.93                       | 1.58                   |
| 2016-2017   | 0.00                       | 2.30                   |

**7. A perusal of the above data reveals that there has been underutilisation of the Cess collected towards the welfare of the Cine Workers in a number of years, the most glaring underutilisation being in the year 2013-14 when an amount of Rs.6.81 crore was collected but only Rs.1.46 crore could be disbursed. Now that the Cine Workers Welfare Cess Act, 1981 has been abolished and the Cine Workers and Cinema Theatre Workers Act,1981 has been amalgamated with the Occupational Safety,**

**Health and Working Conditions (OSHWC) Code, 2019 which *inter-alia* makes the employer responsible to provide and maintain in his establishment such welfare facilities for the employees as may be prescribed by the Central Government, the Committee impress upon the Ministry to look into the causes of underutilisation of Cess collected and take corrective measures accordingly so as to ensure that similar funds intended to benefit the workers engaged in the Entertainment Industry are actually disbursed to them.**

**II. COORDINATION BETWEEN MINISTRY OF LABOUR & EMPLOYMENT AND MINISTRY OF INFORMATION & BRAODCASTING**

**Recommendation Para No. 3.13)**

8. Observing lack of coordination between the Ministry of Labour and Employment and the Ministry of Information and Broadcasting on the implementation of guidelines for conditions of Television/ Broadcasting/Digital Entertainment Industry workers, the Committee, in their earlier Report, had recommended that the Ministry of Labour & Employment, being the nodal agency, 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.

9. In their Action taken Note furnished to the Committee, the Ministry of Information & Broadcasting have submitted as below:-

"Ministry of Labour & Employment vide letter dated 09.01.19 (Annexure-A) has been requested by this Ministry that the definition of Cine-workers in The Cine-Workers and Cinema Theatre Workers (Regulations of Employment) Act, 1981' be amended as per following text-

*"Who has been from cinema, theatre, digital entertainment and advertisement industry workers employed directly or through any contractor or in any other manner, in or in connection with pre production and exhibition of feature films, TV serials or web series or content to be displayed on any OTT platform to work as an artist which include actor, actress, musician, cinematographer or any related work for pre-production, production or post-production work, skilled or unskilled,*



*manual, supervisory, technical, artistic, content development, script writer or otherwise."*

The same text of the definition of Cine-workers was conveyed to Ministry of Labour & Employment for inclusion in proposed labour code on Social Security and Welfare Bill, 2018.

Further, this Ministry has suggested that the name of "The Cine-Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981 may be changed as under:

"The Entertainment Artists (Regulation of Employment) Act, 2019"

10. In their Action Taken Note furnished to the Committee, the Ministry of Labour & Employment have stated as follows:-

"Chapter V of the OSH Code, 2020 provides that it is the responsibility for employer for maintaining health, safety and working conditions namely –

- (i) cleanliness and hygiene;
- (ii) ventilation, temperature and humidity;
- (iii) environment free from dust, noxious gas, fumes and other impurities;
- (iv) adequate standard of humidification, artificially increasing the humidity of the air, ventilation and cooling of the air in work rooms;
- (v) potable drinking water;
- (vi) adequate standards to prevent overcrowding and to provide sufficient space to employees or other persons, as the case may be, employed therein;
- (vii) adequate lighting;
- (viii) sufficient arrangement for latrine and urinal accommodation to male, female and transgender employee separately and maintaining hygiene therein;
- (ix) effective arrangements for treatment of wastes and effluents; and
- (x) any other arrangement which the Central Government considers appropriate .

Chapter VI of the OSH Code, 2020 provides that the employer shall be responsible to provide and maintain in his establishment such welfare facilities for the employees as may be prescribed by the Central Government.

Chapter VII of the OSH Code, 2020 defines hours of work, annual leave with wages, weekly compensatory holidays, extra wages for overtime, night shifts, etc. Notwithstanding anything contained in Chapters V, VI and VII, the agreement referred to in sub-section (1) of Section 66 shall include,—

- (i) nature of assignment;
- (ii) wages and other benefits (including provident fund, if covered under the Employees' Provident Fund and Miscellaneous Provisions Act, 1952);
- (iii) health and working conditions;
- (iv) safety;
- (v) hours of work;
- (vi) welfare facilities; and

- (vii) dispute resolution process or mechanism, the constitution and other details of which shall be prescribed by the appropriate Government.

**11. The Committee are not satisfied with the response of the Ministry of Labour & Employment because instead of spelling out the efforts made to improve the coordination mechanism with the Ministry of Information & Broadcasting, as recommended by the Committee in their earlier Report, the Ministry of Labour & Employment have just reproduced the various provisions as contained in the OSHWC Code, 2019, towards ensuring safety, health and working conditions of the employees/ workers in various sectors. In view of the fact that without proper coordination among the stakeholders, the measures initiated will lack effective implementation, the Committee reiterate that the Ministry of Labour & Employment, being the nodal agency for safe guarding the overall interest of the workers, should make concerted efforts to strengthen the coordination mechanism with the other stakeholders concerned for establishing a robust system for the purpose.**

### **III. SURVEY OF ENTERTAINMENT INDUSTRY WORKERS**

#### **(Recommendation Para No. 4.10)**

12. In their earlier Report, the Committee had observed that most of the Television/ Broadcasting/ Digital Entertainment Industry workers were working on 'piece rate basis', due to which there was problem in identification of the 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 the lack of data, the Committee had desired that the Ministry of

Labour and Employment and Ministry of Information & Broadcasting should 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.

13. In their Action taken Note furnished to the Committee, the Ministry of Information & Broadcasting have stated as below:-

"It may be mentioned here that since the issues related to workers fall under the mandate of Ministry of Labour & Employment, hence any such survey of workers would fall under the purview of M/o Labour & Employment."

14. In their Action Taken Notes furnished to the Committee, the Ministry of Labour & Employment have submitted as under:-

"Ministry is in the process of developing a National Database for Unorganized Workers seeded with Aadhar. EFC proposal for the project has been approved by the Department of Expenditure. Now, the Ministry of Labour and Employment, is making efforts, in technical collaboration with NIC, NICS, NPCI, UIDAI, for development of the web portal."

**15. The Committee appreciate that the Ministry of Labour & Employment are in the process of developing a National Database for Unorganised workers seeded with Aadhaar. Accordingly, they are making efforts in technical collaboration with NIC, NICS, NPCI, UIDAI for development of the web portal. In view of the imperatives involved in developing a National Data Base for the Unorganised Workers including those working on 'piece rate basis' in the Film/Television/ Broadcasting/ Digital Entertainment Industry, the Committee call upon the Ministry to expedite the establishment of the National Database so that Welfare measures prescribed for such workers are truly and accurately extended to them.**

**New Delhi;  
20<sup>th</sup> July, 2021  
29 Ashadha, 1943 (Saka)**

**BHARTRUHARI MAHTAB  
CHAIRPERSON,  
STANDING COMMITTEE ON LABOUR**

**STANDING COMMITTEE ON LABOUR**

**(2020-21)**

**Minutes of the Nineteenth Sitting of the Committee**

The Committee sat on Thursday, the 08<sup>th</sup> July, 2021 from 1100 hrs. to 1315 hrs. in Committee Room No. '3', Parliament House Annexe, Extension Building, New Delhi.

**PRESENT**

**Shri Bhartruhari Mahtab, Chairperson**

**Lok Sabha**

2. Shri Subhash Chandra Baheria
3. Shri Pallab Lochan Das
4. Shri Dayakar Pasunoori
5. Shri Satish Kumar Gautam
6. Dr. Umesh G. Jadhav
7. Shri Naba Kumar Sarania
8. Shri Nayab Singh Saini
9. Shri Bhola Singh

**Rajya Sabha**

10. Dr. Banda Prakash
11. Ms. Dola Sen
12. Shri M. Shanmugam
13. Shri Neeraj Dangi
14. Shri Dushyant Gautam
15. Shri Vivek Thakur
16. Shri Naresh Bansal

**SECRETARIAT**

1. Shri T.G. Chandrasekhar - Joint Secretary
2. Shri D.R. Mohanty - Director
3. Shri Sanjay Sethi - Additional Director
4. Shri Kulvinder Singh - Deputy Secretary
5. Shri Sidhartha Gautam Kamidi- Deputy Secretary

2. At the outset, the Chairperson welcomed the Members to the sitting of the Committee, convened for consideration and adoption of the following Draft Reports on:

(i) XX XX XX XX.

(ii) Action Taken by the Government on the Observations/ Recommendations of the Committee contained in their 44th Report (Sixteenth Lok Sabha) on the Subject 'Safety, Security and Welfare of TV/Broadcasting/Digital Entertainment/Advertisement Industry Workers'.

(iii) XX XX XX XX.

(iv) XX XX XX XX.

(v) XX XX XX XX.

3. Giving an overview of the important Observations/ Recommendations contained in the Draft Reports, the Chairperson solicited the views/ suggestions of the Members.

4. The Committee, then, took up the Draft Reports one by one for consideration and after some discussions adopted them.

5. The Committee then authorized the Chairperson to finalise the Reports XXXXX and present the Reports to Parliament in the ensuing Monsoon Session.

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 Does not pertain to this Report.

(Vide Para No. 3 of the Introduction)

**ANALYSIS OF ACTION TAKEN BY THE GOVERNMENT ON OBSERVATIONS/ RECOMMENDATIONS CONTAINED IN THEIR FORTY-FOURTH REPORT OF THE STANDING COMMITTEE ON LABOUR (SIXTEENTH LOK SABHA)**

|                                                                                                                                                                                         | <b>Total</b> | <b>Percentage</b> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|-------------------|
| <b>I.</b> Total number of Recommendations                                                                                                                                               | <b>10</b>    | <b>100%</b>       |
| <b>II.</b> Recommendations/Observations which have been accepted by the Government – <b>Rec. Para Nos.- 2.12, 2.13, 2.14, 2.15, 3.14, 4.10, 5.2, 6.4 and 7.2</b>                        | <b>09</b>    | <b>90%</b>        |
| <b>III.</b> Recommendations/Observations which the Committee do not desire to pursue in view of the Government’s reply – <b>Rec. Para No.- NIL.</b>                                     | <b>00</b>    | <b>00%</b>        |
| <b>IV</b> Recommendations/Observations in respect of which replies of the Government have not been accepted by the Committee and which require reiteration – <b>Rec. Para No.-3.13.</b> | <b>01</b>    | <b>10%</b>        |
| <b>V</b> Recommendations/Observations in respect of which replies of the Government are interim in nature – <b>Rec. Para No.- NIL.</b>                                                  | <b>00</b>    | <b>00%</b>        |
|                                                                                                                                                                                         |              | <b>100%</b>       |