

Since the inception of the Bharat Heavy Electricals Limited, the management has not taken proper care of the supervisory staff. The management is not following the norms in regard to promotion of the supervisory staff in various cadres despite several representations. Different criteria have been followed in regard to grant of bonus to the workers and the supervisory staff. The Committee appointed for the purpose of wage revision has not come out with any tangible recommendations and no wage revision has taken place since long.

It is, therefore, requested that a Committee be constituted to look into the grievancés of the staff particularly in regard to promotion avenues, norms for transfer, house rent allowance and appointment of widows of the deceased in service etc.

A training cell should also be opened so that the employees may improve their prospects

12.24 hrs.

THE WORKERS AND CINEMA THEATRE
WORKERS (REGULATION OF EMPLOY-
MENT) AMENDMENT BILL

[English]

THE MINISTER OF STATE OF THE
MINISTRY OF LABOUR (SHRI JAGDISH
TYTLER): Sir I beg to move:

" That the Bill to amend the Cine-Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981 as passed by Rajya Sabha, be taken into consideration."

As the hon. Members are aware, the
Cine Workers and Cinema Theatre Workers

(Regulation of Employment) Act was passed in 1981 and provides for regulation of the conditions of employment of certain cine workers and cinema theatre workers, The law prohibits employment of such workers without agreement and provides mechanism for conciliation and adjudication of disputes. Under the Act, the Central Government is the appropriate Government.

Under the Industrial Disputes Act, the State Governments are the appropriate authority in respect of establishments under the cinema industry. Such establishments are also covered by the Shops & Establishments Act which are administered by the State Governments. It is therefore, felt that the same Government viz. State Governments which administer the Industrial Disputes act in relation to the establishments in the cinema industry should also administer the present Act. Since there is no provision under the Act for delegating the powers of the Central Government to the State Government, the amendment proposes to provide for this delegation on the pattern of the provisions under the Industrial Disputes Act.

It is felt that the proposed amendment will facilitate better and effective implementation of the provisions of the Act.

MR. DEPUTY SPEAKER: Motion
Moved:

" That the Bill to amend the Cine-workers and Cinema Theatre Workers (Regulation of Employment) Act 1981, as passed by Rajya Sabha be taken into consideration"

SHRI SRIHARI RAO (Rajahmundry) :
Mr. Deputy Speaker, Sir, I support this very simple and quarter-page Bill. It is for the purpose of introducing Section 22A to create a new chapter in the Cine-workers and Cin-

[Sh. Srihari Rao]

ema Theater Workers (Regulation of Employment) Act, 1981 This section gives powers to the States just like in the case of the Industrial Disputes Act. Previously, the entire powers were vested with the Central Government and not with the State Governments. But now we are giving powers to the State Governments. It is a very good and welcome feature. I welcome it.

Sir, from 1981 till today, nobody bothered about the unfortunate cine workers. Nearly, 80,000,00 workers are working in the industry from production to the exhibition of the cinema. But, in this industry, there are 25 categories like Sound, Art, Music, Exhibition and production and so on. Cinema industry is the only industry spread throughout the country. It has been expanding from the city to the village. In the highest number of theatres in India, Andhra Pradesh is having nearly 2500 theatres. This is the highest number when compared to other States in India. Also, as far as production is concerned, Telugu films number more than any other language films in India. Last year, nearly 190 films were produced in Telugu language. It is the only cheapest entertainment than any other entertainment available in this country. It will teach the culture, customs and tradition of our country. This is a very glamorous, glittering and very attractive industry than any other industry in India. People are very crazy about their stars like heroes and heroines, side artists, that is, the supporting artists and even singers, etc. Sir, this industry is liked by all people but nobody bothers about the welfare of the workers of this industry. There are no service conditions for these workers which are very poor; there is no group insurance facility, there is no education facility for the children of the workers, there is no housing facility, there is no medical facility or any other facility; whereas the industrial workers are enjoying so many facilities like housing, group insurance, medical education, provident fund and

everything else.

I request the hon. Minister to treat the cine industry as an industry throughout the country. At present in some States they are treating it as an industry and in some other States they do not treat it as an industry. That is the main problem

Last year India produced the maximum number of films. Some are in semi-finished stage and some are with the Censor Board. Only 900 films were released for public exhibition.

Now, the cine industry is facing a lot of problems, serious problems. The entire film production work is done only in cities like Madras, Bombay and Calcutta and among these, 70 per cent of the films are produced in South India only. This is the most important and powerful media compared to any other media in India. After the enactment of the Cinematography Act in 1952, for the welfare of the workers they enacted the Cine-workers and Cinema Theatre Workers (Regulation of Employment) Act in 1981, but nothing has come out of it till today for the welfare of the cine workers. Their position remains the same as it was before. I request the hon Minister that the cine industry must be treated as an industry throughout the country. Because it is not treated as an industry throughout the country, they are facing some problems. Regarding Power tariff, some States are charging Rs. 1.15 per unit for cine-theatre whereas they are charging only 55 paise per unit for the industry. This is very unfair. This type of disparity should be removed. The position is the same in respect of entertainment tax also; in one State they are charging more and in another they are charging less. This is also very unfair. It must be uniform throughout the country.

Crores of rupees are invested in this industry every year, but the higher remuneration

neration goes to heroes, heroines and contractors; the profits go to the producers, financiers and also theatre-owners. But nothing goes to the cine workers. This is the unfortunate situation. The workers are the hands of the contractors. The workers always depend on the mercy of the contractors. The workers are working day and night, without any holidays or overtime. As I said, you should treat it as an industry throughout the country; otherwise, they will be facing all these problems. But Government is collecting Rs. 1500 for each picture from the producers before it is sent to the Censor Board for the welfare of the workers. But not a single rupee has been released so far for the welfare of the workers. I want to know from the Minister whether you have done any survey about the disabled and old artistes. If so, what are the details. How much amount has been released so far the the disabled and retired artistes? I request you to bring in a comprehensive legislation for the betterment of cine workers and cine theatre workers in this country.

SHRI SHANTARAM NAIK (Panaji): Mr. Deputy-Speaker, Sir, I have been watching films since my childhood. Of course, in recent times I have not been able to see more films. As my learned colleague has put it, an average film project, nowadays, costs about Rs. 2 crores.

In the category of box-office films, the prominent actor takes about Rs. 15 lakhs and an actress, if she is famous, takes not less than Rs. 10 lakhs. In this entire proposition, the tragedy of the clap-boy, the line-man, the light-man, peons and the extras in the film is pitiable. They are contributing very much, and in the film festivals and on other occasions, or film artistes say so many things praising these extra workers or extra film stars. But so far, nothing has been done substantially to alleviate the sufferings of these extra artistes. One has to go into the welfare of these extra artistes. I thing Tytlerji

might have seen a few episodes of T.V Serial 'Manoranjan' where the plight of extra artistes has been shown. Even the persons who did not know about these extra artistes, they got a clear cut picture of the other side of the film industry. Therefore, I would earnestly request you that when the directions will be issued by way of notification to the State Governments, some specific guidelines may be issued to consider the plight of the extra artistes working in the film industry.

Secondly, the film industry has now grown for the last forty years. From the Silent movies, we moved on the Talkie films, then to cinema-scope, 75 mm and now we have this stereo-phonic sound system. But in this advanced technology in the film industry, when we think of the needs of the cinema workers, the resources generated by this industry have now practically been reduced. When we were at the peak of earning, unfortunately, we did not look to their plight. Today, there are so many producers and other exhibitors coming and telling the Minister and the officials about the figures of these artistes and say that because of the video piracy and the video business, nowadays, cinema business in theatre is not giving adequate income, and therefore, they are not in a position to look after the welfare of these artistes. This is the one negative side even when Ministers agree to look into this matter. Despite this fact, I want to earnestly request you that they have to be reminded the producers and the cinema exhibitors about their hey-days when they minted crores of rupees during the last several years. Therefore, now they must be ready to share a substantial part of their income for the welfare of the cinema workers. They cannot come with an excuse that because of video piracy their business has gone down. No doubt, it has gone down; but as my learned colleague has pointed out, in Telugu film industry, films are being produced and even in Hindu Film industry, films are being produced. The number of films

[Sh. Shantaram Naik]
being produced has not gone down. As far as the business in totality is concerned- I don't have figures-the number of films being produced today in all the languages is still increasing. Therefore, this aspect has to be looked into from this point also .

It would have been very nice if two of our Members, Shri Sunil Dutt and Smt. Vyjayanthimala Bali were here. Because we would have got some sort of further insight into the problems which are being faced. I know that although both of them had been working as major artistes in the last several years, their approach towards the average cinema worker and the studio worker had been very sympathetic. I have read these instances many times.

Shri Sunil Dutt has been a producer also. He may have acted in box-office commercial films. But every film that he has produced on his own under the banner of Ajanta Arts has been in favour of national issues. None of his films were stray films on stray subjects. Therefore, if today two of them had been here, it would have been very nice.

I will support my learned colleague who has demanded that film industry should be called an industry. We call this as film industry, we use this term very often. But the film industry is not an industry. I know a few aspects of this problem; but I don't have the whole picture. Although today we may not be prepared for this, if you throw some light as to why so far this industry which is virtually an industry has not been declared an industry if the Government has got its own case for not declaring it so, let us know we can appreciate as to what we as member can do to bring the film industry nearer the definition of an industry.

In any case whatever benefits which an average worker in an industry is getting, the

worker in the cinema also must get. Therefore, whether you declare it as an industry under Industrial Disputes Act or not it is your problem the question basically and substantially is that the cinema workers must get the status of workers in an industry. The cinema industry must be declared as an industry not because the producers must get finances after it is declared as an industry; but basically because the workers must get necessary protection.

Therefore, I earnestly request that the cinema industry should be declared as an industry.

SHRI JAGDISH TYTLER: I would like to inform the Hon. Members that all these points have been taken up in the Act. It is because we want the State Government to get into this that this one line amendment I am doing.

DR. DATTA SAMANT: (Bombay south Central) In this one line amendment about 50 lakh workers are affected. Neither the Central Government is doing anything nor the State Government is going to do anything. (*Interruptions*)

MR. DEPUTY SPEAKER: Order, please. Shri Ajit Kumar Saha to speak.

SHRI AJIT KUMAR SAHA (Vishnupur): Mr. Deputy Speaker Sir, this Bill has been placed before the House for amending the already existing Act passed by this House in 1981. It contains the employment regulations of the cinema workers and the theater workers. This Bill seeks to delegate the power of enforcing this Act to the State Government. As such I do not find that there is anything to object to. But I am really surprised to find that this delegation of powers to the States to implement this act was not there in the original Act passed in

1981. The appointments of these workers are given, I presume, certainly by the owners of this industry. Here also I think the State Governments must have the power to make rules to regulate the mode of employment of these workers and to enact laws to determine the terms and conditions of these appointments. These appointments must be made after proper notification in the press and employment exchanges. It should not be left to the sweet will of the owners of this industry who are likely to deprive the employees to enlarge their profits.

This industry is a very old industry—may be 70 years old. I think that this industry is not treated as an industry. It should be treated as an industry and the workers who are working in this industry must get their due share equal to those who are engaged in the organised industrial sector. A large number of workers are engaged in this industry spread all over the country. So their welfare cannot be properly looked after unless the State Governments come into the picture. This essential matter ought to have been realised by the Central Government much earlier. It requires a vigilant organisation to see that justice is done to every worker no matter where he is engaged, even if it be in a remote place of our country. A representative of the State Government must be there at the time of recruitment of these workers and the Labour Department of the State Government must be kept informed of all appointments, dismissals and retirements of the workers.

[*Translation*]

DR. G.S. RAJHANS (Jhanjharpur) : Mr. Deputy Speaker, Sir, there is not much to say on this Bill. The power which were with the centre, have now been transferred to the State Governments but while considering such Bills, our attention is diverted to the plight of lakhs of cinema workers. You may call it an industry or not, but they are facing

their plight. Even on an earlier occasion i. e. last year an amendment was moved in this regard and we had emphatically stressed that there should be an improvement in the working conditions of the cinema workers be they extras, casuals or duplicates. Worst condition is that of the duplicates. Their job is fraught with great impending dangers which bears no recognition. It has been noticed that the capitalists and the rich people often raise much hue and cry and claim that they have been ruined with their perpetual losses and cinema is worst of the industries but if one happens to visit their premises, he finds that they live a highly luxurious and affluent life and are thus far better off than the Rajas and Maharajas. Their words and actions stand pole apart and their affluence is based only on the exploitation of the helpless labour. The cinema industry commands as much of the black money as no other industry in the country. It is true that conditions have deteriorated slightly but have not deteriorated very much and still there is immeasurable black money in this industry. An individual actor charges Rs. 50 lakhs for acting. Where does this money go? What a catastrophe has been permeated by this money in the economy of the country. But how much is paid to a casual labourer, a light man or a floor cleaner? It is the duty of the Central Government and the Ministry of Labour to collect the exact information in this regard. Now, you may say that we have delegated all the powers to State Governments, hence it concerns the State Governments. Don't do so. Think of the plight of the cinema workers and try to bring about an improvement in their conditions.

Those who don't know, I want to tell them that the threat posed to cinema industry by the video piracy is now over. Cinema industry has negotiated with the video manufacturers and a decision has also been taken that all type of video tapes will have advertisements at every five minutes interval. Advertisements bring in limitless in-

[Dr. G.S. Rajhans] .
come. Now, original video films are available in the market whereas previously only pirated video films were available there. This problem also has been solved. Besides, they earn countless money through advertisements.

Another thing to which we are not paying attention is that for the production of video films for T.V. or the serials which are not screened in the cinema halls, lakhs of labourers and hundreds of artists are engaged. Now-a-days countless video films are being produced and the persons who are producing these video films are spinning money. That is the situation in respect of all the serials.

For example, 'Ramayana' serial. Just imagine the amount of money it is earning. That is countless. The producer of this serial Shri Ramanand was interviewed and asked about the amount of money he was earning out of that serial. He said, 'please leave it. But it should not be dropped, let it come up. First tell us the amount of money you are earning from it and the amount being paid as income-tax thereon. You employ thousands of labourers for the shooting of this serial in Gujarat. These people, with sticks in their hands, work as 'vanar sena' for you. How much do you pay to these labour? They are being exploited very much. I am not talking only of Ramayana serial. You may take any serial for which thousands of people work but they are exploited. Therefore, I urge upon the Hon. Minister to bring about a new legislation in the next session covering therein the workers employed for the production of films so that their present exploitation may be checked. You may find out the precise number of workers engaged therein and the amount of remuneration being paid to them.

In the end, I would say that Government has already a film institute functioning at

Poona. It is true that this does not come under the purview of this Ministry but the hon. Minister may kindly communicate our feelings and views to his colleagues that some more institutes of this kind may be got set up at five or seven places in the country where the emerging artists may receive training because Poona is such a distant place with a very high cost of living, that ordinary people cannot afford to go there.

In the end, I will again urge upon the Government to bring in a comprehensive Bill for the benefit of the workers of the film industry and the video industries who are being exploited.

[English]

SHRI V.S. KRISHNA IYER (Bangalore South) : Mr. Deputy Speaker, Sir. I welcome this piece of legislation. The hon. Minister has said that it is a one-line amendment. Even then, we will be failing in our duty if we don't draw the attention of the Government to the conditions of those for whom this Act is meant.

Many of the Members, who just now spoke, have already explained. I don't want to repeat what they have said. But I must emphasise that the condition of the cine workers particularly those who are behind the scenes, is really miserable. I was associated with one the cinema employees' unions in my constituency nearly two decades ago. I know the conditions under which they work. Of course, at that time, there was no proper legislation. Even now, after this legislation came into force, even after the Industrial disputes Act came into force, though they are governed by these legislations, in some of the States, the condition of the cine workers remains what it was two decades ago. Many of them are not sure about what will happen to them tomorrow. I have seen a number of cases mercilessly, without any reason or rhyme, the theatre

owners or of the studios, dismiss the employees. Just now, Mr. Rajhans explained how, particularly, those who produce the films make a lot of money but the persons who help the producer to create or produce films are not looked after at all. They are deprived of all benefits. There is a cry that cinema industry are hard hit because of heavy taxes by the State Government. You might remember that only last year, many of the theatre owners, many of the film producers closed their theatres because of the heavy taxes. That is a different thing. Taxation should be there and without taxes, how can the Government run? But what is important is that the concerned workers are not looked after at all by the producers or the theatre owners. In this connection, I would like to draw the attention of the hon. Minister that though he may say that it is a State subject, in my constituency maximum number of theatres exist. In Bangalore, subject to correction, 125 theatres are there. Many of the theatre owners are now switching over, they are demolishing their theatres and are constructing shopping complex in that place. Some of the best theatres in Bangalore, you must be knowing have been demolished. Theatre building costing crores of rupees are converted into shopping complex. They invest their money into this, so that they can get more money by means of having a shopping complex. What will happen to those employees? There is nobody to ask them. Law is there, I know but it is not enforced. It is not implemented. These hundreds and hundreds of workers who are working in those theatres are now in the streets. That is the position in many of the cities. What I wanted to stress is that the predecessor of the hon. Minister had promised on the Floor of the House that a comprehensive legislation with regard to the service conditions of cine workers and theatre workers will be brought forward very soon but unfortunately, instead of that, you have brought one line of amendment. That is not correct. I am not a trade union worker at the moment but many

labour laws have not been effected. Even the present Act is not being properly implemented. That is the condition.

There is another point which I would like to bring to the notice of the hon. Minister. In many of the States, at least so far as my State is concerned, there are nearly 700 touring talkies. The condition of the workers in those touring talkies is still worse. Their condition is pitiable. They work from morning till evening and maximum work is extracted from them. There is no minimum wage there. The theatre owners in the villages, that is, those who own the equipments, earn a lot of money and there is no writte labour laws in the rural areas. It is necessary that we should look into the conditions of the workers.

So far as the entertainment tax is concerned, though the hon. Minister is not directly concerned, there has been a demand that there should be uniform in all the States because one of the reasons which these theatre owners or the film producers say is that because of the heavy taxation by the States, they are not able to pay their workers. That is the plea which they bring forward

I would request Minister to pass on this message to the present concerned Ministers since Mr. Ajit Panja has promised to see whether that could be done. In my State, I find that entertainment tax is very heavy. In Uttar Pradesh, it is 150 per cent because theatre owners who struck there last year. In Bombay also, it is very high. After recent discussions with the concerned persons it has been brought down.

13.00 hrs.

Though, of course, the hon. Minister is not directly concerned with it, I would like to state that the film industry is very important and it has an immediate impact on the thinking of the masses. The content of the films should be such that it should not have a

[Sh. V.S. Krishna Iyer]
polluting effect on the minds of the people.
Sex and violence should have no place in the
films.

I would now particularly tell the young
Minister the conditions of the workers after
their retirement. There is no social welfare
benefit for them. There is no pension, no
gratuity for them. They are worst than the
landless labourers. You have to pay special
attention to that aspect also.

I tried my best to find out from the
Parliament Library as to how many workers
are there in the film industry, but I could not
get that information. I am told by the hon.
Member here that there are as many as 50
lakh workers and persons connected with it.
While the producers and actors are thriving,
and we do not mind that, but what is impor-
tant is that those workers, who work behind
the scene should be looked after well. They
have no fixed working hours. I request the
hon. Minister to look into the various aspects
concerning the cinema workers and tell the
State Governments to implement the law in
letter and spirit. They are the implementing
agency. I am very sorry that it is not being
done now.

As I said, I would request the hon.
Minister to bring a comprehensive legisla-
tion covering all aspects of the matter.

SHRI SRIBALLAV PANIGRAHI (Deog-
arh) : Mr. Deputy Speaker, Sir, I rise to
support the Cine-Workers and Cinema
Theatre Workers (Regulation of
Employment) Amendment Bill.

It has been rightly said earlier that there
is nothing much to speak about this Bill
directly. It is a one-line amendment just
giving powers to the State Governments for
implementation. But it gives an opportunity
to highlight the problems facing this industry
in general and in particular, the innumerable

workers who are suffering silently.

The film industry, whether technically it
is an industry or not, is now completing
seventy-five years of its existence in our
country. During this period, this industry has
entertained crores of people and also pro-
vided employment to lakhs of people.

Earlier, some hon. Members have high-
lighted the miserable conditions of some
types of workers connected with the film
industry. I would not like to repeat that. They
are ill-paid, poorly paid and their appoint-
ments are very temporary, casual and
sometimes they are engaged through con-
tractors. Virtually, many of them have no
service conditions. These are the people
who are behind the scene and provide enter-
tainment to crores of people. They make
people laugh, may be indirectly, but with
tears in their eyes. So, it is our duty, the duty
of the Government, to wipe out the tears of
this class of workers. In a country of India's
dimension, where cinemas and film houses
are spread over the whole country and a
large number of workers are engaged in this
industry, it is a step in the right direction to
give the implementation power of different
laws concerning them to the State Govern-
ment so that they can approach the con-
cerned machinery of the State Government
for their grievances.

But in this connection, one very perti-
nent question which I am going to raise is,
whether the State machinery, the imple-
menting machinery is equipped enough to
take up this extra load. Earlier also while
participating in discussion on different
labour enactments, I have stated in this
House that there is no dearth of good, pro-
gressive labour laws but about their imple-
mentation we have our doubts. So, I would
request the young Hon. Minister to hold a
meeting with the State Information Minister
and the Labour Ministers and discuss with
them about the implementation of not only

this Act but all other similar Acts. Whatever inadequacies they are having, those loopholes should be plugged. It has to be monitored from the Centre and the Minister has a decisive role in this regard. Otherwise, we will be going to add another piece of legislation, good in nature and laudable in purpose but not being implemented in the way we desired it to.

I will not take the valuable time of the House but the last point which I would like to speak about is that the cinema is a very powerful mass media. As you know, it has tremendous impact particularly on the young people, the students. Whenever a new hair style is introduced, or a new dress or even the style of committing theft, and crimes, it is very painful to observe that even that is rigorously followed by people. So, in this way it is a very powerful media. We as you know, are passing through a crisis; crisis of character, crisis of our values. Our values are under a threat, they are being eroded. Naturally, when we have crisis of value character and also of discipline, however much progress we may make the society cannot march rapidly along the cherished lines. If character is lost everything is lost, however materially we may progress. Therefore, Sir, the emphasis should be given on the production of good films. The T.V. serial like Ramayana, is the most popular T.V serial in the world. Therefore, such good and social films should be produced and encouraged. Then the Board of Censor should work properly so that the cinema, as a powerful media should become the instrument for the betterment of the society and not for the deterioration of the society. With these words I support the Bill. I thank you for having given me an opportunity to participate in this discussion.

SHRI NARAYAN CHOUBEY (Midnapore) : While participating in the discussion on this Bill, I beg to submit a few points. I start where my hon. friend Shri Panigrahi ended his speech. Sir, cinema is a very powerful

mass medium. The status of country and the cultural development of a country also depend upon the fact whether we have got good films and good cinema houses or not. So, I say that good films should be made, particularly at this juncture when we are facing a big crisis, when our national integration is at stake and when we are facing the danger of the division of our Motherland. Cheap films of low standard with lot of jumping, dancing and killing scenes though very popular among people, are not at all good and hence there should be a curb on the making of such films. This is my first point.

Secondly, I would submit that the Government also gets a good amount of money from the entertainment tax. Of course, it is shared by the State Government. But I may tell you that there are heavy leakages which are to be stopped. Laws are only for big towns. Rules and regulation and their implementation are restricted only to big cities like Calcutta and Bombay. Even about Delhi, I do not know the position. There are thousands and thousands of cinema houses in small towns and village areas where there are practically no rules.

[*Translation*]

The proverb "Might is right" is quite appropriate in such areas

[*English*]

There is no entertainment tax. There is absolutely nothing. It should be seen that the rules that are framed here are properly enacted and implemented. Otherwise we only hear a piece of good news on the radio and the television that a very good Bill is being passed and a very good Act is being made. That is all. But when it comes to implementation, it is a big zero. Therefore, I urge that this aspect should be looked into and taken care of.

[Sh. Narayan Choubey]

Sir, I come from West Bengal where there is a strong union of the cinema workers known as the Bengal Motion Pictures Union. It is not easy to remove a man from service. Even in such a State, in the village areas the rules are not operated at all. The rules that prevail are only the rules of the owners. The workers are compelled to put their signatures on false documents stating that they have received a much large amount than what they are actually getting. The story is the same in other States also. Government of India, in consultation with various State Governments should arrive at some *modus operandi* to remedy the situation. You may have more labour officers and labour inspectors who should visit the concerned places more frequently to see that the rules are properly implemented, especially in those areas where there are no unions of the workers. Where there are unions, the workers are in a position to safeguard where interests.

Another aspect I would like to mention is about the welfare funds. I want to know how much amount is there in this welfare fund and how it is being spent, whether it is being spent properly or not and more importantly whether it is paid to the workers, be they technicians or artists.

As has already been stated by many friends, cinema industry creates a lot of black money. There is a huge difference between what an artist actually gets and what is recorded on paper. If the Government of India so desires, it can earn a good amount of money for the country. It can do so by tightening the rules and plugging the loopholes. I think something should be done in this regard.

My another point is about the crisis created by video. This is a very big crisis for the cinema industry. This is a very big crisis for the cinema industry. This crisis is being

faced by both the cinema workers as well as the employers and others connected with the cinema industry. I do not know what really happens with the advancement of science. But this a real problem. You cannot check science. You can have your television and your VCR and you can easily record a film and see it, and the loser is the cinema industry. This should be looked into. Perhaps most of the points which we have discussed here do not pertain to your Department. You are not only a Minister in-charge of labour but you are also a Minister of the Cabinet. It is not only in the field of cinema but even in the field of labour you have asked the State Governments to look into the problems. It is because you are bound to do like that. Otherwise, you would have said that you cannot interfere in the matters pertaining to the States, You are a part and parcel of the entire cabinet. You have to see that these problems are sorted out in the Cabinet.

SHRI JAGDISH TYTLER : I will do it.

SHRI NARAYAN CHOUBEY: You kindly do it.

Lastly, you have got one Institute at Pune. It is a very good Institute of international repute. But for a vast country like ours, it is not enough. We can start with one Institute but we cannot end with one Institute.

I would suggest that you start one such Institute in Delhi for Northern Region, another in Calcutta for the Eastern Region...

SHRI V. S. KRISHNA IYER : One in Bangalore.

SHRI SRIHARI RAO: One in Hyderabad.

SHRI NARAYAN CHOUBEY: Okay, you start one Institute each in Bangalore and

Hyderabad. So, let there be a meeting amongst all the four States of the South. I will enjoin upon you to ponder over these things. We support this Bill which you have brought forward in this House.

(ends)

MR. DEPUTY SPEAKER: Dr. Datta Samant. Five minutes.

[Translation]

SHRI NARAYAN CHOUBEY (Midnapore): He has not yet started. You have already fixed a time-limit for him.

[English]

MR. DEPUTY SPEAKER: Before starting I will have to tell this to you. Otherwise, in the end you will start fighting. That is the thing. So, be belief.

DR. DATTA SAMANT (Bombay South Central): Sir, I am not here to support or to oppose this Bill. It is because by supporting this Bill or by opposing this Bill, nothing is going to come out of it.

This Bill was passed in the year 1981 for looking after the problems of the Cinema workers, producers and other people connected with the industry.

I had asked you, why did you pass this Bill? You boasted that the Government is going to look after the problems of the media workers.

Hardly, we have got five tribunals to look into the problems of cinema workers. We have no other machinery in the States to look into the problems of the cinema workers. By doing so, you have left the cinema workers in the air. Now, you are not giving them any power. You are not giving them the total power. You are just saying 'also exercise.'

So, the State Governments are also equally responsible. I am not here to praise anybody. They will now say I will go to the Centre or you go to the Centre for settlement of grievances. BY doing so, you are just leaving, about 80 lakh workers of this country in the air.

There are three types of workers. Firstly, the glittering personality of the film. We can see the films Actors here in this very House. You see, what is happening behind the scene. They are all contract labourers.

We have in Bombay, Extra Cine Workers Union. The workers are working on a daily wage basis. They are paid Rs.52/- in Bombay. There is no Provident Fund or some such facility. They are paid money only when they are called to do some work.

Then, you see the Cameramen, Singers and such other types of workers. These second grade workers are working on a minimal wage without getting any type of protection under the law. You have not done anything for them. The Centre has not done anything for them. The States are not going to do anything for them.

The Film Processing Industry of Bombay, are a little better compared to the other film industry. They are in my Union. We are enjoying all the rights. I would invite the attention of the Hon. Minister that it is not because of your law that the Film Centre of Bombay and such other people are getting a salary of Rs.3000/-, but it is because of my efforts that they are getting this much salary.

There are five or six film processing studios which come under my Union.

Next comes the Cinema industry-the theatre workers. They are all contract labourers. Many of them are child labours. They have to work for thirteen hours. In spite of all these laws - though there is a provision

[Dr. Datta Samant]
that they should get the gratuity and such other facilities - they are not getting the benefits. They are all neglected. By introducing this Bill, nothing is going to come out of it.

There is a lot of problem regarding the Entertainment Tax. There was a strike in Maharashtra, last year by the cinema owners. About three lakh people suffered because of that strike. Now another strike is going in U.P. About six months back there was a strike in Karnataka. As far as this Government is concerned, they have no policy. The State Governments collect on taxes when any dispute comes. But I would like to ask you, are these workers going to benefit because of this Entertainment Tax? It would be the same thing in case of concessions also. In textile and other industries, the consumers are not going to get anything.

Therefore, I would suggest that you have some National Policy regarding this Entertainment Tax so that the owner can say that they are going to get something after the implementation.

There is a mandatory provision of giving them the facility of Provident Fund. It is not implemented properly. Are you going to do this? About 50 to 60 lakh workers are just left in the mid-air. Therefore, I appeal to the Hon. Minister to see that there is a national wage policy, or national wage board, just as it is there for the Press people. This Board can give periodical increases, and suggest dearness allowance which must be made compulsory—and the employers should be made to give the workers all these things. These types of suggestions should be implemented. The Minister at the Centre can call all the Ministers at the States, and ask them to implement them.

The labour laws are there, just for discussion in this House, and not for implementation. This Government is not particular

about giving minimum wages to 10 crores of the people of this country, who are working for wage below that level. Some of the State Governments may also be responsible, but I do not like to go into the politics of it, and point my finger at anybody. Everybody is equally responsible. Nobody is for the poor.

We discussed Child Labour Abolition Bill for eight days. The word 'abolition' sounds sweet. But not a single provision has been implemented either by you or by the State Governments during the last two years, but we have wasted eight days discussing that Bill here. So, you are just giving lip sympathy; it is not even a chocolate sympathy or popcorn sympathy.

You have the Contract Labour Abolition Act. Thirty per cent of the labour of this country is contract labour. What is Government doing?

One more point: You are going to say that the industrial Disputes Act should be implemented. Let us see what is happening in the field of cinema; there are less than 20 workers in a theatre. Under the Industrial Disputes Act, it is not possible to represent them. The Conciliatory will say that there are only 18 workers. No theatre is having more than 18 workers. For getting benefits of Provident Fund and ESI, ten workers should be there. But in some theatres, there are only 6 or 7 workers. This goods train has been lying stagnant in your godown for seven years, and now you are shunting it to the State Governments. Nothing is going to happen in the States. So, don't discuss laws here, and say you are going to implement them, when there is no will, and nobody is interested in doing it, either at the Centre or in the States. So, I am telling this Government: So far as working classes are concerned, your Government has miserably failed. You are not interested in doing anything. There is no machinery for implementation. Therefore, don't bring such bills in this

House, and make fun of the country's labour classes. That is my appeal to you. You may be talking of socialism, and of working for the poor, but I do not think it is there either in your mind, or in the mind of the Government - to do anything for the poor.

MR. DEPUTY SPEAKER: Now Mr. Vir-dhi Chandra Jain.

SHRI JAGDISH TYTLER: Just a minute, Sir. Every benefit that the workers have got in this country, after 1947, is because this Government has enacted laws to benefit the workers.

DR. DATTA SAMANT: It is not because of the Government.

SHRI JAGDISH TYTLER: It is because of the Government.

DR. DATTA SAMANT: Fifteen crores of people in India are not getting minimum wages. They are living below poverty line.

SHRI JAGDISH TYTLER: I am not saying that it is enough; but don't say that nothing has been done. The Congress Government has done something for the workers; and every benefit which they got, is not because of you.

DR. DATTA SAMANT: You are doing things only for the employers.

SHRI JAGDISH TYTLER: For the workers.

DR. DATTA SAMANT: You are going to bring in an amendment to the Industrial Disputes Act...

(Interruptions)

SHRI JAGDISH TYTLER: Every benefit that the workers have got, is because of the Congress Government.

DR. DATTA SAMANT: No; you are acting...you have always acted in the interest of the private owners.

[Translation]

SHRI VIRDHI CHANDER JAIN (Barmer): Mr. Deputy Speaker, Sir, we had enacted a legislation in 1981 to regularise the services of the people working in cinema and theatres. Today after a period of seven years this amendment has been moved. This implies that the provisions of the said act were implemented by the Central Government during the last seven years. But I want to say that the act has not been properly implemented by the Central Government. They have neither implemented the act nor they had the ample machinery for the same. Why did they not think of this aspect in 1981 when the Bill was presented here? Therefore, it is justified that all such bills be referred to the Select Committee. If this bill had been referred to the select committee, it could have been immediately discussed that it was to be implemented by the State Government, for which they should be duly empowered. I mean to say that this is a sign of our weakness that we could not take a decision in this regard during the last seven years. I want to say that the maximum harm to the country, has been done by the cinema. This is just due to cinema that there is wave of violence, indiscipline and non-observance of laws among the youth of the country. I will go to the extent that the cinema has played a major role in it.

I am of the firm opinion that the units working under the cine industry should be nationalised. I have made this demand only after giving it due consideration. If we want to rebuild the country in the real sense or to produce the citizens with a strong character, we shall have to bring in new changes rather radical changes in the cinema industry. We have to make it a medium of instruction after its nationalisation.

[Sh. Virdhi Chander Jain]

At present, we are spending crores of rupees on the film industry. Mahatma Gandhi, had a vision of the development of this country and Shri Jawahar Lal Nehru had also taken several steps to rebuild this nation and innumerable persons laid down their lives for the freedom of this country, but we are taking this country towards its downfall by spending a large sum of money for prompting the case of cine industry. It is not a good thing.

The Government has tried its best to ensure full wages for the labourers working in private industries, to check their exploitation and to get them full facilities, but we have seen their exploitation. Therefore it is necessary that whatever laws are made in this connection, should be enforced strictly and a strong set up should be provided for the same. The inspectors appointed therein should be honest and strict. Until you make such arrangements, it cannot be properly implemented.

Not saying much, I want to say that changes will have to be brought in the cinema world if we want to take the country forward or to undertake the expansion of education.

Along with this, I would like to say that pictures of low standard should not be telecast on the television because the television is now reaching the rural areas very fast. Television plans to cover ninety per cent of the country's population. Till today cinema has reached only in the cities and rural areas are still out of its reach. Therefore you should make suggestions to the Government and to your department that such pictures should not be shown on the television which contain the scenes of sex and violence.

With these words, I support the Bill.

SHRI KEYUR BHUSHAN(Raipur):

Hon'ble Deputy Speaker, Sir, this amendment Bill which has been introduced by our Hon. Minister, is very significant. Though it contains only one line, it has drawn our attention towards that section of the film industry which had remained hitherto neglected i.e. the film industry workers as a class. These workers do not include great artists, employees of big industries or the producers but only those employees who work as operators, gate-keepers, booking-clerks and chowkidars. Only such workers of the lower categories are included in it. Till today nobody had taken care of them. I am proud of it that our Minister has paid his attention to them. This is a welcome step.

Some of the Hon. Minister have expressed apprehensions about the decision of the Government to transfer the responsibility of safeguarding the interests of these workers to the State Governments, with the intention that they are in a better position to work for them. If the Central Government could not do it, it should be done by the State Governments. My only submission with the Government is to pay complete attention towards its implementation.

States have different characteristics and they have their own Governments. Some State Governments claim to be sincere in this regard, but it is not founded so. The responsibility of monitoring the implementation should rest with the Central Government.

In connection with the opportunity given to me, I want to say through you Sir, that the benefits of the scheme should reach to the workers. It is correct that the cinema is the best media of reaching to the people. It takes the art, the artists, thoughts and its employees to the general public. The short comings existing in the most successful media need to be removed. The people, the artists and the intellectuals who want to propagate their views among the masses, can do so with the

help to the cinema. The Hon. Minister must be aware of the fact that the control of this media has gone into the hands of selected few, be they big stars or the capitalists. They are not making the right use of it. They are exploiting it for their own ends. The effort of the Government is to make the cheapest medium. They want it to be taken to the people. I am of the view that certain vested interests have defended Cinema in their bid to make it commercially profitable. There are certain people who are afraid of its evil effects. If it takes such things which cast evil effects in the society then, it is certainly a root of all the evils. Parents are also afraid that their children might get spoiled with the movies. We are see it. This is also our responsibility. The people responsible for obstructing the art and culture to reach the masses, try to exploit cinema for their personal ends.

I also want to draw the attention of the Government to the fact that some religious institutions do not want the common man to be benefitted by the cinema. On this pretext that the programmes for women and children are not good, they try to stall the progress of this media. This approach is also not desirable. Some religious institutions also exploit, the religious sentiments of the people. We should look to it and ensure as Jain Sahib stated that this media should convey the nationalist ideology and take the development programme to the people in general.

The last thing I want to state that the Government should also contribute to the promotion of the production of films in different regional languages and dialects like Awadhi, Brij and Chhatisgarhi which are close to the common man.

That is my submission.

[English]

SHRI ABDUL RASHID KABULI
(Srinagar): I welcome the Bill which has

been brought before this august House by the Minister. But I feel that there should be a comprehensive Bill which should touch all aspects of the problems of the workers, especially cine workers who are facing tremendous difficulties in the industry of film making.

It is a pity that more than fifty lakhs workers who are working in the filmdom are not getting gratuity, not to speak of pension and other amenities, and in contrast, there are film producers, directors, film makers and theatre owners, who are getting huge profits and have become millionaires at the cost of these poor workers. Vast resources are being generated by the film industry. Now, some important film makers have become big capitalists. They have become very important people and because of the clout in industry, they are influencing our socio-political and economic life. That is why we are seeing leakages and pilferages. They are not taken to task for the mischief they are playing with the Income Tax Department, and the people at large. There are some film actors who are getting more than Rs.20 lakhs, but they sign only for Rs.3 lakhs or Rs.1 lakh. By this way, they are cheating the Income Tax Department and other Departments of the Government. The Government has to go through these aspects.

The film industry is not an ordinary industry. It is a very important industry, having its impact on the entire population on the present and the coming generations. Unfortunately, when this much great amount is being generated, the profits are not equitably distributed. There is injustice. Only some people are getting profits at the cost of the others, while more than fifty lakhs of cine workers are suffering. Therefore, I feel that the Government should look into these aspects.

Since film is having an impact on our morals and character of our new generation, it is certainly influencing all aspects of life.

[Sh. Abdul Rashid Kabuli]

But unfortunately, Censor Bureau is not doing its duty properly. I feel that these film makers, who want to make their films success in the field, are introducing stunt films of anti-social themes like violence, rape, etc. as which is a present day practice, on the plea that they are financially losers in the industry and it is a big lie can't we realise it? In T.V., we have produced great films like Nukkad, Buniyad, Zindagi, where we find no such anti-social theme or scene. They were very much successful and the people liked these art films very much. There are some producers, directors, and artistes who want to create art films on experimental basis, but unfortunately they are losing because of insufficient support of the Government, and finance. Therefore, I request the Government to look into this aspect also. The film director and artistes, who really want to contribute to cultural ethos of the country must be given help, they must be given sustenance and they must be encouraged.

In the end, I would like to say that since there is so much disparity in the filmdom, there is so much exploitation and injustice prevailing in this important industry, the Government should come forward with a legislation for nationalising the industry, so that the workers who are really behind the scene for production of films get justice.

SHRI CHINTAMANI JENA (Balasore): I am grateful to you for allowing me to participate in the discussion on this small piece of amendment. The Hon. Minister himself has said that this is a small piece of amendment. However, I would like to speak in my mother tongue, Oriya, for which I have already informed.

[Translation]*

Mr. Deputy Speaker, Sir, I rise to speak

a few words on this Bill. Sir, when the people speak of cinema, they speak about only the filmstars or super stars. They speak about the heroes, heroines and in some cases about producers and directors. But there are lacs of workers engaged in this industry and very few people know about them. Their number is 78 lacs, subject to correction by the Hon. Minister. It is regrettable that the workers engaged in this industry do not have security of service. The working hours are not properly regulated and they do not get provident fund benefit. So, this is high time that we take note of the plight of those workers. I am glad that the Hon. Minister has brought forward this Bill. I am sure it will go a long way in protecting the interest of the cine workers.

Sir, the original Cine Workers Act was passed in 1981 but there were certain shortcomings in that Act. Therefore, the Minister has to bring this Amending Bill. The State Governments did not take care of the workers engaged in cinema industry and theatres located in their respective states. I am happy that provisions have been made in this Bill to delegate some powers to the State Governments. Now, they can look after these workers. I am grateful to the Hon. Minister for this. The time at my disposal is very short, therefore, I would like to make one or two points more and then conclude my speech.

Sir, one thing I would like to bring to your notice that out of the lacs of workers, 50% are child labours. The contractors engage them and they are made to work for 12 to 14 hours. I know about some cases in Orissa. I have personally talked to the child workers. Sometimes they work for more than 12 hours a day. They do not get full wages for the days they work. After working for such long hours, they hardly get 25 Paise to 50 Paise per day for tiffin. The producers or the proprietors of the films do not take any responsibility for

* Translation of the speech originally delivered in Oriya.

this serious lapse. They only say that they have not engaged these children; it is the contractors who have engaged them. In this way, these children are brought exploited. You will be surprised to know that most of the contractors do not register their names. They do not maintain any attendance register and thus they do not owe any responsibility.

Sir, I shall be failing in my duty if I do not speak a word about the theatre workers. Hon. Member, Shri Narayan Choubey who preceded me was speaking about the plight of the theatre workers. A large number of theatres and operas are set up in rural areas which engage mostly the rural workers. But the theatre owners and opera do not pay wages to the workers regularly. Even artists do not get wages for months together. Thus you can imagine their hardship. However, I am grateful to the Hon. Minister for bringing this bill to help the theatre workers too. I request him to direct the State Governments to take necessary steps for effective implementation of this Bill.

About 70 lakh workers are engaged in this industry. So I would request that a welfare board may be constituted at the union and State levels so that the old retired cine workers should get some benefits. That board will also be responsible for the implementation of the Act. In this connection I know particularly two actors who had spent their whole life for the improvement of cine-theatre in the State of Orissa. But when they were old and ailing, nobody paid a single pie to them. They were to die in starvation. Shri Bolai Banerjee was a very famous actor. He died of TB. But nobody paid a single pie to him for his treatment.

Video piracy is a curse on the cinema industry. I would request the Minister to kindly pass on the message to his colleague so that something could be done in this regard.

Sir, lastly, about the contractors, I know, I have personal knowledge about the entire cinema workers. Most of them are in the metropolitan cities like Calcutta, Bombay and Madras comprising 70 per cent of the total employees in the country. In this connection the Hon. Minister may kindly see that these types of contractors are eliminated from the industry.

With these words, I support the Amendment.

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR (SHRI JAGDISH TYTLER): Sir, I am grateful to the Members for supporting this Amendment. Many of the Members had spoken on matters which do not directly relate to me. But I can assure them that whatever sentiments were expressed to the benefit of the workers, the sympathy they have shown, I will see to it that the same sentiment is conveyed to the Ministries concerned.

Sir, in 1986, three Acts were transferred to our Ministry. There are the Cine Workers Welfare Cess Act 1981 the Cine Workers and Cinema Theatre Workers (Regulation of Employment) Act 1981 and the Cine Workers Welfare Fund Act, 1981. Now, most of the problems which the Members of Parliament have said are all covered under all the three Acts. The Cine Workers and Cinema Theatre Workers (Regulation of Employment) Act 1981 provides for the regulation of the conditions of employment of certain Cine-workers and cinema theatre workers. The Act applies to a cine-worker which means an individual employed, directly or through any contractor or other person, in or in connection with production of a feature film to work as an artist (including act musician or dancer) or to do any work, skilled, unskilled, manual, supervisory, technical, artistic or otherwise, and whose remuneration with respect to such employment is in or in connection with the production of such fea-

[Sh. Jagdish Tytler]
ture film does not exceed, where such remuneration is by way of monthly wages, a sum of Rs.1,600 per month, and where such remuneration is by way of lump, a sum of Rs.15,000/-.

It also prohibits employment of Cine-workers without agreement because many of the Members had spoken of this. It is also provides for appointment of conciliation Officers to mediate and promote the settlement of any dispute between the cine-worker and the producer of the film. It also deals with the constitution of cine-workers tribunals for the adjudication of disputes relating to any matter specified in the written agreement between cine-worker and producer. It also deals with the application of Employees Provident Fund and Miscellaneous Provisions Act 1952 to cine-workers. It also deals with the application of the provisions of the Employees Provident Fund and Miscellaneous Provisions Act.1952 and payment of Gratuity Act, 1972 to workers employed in Cinema Theatres.

So, all these are powers which the Centre has and under its powers the Centre does notify under Section 2(d) "Competent Authority", and also under Section 4 where the Conciliation Officers are charged with the duties of mediation, and constitute under Section(7) one or more tribunals to be called the Cine Workers Tribunal for adjudication of dispute relating to any matter specified in any agreement of the nature as referred to in Section 3. Now, all these have been notified and some other States have done it, but still under the Industrial Disputes Act, the appropriate Government in relation to establishments in the cinema industry is the State Government concerned. Further, such establishments are covered by the Shops and Establishments Acts which are State Acts and are administered by the State Governments. It is therefore necessary for us that we bring the same agency which admini-

sters the Industrial Disputes Act in relation to the establishments in the cinema industry should be administering the Cine-Workers Act so that cohesion and efficiency in the enforcement of both the Acts are ensured. (Interruptions)

SHRI SRIHARI RAO: Mr. Minister, you have not answered my question. (Interruptions.)

MR. DEPUTY SPEAKER: The question is:

"That the Bill to amend the Cine-workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted

MR. DEPUTY SPEAKER : Now the House will take up clause-by-clause consideration of the Bill.

The question is:

"That clause 2 stand part of the Bill".

The motion was adopted.

Clause 2 was added to the Bill

• **CLAUSE 1**
(Short Title)

Amendment made:

Page 1, line 4,—

for "1987" substitute "1988" (2)

(SHRI JAGDISH TYTLER)

MR. DEPUTY SPEAKER: The question is:

"That clause 1. as amended, stand part

of the Bill.”

The motion was adopted

Clause 1, as amended, was added to the Bill

ENACTING FORMULA

Amendment made:

Page 1 line 1,—

for “Thirty-eighth” substitute—

“Thirty-ninth” (1)

(SHRI JAGDISH TYTLER)

MR DEPUTY SPEAKER: The question is:

“That Enacting Formula, as amended, stand part of the Bill.”

The motion was adopted

Enacting Formula, as amended, was added to the Bill

MR. DEPUTY SPEAKER: The question is:

“That the Long Title stand part of the Bill”

The motion was adopted

The Long Title was added to the Bill

SHRI JAGDISH TYTLER: I beg to move:

“That the Bill, as amended, be passed.”

MR DEPUTY SPEAKER: The question is:

“That the Bill, as amended, be passed.”

The motion was adopted

COMPANIES (AMENDMENT) BILL

13.53 hrs

[English]

MR. DEPUTY SPEAKER: We are going to the next item, i.e. item No. 17. Shri J. Vengal Rao.

THE MINISTER OF INDUSTRY (SHRI J. VENGAL RAO): I beg to move*:

“That the Bill further to amend the Companies Act 1956, as passed by Rajya Sabha, be taken into consideration.”

The Companies (Amendment) Bill, 1987 incorporates amendments to the Companies Act, 1956 which are of urgent nature and which have been proposed keeping in view the recommendations made by the High-powered Export Committee (Sachar Committee) and the experience gained in the administration of the said Act over the last few years. Opportunity has also been taken to plug loopholes and remove some lacunae which have come to our notice in the working of the Act. It is also proposed to streamline some of the existing provisions for better working and administration of the Act. Certain consequential and incidental

*Moved with the recommendation of the President.