

[Shri C. D. Deshmukh]

portion not so set off" the words "so much of the loss as is not so set off or the whole loss where the assessee had no other head of income" shall be substituted'.

This amendment has become necessary in view of certain observations contained in the Supreme Court judgment in the case of the Anglo-French Textile Company. I referred to it in my general observations. The view taken was that the carry forward should be admissible only if the assessee had set off loss in the first year against any other head. The assessment is in favour of the assessee and as I have already given the justification for it in my speech, I now commend the amendment to the House.

Mr. Deputy-Speaker: The question is:

In page 28, line 16, after "substituted" add:

'and for the words "the portion not so set off" the words "so much of the loss as is not so set off or the whole loss where the assessee had no other head of income" shall be substituted'.

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That clause 15, as amended, stand part of the Bill."

The motion was adopted.

"That clause 15, as amended, stand part of the Bill."

Clauses 16 and 17 were added to the Bill.

Clause 18.—(Amendment of section 34 etc.)

Amendment made:

In page 28,

(1) line 45, after "shall be omitted" add:

'and for the figures and word "66 and" the figures and word "66 or" shall be substituted'

(2) line 47, for "the word 'section'" substitute:

"the words 'section limiting the time within which any action may be taken or any order, assessment or re-assessment may be made'."

[Shri Pataskar]

Mr. Deputy-Speaker: The question is:

"That clause 18, as amended, stand part of the Bill."

The motion was adopted.

Clause 18, as amended, was added to the Bill.

Clauses 19 to 31 were added to the Bill.

Clause 1, the Title and the Enacting Formula were added to the Bill.

Shri C. D. Deshmukh: 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.

CINEMATOGRAPH (AMENDMENT) BILL

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): Sir, if you would be kind enough to permit me, I would like on behalf of my colleague Dr. Keskar to move the motion standing in his name.

I beg to move:

"That the Bill to amend the Cinematograph Act, 1952, be taken into consideration."

The Bill itself is fairly simple and the Statement of Objects and Reasons gives a clear picture of what the Bill is. It is largely due to certain defects that have been noticed in the actual administration of the Cinematograph Act, 1952, which re-enacted the provisions of the 1918 Act, in regard to sanctioning of cinematograph films for exhibition. Under the proviso to section 6 of the Act notice has to be given to the person to show cause why the film should not be uncertified by the Central Government. This provision is not serving any useful purpose. On the other hand it entails a lot of delay and the very object of uncertification is defeated. Therefore, this proviso is sought to be deleted. A number of cases in which films have been exhibited with portions not passed by the Central Board of Film Censors has been brought to Government's notice. Such interpolations are all too easy in the case of films. It is therefore found necessary to recast the penalty clause so as to cover

cases of tampering with certified films. It is also proposed to enhance the penalty in this respect.

There is nothing much to say with respect to the provisions of this Bill except that these variations are not variations in principle but mode of procedure.

Mr. Deputy-Speaker: The titles speak for themselves. The first refers to information and documents to be given to distributors and exhibitors. The other one is penalty.

Sri T. T. Krishnamachari: The question of enhancing the penalty.

Shri S. C. Deb (Cachar-Lushai Hills): On a point of order, Sir.

Mr. Deputy-Speaker: What is the point of order?

Shri S. C. Deb: Whether this Bill was in the Order Paper?

Mr. Deputy-Speaker: The Bill is in the Order Paper. The hon. Member has not seen the Order Paper before he raised the point of order. It is rather surprising. There is no point of order in this. The hon. Member will kindly look hereafter into the Order Paper and be more careful.

Shri Punnoose (Alleppey): It was not in the list approved by the Business Advisory Committee.

Mr. Deputy-Speaker: We are not worried over it. When it is in the Order Paper, hon. Members must be ready. These are small Bills which need not go to the Business Advisory Committee. Hon. Members need not be perturbed over this.

Motion moved:

"That the Bill to amend the Cinematograph Act, 1952, be taken into consideration."

Shri Kasliwal (Kotah-Jhalawar): I have read this Bill with some attention. The object of this Bill seems to be to take away the time of one fortnight which is given to those persons to whom a certificate is granted. Now, I respectfully submit that this is a right which must remain as it is in the Act. If a certificate is changed from an 'U' certificate to an 'A' certificate, then also I submit the person to whom this certificate is granted should have the right to represent to the Government within a fortnight. Similarly, in the case of clause (a) also, if a film becomes a certified film, then also I said that a fortnight's time should be given to that person to make a representation.

The hon. Minister in charge of the Bill himself has tabled an amendment to this Bill. Now the purpose of this amendment seems to be that in the event of a film being declared uncertified all of a sudden, power in that regard should vest with Government. I have no objection to that being given but again I submit that the question of giving a fortnight's notice must remain there.

Sri Punnoose: The consideration of the Bill at this time creates some difficulties. Very important Bills have been placed before the House and we have not been able to look into the present Bill. There is no time for moving amendments. We do not know what we are doing exactly.

Mr. Deputy-Speaker: I agree that hon. Members must certainly have the time to look into them. There is no doubt about this. I can only say that these are small Bills not involving any important matter but it is for the House to consider. I have nothing to say. I can only tell the hon. Member concerned that Mr. Khubchand Sodhia has tabled amendments. I have them here and the hon. Minister has tabled another amendment.

Shri M. S. Gurupadaswamy (Mysore): We thought that this Income-tax (Amendment) Bill will go on till Monday and so.....

Mr. Deputy-Speaker: If hon. Members wanted to speak, I had no objection but how can I go on merely looking at hon. Members to see whether they want to speak or not. Let us get through this.

Shri M. S. Gurupadaswamy: We are expressing our difficulty.

Shri Raghavachari (Penukonda): On the first day when this Bill was put in the Order Paper, a point was raised here before the Speaker and then the Speaker pointed out that this was not one of those Bills which were recommended by the Business Advisory Committee. Then the Speaker was pleased to say that primarily only the Bills recommended by the Business Advisory Committee will be taken up. So we are not prepared. We have not got the papers and the business of the House is over earlier. Even the hon. Minister is not here. He too is under the same impression. When the business of the House is over, the subject which is going to be discussed immediately thereafter should be one of those recommended in the Order Paper and not surprisingly another subject on which we are not prepared at all. That is the point, Sir.

Mr. Deputy-Speaker: I have heard all the points. So far as the Business Advisory Committee's functions are concerned, they have been thoroughly misunderstood by hon. Members. It is not the business of the Business Advisory Committee to assign work unless a particular Bill is there. Leaders of Groups are invited to settle the maximum time they may take. Small Bills like this are not referred to the Business Advisory Committee and then their opinion is asked for as to how long a particular Bill may take to get through, what is the possible time within which consideration, general discussion, may be over, when the clauses and the third reading will be taken up, etc. There must always be such Bills. We must justify that we are doing work. We cannot come here and get away. Therefore, so far as Mr. Raghavachari is concerned, he may know that other hon. Members have tabled amendments to this Bill. I have got them before me. This Bill is in the Order Paper. Therefore, I do not think that no hon. Member will be willing to speak on this matter. I will proceed with the clauses in the Bill.

Shri Raghavachari: One minor point. The recommendation of the Committee was binding. The assurance and the explanations given in the House made us to understand

Mr. Deputy-Speaker: No assurance has been given that other work will not be taken up, that other smaller Bills will not be taken up which are of a formal nature. This Bill is in the Order Paper. He will kindly refer to it. The hon. Minister may have some other work. We are not guided by it. Any hon. Member can speak.

Shri K. K. Basu (Diamond Harbour): Are we discussing clause by clause now?

Shri T. T. Krishnamachari: A point was raised that the action must be delayed by a fortnight. When you realise that there is something wrong in one portion of a film and that portion has to be uncertified, there is no point in allowing the film to go on for a fortnight. I do not think there is much point in allowing it to go on for about a fortnight. The hon. Member has himself admitted the position that he has envisaged of any absolute ban operating adversely against the party, by an amendment that has been tabled which amends clause 6 by adding a sub-clause (c) to it which says that no such direction can remain in force for more than two months within which time the parties can represent their point of view. That can be heard and the notification might be amended,

rectified or withdrawn or it may be decided that the notification must continue. So, the position for review is provided in the amendment.

If the House permits the question of any time being given for persons to register their view point, the mischief that has been done would continue to be done.

Shri T. K. Chaudhuri (Berhampore): We have heard the hon. Minister but these amendments relate to.....

Mr. Deputy-Speaker: I have not come to the amendments.

Shri T. K. Chaudhuri: At the consideration stage. There are only two...

Mr. Deputy-Speaker: I will allow them.

Shri T. K. Chaudhuri: This Bill relates to uncertification of films which have been certified by the Board of Censors. In all fairness, the Government should give some time to the aggrieved party to make some representation to the Government.

Shri T. T. Krishnamachari: That is being done. There will be only a ban, an absolute ban for a period of two months. That will be the outside limit. It may be much less; but within that time, they may make a representation and if it is felt that Government action is not the proper one, it will be reviewed.

Mr. Deputy-Speaker: The mischief will be done otherwise. They want to ban the film immediately. There is nothing to prevent a representation being made. That is the view of the Government.

Shri Nambiar (Mayuram): In the mean time the show of the film will be stopped.

Mr. Deputy-Speaker: Otherwise, the whole object will be frustrated if it is continued to be exhibited.

Shri Nambiar: Some portions are exhibited without the Censor Board's sanction. The whole show will be stopped.

Mr. Deputy-Speaker: How can that be got over?

Shri Nambiar: What he wants is that he must be given some time to think and explain his position before the Government before the show is practically stopped.

Shri T. K. Chaudhuri: Sir, it has to be remembered that the film has already been censored and passed by the

regional board of censors. Subsequently, Government wants to certify a film. When one competent body has already considered the whole film, I think, in all fairness, the aggrieved party should be given an opportunity. The two months' time which has been provided in the new amendment tabled by the hon. Minister does not actually provide for a representation being made. Government may of their own accord or on their own initiative review the decision. Where is the express provision by which the party concerned can make some representation to the Government and an appeal could be made? These things are not there.

Shri T. T. Krishnamachari: The whole thing has arisen because it often happens that some such thing escapes the attention of the censors. Some particular passage might cause a lot of complication and an injury would be done to public sentiment. When it is detected that an injury is being done and if it is allowed to go on, there is a continuance of the damage, urgent action is called for. When urgent action is called for, you cannot play with time by merely saying that some persons are inconvenienced. Certain other persons to whom it is an injury might suffer. It is a question of balancing the considerations. You cannot expect the Government to ignore all these factors and go on issuing an order without taking into account, at any rate, whether there is or there is not a *prima facie* case for Government action. If Government realises that action has got to be quick and urgent, you cannot play with time and give a fortnight's time to somebody to make representations. In the mean time, a lot of damage may continue to be done. The basic fact really is that something has escaped the attention of the Board of Censors. I cannot envisage all the conditions that would be present in a matter where Government action is called for. If that could be done, we would have enumerated all those things in this Bill. There may be an innuendo or a reflection on certain groups of people which may have missed the Board of Censors. It is only in such cases, when new facts come to light, when urgent action is called for, Government propose to take action. The question of the parties representing to Government is not ruled out. That is provided for by the amendment that I shall move if the Chair will permit. So much so, the injury will not be a permanent injury if it is done inadvertently or owing to lack of all the facts being placed before the Government. The order will be withdrawn within two months. That

is the outside limit: two months. It may be within a fortnight even. The House can leave it to the vested interests who are very powerful who would use the Press and all other methods of publicity to draw the attention of the public to some mischief that Government has done. Every day Government is being pilloried and the public know about it. If the attention of the Government is drawn, the order may be revoked; not in two months, but in a fortnight, or a week. That position is covered. Unless we say that the Government should sit tight and allow the injury to continue to be done to somebody else, an injury which was not within the cognisance of the Board of Censors: I cannot see how I can accommodate the hon. Members in the Opposition.

Shri K. K. Basu: I wish to say a few words.

Mr. Deputy-Speaker: Why did not the hon. Member stand up then? I would have called the hon. Member.

Shri K. K. Basu: I stood up. My hon. friend spoke. Then I tried to get up. The hon. Minister rose.

Mr. Deputy-Speaker: All right; I shall allow as a special case.

Shri T. T. Krishnamachari: I can only repeat what I have to say.

Shri K. K. Basu: Government has brought forward this amendment to the Cinematograph Act which is in force in our country. We know that some time back the Government appointed an enquiry committee to go into the working of the film industry. We know the role that this industry plays. Apart from the economic aspect of it, it has to play a great part in the building up of and educating the community. We know in what way this particular organisation is working. Specially I would like to refer to the Censor Board. I do not know whether the hon. Minister is interested in going to the cinema. If he compared the way in which the present day films are produced with the films produced ten or twelve years ago, specially before the last war, he will find that there has been a definite deterioration in standards whether the production is from Bombay or Bengal or any other part of India. We thought that when the new Government came into power, they would try to utilise such an important vehicle of education in a manner so as to develop a healthy mind and a healthy atmosphere in the social structure of our community. We have seen to-

[Shri K. K. Basu]

day, in many parts of the country, films are produced which try to pamper or rouse the cheap sentiments and cheap feelings of the common man. As a result, we have seen children and boys of tender age, below 16 or 17, and school-going boys going to films which, if you are interested in films, you will also agree, Sir, have a very adverse effect on the mental outlook of these boys.

Shri B. S. Murthy (Eluru): How do you know?

Shri K. K. Basu: For the benefit of my hon. friend, I may say that these gangster movies, the inspiration for which has mostly been drawn from the American films, are still being produced in many places, since the war. Our Government has not come forward with legislation to control and guide and ban such types of films being produced in our country. On the other hand, we have seen films of foreign origin, specially from America and other countries, which definitely depict many things against our national feeling and our national events, are being allowed to be shown and exhibited in our country with all the fanfare, and often with the support of many important high officials or the heads of States in the country.

Mr. Deputy-Speaker: This is an amending Bill. The hon. Member is covering the whole field of films. This is a short amending Bill.

Shri K. K. Basu: We can discuss. Censoring is the most important thing.

Mr. Deputy-Speaker: I have no objection. Much can be said about cinemas, whether children ought to see or not or whether adults ought to see or not. The point is, where a particular portion has escaped the notice of the censors, what is to be done. There seems to be a view here that before banning further exhibition, an opportunity should be given to the people concerned and that only after hearing, it ought to be done. The Government says that the very purpose will be destroyed if it is not banned immediately, and so they want to ban. There is an amendment here by the Government itself saying that this ban shall not continue for more than two months, so as to expedite the entire matter and avoid any loss to the film producer.

Shri T. K. Chaudhuri: If you look into the amendments, Sir, I do not think Government has given proper consideration to their new amendment itself.

Shri T. T. Krishnamachari: We can discuss that when the amendment is taken up.

Mr. Deputy-Speaker: We can discuss that when the amendment comes up. I would like the scope of the discussion to be limited.

Shri K. K. Basu: As you say, Sir, I will not go into the background of censoring. I only wanted to emphasise this point. In view of the appointment of the Film Enquiry Committee, we expected a comprehensive Bill to come from the Government, which they have not done. Apart from censoring, I wish to lay emphasis on the time lag that may occur from the economic point of view. The producers and exhibitors will suffer if a long time is taken.

I want to emphasise one point which has been very often said, viz., that the Censor Board has acted in a manner which is not conducive to the healthy development of films. I may give the example of one film in Bengali which depicts the events of 1942 in Bengal. This was allowed to be shown in some parts of India while it was restricted, especially in Bengal and in some parts of the country. There is another Bengali film from the writings of the great Bengali novelist, Sarat Chandra Chattopadhyaya. It depicts the character of a mother and step-mother towards a son. And there it is told that the mother kisses the boy, and that very event was censored out of the film, because the Film Censor Board or their representative in Bengal thought it was immoral. If this is the attitude, and if this type of censoring is allowed to be continued, it will adversely affect the film industry not only from the economic standpoint, but also in the definite role that it has to play in the development of our national character. We have heard representations from the film industry itself that though the Chairman of the Censor Board is an ex-Chief Justice of the High Court, actual censoring is done by the police chief who is the provincial chairman and one of his nominees, and even the exhibitors have no right of appeal, if they feel that the police chief is wrong. However good he may be in maintaining law and order, he cannot always understand the aesthetics of the films and the role they have to play. We might find one day that a particular film which depicts the national movement, especially the great events of the Jalianwala Bagh, may be allowed to be shown in Bengal, but may be banned in the Punjab because, unfortunately, there is a police chief in Punjab who is the head of

the Censor Board. He might be in some way connected with the atrocity. He might feel that it would have an adverse effect on the public. He might be one of the Indian lackeys of the British rulers, and he might have a feeling that this should be censored and banned immediately. That is why I emphasize that Government should give us and the people a guarantee that the Censor Board will be used in a manner which will be to the interests of the nation and in the interests of the development of the society, enabling the film industry to play their part in educating the community, especially the younger generation, who are tomorrow going to take up the reins of Government. Unless that assurance is given, we feel that more power should not be given to this Government, as we feel that unfortunately the Government are following the same tactics adopted by their predecessors. This is the short point I wanted to emphasize, and I hope the Government will take note of it.

Shri Nambiar: This has the smell of preventive detention type.

Shri Punnoose: If the Government finds some defect in a film and that some portion has passed the notice of the Censor Board, then sufficient time has to be given to the people concerned to explain. But, now, according to the amendment, the Government will have the power to act all on a sudden. It affects the trade, in the first place. A film has been produced at a high cost, and an average man with a very small amount of investment conducts the theatre. Now, all of a sudden, if that show is stopped even for some time, it hits the trade. That is one aspect of it.

In the second place, I am really anxious that sufficient thought should be given to this before this Bill is passed. Incidentally, I might cite an instance that has come to my mind just now. Very recently, in our State—many of you must know that case—there was a drama being staged. Some district magistrates of the State examined that drama and permitted it to be played. It was played in several theatres and lakhs of people saw it. And then one district magistrate who himself had given permission on an earlier occasion, refused permission for it to be staged again. Then in many local areas the drama was banned. The whole question became one of public importance and the State Legislature discussed it. The title of the Drama is: *You made me a Communist*. Political elements became perturbed. They became nervous and they prevailed upon the local officers to make a hubbub about

it. I want to ask the Government what would happen if this amendment is accepted? Some local officers or some people who have got prejudices against ideologies or against a certain philosophy would want to intrude and make capital out of it.

And then, the provision at present has got this benefit that the people affected are given some time to explain. Even that is going to be denied if this amendment is accepted. I do not know why Government want it.

Then there is another aspect. Government say that certain portions are added to the film which were not censored previously. Those who have something to do with cinema will know that that necessarily happens because you take a film and exhibit it for the first time. Then you have to make certain small amendments; certain write-ups, certain portions have to be deleted; certain portions have to be given greater relief. That has to be done. This amendment, if accepted, will tamper with that right. If it is so, it is going to hit the cinema industry. Of course, with regard to portions which have been already deleted, that is considered unacceptable by the Censoring Board, there is no question. If new additions are made in the simple interest of trade and to cater to the taste of the audience, then that should not be interfered with.

Shri T. T. Krishnamachari: So far as the points raised by the hon. Member Mr. Basu are concerned, they are fairly general, and I think the hon. Minister in charge will certainly take into account all the remarks made by the hon. Member opposite in regard to any review of the measure that is now on the statute book and when the Government considers the desirability of having a comprehensive enactment on the subject.

So far as what he said generally in regard to actions of Government, I can give a few particulars. The Government have been rather active about it. In fact, films which have been uncertified or in respect of which "U" Certificate has been changed to "A", ever since the Act was passed, have been ten; films in respect of which action was taken under sub-section (4) of Section 5, that is, Government using its power *suo motu*, there have been eleven; films which have been re-examined after certification have been eleven again. And in every case, excisions were ordered or revisions accepted or certification given. And every act of Government has been, more or less,

[Shri T. T. Krishnamachari]

I think, rather such as cannot be taken exception to. And where there has been an unauthorised film being certified, there have been four such films which have been brought to the notice of Government, and in one action has been taken. The exhibitor was prosecuted, but owing to the lacuna in the Act, he has been acquitted. In the others, action is being taken, or warning is being issued to the producers to behave properly, or it is a matter before court. So, the point really has been that the number of cases where Government have interfered have not been many, and where they have interfered, they have done so having in view the fact that the exhibitors or film producers would be inconvenienced and they should be given every latitude subject only to Government's responsibility in regard to public morality. Therefore, I think the charges that Government would abuse their powers are not based on facts, but on hypotheses which might come into being, some time later, or may not at all come into being, hypotheses about which we cannot provide by means of a statute.

One particular film, the hon. Shri Basu mentioned, was rejected by the old Provincial Board of Bengal, but it was passed by the Bombay Board—on resubmission to the Central Board that has formed later—for exhibition in the whole of India. So, even where the Provincial Board has done something, which in the eyes of the hon. Member is not right, he would perceive that the matter has been rectified. But all of us do not have the same standards, and there are different standards. The hon. Member wants to safeguard the privileges and rights of the younger generation. So do we. It all depends on what he thinks is best for the younger generation, and what we think is best for them. There might be a fundamental difference in approach in regard to what we think is good for the younger generation, and what he thinks is good for them. On that matter, there can be no common ground, because he might like a particular type of propaganda as being good for them, while we might like that particular type of propaganda to be eschewed, so far as the younger generation is concerned. So it is really a matter of policy in which there can be room for difference, and there is room for difference—criticism on governmental action are likely to be poured on Government in this regard. Government can only justify their action on the basis of policy. Anyway, no particular instance has been brought to the notice of Government, where it is said Government have exercised

their authority in a manner which is prejudicial to the future well-being of the younger generation. I do not think there is anything more for me to say or anything more that the Government are called upon to say in this matter on this occasion.

Shri K. K. Basu: May I emphasise one point in this connection? The Provincial Board is usually dominated mostly by officials, and in view of the fact that such wide and drastic powers are sought to be taken by Government in this amending Bill, do the Government propose to associate non-official persons who can be the best judges in the matter of the standard of morality etc., irrespective of the outlook that they have?

Shri T. T. Krishnamachari: I do not think that it has any relation to this very minor amendment.

Mr. Deputy-Speaker: The hon. Member wants to make a suggestion to the hon. Minister and through him to the hon. Minister in charge....

Shri T. T. Krishnamachari: So far as the human element is concerned, no matter what the constitution of the Board is, whether it be official or non-official, they are likely to err, and it is only against an error of that nature that we are trying to safeguard, and nothing else.

Mr. Deputy-Speaker: No, he wants a larger number of non-officials to be associated. That matter may be communicated to the hon. Minister in charge.

The question is:

"That the bill to amend the Cinematograph Act, 1952, be taken into consideration."

The motion was adopted.

Clause 2.—(Amendment of Section 6 etc.)

Shri T. T. Krishnamachari: I beg to move:

In page 1, for clause 2, substitute:

"2. Amendment of section 6, Act XXXVI of 1952.—In section 6 of the Cinematograph Act, 1952 (hereinafter referred to as the principal Act),—

(i) after clause (b) the following new clause shall be added, namely:—

'(c) the exhibition of any film be suspended for such period as

may be specified in the direction'; and

(ii) for the proviso, the following shall be substituted, namely:—

'Provided that no direction issued under clause (c) shall remain in force for more than two months for the date of the notification.'

The amendment has been necessary, as I said at the outset, because the original clause 2 merely seeks to delete the proviso under which a fortnight's notice was incumbent, so far as the Government are concerned.

Now, what is sought to be done is this. There are two sub-sections, (a) and (b) in the original Act, already, and they still remain, because nothing is done to them. A third sub-section (c) as an alternative, is proposed to be added, namely:

"(c) the exhibition of any film be suspended for such period as may be specified in the direction."

That is the main part of the section. The proviso is varied so that the notification issued under sub-section (c) will not operate for more than two months. This much time Government must give to the people to give them an opportunity to make representations, before finally deciding the matter. This variation has been found necessary because the concerned interests have represented that the mere omission of the proviso would take away the restriction on Government to see that people must be heard within a period of time, and that the order issued under proposed sub-section (c) would operate only for a limited period, and would act in a manner prejudicial to the interests of the industry concerned. That is the main provocation for this amendment, and it also seeks to take away much of the objection that might ordinarily be taken to a Bill of this nature.

Mr. Deputy-Speaker: Amendment moved:

In page 1, for clause 2, substitute:

"2. Amendment of section 6, Act XXXVI of 1952.—In section 6 of the Cinematograph Act, 1952 (hereinafter referred to as the principal Act),—

(i) after clause (b) the following new clause shall be added, namely:—

'(c) the exhibition of any film be suspended for such period as may be specified in the direction'; and

(ii) for the proviso the following shall be substituted, namely:—

'Provided that no direction issued under clause (c) shall remain in force for more than two months from the date of notification.'

Shri Kasliwal: This amendment, to some extent, modifies the rigours of the Bill as it was. But I respectfully submit that this particular proviso put forward by the hon. Minister relates only to sub-section (c) which is proposed to be added now. It does not relate to sub-sections (a) and (b). So far as these sub-sections are concerned, there is no opportunity given to a person, whose film has been certified but is later on declared as uncertified, to make a representation to the Government. I would submit that if the hon. Minister agrees to relate the proviso to sub-sections (a) and (b) also, then that position would be more acceptable to me.

Shri T. K. Chaudhuri: I would only request the Government to take this aspect of the matter into consideration. If you read section 6 as amended by the new amendment proposed by the hon. Minister, you will see that the two months' limit is imposed on the power to suspend the exhibition of films, so far as certification of films is concerned. But in the case of uncertification of films, there is no such two months' limit.

Shri T. T. Krishnamachari: The point is this. Normally, unless Government have got very good reasons, they would not act under sub-sections (a) and (b), and where they feel that it is a matter of emergency, they would act under sub-section (c), which is intended for an emergency. Sub-sections (a) and (b) give power to the Government to act in the manner provided in the section, and the Government will certainly act in that manner, but the point here is that the Government would give an opportunity to the people to present their case. Normally action would be taken by Government under sub-section (c), in cases where Government has not been able to give an opportunity to people to make a representation.

Shri T. K. Chaudhuri: If that is the intention of Government, what is the objection in relating this proviso to sub-sections (a) and (b) also. That is a very small request, and Government can easily accede to that.

Mr. Deputy-Speaker: They want to know why this proviso should not be related to sub-sections (a) and (b) also.

Shri T. T. Krishnamachari: The real position is this. The original intention was that the proviso should be deleted, so that the hands of Government shall be free to uncertify any film or change the character of the certification of a film.

Mr. Deputy-Speaker: But without any notice whatever?

Shri T. T. Krishnamachari: That was the original intention. Subsequently it was found that we could adopt a variation of the attitude. Sub-sections (a) and (b) remain, but a new sub-section (c) is added along with a proviso, which is a variation of (a) and (b). Unless compelling circumstances make them take action under sub-section (a) or sub-section (b), they will normally take action under sub-section (c). The discretion to choose the method of action will be still reserved to Government and is not left in the hands of anybody else. And this is a concession to the industry which is being discussed, and that is as far as we can go now. So, sub-sections (a) and (b) remain, as they are, and we are not asking for any mitigation of them. Normally, unless something is compelling, action would be taken under sub-section (c), in which case, this two months' limit will obtain.

Mr. Deputy-Speaker: What is the harm in relating...

Shri T. T. Krishnamachari: The position must be admitted by the hon. Member that sub-section (c) is an improvement on the old one, and is not one that detracts from it.

Mr. Deputy-Speaker: The difficulty evidently apprehended seems to be that this proviso does not appear to qualify sub-section (a) or sub-section (b).

Shri T. T. Krishnamachari: It does not qualify sub-section (a) or sub-section (b). It is not the intention of Government to say in the statute book expressly that Government will give an opportunity to everybody. That is the position. So, it is merely a matter of devising a *modus vivendi* rather than a statutory variation of the position. The amendment merely says that Government may act under sub-section (a) or sub-section (b) or sub-section (c). That is the alternative that is provided, and Government do not want to accept the obligation that in every case, where they want suspension, or uncertification or stoppage for the reason that they want an excision, an opportunity will be given to persons to explain their position.

Mr. Deputy-Speaker: Does it not appear to be a little too drastic?

Here no notice is given to a person who has spent money on the film; suddenly, even without notice, it is cancelled.

Shri T. T. Krishnamachari: As I said, Sir, the original position of clause 2, which was that a fortnight's notice would be given, as contained in the proviso, will no longer operate, and it will be left to Government to exercise choice or discretion. What is now being done under the amendment is to have an alternative method for Government, to say that they will suspend under sub-section (c). If they suspend under sub-section (c), naturally the other thing must follow. A suspension cannot be indefinite; it must be limited to a period of time, and that is two months. That is why that proviso can only operate in regard to a suspension, not in regard to an order which relates to uncertification. If Government find that sub-section (a) or sub-section (b) is not the proper method, then sub-section (c) will be utilised.

Mr. Deputy-Speaker: But it is not so stated. It is an independent one.

Shri T. T. Krishnamachari: I do say it is an independent provision, but an alternative provision. The third action, rather than the first and second action, in case of sub-section (a) or sub-section (b), as the case may be, open for Government is that they may, instead of uncertifying the film, merely suspend the certification and then that gives an opportunity for people to present their case. The Government might revoke the suspension or uncertify under sub-section (a) or change the character of the certificate under sub-section (b). If Government do not agree to the demands made by the particular exhibitor, then action under sub-section (a) or sub-section (b) will follow. This is more or less a preliminary to action under sub-section (a) or sub-section (b).

Mr. Deputy-Speaker: The question is:

In page 1, for clause 2, substitute:

"2. Amendment of section 6, Act XXXVI of 1952.—In section 6 of the Cinematograph Act, 1952 (hereinafter referred to as the principal Act),—

(i) after clause (b) the following new clause shall be added, namely:—

'(c) the exhibition of any film be suspended for such period as may be specified in the direction:'; and

(ii) for the proviso the following shall be substituted, namely:—

‘Provided that no direction issued under clause (c) shall remain in force for more than two months from the date of the notification.’

The motion was adopted.

Mr. Deputy-Speaker: The question is:

“That clause 2, as amended, stand part of the Bill.”

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Clauses 3 and 4 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Enacting Formula were added to the Bill

Shri T. T. Krishnamachari: I beg to move:

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

Mr. Deputy-Speaker: Motion moved:

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

11 A.M.

Shri S. C. Samanta (Tamluk): This morning I submitted two amendments. By one amendment I wanted to substitute ‘six months’ for ‘three months’. From the Ministry I have come to know that those offenders are very much afraid of imprisonment and they could not be checked so long by fine only. So I am satisfied that these three months will do. Another provision which I wanted to be put has already been put in the Cinematograph Act of 1952.

When we were dealing with the Cinematograph Act in 1952, we were of opinion that this imprisonment section should be added. Then the Government said—let us have an experiment with the fine and if we find it impossible to check them, then we will bring the imprisonment provision. We are glad that this provision has been brought in and I hope Government will look after this aspect of it, and if necessary, bring forward more stringent measures afterwards.

Shri T. T. Krishnamachari: I shall certainly communicate the wishes of the hon. Member to my colleague for such attention as it requires.

Mr. Deputy-Speaker: The question is:

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

The motion was adopted.

SCHEDULED AREAS (ASSIMILATION OF LAWS) BILL

The Minister of Home Affairs and States (Dr. Katju): I beg to move:

“That the Bill to assimilate certain laws in force in the scheduled areas to the laws in force in the districts of Nowgong and Sibsagar in the State of Assam, as passed by the Council of States, be taken into consideration.”

[**SHRI PATASKAR in the Chair**]

It is a non-controversial measure. As the House would have seen from the Statement of Objects and Reasons, certain areas of the Mikir Hills, which is an autonomous district in Assam specified in the Sixth Schedule to the Constitution, have been excluded from that district and have been incorporated in the adjoining plain districts of Nowgong and Sibsagar. But in spite of this exclusion, and assimilation with these plain districts the rules and regulations and notifications which were in force in Mikir Hills still continue to be in force in these areas which now form part of these two plain districts. This has led to great administrative inconvenience, and the Government of Assam proposed that all those rules and notifications should be repealed and the laws and regulations in force in the districts of Nowgong and Sibsagar should be made applicable to these included areas. The Government of Assam are taking steps in their own Legislature to have the laws which form part of the State List extended to these areas there and they have asked us to take the same step in regard to the Union List. It is in compliance with that request, which is obviously reasonable and proper, that this Bill has been introduced. The only object of the Bill is to get rid of the former notifications, regulations and all sorts of things and make the current laws in the two plain districts of Nowgong and Sibsagar applicable also in the amalgamated areas.

Mr. Chairman: The question is:

“That the Bill to assimilate certain laws in force in the scheduled areas to the laws in force in the districts of Nowgong and