

[Shri Manubhai Shah]

a monopoly. As a matter of fact, in the distribution of soda ash, we have allowed not only the present producers, but other agencies also to distribute imported soda ash, which at present we are doing through the S.T.C.

Shri V. P. Nayar: What about Tatas, Imperial Chemicals, etc.?

Shri Manubhai Shah: There are associations in Calcutta, Bombay, Madras and so on. I would not like this debate to be continued in that manner. If my hon. friend is interested, I will certainly give him all the details at the appropriate time. I am making a *responsible statement when I say that it is not our policy to give preference to one party or the other.*

Mr. Deputy-Speaker: No speeches while sitting.

Shri Manubhai Shah: In a particular period of time, within the available amount of foreign exchange we try to see as much the interest of the small users as possible. Our whole import policy is based on that. Of course, this does not arise out of this Bill, but our whole import policy is based on giving support to the actual users rather than to established trader buyers. In fact, that is one of the complaints that the trade is making against the Government. Even when there is shortage of foreign exchange we try to see that the prices do not unduly rise and that the manufacturers get their raw materials at reasonable prices and this policy has got to be inevitably followed, if I may say so. Therefore, I submit that all the industries to which protection is sought to be given are such which deserve the blessings and support of the House.

Shri Basappa (Tiptur): Will the hon. Minister tell us why the Silk Board was transferred from Bangalore to Bombay? Shri Dasappa has asked that question.

Shri Manubhai Shah: I have given the answer in the House several times. Firstly, the Silk Board was for many years in Bombay. It was never in Mysore at that time. With the reconstitution of the Silk Board, it was first shifted for three years to Delhi. It was found to be very inconvenient to have it in Delhi. Again it was transferred to Mysore for a little while. Then it was transferred to Bombay because the Textile Commissioner, who is the Chairman of the Board, has to function as the administrative head, along with his work of looking after the textile industry. Therefore, it is easier for him to handle this organisation from Bombay. Then, it neither gives employment to many people, nor is it an economic apparatus to establish an office separately. If it is in Bangalore or Mysore it will be a problem for the Textile Commissioner to manage it. So, it was thought advisable to shift it to Bombay.

Mr. Deputy-Speaker: The question is:

"That the Bill be passed"

*The motion was adopted.*

14.22 hrs

CINEMATOGRAPH (AMENDMENT)  
BILL

The Minister of Information and Broadcasting (Dr. Keskar): I beg to move\*:

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

The Cinematograph Act was passed by Parliament in 1952. This Act abolished the separate State Boards of Film Censors, which existed until then, and a single uniform board was set up. This Act also consolidated the

\*Moved with the recommendation of the President.

various legislations and practices concerning censorship of cinematograph throughout the country.

The Government was empowered by this Act to set up a Central Board of Film Censors, and under certain broad principles laid down in the Act it was asked to form a Board and also to make relevant rules for the functioning of the Board. The Act has now been working for more than six years. During this period the various laws of the Government of India have become more clarified due to the various rulings given and opinions expressed by the courts. Therefore, the drafting and the language of laws have now become clearer and it is now possible for us to lay down clearly or to redraft laws in a much more definite manner than could be done in 1951-52. The experience that we have had of the working of the Act has also enabled us to have a clearer idea of how to frame the law and the rules in a clearer manner.

The present Bill, I might say at the very beginning, does not make any substantive change whatsoever in the working of the Act. The Act in its substance will continue as it is. The main purpose of the Act is to carry out the directives of the Committee on Subordinate Legislation of Parliament, which has suggested the incorporation into the Act itself a number of provisions which were included in the rules.

Advantage has been taken of the occasion to redraft certain clauses or sub-clauses which, we felt, were liable to be vague. We have, therefore, tried to make them more precise. So, the Bill in general is procedural and is not substantive. Clauses 4, 5, 6, 7 and 7A are already there in the rules under which the Board is functioning and are, therefore, in action. They have just been bodily put into the main Act. In including them, a slight change in language in order to make them more precise has also been made.

The main point in clause 4 is that the advisory panels, with whose help the Board is working, have been put in the Act itself, which were not there in the original Act. A provision for a clause in the Bill mentioning the principles for laying down the directives has also been taken from article 19 of the Constitution. This directive is already functioning and it has been naturally framed, keeping in view the relevant articles of the Constitution. Formerly this was taken for understood and now we are putting it in the Act itself for future guidance, whenever any occasion arises.

Therefore, in practice also this makes no change excepting that whatever has been guiding us has been put in the Act itself. Changes made in clause 3 have been necessitated by the fact that by experience it has been found that in doing the detailed work of the Board, much of it has to be done by the Chairman of the Board. According to the present Act the Board as a whole is supposed to do all the detailed work. In order to enable the Chairman or members of the Board to do this work on behalf of the Board in a regular manner the present provision has been included so that the position becomes clearer and the work of the Board more expeditious. This authorisation of delegation is given in clause 7(b).

The revisional powers of the Central Government enumerated in clause 6 exist today in the rules. They are now being incorporated in the Act itself.

Provisions mentioned in clauses 7(e) and 7(f) are the normal provisions of law which are necessary for any statutory board for protecting its members and generally were considered to be understood. Now it is legally considered better to have these included in every Act. Therefore, they are being so put in the Act.

It would, therefore, be seen that the various provisions, rather the amendments to the Act, that have been put



[Dr. Keskar]

forward are mainly to carry out the behests of Parliament, as far as the Committee on Subordinate Legislation is concerned or else to make the Act legally stronger and clearer. So, no question of principle is involved and I hope, therefore, that the House will pass this legislation speedily.

Mr. Deputy-Speaker: Motion moved:

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

Shri Mahanty (Dhenkanal): I have tabled an amendment.

Mr. Deputy-Speaker: I am coming to that. The time allotted is three hours. Should we divide this equally between general discussion and clause-by-clause consideration?

Dr. Keskar: I suggest that we may have two hours for general discussion and one hour for clause-by-clause consideration and third reading.

Shri Easwara Iyer (Trivandrum): There are not many amendments.

Shri Ansar Harvani (Fatehpur): We can have 2½ hours for general discussion and half an hour for the rest.

Mr. Deputy-Speaker: If the hon. Members can finish the clauses and third reading in half an hour, I have no objection.

Dr. Krishnaswami (Chingleput): We can have 2½ hours for general discussion.

Mr. Deputy-Speaker: Then there are amendments.

Shri Mahanty: If the circulation motion is accepted, then there will be no clause-by-clause consideration.

Mr. Deputy-Speaker: I would have no objection then to allow all the three hours for consideration.

Shri Mahanty: Sir, I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 1st March, 1959."

Mr. Deputy-Speaker: There is no other amendment like that.

Shrimati Ila Palchoudhuri (Nabadwip): I have two amendments to move.

Mr. Deputy-Speaker: Those are to the clauses.

Shrimati Ila Palchoudhuri: Yes.

Mr. Deputy-Speaker: She would get an opportunity to speak.

Shri Easwara Iyer: I have today given notice of certain amendments. If the hon. Minister has no objection, they may also be taken into consideration.

Dr. Keskar: What is that?

Shri Easwara Iyer: There is an amendment to a clause regarding the advisory panels. I have given the notice only today. So, if the hon. Minister could accept it, that may also be taken into consideration.

Mr. Deputy-Speaker: We will allow that because the clause-by-clause consideration would begin tomorrow. Therefore there is no harm in considering them. We will consider them.

Now, both the motion and the amendment are before the House. As there is a large number of speakers, the remarks should be brief.

Shri Mahanty: Mr. Deputy-Speaker, Sir, this Bill is not merely procedural as has been suggested by the hon. Minister. This does not merely provide for the Board of Censors and for the advisory panels or this does not merely codify the directives which have been issued from time to time. For the first time in the history of the

Indian Cinematograph Act, it seeks to embody certain principles which will have to be interpreted by the courts. Therefore this Bill assumes a very fundamental nature. That is why I have proposed in my amendment that this Bill be circulated for eliciting public opinion.

The State by this legislation is going to lay its hand on one of the most productive sectors of creative art in which not merely the Government or the producers are involved but also large numbers of people are involved. In that way it becomes a matter not of legal or technical importance, not merely of moral law but also of artistic and creative importance.

Personally speaking, I am opposed to the very idea of statutory censorship. I would rely more on voluntary censorship and on the social sense of good taste than on statutory censorship. But it can be said that now the idea of film censorship has assumed international importance. In most of the countries—practically in all the countries of the world—there are boards of film censors. Therefore, possibly this is the idea which has actuated the hon. Minister to reject the idea of a film council which was recommended by the Film Enquiry Committee Report.

Again before we go to give our statutory approval to the Board of Film Censors and the directives which they will follow, it will be quite worth while to look at the history of censorship not only in India but in different countries of the world.

In the U.K., from which country we have inherited this idea of film censorship, there is a board, but that is not a statutory board. I would like the hon. Minister to point out to me a single English picture, as opposed of course to American pictures, which has transgressed the limits of public sense and morality.

**Shri Easwara Iyer:** Too many.

**Shri Mahanty:** If there are too many, I am not interested in seeing those too many pictures. If the hon. Member is very keen to see such gutter pictures which are being produced by British producers, I have no quarrel with him. But by and large pictures which are seen by decent people in decent cinema houses conform to very high standards of public sense and morality. Let us not be led away by prejudices of Empires and Imperialism. Here is a question of art which really should permit no political controversy.

Of course, the Chairman of the British Board of Film Censors has to be appointed by the Government and has also to carry the approval of the Home Ministry, nonetheless the certification of the British Board of Film Censors carries no statutory sanction behind it. There have been instances where local authorities have flouted the certification of the British Board of Film Censors and have exhibited films, without incurring the penalty of law, which have not been certified by the British Board of Film Censors.

**Shri Easwara Iyer:** That is true.

**Shri Mahanty:** Then again we find that in the U.K. it has no legal authority. What we are going to provide for in this law is that we are going to provide some legal sanction or statutory sanction. If an exhibitor shows a particular film which has not been approved by the Censor, he incurs so much penalty as has been provided in the law—and, of course, the police officials go and do the rest of it.

Coming to the U.S.A., I am aware of the fact that there is a good bit of propaganda against American pictures. Producers who cannot meet good U.S.A. pictures in the standard of photography take to this kind of propaganda that all American pictures are horrible crime pictures. Let us have our honest differences of opinion on that point but I am speaking by



[Shri Mahanty]

and large of good American pictures that have been produced and which have set standards in the world of cinematography. I am talking only of those pictures. That has been possible in a country where there is no statutory sanction.

In 1921 the idea of censorship of films originated in U.S.A. There again there was no statutory censorship. A voluntary institution of producers and distributors styled as the famous Motion Pictures Producers and Distributors Association, i.e., M.P.D.D.A., has laid down and enforces certain professional codes. It evolved a code of conduct which had to be followed by the producers and also by the distributors. Then also came the Production Code Administration when this organisation was found inadequate. The Production Code Administration grew up and it has been working since then quite satisfactorily.

Now a question may be asked: if in India we have a non-statutory organisation then what about the producers? They may not refer their films for examination to this kind of censors. We have no statutory sanction behind that. But the fact has to be noted that in America 98 per cent. of the pictures are submitted to this non-statutory board of censors. In England since 1933 no distributor worth his salt or worth his reputation ever exhibits a picture which has not been submitted to the British Board of Film Censors even though there is no statutory obligation to submit a particular film for examination by the Board of Censors.

I will come to why I am insisting on this non-statutory nature. But before I come to that it will be quite worth while for the House to remember as to how our Board of Censors has functioned. In Bombay the Board of Film Censors was presided over by a highly artistic person, viz., the Inspector-General of Police. The other

members were the Collector of Customs.... (Interruption).

Shrimati Ila Palchoudhuri: Can the Inspector-General of Police not be an artist?

Shri Mahanty: A good artiste. It is only that he paints in red. That is the difficulty.

When we come to the directives—I have not got the thing in my hand at the moment—the hon. Minister can find out from the directives which are laid down by this Board of Censors that there are wet and dry films. Some films were dripping wet and that kind of definition even the Communist theoreticians cannot conceive, i.e., of the wettest definition and the driest definition; where drinking becomes a crime and a sin and where it does not become a crime. But I am not going into that. What I am suggesting is that the frontiers of value are always moving. For instance, a particular code that this Board of Film Censors were pursuing was that if you depict in your scenario any suggestion of class conflict immediately the picture becomes bad.

Dr. Keskar: Are you referring to the present Board or....

Shri Mahanty: The present Board has inherited that very good tradition.

Dr. Keskar: Are you referring to the present directives?

Shri Mahanty: The present as well as the old.

I will invite your attention to an extract from the Gazette of India, dated February 27, 1954, directives which are now being followed. There you will find, item (f) sub-para (2) which says: ...and social unrest or discontent to such an extent as to incite people to crime. What is the function of art? It is not the function of art to drug the social conscience to complacency, to sleep. It is

the function of art to rouse the public conscience against all kinds of injustices, be they pictures or films or anything. I am very much concerned about censorship because I am aware of the fact that a certain tendency towards totalitarianism has been growing. I can quite entrust myself to my hon. friend for whom I have the greatest regard. But, what happens when another incumbent comes? He takes advantage of this and says all kinds of films are bad.

**Mr. Deputy-Speaker:** Is the hon. Member talking of the present or fearing the future?

**Shri Mahanty:** I am talking of both because the future is taking its birth in the womb of the present. What I am suggesting is that the frontiers of values are moving.

In 1912 when there was the British Government in power the Governor General in Council had laid down that the realities of war should not be shown in pictures. Why? Because, at that time, the Indians should not be inhibited in any way from supplying cannon fodder to the British army. Therefore it was said that the real horrors of war should be banned. I remember to have seen "All quiet on the Western Front" published long ago. That picture pin-pointed the horrors of war to incite the craving for peace all over the world. Today we are standing for peace. We want to show more pictures which show the horrors of war which rouse our social conscience against all war. This is code which was conceived in the womb of the old Forgotten British regime in 1912 still holds good. I need not go into all that if I can. I can go into all the details. My grievance is this. In clause 5B(1) they bodily lift article 18(2) of the Constitution. They also assume power under sub-clause (2) to frame directives which will be never discussed by this House. Therefore I was trying to submit that frontiers of public morals are always moving. Somebody may take exception to drinking, alcoholic bouts. Let

it be remembered that absolute power is more maddening than 40 per cent whisky. What I am saying is, let us not be prejudiced, and run away with our set notions or ideas. The frontiers of public morals are always moving. I, therefore, take exception to the fact that there should be censors of public morals who will be thousands of miles away from the techniques of film production, from the techniques of scenario writing and from the problems involved who will try to implement a set of directives which have no relevance to the present context.

Then I come to another question and it is a fundamental question. What it poses is this. If anybody goes into the directives which have been issued, he will find that the real issue is realism versus idealism. I am glad the hon. Minister is here. This issue of realism versus idealism has been decided in other spheres of creative art. For instance in literature. The hon. Dr. Keskar would agree with me that he is not going to throw away to the gutters the novels of Emily Zola. He is not going to throw away the books of Sartre or throw away the pictures of Luthre because they are realists. The realists have today established themselves in the world because they have roused the dormant social conscience against many of the injustices that are passing today under the cloak of virtue. Therefore, it has been decided in other fields of art. Having been extended to these creative fields of art, realism has not played any havoc. I would like to know how realism will create havoc if it is also extended to a reasonable extent to the domain of films.

What I was trying to submit is, I have no opposition to the idea of censorship. My whole opposition is to a set of directives which have been issued and which are going to be issued by the Government. Clause 5B(1) is there. In spite of the directives that the Government issue from time to time it will be for the court it will be the inherent right of the court to interpret not according to



[Shri Mahanty]

clause 5B(2), the directives that they will issue, but according to the wording of clause 5B(1) which has been bodily lifted from the Constitution. Therefore, a code or directive was unnecessary to have been drawn by the Government itself. What I would have liked is that the code has to be evolved and, therefore, discussed with the producers, with the scenario writers and, of course, the eminent public men who are interested in the matter. But, the Bill proposes nothing of the kind. It seeks to give legislative sanction to a code, a set of directives which have not been revised in the light of the changing experience.

I have got only one submission and I finish.

**Mr. Deputy-Speaker:** The hon. Member should be very brief. He has already taken more than fifteen minutes.

**Shri Mahanty:** I am sorry; I am just finishing.

I remember, in 1948, on the 27th of March, a conference was held between the Home Minister of Bombay, the Bombay Board of Censors and Producers wherein it was assured that the Government would provide them with a comprehensive production code to help them to avoid wastage of time, energy and money on features that were bound to be banned by the censors. Why I am making this submission is, I do not wish even a bad picture to go as a social wastage. What happens is this. Those who have got any practical experience of this matter would have known that, as soon as a picture is submitted to the censors, if they want, they may say that a particular footage is to be deleted. It may be 100 feet, it may be 8 feet, or 300 feet. I do not know; only the hon. Minister can give figures of what is the maximum footage that has been deleted from a picture. At that time, the Editors of these films, the producers were confronted with a difficulty. What happens is,—in most

cases it has happened—pictures have been completely destroyed as a social wastage, have been mutilated. If the Government draws up a code of conduct for the producers, they will know where they stand. Therefore, when they draw up their scenario, when they start shooting, they will take care to see that their picture does not come under the scissors of the censors. Therefore, I would once again appeal to the hon. Minister to agree to my proposal for circulating the Bill for public opinion. Nothing is going to be lost, because the existing law is there and that would take care of the bad films. When we are really going to evolve a certain production standard let the cinema fans, producers, public at large, let everybody express their views on this Bill. Then, we will be in a position to formulate something which would really stand the test of time.

**Mr. Deputy-Speaker:** This motion for circulation as well as the original motion of the hon. Minister are before the House. They will be discussed together.

**Dr. Keskar:** All the amendments?

**Mr. Deputy-Speaker:** The hon. Minister's motion and the amendment of Shri Mahanty are before the House.

Motion moved:

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

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 1st March, 1959."

I may request hon Members to condense their remarks within ten minutes.

**Shri Easwara Iyer:** I would be as brief as possible. In endeavouring to speak on this Bill, I have no pretensions like our hon. Minister as an expert in art or the cine industry, but

having taken some sort of interest in this line in the early part of my life, I would like to submit a few suggestions for his consideration

15 hrs.

**Mr. Deputy-Speaker:** When was it given up?

**Shri Easwara Iyer:** Probably in recent years.

**Shri Narayankutty Menon (Mukandapuram):** It was given up when rock-n-roll came, he could not do it

**Shri Easwara Iyer:** It is indisputable that the film has attracted the vast majority of our citizens and thus industry has come to stay and flourish. So, for the condemnatory or the puritan critic who says that cinema is a sin and evil and must, therefore, be eschewed from our society, probably the only solution that I could offer is to ask him to go to the top of the Himalayas and spend the rest of his life in peaceful meditation, without any intention of returning to this *terra firma* of mundane affairs

**Mr. Deputy-Speaker:** Is it for me?

**Shri Easwara Iyer:** To the condemnatory critic I do not say you are a critic

The growth of the film industry has been very stupendous, and it had been recognised by the Government themselves when they constituted the Film Enquiry Committee as early as 1950 to examine among other things what measures should be adopted to enable films in India to develop into an effective instrument for the promotion of national culture, education and healthy entertainment. This committee submitted its report in 1951, and within a very short time, in the opinion of the Government perhaps, the Indian Cinematograph Bill was introduced in 1956 in the other House. For some reason or other that Bill was withdrawn. The Statement of Objects and Reasons of that Bill said:

298 (A) LSD.—8.

"The Cinematograph Act of 1952 embodies in Part II a scheme for centralisation of certification of films for public exhibition. The effect of the procedure for certification under the Act is primarily of a negative character in that the examination is made mainly for the purpose of eliminating objectionable features. There is a feeling that even under this procedure there is greater scope for improvement of the moral and cultural standards of the film. It has, moreover, been recognised that positive assistance, guidance and encouragement should be given in the production of films of better aesthetic and cultural standards"

I do not read further. So, with this determination to elevate and reorientate the film industry, the Bill was introduced. It was somewhat comprehensive and we were getting ready to say a good word or two about the right approach of the Government, when that Bill was withdrawn, and we have now got this substitute Bill.

I find from a perusal of this Bill that instead of the positive assistance that had been so gloriously pleaded for by the Government and the hon. Minister, everything is negative, in the sense that the Board of Censors have been provided with sharper scissors and probably a few more assistants to do the job more effectively. That is what we find.

I do not want to comment upon the working of the Board of Censors, that august body, but I do want to speak, with your indulgence and remembering your admonition about time, about the positive side of this industry.

That the film industry has got a positive job to do has been recognised not only by the Film Enquiry Committee here, but in all countries like the USA, UK and Soviet Russia. I may with your permission



[Shri Easwara Iyer]

refer to the report of the Hoover Commission appointed to study contemporary social trends in the U.S.A. as early as 1933. It says

"Although the motion picture is primarily an agency for amusement, it is no less important as an influence in shaping attitudes and social values. The fact that it is enjoyed as entertainment may even enhance its importance in this respect. Any discussion on this topic must start with a realization that for the vast audience the picture and 'filmland' have tremendous vitality. Pictures and actors are regarded with a seriousness that is likely to escape the casual observer who employs formal criteria and judgment. Editors of popular motion picture magazines are deluged with letters from fans, unburdening themselves of an infinite variety of feelings and attitudes deeply personal, which focus around the lives and activities of those inhabiting the screen world. These are filled with self-revelations which indicate sometimes deliberately more often unconsciously, the influence of the screen upon manners, dress, codes and matters of romance. They disclose the degree to which ego stereotypes may be moulded by the stars of the screen."

If we turn our attention to Britain, we find that the report of the Departmental committee on child and the cinema known as the Wheare Committee has condemned in very strong terms the false values that the everyday entertainment film inculcates. It says

"A very large number of films are exposing children regularly to the suggestion that the highest values in life are riches, power, luxury and public adulation, and that it does not matter very much how these are attained or used."

It goes on to say

"We are convinced that the regular portrayal of false values is more pervasive and dangerous than the depiction of crime or impropriety."

It is undeniable that the commercial films with their eyes on box office success, cannot cater to the cultural needs and educational and moral development of children, however much my hon. friend may try to persuade them. Therefore, it is clear that too strict censorship is not going to achieve the object in view.

What then is the remedy, is the question. I would respectfully say that we must look for a positive solution of the problem before us by producing suitable entertainment films having the effect of educating the children of our country. Great Britain, Soviet Russia, France, Czechoslovakia, Switzerland, Italy, Belgium and other countries have taken the lead by producing special films of interest for children. In the U.K. a children's Film Foundation has been founded by the film industry receiving perhaps an annual grant from the British Film Production Fund, and the theatres there are showing these pictures at special children matinee shows all over the country.

Speaking about Soviet Russia, probably some people are allergic to Soviet Russia but still speaking about Soviet Russia, a children's film studio came into existence in that country as early as 1936. Subsequent to 1947 every Soviet film studio is producing children's films, and I am told that there are special cinema theatres run for children.

Here in India, what do we find? We have established a Children's Film Society, but it is producing only two special films annually, and that too in the Hindi language. I have no quarrel with the Hindi language, but Government unfortunately have not taken

any concrete steps in the matter. I would respectfully submit for the consideration of the hon. Minister that apart from the Board of Censors engaged in excising or rejecting films subject to their scrutiny for whatever reason,—I am not expert in the line—we must have a special committee consisting of experts in the line giving positive financial and technical assistance to the production of cultural films. There must be a special classification of these cultural films, not on the basis whether the "A" or the "U" certificate should be granted, but on the basis of pictures that are suitable for the children of our country. The least that I can suggest for the present is that we must have a production of 12 films annually not only in Hindi, but if possible, dubbed in all regional languages. The Government must give financial and technical assistance for the production of these films.

The present-day exhibitors are very reluctant to show these children's films in their theatres. In fact, they are exhibiting only what may be called "box office pictures." We should have a compulsory law whereby every theatre is required to exhibit at least once a week these children's films at nominal rates for children. If that is not possible, let us at least start by persuading them. Let the State Governments and let the Central Government persuade these exhibitors to have these children's films exhibited in their theatres at nominal rates for the children.

Regarding the need for educational films, I cannot put it better than in the words of the Film Enquiry Committee. At page 55 of their report, they say

"This medium of education lends itself to very effective use in amplifying instruction in different technical and scientific processes, in bringing closer to the people strange lands and stranger people . "

It is almost poetic,—

" in imparting knowledge about their own country, in explaining many problems of natural science, and incidence of natural phenomena, and in creating an interest for objects and things outside the range of normal daily experience of an ordinary student "

Further on, they say—

"In a world where distances are shrinking "

- again, it is in the same pitch—

" fast and even every-day problems far transcend national boundaries, the value and need of such an agency cannot be over-emphasised. By an adroit mixture of entertainment and education and a skillful and competent handling of the subject in a manner adapted to the level of intelligence and degree of education of the audience, an educational film, can save hours of lecture and study "

It is, therefore, needless for me to over-emphasise the need for developing the positive side of this film industry.

Coming to the present Bill, I shall not take up much of the time of the House. I am not professing myself to be an expert in the line of censorship. But I must confess a certain amount of bewilderment at the way in which we find a number of foreign films are being exhibited in the country. Sometimes, these pictures take the form of horror pictures, gangster pictures, pictures depicting shooting and revolver shots, and sometimes they depict even glamour girls in scantily clad dresses. I am starting to wonder how these have passed the scissors of the Board of Censors. For, I would respectfully say—I am not quoting any instances—if an Indian film is shown where a particular scene occurs, where a person is taking



[Shri Easwara Iyer]

a drink in a picnic party, they say that drink is evil, and it must be cut down, and down comes the axe of the Board of Censors. There is a nice distinction made here. You cannot depict a picture where a person is shown taking a drink. But if the theme is such that the evils of drinking are being exhibited, then you are permitted to exhibit it. This is the puritanic approach that exists. I am not saying anything against that. I am saying that obscene and sensuous and immoral things must be eschewed. But I would submit that a strict and stiff censorship on the part of the Board of Censors does not mean that they must have a very puritanic approach. They must view these films with the eye of a reasonable man. When I say 'with the eye of a reasonable man', I may also put it in the negative and say that they should not be too astute to find out microscopic and unnecessary defects in the film. Unfortunately, that is the approach of the Board of Censors as it is constituted at present, which consists of persons who profess themselves to be experts in the line, probably experts in the line of handling of police problems and not experts in the line for which they are engaged. I would respectfully submit for the consideration of the hon. Minister that the Board of Censors must be constituted of men of the highest integrity—I am not questioning the integrity of the present Board of Censors—and having a knowledge and insight into art, culture and industry.

I find in this enactment an advisory panel coming up. As to how these advisory panels are to be constituted, the Bill is silent. There is no mention as to how these persons are to be chosen, whether they will be sub-inspectors of police or deputy superintendents of police or magistrates who have nothing to do with art or the cine industry; we are not aware of it at all. And I shall not be surprised.

Dr. Keskar: May I draw the attention of the hon. Member to what I said in my speech that the advisory panels are there, and they are functioning? The qualification of the members and everything else is there in the rules which have been placed before Parliament, and if the hon. Member has any criticism to make, I would first ask him to look at that and then make it.

Shri Easwara Iyer: I am certainly aware of the fact that the advisory panels are working at present under the rules under the Cinematograph Act. But now this Bill is going to become law, and the advisory panels must be chosen under this enactment. I am only pointing out for the consideration of the Minister that so far as the choice of persons for these advisory panels is concerned, let us do it in consultation with the respective State Governments. Supposing a Malayalam film is to be adjudged—I am taking the case of Malayalam because I come from a Malayalam country—and the advisory panel consists of Tamilians or Northerners, then the genius of the Malayalam language cannot be understood by them; and there is every likelihood of those persons coming to a wrong conclusion.

So, I have submitted also an amendment for the consideration of the hon. Minister that the appointment of the members of the advisory panels may be done in consultation with the State Governments, so that at least there will be a fair judgment of all the regional language films.

Though I have so much to say, I shall not take up the time of the House any more because the second bell has also been rung; I shall continue on another occasion on this matter.

Shrimati Ila Palchoudhuri: I have gone through this Bill with great interest because it seeks to embody

certain clauses relating to the constitution and so on of the Board of Censors in the Act. As the hon. Minister himself has said, this Bill is really to give effect to the rules that are already existing by means of a legislation. And I congratulate the hon. Minister on having done this, because the rules, after all, cannot always be enforced as they could be, if they are embodied in an Act.

I have a few remarks to make on this Bill. It has already been realised that the film industry is a very vital industry in India. It gives nearly two crores of rupees to Government by way of revenue, and it employs about 250,000 people. So, it is a very vital industry. Hence, every effort should be made to do the best by it. And I am sure our Minister has been able to do quite a lot for the film industry, and the industry also appreciates it.

I was very surprised by the remark of my hon. friend opposite about the books of Zola being depicted by the film industry. It is rather difficult to understand it, because I am sure all the parents will more or less keep Zola's books away from adolescents and young children, whereas when it comes to a film, although we may give an A or U certificate, it is still very difficult to find out whether children of eighteen or under eighteen are going to see it, moreover films are seen by more people than books are read. And Zola is read by a very intellectual and French-knowing strata of society, that would not.

**Shri Mahanty:** Zola's pictures are seen, of course, by persons of the age of eighteen, but in India according to psychology, adolescence begins at nineteen. Does she know it?

**Shrimati Ha Palchoudhury:** I beg to state that I only referred to the novels of Zola. However, that is beside the point.

About the Film Censor Board, I have got a small amendment, which,

I hope, the hon. Minister will consider. For, very often, we find—I have worked myself on the Film Censor Board—that legal directives are given, and sometimes the question arises whether what has been seen and should be seen comes within the purview of the directives and the Act, and sometimes, legal opinion seems necessary. So, I would certainly recommend, as I have done in my amendment, that a lawyer or somebody with ample legal experience should be one of the members of the panel.

As far as I know, whenever a Censor Board is constituted, in Calcutta, Bombay or Madras, usually the people of the region are associated with it, for, unless that is done, the board could not properly censor that film. I do not see how the State Governments come into this, because it would be for the Censor Board to see that the people of the region are associated. Otherwise, the language would not be understood, and the censoring would not be done effectively. Certainly, in Calcutta, we have people from Calcutta or from Bengal on the board, and we are able to censor films without any difficulty as regards language.

I hope the Minister will consider that amendment and look into the legal aspects. I say this because sometimes young people have come and told me, 'Auntie, auntie, you people have become very modern because you have approved something that is very risky for us'. We had to let it go because the censor was not always sure whether this came within the mischief of the directives and we could really eliminate it.

Thirdly, I would support Shri Kanungo's appeal to the film industry. He said in the discussion here a few days ago that the industry itself had agreed to a 30 per cent cut of raw film. I hope the industry will be able to keep to that, because I think, popular as Indian films may be, if we can do some more film research as in other countries and shorten our films, that



[Shrimati Ila Palchoudhury]

will also save raw film import and improve the quality of films. After all, it is a well known axiomatic fact in literature and art that if we do not stress a point but leave it to imagination and suggestion it is much better than many feet of film which may sometimes really make it tiresome.

Fourthly, I would like to say in regard to the Film Inquiry Committee's Report, as already pointed out by my hon. friend opposite, that the Bill that was envisaged as a result of the recommendations of the Committee made as far back as 1951 under the chairmanship of Shri S. K. Patil, had in view the constitution of a Film Institute and a Film Bureau. I am sure if we had proceeded with it, we would have had a Film Institute and we could mould the direction of the films that are being produced, and educate the taste of the people, because films, after all, do have a vital part to play. If we can educate the producers so that they produce films that are of real aesthetic value, that will improve the quality of the films. If producers are financed to produce this type of films, I am sure our films will go apace with other films in the market. Films like *Pather Panchali* and *Kabuliwala* which have been financed by the Government, have won renown all over the world every time an award is available. I hope Government will think of this Film Institute, if not immediately, at least in some near future so that the film industry can really produce films that people deserve.

I have one other amendment which also I would commend to the House. When we come to the clause by clause stage, I hope the Minister will consider that also. Sometimes it does not come to the notice of the Censor Board or Government if a film is to be censored in a particular way. So if somebody else brings it to the notice of the competent authorities, action should be taken on that. As it is, the

clause does not provide for that, but under my amendment, it does. I hope he will consider that also.

As regards children's films, we have been given some Russian films which are to be shown to children. I fully agree with my hon. friend opposite who has stressed the point that we should produce more children's films based on our old Indian folklore and culture and also dub them in all the regional languages. After all, the Films Division has produced only two films and they are in Hindi.

Dr Keskar: As this point is being repeated by every Member, I would like to correct it at this stage. The films produced are not in Hindi only. The Children's Film Society had produced only two films in Hindi; now they are producing them in all the regional languages. So in order that this point may not be repeated by every Member, I am just correcting what the hon. Member said.

Shrimati Ila Palchoudhuri: I am very glad to hear that it is being dubbed in all the regional languages. But we have got some Russian films presented to us and I want to make a suggestion about them. Films produced for children in other countries envisage certain customs that are strange to India and do not have a very desirable effect on Indian children. We should also look into these films and see if they are entirely suitable for Indian children, because when it comes to censoring, what we censor in an Indian film we may let go in an English film because people in those countries are used to that sort of thing whereas we in India are not. Hence, children's films presented by other countries should be vetted and seen if they are absolutely suitable for Indian children.

As I said, I am very happy that our productions are being dubbed in all the regional languages; at the same time, we must see that we produce

more children's films on our own folk tales.

**Pandit K. C. Sharma (Hapur):** And more children also.

**Shrimati Ila Palchoudhuri:** If we could produce even one film a month, the number would be 12 a year and if one children's film is shown in every house one day a week, it would be a very good thing indeed, because films, as everybody knows, bring to life the past, reflect the present and give an indication for the future. I welcome the Bill and hope the film industry will keep pace with the times.

**श्री धीनारायण दास (दरभंगा):** उपाध्यक्ष महोदय, अभी माननीय मंत्री जी ने सदन के सामने जो बिल उपस्थित किया है, मैं उस का ग्राम तौर से समर्थन करता हूँ। लेकिन सब से पहले मैं एक बात की तरफ ध्यान आकर्षित करना चाहता हूँ। मैंने यह बात नहीं देखी है कि फिल्म बोर्ड प्राफिट गेन्समें में जो मन्बर होंगे उन की नियुक्ति के लिए सरकार किन किन बातों का ध्यान रखेगी या रखती है। जो मरना है कि नियमा में यह दिया हो, लेकिन मैंने नहीं देखा है। सब से पहले मैं उस की तरफ सरकार का ध्यान दिलाना चाहता हूँ कि फिल्म बोर्ड के मन्बर बाने जो मन्बर हों, उन की नियुक्ति करने समय इस बात की पूरी जानकारी होनी चाहिये कि फिल्म बनाने का जो उद्योग है, उस के साथ उन का कोई आर्थिक रिश्ता या किसी और तरह का सम्बन्ध तो नहीं है, जिस में कि वे लोग निष्पक्ष भाव से अपना निर्णय कर सकें। इस के लिये अच्छा यह होता कि कानून में ही इस बात का समावेश होता कि फिल्म उद्योग के साथ उन का किसी तरह का आर्थिक सम्बन्ध, या किसी कम्पनी के साथ डाइरेक्टरशिप बगैरह का सम्बन्ध तो नहीं है। अगर इस तरह का सम्बन्ध बहुरखेंगे तो ठीक नहीं होगा।

अगर इस बात का जिक्र कानून में ही बहुत अच्छी बात है और अगर नहीं है तो उस के होने की जरूरत है।

दूसरी बात जिस की तरफ मैं ध्यान खीचना चाहूंगा वह यह है कि यह बात सही है कि आज समाज के लिये फिल्म का स्थान बहुत महत्वपूर्ण हो गया है, यद्यपि इस के सम्बन्ध में भिन्न भिन्न लोगों की अलग अलग रायें हो सकती हैं। लेकिन इस में कोई सन्देह नहीं है कि उस ने काफी महत्व का स्थान अपना लिया है। जहाँ तक मनोविनोद का ताल्लुक है, इस उद्योग से समाज का मनोविनोद बहुत होता है, लेकिन आज के वैज्ञानिक युग में सभी देश के लोग इस बात को मानते हैं कि जहाँ इस का मनोविनोद के लिये महत्वपूर्ण स्थान है, वहाँ शिक्षा के लिये भी उस का महत्वपूर्ण स्थान है। फिल्म उद्योग चाहे प्राइवेट सेक्टर में हो या पब्लिक सेक्टर में, दोनों का उद्देश्य यही होना चाहिये कि जहाँ समाज के लोगों का मनोविनोद हो वहाँ समाज के लोगों की शिक्षा का भी पूरा खयाल रखा जायें। जो मेम्बर बोर्ड के मेम्बर होते हैं वे इस बात को जरूर ध्यान में रखते हैं, लेकिन मैं समझता हूँ कि प्राइवेट क्षेत्र में जो फिल्में तैयार की जाती हैं, उन की स्वीकृति के समय मेम्बर बोर्ड की ओर से पूरा खयाल नहीं किया जाता। अन्य माननीय सदस्यों की तरफ से मैं भी फिल्म एन्क्वायरी रिपोर्ट की तरफ ध्यान आकर्षित करना चाहूंगा कि सरकार को इस बात का पूरा ध्यान रखना चाहिये कि जल्दी से जल्दी अच्छी फिल्मों का उत्पादन हो, अगर उस पर सरकार का पूरा कंट्रोल न हो तो भी उस का कुछ नियंत्रण जरूर हो और जिस तरह से और लोगों में सरकार क्रियान्विक रूप से भाग ले रही है, वह चाहती है कि देश में उद्योग घटें बड़े, घन बड़े, उसी तरह से इस में भी उसे भाग लेना चाहिये। लेकिन उसे सिर्फ यही ध्यान नहीं रखना चाहिये कि देश में घन बढ़ जाय और लोगों



## [श्री भीनारायण दास]

को शिक्षा न मिले। आज कल फिल्म जो है वह शिक्षा का जबर्दस्त माध्यम है। बच्चों को किताब से किसी चीज को पढ़ने में जितना समय लगता है, किताब से ज्ञान प्राप्त करने में उसे जितना समय लगता है, और जितना ध्यान देना पड़ता है, अगर फिल्म उद्योग के द्वारा वह किया जाये तो उतना ज्ञान बहुत थोड़े समय में हो सकता है। मैं नहीं जानता लेकिन जहाँ तक मेरा खयाल है और जहाँ तक मेरा शिक्षा संस्थाओं से सम्बन्ध है, उसकी बिना पर कह सकता हूँ कि अभी तक शिक्षा के क्षेत्र में इस फिल्म उद्योग ने बिलकुल ही नहीं के बराबर काम किया है। हमारे देश में चाहे वैज्ञानिक शिक्षा हो, भूगोल या इतिहास की शिक्षा हो और चाहे और प्रकार की शिक्षा हो, सब में स्कूली शिक्षा का किताबी शिक्षा का ही ज्यादातर प्रयोग रहता है जब कि फिल्मों इस दिशा में बड़ा बहु-वर्णन योग प्रदान कर सकती हैं। इस दिशा में सरकार ने अभी तक कोई कदम नहीं उठाया है। अब यह जो बच्चों की फिल्मों की योजना स्वरूप दिल्ली में एक सोसाइटी बनी है और एक, दो अन्य स्टेट्स में भी सम्बन्धित राज्य सरकारों ने जो इस प्रकार की सोसाइटियाँ अपने-वहाँ पर बनाई हैं, वे बिलकुल अपर्याप्त हैं। अभी तक जो किताबी शिक्षा स्कूल, कॉलेजों से दी जा रही है, उसमें फिल्मों से विद्यार्थियों के ज्ञानवर्धन करने की कोई खास चेष्टा नहीं की जा रही है और यह उपेक्षित सी है। फिल्म के जरिये हम अपने बालकों के दिमागों पर जो जानकारी अथवा ज्ञानवर्धक चीजें जल्दी से जल्दी अंकित कर सकते हैं, उसकी तरफ सरकार ने बिलकुल ध्यान नहीं दिया है। मैं मंत्री महोदय से यह आशा करता हूँ कि वे इस दिशा में शीघ्र ध्यान देंगे और अगर फिल्म उत्पादन पर पूरा नियंत्रण नहीं तो कम से कम इस फिल्म उद्योग को सही लाइसेंस पर रेगुलेट करने के लिये, उसके रेगुलेशन के लिये ही

सही, किसी एक संस्था के स्थापित करने के लिये आवश्यक कदम उठावेंगे। इस विभाग की रिपोर्ट में भी यह कहा गया है कि बहुत दिनों से विचार हो रहा है कि एक मेघनल फिल्म बोर्ड कायम किया जाये। उस दिशा में क्या प्रगति हुई है, यह हम लोग जानना चाहेंगे। उसमें यह भी दिया हुआ है कि एक फिल्म इंस्टीट्यूट की स्थापना होगी। जैसे कि मेरे से पूर्व एक माननीय सदस्य ने कहा कि फिल्म इंस्टीट्यूट होगा तो उससे सरकार को भी फिल्मों के सम्बन्ध में पूरी जानकारी मिलेगी और उसके द्वारा जो फिल्म सम्बन्धी अनुसंधान होंगे, उनसे सरकार के अलावा प्राइवेट सेक्टर में काम कर रहे फिल्म उद्योग को भी फायदा होगा। इसलिये मैं उसकी तरफ सरकार का ध्यान आकर्षित करना चाहता हूँ।

एक बात में और कहना चाहता हूँ और वह यह है कि फिल्म जब बन कर तैयार हो जाती है और जब उसे सेंसर बोर्ड के सामने मंत्रियों के लिये पेश किया जाता है तब अक्सर पीछों पर सेंसर बोर्ड की तरफ से यह कहा जाता है कि अमुक फिल्म खराब है, आपत्तिजनक है, या कि अमुक फिल्म का उतना हिस्सा आपत्तिजनक है और लाचार होकर प्राइवेटर्स को उतनी काट छाट करनी पड़ती है। यह एक तरह का राष्ट्रीय अपव्यय होता है। मेरी समझ में यह अच्छा होता अगर कोई संस्था इस तरह की बना दी जाती जिसके पास फिल्म निर्माता अपनी फिल्म तैयार करने के पहले उनकी स्क्रिप्ट्स उस संस्था के पास मंत्रियों के लिये भेज देते और उस संस्था की राय लेकर अगर फिल्मों का निर्माण किया जाय तो इस तरह का राष्ट्रीय अपव्यय जो आज होता है, वह नहीं हो सकेगा। इसलिये इस प्रकार की संस्था का निर्माण होना जरूरी है।

एक बात की धीर में सदन धीर मंत्री-  
कहीवच का ध्यान खींचना चाहूंगा। कुछ  
दिन पहले मैंने एक प्रश्न किया था जिसमें  
कि मैंने फिल्म फाइनेंस कारपोरेशन स्थापित  
करने का सवाल उठाया था, मैं इससे इंकार  
नहीं करता कि फिल्म उद्योग में आज प्राइवेट  
सेक्टर काफी पूंजी लगा रहा है और यह  
ठीक भी है कि प्राइवेट सेक्टर के लिए फिल्म  
व्यवसाय में अपनी पूंजी लगाएँ क्योंकि सरकार  
या राष्ट्र के पास इतना पैसा नहीं है कि हम  
इस उद्योग में उसे लगा दें। फिर भी  
मैं यह कहना चाहता हूँ कि कुछ लोग या कुछ  
संस्थाएँ ऐसी हो सकती हैं जिनके पास  
पैसा का अभाव हो लेकिन जिनमें कि फिल्म  
बनाने की आकांक्षा हो और उनमें अच्छी  
फिल्में बनाने का आवश्यक गुण और काब-  
लियत हो लेकिन चूंकि उनके पास पैसे का  
अभाव है इसलिये वह इस उद्योग में भाग  
नहीं ले सकते हैं, जब कि ऐसे लोग जो कि  
फिल्म निर्माण सम्बन्धी ख़ास ख़ास योग्यता  
नहीं रखते हैं लेकिन जिनके पास काफी  
पूंजी होती है वे मुनाफ़ा कमाने के स्थान से  
इस उद्योग में अपनी पूंजी लगाते हैं और वे  
इस क्षेत्र में भागे बढ़ रहे हैं। इसलिये यह  
सरकार का कर्तव्य है कि वह एक फिल्म  
वित्त निगम की स्थापना करे जो इन प्रकार  
की संस्थाओं को आर्थिक सहायता कर  
सके। मैं ही वह कांफ़िडेंटियल सांसायटी  
हो, या वहाँ के लोगों का कोई एक  
समाज हो जो कि कुछ अपना पैसा लगाये  
और कुछ जनता का पैसा उसमें लगाये  
और इस तरह से इस उद्योग की सरकार को  
सहायता करनी चाहिये ताकि केवल नफ़े के  
स्थान से ही फिल्में न बनें बल्कि ज्ञान प्रसार-  
की दृष्टि से और लोगों में कि अच्छा टेस्ट  
निर्माण करने की दृष्टि से भी हमारे देश में  
फिल्में बनने लगे। इसलिये यह आवश्यक  
है कि सरकार थोड़ी रकम से कि फिल्म  
फाइनेंस कारपोरेशन की स्थापना जल्द से  
जल्द करे ताकि धीरे धीरे एक तरह से फिल्म

व्यवसाय में बड़े बड़े पूंजीपतियों की एक तरह  
से मानोपत्ती बनी हुई है और सिर्फ़ अपने नफ़े  
की दृष्टि में रखकर जो फिल्मों का निर्माण  
करते हैं, उन लोगों की मानोपत्ती न रह जाय  
और कुछ दूसरे लोग भी जो इसमें दिलचस्पी  
रखते हैं उनको भी इस काम को करने का  
मीका मिले।

इसके प्रतिरिक्त मैंने यह निवेदन करना  
है कि अब तक जो फिल्में सटिफ़ाई की जाती  
थीं मुझे ठीक से तो नहीं मालूम लेकिन  
शायद अब तक पांच वर्ष के लिये सटिफ़ाई  
की जाती थीं। अब यह हो सकता है कि  
आज जिस भावना को लेकर सेंसर बोर्ड ने  
किसी एक फिल्म को सटिफ़ाई किया हो,  
कुछ दिनों के बाद उसी फिल्म का कोई भाग  
आपत्तिजनक प्रतीत होने लगे इसलिये यह  
जरूरी है कि फिल्मों केवल पांच वर्ष के लिये  
ही सटिफ़ाई हों और पांच वर्ष के बाद फिर  
उनको रिव्यू किया जाय ताकि अगर कोई  
ख़ामी फिल्म के किसी भाग में समाज कल्याण  
की दृष्टि से प्रतीत हों तो उस ख़ामी को दूर  
किया जा सके। यह दस वर्ष का जो समय  
इसमें दिया गया है वह सिर्फ़ पांच वर्ष का  
रक्खा जाये।

सरकार जो रूलस् बनायेगी अथवा बने  
है वह हमारे सामने रखे जायेंगे लेकिन मैं  
चाहूंगा कि फिल्म सेंसर बोर्ड को सरकार के  
द्वारा जो डाइरेक्शन ईश्यु किये जायें, वे भी  
यहाँ सभा पटल पर रखे जायें, सदन में  
विचारार्थ नहीं बल्कि सूचनायें, अगर ऐसी  
व्यवस्था हो जाये तो उत्तम होगा। हमारे  
संविधान के आधारे पर फिल्मों पर प्रतिबन्ध  
लगाने के लिये जिन मूलभूत सिद्धान्तों को  
इस बिना में स्थान दिया गया है वह तो  
ठीक ही है। मैं यह नहीं चाहता हूँ कि उनसे  
दूसरे तरह के डाइरेक्शन ईश्यु किये जायें।  
लेकिन जहाँ तक उन प्रिंसिपल्स का ताल्लुक  
है, जिन प्रिंसिपल्स के आधारे पर सरकार



[श्री श्रीगार/५५५ वा स]

फिल्म सेंसर बोर्ड को काम करने की हिदायत देती है, वह प्रिंसिपल्स जिन पर कि उसे काम करना है, उन प्रिंसिपल्स की एक काफी मदद के पटल पर रली जायें ।

उपाध्यक्ष महोदय, मुझे बैसे अभी दो, चार बातें और कहनी थी लेकिन कूक समय का अभाव है इसलिये मैं यहाँ पर समाप्त करते हुए यह कहना चाहूँगा कि सरकार जल्द से जल्द एक इस प्रकार की संस्था स्थापित करे जो कि प्राइवेट मैक्टर वालो को, चिल्ड्रेन फिल्म्स सोसाइटी और दूसरे जा लोग इस व्यवसाय में काम करते हैं, उनको यह संस्था ऐडवाइस दे और इस संस्था द्वारा जा अनुमति किये जाये उनसे वे जांग फायदा उठाये नाकि देश और समाज की भनाई करने वाले फिल्म तैयार किये जा सकें और शिक्षा के क्षेत्र में भी ज्ञानवर्धन की जा आज बड़ी कमी है उसकी पूर्ति भी ज्ञानवर्धन फिल्मों को बनाकर बहुत हद तक दूर की जा सकती है । इमानिये मैं समझता हूँ कि एव' इस तरह की संस्था का निर्माण अवश्य होना चाहिये ।

Shri Hem Barua (Gauhati): Sir, I shall confine myself to the provisions of the Bill and leave those points—not even mention them—that have already been referred to by the different speakers.

This amending Bill, I find, suffers from certain inadequacies as also certain loopholes. In the original Act, 'cinematograph' is defined as—

“‘cinematograph’ includes any apparatus for the representation of moving pictures or series of pictures;”

This is the definition given in the original Act. One very much wishes that this would be amended in this amending Bill in view of the fact that it is a very wide definition and it

might include different types of pictures that might be projected on a canvas through a projector.

I remember the Indian Cinematograph Committee of 1927-28 had raised certain doubts about defining the word in this way; and it was expected that in the Cinematograph Act it would be put in the right perspective. But, somehow or other it was not put in the right perspective. Even now it is not put in right perspective in this amending Bill. It may mean any picture but there is this word or this qualification that it is for public exhibition.

But supposing a teacher of a school shoots up pictures and projects them through a projector for his school children, would that be public exhibition or not? If it only means picture that would also come within the purview of this Act,—and that is the difficulty. The words 'public exhibition' do not save this projection of this sort of picture from, if necessary, legal action.

Now, there is another thing I would like to point out I shall be very brief. It is just about clause 5B(1). It lays down:

“A film shall not be certified for public exhibition if, in the opinion of the authority competent to grant the certificate, the film or any part of it is against the interests of the security of the State, friendly relations with foreign States, Public order, decency or morality, or involves defamation or contempt of court or is likely to incite the commission of any offence.”

There is a certain loophole in this provision as well. So far as security of State is concerned, we can understand it. So far as excitement to commission of an offence is concerned, that also we can understand. For instance, if the drama called *Kimayana* where

Sita is shown as seriously amorously disposed towards Ravana contrary to emphasised traditions and ideas, if that drama were to be pressed into a picture, the hands of the Film Board of Censors would come heavily on it and it is quite understandable. If, for instance, in Ceylon a drama called *The Killing of Rama* that is shown for certain linguistic reasons, is to be pressed into a film, I know the Film Board of Censors would be justified in clamping it down.

But so far as these words "decency" and "morality" are concerned, how do you define "decency" and "morality"? It might so happen that so far as decency is concerned, anything that is offensive to the eye might be defined as 'indecent'. In that case a mad dog that is generally offensive to the eye does not mean that a mad dog has to be excluded from the picture. About morality, indecency, etc there is a large scope for misinterpretation because the traditional values are undergoing a rapid change because civilisation is something dynamic. That is why possibly Prof Arnold Toynbee defined civilisation 'as a voyage, it is not a harbour'. That is why I say that the traditional values of society are undergoing a rapid change. There was a time when even the sight of the ankles of a woman's body was a sufficient stimulus for excitement or day-dreaming on the part of a man but in the context of today anything beyond the ankles leaves a man cold and completely undisturbed. That is why there is some difficulty of interpretation in this particular standpoint and I do not know what the Minister proposes in order to avoid this confusion.

I would make a pointed reference to another provision. I refer to clause 4(ii)

"(iii) direct the applicant to carry out such excisions or modifications in the film as it thinks necessary before sanctioning the film for unrestricted public exhibition or for public exhibition

restricted to adults, as the case may be,"

Supposing the Board cuts down certain footage of a picture and then certifies it as fit for public exhibition and when the exhibitor or the distributor exhibits it, that is he puts the entire picture that was cut out, where is the guarantee and how can the Board of Censors or the Government challenge the producer or the exhibitor? Is there any provision in the amending Bill? I would like to be enlightened whether the distributor or the producer of a certain film is compelled to deposit an approved copy of the film with the Government so that when he goes out of the way and exhibits certain parts that are clamped down, the Government may challenge him in a court of law? The responsibility of providing the proof may lie with the Government or the Board. That is why they must have an authorised version of the film deposited with them so that this difficulty may not arise.

Dr Keskar: I may give this information. The suggestion of Shri Hem Barua is being followed in practice. The producer has to deposit an approved copy and it is there with the Board even today that sort of thing exists.

Shri Hem Barua: I am happy to hear it. I now come to clause 5A.

"If after examining a film or having it examined in the manner provided in this Act the Board considers that the film is suitable for unrestricted public exhibition or that, although not suitable for such exhibition, it is suitable for public exhibition restricted to adults, it shall grant to the person applying for a certificate in respect of a film a "U" certificate in the former case and an "A" certificate in the latter case, and shall in either case cause the film to be so marked in the prescribed manner."



[Shri Hem Barua]

This is a good provision. Children under the age of 18 are not allowed in certain pictures and those pictures are certified as 'A' pictures. I welcome this provision. At the same time I want to know this,—on whom does the responsibility lie in the matter of isolating these children from coming to the cinema houses? Does it lie with the management of the cinema or with the parents of the child? In UK also there is a provision like this. But there the children under the age of 18 years might be accompanied to such cinemas to witness such pictures as are certified as 'A' pictures either with one of the parents or guardians so that the guardian or parent might be able to remove any impressions that might be created on his mind by his witnessing some portions of such pictures if they have a sort of an adverse effect on his mind. Here, we do not have that.

There is no clear interpretation of intentions. The responsibility of stopping the child from witnessing such pictures lies either with his parents or guardians or with the management of the cinema house. But here the management has also to face two problems. The first of them is: how to calculate the age of a child? Or it may be faced with an angry mob and so it becomes difficult to enforce this provision. That is second problem. When a picture is advertised as 'A' picture, there is more temptation for the non-adults to go and see that picture. It becomes difficult for him to stop these non-adults from witnessing these things. These are the loopholes and inadequacies I find and I hope the hon. Minister would throw some light on them.

**Shri Ansar Harvani (Fatehpur):**  
Sir, long ago the hon. Minister has announced that he will come forward with a Bill to regulate the cinema industry and we have been hoping that it will be a comprehensive Bill. But when he came with this Bill, we were sorely disappointed. He has touched

only the fringe of the problem that faces this great industry. He has touched only the censoring part of it and only through police action, cannot produce good results for the great and growing industry.

We realise that the film industry in India like the textiles and steel industries is a growing industry. In matters of finance, it has reached almost the proportions of the textile industry. We know very well that the textile industry provides us with clothes while steel is the life-line and this industry gives us education, information and entertainment. Therefore, due importance has to be given to this industry. I am sorry that the importance has not been given. The censoring part is not only important part of this industry. There are certain other aspects of this industry which ought to have been regulated by legislation.

I refer to the financing part of it. We know it very well that every day numbers of unscrupulous people go to Calcutta and Bombay with hardly any money in their pocket and announce the production of various films under their banner which never come out. They cheat people, the actors and the extras. Many of our youngmen and women run away from their homes to join the film industry and in sheer desperation either commit suicide or roam in the streets of Calcutta and Bombay and become a prey to criminals. This Bill ought to have done something for them and there should have been some provision in this regard.

We also know very well that thousands and thousands of rupees are spent on the production of films. Some films cost as much as Rs. 50 lakhs and some even a crore of rupees. Some regulations ought to have been made to regulate the expenditure and the wastage of money on these films. We know it very well that certain idealistic producers, idealistic writers and idealistic actors and artists who want

to produce films which can possibly depict the greatness of our country and which can show the culture of our great country cannot do so, because they have to face competition of those financial giants who with their tons of money produce filthy films and play on the vulgarity of our people. Something ought to have been done to give protection to such producers. Films should not be allowed to show things which are foreign to us. Some machinery ought to have been devised to regulate and censor these things.

We feel that if the Minister had to come before the House, he ought to have come with a comprehensive Bill which would have improved matters in the industry. He should realise the importance of this growing industry and the effect that this industry is creating upon the minds of not only adults but children also. The future of this country, to some extent, is lying with the films. If our films are bad and vulgar, the future of this country is doomed and censoring alone which is just police action cannot improve that. Many other measures have got to be taken as I have been indicating earlier. Some help should be given to these artists who are being exploited. With these words I beg to congratulate the hon. Minister but would request him to come forward with a comprehensive Bill in future so as to lay this great industry in its proper footing.

**Shri Sampath (Namakkal)** Mr Deputy-Speaker, Sir, when the Cinematograph Bill, 1952 was discussed in this House the then Minister for Information and Broadcasting assured the House that very soon a comprehensive Bill as a result of the recommendations of the Film Enquiry Committee would be brought forward. When the country was very anxiously waiting for such a comprehensive Bill it is really sad that we are having an amending Bill which, according to our hon. Minister's words, tries to bring forward some clearer and stronger definitions of the outmoded Act.

Although it is stated in the Objects and Reasons of this Bill that certain changes in the provisions of the Cinematograph Act, 1952 are sought to be made for the sake of clarification as a result of experience gained in the working of the Act, I am afraid, through the failure to define the words "public exhibition", this Bill has certain features that expose the Government's determination to interfere unwarrantably even in the private affairs of the private individuals. The words "public exhibition" ought to be defined clearly and strongly otherwise anything may happen. Even short films that are usually taken with reference to some important family events and other private functions, or some party conferences or some anniversaries of associations and clubs can be booked under this Act. Therefore, Sir, I have also given an amendment to that effect.

In spite of the fact that the Film Enquiry Committee had recommended in clearer and stronger terms that there should be a clear distinction between the commercial and non-commercial use of the film and the existing law regarding the exhibition of films which requires them to be censored and certified before they can be exhibited, should not in any way be an impediment to the viewing of films in the film clubs and associations, of schools where films are shown to children in classrooms, and even of homes where films are shown to the members of the family as I mentioned earlier.

The Bill in addition to the already existing penal provisions of the principal Act proposes an additional provision empowering any police officer to enter any place where any film has been or is being or still worse, is likely to be exhibited without censor certificate, to search it and seize the film. According to this there is no protection, as I just now mentioned, even for a short film concerning some important and happy family events being shown to the family members and its relations.



[Shri Sampath]

In this connection, Sir, may I draw your attention to a more fundamental question regarding the censoring of every film that is to be exhibited. Although the film is considered to be a medium of communication like the Press, books and platforms, this alone is subjected to the rigorous censorship whereas the Press, books and platforms are not. If anything reprehensible, indecent, immoral or anti-national according to law is either published or spoken, it is taken note of and prosecuted only subsequent to the publication or the speech. But in the case of the film it is to be submitted to a board of censors who may order any alteration, any cut or restriction of exhibition to persons above eighteen years of age or even a total ban. This constitutes a clear discrimination against the film when compared to the privilege enjoyed by the Press and the platform. Sir, it is but just and fair that the film is also placed on equal footing along with the Press and the platform with regard to the privileges and responsibilities. Just as a prosecution is being launched against the author and the publisher of a book containing objectionable passages according to law, so also a film containing objectionable portions may be proceeded against and the persons responsible for it made answerable. As the production of a film involves enormous expenditure cases will be few where wilful and deliberate violation of law is found. If it is the real intention of Government to safeguard the freedom of speech and expression guaranteed by the Constitution and also to see that there is no gross abuse of it to the detriment of the public order, decency, morality and such others contemplated by clause 2 of article 19 of the Constitution, they need not hesitate to treat the film in the same manner as the Press and the platform. It is generally argued in defence of the so-called extra vigilance and care that is taken with regard to films that it is a powerful medium of communication which has in it the potential for

tremendous impact on the audience which views it. In this regard I do not want to say anything more than to quote a passage from the report of the Film Enquiry Committee. On page 41 of the Report it is said:

"While those engaged in the industry are apt to look upon it primarily as a commodity to be sold for profit there are some outside who fear that the film in wrong hands may become a dangerous influence and corrupt society. Such a prejudice is not in any way the special misfortune of the film alone. When printing was invented it was viewed with equal horror by some moralists of that age, who were depressed by the thought of the consequences that would follow if everyone could read and thus gain access to all kinds of thoughts that found expression in writing. It is sometimes forgotten that what has been discovered and developed is primarily a means of communicating ideas. We have no sympathy with those who abhor the spread of ideas; in the world of today the fruit of knowledge cannot be the privileged possession of a few. It would be an insult to human intelligence to assume that whatever is communicated is accepted and whatever is served necessarily pleases the palate and satisfies the taste. Even the worst critics of man do not deny him the saving virtue of discrimination."

I do not see any reason for the Government not to concede this principle while dealing with films, unless it be that the Government is interested in possessing the power to shut out certain ideas from spreading which could not otherwise be done legally and constitutionally.

In this connection, Sir, I am in full concurrence with what Shri Mahanty

has just said. He has very rightly reminded the House how the Production Code Administration in America and the British Censorship are being administered. The Production Code Administration is a voluntary effort on the part of the industry itself and the self-regulation has not been found wanting in any of the matter of decency or in controlling indecent or immoral exhibition. As Shri Mahanty has rightly pointed out, we can also without any fear or doubt try this experiment in our country also.

Lastly, I want to stress that regarding the nomination of regional advisory councils, it is but proper that the State Governments are consulted. It is really sad and disappointing that the State Governments have no say in this matter. Without the consultations with the State Governments, the proper functions that are contemplated under this Bill cannot be fairly and justly fulfilled.

Sir, I have done.

16 hrs.

**Mr. Deputy-Speaker:** This debate would be resumed tomorrow. We now take up the motion regarding the fixation of higher price for sugarcane.

16.0 hrs

#### MOTION RE. FIXATION OF HIGHER PRICE OF SUGAR-CANE

**Mr. Deputy-Speaker:** Shri Braj Raj Singh will initiate the debate. We have got two hours for this motion. Three hon Members have given notice of this motion. But there are three substitute motions also. One substitute motion stands in the name of ten hon. Members, while two other substitute motions have been given notice of by two Members and one Member respectively. Besides, I am getting a large number of names of hon Members who have expressed a desire that they would like to participate. Therefore, I would request the mover to take not more than 20 minutes and

the other Members not more than ten minutes each.

**Shri Braj Raj Singh (Ferozabad):** You have to extend the time by at least half an hour.

**Mr. Deputy-Speaker:** There is a half-an-hour discussion after this motion. I am sorry.

**श्री ब्रजराज सिंह :** उपाध्यक्ष महोदय,  
मैं निम्नलिखित प्रस्ताव पेश करता हूँ :

“कि गन्ने की अधिक ऊंची कीमत निर्धारित करने के प्रश्न पर जैसा कि उत्तर प्रदेश और बिहार राज्य की विधान सभाओं ने सिफारिश की है, विचार किया जाये।”

उपाध्यक्ष महोदय, आपको याद है कि इस सदन में और हमारे देश के जो सब से बड़े दो चीनी पैदा करने वाले राज्य हैं, उत्तर प्रदेश और बिहार, उन राज्यों की विधान सभाओं में चीनी और गन्ने की कीमतों के विषय पर अकम्प चर्चा चलती रहती है। इस सदन में भी २० मार्च, सन् १९५७ को एक चर्चा चली थी गन्ने की कीमत को बढ़ाने के सम्बन्ध में और उस वक्त भी सरकार की ओर से कोई मतौलजनाक उत्तर नहीं दिया गया था। सिर्फ एक बात कह दी गई थी, जिसकी सरकार बार बार रट लगाती रहती है, और वह यह दलील है कि यदि गन्ने की कीमत बढ़ा दी गई तो खाद्यान्न की पैदावार कम हो जायेगी, अगर गन्ने की कीमत बढ़ा दी गयी तो गन्ने की खेती का क्षेत्र बढ़ जायेगा और देश के खाद्य संकट को दूर करने में इससे कठिनाई पैदा होगी क्योंकि इस प्रकार खाद्यान्न की पैदावार कम हो जायेगी।

उत्तर प्रदेश की विधान सभा से पूर्व बिहार की विधान सभा ने सन् १९५७ में एक प्रस्ताव पास किया था, सर्व सम्मति से, जिसमें उन्होंने केन्द्रीय सरकार से यह सिफारिश की कि गन्ने की कीमत १ रुपया १२ पैसे