

रखा जा सके, तो ज्यादा उपयोगी होगा।

SHRI MALLIKARJUN: I have already, in my main reply, mentioned about the maintenance and preservation of these things. There is nothing more to add.

MR. CHAIRMAN: The question is:

"That the Bill, as amended, be passed".

The motion was adopted.

16.46 hrs.

CINEMATOGRAPH (AMENDMENT) BILL

THE MINISTER OF INFORMATION AND BROADCASTING (SHRI VASANT SATHE): I beg to move:

"That the Bill further to amend the Cinematograph Act, 1952, as passed by the Rajya Sabha, be taken into consideration".

Before I indicate the main changes proposed in the Bill, I would like to mention briefly why this amending Bill is being brought. As the House may be aware, as early as in 1968, a Committee was appointed under the chairmanship of Justice G. D. Khosla to go into the question of the working of the Cinematograph Act and the whole gamut of censorship. The Committee submitted its report on 31st July, 1969. Copies of the report were placed before both the Houses.

In pursuance of the recommendations of the said Committee, a Bill was introduced in 1973 to amend the Act and it was passed. It received the President's assent on 23rd August, 1974. However, before the said Act was implemented, many representations were made from the film industry about the difficulties that they would have to face under the Act. Therefore, the Government decided to appoint a working group on national film policy. This working group

submitted its report in May 1980. It is now in the light of this report and our previous experience that we have brought this amending Bill.

The main object of this amending Bill is to make certain provisions to streamline the machinery for examination of films and for prescribing new classifications for certification of films. Subject to the limited power of revision to be exercised by the Central Government in the interest of specified overriding considerations, it is proposed to transfer the appellate jurisdiction of the Central Government under the Act to an independent appellate tribunal. It is also proposed to avail of this opportunity to amplify the principles for certification of the films under the Act in the light of the amendment made to Article 19(2) of the Constitution by the 16th Amendment Act of 1963. The Bill seeks to achieve the above objects.

I will now mention the main changes proposed in the Bill. At present, according to Section 3 of the Act, in addition to a Chairman, the Board of Film Censors (to be called the Board of Film Certification) consists of not more than 9 members. It is proposed to amend the section to provide for an increase in the number of members of the Board from nine to not less than twelve and not more than twenty-five. This is being done so that we may have more regional offices of the Board. Now all films have to come to Bombay or Madras or Calcutta. There is representation from the Southern region which produces the maximum number of films—more than 500 films a year—that they should have facilities for getting certificates in those regions themselves. Now we could not do that with the number remaining at nine. The increase in the number of members will automatically give us the facility to have the regional offices.

Then, at present under Section 4 of the Act, films are classified as 'U' namely, unrestricted public exhibition and 'A', for public exhibition restricted to adults only. It is proposed based on

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the recommendations both of the Khosla Committee and of the working group, to introduce another category which is universally prevalent, in other countries also, namely 'UA' which means, for unrestricted public exhibition subject to parental guidance, for children below the age of twelve.

Then, Sir, we are also proposing to introduce a special category for specialised audience like doctors, veterinary experts and so on. There was a film made by Shri Shyam Benegal about Pasupalan. Obviously that film had no common interest except for veterinary doctors and scientists. We could not give it either 'U' or 'A'. Hence it is proposed that we may have a special category called 'S', which will be a special category, restricted to specialised audiences.

Then Sir, Section 5(b) of the Act is being amended to include the interests of sovereignty and integrity of India as one of the principles for guidance in regard to certification of films. This is to bring it in conformity, as I said earlier, with the Constitution Amendment made in 1963.

In place of the Central Government, an independent tribunal will have jurisdiction to hear appeals from the decisions of the Board of Film Censors. This is vide Clauses 7 and 8 of the Bill. The Central Government is being conferred revisional jurisdiction even in respect of orders passed in appeals vide clause 9 of the Bill; the revisional jurisdiction is, however, being restricted only to *suo moto* exercise of the revisional powers

Power is being taken to suspend or revoke certificates granted by the Board of Film Censors in cases of exhibition of films in contravention of the provisions of Part II of the Act or the rules made thereunder. Power is also being conferred on the Central Government to review such orders.

All offences punishable under Part II of the Act are being made cognizable. At present an offence under Section 7 of the Act is punishable by imprisonment which will extend to three months or with fine which will extend to Rs. 1,000/- or with both. The limit of punishment by way of imprisonment is proposed to be raised to two-years and the limit of punishment by way of fine is proposed to be raised to Rs. 20,000 to make the punishment more stringent. In the case of continuing offence, the limit of a further fine which is at present Rs. 1000 per day is proposed to be raised to Rs. 5000 per day.

Power is being taken to notify delegations of the powers of the Board of Film Censors (to be called the Board of Film Certification) to the Chairman and other members of the Board in regard to certification of films.

It is proposed to repeal the Cinematograph (Amendment) Act of 1974. It is proposed that the producer or the exhibitor of a film in respect of which a certificate is granted under the Act will not be liable for prosecution under any law providing for punishment for obscenity in respect of any matter contained in the film as so certified. The other amendments are of a consequential or a minor nature.

I have no doubt, Sir, that the Hon. Members will contribute to the debate and give their valued opinions on these proposals which are basically of a limited and simple nature.

MR. CHAIRMAN: Motion moved:

"That the Bill further to amend the Cinematograph Act, 1952, as passed by Rajya Sabha, be taken into consideration."

There is one Amendment by Shri Bapusaheb Parulekar.

SHRI BAPUSAHEB PARULEKAR (Ratnagiri): Sir, I move:

"That the Bill further to amend the Cinematograph Act, 1952, be

referred to a Select Committee consisting of 11 Members, namely:—

- (1) Shri Satish Agarwal,
- (2) Shri Xavier Arakal,
- (3) Shri Chitta Basu,
- (4) Shri Moot Chand Daga
- (5) Shri V. Kishore Chandra S. Deo.
- (6) Shri Harikesh Bahadur,
- (7) Smt. Geeta Mukherjee,
- (8) Shri Ram Vilas Paswan,
- (9) Shri Ratansinh Rajda,
- (10) Shri Vasant Sathe, and
- (11) Shri Bapusaheb Parulekar,

with instructions to report by the last day of the first week of the next session." (17)

PROF. RUP CHAND PAL (Hooghly): Mr. Chairman, Sir, cinema is a very powerful media today in the world. And we in India have by this time built up this industry; and we have in a big way earned world recognition by our achievements in the productions of Satyajit Ray, Ritwick Ghatak, Mrinal Sen, Shyam Benegal and a number of others. Their films have received awards. But cinema, this powerful medium is not being used in this country properly, as it should be. What is cinema? Is it meant only for entertainment? Is it not also for education? Is it not also an instrument of social change.

Experience in our country with cinema is that it is totally in the grip of black money people, big monopoly houses and people with profit motive who are trying to use cinema as a carrier of sex, vulgarity and violence, to titillate the young minds to earn more and more money.

We now have this amendment to the Cinematograph Act. Its history and background have been stated by the hon. Minister.

16.55 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

The recommendations of G. D. Khosla Committee were considered and an amending Bill was passed in 1973 which had to wait for a long time, because the assent of the President was not achieved. I do not know whether the hon. Minister will agree with me; but the Act as amended, and passed in 1973 was only in the Statute Book; and it was never enforced. Now, as per the recommendations of the Working Group on National Film Policy, some points have been taken up. Let me take them up one by one. One new group called UA is being authorized here for certification; and it is said that films which could not be given either U or A Certificate can now be given UA Certificate for unrestricted public exhibition, subject to parental guidance, for children below twelve years. In a country like ours where 40 crores of people—or more than that—are illiterate, can parents determine or guide their children whether or not to see a film which has been examined by 25 technical and non-technical experts who could not determine whether it can be called U or A? It seems to me that this idea is somewhat ludicrous.

There is another category called 'S' category of films. We have our experience in West Bengal and other places. This provision will be misused, and the special category classification will be taken advantage of. In the cinema houses, no one can distinguish between a professional and a non-professional. It will create some problems. Moreover, the producers will take this opportunity, and using the category, will cater to obscene tastes, vulgarity, sex and violence, to earn more money.

I had referred to this in this very House earlier also. I do not want to refer to the regions where they were produced. Certain films were passed by the Censor Board; but with different titles, they are flooding the

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market, titillating the young minds, vitiating the atmosphere and making a lot of money. I can give you those names. The very names will suggest what is being done: 'Adi Manav', 'Sexy Dreams', 'Her Nights', 'Rati Nirvedam', 'Evils of Rape' etc. These are the films passed by the Censor Board; and sometimes with different titles they are being shown in large areas, vitiating the young minds and thereby making money.

17.00 hrs.

Do you believe that with his 'S' category, will be restricted to the special category for the professionals only? There is a proposal to include the interest of sovereignty and integrity of India as one of the principles for guidance in regard to certification as per amendment of the 16th amendment of our Constitution in 1963.

What is integrity? Integrity in a country like ours is that all the culture, all the languages, all the aspirations of different ethnic groups and racial groups should be fulfilled. There was a demand even by the Congressmen. During the Quit India Movement, in their proposals, they said that in a country like ours, the Constitution should be federal in set up. Even in 1946 the Congress people had decided in their manifesto that it should be federal. But what do we see in our experience?

Only 15 languages are recognised in the Eighth Schedule. What has happened to Nepali? What has happened to Dogra? What has happened to Manipuri? What has happened to Maithili? Lakhs of people speak these languages, but this is not the occasion to refer to that. Let us have a look at the fulfilment of aspirations of different groups, cultural groups in our country, as regards cinema I can quote from a list the total films in our country in different years. In 1975, Hindi-104; Tamil-71; Telugu-88; Malayalam-77; Kannada-39; Gujarati-29; Marathi-10; Punjabi-15; Oriya-3;

Assamese-5 and Bengali-35. In this way, if we take 1976-77, 1977-78, 1978-79 and 1979-80, I can say that the cultural aspirations of the people of India are not being properly attended to; and in such a situation like this, what is the proposal of our hon. Minister of Information and Broadcasting. At the last November meeting of the State Information and Broadcasting Ministers, he had proposed that cinema should be brought in the Union List or at least in the Concurrent List; it should cease to be a state subject. There is a proposal in an amendment that instead of 9 members on the censorship Board it should be 12 and upto 25. But what has happened in the name of certification? It passes in the name of the Chairman. But does he care to see any film? Can the hon. Minister say about it? I know that different people who are not members are authorised to see them and they will report about it; and after that, on the basis of that report, they will pass the films.

In a country like ours, if you pass from Assam covering one State after another, you will find that culture is so different that it is not possible for a man staying in Bombay belonging to a different culture to understand the culture of different people. So, there must be representation from States of different culture. There must be a provision like that and the State Governments should be having representation on the Censorship Board. Otherwise, the cultural aspirations of the people can never be fulfilled. What is the harm in having representatives at least of the State Governments on the Censorship Board? Your party is the ruling party in so many State Governments. We are only two or three; it does not matter. Will the hon. Minister consider this proposal of mine that is there should representatives of the State Governments on the Censorship Board what is now being called Board of Certification?

I will tell you how certificates are given by the Censorship Board. Now

serveral absolutely obscene and absolutely vulgar films which are against our traditions of culture, are not banned. But on the other hand, they are passed. Obsecene film have been passed. I have got a long list of such films.

I am referring to a Question I had asked in this very House. Question No. 28,335.

"Will the Minister of Information and Broadcating be pleased to state:

(a) whether Government are aware that the Censor Board of Calcutta has not yet given censor certificate to one Bengali film, namely, 'Baishakhi Megh' directed by Utpal Dutt; and

(b) if so, the reasons thereof?

The Deputy Minister in the Ministry of Information and Broadcasting gave me the reply:

'It has been decided by the Board of Film Censors to grant 'U' certificate with two cuts to the film 'Baishakhi Megh' (Bengali). As soon as the cuts are surrendered and other formalities are complied with by the applicant, the certificated will be issued.'

Sir, obscene films are passed. I have referred to that. Let me show the cuts referred to in the reply to my question. This is a story of a terrorist during the freedom movement. And he is being tried now, after independence, in a different case. The scene I am referring to is being asked to be cut. "Judge: Accused, Mohit Mitra, before I pronounce my judgment, do you have to say anything?"

Mohit: Yes, only one thing. Again and again, my party is being dubbed as an agent of China-Russia. But, in born out of a gigantic upsurge, the near future an epoch that will be inspiration of that upsurge will come either from China or Russia. Today

in the world the rule of the merchant is supreme; but the time is coming when the rule of the Sudras (untouchables) will be established. (Noise,—Pleaders shouting).

Judge: Order, order. You can't carry on propaganda for China or Russia here.

Mohit: No, no. I am not propgating for China or Russia. The words spoken above are of Swamy Vivekananda."

So, that scene was cut! As it happened in the days of Emergency, the quotations of Pandit Nehru were censored. Quotations from Rabindra Nath Tagore were censored. What is happening? Is it not an undeclared emergency that even in the days of this hon. Minister there are cuts of the speeches of reference to talks of great people like Swamy Vivekananda? These things are going on. I have got some more information about it. I can cite a number of examples, that wherever there is a healthy idea, new idea, scientific idea, such films are being censored. Those parts are advised to be cut. But absolutely irrelevant or obscene films depicting sex and vulgarity are allowed.

The hon. Minister has come with an amendment of a very very vital, very very sensitive and important matter, that is, about certification. In this very House, I more than once referred to one problem of the film industry, regarding the release channel. Films made by people like Satyajit Ray and Mrinal Sen are not getting timely release, because of the chain system, and because of the control of money over the whole range of certification and the whole gamut of the industry. The Government of West Bengal came with a draft Bill on exhibition of Bengali films and it was passed by the Assembly. The hon. Minister was reported by full of praise for that Bill. It passed through different Departments—Home Ministry, Law Ministry, Civil Supplies Ministry and all that. But

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ultimately the assent has not been given on the ground that it infringes on the Fundamental Right. Here there is a reference to the Fundamental Right, infringement of Fundamental Rights. So, you cannot show your own culture. What type of fundamental right it is, we do not know. The industrialists with the help of black-money have the fundamental right to exploit the people, to vitiate the whole atmosphere, to spoil the moral standards and young generation. Cinema is a very powerful medium. But it is just like clay. With the clay you can prepare a monkey. With the same clay you can prepare image of the God. My question is: what are you going to do with the cinema; how are you going to use it? We know who will be the members of the certification board. It is based on patronage. You patronise some people—retired judges and all that. Can you show one single case where a non-conformist, who does not tow the line of the ruling party, was ever given the chairmanship of the Board? My proposal is that the State Government should be given representation on the Board of Certification. Shri K. A. Abbas had challenged the Certification Board in a court of law. The Attorney-General, long ago, assured that the control over cinema would go from the hands of the Government to some independent agency. There is a proposal that there will be an independent appellate tribunal. But there is again that revisionary power with the Government.

If you say anything, which does not suit the interest of the ruling party, the direction is to cut that portion. The Central Government is still holding the reins, so that it can see that everyone tows the line chosen by the Government.

Cinema today is quite a big industry in India. More than 3.5 lakh technicians and other workers are employed in this industry. But it is

strange that cinema is not considered as an industry yet.

The other day, I had asked a question from the hon. Minister of Industry. The Working Group on National Film Policy had suggested many things on production, distribution, exhibition, taxation policy etc. One of their observations was that the number of theaters is the lowest in our country in comparison with other countries and that it should be increased. I think, the hon. Minister will agree with me that something must be done to increase the number of cinema houses.

My proposal to the Industries Minister was that he should help the new entrepreneurs to build new cinema houses and theatres with the help of bank finance, as is done in the case of small-scale industries. His answer was "No, it cannot be done. Although we would very much like to do it, we cannot do it, we cannot consider cinema even as a small industry. So, the banks cannot offer the facilities which they are given to small-scale industries." I ask: why should the cinema not be considered as an industry? In fact, it should have been done long ago. My specific demand is that cinema should be considered as an industry as soon as possible.

India is a country of different nationalities with diverse cultures. In fact, the Indian unity is based on diversity. Our aim should be to develop cinema, to use it as an instrument of social change, to build up, to bring about integration of India within which there are so many cultures.

We should patronise whatever is good. There are different types of films—commercial films, art films, new wave films and so on. But, according to me, there are only two

types of films—one type is bad films, bad in taste, bad for the society and bad for the country; the other type is good films. Just like a good coin is ousted by the bad coin, so bad films drive away good films. My plea is that something radical, something major, must be brought about to save good films, to save the cinema industry.

With these words, I oppose the the Bill, because the amendment will serve no purpose; it will only help deterioration of the situation.

SHRI AJITSINH DABHI (Kaira): Sir, cinema is a very powerful media of the 20th century. It being an audio-visual media, it is powerful enough to change the course of a person who witness it. Cinema films can permanently impress in a good or bad way the spectators, individually or *en masse*. So, it plays a very prominent part in changing even the society.

Therefore, it was but proper that within a few years of India becoming a Republic, in 1952 the Congress Government headed by Pandit Jawaharlal Nehru, the architect of modern India enacted the Cinematograph Act. The makers of this Act knew also too well that the cinema films can have an indelible impression on the minds of boys and girls of tender age. Therefore, censorship is the main feature of that Act. In order to prevent the exhibition of unhealthy films, which will damage the society, the Board of Film Censors was established some years ago. Thereafter, certain functions were allotted to this Board. The Board has the power to sanction or not to sanction a film or to sanction a film after cutting down a certain portion of that film. But the task of this Board of Film Censors is very difficult and thankless because it is very difficult to satisfy all. There are even various pressure groups within the film industry itself. Even the Parliament and State Legislatures who clamoured for stricter or more lenient standards of the films, criticised either. But the task has to be per-

formed after all. The policing by the Board can vary from an art film to a totally commercial film which will be very shabby. Sir, after the increase in the import of western films, particularly American films, and the limitation of those films by our film producers, censorship has become inevitable. To say the least, third rate pornography has already been there and our film producers also try to show the physiology of man or woman called the actor or actress. Some time back, here in Delhi, in Vigyan Bhavan, our prominent Director and producer, V. Shantaram, had correctly observed that today obscenity is being bred in the name of culture of Khajuraho and Konark. This was the observation made by our prominent Director and producer. Moreover, scenes of drinking, molestation and rape of girls, dacoities and all these things have become the order of the day so far as our film industry is concerned. What would be the psychological impact of such films on the minds of cinema-going people, particularly boys and girls who are of tender age? Even we are having songs in the films praising drinking like—

“मुझ के यारों माफ करता मैं नशे में हूँ”
 “जिसका बड़ा भाई शराबी,
 उसका छोटा भाई पिए तो इस में क्या खराबी”।

All this sort of things are in praise of drinking. What sort of culture are we going to depict through these films? Even we come across in the newspapers the news of some young men committing offences of dacoity or theft in the same methodology as he would have seen in the films. Therefore, the criminals are not born, they are made. Therefore, the members of the Board should aim to be good policemen, conscientious and as liberal only as the society allows them and as intelligent as is permitted, but ultimately they have to be policemen. Sir, for the last 10 or 15 years, there has been a general consensus in the country that the principal Cinematograph Act should be amended and made stricter. As a matter of

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fact, just now as my learned friend from the Opposition referred, on the basis of the report of the Khosla Committee headed by an ex-Judge of Punjab High Court, the Cinematograph (Amendment) Act (Act No. 27) was passed in 1974. But unfortunately, that amendment was not included in the principal Act by issuing a required notification. Therefore, for the last 7 years, that particular amendment Act remained on the statute book.

After seven years, the Government has come forward with this Cinematography (Amendment) Bill, 1981. I word "censor" is having a sort of it is better late than never. Under the principal Act, a Board of Film Censors was established. But the word "censor" is having a sort of bad connotation. The words "Board of Film Censors" had become rather unpleasant and not liked by many cinema producers and artists. Because the moment were mention the name "Board of Film Censors", a picture would arise immediately before our eyes of a group of officers having scissors in their hands and ready to cut down mercilessly the film. That is the picture which comes in the mind. Therefore, the Government has rightly changed the name from the "Board of Film Censors" to the "Board of Film Certification". For the purpose of certification, the films have been divided into four categories, namely, 'U', 'A', 'S' and 'UA'. 'U' certificate means that it is for unrestricted public exhibition. When a film bears 'A' certificate it means that it is fit to be seen by only adults; it is meant for adults only. So far as 'S' certificate is concerned, the film is suitable for public exhibition for people of a particular profession or class. But so far as the certificate of 'UA' is concerned, I doubt very much whether it makes any sense. According to new Section 5A read with new proviso to Section 4, 'UA' means it is suitable for unrestricted public exhibition provided

that for children below 12 years it will be shown with an endorsement to the effect that parents or guardians have allowed. Generally, parents of all the children below 12 years do not see cinema. Not only that, how many parents would be of that nature—"look here, you don't go to see that particular cinema unless and until we ourselves better go and see and tell you whether it is a good film and fit to be seen." Is it possible? On the contrary, whenever there is a film bearing certificate 'A' boys and girls go in more number secretly and without the permission of their parents, to see that film. I have myself seen that the boys give a bribe of Rs. 2 or Rs. 4 to the door-keeper of the cinema theatre. They will see that film definitely. Therefore, I doubt whether there is any sense in having this particular certificate 'UA' and keeping it on the statute book.

I welcome Clause 11 of the amending Bill by which punishment has been enhanced for the offences under the set. It is also in the fitness of things that the offences under the Act have been made cognizable. These will prove to be effective deterrent to those who intentionally violate the various provisions of the Act.

My learned friend referred to the case filed by Khwaja Ahmed Abbas, an eminent progressive write. So far as I know, under Section 5 (D), an appellate tribunal is formed and the Section no where lays down the period within which an appellate tribunal should give its decision. In that case, the Government through Attorney-General had given an assurance that the Act will be amended so as to provide a time-limit within which an appellate tribunal will have to give its decision. If that is the case, there is no reason for the Government to go back upon that assurance.

With these words, I welcome this amending Bill. I congratulate the hon. Minister for bringing forward this Bill

at the present juncture, I hope the hon. Minister will say something about not having provided any time-limit within which the appellate tribunal give its decision. I support the Bill.

*SHRI ERA MOHAN (Coimbatore): On the Cinematograph (Amendment) Bill, which has been introduced by our hon. Minister of Information and Broadcasting, on behalf of my party the Dravida Munnetra Kazhagam I would express my views succinctly.

In our country cinema is one of the largest industries and thousands of crores of rupees are at stake in this industry. Through entertainment tax and through excise duty, both the Central and the State Governments get revenue running to hundreds of crores of rupees annually. It is also a fact that this industry has given employment to many lakhs of people. I had the privilege of extending my support to the Bill, which was passed by this House last week, seeking to ensure the welfare of lakhs of cine workers. It goes to the credit of our Information and Broadcasting Minister that he piloted this Bill successfully. Now, in order to eliminate the deficiencies and drawbacks widely prevalent in this industry, the hon. Minister has introduced this amending Bill and while whole-heartedly welcoming this Bill I would say a few words.

This Bill seeks to change the name of the Board of Censors as the Board of Film Certification. From the strength of nine members, the Board of Film Certification is being expanded with 12 to 25 members. I have no difference of opinion on these provisions of this Bill.

I would like to point out that the Members of this Board, whom you are going to appoint, should be men fully acquainted and conversant with the problems of film making. In fact, they should be men imbued with the instincts of Fine Arts. The Members

of the Censor Board should be in a position to interpret our cultural heritage and the legacy of our ancient civilisation. What I find now is that the Members who have no connection with him making are members of the Board of Censors. It is not difficult for the Government to identify experts in film making from among the producers, technicians and successful exhibitors. We do not lack in eminent and distinguished men who have heralded an era of social resurgence in our country. As the films do affect the social moorings, the Members of the Censor Board should be men with the courage of conviction, who would not succumb to exigencies of circumstances. I am sure that the hon. Minister will bear this point in mind, while he appoints members of the reconstituted Board of Film Certification.

I will now refer to the manner in which the censoring is done. The Board Censors constitutes an Examining Committee for each regional language and this Committee is entrusted with the duty of witnessing the film before censoring. This examining committee sends a report to the Censor Board on the basis of which the Censor Board without witnessing the film issues the certificate. This is really wrong. It should be the other way. The Censor Board should constitute regional committees having members who know the particular language and this Committee should be vested with the power to issue the certificate after witnessing the film. In Madras the Regional Committee should comprise of Members of the Censor Board knowing Tamil languages; similarly it should be Malayalam-knowing Members in Trivandrum, Kannada-knowing members in Bangalore and Telugu-knowing members in Hyderabad. I request the hon. Minister to look into this and do the needful without any delay. The present censoring system should be modified in the manner I have suggested.

[Shri Era Mohan]

Now, coming to the Appellate Tribunal to which the producers can take their grievances against the Censor Board is also to be headed by a Judge or by one qualified to become a Judge. I wonder why a Judge should be there at all. This is not a court case to under the arguments of both sides. There are no legal implications of serious consequences. The Appellate Tribunal is to see whether the scenes which have been cut by the Censor Board should be re-inserted or not. For this a Judge is not required. Here also the Appellate Tribunal should be headed by a man from the industry, who knows all the processes of film-making and whose commitment is to the growth of film industry. The Appellate Tribunal cannot be headed by a man whose whims and fancies cannot become the arbiter of a film. I am sure that the hon. Minister will take this into consideration while constituting the Appellate Tribunal.

I would also suggest that the headquarters of the Appellate Tribunal should be located in Madras which is the centre producing the largest number of films in the country. Again, Bombay should not be the choice for the headquarters of the Appellate Tribunal.

This Bill seeks to categorise films as belonging to U category, UA category, A category and S category. Presently there are only two categories—A and U. It is all right to say that UA films would be seen by those above the age of 12 and A film to be seen by those above the age of 18. It is also good to have S category films for professionals like the Doctors. But what is the real position that obtains in a theatre showing a film belonging to one of the above categories? You will normally find that in the theatre showing an A film the majority of audience is below the age of 18 years. There is no law to check this violation of censoring principles. What is the use of censoring and declaring a film as Adults only film, which is seen primarily by people below the age of

18 years? If there is no law, a law must be enacted to curb this growing tendency among the public. The Exhibitors do not care so long as they get their gate-collection. No Police official nor there is any other authority to check this. The Exhibitors allowing the people below cast of Malayalam film, Telugu film, must also be awarded stringent and deterrent punishment. Whatever is required to be done in this regard should be done by the Government immediately. I am sure that our ebullient Information and Broadcasting Minister will take action in this direction.

I would also like to condemn the wayward approach of censoring presently prevalent in the country. I come from Tamil Nadu and suppose I produce a film both in Tamil and in Hindi. The scenes which are cut by the Censors in Tamil are allowed in the Hindi film. The story is the same and the contents are the same. Yet different standards of censoring are in vogue now. This is so in the case of Malayalam film, Telugu film, Kannada film or any other regional language film. This has led to chaotic conditions. In Madras the Hindi films having heroines in semi-naked postures and sometimes even in naked postures are running to packed houses. Big banners depicting scenes of obscenity attract the audience to such films. There is no story and there is no revolutionary social concept depicted in such films, yet they are minting money. The regional language films have no market before such films in Hindi. It is time that the Government of India formulates uniform guidelines for film censoring. Again I would like to stress the need for doing this as early as possible if the social values of our country are not to be jeopardised.

Our hon. Minister Shri Vasant Sathe recently visited Madras. At that time, our former cine-actor and the present Chief Minister, Shri M. G. R. requested him to ban the Tamil Film THANNEER, THANNEER. While participating in a public function in the evening, Shri Vasant Sathe re-

vealed this to the Pressmen that the Chief Minister has asked him to ban this film because of the under-current of Naxalite theme in this film, and the Government would examine this proposition. I don't think the hon. Minister has seen this film. Even if he has seen this film, he would not have been to follow the nuances as a Tamilian would. Shri K. Balachander who has produced this film is not a new entrant to Tamil Films. He has produced many successful Tamil Films and in fact he is regarded as the Satyajit Ray of Tamil Nadu. He has put across novel themes with revolutionary concepts boldly on the Tamil screen. In this film, he has just depicted the problems of drinking water in our villages. He has pinpointed the lapses on the part of the Government which led to the sufferings of a village in Tamil Nadu. This film delineates the sufferings of the people in a village because of the paucity of potable water. This cannot be considered as depiction of naxalite movement.

The Chief Minister of Tamil Nadu, known for his penchant for obscene film scenes in his hey-day as cine actor and film producer, is demanding that this film which highlights the failure of his government should be banned.

MR. DEPUTY SPEAKER: Mr. Mohan, the Chief Minister of Tamil Nadu has announced that he has not asked for the banning of this film.

SHRI ERA MOHAN: The Chief Minister, known for his double role, would have definitely said this to the Pressmen and in his private meeting with Shri Vasant Sathe he would have pressed for the banning of this film. Everyone in Tamil Nadu knows about the double role of the Chief Minister. He would have told the Pressmen: "I have not asked for the banning of this film". To Shri Vasant Sathe he would have said: "Please ban this film."

MR. DEPUTY SPEAKER: How do you know what Mr. Ramachandran has said to Mr. Sathe in private?

SHRI ERA MOHAN: Mr. Sathe revealed that himself to the Pressmen. Mr. Sathe himself revealed this fact, this truth. I demand with all the force at my command that this film should not be banned.

We are all working in his Parliament with devotion and dedication. We formulate schemes for the upliftment of down-trodden throughout the country. We enact laws to usher in egalitarian society. This Parliament is the highest forum for airing the grievances of the people at large and this forum has never failed to redress the grievances of the people. Yet the Parliament and the deliberations we conduct here are violently and venomously criticised in the newspapers day in and day out. Many newspapers and dailies have considered it as their bounden duty to undermine the democratic working of our Government. They do not hesitate to say that we are parasites and we are wasting public money. Since this supreme body of Parliament has sanctioned the freedom of expression as one of the cardinal principles of democracy, no action against such blatant and violent breach of this sacred right has been taken so far. In the same manner this film should also not be banned, particularly in view of the fact that it has not high-lighted anything contrary to the national interests; it has simply high-lighted the problems of the people in the rural areas due to lapses on the part of the Government.

In conclusion, I would suggest that there should be uniform guidelines for censoring of films throughout the country. The Members of the Board of Film Certification should be from the film industry; there should be a law enacted, if necessary, to ensure that the Exhibitors abide by the conditions under which a film is censored as "Adults Only" film or under any other category.

With these words I support this Bill on behalf of my party the D.M.K. and conclude my speech.

SHRI RAM JETHMALANI (Bombay North West): Mr. Chairman, Sir, the provision of this Bill..

AN HON. MEMBER: Is he Mr. Chairman?

SHRI RAM JETHMALANI: I am very sorry.

Mr. Deputy-Speaker, Sir, the provisions of this Bill are mainly innocuous and some of them are even wholesome. I must compliment the hon. Minister for having at least ostensibly accepted the principle that the appellate jurisdiction of the Government ought to be transferred to a tribunal,

Sir, I do not wish to whittle away my complement which I have paid him. But, the provision of the Bill relating to this transfer is really an eye-wash and, I hope, the hon. Minister, if not by a proper amendment, at least, in actual practice, will see to it that it does not remain an eye-wash wash.

The Government is supposed to transfer this power to the Board which will, of course, be wholly appointed by Government. The Chairman of the Board is going to be a person qualified to be a judge of the high court which means any lawyer belonging to their party.

SHRI NAWAL KISHORE SHARMA: With ten years of practice also.

SHRI RAM JETHMALANI: About the remaining four, the only qualification is that they should be able to judge the effect of the film on the public. Now, Sir, this is the kind of provision about which I have voiced my anxiety not so much to oppose the Bill or to criticise it, because I support this Bill, but at least to make the Minister to see what is passing in our minds.

Sir, in that famous Special Courts' case where the original Bill contained a provision for appointment of retired judges to man these special Tribunals, a very strong plea was made on behalf of the people belonging to their party. We accepted the validity of that criticism and, ultimately, the Supreme Court at least in six pages of their judgement had a lot to say on why retired judges of the courts should not be put on judicial work and therefore according to me should not be put on tribunals which do this important kind of work.

Sir, the film is a very important medium of education and more any thing else, it is a fact of free expression, the fundamental right of the people. Sir, it ought to be and should be promoted fully with Government's encouragement if possible. The medium should if necessary vitriolically criticise the people in power, point out their deficiencies, and shortcomings and point out lack of probity wherever it is discernible or wherever there is evidence. This task cannot be performed at least in the sense in which public will have confidence that the task is being performed by retired judges. I want to remind them that I, as a mover of the special courts Bill, accepted that criticism and we changed the Bill. The supreme Court has said something which Mr. Sathe, as a lawyer must have read quite a number of times and I want him to re-send it as to what the supreme Court said about this kind of provision.

As regards the remaining four members, instead of having this qualification, they should be able to judge the effect of the film on the public. I thought that the qualification first of all should be that they should understand the value and the importance of this medium that this is an organ of self-expression, that this should be a medium which should be to lampoon our politicians and to subject them and expose them by focusing on them the search-light of ridicule if necessary. Sir, the needs of the public must be a

paramount thing which these gentlemen who will sit upon the Board should be able to understand with their intellectual make-up.

Sir, I know Mr. Sathe—I hope I am not misjudging him—he is not a purist, he is reasonably permissive, he is a realist and is not a hypocrite. Sir, I suggest that some of these stupid don't's which are laid down for the Board of Censors are irrational and are really absurd. If only the films are made reasonably realistic, Will you be weaning the people away from other pernicious places, from the horrible places, like the red-light districts of our urban areas? You will be weaning them away from other vices if our films are made a little more entertaining. I agree that films should have aesthetic value but you cannot show Satyajit Ray's films to all classes of people in this country. I suggest the films, must provide reasonable entertainment to all classes of people and must, therefore, cater if need be to their moral, aesthetic and political standards. If our Board of Certification or Censors act in that spirit that ultimately films are to provide reasonable entertainment, I think, the Cinematograph Act would have served some purpose.

I suggest that you must have people on this Board of Certification who really understand the needs of the society and needs of the people and more than anything else they understand the value of our films as an organ of self-expression and an organ of political criticism, if necessary. It is not something which is going to be used against you. It will be used perhaps by you against future governments. In Democracy governments change and some day you might have to use this medium yourself against the ruling Government.

Sir, I am not formally opposing the Bill but I have voiced my anxiety so that the Minister may bear these things in mind and either by formal amendment or by actual administration remove these misgivings.

श्री हरीश चन्द्र सिंह रावत (अल्मोड़ा)
उपाध्यक्ष महोदय, हम ने इस सदन में प्रो० रूपचन्द पाल, श्री जेठमलानी तथा श्री दाभी के विचारों को सुना। माननीय मंत्री जी जो यह बिल लाए हैं हम यह समझते थे कि जितने बिलम्ब से यह बिल आया है, इस का उद्देश्य फिल्म इण्डस्ट्री के विषय में पूरी पालिसी के सन्दर्भ में होगा। लेकिन हम यह देखते हैं कि इस बिल के जरिए उन्होंने जो 1952 का एक्ट है उस में कुछ प्रक्रियात्मक परिवर्तन करने की कोशिश की है। इस परिवर्तन से उस एक्ट में जो छोटी मोटी कमियां थीं उन को यह निश्चित तौर पर दूर करता है, मंत्री जी की जो मंशा है यह निश्चित तौर पर उनकी पूर्ति करता है लेकिन जिस प्रास्वेक्टिव में, जिस दृष्टिकोण से आज हम फिल्म इण्डस्ट्री को देखते हैं, उस इण्डस्ट्री की जो बढ़ती हुई आवश्यकताएं हैं यह निश्चित तौर पर उनकी पूर्ति नहीं कर पाता है।

MR. DEPUTY SPEAKER: The hon. Member may continue tomorrow. Now, Paper to be laid by Shri Mangankbhai Barot.

18.00 hrs.

PAPER LAID ON THE TABLE—
Contd.

NOTIFICATION UNDER EXCISE RULES 1944 AND EXPLANATORY MEMORANDA IN REGARD TO THESE NOTIFICATIONS, NOTIFICATIONS UNDER CUSTOMS ACT. 1962 AND EXPLANATORY MEMORANDA IN REGARD TO THESE NOTIFICATIONS

THE DEPUTY MINISTER IN THE MINISTRY OF FINANCE (SHRI MANGANKBHAI BAROT: I be to lay on the Table:

(1) A copy each of the following Notifications (Hindi and English versions) issued under the Central Excise Rules, 1944:—

(i) Notification No. 192/81-CE published in Gazette of India