

کے پیچھے سوں گاؤں کو تباہ اور برباد
کر دیا۔ مہاراج کلچر تحصیل میں
پہنچے باندھ کے تڑپنے سے آس پاس
کے پیچھے سوں گاؤں تباہ ہو گئے سڑکیں
کت گئیں کچے پکے مکان دھوڑت
ہو گئے کھڑی فصل برباد ہو گئی۔
کھانی ہلاک میں کچھ دنوں تک
ایک فورس کے ہولی کوپٹر سے کھانا
پہنچایا گیا۔ کچھ استھانیئے اور
بھاری سوریسٹوں نے
سراہنے کام کیا۔

جن کاریگروں کے کرگھے اور سوت
دھلے اور کام کرنے کا استھان سب تباہ
و برباد ہو گیا وہ لاچاری اور بے کسی
کی زندگی بیتا رہے ہیں اور ان کا
بہوشیہ بھی اندھکاری ہے۔ بارہ سے
تباہ و برباد یہ کسان کاریگر اور چھوٹے
ویوسائے اور کھیت مزدور سرکار سے اس
بات کی گارنٹی چاہتے ہیں کہ بہوشیہ
میں سرکار ایسے تھوس قدم اٹھائیگی
جس سے اس پرکار کی تباہی کا سامنا
پھر نہ کرنا پڑے۔ جن کا مکان دھوڑت
ہو گیا ہے ان کو سر چھپانے کی
ویوسدھا ہوئے استر پر کرنی ہو گی
تاکہ جائے میں ان کو سر چھپانے
کی جگہ مل سکے۔ سرکار کو اس پرورے
چھوٹے کے استھانی پونرواس کے لئے
تکال سی ہی اوشیک قدم اٹھانے چاہئے
تاکہ ان تباہ اور برباد لوگوں کو اپنی
دستکاری کھیتی پھر سے آرمبھ کرنے کا
اوسر مل سکے۔

لکا تار آنے والی بارہ سے جو کہ
کھاگھرا دپتی ایون اس کی سپایک
ندیوں دوارا نقصان ہر سال کھا جاتا
ہے کو دیکھتے ہوئے بہت سرکار کو
اس بارے میں کوئی استھائے ایائے
کرنا چاہئے۔ سرکار کو اس بارے میں
لکھال سے سمجھوتے کے انتظار کے بدلا
ہی دپتی ندی پر ایک باندھ بھانا
چاہئے۔]

15.37 hrs.

CINE-WORKERS AND CINEMA
THEATRE WORKERS (REGULA-
TION OF EMPLOYMENT) BILL—
Contd.

MR. CHAIRMAN: We now take up
legislative business. We take up fur-
ther consideration of the Cine-Work-
ers and Cinema Theatre Workers
(Regulation of Employment) Bill.

Shri Daga.

श्री मूलचन्द डागा (पाली): सभापति
जी, इस बार विज्ञान भवन में मैंने किसी पक्कर
को देखा था। वह बड़ी हृदय को छूने
वाली पक्कर थी। उसके बारे में उसकी
महिला निर्देशिका साईं परांजपे ने यह बात
सही कही थी कि मैं फिल्मों के माध्यम से
और फिल्मों की भाषा से लोगों तक पहुंचना
चाहती हूं। फिल्मों की भाषा से और
माध्यम से लोगों तक आसानी से पहुंचा जा
सकता है।

सिनेमा क्या कर सकता है? सिनेमा
किसी की भी मुश्किल जिन्दगी में जान
फूंक सकता है। मैंने भी फिल्मों को देखा
है और विज्ञान भवन में मैंने देखा है कि
वहां ज्यादातर लोग बूढ़े आते हैं। मैं

[श्री मूल चन्द डागा]

इस अवसर पर एक बात कहना चाहता हूँ। हमारे साथे साहब यहां बैठे हैं। मैं थोड़ा-सा विषय से अलग जा रहा हूँ। इसके लिए मुझे क्षमा करें। मैं माननीय मंत्री जी का ध्यान आकर्षित करना चाहता हूँ कि विज्ञान भवन में मैंने देखा है कि एम० पी० के वहां जाने से पहले ही जो वहां की अच्छी अच्छी सीटें होती हैं उन पर दूसरे ही लोग बैठे होते हैं। हम भी अपनी जिन्दगी में नयापन लाना चाहते हैं। आज भी एक फिल्म 'चितचोर' चल रही है। वहां पर इतनी भीड़ हो जाती है कि एम० पी० लोगों को बड़ी कठिनाई होती है।

(व्यवधान) आप जवान लोगों को फिल्म देखने में कम मजा आता है लेकिन जो जवानी से गुजर जाते हैं उनको ज्यादा मजा आता है।

ये जो आपकी पिक्चरें हैं ये बड़ा काम कर सकती हैं। ये इमोशनल इम्प्रेगेशन ला सकती हैं। ये राष्ट्रीय प्रेम, राष्ट्रीय जागृति, नवजागरण लाने का काम कर सकती हैं। इसीलिए इन फिल्मों के बारे में बराबर लोगों ने कहा है कि इनको कन्सरेण्ट सूची में ले लीजिए, इनका राष्ट्रीयकरण कर दीजिए। यह बहुत बड़ी चीज है। आप एडल्ट एजुकेशन पर बहुत पैसा खर्च करते हैं। अगर आप जिन्दगी में नयापन, नवजागरण लाना चाहते हैं तो उसके लिए हमारे पास यही एक माध्यम है। ये फिल्में ही माध्यम हैं।

हमारे सूचना और प्रसारण मंत्री ने भी कहा था और ठीक कहा था। मैं उस समारोह में मौजूद था। फिल्में जीवन का अभिन्न अंग बन गई हैं और इसलिए आज फिल्म उद्योग की चमत्कारिक स्थिति को नजरअन्दाज नहीं किया जा सकता। यह बात उन्होंने बहुत ठीक कही है और इसकी मैं तारीफ करना चाहता हूँ। इस बात को समझते हुए ही कलाकारों

की तरफ उनका ध्यान गया है और जो शोषण करने वाले बिचौलिए और ठेकेदार हैं, उनसे बचाने के लिए यह सक्षम बिल पेश किया गया है। मैंने इण्डस्ट्रियल डिस्प्यूट एक्ट भी देखा है, लेकिन इस बिल में उनका भविष्य सुधारने के लिए जो बातें कही गई हैं, वे बहुत ही अच्छी हैं।

इस के अन्तर्गत भविष्य निधि की व्यवस्था की गई है, प्रेच्युट की व्यवस्था की गई है और ट्रिब्यूनल को आदेश दिया गया है कि वह तीन माह के अन्दर ही अपना फैसला दे दे। पहले 2-2 साल तक फैसला नहीं हो पाता था। जो एक्सपर्ट्स हैं, उनको असेसर अपाएण्ट किया जा सकता है। एक हाई कोर्ट के जज को भी रखा जा सकती है।

मैंने कुछ संशोधन भी प्रस्तुत किए हैं। पहली चीज है कि कलाकारों को अच्छा अमाल्युमेंट मिलना चाहिए। इस महंगाई के जमाने में जो कलाकार अपनी जिन्दगी अर्पित कर देता है, उसको अगर 1000 रुपया दे देते हैं तो कोई बड़ी बात नहीं है। इसी प्रकार कलाज 23 में आपने बताया है —

"The Central Government may, by notification in the Official Gazette, and subject to such conditions and restrictions, if any, and for such period or periods as may be specified in the notification, direct that all or any of the provisions of this Chapter or the rules made thereunder shall not apply to...."

इस कलाज को तो हटा ही देना चाहिए। सारा एक्ट बनाने के बाद एक पावर आपने अपने हाथ में ले ली। आजकल इतने प्रेशर आते हैं और मैं नहीं जानता कि श्री

वसंत साठे दबाव में आएंगे या नहीं, लेकिन इस क्लोज को हटा देना चाहिए। चेयरमैन साहब भी 'ला' जानते हैं, इसमें मैं अमेंडमेंट भी नहीं ला सकता, डिलीट भी नहीं कर सकता, इसलिए केवल विरोध ही कर सकता हूँ और मैंने विरोध किया है।

एक बात और बताना चाहता हूँ कि अगर ट्रिब्यूनल गलत ढंग से स्थापित हो गया है तब भी कोर्ट में उसको कोई चैलेंज नहीं कर सकता। मैं समझता हूँ कि चैलेंज करने का अधिकार देना चाहिए। जब तक कोई टेक्नीकल डिफीकल्टी हो, उसको अनुमति नहीं दी जानी चाहिए।

ये जो मैंने संशोधन रखे हैं, जब मैं अमेंडमेंट मूव करूंगा, तब इन पर बात करूंगा। एक बात के लिए धन्यवाद देना चाहता हूँ कि इस प्रकार का यह एक कंप्रीहेंसिव बिल है इसके लिए मंत्री महोदय बधाई के पात्र हैं। सिनेमा में जो काम करने वाले लोग हैं, थियेटर में काम करने वाले लोग हैं, यह बिल पास होने से लाभान्वित होंगे, उनको प्रोत्साहन मिलेगा, और उनका होसला बढ़ेगा।

श्री एसोद मसूद (सहारनपुर) : मुहतरिम चेयरमैन साहब। सब से पहले मैं मुहतरिम वजीर साहब को इस बिल को लाने के लिए मुबारिकवाद पेश करना चाहता हूँ। पिछले सेशन में भी वह एक बिल लाए थे जिससे गरीब सिनेमा के वर्कज को इस इंडस्ट्री में फायदा हुआ था। लेकिन मैं कहना चाहता हूँ कि इस तरीके से पोषणीय बिल लाने से ज्यादा फायदा नहीं हो सकता है। थोड़ा थोड़ा करके जो आप फायदा पहुंचाना चाहते हैं वह चीज ज्यादा फायदेमंद साबित नहीं हो सकती है। पहला बिल जब आया था तब भी मैंने कहा था कि आप सिनेमा को एक इंडस्ट्री डिक्लेयर करें

और इस पर आप इंडस्ट्रियल डिसप्यूट्स ऐक्ट को लागू करें। इस चीज को किए बगैर बहुत खातिर खवाह मदद इन वर्कर्स की नहीं हो सकती है। थोड़ी थोड़ी मदद जो आप दे रहे हैं यह भी काबिले तारीफ है और इसको भी सराहना होनी चाहिए। इसको हम सराहते भी हैं। लेकिन इस बिल को देखने से पता चलता है कि इस पर इंडस्ट्रियल डिसप्यूट्स ऐक्ट का शायद कोई असर नहीं पड़ेगा। यह भी पता नहीं चलता है कि आप इसको एक इंडस्ट्री मान रहे हैं। अखबारों में मैंने पढ़ा था कि साठे जो भी इस हक में हैं कि फिल्म इंडस्ट्री को इंडस्ट्रियल डिसप्यूट्स ऐक्ट के तहत एक इंडस्ट्री माना जाए? मुझे पता नहीं कि उस में क्या रुकावट आपको पेश आ रही है। मैं जानना चाहता हूँ कि इस तरह का बिल लाने का आप का इरादा है या नहीं है। इस तरह का बिल जरूर लाना चाहिए।

आपने इस में वर्कर्स की डेफीनीशन दी है। मैं नहीं समझता हूँ कि सिने वर्कर्स की डेफीनीशन में स्टूडियोज के जो परमानेंट मुलाजिम हैं वे भी आ सकते हैं। जो फिल्म बनाने से ताल्लुक रखते हैं, उस में काम करने वाले जो लोग हैं सिर्फ वही मेरे खयाल से इसके अन्तर आते हैं। लेकिन जो स्टूडियोज के परमानेंट वर्कर्स हैं, जो पेंटर होते हैं या जो मेंटेनंस का काम करते हैं वे इससे कवर नहीं होते हैं। मैं चाहता हूँ कि उन वर्कर्स को भी इस में जरूर शामिल किया जाना चाहिये। इन परमानेंट वर्कर्स की ज़िन्दगी स्टूडियोज के मालिकों के हाथ में रहती है। वे रिलीफ क्लेम नहीं कर सकते हैं। उनको इस बिल में कोई रिलीफ नहीं दिया गया है। ये ऐसे लोग होते हैं जिन का फिल्म बनाने में सीधा हाथ नहीं होता है। मैं चाहता हूँ कि स्टूडियो वर्कर्स के लिए जरूर कुछ किया जाना चाहिए।

[श्री रशीद मसूद]

कंसिलिएशन अफसर जो रिपोर्ट गवर्नमेंट को भेजग उसके बारे में यह कहा गया है कि गवर्नमेंट को यह हक होगा कि वह उस रिपोर्ट को ट्रिब्यूनल के पास जाने दे या न जाने दे। मुझे शक है कि गरीब वर्कर्स के केसिस को बहुत आसानी से गवर्नमेंट ट्रिब्यूनल के पास भेजगी अगर वे उसके खिलाफ जाते हैं। कंसिलिएशन अफसर की रिपोर्ट से अगर किसी को इखलाफ हो तो उसको हक होना चाहिए कि वह ट्रिब्यूनल में जाए।

जैसे डागा जी ने कहा ट्रिब्यूनल के बाद जैसा कि और बहुत सी चीजों में होता है, कोर्ट में जाने का भी अखत्यार होना चाहिए। लेकिन उसके ऊपर हमें कुछ रेस्ट्रिक्शंस रखनी चाहिए और वे ऐसी होनी चाहिए ताकि उन से ज्यादा बैनीफिट हमारे वर्कर उठा सकें।

इस में कोई शक नहीं है कि किसी भी मामले पर तालीम देने के लिए फिल्में एक बेहतर रीति मीडिया हैं। उन से पब्लिक ओपिनियन बनती है, अखलाक पर असर पड़ता है, लोगों के रहन-सहन, बोल-चाल, उठने-बैठने के ढंग पर असर पड़ता है। डागा जी ने सजेशन दिया है कि इसका नेशनलाइजेशन कर दिया जाए। मुझे इस में खतरा नजर आता है और उस खतरे से बहुत दिनों से हमें दो चार होना पड़ रहा है और इस में हमारी रूलिंग पार्टी माहिर भी है। जो चीज उसके खिलाफ जाती होगी, जिससे उसको नुकसान पहुंचने का अंदेशा होता होगा, जो चीज लोगों को एजुकेट कर सकती है, जो लोगों को उनके हकूक के बारे में एजुकेट कर सकती है, उस पर हमारी रूलिंग पार्टी की खाहिश रहती है कि उसका कब्जा हो जाए। मैं समझता हूँ कि फिल्म इंडस्ट्री का बिल्कुल भी नेशनलाइजेशन नहीं होना चाहिए। आप नेशनलाइजेशन की बात इस वास्ते करते हैं ताकि लोगों को तालीम न दी जा सके; उनको एजुकेट

न किया जा सके अपने हकूक के बारे में। आप आज फिल्म इंडस्ट्री का नेशनलाइजेशन करेंगे तो कल को प्रेस को भी आप अपने हाथ में लेना चाहेंगे। आपने जिस चीज का नेशनलाइजेशन किया है, जिस इंडस्ट्री को अपने हाथ में लिया है, उसके रिजल्ट्स को आप देखें। बेहतर यह होगा कि आप ऐसा कानून बनाए ताकि वर्कर्स का एक्सप्लायटेशन न हो सके सरमायेदारों के जरिए और ज्यादा बेहतर यह होगा कि बनिस्वत इसके कि आप नेशनलाइजेशन करें, आप यह जो तालीम का जरिया है उसको खुला छोड़ दें ताकि लोग अपने खयालत का इजहार इसके जरिये कर सकें। क्या सरकार की अमलियत उसके मुताबिक न हो। लेकिन वह अच्छा होता है। इसलिए मने जो दो, तीन सुझाव दिये हैं इन पर आप गौर कर लें। वैसे ओवर आल यह बिल बहुत अच्छा है और आप मुबारकबाद के मुस्तहक हैं और मैं आपको मुबारकबाद देता हूँ।

[شادی رشید مسعود (سہارنپور):

محترم چئمپرمن صاحب - سب سے پہلے میں محترم وزیر صاحب کو اس بل کے لئے کے لئے مبارکباد پیش کرنا چاہتا ہوں - پہلے سہش میں بھی وہ ایک بل لائے تھے جس سے فریب سلہما کے ورکرز کو اس اندسری میں فائدہ ہوا تھا - لیکن میں کہتا چاہتا ہوں کہ اس طریقے سے پوس مہل بل لائے سے زیادہ فائدہ نہیں ہو سکتا ہے - تھوڑا تھوڑا کر کے جو آپ فائدہ پہنچانا چاہتے ہیں وہ چیز زیادہ فائدے مند ثابت نہیں ہو سکتی ہے - پہلا بل جب یا تھا تب ہی میں نے کہا تھا - کہ آپ

سلیما کو ایک انڈسٹری ڈکلیئر کریں
اور اس پر آپ انڈسٹریل ڈسپوٹس
ایکٹ کو لاگو کریں۔ اس چھوڑ کر
کئے بغیر بہت خاطر خواہ مدد ان
ورکرز کی نہیں ہو سکتی ہے۔

تھوڑی تھوڑی مدد جو آپ دے
رہے ہیں یہ بھی قابل تعریف ہے
اور اس کی بھی سراہنا ہونی چاہئے۔
اس کو ہم سراہتے بھی ہیں۔ لیکن
اس بل کو دیکھنے سے پتہ چلتا ہے
کہ اس پر انڈسٹریل ڈسپوٹس ایکٹ
کا شاید کوئی اثر نہیں پڑے گا۔ یہ
بھی پتہ نہیں چلتا ہے کہ آپ اس
کو ایک انڈسٹری مان رہے ہیں۔
اختیاروں میں میں نے پڑھا تھا کہ
ساتھ ہی بھی اس حق میں ہیں
کہ فلم انڈسٹری کو انڈسٹریل ڈسپوٹس
ایکٹ کے تحت ایک انڈسٹری مانا
جائے۔ مجھے پتہ نہیں کہ اس میں
کھا رکاوٹ آپ کو بھی آ رہی ہے۔
میں جانتا چاہتا ہوں کہ اس طرح
کا بل لانے کا آپ کا ارادہ ہے یا نہیں
ہے۔ اس طرح کا بل ضرور لانا چاہئے۔

آپ نے اس میں ورکرز کی
ڈیفنڈیشن دی ہے۔ میں نہیں
سمجھتا ہوں کہ سلیما ورکرز کی
ڈیفنڈیشن اسٹوڈیوز کے جو پرمانیٹ
ملازم ہیں وہ بھی آسکتے ہیں۔ جو
فلم بنانے سے تعلق رکھتے ہیں اس
میں کام کرنے والے جو لوگ ہیں
صرف وہی میرے خیال سے اس کے

اندر آتے ہیں۔ لیکن جو اسٹوڈیوز کے
پرمانیٹ ورکرز ہیں جو پیئرز ہوتے
ہیں یا جو میٹریلیس کا کام کرتے
ہیں وہ اس سے کور نہیں ہوتے ہیں۔
میں چاہتا ہوں کہ ان ورکرز کو بھی
اس میں ضرور شامل کیا جانا چاہئے۔
ان پرمانیٹ ورکرز کی زندگی
اسٹوڈیوز کے مالکوں کے ہاتھ میں
رہتی ہے۔ وہ رلیف کلب نہیں کر
سکتے ہیں۔ ان کو اس بل میں
کوئی رلیف نہیں دیا گیا ہے۔ یہ
ایسے لوگ ہوتے ہیں جن کا فلم
بنانے میں سیدھا ہاتھ نہیں ہوتا
ہے۔ میں چاہتا ہوں کہ اسٹوڈیوز
ورکرز کے لئے ضرور کچھ کیا جانا
چاہئے۔ کلسیڈیٹو انسر جو رپورٹ
گورنمنٹ کو بھیجے گا اس کے بارے
میں یہ کہا گیا ہے کہ گورنمنٹ کو
یہ حق ہوگا کہ وہ اس رپورٹ کو
ٹریبیونل کے پاس جانے دے یا نہ
جانے دے۔ مجھے شک ہے کہ فریب
ورکرز کے کہسوس کو بہت آسانی سے
گورنمنٹ ٹریبیونل کے پاس بھیجے
کی اگر وہ اس کے خلاف جاتے ہیں
کلسیڈیٹو انسر کی رپورٹ سے اگر
کسی کو اختلاف ہو تو اس کو حق
ہونا چاہئے۔ کہ وہ ٹریبیونل میں
جائے۔

جسے ڈاگا جی نے کہا ٹریبیونل
کے بعد جیسا کہ اور بہت سی جھڑوں
میں ہوتا ہے کوٹ میں جانے کا

شری رشید مسعود (سہانپور) :
 بھی اختیار ہونا چاہئے۔ لہٰذا اس
 کے اوپر ہمیں کچھ ریٹریکشن دینی
 چاہئے۔ اور وہ ایسی ہونی چاہئے
 تاکہ ان سے زیادہ بھلہٹ ہمارے
 ورکرز اٹھا سکیں اس میں کوئی شک
 نہیں ہے کہ کسی بھی معاملے پر
 تعلیم دینے کے لئے فلم ایک بہترین
 میڈیا ہے۔ ان سے پبلک اوپینین
 ملتی ہے۔ اخلاق پر اثر پڑتا ہے۔
 لوگوں کے دھن سپن ہول چال اٹھانے
 بیگھانے کے قلعہ پر اثر پڑتا ہے۔
 قاگا جی نے سنجیدگی دیا ہے کہ اس
 کا نیشنلائزیشن کر دیا جائے مگر
 اس میں خطرہ نظر آتا ہے۔ اور اس
 خطرے سے بہت دنوں سے ہمیں دو
 چار ہونا پڑ رہا ہے۔ اور اس میں
 ہماری رولنگ پارٹی ماہر بھی ہے
 جو چیز اس کے خلاف جاتی ہو گی
 جس سے اس کو نقصان پہنچنے کا
 اندیشہ ہوتا ہو گا جو چیز لوگوں کو
 ایجوکیت کر سکتی ہے جو لوگوں کو
 ان کے حقوق کے بارے میں ایجوکیت
 کر سکتی ہے۔ اس پر ہماری رولنگ
 پارٹی کی خواہش رہتی ہے۔ کہ
 اس کا قبضہ ہو جائے۔ میں سمجھتا
 ہوں کہ فلم انڈسٹری کا بالکل بوی
 نیشنلائزیشن نہیں ہونا چاہئے۔ آپ
 نیشنلائزیشن کی بات اس واسطے کرتے
 ہیں تاکہ لوگوں کو تعلیم نہ دی جا
 سکے ان کو ایجوکیت نہ کیا جاسکے۔
 اہم حقوق کے بارے میں آپ آج فلم

انڈسٹری کا نیشنلائزیشن کریں گے تو
 کل کو پریس کو بھی آپ اپنے ہاتھ
 میں لیڈا چاہیں گے آپ نے جس
 چیز کا نیشنلائزیشن کیا ہے۔ جس
 انڈسٹری کو اپنے ہاتھ میں لیا ہے
 اس کے رزلٹس دو آپ دیکھیں بہتر
 یہ ہو گا کہ آپ ایسا قانون بنائیں
 تاکہ ورکرز کا ایکسیلائزیشن نہ ہو سکے
 سرمائے داروں کے ذریعہ اور زیادہ بہتر
 یہ ہو گا کہ بلسمیت اس کے کہ آپ
 نیشنلائزیشن کریں آپ یہ جو تعلیم
 کا ذریعہ ہے اس کو کیلا چھوڑ دیں
 تاکہ لوگ اپنے خیالات کا اظہار اس کے
 ذریعہ کر سکیں۔ کہ سرکار کی پالیسی
 اس کے مطابق نہ ہو لیکن وہ اچھا
 ہوتا ہے اس لئے میں نے جو دو تین
 سمجھاؤ دئے ہیں ان پر آپ فور کر
 لیں ویرسے اور آل یہ ہل بہت اچھا
 ہے۔ اور آپ مبارکباد کے مستحق
 ہیں۔ اور میں آپ کو مبارکباد
 دیتا ہوں۔]

SHRI NARAYAN CHOUBEY (Mid-
 napore):

it is belated, because it has come
 after a long number of years. Our Mi-
 nister has been promising this since
 he became Minister in 1980. The
 Chairman and myself had met him in
 a deputation in his chamber and he
 was kind enough to introduce it. It is
 all right, but I only hope that he will
 fill up the gaps and certain lacunae
 in the Bill.

The definition of cine worker given
 here says, "an individual employed
 directly or through any contractor or
 other person in or in connection with
 the production of a film to work as

an artiste....." etc. Production is only a part of cinematography. I agree without that nothing can be done, but there are also exhibitors and distributors. Certain changes in the working class movement are now taking place and you are yourself thinking of bringing some amendments to the Trade Union Act. So, I hope you will agree to amend the Bill to cover workers engaged in distribution and exhibition also.

All these workers should be covered by the Industrial Disputes Act and the Trade Union Act. This Bill is not enough to guarantee that the workers in cinematography concerned with all these three sectors are covered by those Acts. So, I hope you will consider amending the Bill in such a manner that without any question, unequivocally, the workers concerned with production, workers concerned with distribution and workers connected with exhibition are covered by the Industrial Disputes Act and the Trade Union Act.

You have exempted workers having an emolument of Rs. 1000 and more per month from the purview of this Bill. This is not proper. To me it is atrocious, because the value of money has come down. In the Acts dealing with payment of compensation, the Central Government itself is bringing amendments by which persons getting Rs. 1600 will be covered by those Acts. So, I hope here also you will amend it, Rs. 1000 is nothing these days.

I do not agree with my friend who spoke about nationalisation. Nationalisation has solved the problems in many countries because it was nationalised in a proper manner. Nationalisation with democratic and constructive support of the working class has always yielded good results. Sir, you have visited socialist countries and you have found that nationalisation has worked well in those areas. But in our country it only leads to corrupt practices, with some officials earning much more than the private industrialists. For that, of

course, you cannot blame nationalisation; you can blame the management. The question to be considered is whether it is a capitalist State or socialist State. Anyhow, I do not think this argument should be raised in this Bill.

With these comments, I hope that the Minister will accept the amendments. I have suggested and then we shall support it.

SHRI XAVIER ARAKAL (Ernakulam): Sir, I am rising for a limited purpose, namely, to appeal that clause 23 of the Bill deserves reconsideration. This deals with power to give exemption in special cases. This kind of power in many cases is, I would not say misused, but is used improperly. If you analyse clause 23 you will find that the apprehension is real and genuine. If this clause is deleted, the proviso to other sections also to a certain limited extent can be curtailed. Therefore, I appeal to the Minister, who has done a tremendous job in bringing forth this Bill, to reconsider this clause 23 and if possible delete it for better implementation of this Bill.

श्री जयपाल सिंह कश्यप (आवा) :

माननीय सभापति जी, फिल्म उद्योग के बारे में यह कहा जाता है कि यह पूंजीपतियों के शिकंजे में है। कलाकारों का चयन, उनको मिलने वाला वेतन, फिल्म कौन-सी चले और कौन-सी न चले, जो कलाकार हैं, काम करने वाले हैं ये सारे के सारे पूंजीपतियों के शिकंजे में रहते हैं।

मैं अपने माननीय मंत्री जी को 50 फीसदी तो बधाई इसलिए दूंगा कि सिनेमा के कलाकारों और उसमें जो काम करने वाले हैं, उनके लिए बहुत लम्बे अर्से की प्रतीक्षा के बाद एक बिल उन्होंने संसद् में पेश किया है, लेकिन इस बिल के उद्देश्यों को जब तक और व्यापक नहीं बनाया जायेगा तब तक अपने उद्देश्यों को हम पूरा नहीं कर पायेंगे।

[श्री जयपाल सिंह कश्यप]

फिरम उद्योग, जो आज पूंजीपतियों के चंगुल में है, उसको उससे निकाला जाये। इस बिल में हमने उनके वेंतन से लेकर रजिस्ट्रीशन तक की बात की है, मैं समझता हूँ कि इससे नौकरशाही को बढ़ावा मिलेगा, और कलाकारों का जीवन भी नौकरशाही के चंगुल में आ जायेगा और इससे कला का जो विकास होना चाहिए, उस पर भी कुठाराघात होगा।

अब सिनेमा ही इस देश में एक मनोरंजन का साधन है, पहले भारतीय संस्कृति के अनुरूप जो मनोरंजन के साधन थे, वे अब समाप्त हो गये हैं। सिनेमा ही एक ऐसा साधन रह गया है जो सड़क पर बैठने वालों से लेकर बड़े-से-बड़े लोगों तक का मनोरंजन करता है। मैं मंत्री महोदय से यह कहना चाहता हूँ कि वह इस बात का प्रकाश करें कि सिनेमा के माध्यम से इस देश में हमारी प्राचीन संस्कृति के अनुरूप सही करैक्टर का निर्माण हो और वह लोगों को सही समस्याओं को उसमें दिखावे।

16 hrs

इस समय तक स्थिति यह है कि सिनेमा बहुत सी बुरी बातों के लिए उत्तरदायी है; तस्करी के लिए, डकैतियों के लिए। जो लोग रेलों में डकैतियों और बैंकों को लूटने के अपराधों में पकड़े जाते हैं, वे बताते हैं कि हमने यह सबकुछ सिनेमा से सीखा है। कैसे पार्कों में गाना गाया जाए, और कैसे लड़कियों को छेड़ा जाए, यह भी लोग सिनेमा से सीखते हैं। इन बातों का नियंत्रण जरूरी है।

इस बिल में प्राविडेंट फण्ड की जो व्यवस्था की गई है, वह बहुत सराहनीय है। उनकी समस्याओं के समाधान के लिए कुछ ट्रिब्यूनलज की स्थापना की बात भी काँटि गई है। इस बिल को और व्यापक बनाया जाए और इसमें ऐसी व्यवस्था की जाए कि अदालतों और ट्रिब्यूनलज के

चक्कर में पड़ कर कलाकारों का बहुत समय नष्ट न हो, वे पूंजीपतियों के चंगुल से बच सकें, सही कलाकारों का सम्मान हो और उनकी कला का विकास हो सके।

SHRI CHITTA BASU (Barasat):
At the outset, I ungrudgingly congratulate the Minister for the concern which he has shown for the welfare and well-being of the cine workers. I do not say that he is not properly informed or he is not aware of the conditions of life and work of those who are engaged today in the production, exhibition and distribution. But the approach is right partially for one sector. Because you would be very much concerned to know that the Bill proposes for the establishment of a tribunal which envisages a conciliation procedure. For that purpose, certain machineries have been envisaged more or less in line with the machineries provided under the Industrial Disputes Act. This is a welcome feature of the Bill. But you would know because you are connected very much with the trade union movement as he is also, that the scope of the conciliation proceedings under the Industrial Disputes Act is sufficiently wide. But here it is permissible only if any dispute arises with regard to the contract or terms of work which might have been entered into. The contracts were unregistered. Now the Bill provides for the registration of the contract and any dispute regarding non-implementation or non-fulfilment of the contract would constitute the basis of the dispute. No other dispute will be entertained by the Board. It will not be open to the tribunal to go into disputes other than those arising out of the agreement. Therefore, am I do believe that the Minister does not know that the workers besides entering into a contract or agreement, have to agree to many conditions which may be prejudicial to their interest to a great extent. For example, there is a minimum wage fixed for some industries by some other tribunals. Some benefits might have been given by other existing laws, concerning the welfare and

well-being of the working class. If these facilities, which flow from the existing labour laws, are not there in the agreement, and if it goes contrary to the benefits, what is the relief for the workers. Your idea is that the agreement should be registered and the agreement should be fulfilled; if there is non-fulfilment of the agreement, then there is scope for conciliation and subsequent award by the tribunal. But the actual grievances of the workers engaged in the cine industry are not going to be redressed by the conciliation proceedings or the award of the tribunal, because those basic disputes will not be under the purview of the Act. Therefore, the question of the comprehensiveness of the Bill is not there. I quite appreciate your sincerity for removing the grievances or the miserable conditions of life of the cine workers. But you have taken a partial view of the problem; you have not taken the problem from the point of view of the workers' interest, in the context of certain benefits, certain rights, earned by the working class of our country, of which the cine workers are also part and parcel, taking them a way from the mainstream of the working class movement.

So, I want the Industrial Disputes Act, 1947 to become the basis. He also agrees with me in spirit. But, in the provisions of the Bill there is no scope for making the Industrial Disputes Act applicable to these cases. Suppose there is retrenchment, lock-out or closure. There is provision in the Industrial Disputes Act to deal with them. But how can you deal with those questions under this Act? There is no scope. Now retrenchment, discharge, issuance of charge-sheets, these are the common phenomena in the life of the working class of our country, from which the cine workers are not free. Therefore, if you are really interested in seeing try, should enjoy the benefits, the try should enjoy the benefits, the rights earned by the other sections of the workers of our country are

also to be enjoyed by them, then there is necessity of further expanding the scope of the Bill. I do not like to analyse it further, because I have got an amendment for the insertion of a new clause, wherein I have said that all disputes concerning the cine workers should be dealt with under the provisions of the Industrial Disputes Act. When that amendment comes, I shall discuss it in greater detail.

The West Bengal Assembly passed a Bill, seeking authority to compel the distributors to screen films in the regional languages. Since it was passed by the State legislature, it refers to the State regional language. That Bill is pending before the Government of India for the assent of the President.

MR. CHAIRMAN: Does the Bill not refer to the films produced in West Bengal?

SHRI CHITTA BASU: It says that the films produced in West Bengal should be compulsorily screened. I do not know why the I & B Ministry is not giving clearance so that the President may give assent to it.

If you are really interested....

MR. CHAIRMAN: I think you can spare Mr. Sathe about that.

SHRI CHITTA BASU: Mr. Chairman, is it your ruling that it does not concern him?

MR. CHAIRMAN: It concerns him, but I believe his Ministry has given the approval.

SHRI CHITTA BASU: That means he has taken the approval. I think the Law Minister is standing in the way. Would you kindly assure the House....

(Interruptions)

MR. CHAIRMAN: Of course, as a Government. He is a part of the Government.

SHRI CHITTA BASU: It is also his duty to persuade the Law Ministry. It is also his duty to take the West Bengal Government into confidence and stand by the Government of West Bengal to see that Presidential assent is obtained and the Law Ministry is not allowed unnecessarily to keep it in the cold storage. Would he assure the House that he would, in the capacity of the Member of the Cabinet and also particularly, the Minister who is in charge of the I. & B. and who has evinced enough concern for the film industry and art, exercise his goodwill for obtaining this?

Lastly, there is the question of sickness in some of the units and if he is really sincere to see that the Government comes forward to assist this film industry, cine workers and all the workers engaged in this field, he should also make certain policy announcements regarding the Government's attitude towards the closed units in this field. I want that he should also spell out something in that respect.

I think he has understood my point and would take the trouble of replying.

THE MINISTER OF INFORMATION AND BROADCASTING (SHRI VASANT SATHE): Sir, I am highly obliged to the hon. Members who have participated in the short debate on this Bill. As I said in the beginning, this Bill was the result of a long pending demand and desire of the cine workers who were not covered by the Industrial Disputes Act, the Shops and Establishments Act, Payment of Wages Act, Provident Fund Act or any other enactments. Those workers who are already covered under permanent establishments like studios having their employees, are covered by the Shops and Establishments Act as well as even the Industrial Disputes Act.

SHRI CHITTA BASU: That is in respect of those permanent studios.

SHRI VASANT SATHE: The biggest draw-back of this industry was

that nearly over three lakh employees are such as are more or less casual or contractual employees who are taken from film to film and therefore, they were not covered. It is a phenomenal development that studios are closing down. Even in Bombay you will find that the studio system has gone. The system now is contractual system from film to film hiring people. Even good artists are being hired from film to film. Even technicians are hired. The result was that all this floating population as it were of employees had no protection under any industrial law. They were coming to us and saying, 'Please do something for us'. And although it has been under consideration for a long time, one of the hurdles was this question of recognising it as an industry. If the whole cine industry was recognised under the industrial law, as an industry, probably what you say is that automatically the Industrial Disputes Act and all other Acts also could have been made applicable. But because Government has difficulty in recognising cine industry as an industry from financial point of view and other points of view, we got bogged down so far as this is concerned. We thought we must find a way out to protect these employees. Knowing something as the Chairman does, Shri Chitta Basu and I, we know the condition of the industrial employees, I felt we must do something urgently about this and we tried to find this way out. This Bill, therefore, intends to cover all these employees who are under employment by contract. Contract to-day is not signed—in some cases signed and in some cases not registered. Therefore, we thought that the first thing we must do is to make it mandatory on every producer that for every employee or any person—we have described 'person'—who is employee, for any work, for productive activity, there will have to be a written contract.

There is a misapprehension that this contract will not be spelt out. It will

be in a form. We are going to prescribe the form which will cover all those things that you have mentioned. We would not leave a loophole for the employer or for the producer to compel them to accept any contract and get away with it. So, this contract will be in a form. All those conditions will be there in that contract. The contract will have to be registered and will have to be abided by. I think, Mr. Chairman, you will agree, under the circumstances, having experience of what happens under the Industrial Disputes Act and how disputes and problems are delayed over the years even in wages and other things we know what difficulty is there—to raise a dispute and then to go through all the processes, we are trying to make good, I think, certain lacunae of the Industrial Disputes Act, taking advantage of the situation and making it comprehensive and included in the contract. Immediately the dispute reveals the breach of contract, it will go to Conciliation and as soon as the Conciliator feels that there has been a breach, the matter will go to the tribunal. Under Section 6 the tribunal has the power. If the tribunal finds that you have not abided by it, he can compel the employer, while the matter is pending before the tribunal, to make payment. When it goes to the High Court, in fact we have made it mandatory that no revision petition will lie unless the employer abides by the order of the tribunal and makes the payment. All these things are a step ahead of the Industrial Disputes Act because of the experience we have gained there. That is why we have made all these provisions.

As far as the distributive sector and the exhibition sector are concerned, I had made it clear last time also, unfortunately, that comes under the State subject—distribution as all as exhibition. I have been pleading with the State Governments that we will do only for this purpose. I will make it clear again and again. We can provide it in the Act itself if you

like that we will not touch States' right to entertainment tax. That will not be affected. But please for the purpose of distribution which is national and for exhibition please agree for having this as a concurrent subject. Only then we can have a comprehensive law which will cover this distribution. The real mischief in this industry lies in distribution. It becomes a racket virtually and the control

SHRI KRISHNA CHANDRA HALDER (Durgapur): If you amend it this way, will you be able to distribute Bengali or regional films to other States for six months?

SHRI VASANT SATHE: Oh, yes. That is the idea. Six months—I do not know. I will tell you the idea.

The most important thing is controlling the distribution and exhibition. Today, you are at the mercy of the cinema producers. They make the so-called box-office standard formula films because exhibitors want that type of films. The films will not be shown unless there is a law to say that certain recommended films should be shown. Even a national award winning film is not shown. What is the use of giving the award then? Unless there is a law that regional films should be shown, they would not do it.

You want national integration. How can there be national integration if you do not show regional films? So we are taking up dubbing of the regional films into Hindi and other languages. In our country, in fact, regional films into Hindi and other languages. Today out of 7500 films which are produced in the country, more than 500 films are produced in regional languages, mainly in South, if I may inform the House. You will be surprised that the cinema houses in the country are hardly 10,000 out of which more than 6,000 to 7,000 are located in the Southern States. As for those overpopulated States, you will be amazed that in a place like Madhya Pradesh,

[Shri Vasant Sathe]

there are not even 440 theatres in the whole State. The same situation is prevailing in U. P., Bihar and other States.

Although, there is such a tremendous demand that cinema theatres must be constructed, more cinema theatres must be controlled and those regulations such as at least certain percentage of regional films and other films is recommended by the State should be shown, should be there, all these things can be done only if it becomes a concurrent subject. I do not see really why there should be any apprehension on this Bill. Today, what is the condition? Out of Rs. 300 crores earned as Entertainment Tax, not a farthing is re-employed for growth of good film or for growth of cinema houses. If every State were to put a very small percentage of the Entertainment Tax for the growth of cinema theatres and make a condition that it will give them money for the theaters provided they reserve certain percentage for the good cinemas that the State will recommend, i.e. regional cinema, national-oriented cinema etc., it would be good. Because, ultimately the cinema is to be shown. Otherwise, there is no use in producing good cinema which is a pious waste. Therefore, we land in this vicious circle. That is the issue.

I am willing to have the Bill amended tomorrow if all our friends on the other side agree. A small constitutional amendment will be required. Please remove from your mind any apprehension. I am keen that it should be brought on the concurrent list. Unless it is done, you would not do this from your own Entertainment Tax.

In West Bengal, the real difficulty is that the Law Ministry says that it comes under the ground of discrimination. Because, you will make regional films compulsory only for your State. It cannot apply to other States

All these obligations arise because the production is done centrally. I would request you to consider this. Please discuss it at your level. If you agree, I am willing to come. It will really help.

SHRI KRISHNA, CHANDRA HALDER: I wanted to say that the Bengali film does not clash with other regional films.

SHRI VASANT SATHE: But it becomes discriminatory.

SHRI KRISHNA CHANDRA HALDER: We are broad-minded people. There is no communal or provincial feeling in West Bengal and there is no cultural confrontation.

SHRI VASANT SATHE: I was just saying that it would come under the purview of discrimination.

SHRI KRISHNA CHANDRA HALDER: There is no discrimination.

SHRI VASANT SATHE: If you say only one language film should be shown compulsorily for this period, this is what will happen—why not other regional films? You calmly consider it and you will see the difference. Anyway, I need not go into that.

I think, Mr. Chitta Basu must have understood why we cannot overall apply the Industrial Disputes Act. That will not help here.

As far as the suggestion about Clause 23 is concerned, I can tell my hon. friends that I concede it because I realise that this will land us, in fact, in greater difficulty than help us. We try to take some power in the hands of the Government. But by having any such power in an industry like this, once you start making exemptions, you know where we will land. You will really not save anything. Therefore, I agree with Mr. Daga and with Mr. Araka]. Now, the difficulty is that I cannot move an amendment because a negative amendment under our rules is not permissible. Neither you can move an amendment at this stage. The only way is to vote it down. I will not take it amiss. I will

not misunderstand if the Clause 23 is voted down by all sections, on both sides of the House. This will be probably a unique occasion to do so. But if we do it, I will not take it amiss. I will take in that spirit.

SHRI NARAYAN CHOUHEY: Regarding tribunals, how many tribunals you are going to have?

SHRI VASANT SATHE: This is an enabling provision. We will have as many as we require.

With these words, I thank the hon. Members who have participated in the discussion. This is a comprehensive Bill. With two earlier Bills which we have passed, as far as this class of employees of this industry are concerned, we have taken a major step in trying to protect their interests. I am obliged to hon. Members for giving their unanimous support to it.

SHRI XAVIER ARAKAL (Ernakulam): We are obliged to the hon. Minister as well.

MR. CHAIRMAN: The question is:

"That the Bill to provide for the regulation of the conditions of employment of certain cine-workers and cinema theatre workers and for matters connected therewith, be taken into consideration."

The motion was adopted.

MR. CHAIRMAN: The House will now take up Clause-by-Clause consideration of the Bill.

Clause 2—(Definitions)

SHRI CHITTA BASU: Sir, in view of the fact that the hon. Minister has explained this particular difficulty in the matter of including this class of workers under the Industrial Disputes Act and on the basis of assurance...

MR. CHAIRMAN: Are you moving your amendments or not? I have given you enough time.

SHRI CHITTA BASU: I beg to move:

for 1 lines 47 to 50 and 1 to 15, respectively

Substitute—

'(k) "wages" means the wages as defined in the Payment of Wages Act.'

(1)

Page 3,—

after line 15, insert—

"(l) 'Employer' means an individual as defined in the Industrial Disputes Act, 1947.

(m) 'worker' means an individual as defined in the Industrial Disputes Act, 1947." (2)

SHRI MOOL CHAND DAGA: I beg to move:

Page 2, lines 18 and 19,—

for "one thousand rupees" substitute "one thousand six hundred rupees" (14)

Page 2, line 20,—

for "five thousand" substitute "fifteen thousand" (15)

SHRI CHITTA BASU: Here, in the definition of "Wages" in sub-clause (k), it is stated,

"(k) 'wages' means all emoluments which are payable to a worker in accordance with the terms of the contract of employment in cash, but does not include—

(i) the cash value of any food concession;

(ii) any dearness allowance (that is to say, all cash payments, by whatever name called, paid to a worker on account of rise in the cost of living....

(iii) any contribution paid or payable by the employer to any pension fund or provident fund or for the benefit of the worker under any law for the time being in force;

(iv) any gratuity payable on the termination of his contract."

As you know, Sir, in the matter of determining the definition of "wages" here, certain well-defined and most accepted principles are going to be abandoned. On the other hand, there is an explicit definition of "wages" in the Payment of Wages Act. Therefore, what I have suggested in my amendment is that the definition of "wages" should be worded in this manner, that is, "wages" means the wages as defined in the Payment of Wages Act.

there is actually no difference in definition. All the benefits that you see under the Payment of Wages Act are covered here. So, I request Shri Chitta Basu.....

SHRI CHITTA BASU: You please look into it.

SHRI VASANT SATHE: I have looked into it. We have taken it more or less from the.....

SHRI CHITTA BASU: Why these things are not to be taken into account?

SHRI VASANT SATHE: That is to the benefit of employees. These benefits would be in addition to the definition of 'wages'. That is what is meant. All this dearness etc. will not be counted as wages, that goes to the benefit of the employees.

As far as Shri Danga's suggestion is concerned, I accept his amendment. I agree that it is too small.

MR. CHAIRMAN: Do you accept both of them?

SHRI VASANTH SATHE: Nos. 14 and 15, both I accept.

MR. CHAIRMAN: Mr. Basu, can I put both your amendments together.

SHRI CHITTA BASU: Yes.

MR. CHAIRMAN: I shall now put amendment Nos. 1 and 2 moved by Shri Chitta Basu to Clause 2 of the Bill to the vote of the House.

Amendment Nos. 1 and 2 were put and negatived.

MR. CHAIRMAN: I shall now put amendment No. 14 moved to Clause 2 by Shri Mool Chand Daga to the vote of the House. The Question is:

"Page 2, lines 18 and 19,

for "one thousand rupees" substitute

"one thousand six hundred rupees"
(14)

The motion was adopted.

श्री मूल चन्द डागा : मैंने कल भी कहा था कि आपने जो एक हजार और पांच हजार रुपया रखा है, यह कलाकारों और संगीतज्ञों को प्रोत्साहन देना नहीं है। मैंने उनके लिए कम से कम पन्द्रह सौ और एक हजार छः सौ रुपये रिक्मण्ड किया था और दूसरों को कम से कम पन्द्रह हजार रुपये रिक्मण्ड किया था। आप आजकल के टाइम में इस प्रकार से कलाकारों को देना चाहते हैं जो कि सारे देश के अन्दर अच्छी भूमिका निभाते हैं। यह बहुत कम है। मैंने कल भी इस बात पर बहुत प्रेस किया था और आज फिर कहना चाहता हूँ कि आज की महंगाई को देखते हुए इसनकी तनखाह और एमोल्युमेंट्स बढ़ने चाहिए। इसलिए मैंने कहा है —

for "one thousand rupees" substitute "one thousand six hundred rupees"

for "five thousand" substitute "fifteen thousand"

यही मेरा कहना है।

SHRI VASANT SATHE: As far as Shri Chitta Basu's suggestion is concerned, we have taken merely the definition from the Payment of Wages Act. The Act is evolved on other basis—it is not contractual, it is under the employment etc., other terms of employment—, because it is going to be contractual, we are putting it in the contract, and including. That is why,

MR. CHAIRMAN: I shall now put amendment No. 15 to Clause 2 moved by Shri Mool Chand Daga to the vote of the House.

The question is:

"Page 2, line 20,—

for "five thousand"

substitute "fifteen thousand" (15)

The motion was adopted.

MR. CHAIRMAN: The question is:

"That Clause 2, as amended, stand part of the Bill".

The motion was adopted

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

MR. CHAIRMAN: The question is:

"That Clause 3 stand part of the Bill".

The motion was adopted

Clause 3 was added to the Bill.

MR. CHAIRMAN: The question is:

The motion was adopted

"That Clause 4 stand part of the Bill".

The motion was adopted

Clause 4 was added to the Bill.

16.35hrs

(Shri Harinatha Misra in the Chair)

MR. CHAIRMAN: There are no amendments to Clauses 5 and 6. The question is:

"That Clauses 5 and 6 stand part of the Bill."

The motion was adopted

Clause 5 and 6 were added to the Bill.

CLAUSE 7—(Constitution of tribunals)

SHRI. MOOL CHAND DAGA: Sir, I beg to move:

page 5,

omit lines 23 to 25. (5)

Sub-clause (4) of Clause 7 reads:

"The Central Government may, if it so thinks fit, appoint two persons as assessors to advise the Tribunal in any proceedings before it."

If you go through Clause 12(5), you will find that it reads:

"A Tribunal may, if it so thinks fit, appoint one or more persons having special knowledge of the matter under consideration as assessor or assessors to advise it in the proceeding before it."

Under Clause 12(5), the presiding Officer or the judge of the Tribunal can appoint one or more persons having special knowledge of the matter under consideration as assessor or assessors. Under Clause 7(4), the Central Government also may, if it so thinks fit, appoint two persons as assessors. I think, it must be left to either of the two.

मेरी समझ में यह बात नहीं आई ये दो बातें अलग-अलग हैं। अगर ट्रिब्यूनल में जज अपाएंट करते हैं तो फिर गवर्नमेंट की तरफ से क्यों अपाएंट करना चाहते हैं। यह बात मेरी समझ में नहीं आई, इसीलिए मैंने संशोधन चाहा है।

श्री वसंत साठे : जहां कहा है कि असेसर होना चाहिए गवर्नमेंट अपाऊंटेड लेकिन अगर गवर्नमेंट ने अपाएंट नहीं किया तो एडीशनल पावर ट्रिब्यूनल को दे दी गई हैं। इस प्रकार एक से दो भले। यह काम अच्छा ही तो किया गया है ?

श्री मूल चन्द डागा : एक आप अपाएंट कर रहे हैं, एक वे अपाएंट कर रहे हैं ?

श्री वसंत साठे : जहां हमने अपाएंट किया और यदि उन्होंने कहा कि उनको जरूरत है, एक तो यह बात हो गई और दूसरा जहां गवर्नमेंट ने अपाएंट किया ही नहीं तो उनको कह दिया कि वे करें। मेरे खयाल से अब आप समझ जाएंगे।

श्री मूल चन्द डागा : इसमें दिया है कि इन एडीशन टू दैट ...।

श्री बसंत साठे : एडिशन भी नहीं है, सब्जेक्शन भी नहीं है— आइदर आंर है ।

श्री मूल चन्द डागा : ठीक है ।

MR. CHAIRMAN: Is Mr. Daga withdrawing his amendment?

SHRI MOOL CHAND DAGA: Yes, I want to withdraw my amendment.

Amendment No. 5 was, by leave, withdrawn.

MR. CHAIRMAN: The question is:

"That Clause 7 stand part of the Bill."

The motion was adopted.

Clause 7 was added to the Bill.

MR. CHAIRMAN: Now, Clause 8. There is an amendment given notice of by Mr. Daga. Is he moving it?

SHRI MOOL CHAND DAGA: No, Sir; I am not moving.

MR. CHAIRMAN: The question is:

"That Clause 8 stand part of the Bill."

The motion was adopted.

Clause 8 was added to the Bill.

Clause 9 was added to the Bill.

MR. CHAIRMAN: Clause 10. There is an amendment given notice of by Mr. Daga. Is he moving it?

SHRI MOOL CHAND DAGA: No, Sir; I am not moving.

MR. CHAIRMAN: The question is:

"That Clause 10 stand part of the Bill."

The motion was adopted.

Clause 10 was added to the Bill.

Clause 11 was added to the Bill.

Clause 12—(Bocedure and powers of conciliation officers and Tribunals)

SHRI MOOL CHAND DAGA: I beg to move:

Page 6 and 7,—

omit lines 50 to 53 and 1 to 6 respectively. (8)

Page 7, lines 9 and 10,—

omit "before complying with the requirements specified in the first proviso" (9)

Sir, in sub-clause (6) of clause 12 he says:

"A Tribunal may grant to any party to any proceeding before it, such interim or other reliefs (whether subject to any conditions or not), including stay of any order, issue of any injunction or direction in regard to payment of wages or other amounts payable under the agreement referred to in section 3, setting aside any unilateral termination of contract or the dismissal of a worker or reinstating a worker, as it deems just and proper in the circumstances of the case:

I want the proviso to be omitted. The proviso says:

"provided that the Tribunal shall not grant any such interim relief unless all the parties to the proceeding have been served with a notice on the application for such interim relief and have been given a reasonable opportunity of being heard."

एक तरफ आप इंटेरिम आर्डर ग्रांट करना चाहते हैं और दूसरी तरफ प्राविसो में कहते हैं कि सारी पार्टीज को बुला कर, सुनने के बाद और उन पर नोटिस सर्व करने के बाद ही ऐसा हो सकेगा । अब आप तो जानते ही हैं कि कितनी मुश्किल के साथ नोटिस सर्व होता है और इसमें कितना समय लग जाता है । इस में बहुत मुश्किल होती है । प्राविसो में आप कहते हैं :

"Provided further that the Tribunal may, having regard to the nature of the interim relief sought and the circumstances of the case, pass

appropriate orders granting such interim relief as it deems fit just and proper in the circumstances of the case before the notice referred to in the preceding proviso is served on the parties to the proceeding."

आप कहते हैं कि इंटेक्स आर्डर मिल सकता है। दूसरी बात कहते हैं कि सारी पार्टीज पर नोटिस सर्व हो जाने के बाद ही ऐसा हो सकता है। फिर कहते हैं कि नहीं, ऐसे सख्तमस्टांसिस में बिना पार्टी पर नोटिस सर्व हुए भी वह ग्राण्ट कर सकता है। इसमें यहां प्राविसो में आपने कहा है :-

"Provided also that where the Tribunal makes any order under the proviso immediately preceding, it shall record the reasons for making the order before complying with the requirements specified in the first proviso."

आपका इरादा यह है कि हर आदमी को जल्दी से रिलीफ मिले। जजमेंट होने के बाद वह रिलीफ पा सके। लेकिन आप साथ ही यह कहते हैं कि सब पार्टीज पर नोटिस सर्व होना चाहिए। फिर आप कहते हैं कि बिना नोटिस सर्व किए हुए भी हो सकता है। फिर कहते हैं कि नहीं यह जरूरी नहीं है लेकिन रीजज रिकार्ड करने के बाद दिया जा सकता है। यह चीज मेरी समझ में नहीं आई है। मैं नहीं समझता हूं कि इस प्राविसो की आवश्यकता है। आपने यहां लिखा है :

"Provided that where the Tribunal makes any such order, it shall record the reasons for making the order."

That is sufficient.

यह बहुत ज्यादा अनहैपीली वर्डिड है। यह बात समझ में नहीं आई है। इस वास्ते इस प्राविसो को ओमिट कर दिया जाना चाहिए।

SHRI VASANT SATHE: I see the point made by Mr. Daga. If we had not
2388 LS-15

kept the proviso at all, even then the purpose would have been served. But we thought that when we are providing for an extra-ordinary power of giving an intering relif, let us not go against the principles of natural justice where normally an *ex parte* order should not be assed. Mr. Daga knows he is a lawyer and so am I. We know.

This is one of the salutary priciples of law that there should be no decision behind the back of the party. Therefore, we thought that we would provide that a notice should go to this effect to the concerned party. But, then, as he says rightly, there is a likelihood of the mischef in this notice being delayed or avoided. That is why to overcome that, in special cases by way of abundant causion, we have made this provision. This does not take away the spirits of what you have said. I fully appreciate all that you said. I hope you will withdraw your amendments.

MR. CHAIRMAN: Mr. Daga, are you withdrawing your amendments?

SHRI MOOL CHAND DAGA: I am not pressing.

MR. CHAIRMAN: Are you withdrawing?

SHRI MOOL CHAND DAGA: Yes, Sir.

MR. CHAIRMAN: Has Mr. Daga the leave of the House to withdraw his amendments?

SOME HON. MEMBERS: Yes.

Amendments Nos. 8 and 9 were, by leave, withdrawn.

MR. CHAIRMAN: The question is:

"That Clause 12 stand part of the Bill".

The motion was adopted.

Clause 12 was added to the Bill.

Clause 13—(Duties of Tribunals)

MR. CHAIRMAN: Now I go to Clause 13. There is one amendment by Shri Daga. Are you moving?

SHRI MOOL CHAND DAGA: I beg to move:

"Page 7, line 25,

for "three months" substitute "Six months".(10)

How can a judgment be given? It is not possible. Can the Tribunal give its decision within three months?

श्री मूल चन्द डागा : सभापति जी, मेरा कहना यह है कि ट्रिब्यूनल का जजमेंट 3 महीने में हो जायेगा यह पौसिबिल नहीं है ।

Is it possible or practicable or not? Three months' time is very little. When a dispute is referred to a Tribunal for adjudication, it holds the proceedings expeditiously and submits its award to the Central Government not within a period of three months.

थोड़े दिनों बाद आपको फिर संशोधन लाना पड़ेगा । लेकर ट्रिब्यूनल्स के अन्दर 2, 3 साल तक कैसेज चलते हैं । और आप 3 महीने कर रहे हैं । यह कैसे होगा ?

It is not possible for the Tribunal to give its award within a period of three months.

THE MINISTER OF STATE IN THE MINISTRY OF LABOUR (SHRIMATI RAM DULARI SINHA): Why not?

SHRI MOOL CHAND DAGA: Will you please tell me in how many cases, has your Labour Tribunal decided? It has taken several years to decide the case.

इतने कम समय में अवार्ड देना नामुमकिन लगता है । इसलिए कम से कम 6 महीने तो लीजिए ।

SHRI VASANT SATHE: Why is he unnecessarily worried? Actually we

have seen that people have been saying that disputes of employees under the labour legislation should be decided expeditiously. We are therefore laying it down in the concerned Clause. Look at the wordings 'ordinarily within a period of three months'. But for extraordinary reasons, this can also be extended. It does not prevent it from extending it. Under the guidance of this section, if the Tribunal decides a case within three months' period, have you any objection to it?

SHRI MOOL CHAND DAGA: I say it is not possible to decide within three month's time.

MR. CHAIRMAN: Mr. Daga, are you withdrawing your amendment?

SHRI MOOL CHAND DAGA: I am not pressing.

MR. CHAIRMAN: Has Mr. Daga the leave of the House to withdraw his amendment?

SOME HON. MEMBERS: Yes.

Amendment No. 10 was, by leave, withdrawn.

MR. CHAIRMAN: The question is:

"That Clause 13 stand part of the Bill."

The Motion was adopted.

Clause 13 was added to the Bill

Clause 14 and 15 were added to the Bill.

MR. CHAIRMAN: Mr. Chitta Basu, do you want to move our amendment?

SHRI CHITTA BASU: I do not want to move my amendment.

MR. CHAIRMAN: It was for new clause 15A. He is not moving. So, we now go to Clause 16.

Clause 16—Application of Act 19 of 1952 to cine workers)

SHRI VASANT SATHE: I beg to move:

"Page 8, line 29,—

for "five" substitute "three"(11)

Sir, it is a small amendment. I want to reduce from five to three so that employees who have worked only in three feature films can be covered. So, I am reducing from five to three.

MR. CHAIRMAN: The question is:

"Page 8, line 29,—

for "five" substitute "three" (11)

The Motion was adopted.

MR. CHAIRMAN: The question is:

"That Clause 16, as amended, stand part of the Bill."

The Motion was adopted.

Clause 16, as amended, was added to the Bill.

Clause 17 to 22 were added to the Bill.

MR. CHAIRMAN: The question is:

"That Clause 23 stand part of the Bill."

The motion was negatived.

MR. CHAIRMAN: Consequent on Clause 23 having been negatived by the House, necessary re-numbering of Clauses may be done by the Speaker under the Rules.

MR. CHAIRMAN: The question is:

"That Clause 24 stand part of the Bill."

The Motion was adopted.

Clause 24 was added to the Bill.*

Clause 25—(Application of Act 19 of 1952)

MR. CHAIRMAN: There is Government Amendment No. 12.

Amendment made:

Page 11, line 2,—

after "under" insert "the proviso to" (12) (SHRI VASANT SATHE)

MR. CHAIRMAN: The question is:

"That Clause 25, as amended, stand part of the Bill."

The motion was adopted

Clause 25, as amended, was added to the Bill.

Clause 26—(Application of Act 39 of 1972)

MR. CHAIRMAN: There is a Government Amendment No. 13.

Amendment made:

page 11 line 6,

for "and" substitute "or"

13 (SHRI VASANT SATHE)

MR. CHAIRMAN: The question is:

"That Clause 26, as amended, stand part of the Bill."

The motion was adopted.

Clause 26, as amended, was added to the Bill.

MR. CHAIRMAN: The question is:

"That Clause 1, the Enacting Formula and the Title stand part of the Bill."

The Motion was adopted.

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

SHRI VASANT SATHE: I beg to move:

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

MR. CHAIRMAN: Motion moved:

"That the Bill, as amended, be passed"

Prof. N. G. Ranga wanted to speak.

PROF. N. G. RANGA (Guntur): I would like to congratulate the hon. Minister for the trouble he has taken to study the Bill, as well as the various amendments and then make an unorthodox approach to the amendments that have been moved. I wish to congratulate my hon. friend Mr. Daga for having succeeded in getting one of his own amendments accepted

*In view of clause 23 having been negatived, clauses 24 to 26 were re-numbered as clauses 23 to 25, as patent errors under the direction of the Speaker.

[Prof. N. G. Ranga]

by the hon. Minister. It is a most extraordinary thing for the Minister to realise that one of the amendments which he has included in the Bill would not really serve the purpose for which this Bill was brought forward. He has cooperated with the House in dropping that particular Clause from the Bill. It is a very good precedent. I hope that other Ministers will be able to follow that procedure whenever it becomes necessary to do so. For a long time the Cine workers have been living without any sort of protection whatsoever. For the first time my friend the hon. Minister has come forward with this Bill to give them this protection. I hope that the cine proprietors and owners would try to discharge their part of the responsibilities, and that they would cooperate with the Government in seeing that the workers get the maximum possible benefit that this House would like them to get. I also hope that the Tribunal and other organisations which would be there in order to decide on matters of disputes, would also try their best to complete their enquiry and give judgments within the short period of 3 months which has been prescribed here for ordinarily settling these cases.

MR. CHAIRMAN: Now, the question is:

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

The Motion was adopted.

MR. CHAIRMAN: The motion is adopted. The Bill is passed. We move on to the next item.

17.00 hrs.

ECONOMIC OFFENCES (INAPPLICABILITY OF LIMITATION) AMENDMENT BILL.

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRY (SHRI CHARANJIT CHANANA): I beg to move:

"That the Bill further to amend the Economic Offences (Inapplicability

of Limitation) Act, 1974, be taken into consideration".

The Industries (Development and Regulation) Act was enacted in 1951 with a view to provide for development and regulation of certain industries specified in the First Schedule to the Act. Any industrial undertaking producing goods without a licence, or having installed capacity in excess of the licensed/registered capacity, is subject to penal action under Section 24 of the Act.

However, in actual administration of the Act, it has been observed that the provisions of the Act are not capable of being enforced because by the time the offence is detected and decision to proceed against the defaulting industrial undertaking is taken, the offence becomes time-barred by virtue of the operation of the limitation period of one year under Section 468 of the Criminal Procedure Code. With a view to overcome this deficiency, the Government have decided to include the Industries (Development and Regulation) Act in the Schedule to the Economic Offences (Inapplicability of Limitations) Act 1974. The result of doing so would be that an offence under the provisions of the Act would not become time-barred.

The Bill seeking to amend the provision of the Economic Offences (Inapplicability of Limitation) Act 1974 to include the I(D&R) Act in the Schedule to the said Act, is already before you. I seek your full support and cooperation in the enactment of this Legislation which will empower the Government to take suitable action under enabling provisions of the IDR Act.

MR. CHAIRMAN: Motion moved:

"That the Bill further to amend the Economic Offences (Inapplicability of Limitation) Act, 1974 be taken into consideration."

SHRI SOMNATH CHATTERJEE (Jadavpur): Mr. Chairman, Sir, this Bill is short and I would say that it is sweet or good and the Minister, I