The Lok Sabha re-assembled after Lunch at twenty-five minutes past Fourteen of the Clock.

[SHRI CHINTAMANI PANIGRAHI *in the Chair*]

CINEMATOGRAPH (AMENDMENT) BILL—*Contd.*

MR. CHAIRMAN: Now, we will take up clause by clause consideration of the Cinematograph Bill. There is no amendment to Clause 2. The question is:

"That Clause 2 stands part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3—(Amendment of Section 3)

SHRI MOOL CHAND DAGA (Pali): I beg to move:

Page 2, line 10—

for "twenty-five" *substitute* "fifteen" (12)

Previously, there were only12 Members. Now they have increased the number of Members to 25, more than double the number. The whole expenditure, after all, will be borne by the Board. The present Members have outstanding educational qualifications. I, therefore, do not consider it necessary to enhance the number of Members up to 25. Only 15 Members are sufficient. Why 25?

THE MINISTER OF INFORMATION AND BROADCASTING (SHRI VASANT SATHE): I can satisfy Shri Dagaji. He was not there that day when I explained it. The whole idea is that we want to have Regional Boards. To form a quorum at a Regional Board, we must have the requisite number of Members. That is why this is permissible. It is not that we will immediately have 25 Members tomorrow. Minimum is 12. Maximum number of Members is 25. This is what we are providing so as to facilitate the having of Regional Boards. The idea is to democratise the functioning of the Board. Today every cinema producer has to come to Bombay from Bengal, from Tamilnadu and from Kerala. It is not fair. That is why this number is increased.

MR. CHAIRMAN: I hope you are withdrawing your amendment.

Mr. Daga.

SHRI MOOL CHAND DAGA: Yes.

MR. CHAIRMAN: Is it the pleasure of the House that the amendment moved by Shri Mool Chand Daga be withdrawn?

Amendment No. 12 was, by leave, withdrawn.

MR. CHAIRMAN: The question is: "That Clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Clause 4— (Amendment of Section 4)

SHRI MOOL CHAND DAGA: I beg to move:

Page 2,—

omit lines 23 *to* 27. (1)

Page 2,

omit lines 13 to 22. (13)

SHRI BAPUSAHEB PARULEKAR (Ratnagiri): I beg to move.

Page 2,—

for lines 16 to 22, *substitute*—

"Provided that having regard to any material in the film, if the Board is of the opinion that any child below the age of twelve years may not be allowed to see such a film, the Board shall sanction the film with such endorsement; or";' (25)

SHRI MOOL CHAND DAGA: The proviso under Clause 4 reads:

"Provided that, having regard to any material in the film, if the Board is of the opinion that it is necessary

[Shri Mool Chand Daga]

to caution that the question as to whether any child below the age of twelve years may be allowed to see such a film should be considered by the parents or guardian of such child the Board may sanction the film for unrestricted public exhibition with an endorsement to that effect;"

That means, the parents or guardian will first go to the film, they will see it and then they will allow or not allow their children to go to the film. I have not been able to understand this. The parents will have to go to the film and find out whether it is good for children below the age of twelve or not; if they find it to be good, then they will endorse, "Yes; my child is allowed to go and see the picture". How can this be done? In India only 37 per cent of the people are educated. That means, so many persons are uneducated and they do not go to films. I do not think that this proviso is practicable. Kindly consider this and see that it is deleted altogether; otherwise, it is a very cumbersome thing.

SHRI BAPUSAHEB PARULEKAR: I strongly support the submissions made by my learned friend, Shri Daga, and I would request the hon. Minister to give a second thought to this particular Clause. Apart from the submissions made by Mr. Daga, I do not know how this particular Clause can be implemented. Apart from the fact that the parents will have to go and see the film, there are other difficulties also. A group of parents may feel that their children should see this particular film and another group of parents may feel that children should not see this particular film. What is your intention?

MR. CHAIRMAN: Do you think that all the boys also agree to what their parents say?

SHRI BAPUSAHEB PARULEKAR: That is another point to which I am coming.

Another point I would like to bring to the notice of the hon. Minister is, how this is going to be implemented. Suppose they go and purchase tickets. Where is the guarantee that the certificate which they have brought from their parents is a genuine certificate? How can the person at the counter give the ticket? This will never be implemented and will only land us in chaotic conditions as far as seeing movies is concerned. If we have augmented the strength of the Board from 12 to 25, is it not possible for 25 persons in their wisdom to decide whether children below the age of twelve should see the particular film or not? Therefore, I have suggested that, instead of the present proviso, the following proviso be added:

"Provided that having regard to any material in the film, if the Board is of the openion that any child below the age of twelve years may not be allowed to see such a film, the Board shall sanction the film with such endorsement;"

Instead of giving only the endorsement that it is left to the discretion of the parents, the Board itself should take the responsibility.

Hence I have moved my amendment. This will be most practicable. Otherwise your intentions may be good but they will never be implemented because they are impracticable. I request the hon. Minister to given a second thought to this and see whether this clause could be implemented at all.

SHRI VASANT SATHE: This has been done in conformity with the recommendations of the Khosla Committee as well as the Film Policy Group. They have given thought to this. Here the intention is actually the child will be accompanied by a guardian or a parent. The idea is that at least the parent or guardian should have

the responsibility of accompanying the child or the child going with the guardian or parent and the responsiblity should be his as to whether a particular film is good for his children to be seen or not. That is the idea behind this and it is not that a certificate is going to be given and the child will carry the certificate and give it to the cinema-owner and say : "Here is my guardian's certificate". That is the idea behind it. If we find from experience that that does not work, we will make it clear later on.

MR. CHAIRMAN: Is it the pleasure of the House that the amendments 1 and 3 moved by Shri M. C. Daga to clause 4 be withdrawn ?

Amendment Nos. 1 and 3 were by leave, withdrawn.

MR. CHAIRMAN: I will now put amendment No. 25 move by Shri Bapusaheb Parulekar to vote.

Amendment No. 25 was put and negatived.

MR. CHAIRMAN: The question is

"That clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

Clause 5 was added to the Bill.

Clause 6 was added to the Bill.

Clause 7— (*Substitution of New section for section 5C*)

SHRI MOOL CHAND DAGA: I beg to move:

Page 3,—

omit line 22. (4)

Page 3, line 26,—

for "Such order" *substitute* "receipt of such order" (5)

Page 3,—

omit line 31. (6)

Page 3 line 36,—

for, "*one thousand*" *substitute* "two hundred" (7)

SHRI BAPUSAHEB PARULEKAR: I beg to move:

Page 3,—

after line 36, *insert*—

"(3) Every appeal filed under this section shall be disposed of by the Tribunal within a period of six months from the date of filing the appeal." (26)

SHRI MOOL CHAND DAGA: In section 5C they say within 30 days from the date of such order, he shall prefer an appeal, Now I have simply said 'from the date of receipt of such order.' An order might have been passed by the Board. How can that man know that the Board has passed such an order on a particular date? So I have said 'within thirty days from the date of receipt of such an order' he shall prefer an appeal to the Tribunal. Otherwise, sometimes when the Board passes the order the man may not know it or he may not be informed accordingly. I say that it must be from the date of receipt of such order. And it is for you to tell him by sending a registered notice. Otherwise it is not possible.

The second thing is this. There is a proviso:

"Provided that the Tribunal may, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the aforesaid period of thirty days allow such appeal to be admitted within a further period of thirty days".

The other proviso is:

"Every appeal under this section shall be made by a petition in writing and shall be accompanied by a brief statement of the reasons for the order appealed against where such statement has been furnished

[Shri Mool Chand Daga]

to the appellant and by such fees, not exceeding rupees one thousand, as may be prescribed."

It should not exceed Rs. 200. The clause says:

"....where such statement has been furnished to the appellance and by such fees, not exceeding rupee one thousand, as may be prescribed."

After all you want justice should be cheap. Why should it not be Rs. 200 as a fee? Suppose he wants to file an appeal against the order of the Board. Why should it be Rs. 1,000/- and why should it not be Rs. 200 only? After all, you collect Rs. 37 crores. You want that justice should be done at the cost of the persons who want to apply for the exhibition of the film. Therefore, I say that Rs. 1,000 is too much and it should be Rs. 200/- not more than Rs. 200. You say that Rs. 1,000 should be deposited. I say it is too much.

SHRI BAPUSAHEB PARULEKAR: Sir, I have requested by this amendment and addition af sub-section (3) to 5(c).

As Mr. Daga said justice should not only be cheap but it should be expeditious because if justice is delayed, justice is denied.

PROF. MADHU DANDAVATE (Rajapur): It should be qualitatively cheap.

SHRI BAPUSAHEB PARULEKAR: I think there should be a statutory limitation on disposal of this particular appeal. After all a person who produces the films has to invest lakhs of rupees in this particular business and, if a certificate is not granted, he will be a loser because there is a huge amount of investment which he is required to make. After all a production of film has been made. If any decision goes against the person who produced that film, he shall prefer an appeal within thirty days. I have suggested that you provide some statutory limitation for disposal of the appeal. I have suggested that it should be within six months. I think this period of six months is more than sufficient for the Board to dispose of any appeal. If there is no such limitation, this matter may be pending there for years together and it will be a total disadvantage to the persons who produce the films. Therefore, I have suggested by my amendment that there should be a statutory limitation. I hope that the hon. Minister will consider my amendment. He will accept this, especially, he being an advocate, knows that justice delayed is justice denied.

SHRI VASANT SATHE: Shri Daga's amendment is to limit it from the date of receipt of the order. It is not possible to accept that for the simple reason that the party is not interested in avoiding. A person who asks for a certificate himself is interested. So, he will get the order immediately and so, it should not be from the date of receipt. It is there where the mischief starts. It should be from the date of passing of the order. That is also the normal practice.

As far as Shri Parulekar's suggestion is concerned, he wants that we should put a limit. Normally, the Tribunal is presided over by a High Court Judge. You expect him to act within the purview of the whole objective of this Bill and to put a time limit under a statute is not welcome. I see your point. I am expressing it myself here also that the idea is that the appeal should be decided expeditiously. In fact, I would say within three months and not even six months. But in statute let us not put down a time-limit. Let us see how it works. If we find Tribunals are deciding appeals expeditiously then it goes to their credit and if later on by experience we feel that the time-limit is required then we can always provide

for that. Let us not at present distrust the capacity of the appellate body.

MR. CHAIRMAN: I shall now put amendments No. 4, 5, 6 and 7 moved by Shri Mool Chand Daga to the vote of the House.

Amendments Nos. 4 to 7 were put and negatived.

MR. CHAIRMAN: I shall now put amendment No. 26 moved by Shri Bapusaheb Parulekar to the vote of the House.

Amendment No. 26 was put and negatived.

MR. CHAIRMAN: The question is:

"That Clause 7 stand part of the Bill."

The motion was adopted.

Clause 7 was added to the Bill.

Clause 8—(Insertion of new section 5,D, 5E and 5F)

SHRI MOOL CHAND DAGA: I beg to move:

Page 4, line 11,—

add at the end

"and one such person shall be a member of Central Legal Service" (8)

Page 4, line 36,—

for "such period as it thinks fit" *substitute*—

"a period not exceeding three months at a time" (9)

Page 4, line 5,—

for "four" *substitute* "two" (14)

Page 4, line 31,—

after "order" insert—

"within the period not exceeding six months" (15)

SHRI BAPUSAHEB PARULEKAR: I beg to move:

Page 4, *omit* line 8. (27)

Page 4, *for* lines 9 to 11, *substitute*—

"(5) The Central Government may appoint such persons—

(i) who are familiar with the social, cultural or political institutions of India; or

(ii) who have special knowledge of various regions of India; or

(iii) who have special knowledge of films and their impact on society." (28)

Page 5, line 24,—

after "necessary" *insert*—

"within three months from the date of filing review petition." (29)

SHRI MOOL CHAND DAGA: Sir, my amendments are very simple. Firstly, I would like to say why four members. You have said that Tribunal consist of a Chairman and four more Members. I say why not only two members. There should be a Chairman and two more Members. This will save you unnccessary expenditure. Secondly, you have prescribed the qualification of a retired judge of a High court. I say that a retired judge should not be given an opportunity of being appointed. After all many a time we know how corrupt the judiciary is. When we give a chance to these retired judges there is temptation.

SHRI BAPUSAHEB PARULEKAR: 'How corrupt is the judiciary'— he said this: it should not go on record.

SHRI MOOL CHAND DAGA: My point is that the Retired Judge should not be appointed. Then, Sir, here it is said:

"The Tribunal may, after making such inquiry into the matter and after giving the appellant and the Board, an opprtunity of being heard

[Shri Mool Chand Daga]

in the matter, make such order...." It means, within a period of 6 months. It should not be a period not exceeding 6 months. You have laid down in your previous Acts that only a period of 3 months should be there. But here you do not fix any period. Within a period not exceeding 6 months, he should give his judgement. They have to appreciate certain things and they have got to give their judgement within a period of 6 months. Here you say:

> "Notwithstanding anything contained in sub-section (2) of Section (6), the Central Government may, be notification in the Official gazette, suspend a certificate granted under this Part, for such period....."

Why should it be such period? Say one month or one year or 5 years. Prescribe the period. You only say, such period as it thinks fit. It is not correct to say like this. That is why I have brought in my amendment. I say 'A period not exceeding 3 months at a time.' Otherwise you can keep it pending for an unlimited period. At least there should be some time limit. The term 'such period' is vague and I have not understood this term. So I have brought my amendment 'a period not exceeding three months at a time.' I request the hon Minister to accept this.

SHRI BAPUSAHEB PARULEKAR: Mr. Chairman, Sir, I must seriously press all the three amendments, that is, Amendments Nos. 27, 28 and 29. My amendment No. 27 is for omitting line 8 on page 4. It describes the qualification to be the Chairman of the particular Board. That should be deleted in by opinion. Because, according to this clause, the qualification of a person who is qualified to be a judge of the High court, is also made a qualification for being appointed Chairman. In the first reading stage, I made a submission on this point. The hon. Minister replied that Government wants to appoint a Jurist as Chairman and that government should be at liberty to do so and therefore that Clause is there. I wish to bring to the notice of the Hon. Minister that Article 217(2) of the Consitution speaks of the qualification of High Court judges. It does not say that a person who is a jurist can be appointed a High Court judge. You see Article 124 (3) (c). This is the only qualification applicable for the appointment of a Judge of the Supreme Court. So, that argument of the hon. Minister in reply to my submission at the first reading stage is not a valid argument. Why not persons with 10 years' experience as a Lawyer be appointed? So, the hon. Minister forgets that only 10 years' experience is not even sufficient for appointment as a High Court judge. I need not go into details, how they are screened, what are the merits and so on. If you put this particular clause in the Statute, it would mean that a person who is a judical Magistrate, first class, for 10 years; is qualified for appointment as a chairman he happens to be a person in the judicial service. He is qualified to be appointed to the High Court. He can be appointed as Chairman also. Therefore, we go on equating a high court judge with a person who has put in 10 years' service as a judicial magistrate. I don't think that would be the intention of the hon. Minister nor would that be the intention of the Government. But, apart from this, I could have appreciated this clause if retired judges of the High Court were not available. I believe that there is no dearth of the retired High Court Judges in this country. This shows that the Government may get an opportunity to appoint anyone who has just taken a sanad of 10 years before the date of actual appointment. To avoid all the apprehensions in the minds of the

persons. I request that the amendment be accepted. If this clause is retained, the purpose will not be served. The person will actually be in service as a High Court Judge for a certain period and he sould be appointed. It is only for this reason I have given the particular amendment.

15 hrs.

Now, my amendment No. 28 is a very important amendment. Kindly refer to Clause 5 which says:

> "The Central Government may appoint such persons who, in its opinion, are qualified to judge the effect of films on the public, to be members of the Tribunal."

Now what are the qualifications? It does not mention here. If the Government feel that they are qualified, what are the tests, we do not know. What are the guidelines, we do not know. As far as this point is concerned, I would like to invite the attention of the hon. Minister to the original Section 5(c) of the Cinematograph Act which gives the qualifications of the persons to be appointed on the Board. There it is mentioned that these persons who are familiar with the social, cultural and with all political institutions of India, who have special knowledge of the various places of India, who have special knowledge of films, etc. If these qualifications are already there in Section 5C of the Old Act, I would like to know from the hon. Minister as to where was the necessity of deleting these qualifications. This is already there in the Statute and the necessity is to have some officers of the Government to judge whether the particular person is qualified to be appointed as a member of the Board or not. I have therefore suggested my amendment No. 28 to include those qualifications which are there already in Clause 5C of the Old Act.

With reference to my amendment No 29, the same argument as has been advanced by me in favour of my amendment No. 26, stands I do not want to repeat that.

SHRI VASANT SATHE: Sir, I will take the points made by Mr. Parulekar. The argument now advanced by him, really goes against the point of view put forward by him earlier. He says that a person who is qualified to be a High Court Judge should not be appointed, if found fit but only a retired High Court Judge can be appointed. I had said the other day also if a person is good enough to be a High Court Judge, while being appointed as a High Court Judge, he can be considered qualified to be a High Court Judge. Then according to him the moment the High Court Judge retires and when we say 'qualified to be a High Court Judge', does it mean that all those things are not there. That means not only 10 years practice but having other qualifications as well of merit, of selection and all that. So, all those things are included in the phrase "qualified to be" and not only tenure. Otherwise, we would have said "having the tenure of".

SHRI BAPUSAHEB PARULEKAR: So, qualifications mean not those qualifications which are mentioned in the Constitution.

SHRI VASANT SATHE: Not only the years, but other qualifications also. The same qualifications are considered here also.

Another thing is that he has said about the qualifications for other members which are already there in the Old Act. Yes, they are there in the Old Act. But it need not be specifically mentioned here. After all the Appellate Tribunal is there No Government in its wisdom with dignity will choose persons who do not know anything about judging films. None would do it. In fact, why should there be limitations? The Tribunal stature should be judged by the people who occupy the position. So, it is not necessary to put any limitations.

[Shri Vasant Sathe]

If Members of Parliament are qualified to be a Minister can we say that any Member is not qualified enough to be a Minister? That will be an insult to the Members of Parliament. Therefore, we must judge the people by their own merit.

As far as Shri Daga's suggestion is concerned, what is the logic in having 2 or 4 members Why should it be kept to 4? But 5 is the figure in the whole ethos of our country—'Panch'. That is why it has got some sanctity.

पंच महापरमेश्वर

There is no logic in it. But 'Panch' is an accepted figure liked by all in our country. So, let us have 'Panch'..

Then he says Rs. 1000 should be changed to Rs 200. This is an industry where lakhs and lakhs of rupees are spent to make a film Even one thousand rupees are not enough. Then why should it be changed to Rs. 200? I would therefore request both the hon. Members to withdraw their amendments.

श्री मनी राम बागड़ी (हिसार): सदर साहब, इस सदन के सदस्य माननीय त्रैपन सिंह नेगी को दिल्ली में गिरफ्तार किया गया है और आपने अभी तक सदन को कोई इत्तला नहीं दी । अब यह बारबार होता है । मेम्बर गिरफ्तार होते हैं तो उनका प्रिवलेज है कि उनकी गिरफ्तारी की सूचना सदन को आपके जरिये दी जाये । दिल्ली में गिरफ्तार हों और उसकी ईत्तिला आपको न हो इस बात को आप ध्यान में रखें ।

MR. CHAIRMAN: It will take some time. It will come here after some time.

श्री मनी राम बागडी : दिल्ली वालों के लिये तो समय की कोई पाबन्दी नहीं है ।

SHRI BAPUSAHEB PARULEKAR: It is a very important point.

MR. CHAIRMAN: We will find out the position. When you have raised this point, this has been taken note of.

श्री मनी राम बागडी : मैं रेज करूं या न करूं । लेकिन यह ठीक है कि ज्यों ही कोई मेम्बर गिरफ्तार हो और वह भी दिल्ली में और उसकी गिरफ्तारी की सूचना आपको नहीं आती है तो यह ठीक नहीं है । यह हर मेम्बर का प्रिवलेज है चाहे वह किसी भी पक्ष के हों । लोक सभा का कोई भी सदस्य जिस वक्त गिरफ्तार हो और सदन को इत्तिला न दें तो मतलब यह हुआ कि नौकरशाही आपकी भी परवाह नहीं करती है ।

MR. CHAIRMAN: That is all right.

MR. CHAIRMAN: Now, Mr. Daga, are you withdrawing your amendments Nos. 8, 9, 14 and 15?

SHRI MOOL CHAND DAGA: Yes, Sir. I seek leave of the House to withdraw my amendments.

MR. CHAIRMAN: Has the hon. Member leave of the House to withdraw his amendments?

SOME HON. MEMBERS: Yes.

Amendments Nos. 8, 9, 14 and 75 were by leave withdrawn.

MR. CHAIRMAN: Now, I shall put Amendments Nos. 27, 28 and 29 of Shri Bapusaheb Parulekar to the vote of the House.

Amendments Nos. 27 to 29 were put and negatived.

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—(Amendment of section 6)

SHRI BAPUSAHEB PARULEKAR: I beg to move:

"Page 5, line 30,—

after "stage," *insert*—

"if the question concerning national security of concerning friendly country has arisen". (30)

Mr. Chairman Sir, this again is an important amendment. The hon. Minister has in his speech said that for the first time the Appellate Tribunal is being constituted by this particular Bill. It is no doubt a happy incident. But the Government is keeping the powers of changing the decision of the Tribunal by enacting this particular clause by having revisional powers in the hands of the Government. So, if the Appellate Tribunal decides a matter, then the Government can revise that particular decision. In my respectful submission that is an eye wash. The other day the hon. Minister has gone on record in the Rajya Sabha that this particular power with the Government will be exercised by the Government only in cases when question concerning national security or concerning friendly countries has arisen. I respectfully submit that if that be the intention of the Government why not add that in the statute itself saying "may, of its own motion at any stage, if the question concerning the national security or concerning the friendly country has arisen, then the Government shall exercise its revisional powers." The appellate tribunal gives a particular decision and okays the film, but if this is the real intention of the Government, and they feel that that film should not be screened, then my amendment should be accepted. I gave an instance of the movie "Aandhi". You have reserved the right with you to ban any film, which is permitted by the Board and cleared by the Tribunal. I submit that this power should not be with the Government. If at all the Government feels that there should be somebody having the revisional jurisdiction, why not leave that power either with the High Court or with the Supreme Court? Why should the Government keep this power with itself? I strongly oppose the revisional jurisdiction being kept with the Government. This would, in fact, be negativing the new clause which you are adding. I request my colleagues to accept my amendment.

SHRI VASANT SATHE: The very creation of the tribunal is an adequate guarantee that the decisions and revisions would be that of the tribunal. However, in some extraordinary cases, which are not to be usual or normal ones, the powers have to be with the Government and representatives of the people, who are sometimes ignored. I do not want to have a comparison with the judiciary. I respect the judiciary and I do not agree with anyone who thinks that judiciary is corrupt, as someone mentioned. Not at all. Indian judiciary is, by and large, of a very high standard; exceptions can be everywhere. But, that is not the question here. The question is, that if there is a film which has a tendency to incite violence, or an overtone of caste bias, and it has been overlooked and allowed by the tribunal, it is the duty of the represenatives of the people, the Government, to see that such a film inciting communalism, casteism or violence or affecting relations with friendly countries is not allowed to be screened. I do not want to give any example, but recently there was a case where a film was approved by the Censor Board, we found that it was a goodfilm by all standards, but there was such a delicate thing that it would have immediately affected our relations with some friendly countries. That is why this power is kept with the Government.

I, however, assure the House that this power would be exercised very sparingly and in very rare cases. Normally, in view of the appellate tribunal, it will not arise, but to deny it altogether to the Government would not be correct and we will be failing in our duty.

15.10 hrs.

[SHRI HARINATHA MISRA *in the Chair*]

MR. CHAIRMAN: I shall now put amendment No. 30 to clause 9 moved

[Mr. Chairman]

by Shri Parulekar to the vote of the House.

Amendment No. 30 was put and negatived.

MR. CHAIRMAN: The question is: "That Clause 9 stand part of the Bill".

The motion was adopted.

Clause 9 was added to the Bill.

Clauses 10 to 20 were added to the Bills.

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

SHRI VASANT SATHE: I beg to move:

"That the Bill be passed".

MR. CHAIRMAN: Motion moved:

"That the Bill be passed".

Shri Ramavatar Shastri.

श्री रामावतार शास्त्री (पटना) : सभापति महोदय, . . .

श्री बसंत साठे : शास्त्री जी का समर्थन मिल जाना चाहिए।

श्री रामावतार शास्त्री : समर्थन तो है ही। समर्थन करते हुए ही कुछ बातें कहना चाहता हूं।

यह बात ठीक है कि मैं बहुत सिनेमा नहीं देखता हूं। कभी-कभी जब आप विज्ञान भवन में फिल्म दिखाय है, . . .

प्रो० मधु दण्डवते (राजपुर): "कभी-कभी" भी एक फिल्म है।

श्री रामावतार शास्त्री: . . .तो कभी-कभी जाने का मौका मिलता है।

एक माननीय सदस्य : क्या "कभी-कभी" देखा है ?

श्री बापू साहिब पारुलेकर : "इंसाफ का तराजू" देखा है ?

श्री रामावतार शास्त्री : मैं दो तीन बातों की तरफ आपका ध्यान दिलाना चाहता हूं।

पहली बात तो यह है कि जितनी फिल्में बन रही हैं, उनमें से ज्यादातर खराब ही होती हैं।

सभापति महोदय : जब आप फिल्में देखते नहीं हैं, तो आप यह कैसे कहते हैं ?

श्री रामावतार शास्त्री : दीवारों पर उनके पोस्टर तो देखता हूं।

सरकार का काम यह जरूर होना चाहिए कि हमारे देश की परम्परा, सभ्यता और संस्कृति के मुताबिक फिल्में बनें, जिससे हमारी समस्याओं का समाधान निकालने में मदद मिले। इसी अर्थ में मैंने कहा है कि ज्यादातर फिल्में इस तरह की नहीं बनती हैं। हमारी फिल्में किसका अनुकरण करती हैं ? --हालीवुड का अनुकरण शुरू हो गया है। इसको रोकना चाहिए। हमारा देश अमरीका की सभ्यता और संस्कृति पर चलने वाला देश नहीं है।

यह ठीक है कि हमारे यहां फिल्म वालों ने नवयुवकों और नवयुवतियों के माइंड को परवर्ट कर दिया है जिससे वे उसी तरह की फिल्में पसन्द करते हैं, जिन्हें देखने के लिए ज्यादा भीड़ लगे। आप "कोरा कागज" दिखाने वाले हैं। ऐसी फिल्मों को देखने के लिए बहुत कम लोग जाते हैं। सरकार को इस तरफ ध्यान देना चाहिए कि इस स्थिति में कैसे सुधार किया जाए, ताकि हमारे यहां शिक्षा-प्रद फिल्में बनें, जिन्हें देखकर हमारे नौजवान और बच्चे सही रास्ते पर चलें।

मंत्री महोदय ने कहा है कि वह तो चाहते हैं, लेकिन रास्ते में कुछ रुकावटें हैं--यह काम ला मिनिस्ट्री और दूसरे करते

हैं—इस लिए फिल्म उद्योग एक इंडस्ट्री नहीं बन पा रहा है। तो मेरा फिर निवेदन यही होगा कि पूरी सरकार मिल कर के कोई रास्ता निकाले। आज दुनियां में लोग क्या-क्या कर सकते हैं पर फिल्म इंडस्ट्री को हम इंडस्ट्री नहीं मानेंगे और उस के लिए कोई रास्ता नहीं निकाल पाएंगे, ऐसी बात तो नहीं है। इसलिए इस पर सरकार का ध्यान रहना चाहिए, इसे छोड़ नहीं देना चाहिए।

तीसरी बात आप ने कही सोवियत यूनियन में बहुत ज्यादा फिल्म दिखलाने की जगह है, हमारे यहां इतने थियेटर नहीं हैं, यह बात सही है। हमारा देश बहुत गरीब है और बहुत बड़ा भी है, आबादी भी बहुत बड़ी है। तो ओपन एयर थियेटर का इंतजाम तो हो सकता है और उस में बड़े पैमाने पर गांवों में फिल्में आप दिखला सकते हैं। अभी बहुमत गांव की जनता फिल्म की बात नहीं जानती, खासतौर पर से जो पिछड़े हुए हैं, गरीब हैं, शोषित हैं, जिन की कोई खोज खबर लेने वाला नहीं है, ऐसे लोगों ने तो कभी सिनेमा देखा ही नहीं। उनके लिए कोई उपाय आप को करना चाहिए और वह ओपन एयर सिनेमा या ओपन एयर थियेटर के द्वारा ही कर सकते हैं। अभी तो शहर के लोग ही सिनेमा देखते हैं। छोटा शहर हो या बड़ा शहर हो, सिनेमा हाउस वहीं तक सीमित हैं। देहातों में कहीं भी सिनेमा हाउस नहीं बनते। हमारी जनता देहातों में ही रहती है और देहात की जनता अभी भी बहुत इमानदार है। वह अपनी समस्याओं में घिरी हुई है जिन से वह छुटकारा चाहते हैं। लेकिन उन को कोई रास्ता बताने वाला चाहिए। सिनेमा को आप ऐसा रास्ता बताने वाले अस्त्र की तरह इस्तेमाल कर सकते हैं।

आप ने खुद कहा कि सिनेमा में बहुत ब्लैक मनी लगी हुई है। वह लोग तरह-तरह का तरीका अपनाते हैं जिस से उन का काला धन बढ़ता ही जाता है। इस में राज्यों के अलग अधिकार हैं, आप के अलग अधिकार हैं।

दोनों के अधिकार समान नहीं हैं। दोनों एक जगह मिल नहीं पाते हैं। इसलिए इस का कोई हल निकाल नहीं पाते। सिनेमा सरकार की आय का स्रोत भी है। राज्य सरकारों का भी स्रोत है और आप का भी स्रोत है। लेकिन उस में बहुत बड़ा टैक्स ईवेजन होता है। वह लोग कर नहीं देते। जो सिनेमा के कलाकार हैं ऐक्टर और ऐक्ट्रेसेज, वह भी करोड़ों रुपया बचा लेते हैं और सिनेमा के मालिक भी ऐसा करते हैं। तो कम से कम इस को ठीक करें जिस से हमारे खजाने में रुपया ठीक तरह से आए। इसलिए टैक्स ईवेजन को रोकने के लिए सख्त से सख्त कदम उठाने की जरूरत है। अगर वह उठाएंगे तो सरकार के पास पैसा आएगा जिस से बहुत से काम जो हम पैसे की कमी के कारण नहीं कर पाते, वह कर पाएंगे।

ये दो तीन बातें मैं आप के ध्यान में लाना चाहता था। मैं यह जरूर चाहता हूं कि सिनेमा हाउस ज्यादा हों, लोग उस को देखें लेकिन अच्छे फिल्म बनाइए तभी देखें। अभी जो फिल्में हैं उन से उन की शिक्षा के बजाय कुछ दूसरा ही काम होता है। इस से हमारे नौजवानों और नवयुवतियों को बचाने की कोशिश करनी चाहिए।

श्री रीतलाल प्रसाद वर्मा (कोडरमा): सभापति महोदय, मैं इस संदर्भ में बहुत कुछ नहीं कहना चाहता। लेकिन जो मंत्री महोदय संशोधन लाए हैं वह अपने आप में पूर्ण नहीं है। वह तो लिमिटेड

[श्री रीतलाल प्रसाद वर्मा]

विषय पर संशोधन ले आए हैं। सिनेमा आज लोक जीवन के साथ बहुत ही अन्योन्य संबंध स्थापित कर चुका है और सिनेमा मानव जीवन पर गहरा असर डालता है। जब इस देश के निर्माण की जिम्मेदारी सरकार पर है तो ऐसी परिस्थिति में सिनेमा को एक औजार बनाना चाहिए। देश के अंदर संस्कृति, कला, शिक्षा इन सब के क्षेत्र में एक स्वस्थ वातावरण बना सकें, इस दिशा में सिनेमा के द्वारा कार्यवाही करनी चाहिए। लेकिन आज सारा जितना भी सिनेमा है वह व्यवसाय-जन्य काम करता है। जो भी हिट पिक्चर होती है वह सब हिंसा; भ्रष्टाचार, डकैती, चोरी, सेक्स आदि जितने तरह के अनाचार हो सकते हैं उन्हीं से भरी होती है जो समाज को नहीं दिखलाने चाहिए लेकिन आज केवल उन्हीं का भद्दा प्रदर्शन समाज के अंदर सिनेमा द्वारा हो रहा है और धड़ल्ले से हो रहा है आज भारतीय संस्कृति और सभ्यता से उस का कोई मेल नहीं है। आज हमारे धर्म-शास्त्रों में, जो भी धर्म आज भारत में चल रहे है, किसी भी धर्म में इस तरह का प्रावधान नहीं है कि इस तरह के चित्रों को फिल्माया जाय और जनता को दिखलाया जाय। ऐसी फिल्मों का निर्माण करने वाले पूंजीपति हैं जो पूरे सिनेमा-जगत पर नियंत्रण किये हुए हैं।

सरकार ने एक फिल्म फाइनेंस कारपोरेशन बनाई हुई है लेकिन यह कारपोरेशन भी फाइनांस बड़े लोगों को ही करती है। जो छोटे-छोटे कलाकार हैं, नवोदित फिल्म निर्माता हैं जो शिक्षा-प्रद, रचनात्मक फिल्म बना कर देश की संस्कृति और सभ्यता को अक्षुण रखना चाहते हैं वे पैसे के अभाव में उन फिल्मों को नहीं बना पाते हैं, क्योंकि फिल्म फाइनेंस कारपोरेशन उन को फिल्म बनाने के लिये पैसा नहीं देता है। कई तरह की अड़चनें उन के रास्ते में डाली जाती हैं जिस से उन को इस दिशा में कोई प्रोत्साहन नहीं मिल पाता है। सरकार को चाहिये कि फिल्म फाइनेंस कारपोरेशन के द्वारा ऐसे लोगों को जो रचनात्मक फिल्म बनाना चाहते हैं उन को रुपया उधार दे तथा उन की फिल्मों को स्वयं खरीद ले तथा उन फिल्मों के डिस्ट्रीब्यूशन का अधिकार अपने हाथ में रखे तथा देश के अंदर जितने सिनेमागृह है उन में प्रदर्शन के लिए भेजे। इस तरह से देश के अन्दर स्वस्थ वातावरण का निर्माण करने में एक महत्वपूर्ण भूमिका निभाई जा सकती है। लेकिन दुख यह है कि सरकार ऐसे बड़े-बड़े फिल्म निर्माताओं और पेशेवर कलाकारों की मदद करती है जो हिंसा और अश्लीलता भड़काने वाले चित्रों का निर्माण करते हैं। सेंसर बोर्ड को कैंची से भी उन को पता नहीं कैसे छूट मिल जाती है। कहा तो यह जाता है कि सेंसर बोर्ड में बहुत अच्छे लोग है, बड़े एक्सपर्ट लोग हैं लेकिन हम देखते हैं कि उसी तरह की फिल्में ज्यादा आ रही हैं जैसी हालीवुड या दूसरी जगहों की आती है जिन में नग्नता का वातावरण ज्यादा होता है।

सभापति महोदय: हालीवुड के नाम में होली है, लेकिन काम होली नहीं है।

श्री रीतलाल प्रसाद वर्मा : नाम तो होली है लेकिन जो फिल्म आती हैं वे अन-होली हैं, हमारे देश के लिये अन-होली हैं, भले ही वे वहां पसन्द की जाती हों। इस लिये सरकार को इस दिशा में कार्यवाही करनी चाहिये और इस तरह का प्रावधान होना चाहिये कि जो हमारा फिल्म फाइनेंस कारपोरेशन है वह नवोदित कलाकारों और नव-निर्माताओं को, जो अच्छा अध्ययन कर के देश की परिस्थितियों देश की समस्याओं के अनुरूप, रचनात्मक

फिल्में बनाना चाहते हैं, मदद दें, जिस से समाज के मन और मस्तिष्क पर अच्छा प्रभाव पड़े। कारपोरेशन उन फिल्मों को स्वयं खरीद ले तथा सारे देश के अंदर उस फिल्म की वितरण-व्यवस्था खुद करे। इस से देश को बहुत बड़ा लाभ मिल सकता है।

पूना में आप का फिल्म इंस्टीचूट है—उस इंस्टीचूट में ऐसे लोगों को जो नवोदित कलाकार हैं उन को स्थान नहीं मिलता है। यह भी सुना गया है कि उस में अनुचित लाभ देकर स्थान प्राप्त किया जा सकता है। हमारे यहां कुछ ऐसे कलाकार निकले हैं जिन्होंने रचनात्मक फिल्में बनाई हैं जब उन्होंने कुछ नये कलाकारों का प्रवेश कराने की चेष्टा की तो वे सफल नहीं हो पाये। लेकिन जब उन लोगों ने अनुचित लाभ पहुंचाया तो वे उस में आ गये। सरकार को इन बातों के बारे में सचेष्ट होना चाहिये। ऐसे कलाकारों को इस संस्थान में स्थान मिलना चाहिये तथा उन को हर तरह की प्रशिक्षण सुविधा दी जानी चाहिये तथा जो किसी तरह का अनुचित लाभ उठाते हैं ऐसे अधिकारियों पर नियंत्रण करना चाहिये।

इसी प्रकार से मैं मंत्री जी से यह निवेदन करना चाहूंगा कि इस तरह के जो धड़ल्ले से पिक्चर बन रही हैं, क्षेत्रीय भाषाओं में और राष्ट्र-भाषा में, तो फिल्म एक ऐसी चीज है जो हिन्दी या अहिन्दी क्षेत्रों में जाती है और अगर वह अच्छी फिल्म है, तो उस को हर भाषा-भाषी देखता है। इस तरह से यह एक बहुत अच्छा औजार है, जिसको एक रचनात्मक रूप देना चाहिए लेकिन लगता ऐसा है कि केवल बिजनैसमेनों के हाथ में यह फिल्म उद्योग है और उन्होंने ही इस को कैप्चर किया हुआ है और इस से वे अनुचित लाभ उठाते हैं। यह जो 7 हजार, 8 हजार करोड़ रूपये का पेरेलल ब्लैक मनी चल रहा है, यह फिल्म लाइन में बहुत ज्यादा है। इस को अभी तक कोई नहीं निकाल पा रहा है। कहां है आप का आय-कर विभाग और सरकार जो इस चीज को नहीं पा रही है। सब लोग जानते हैं कि ब्लैक में सिनेमा की टिकटें बिक रही हैं सिनेमा गृहों में। इतना पैसा लोगों से लिया जा रहा है और किस को लाभ हो रहा है, यह कौन देखने वाला है, कौन जांच करने वाला है। मुझे लगता है कि कानूनी व्यवस्था का अभाव है, जिसमें यह कार्यवाही होनी चाहिए ताकि अनुचित ढंग से जो देश की आय है, वह बरबाद न हो।

मैं मंत्री जी से आग्रह करूंगा कि इस दिशा में थोड़ा ध्यान देकर सुधार करने का प्रयास करें। इतना कह कर मैं समाप्त करता हूं।

श्री बसंत साठे : मैं बहुत आभारी हूं शास्त्री जी का वर्मा जी का कि उन्होंने बहुत अच्छे सुझाव दिये हैं। उन के विचारों से मैं पूर्णतया सहमत हूं। जैसा मैंने पहले भी कहा है कि दुर्भाग्यवश यह उद्योग दुष्ट-चक्र में फंस गया है। इसलिए फंस गया है दुष्ट-चक्र में....

श्री रामावतार शास्त्री : दुष्चक्र में।

सभापति महोदय : इसे कुचक्र कहना चाहिए।

श्री बसंत साठे : संस्कृत शब्द दुष्ट-चक्र भी है। इसलिए काले धन के शिकार में यह फंस गया है, शिकंजे में यह फंस गया है कि जो हमारी सारी समाज व्यवस्था की बुनियाद है, वह शोषण पर आधारित है। उस की गहराई में मैं इस वक्त नहीं जाऊंगा लेकिन जहां ला ऑफ डिमांड एंड सप्लाई पर समाज

[श्री बसंत साठे]

व्यवस्था आधारित हो, मांग और पूर्ति का सारा मूल्य हो, तो वहां ऐसा ही होता है। एक फिल्म में एक बहुत पुराना गाना था :

यहां हर चीज बिकती है, बोलो जी तुम क्या-क्या खरीदोगे ।

लाला जी, तुम क्या-क्या खरीदोगे, बोलो जी तुम क्या-क्या खरीदोगे ।।

यह एक गाना था । तो यहां हर चीज बिकती है। यह जो हमारा समाज है, उस में हर चीज बेचने के लिए है और जैसा मूल्य बन जाए, उस पर बिकती है। यहां हर चीज की कीमत है। यहां जहां मूल्य बन जाए, वहां जीवन के सभी क्षेत्रों में इस की कालिमा लग जाएगी। यह एक ऐसा क्षेत्र है जो लोगों का मनोरंजन करता है और कुछ लोगों को राहत दिलाता है कुछ अभागे जीवों को मनोरंजन देने के लिए यहां पर सब से ज्यादा शोषण हो रहा है। जिसे बाक्स-आफिस कहते हैं वह कौन है। सिनेमा कौन देखता है ? बाक्स-आफिस बाक्स में बैठने वाले लोगों का नहीं, रईस लोगों का नहीं, यह तो जो गरीब दिन-भर कमाई करता है, दिन भर की थकावट को भूलने के लिए, घर के दुखों को भूलने के लिए नकली दुनिया में दो घंटे के लिए ढाई घंटे के लिए वहां जाता है, यह है बाक्स-आफिस । आज सिनेमा सृष्टि के बारे में जो शिकायत हो रही है कि अच्छे फिल्म क्यों नहीं बनाए जाते, इसलिए नहीं बनाए जाते जैसा मैंने कहा था कि अच्छे सिनेमागृह नहीं हैं। सिनेमाघर के जो मालिक हैं वे यह चाहते है कि ऐसे सिनेमा गृहों जिनको ज्यादा से ज्यादा लोग देखें । जो हमारे नवनिर्माता चित्र बना रहे हैं और अच्छे चित्र बना रहे हैं तो उनको देखेगा कौन ? (व्यवधान) यह सारी चीज सरकार नहीं कर सकती है। यह तो समाज परिवर्तन की बात है। सरकार ने एन० एफ० डी० सी० की मारफत चित्र बनाने के लिए कर्ज देने का इंतजाम किया है। इसलिए मेरा कहना है कि यह काम तो राज्यों को करना चाहिए। राज्य एंटरटेनमेंट टैक्स के रूप में तीन सौ करोड़ रुपया लेते हैं। अगर उनमें से दस प्रतिशत भी सिनेमा घर बनाने पर लगा दें और 25 प्रतिशत समय उन फिल्मों को दिखाने पर लगा दें जिनके लिए हम सिफारिश करें, तो इससे अच्छे चित्र बनाने की उत्तेजना मिलेगी। इससे उनकी आमदनी भी बढ़ेगी और जनता को अधिक सिनेमा भी मिल सकेंगे, अच्छा मनोरंजन भी मिल सकेगा।

खैर यह एक व्यापक प्रश्न है। मैं आप से इस बात से सहमत हूं कि देश में अच्छे चित्र बनने चाहिए और लोगों को उनसे लाभ होना चाहिए। सिनेमा क्या है ? यह एक समाज का आईना है, समाज का प्रतिबिम्ब दर्शाता है। समाज में अच्छाई भी है, समाज में बुराई भी है। इसलिए समाज की बुराई का प्रतिबिम्ब भी सिनेमा में आयेगा। इसके लिए हमें यह नहीं करना चाहिए कि सिनेमा को दोष दे दें, सिनेमा बनाने वालों को दोष दे दें। इस में सारे समाज की जिम्मेदारी और सरकार के माध्यम से जो कुछ भी हो सकता है उसके लिए मैं आपको आश्वासन देना चाहता हूं कि सरकार का सदा यह प्रयत्न रहेगा कि देश को स्वस्थ मनोरंजन प्रदान करने वाले चित्र बनें। उसी दृष्टि से ही इस कानून का लाभ उठाया जाएगा ।

मैं आपको फिर धन्यवाद देता हूं सभी उन मित्रों को भी धन्यवाद देता हूं जिन्होंने अच्छे-अच्छे सुझाव दिये हैं।

MR. CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adopted.

15.33 hrs.

*DEMANDS FOR EXCESS GRANTS (RAILWAYS), 1978-80 AND SUPPLEMENTARY DEMANDS FOR GRANTS (RAILWAYS), 1981-82

MR. CHAIRMAN: The House will now take up items 6 and 7, namely, Disussion and Voting on the Demands for Excess Grants in respect of the Budget (Railways) for 1979-80 and discussion and voting on the Supplementary Demands for Grants in respect of the Budget (Railways) for 1981-82.

Motions moved:

"That the respective excess sums not exceding the amounts shown in the third Column of the order paper by granted to the President out of the consolidated Fund of India to make good the excess on the respective grants during the year ended on the 31st day of March, 1980, in respect of the following demands entered in the second column thereof—Demand Nos. 3, 4, 7, 9, 11 and 16."

"That the respective Supplementary sums not exceeding the amounts shown in the third column of the Order Paper be granted to the President out of the Consolidated Fund of India to defray the Charges that will come in course of payment during the year ending the 31st day of March, 1982, in respect of the following demands entered in the second column thereof—Demand Nos. 2 to 12 and 16."

Demands for Excess Grants (Railways) 1979-80 submitted to the Vote of Lok Sabha

No. of Demand	Name of Demand	Amount of Demand submitted to the vote of the House
1	2	3
		Rs.
	General Superintendence and Services	1,29,30,311
	Repairs and Maintenance of Permanent Way and Works	1,08,10,836
	Repairs and Maintenance of Plant and Equipment	1,52,34,456
	Operating Expenses—Traffic	4,00,16,557
	Staff Welfare and Amenities	40,42,479
	Assets—Acquisiton, Construction and Replacement	27,32,08,575

*Moved with recommendation of the President.