

1980

[श्री सैयद सिबते रजा]

पर चलकर हम इस सदन द्वारा गिरे हुए, पिछड़े हुए लोगों का उठाकर देश की तरक्की में साथ ले चलना चाहते हैं। इसलिये मैं शासन से गुजारिश करूंगा कि ऐसे मामलों का ग्राह विशेष रूप से ध्यान दिया जाय और उन ताकतों का जो इस तरह के काम करती हैं उनका राका जड़े जाक वे आगे ऐसी हरकतें न कर सकें।

REFERENCE TO THE REPORTED FIRE IN BARODA HOUSE, NEW DELHI.

SHRI HAREKRUSHNA MALICK (Orissa): Sir, I draw the attention of the esteemed House to one news-item about a 'Big blaze in Baroda House' in Delhi, which is particularly housing the Railway office, specially the Accounts Section and the Provident Fund Section. All the papers are just burnt. Earlier, in this esteemed House I invited the attention of the Minister of Parliamentary Affairs, to ask the Government to come forward to discuss some accidental fires that took place in the Raj Bhavan at Simla. Also there was fire in the Western Command Headquarters and in the Bombay Dock lot of cotton went ablaze. Then there was fire in a Bangalore Circus. In Assam also, there was fire. In a bazar of Delhi, there was fire. We have to find out whether these fires are accidental or intentional and whether certain agencies are carrying out some plans and causing fire in one place and another. It is a very serious matter. Especially in banks, we hear that the whole thing has been hushed up by an accidental fire. It has to be found out whether the persons concerned are committing this crime. Is it because of indiscriminate throwing of cigarette butts? We should earmark smoking corners and should not allow indiscriminate throwing of cigarette ends. Now-a-days, we are living in an age of paper. If we destroy paper by

accidental fires, well the nation cannot make any headway. Fires in Army Headquarters and Raj Bhavan especially when the Governor is present and he is having two guests from Pakistan, are serious matters. Therefore, I draw the attention of the House to it and ask the Government to come forward with a detailed note and inquiry report and place them before the House. I think that we should discuss this matter for one day and the Government should come out with all the necessary documents to satisfy the House and the country.

THE CINEMATOGRAPH (Amendment) BILL, 1980—contd

THE VICE-CHAIRMAN (SHRI BISHAMBHAR NATH PANDE): Now, the House will take up the Cinematograph (Amendment) Bill, 1980. When the House adjourned on the 27th of April, 1981, the House had adopted the motion for the consideration of the Bill and clause-by-clause consideration of the Bill had not commenced. Therefore, clause-by-clause consideration may now be taken up.

We shall now take up clause-by-clause consideration of the Bill. Clause 2 stand part of the Bill. There is one amendment by the hon. Minister.

Clause 2 (Amendment of section 2)

THE MINISTER OF INFORMATION AND BROADCASTING (SHRI VASANT SATHE): Sir, I move:

3. "That at page 1, line 9,—

(i) sub-clause (a) be re-numbered as (aa); and

(ii) before sub-clause (aa) as so re-numbered, the following be inserted, namely:—

'(a) for clause (b) the following shall be substituted, namely:—

"Board" means the Board of Film Certification constitu-

ted by the Central Government under section 3.”

The question was put and the motion was adopted.

THE VICE-CHAIRMAN (SHRI BISHAMBHAR NATH PANDE): 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.

THE VICE-CHAIRMAN (SHRI BISHAMBHAR NATH PANDE): Now we take up Clause 3. There is one amendment by the hon. Minister.

Clause 3 (Amendment of section 3)

SHRI VASANT SATHE: Sir, I move:

4. “That at page 2, for lines 6 to 8, the following be substituted, namely:—

“3. In section 3 of the principal Act, in sub-section (1),—

(a) for the words “Board of Film Censors”, the words “Board of Film Certification” shall be substituted;

(b) for the words “not more than nine”, the words “not less than twelve and not more than twenty-five” shall be substituted.”

The question was proposed.

श्री शिव चन्द्र झा (बिहार) : मिस्टर प्वाइंट आफ ऑर्डर है मुझे बोलने का मौका दिया जाए। कल इसी पर विवाद हुआ था तब हाउस एडजर्न हो गया कल संशोधन था उसमें बलाज जी ने बोर्ड आफ फिल्म सेंसर बोर्ड जोकि पहले डीफिनीशन में है उसको हटा देने लेकिन फिर रिपीट किया। जोकि

चेयरमैन उनको सुझाव हुआ इनको बदल कर लाइये नहीं तः इनकन्सिस्टेंट हो रहा है और इसी के लिए एडजर्न हो गया उसकी जगह पर आज ये बदलकर दूसरा ले रहे हैं।

“The Board of Film Certification consisting of Chairman...” and so on and so forth.

अब क्लेम है उपसभाध्यक्ष महोदय कि अमेंडमेंट पर अमेंडमेंट ये तब तक नहीं कर सकते जब तक पहला एमेंडमेंट जो जो इन्होंने कल रखा था उसको विदड्रा नहीं करते हैं। पहले उसको विदड्रा करे तब अमेंडमेंट ये रखेंगे यह एक बात और दूसरी बात उपसभाध्यक्ष महोदय 10 में है !

“If an amendment has been proposed to an amendment, the original amendment shall not be withdrawn until the amendment proposed to it has been disposed of.”

यह आपका कन्ट्राडिक्शन है यह आपको परिस्थिति है, यह दूसरा अमेंडमेंट का अमेंडमेंट कर रहे हैं इस पर आप गौर करें। कल इनको तथा बोर्ड आफ सेंसर को आज जब प्वाइंट आउट किया तो बोर्ड आफ सर्टिफिकेशन ला रहे हैं कि सेंसर टैसी बनाने के लिए लेकिन क्या वे दूसरा अमेंडमेंट ला सकते हैं जबकि जो पहला है उसको विदड्रा नहीं करते हैं और तब तक इसको विदड्रा नहीं कर सकते हैं जब तक आपका दूसरा जो नया है वही डिस्पोज आफ नहीं होता है। इसीलिए मैं कहूंगा कि यह एव तब तक से अमेंडमेंट रखा थू करना सदन की गरिमा के अनुकूल नहीं है। बेहतर होगा इसको ले जाइये और बताकर अगले सेशन में लाइये।

THE VICE-CHAIRMAN (SHRI BISHAMBHAR NATH PANDE): You have made your point. The point is that the amendment was not moved at all. Therefore, there is no ques-

[Shri Bishambhar Nath Pande]

tion of its withdrawal. It was not moved at all. (Interruption) Therefore, your point of order is not acceptable.

श्री शिव चन्द्र झा : मुझे सुना जाय... कल उन्होंने कहा था अमेंडमेंट मैं मान रहा हूँ। यह बात वर्मा जी पर उठी थी उपसभाध्यक्ष महाशय ... (व्यवधान)

श्री वसन्त साठे : शिव बाबू जरा, एक सेकेंड भाई। देखिये यह आप दूसरे अमेंडमेंट के बारे में कह रहे हैं। यह मैंने नया अमेंडमेंट आज पहली बार दिया हुआ है, सरकुलेट हुआ है। यह कल नहीं था। आप शायद श्रीकान्त बाबू के अमेंडमेंट पर बात कर रहे हैं। मैं तो पहली बार यह अमेंडमेंट मूव कर रहा हूँ इसलिए ... (व्यवधान)

श्री शिव चन्द्र झा : वहां से सलाह दी गयी थी कि कन्सिस्टेंट अमेंडमेंट लाईये नहीं तो इनकन्सिस्टेंट हो जायेगा।

श्री वसन्त साठे : कल यह मूव नहीं की गयी थी कि ... (व्यवधान)

There is no amendment. (Interruptions)

श्री शिव चन्द्र झा : आपने यहां माना है।

श्री वसन्त साठे : मूव नहीं हुआ था तो विद्वद्वा क्या करेंगे।

उपसभाध्यक्ष (श्री विद्वम्भर नाथ पांडे) : आपने अपनी बात स्पष्ट कर दी। जहां तक व्यवस्था का प्रश्न है, मैंने व्यवस्था दे दी कि चूंकि अमेंडमेंट मूव नहीं किया गया था इसलिए उसको

विद्वद्वा करने का प्रश्न ही नहीं उठता है।

SHRI HAREKRUSHNA MALLICK (Orissa): Sir, I make a small submission. When the hon. Minister himself is pressing forward an amendment, it means that the Bill itself is not complete.

THE VICE-CHAIRMAN (SHRI BISHAMBHAR NATH PANDE): No, no.

SHRI HAREKRUSHNA MALLICK: Therefore, in the nature of the things, the Bill should come afresh.

SHRI VASANT SATHE: I am only accepting the suggestions. The amendment is moved after hearing the debate. And when some good suggestions are made by the hon. Members, I am responding to them. You should be thankful to me that I am responding to you.

SHRI HAREKRUSHNA MALLICK: We welcome your spirit. That is why I want you to come forward with a fresh Bill.

श्री शिव चन्द्र झा : मेरा प्वाइंट आफ आर्डर है।

THE VICE-CHAIRMAN (SHRI BISHAMBHAR NATH PANDE): There is no point of order. I have given my ruling. You cannot raise points of order continuously.

Now, the question is:

4. "That at page 2, for lines 6 to 8, the following be substituted, namely:—

'3. In section 3 of the principal Act, in sub-section (1),—

(a) for the words "Board of Film Censors", the words "Board of Film Certification" shall be substituted;

(b) for the words "not more than nine" the words "not less

than twelve and not more than twenty-five" shall be substituted."

The motion was adopted.

THE VICE-CHAIRMAN (SHRI BISHAMBHAR NATH PANDE):
The question is:

"That Clause 3, as amended, stand part of the Bill."

The motion was adopted.

Clause 3, as amended, was added to the Bill.

THE VICE-CHAIRMAN (SHRI BISHAMBHAR NATH PANDE):
We shall now take up clauses 4 to 7. There are no amendments.

श्री शिव चन्द्र झा : मेरा प्वाइंट आफ़ ऑर्डर है । 4 से 7 आप एक साथ ले रहे हैं उस पर मुझे कहना है । 3 तो खत्म हो गया । उस पर आपने डिस्कलोज़ किया, कल उस पर मुझे कहना है कि सबमें आपके बोर्ड का जिक्र है जैसे इन्होंने चार में बोर्ड का जहां जिक्र था ओरिजिनल एक्ट में बोर्ड का सर्टिफिकेशन किया और क्योंकि यह नई बात है, यह जहां-जहां बोर्ड है, अच्छा होगा इसके अनुकूल कि हर जगह जहां पर बोर्ड है, उसकी सफाई कर दें कि बोर्ड आफ़ सर्टिफिकेशन है ताकि बोर्ड आफ़ सेंसर वाला कनफ्यूजन न रहे ।

इसलिए यहां पर भी कनफ्यूजन की सफाई नहीं है । अच्छा हो कि हर जगह बोर्ड आफ़ सर्टिफिकेशन हो ।

SHRI P. RAMAMURTI (Tamil Nadu): Mr. Jha must know that once this amendment is accepted that automatically follows.

SHRI VASANT SATHE: That automatically follows.

THE VICE-CHAIRMAN (SHRI BISHAMBHAR NATH PANDE):
The question is:

"That clauses 4 to 7 stand part of the Bill."

The motion was adopted.

Clauses 4 to 7 were added to the Bill.

THE VICE-CHAIRMAN (SHRI BISHAMBHAR NATH PANDE):
We shall now take up clause 8. There are five amendments Nos. 5 to 9 by Shri Murasoli Maran.

Mr. Maran, you move them.

Clause 8—Insertion of new sections 5D, 5E and 5F.

SHRI MURASOLI MARAN (Tamil Nadu): Sir, I move:

5. "That at page 4, lines 7 and 8 for the words 'High Court' where it occurs at two places the words 'Supreme Court' be substituted."

6. "That at page 4, line 10, after the word 'opinion' the words 'possess distinction, knowledge of Indian Art, Culture and Tradition and have a liberal and modern outlook and' be inserted."

7. "That at page 4, line 11, after the word 'Tribunal' the words 'two of whom shall be persons with experience in the film industry' be inserted."

8. "That at page 4, line 31, after the word 'fit' the words 'within thirty days of the filing of the appeal' be inserted."

9. "That at page 5, line 25, after the word 'fit' the words 'within thirty days of the receipt of the application' be inserted."

The questions were proposed.

THE VICE-CHAIRMAN (SHRI BISHAMBHAR NATH PANDE): Mr. Maran, if you want, you can also speak.

SHRI MURASOLI MARAN: Sir, firstly about the Tribunal. Sir, according to the Khosla Committee's Re-

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[Shri Murasoli Maran]

port the Tribunal is going to deal with one of the precious fundamental rights of Indian citizens. That is why the Chairman should be at least a retired Supreme Court Judge. It is a simple amendment. I think the hon. Minister will accept my amendment.

Secondly, the Members should have certain particular qualifications because they are dealing with a fundamental right. They should be people of some judicial mind. Some jurists should be there. They should look at it from the angle of fundamental rights and they should also have some knowledge about the film industry, every aspect of the film industry. In the last Bill which was passed by both the Houses which received the assent of the President, they prescribed certain qualifications. There is also a simple amendment on those lines.

Thirdly, and this is very important, the entire Bill emanates because the then Attorney-General gave some kind of an assurance to the Supreme Court. According to that assurance there should be a time-limit for disposing of the petitions. There are two things. One, when the matter comes to a tribunal what time should they take? Sir, they may say, yes or no, or they may not say anything at all. They may keep it in cold storage. According to the assurance given by you, you should keep the assurance given to the Supreme Court, which is the highest court of the land. Sir, some time-limit should be given. That is why I have stated 30 days. Secondly, Sir, for suspension and revocation of certificates, the Government can revoke the certificate. Supposing the producer comes with a petition. Sir, there is no time limit for disposing of the petition. The Government can keep quiet. That is why this is also in accordance with the assurance given by the Attorney-General. I would request the hon. Minister to accept my amendment.

Then, Sir, I want to seek some clarification. He is going to increase the membership to 25. Is he going to reorganise the present, what is called the Board of Certification. Sir, people who do not see pictures, they certify, they sign the certificate. This is highly illegal. So, with these 25 members, he can create regional boards. I would like to know whether he is going to do it. If so, why should he not form it also a part of the present Bill? At least, as a policy statement the Minister should state it. These regional boards have a chairman, who sign the certificates. That is why I would once again appeal to the Minister that it is part of the assurance given on behalf of the Government by the then Attorney-General to the Supreme Court. This time-limit is very essential. That is why let them honour their own words.

SHRI VASANT SATHE: Sir, I had already dealt with these points, which Shri Maran has raised, yesterday also and I had clarified that as far as the words "High Court" and "Supreme Court" are concerned, if we were to say that it will be a retired judge of the Supreme Court then I cannot have anybody else than a Supreme Court Judge and then I cannot have a High Court Judge...

SHRI MURASOLI MARAN: That is what I want.

SHRI VASANT SATHE: We wanted to have good persons who had been also High Court Judges or Chief Justices of High Courts and when you say that, if a Judge higher than that, or a Supreme Court Judge is available, that can always be done. There is nothing to bar it. There is no bar. Therefore, this amendment will be restrictive, not helpful.

As far as the second amendment is concerned about qualifications, I said it yesterday also that—as Shri Maran has pointed out "possess distinction, knowledge of Indian Art, culture and tradition and have a liberal and modern outlook..." can you find any

SHRI MURASODI MARAN: Infact, person or will any person say, whosoever is appointed, that he does not have this qualification? Therefore, what is the idea of putting in such restrictive thing?

SHRI VASANT SATHE: We do not these words are lifted from the famous Khosla Committee Report which is a Bible to them.

SHRI VASANT KUMAR: We do not treat anything as a Bible. And sometimes, wrong people quote the Bible.

SHRI P. RAMAMURTI: Not the wrong people, say 'devil'.

SHRI VASANT SATHE: I did not want to use that word.

THE VICE-CHAIRMAN (SHRI BISHAMBHAR NATH PANDE): He wanted to be modest.

SHRI VASANT SATHE: So, you will judge according to the status. As I said yesterday the persons must be such as will command the confidence of the people. That will be seen. Therefore, I hope Mr. Maran will not unnecessarily press for it.

Then, as far as the tribunal is concerned, again he wants to restrict it by persons having the experience of the industry. Now again you want to have industry people and then there will be complaints. Therefore, we need not put it. We are including men from the industry; the Chairman of the censor board himself is a famous Director, Shri Hrishikesh Mukherjee. So the proof of pudding lies in its eating.

As far as the regional boards are concerned, I said it yesterday that the Central censor board will be a board of 25 members and some members from the film censor board will be sitting permanently in the regional headquarters and they will give a final certificate. It will be provisional certificate so that you can immediately see and then the final certificate will be given so that they do not have to come to Bombay or other places. That

is the intention and it would have been defeated if we had done anything else. So, the idea is covered.

Then, the last thing is about the time limit. Now, you as lawyers know that in legislation it is very difficult to prescribe a time limit because that puts on a constraint on a tribunal and this can be used even in interpretations. What was the intention of the legislation? Today I am making it clear that the intention is that these appeals should be decided expeditiously, as early as possible and they should be no dealys. I would be very happy if they are decided within a period of sixty days but you cannot put those words in the statute because otherwise it becomes infructuous even with one day's delay. Therefore, I would request Shri Maran to please withdraw his amendments in the light of the statement which I have made—a policy statement—and he may please withdraw them.

SHRI MURASOLI MARAN: Sir, I withdraw the amendments.

**Amendments Nos. 5 to 9 were, by leave, withdrawn.*

THE VICE-CHAIRMAN (SHRI BISHAMBHAR NATH PANDE): The question is:

“That clause 8 stand part of the Bill.”

The motion was adopted.

Clause 8 was added to the Bill.

Clauses 9 to 20 were added to the Bill.

THE VICE-CHAIRMAN (SHRI BISHAMBHAR NATH PANDE): We now take up clause 1. There is one amendment, by the hon. Minister.

SHRI VASANT SATHE: Sir, I beg to move:

“That at page 1, line 4, for the figure ‘1980’, the figure ‘1981’ be substituted.”

**For text of amendments, vide cols. 278 supra.*

[Shri Vasant Sethe]

The question was put and the motion was adopted.

Clause 1, as amended, was added to the Bill.

THE VICE-CHAIRMAN (SHRI BISHAMBHAR NATH PANDE): We now take up the Enacting Formula. There is one amendment by the hon. Minister.

SHRI VASANT SATHE: Sir, I beg to move:

"That at page 1, line 1, for the word 'Thirty-first' the word 'Thirty-second' be substituted."

The question was put and the motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The Title was added to the Bill.

SHRI VASANT SATHE: Sir, I beg to move:

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

The question was proposed.

श्री राम लखन प्रसाद गुप्त : (बिहार) :
उपसभाध्यक्ष महोदय, अभी कल की बहस के बाद कुछ नये संशोधनों के साथ आज मंत्री जी आये हैं और इस बिल पर अभी विचार भी हुआ। इसी सिलसिले में मैं दो तीन बातों की और आपका ध्यान दिलाना चाहूंगा।

पिछली मर्तबा सिनेमेटोग्राफ ऐक्ट 1974, ऐक्ट 27, 1974 का पास हुआ था और उस पर राष्ट्रपति जी की स्वीकृति भी आ गयी थी लेकिन पूरे 6 वर्ष और 8 महीने तक उस कानून को लागू नहीं किया जा सका। उस समय खोसला साहब जो पंजाब हाई कोर्ट के जज थे उन की चेयरमैनशिप में एक इन्क्वायरी कमेटी बैठी थी और उन की पूरा रिपोर्ट आने के बाद वह अमेंडमेंट ऐक्ट लाया

गया था और 1974 में वह पास किया गया और उस के बाद वह 6 वर्ष और 8 महीने तक कानून की किताब में ही रखा रहा। उस को लागू नहीं किया गया और उस के बाद आज फिर उस 1974 के कानून में कोई अमेंडमेंट लाने की बात नहीं हुई है बल्कि 1952 का जो ओरिजिनल ऐक्ट था उस में ही यह अमेंडमेंट लाया गया है। समूची रिपोर्ट में कहीं पर भी यह नहीं कहा गया है कि यह 1974 का कानून जो 6 वर्ष 8 महीने तक स्टेट्यूट बुक में पड़ा रहा और लागू नहीं किया गया तो वह क्यों नहीं लागू किया गया। यह एक बहुत बड़ी बात है। इस के बाद आज यह नया कानून मंत्री जी ला रहे हैं उस में 9 आदमियों से बढ़ा कर 12 से 25 तक के मेम्बरों का बोर्ड बनेगा। उसमें कम से कम 12 और अधिक से अधिक 25 मेम्बर होंगे। आखिर इतना बड़ा बोर्ड बनाने का क्या मतलब है यह मैं समझ नहीं सकता और उस में से क्या निकाला जायेगा। इस की कोई जरूरत नहीं थी और अगर यह बोर्ड बना भी है तो इस में यह स्पेसिफिकली नहीं कहा गया है कि इस बोर्ड में कितने शेड्यूल्ड कास्ट के लोग होंगे, कितने शेड्यूल्ड ट्राइब के लोग होंगे और कितनी महिलाएँ होंगी और कितने बैकवर्ड क्लासेज के लोग होंगे। कभी ऐसी पिक्चर्स निकल आती हैं जो किसी न किसी के खिलाफ होता है और बहुत दिनों तक चलने के बाद उन को बंद किया जाता है। तो अगर यह बोर्ड न भी बनता तो ठीक था। लेकिन इतना बड़ा बोर्ड बनने के बाद यह सारा प्राविजन नहीं रखा गया है। मंत्री जी इस समय कुछ भी कह दें लेकिन जब बना हुआ कानून 6 वर्ष और 8 महीने तक सड़ सकता है तो जवानों आश्वासन का कोई मतलब नहीं निकलता।

इसलिये मेरा यह कहना है कि इस कानून के अन्दर यह साफ साफ आना चाहिए था कि रिजर्वेशन का होगा, शैड्यूल्ड कास्ट, शैड्यूल्ड ट्राइव्स, बैकवर्ड और महिलाओं के लिये भी। उस रोज हमने देखा, अवार्ड के रोज, मंत्री जी उपस्थित थे विज्ञान भवन में, वहाँ पर यह बात आई थी और वो० शांतादाम ने कहा था कि आज खजुराहो और कोणार्क के नाम पर जो कलचर चला है, आफसीन आते हैं, रेप की कहानियाँ आती हैं, मर्डर और मारपीट ये सारी चीजें पिकचरों में आते हैं। लेकिन इन सारी चीजों के लिये किस तरह से किया जायेगा यह इसमें, लॉ में बिल्कुल भी सफ नहीं है। अब इसमें दो कैटेगरी देखने वालों की थी एक यू 'अन्टरेस्ट्रेकटेड पब्लिक एक्जीबीशन' और 'ए रेस्ट्रेकटेड टु अडल्ट्स ओनली' और इसे यू०ए० कर दिया गया है। पेरेंट्स ठीक समझें, अगर संतुष्ट हो जाय तो बच्चे देख सकते हैं। उपसभाध्यक्ष महोदय, यह कितना अनर्गल, अव्यावहारिक और हास्यास्पद है। कोई भी माँ-बाप पहले किसी पिकचर को देखेगा और फिर आकर बेटे से कहेगा हाँ यह पिकचर तुम्हारे देखने लायक है, देख लो। नहीं तो बेटा बैठा रहेगा। पर क्या ऐसा होगा। उपसभाध्यक्ष महोदय हम देखते हैं कि जहा फार एडल्ट्स ओनली होता है वहाँ पर लड़कें ज्यादा आते हैं देखने के लिये यह कहकर कि देखते हैं इसमें क्या है जिसके कारण हमें रोका गया है फिर उसके बाद जो गेट पर रहता है गेट कीपर उसको कुछ पैसा दे दिया जाता है। अब यह कैटेगरी रहेगी। माँ-बाप पिकचर देखकर अपने बेटा-बेटों से कहेगा कि तुम्हारे लायक पिकचर है या नहीं है। आजकल के बेटा-बेटों माँ-बाप के कहने पर कितना चलते हैं। तो उनके कहने पर वह सिनमा जायेगा या नहीं जायेगा क्या

यह कभी हो सकता है? इस नई कैटेगरी को बनाने की क्या जरूरत है और इससे क्या लाभ होगा। इसके साथ ही कैटेगरी 'ए' कर दो रेस्ट्रेकटेड टु एनी प्राफेशन और क्लाम और पापुल। इसको आप कैसे रोक सकते हैं। यह सब कुछ नहीं बल्कि कुछ लोगों की साजिश है। अगर यह कैटेगरी रहेगी तो वैसे सब लोग और ज्यादा संख्या में आकर पिकचर देखेंगे। हमने कई बार ऐसी फिल्म देखीं, इतना याद नहीं कि कौन सा फिल्म है, आन्ली फार एडल्ट्स थी पर उसमें कोई ऐसी बात नहीं थी जो कि बच्चों के देखने लायक न हो, ऐसा भी होता है। इसलिये जानबूझकर यह कैटेगरी की गई है और इस कैटेगरी को रखने के पीछे मंशा है। इसमें यह बात साफ होनी चाहिए थी कि अमेंडमेंट ऐक्ट 1974 जो आज में 6 वर्ष 7 महीने पहले की बात है क्यों नहीं लाया गया जब कि हाई कोर्ट का डिसीजन, खोलला साहब की रिपोर्ट के अनुसार तथा सुप्रीम कोर्ट में जो आश्वासन दिया गया था पर इस तरह की कैटेगरीज की कंडीशन के बारे में, उन कानूनों को पास करवाने के संबंध में हमने आज तक कुछ नहीं सुना, कोई कानून ऐसा नहीं है। मैं भी एडवोकेट हूँ, 6 वर्ष 7 माह से इस कानून को क्यों रोका गया है और सेंट्रल गवर्नमेंट इसको फॉर्म में क्यों नहीं लाती यह मैं समझ नहीं पाया। इसलिये उपसभाध्यक्ष महोदय मेरा यह निवेदन होगा... (समय की घंटी)

मैं एक-दो मिनट में समाप्त करता हूँ। यह कहा गया है कि ट्राइब्यूनल में अपील होगी और फिर रिवीजन का पावर गवर्नमेंट को है। गवर्नमेंट को अभी भी अपील की पावर है और फिर अपील के बाद रिवीजन की पावर गवर्नमेंट को है। इसका क्या मतलब है? ऐसे कैसे

[श्री राम लखन प्रसाद गुप्त]

चलते हैं, फिल्म वालों के जितने कैसेज होंगे, इसमें उनके साथ क्या क्या बातें हो सकती हैं, उसभाष्य महोदय, यह आप समझ सकते हैं। जब आप ट्राइब्यूनल बना रहे हैं तो फिर रिवोजन का क्या मतलब है। अपील के बाद ट्राइब्यूनल और उसके बाद हाई कोर्ट, सुप्रीम कोर्ट पड़े हुए हैं। फिर गवर्नमेंट इतना पावर क्यों रख रही है। यदि अपील की पावर रखना है तो रिवोजन की पावर नहीं रखिये। उसके बाद 5 वी में कहा गया है इन दि इन्टरेस्ट आफ सावरनटो एंड इन्ट्रेटी आफ इंडिया, यह आजजेक्ट में कहा गया है कांस्टिट्यूशन के। यह लिखना जरूरी है। जितने भी काम हिंदुस्तान के होंगे, जितने भी कानून होंगे वे सब इन दि इन्ट्रेस्ट आफ सावरनटो एंड इन्ट्रेटी आफ इंडिया, यह तो होता है बिना इसके कोई चीज हो नहीं सकता। मैं मंत्री जो से उछना चाहता हूँ कि यह कानून बिल्कुल हास्यास्पद होगा और जितने लेजिस्लेटर्स हैं, जितने लायर्स हैं वे इस पर होंगे। इसलिये इस तरह का कानून आप मत बनाइये और इसको पास मत होने दीजिये। आप इस पर रोक लगा दें, अभी कुछ बिगड़ा नहीं है। अगर यह 6 वर्ष आठ महाने कोल्ड स्टारेज में रह सकता है तो एक-दो सेशन और रहने दीजिए। ठोक से कानून बनाकर इसका नाइये। इसको सिलेक्ट कमेटी में भेज दीजिए यह मेरा मांग है।

SHRI HAREKRUSHNA MALLICK:
Sir, I congratulate our hon. Minister for his anxiety to improve upon our cinema industry. Incidentally I also appreciate that the Minister Incharge is working as a star member of the Cabinet. As such his performance should be a star performance. I am not telling this in a lighter vein; I am saying this in all seriousness. Much earlier, I had requested the Minister

of Education to involve the cinema and documentaries to augment the process of education—adult education, technical education and medical education where pictures, diagrams and three-dimensional factors are involved. For example, when a student enters a medical college, while he is undergoing the regular courses, he or she can see in the evening a film on the entire body, its physiology and anatomy. The whole thing can be a sort of rapid reading so that while he or she goes on climbing the tree, the entire thing is made easy. Similarly, when construction of any dam is going on, the students in the engineering school or college can be shown how things from the base to the apex are going on. Similarly in all the educational systems where pictorial effects are necessary, cinema can be the only hope to augment the process of education not only in this country but in the whole world. What the people in the other parts of the world are doing can also be shown here in the documentaries.

On the whole question of the Censor Board or the Certification Board, I will just say that our society really does not know what to do and what not to do. I will just mention here for the information of the hon. Minister and the esteemed House the entire concept about what is obscene and what is not obscene. Actually the parents do not tell something to the children and the teachers do not tell something to the students. That is why there is curiosity and it causes a vicious circle. That is why there is all this sex and crime going on in the society every where. Incidentally I am a doctor and I would request the hon. Minister to take certain steps whereby we actually separate different types of films—films for entertainment, films for education and films for adults. Here I will just draw your attention to a film named 'Gupt Gyan'. That film actually was very useful for people who knew nothing about sex and who are supposed to know about it. There is nothing to hide

about sex. The entire society—the procreation and everything—only starts from sex and through sex. There is no sense in hiding it. The more we hide, the more suspense will be created and more will be the curiosity. Therefore, I would request the hon. Minister to carry a separate category for certain films which only show in bareness the physiology and anatomy of man and woman for those who know about it and those who need education about it. Actually the purpose of having a Censor Board or Certification Board is that there should not be a hide and seek between the Government and the society or the artistes. The artistes need not claim that they want to make a naked film to make more money. The Government need not also come forward with the plea that they will not allow this. So, we can have three categories and the film producers can show anything. In the film *Romeo Juliet*, there is also a bed-room scene. There is nothing obscene about it. To those who want it let us show them more and more and earn more money. There is no harm in it. Those who are students, who are school-going children and who are growing, they should be shown what is food for their minds, which they want. We should earmark the types of films we produce. It should be really planned in such a way that particularly the Ministries of Education, Health and Industry can also be involved with this Ministry and we show really such documentaries as will really augment our entire nationhood on all platforms. With these few suggestions, I request the hon. Minister to look into these points. Number one: To give a very good national character to the Certification Board or the National Film Development Corporation, we should see that members come from every region, every community. Women, the minorities, Scheduled Castes, Adivasis and artistes—one male artiste and one female artiste—and lawyers also should be there so that the whole thing should appear to be having national character.

Art should be for art's sake. When we see *Othello*, Desdemona says, "Well, let me live tonight and die tomorrow." So, why should we hide and censor? And how much? You cannot stop the hero or the villain from going on kissing and throttling. Recently, when Padmini Kolhapure kissed Prince Charles, he just said, kissing is going on all right outside, but why not in the films? (*Time-bell rings*) Another point, Sir, I am not taking much time.

Another point is, artistes should be involved. This industry should actually give scope for self-employment and artistes should be encouraged. In the present stage, real artistes are being stifled and throttled. Again, as some hon. Members have said, freedom fighters, members of Scheduled Castes, weaker sections and minorities should also be given scope to shoot films and the Government should create ideal shooting locations by providing studios in all parts of the country or in such places like Kashmir, Ooty or Orissa.

In Orissa there are many ideal places like Phulbani where there are natural sceneries throughout the years. So, the Government should come forward to provide studios at such places so that it can also legitimately earn revenue from the people. All the artistes cannot afford to carry on their shooting activities in costly places like Bombay and, also, we should see that Bombay does not behave like the capital of this country in regard to this. Film studios should be everywhere.

THE VICE-CHAIRMAN (SHRI BISHAMBHAR NATH PANDE):
Please conclude.

SHRI HAREKRUSHNA MALLICK:
Sir, I am telling the last point and it is important. In view of the importance of this subject, I would request the hon. Minister to really wait and watch and refer this Bill to a Select Committee in order to bring forth a comprehensive Bill which will have full scope so that

[Shri Harekrushna Mallick]:

it will satisfy all sections of this House and the other House, the industry and the country as a whole. In this connection I would suggest that there should be a co-ordination committee for the Ministries of Information and Broadcasting, Education, Health and Industry so that it could be ensured that documentaries are produced properly. (*Time bell rings*) I will take only one minute, Sir.

Scenes of drinking, molestation and rape, bloodshed, dacoities and burglaries should not be shown on the screen. Every second cinema means Omkar, Daku or Samar Daku. I feel that either dacoits are running cinemas or cinemas are supporting dacoits. Sir, criminals are not born; they are made. Once somebody sees a cinema, he goes and starts stabbing somebody else or doing something else.

I would only appeal that every moment and every pie of this industry should be spent to improve the nation and, in the language of nationalists, to earmark our lives for a better and colourful tomorrow for the generations to come. Therefore, Sir, I would request the hon. Minister to take steps in this direction. Thank you.

SHRI AMARPROSAD CHAKRABORTY (West Bengal): Mr. Vice Chairman, Sir, so far as we know the trend or mind of the hon. Minister, I would suggest one thing. Now there are many categorisations in the Act for the showing of films and for giving subsidies. But it is very unfortunate that our children—our boys and girls—do not know when India has been made free, who has made it free. Regarding those heroes, I formed a Committee—The Chittagong Sashatro Abhyuthan Subarna Jayanti Committee (Chittagong Uprising Committee)—and I wrote a letter to the Minister. I received some very encouraging replies from him and also his Department saying, “You give us the script and we shall try to make a film.” But, Sir, preparation of the script is impossible for us because we have no such money to do it. Sir, the Minis-

ter is a friend of ours and also he is an old disciple of R. S. Ruekar. He has an open mind, specially for the freedom fighters and revolutionaries. So, I would like to know whether he would arrange from the Government side for making documentary films—for better exhibition—showing at least the activities and the struggles made by revolutionaries like Surya Sen (Masterda) Jatin Mukherjee, Bhagat Singh, Jatin Das, Batukeshwar Dutt and others. Sir some small films can be made and shown to our children, boys and girls, because posterity does not know about them. I can tell you one instance. I asked a person who is reading in MA ‘Who is Netaji?’ and he told me that “he is a great Army officer.” This he said because he saw him in the Army dress. This is the limited knowledge of our boys and girls. This is the only point on which I would urge upon the Minister to give a thought to the problem, though I know his trend of mind because I receive many letters from his Department in connection with my Committee work. So this may be done. It is my earnest request to him because I wonder how our children will know who was Masterda, who was Khudiram, who was Jatin Das, who was Jatin Mukherjee, who was Batukeshwar Dutt or who was Bhagat Singh. They do not know who was Surya Sen. I have to tell even to some of the leaders who was Masterda, who was Surya Sen. So I would request him to make documentary films on them so that posterity should know how we won our independence. Also films on INA freedom struggled by Netaji Subhash Chandra Bose. I would like to know whether the Minister can take it up—take steps in this regard.

Sir, with these words, I end my points.

THE VICE-CHAIRMAN (SHRI BISHAMBHAR NATH PANDE): Thank you. Mr. Ramamurti.

SHRI P. RAMAMURTI: Sir, this is the third reading and, therefore, I do not want to speak much. This is a

very belated measure. Even in the Statement of Objects and Reasons it has been clearly stated that in fulfilment of the assurance given to the Supreme Court by the Attorney-General ten years ago in that famous case which was launched by our progressive writer, Mr. K. A. Abbas, a Bill was brought in 1974 and passed by both the Houses in 1974. The President gave his assent to the Bill, but it has not come into force only because a notification was not issued. I hope, Sir, that the same fate will not befall this Bill and the Minister will see to it that this Government or any future Government will not have to come before the House with similar Bill. Therefore, I want him to take steps to see that the notification is also issued as soon as the President's assent is received. That is all.

THE VICE-CHAIRMAN (SHRI BISHAMBHAR NATH PANDE): The Minister to reply.

SHRI VASANT SATHE: Sir, I do not want to take much time. Unfortunately, Mr. Ram Lakhan Prasad Gupta was not present in the House yesterday when I moved the Bill. If he had heard me, he would have found that I had covered most of the points yesterday. So I won't take the time of the House. Other hon. Members have made some good suggestions, particularly the suggestion about the filming of the contribution made by the great men, the great sons of our country. We have already issued instructions and we are making those films. Some have already been made and some more will be made, particularly about the great freedom fighters and greatmen like Netaji. These will be made by the Films Division as documentaries. If someone comes forward to make a feature film...

SHRI AMARPROSAD CHAKRABORTY: We have a good script but we have no money.

SHRI VASANT SATHE: FFC will finance even the script. If you know of someone who is willing to come forward to prepare the script, if you

know that he has written it or he is capable of doing it, we will do that. But on persons like Surya Sen we do want scripts. We want to make good documentary films and other films. As you know, some of our producers have already made feature films like "Snaheed" on Bhagat Singh's life and others. So such things are being done. But on behalf of the Government, the Films Division as well as the NFDC also will take up this work. It is a very good suggestion.

SHRI P. RAMAMURTI: What about my point?

SHRI VASANT SATHE: I can assure you that as far as our intention goes, as soon as the Bill receives the assent of the President we will notify it because we ourselves are keen on it. This 1974 Bill did not come into force for two reasons mainly. First, there was opposition from the industry itself to that Bill and secondly, we had appointed this working group on film policy which gave its report in 1980. That is why we thought that there was no purpose in bringing into effect a Bill which may have to be amended again. That is why we have brought this amendment. I hope this Bill will now be approved by the House.

THE VICE-CHAIRMAN (SHRI BISHAMBHAR NATH PANDE): The question is:—

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

The motion was adopted.

The appropriation (No. 4) Bill, 1981.

THE VICE-CHAIRMAN (SHRI BISHAMBHAR NATH PANDE): Now we take up the Appropriation (No.4) Bill, 1981. Shri Maganbhai Barot to move the motion for consideration.

THE DEPUTY MINISTER IN THE MINISTRY OF FINANCE (SHRI MAGANBHAJ BAROT): Sir, I beg to move:—

"That the Bill to authorise payment and appropriation of certain