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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on the 17th March, 1972:—

BILL NO. 120 OF 1971

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

- | | |
|--|--|
| 1. This Act may be called the Constitution (Amendment) Act, 1972. | Short title. |
| 2. After article 63 of the Constitution, the following new article shall be inserted, namely:— | Insertion of new article 63A. |
| “63A. The Vice-President shall discharge such functions as may be assigned to him from time to time by the President.”. | Functions of Vice-President. |
| 3. Article 64 of the Constitution shall be omitted. | Omission of article 64. |
| 4. After article 66 of the Constitution, the following new article shall be inserted, namely:— | Insertion of new article 66A. |
| “66A. (1) The Vice-President shall not hold any other office of profit. | Conditions of Vice-President's office. |
| (2) The Vice-President shall be entitled without payment of rent to the use of his official residences and shall also be entitled to such emoluments, allowances and privileges as may be determined by Par- | |

liament by law and, until provision in that behalf is so made, such emoluments, as specified in paragraph 1 and such other allowances and privileges as are specified in the Second Schedule for the President.

(3) The emoluments and allowances of the Vice-President shall not be diminished during his term of office.”.

Substitution of article 89.

5. For article 89 of the Constitution, the following article shall be substituted, namely:—

“89. The Council of States shall, as soon as may be, choose two members of the Council to be the Chairman and the Deputy Chairman thereof and, so often as the office of Chairman or Deputy Chairman becomes vacant, the Council shall choose another member to be Chairman or Deputy Chairman, as the case may be.”.

Substitution of article 90.

6. For article 90 of the Constitution, the following article shall be substituted, namely:—

“90. A Member holding office as Chairman or Deputy Chairman of the Council of States—

Vacation and resignation of, and removal from, the office of the Chairman or the Deputy Chairman.

(a) shall vacate his office if he ceases to be a member of the Council;

(b) may at any time, by writing under his hand addressed, if, such member is the Chairman, to the Deputy Chairman, and if such member is the Deputy Chairman to the Chairman, resign his office; and

(c) may be removed from his office by a resolution of the Council passed by a majority of all the then members of the Council:

Provided that no resolution for the purpose of clause (c) shall be moved unless at least fourteen days' notice has been given of the intention to move the resolution.”.

Amendment of article 91.

7. In article 91 of the Constitution, in clause (1), the words “or during any period when the Vice-President is acting as, or discharging the functions of, President,” shall be omitted.

Amendment of article 92.

8. In article 92 of the Constitution,—

(a) in clause (1), for the word “Vice-President”, the word “Chairman” shall be substituted; and

(b) for clause (2), the following clause shall be substituted, namely:—

“(2) The Chairman shall have the right to speak in, and otherwise take part in the proceedings of, the Council of States while any resolution for his removal from office is under consideration in the council and shall, notwithstanding anything in article 100, be entitled to vote only in the first instance on such resolution or on any other matter during such proceedings, but not in the case of an equality of votes.”.

9. In clause (3), in sub-clause (a) article 112 of the Constitution, for the words "President and other expenditure relating to his office", the words "President and the Vice-President and other expenditure relating to their offices" shall be substituted. Amendment of article 112.

10. In the Second Schedule to the Constitution,—

(a) in the heading of Part A, after the word "President", the word "Vice-President" shall be inserted; Amendment of Second Schedule.

(b) for paragraph 1, the following paragraph shall be substituted, namely:—

"1. There shall be paid to the President, to the Vice-President and to the Governors of the States the following emoluments per mensem, that is to say:—

The President		10,000 rupees
The Vice-President		6,000 rupees
The Governor of a State		5,500 rupees."

STATEMENT OF OBJECTS AND REASONS

The Constitution envisages two important functions for the Vice-President of India. Under article 64, the Vice-President is *ex-officio* Chairman of the Council of States and in that capacity he presides over the meetings of the Rajya Sabha. Under Article 65, he acts as President in the event of occurrence of any vacancy in the office of the President by reason of his death, resignation or removal, or otherwise and discharges the functions of the President when the President is unable to discharge his functions owing to absence, illness or any other cause. The vesting of the two offices of the Chairman of Rajya Sabha and the Vice-President in one person has not been a happy experience. It has not been helpful in maintaining the dignity of the high office of the Vice-President of India. It has also been felt that there is need for the Rajya Sabha to have a wholetime Chairman to preside over its deliberations. It is, therefore, desirable that the two offices of the Vice-President of India and Chairman of the Rajya Sabha should be separate and be held by two different persons. This Amending Bill, therefore, proposes to separate the two offices and provide for a wholetime Presiding Officer for the Rajya Sabha on the lines of the Speaker of the Lok Sabha.

NEW DELHI;

MAHIPATRAY MEHTA

The 23rd July, 1971.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE
CONSTITUTION OF INDIA

[Copy of letter No. 14/3/71-Pub. I, dated the 22nd November, 1971 from Shri F. H. Mohsin, Deputy Minister in the Ministry of Home Affairs to the Secretary, Lok Sabha.]

The President having been informed of the subject matter of the Bill referred to above, recommends the introduction of the Bill in the Lok Sabha under article 117(1) of the Constitution and the consideration of the Bill in the Lok Sabha under article 117(3) of the Constitution.

FINANCIAL MEMORANDUM

The Bill provides for the separation of the two offices of the Vice-President and the Chairman of the Council of States. At present the Vice-President receives his salary and allowances as Chairman of the Council of States. But in case the Bill is enacted, recurring expenditure of about Rs. 2 lacs towards the salaries, allowances and free residences for the Vice-President will be involved from the Consolidated Fund of India (clauses 4 and 10).

A non-recurring expenditure of about Rs. 50,000 is also likely to be involved.

BILL NO. 146 OF 1971

A Bill further to amend the Chartered Accountants Act, 1949.

BE it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the Chartered Accountants (Amendment) Act, 1972.

Amend-
ment of
section 2.

2. In section 2 of the Chartered Accountants Act, 1949, hereinafter ~~28~~ of 1949, referred to as the principal Act, in sub-section (2),—

(a) after clause (iii), the following new clause shall be inserted, namely:—

“(iiiia) engages himself in the practice of law where he has the required law qualifications; or”;

(b) for the existing explanation, the following explanation shall be substituted, namely:—

“Explanation.—A chartered accountant who is a salaried employee of another chartered accountant in practice or a firm of such chartered accountants shall, notwithstanding such employment, be deemed to be in practice.”.

3. In section 5 of the principal Act, in sub-section (3), the words “on payment of the prescribed entrance fee, which shall not exceed rupees two hundred in any case, and” shall be omitted. Amendment of section 5.

4. In section 7 of the principal Act, after the existing proviso, the following provisos shall be added, namely:— Amendment of section 7.

“Provided further that a member may add any other description, designation or letters to his name, if entitled thereto to indicate his membership of the Bar Council or admission as advocate:”;

Provided further that a member may, in particular cases, where he acts as a liquidator, trustee, executor, administrator, arbitrator, receiver or in any other capacity allowed by law, describe himself by the relevant designation for the limited purpose of functioning in that capacity.”.

5. In section 9 of the principal Act, in clause (a) of sub-section (2), for the word “fellows”, the word “members” shall be substituted. Amendment of section 9.

6. In section 13 of principal Act,—

(a) in the proviso to sub-section (3), the words “after consultation with the President of the Council” shall be omitted; Amendment of section 13.

(b) to sub-section (4), the following proviso shall be added, namely:—

“Provided that on the discovery of any defect in the constitution of the Council, the Council shall, before doing any act, rectify the said defect, and if the defect cannot be so rectified, the Council shall be dissolved and be reconstituted according to law by fresh election.”.

7. In section 15 of the principal Act,—

(i) in sub-section (2),—

(a) clause (c) shall be omitted;

(b) in clause (e) of sub-section (2), for the words “the granting or refusal”, the words “the function of granting or refusal” shall be substituted;

(c) in clause (h), for the words “the removal of names”, the words “the function of removal of names” shall be substituted;

(d) in clause (j), for the words “of research in accountancy”, the words “of research in accountancy, law and any other subject concerned with the profession of Chartered Accountants” shall be substituted;

Amendment of section 15.

(e) in clause (k), for the words "relating to accountancy", the words "relating to accountancy, law and any other subject concerned with the profession of Chartered Accountants" shall be substituted;

(f) in clause (l), for the words "conferred by", the words "in accordance with the provisions of" shall be substituted;

(ii) after sub-section (2), the following new sub-section shall be inserted, namely:—

"(3) The Council shall ensure for and among its members an equal opportunity of professional work and equitable distribution of audits of companies and such institutions where the audit by a chartered accountant is compulsorily required by law, and thus promote the development of the profession of Chartered Accountants."

Addition
of new
section
15A.

8. After section 15 of the principal Act, the following new section shall be inserted, namely:—

Members'
right of
free ex-
pression.

"15A. The members of the Institute shall have the right of free expression on the matters connected with the profession, the Council and the Institute, and the disciplinary power of the Council shall not extend or be used to deprive a member of his right, or to prevent him from, or to punish him for exercising his right, or for that reason to deprive him from the membership of the Institute or to prevent him from becoming or continuing as a member."

Insertion
of new
section
17A.

9. After section 17 of the principal Act, the following new section shall be inserted, namely:—

Qualifica-
tions of
the
members
of the
Discip-
linary
Committee.

"17A. (1) Nothing contained in section 17 shall entitle a person to be a member or Chairman or Vice-Chairman of the Disciplinary Committee of the Institute unless he has the minimum qualification in law required for being enrolled as advocate of a High Court.

(2) If the Disciplinary Committee cannot be constituted as provided in sub-section (1) from amongst the members of the Council, the Central Government shall constitute it by nomination from amongst the members of the Institute.

(3) Notwithstanding anything contained in section 9, the members nominated under sub-section (2) shall be deemed to be the member of the Council and shall be in addition to the members nominated under clause (b) of sub-section (2) of section 9."

Amend-
ment of
section 18.

10. In section 18 of the principal Act,—

(a) in sub-section (4), for the words "by the Council", the words "by the Central Government, and the Central Government shall determine the remuneration, if any, to be paid to the auditors" shall be substituted.

(b) after sub-section (4), the following sub-section shall be inserted namely:—

“4(a) The Central Government shall prescribe, the manner of audit, the matters to be examined, the details to be mentioned in the financial statements and the form and nature of audit report and may make regulations for such other matters connected with accounting, audit, and proper allocation and utilisation of the resources and finances of the Institute and the Council as the Central Government may consider necessary.”.

11. In section 30 of the principal Act,—

Amend-
ment of
section 30.

(i) in sub-section (2),—

(a) for clause (g), the following clause and the Explanation shall be substituted, namely:—

“(g) procedure for holding election to the Council and the Regional Councils;

Explanation.—“procedure” does not include the prescription of the eligibility and the qualifications of a voter or a candidate, or the prescription of fee for the election which a candidate may be required to pay;”;

(b) in clause (l), for the words “of research in accountancy”, the words “of research in accountancy, law and any other subject concerned with the profession of Chartered Accountants” shall be substituted; (c) in clause (m), for the words “on accountancy”, the words “on accountancy, law and any other subject concerned with the profession of Chartered Accountants” shall be substituted;

(ii) for sub-section (4), the following sub-section shall be substituted, namely:—

“(4) Notwithstanding anything contained in sub-sections (1) and (2), the Central Government may, at any time by notification in the Official Gazette, make new regulations or amend the existing regulations to provide for the purposes mentioned in this section, and such regulations shall prevail over the regulations made by the Council.”.

12. In the First Schedule to the principal Act, in Part I, in item (7), the following provisos shall be inserted, namely:—

Amend-
ment of
the First
Schedule.

“Provided that a member may add any other description, designation, or letters to his name, if entitled thereto, to indicate his membership of the Bar Council or admission as advocate.”;

“Provided further that a member may, in particular cases, where he acts as a liquidator, trustee, executor, administrator, arbitrator, receiver or in any other capacity allowed by law, describe himself by the relevant designation for the limited purpose of functioning in that capacity.”.

Amend-
ment of
the
Second
Schedule.

13. In the Second Schedule to the principal Act, in Part II,—

(a) in item (ii), for the words “by the Council”, the words “by the Central Government” shall be substituted;

(b) to item (ii), the following proviso shall be added, namely:—

“Provided that the Central Government shall obtain the approval of the Houses of Parliament to such notification within a period of three months from the date of the notification or within thirty days from the date of reassembly of the House or Houses, whichever is later.”.

STATEMENT OF OBJECTS AND REASONS

The present Chartered Accountants Act, 1949 was enacted more than twenty-two years ago. In the light of the experience of its working during this long period, it is necessary that the Act be so amended as to make the Institute of Chartered Accountants more effective, its procedures rational and to plug the loopholes which have stood in the way of its efficient functioning.

The present Bill seeks to achieve that objective.

NEW DELHI;

R. P. ULAGANAMBI.

The 20th October, 1971.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 seeks to amend section 30 of the Chartered Accountants Act, 1949 relating to the delegation of powers to make regulations, *sub-clause (i) (a)* thereof seeks to substitute a new sub-clause and the Explanation for the existing clause (g) of sub-section (2). The substituted clause and the explanation would clarify that the Council has the power to make regulations regarding the procedural matters of elections, and not on the substantive matters. *Sub-clause (ii)* seeks to substitute a new sub-section (4) to restore to the Central Government the power to make regulations at its initiative. The power of the Council to make regulations at its initiative continues as before.

Clause 13, sub-clauses (a) and (b) seek to amend item (ii) of Part II of the Second Schedule to the Act relating to the power of the Council to specify new acts or omissions which shall make a member guilty of professional misconduct. Since the power is of a substantive nature, the proposed amendment seeks to vest the power in the Central Government instead of in the Council. It requires that any notification issued in exercise of that power must be placed before the Houses of Parliament for approval within three months. This requirement is in line with the recommendations of the Committee on Subordinate Legislation.

The aforesaid matters are all matters of procedure and administrative detail which it is not practicable to provide in the Bill itself. The delegation of legislative power is of a normal character.

BILL NO. 3 OF 1972

A Bill further to amend the Factories Act, 1948.

BE it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Factories (Amendment) Act, 1972. Short

(2) It extends to the whole of India except the State of Jammu and Kashmir. extent and commencement.

(3) It shall come into force at once.

63 of 1948. 2. After section 9 of the Factories Act, 1948, the following section shall be inserted, namely:— Insertion of new section 9A.

“9A. An Inspector, appointed under section 8, shall have power to enquire into the cause of any accident and to take suitable remedial and penal measures”. Enquiry by Inspector.

STATEMENT OF OBJECTS AND REASONS

From the experience of the working of the Factories Act, 1948 it has been felt that an Inspector under the Act should have the power to enquire into the causes of an accident in a factory and to take suitable remedial and penal measures in respect thereof. The provisions of the Bill are intended to achieve that object.

NEW DELHI;

S. C. SAMANTA.

The 22nd November, 1971.

BILL NO. 2 OF 1972

A Bill to provide machinery for fixation of wages and for improvement of working conditions of workers in the Film Industry.

BE it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Film Industry Workers Act, 1972. Short title, extent, commencement and application.
 - (2) It extends to the whole of India, except the State of Jammu and Kashmir.
 - (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
 - (4) It shall apply to every establishment employing one or more workers in the Film Industry except the film industry establishments owned and managed by the Government.
2. In this Act, unless the context otherwise requires,— Definitions.
 - (a) "Film Industry" includes production, processing, distribution and exhibition of films;

- (b) "Government" means the Central Government;
- (c) "Worker" means any person employed in any film industry establishment;
- (d) all words and expressions used but not defined in this Act and defined in the Industrial Disputes Act, 1947, shall have the 14 of 1947. meanings respectively assigned to them in that Act.

CHAPTER II

WAGES, RETRENCHMENT, GRATUITY, RECOVERY, ETC.

Act 14 of 1947 to apply to workers.

3. (1) The provisions of the Industrial Disputes Act, 1947, as in force for the time being, shall, subject to the modification specified in subsection (2) apply to, or in relation to, workers as they apply to, or in relation to, workmen within the meaning of that Act.

(2) Section 25F of the aforesaid Act, in its application to workers, shall be construed as if in clause (a) thereof, for period of notice referred to therein in relation to the retrenchment of a workman, the following periods of notice in relation to the retrenchment of a worker had been substituted, namely :—

- (a) three months in case of workers who have been in continuous service for a period of not less than two years, and
- (b) two months in case of other workers.

Special provisions in respect of certain cases of retrenchment.

4. Where at any time between the 14th day of August, 1962, and the 1st day of March, 1964, any worker had been retrenched, he shall be entitled to receive from the employer, in case of retrenchment, the same benefits as are conferred on a worker retrenched under section 3,

Payment of gratuity.

5. Where—

- (a) any worker has been in continuous service whether before or after the commencement of this Act, for not less than two years in any branch of the film industry, and—
 - (i) his services are terminated by the employer in relation to the film industry for any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action; or
 - (ii) he retires from service on reaching the age of superannuation; or
 - (iii) he voluntarily resigns from service;
- (b) any worker dies while he is in service in any film industry, the worker or, in the case of his death, his nominee or nominees or, if there is no nomination in force at the time of the death of the worker, his heirs, as the case may be, shall, without prejudice to any benefits or rights accruing under the Industrial Disputes Act, 1947, be paid, on such termination, 14 of 1947. retirement, resignation or death, by the employer in relation to that establishment gratuity which shall be equivalent to fifteen days' average pay for every completed year of service or any part thereof in excess of six months;

Provided that where a worker is employed in any establishment in film industry wherein more than one workers were employed on any day of the twelve months immediately preceding the commencement of this Act, the gratuity payable to a worker employed in any such film industry for any period of service before such commencement shall be equivalent to—

- (a) three days' average pay for every completed month of service in excess of three months, if the period of such past service does not exceed ten months;
- (b) five days' average pay for every completed month of service in excess of three months, if the period of such past service exceeds one year, but does not exceed two years; and
- (c) Seven days' average pay for every completed month of service in excess of six months, if the period of such service exceeds two years.

6. (1) The Government may, in the manner hereinafter provided—

- (a) fix rates of wages in respect of workers; and
- (b) revise, from time to time, at such intervals as it may think fit, the rates of wages fixed under this section.

Fixation or revision of rates of wages.

(2) The rates of wages may be fixed or revised by the Government in respect of workers for time work and for piece work.

7. For the purpose of fixing or revising rates of wages in respect of workers under this Act, the Government shall, as and when necessary, constitute a Wage Board which shall consist of—

- (a) two persons representing employers in relation to film industry;
- (b) two persons representing workers; and
- (c) three independent persons, one of whom shall be a person who is, or has been, a Judge of a High Court or the Supreme Court and who shall be appointed by the Government as the Chairman thereof.

Constitution of a Wage Board for fixing and revising rates of wages of workers.

Explanation.—The representatives of the workers shall be appointed from amongst the Union or Association of the workers.

8. (1) In making any recommendation to the Government, the Board shall have regard to the cost of living, the prevalent rates of wages for comparable employments, the circumstances relating to the film industry in different regions of the country, and to any other circumstances which to the Board may seem relevant.

Recommendation of Board.

(2) The Board may recommend the rates of wages for time work and for piece-work.

(3) The recommendation of the Board for fixation of rates of wages shall be communicated, as soon as practicable, to the Government.

9. (1) As soon as may be, after the receipt of the recommendation of the Board, the Government shall make an order in terms of the recommendations or subject to such modifications, if any, as it thinks fit, being modifications which, in the opinion of the Government, do not effect important alterations in the character of the recommendations.

Powers of Government to enforce recommendations of the Wage Board.

(2) Every order made by the Government under this section shall be published in the Official Gazette together with the recommendations of the Board relating to the order and the order shall come into operation

on the date of publication or on such date, whether prospectively or retrospectively, as may be specified in the order.

Workers
entitled to
wages at
rates not
less than
those
specified
in the
order.

10. On the coming into operation of an order of the Government under section 9 every worker shall be entitled to be paid by his employer wages at the rate which shall in no case be less than the rate of wages specified in the order.

Workers
Welfare
Fund.

11. (1) With effect from such date as the Government may, by notification in the Official Gazette, appoint in this behalf, there shall be levied and collected a fee for the purposes of this Act on the earnings of workers and employers at such rate, not exceeding one per cent. in the case of workers and two per cent. in the case of employers, as may, from time to time be fixed by the Government.

(2) On the last day of each month or as soon thereafter or at the time of payment, whether in part or in full, of the remuneration of workers, as may be convenient, there shall be paid to the credit of a fund to be known as the Film Industry Workers Welfare Fund (hereinafter referred to as the Fund) the proceeds of the fees after deduction of the expense, if any, for collection and recovery.

Applica-
tion of
Welfare
Fund.

12. (1) The Fund shall be applied by the Government to meet the expenditure incurred in connection with measures which are, in the opinion of the Government necessary or expedient to promote the welfare of or provide relief for workers who have either retired or are unemployed and are in indigent circumstances or to the deserving legal heirs of the workers who might have died while engaged in the production of a feature film in any capacity, or, if unemployed, are in a destitute condition.

(2) Without prejudice to the generality of sub-section (1) the Fund may be utilised to defray—

(i) the cost of measures for the benefit of workers;

(ii) the cost of administering the Fund, the salaries and allowances, if any, of members of the Wage Board constituted under section 7 and salaries and allowances, if any, of officers appointed under section 13;

(iii) any other expenditure which the Government may direct to be defrayed from the Fund.

(3) The Central Government shall have power to decide whether any particular expenditure is or is not debitable to the Fund and its decision shall be final.

Appoint-
ment of
officers to
adminis-
ter the
Fund.

13. (1) The Government may appoint such officers as it thinks necessary to administer the Fund or to supervise or carry out the activities financed from the Fund.

(2) Every officer so appointed shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860.

14. (1) Where any money is due to a worker from an employer, or any money so becomes due from any other person who succeeds to the title of the establishment in the film industry, under any provisions of this Act, whether by way of compensation, gratuity or wages, the workers may, without prejudice to any other mode of recovery, make an application to the State Government for the recovery of the money due to him, and if the State Government or such authority as the State Government may specify in this behalf is satisfied that any money is so due, it shall issue a certificate for that amount to the Collector who shall proceed to recover that amount in the same manner as an arrear of land revenue.

Recovery of money due from an employer.

14 of 1947. (2) If any question arises as to the amount due under this Act to a worker from his employer, the State Government may, on its own motion or upon application made to it, refer the question to any Labour Court constituted by it under the Industrial Disputes Act, 1947 or under any corresponding law relating to investigation and settlement of industrial disputes in force in the State and the said Act or law shall have effect in relation to the Labour Court for adjudication under that Act or law.

(3) The decision of the Labour Court shall be forwarded by it to the State Government which made the reference and any amount found due by the Labour Court may be recovered in the manner provided in sub-section (1).

15. (1) No worker shall be required or allowed to work in any film industry for more than one hundred and sixty-eight hours during any period of four consecutive weeks, exclusive of the time for meals and leisure.

Hours of work.

(2) Every worker shall be allowed during a period of seven consecutive days, a rest for a period of not less than twenty-four consecutive hours.

Explanation.—For the purpose of this section, 'week' means a period of seven days beginning at midnight on Saturday.

16. (1) Where work is required to be carried on for a period exceeding eight hours, workers will be employed in shifts.

Employment in shifts.

(2) Workers will not ordinarily be employed in two consecutive shifts in a day though by previous permission obtained from the appropriate Government, they may be so employed provided that the worker is paid overtime at the rate of three times the wage rates, specified in the order under section 9.

17. Every worker who has put in a service of six months shall be entitled every year to leave as follows:—

Eligibility of leave.

Casual Leave—21 days.

Sick Leave—21 days.

Earned Leave—1/11th of the period spent on duty.

CHAPTER III

WELFARE AND HEALTH

18. (1) In every place where film production work is carried on, the employer shall be liable to provide for meals, refreshment, etc. at facilities, the proper time.

(1) In every film industry wherein twenty-five workers or more are employed, the employer shall provide for a canteen, which shall be subject to the same rules and regulations as are applicable to restaurants, hotels and such other recreation centres under Factories Act, 1948. 63 of 1948.

Rest Rooms. 19. Rest rooms shall be provided and maintained by the employer so as to be readily accessible to workers during all working hours, in particular for workers who are required to work on night shift.

First-aid facilities. 20. There shall be provided and maintained by the employer so as to be readily accessible to workers during all working hours, a first-aid Box equipped with the prescribed contents in every film industry or every such place where it undertakes film production.

CHAPTER IV

APPLICATION OF CERTAIN ACTS TO FILM INDUSTRY WORKERS

Act 20 of 1946 to apply to film industry establishments. 21. The provisions of the Industrial Employment (Standing Orders) Act, 1946, as in force for the time being, shall apply to every film industry establishment as if such film industry establishment were an industrial establishment to which the aforesaid Act has been applied by a notification under sub-section (3) of section 1 thereof, and as if a film industry employee were a workman within the meaning of that Act. 20 of 1946.

Act 19 of 1952 to apply to film industry establishments. 22. The Employees' Provident Funds Act, 1952 as in force for the time being, shall apply to every film industry establishment as if such film industry establishment were a factory to which the aforesaid Act had been applied by a notification of the Central Government under sub-section (3) of section 1 thereof, and as if a film industry employee were an employee within the meaning of that Act.

Employer's liability for compensation. 23. (1) If personal injury is caused to a worker by accident arising out of and in the course of his employment, his employer shall be liable to pay compensation in accordance with the provisions of Chapter II of the Workmen's Compensation Act, 1923. 8 of 1923.

(2) The payment of compensation in respect of a worker whose injury has resulted in death, shall be made to his or her heirs.

CHAPTER V

MISCELLANEOUS

Effect of laws and agreements inconsistent with this rules. 24. (1) The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law or in the terms of any award, agreement or contract of service, whether made before or after the commencement of this Act:

Provided that where under any such award, agreement, contract of service or otherwise, a worker is entitled to benefits in respect of any matter which are more favourable to him than those to which he would be entitled under this Act, the worker shall continue to be entitled to the more favourable benefits in respect of that matter, notwithstanding that he receives benefits in respect of other matters under this Act.

(2) Nothing contained in this Act shall be construed to preclude any worker from entering into an agreement with an employer for granting him rights or privileges in respect of any matter which are more favourable to him than those to which he would be entitled under this Act.

25. Every employer in relation to a film industry establishment shall prepare and maintain such registers, records and muster-rolls and in such manner as may be prescribed.

Maintenance of registers, records and muster-rolls.

26. (1) The State Government may, by notification in the Official Gazette, appoint such persons as it thinks fit to be Inspectors for the purposes of this Act and may define the local limits within which they shall exercise their functions.

Appointment of Inspectors.

45 of 1860. (2) Every Inspector shall be deemed to be a public servant within the meaning of the Indian Penal Code, 1860.

Any Inspector appointed under sub-section (1) may—

(a) enter any film industry establishment or any premises connected therewith;

(b) require any authority or person to produce any register, muster-roll or other documents relating to the employment of workers and examine such document;

(c) take on the spot or otherwise the evidence of any person for the purpose of ascertaining whether the provisions of this Act, or any other Act which is applicable to the film industry are complied with notwithstanding any other authority who may be empowered with the same powers or any part thereof.

27. (1) If any employer contravenes the provisions of this Act or any other law for the time being in force governing the film industry, he shall be punishable with fine which may extend to one thousand rupees notwithstanding any other punishment to which he may be liable for the contravention of any other law for the time being in force.

Penalty

(2) No Court shall take cognisance of an offence under this section unless the complaint thereof is made within two months of the date on which the offence is alleged to have been committed.

28. No suit, prosecution or other legal proceeding shall lie against the Chairman or any other member of the Wage Board or an Inspector appointed under this Act for anything which is in good faith done or intended to be done in the course of his duties.

Indemnity

29. (1) The Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

Power to make rules.

(2) Every rule made by the Government under this section shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the successive sessions aforesaid, both Houses agree in making any modification in the rule, or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Most of the workers in the film industry are employed through middleman. The method of recruitment of workers is beset with several evils. Favouritism and nepotism are rampant and the workers are exploited in a variety of ways.

As rates of wages paid to workers are not laid down, there is keen competition. The workers are exploited by suppliers. There is insecurity of work. Under-employment, unemployment and low wages are perpetual.

The working hours for workers in the industry are abnormal, irregular and strenuous. Minimum amenities such as leave, shift system, rest rooms, canteens and first-aid are not provided.

The Bill seeks to provide a machinery for fixation of wages and for improvement of working conditions of workers in the film industry.

S. C. SAMANTA.

NEW DELHI;
The 22nd November, 1971.

FINANCIAL MEMORANDUM

Clause 3 of the Bill applies the provisions of the Industrial Disputes Act, 1947, to workers in the film industry with certain modifications. Under that Act, Industrial Tribunals have to be appointed to decide disputes arising in the film industry. These tribunals, in some cases, would have to be appointed by the Central Government. This clause would, therefore, involve some expenditure. No exact idea is possible at this stage as to the amount of recurring and non-recurring expenditure that may be required. But to start with, a recurring grant of rupees twenty-five thousand would appear to be necessary.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 29 of the Bill empowers the Central Government to make rules to carry out the purposes of the Bill when enacted. The matters in respect of which rules may be made relate to appointment of Wage Boards, administration of welfare fund etc. The delegation of legislative power is of a normal character.

BILL NO. 4 OF 1972

A Bill further to amend the Indian Post Office Act, 1898.

BE it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Indian Post Office (Amendment) Act, 1972.

(2) It shall come into force at once.

6 of 1898.

2. In section 68 of the Indian Post Office Act, 1898 (hereinafter referred to as the principal Act), for the words "or when required by an officer of the Post Office, neglects or refuses to deliver up" the words "or does not return to Post Office" shall be substituted.

3. In section 69 of the principal Act, for the words "wilfully and maliciously", the word "knowingly" shall be substituted.

Short
title
and
com-
mence-
ment.
Amend-
ment of
section
68.

Amend-
ment of
section
69.

STATEMENT OF OBJECTS AND REASONS

Under the present Act no effective and quick action can be taken against a person who knowingly receives or opens any letter or postal article which ought to have been delivered to any other person.

The Bill seeks to make the provisions of the present Act more effective so that quick and immediate action may be taken against offenders under this Act.

NEW DELHI;
The 22nd November, 1971.

S. C. SAMANTA.

BILL NO. 6 OF 1972

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1972.

Short
title and
com-
mence-
ment.

(2) It shall come into force at once.

2. In article 59 of the Constitution, after clause (2), the following clause shall be inserted, namely:—

Amend-
ment of
article
59.

“(2A) The President shall not, during his term of office, be a member of any political party, and shall not engage in any partisan political activity.”

3. In article 66 of the Constitution, after clause (2), the following clause shall be inserted, namely:—

Amend-
ment
of article
66.

“(2A) The Vice-President shall not, during his term of office, be a member of any political party, and shall not engage in any partisan political activity.”

Insertion
of new
article
93A.

4. After article 93 of the Constitution, the following new article shall be inserted, namely:—

Speaker
and
Deputy
Speaker
not to
be a
member
of any
political
party.

"93A. The Speaker or the Deputy Speaker, as the case may be, shall not, during his term of office, be a member of any political party, and shall not engage in any partisan political activity."

Amend-
ment
of article
158.

5. In article 158 of the Constitution, after clause (2), the following clause shall be inserted, namely:—

"(2A) The Governor shall not, during his term of office, be a member of any political party, and shall not engage in any partisan political activity."

Insertion
of new
article
178A.

6. After article 178 of the Constitution, the following new article shall be inserted, namely:—

Speaker
and
Deputy
Speaker
not to
be a
member
of any
political
party.

"178A. The Speaker or the Deputy Speaker, as the case may be, shall not, during his term of office, be a member of any political party, and shall not engage in any partisan political activity."

Insertion
of new
article
182A.

7. After article 182 of the Constitution, the following new article shall be inserted, namely:—

Chairman
and
Deputy
Chairman
not to
be a
member
of any
political
party.

"182A. The Chairman or the Deputy Chairman, as the case may be, shall not, during his term of office, be a member of any political party, and shall not engage in any partisan political activity."

STATEMENT OF OBJECTS AND REASONS

In consonance with the highest traditions of the best Parliaments of the world, it is essential that the incumbents of certain high offices under the Constitution should be free from the trammels and constraints that arise from membership of a political party. Else, they will not be above suspicion, and to that extent will be hampered in the proper and efficient discharge of their duties.

Certain recent events have been somewhat disquieting and have highlighted the dangerous anomaly of Constitutional dignitaries adopting a partisan attitude, thereby injuring the fabric of parliamentary democracy.

It is necessary, therefore, to impose certain Constitutional restrictions on the conduct of high dignitaries mentioned above.

The Bill seeks to achieve this object.

NEW DELHI;

S. C. SAMANTA.

The 22nd November, 1971.

BILL NO. 5 OF 1972

A Bill further to amend the Indian Penal Code.

Be it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the Indian Penal Code (Amendment) Act, 1972.

Substi-
tution
of section
153 A.

2. In the Indian Penal Code, 1860 for the existing section 153A, the 45 of 1860, following section shall be substituted, namely:—

“153A. Whoever—

Promot-
ing
enmity
between
different
groups
on
grounds
of reli-
gion, race,
language,
etc. and
doing
acts pre-
judicial
to main-
tenance
of har-
mony.

(a) by words, either spoken or written, or by signs or by visible representations or otherwise promotes or attempts to promote, on grounds of place of birth, religion, race, language, caste or community or any other ground whatsoever, feelings of enmity or hatred between different religious, racial or language groups or castes or community or;

(b) engages or participates in any exercise, movement, drill or other similar activity with an intention to imparting instruction which impugns or questions or attempts to negate or deny the right of any citizen or group of citizens to possess, exercise or enjoy the rights of Indian citizenship on grounds of religion etc. [as referred to in (a) above] and thus creates conditions prejudicial to public tranquillity;

(c) advocates the use of violence against any such group, caste or community as is referred to in clause (a) above, or

(d) commits any act which is prejudicial to the maintenance of harmony between different religious, racial or language groups or castes or communities and which disturbs or is likely to disturb the public tranquillity.

shall be punished with imprisonment which may extend to three years or with fine or with both."

STATEMENT OF OBJECTS AND REASONS

The provisions in the Indian Penal Code dealing with the activities which are likely to cause communal hatred and are likely to disturb peace are not sufficiently comprehensive and precise. They are also not applicable to organisations which indulge in such communal activities. There exist certain forums in the country whose activities have been causing apprehension in certain sections of the society. The existing penal provisions in the Criminal Law can be used effectively only against individuals, but they do not bring under their purview certain organised bodies whose sole object is to create an order in the country which has for its base purely communal and racial considerations. These organisations cannot be allowed to exist in view of our solemnly declared philosophy of secular democracy. The Criminal Law have to be suitably amended to bring within the purview of the law such associations and organisations.

∴ Hence this Bill.

NEW DELHI;

The 30th November, 1971.

SUBHADRA JOSHI.

S. L. SHAKDHER,
Secretary.