

CINE WORKERS WELFARE FUND ACT, 1981

33 of 1981

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Welfare measures to meet the needs of indigent cine-artistes are not available. Cine-artistes, like artistes in other performing arts, wither owing to changes in styles and trends and due to ageing. There are cases where artistes who have won great fame and recognition for their creative talents have fallen into utter poverty and distress. In order to provide assistance in cases of extreme hardship and for talcing up related welfare measurers for the persons employed in the film industry, it is proposed to establish a Cine-workers Welfare Fund. The duty of excise levied on feature films under the provisions of the Cine-workers Welfare Cess Bill, 1981, after deducting the cost of collection, would be credited to the proposed Fund. Provision has also been made in the Bill for the making of grants to the Fund by the Central Government and for the receipt of donations to the Fund. 2. The Fund is intended to provide assistance to cine-workers in need and to take up welfare schemes for the benefit of such workers. The purposes for which money from the Fund can be spent, have been mentioned in clause

4 of the Bill, It is proposed to administer the Fund in consultation with Advisory Committees which will be set up in the principal film production centres. Power is being taken by the Central Government to set up a Central Advisory Committee to co-ordinate the activities of the State Advisory Committees to ensure their effective functioning. 3. The Bill is intended to achieve the above objects,- Gaz. of Ind., 8-5-1981, Pt. II, S. 2, Ext., p. 393. Act 26 of 1987.- The Cine-workers Welfare Fund Act, 1981 is applicable to cine-workers as defined under the Act whose remuneration with respect to the type of employment referred to in the Act does not exceed, where such remuneration is by way of monthly wages, a sum of one thousand rupees per month, and where such remuneration is by way of lump sum, a sum of five thousand rupees. However, the ceiling on monthly wages under the Cine-workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981 as well as under the welfare schemes framed under other Welfare Fund Acts is one thousand and six hundred rupees per month. It is, therefore, proposed to amend the Cine-workers Welfare Fund Act suitably to bring about uniformity to the extent possible in this respect. The purposes for which the Welfare Fund formed under the Act can be applied by the Central Government have been specified in section 4 of the Act. In view of the importance and urgency accorded by Government to family welfare and family planning programmes, it is proposed to specifically provide that the Fund can also be applied for family welfare schemes including family planning, education and services. 3. According to the existing provisions in the Act, the Central Advisory Committee constituted under the Act consists of eleven members. In all the other Central Advisory Committees established under various Acts the principle of tripartism has been recognised and equal number of representatives of Government, employer and employees have been included in such Advisory Committees, With a view to bringing the provisions of the Cine-workers. Welfare Fund Act, 1981 in conformity with the said principle, the ceiling of eleven members provided in sub-section (2) of section 6 is sought to be suitably amended. 4. The Bill seeks to achieve the above objects.- Gaz. of Ind., 27-2-1987, Pt. II, S. 2, Ext., p. 2 (No. 1)

1. Short title, extent and commencement :-

(1) This Act may be called THE CINE-WORKERSWELFARE FUND ACT, 1981.

(2) It extends to the whole of India.

(3) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint.

1. 1-11-1984- Gaz. of Ind., 12-10-1984, Pt. II, S. 3(i), Ext., p. 1 (No. 405).

2. Definitions :-

In this Act, unless the context otherwise requires,-

(a) "cinematograph film" has the same meaning as in Cinematograph Act, 1952 ;

(b) "Cine-worker" means an individual-

(i) who has been employed, directly or through any contractor or in any other manner, in or in connection with the production of not less than five feature films to work as an artiste (including actor, musician or dancer) or to do any work, skilled, unskilled, manual, supervisory, technical, artistic or otherwise; and

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(ii) whose remuneration with respect to such employment in or in connection with the production of each of any five feature films, not being less than the monthly remuneration or lump sum remuneration stipulated prior to the commencement of the Cine-workers Welfare Fund (Amendment) Act, 2001, does not exceed such sum. whether monthly or by way of lump sum or instalments, as may be specified by the Central Government by notification in the Official Gazette."

(c) "feature film" means a full length cinematograph film produced wholly or partly in India with a format and a story woven around a number of characters where the plot is revealed mainly through dialogues and not wholly through narration, animation or cartoon depletion and does not include an advertisement film;

(d) "Fund" means the Cine-workers Fund formed under section 3 ;

(e) "prescribed" means prescribed by rules made under this Act;

(f) "producer", in relation to a feature film means the person by whom arrangements necessary for the making of such film (including the raising of finance and engaging cine-workers for such film-making) are undertaken.

1. In Section 2, clause (b), sub-clause (ii), shall be substituted, by Cine-workers Welfare Fund (Amendment) Act, 2001. (56 of 2001), Received the assent of the President on December 13, 2001 and published in the Gazette of India. Extra.. Part II. Section 1.

3. Cine-workers Welfare Fund :-

There shall be formed a Fund to be called the Cine-workers Welfare Fund, and there shall be credited thereto-

(a) such amounts as the Central Government may, after due appropriation made by Parliament by law in this behalf, provide from out of the proceeds of the duty of excise credited under S.5 of the Cine-workers Welfare Cess Act, 1981, after deducting therefrom the cost of collection as determined by the Central Government under this Act;

(b) any grants made to the Fund by the Central Government;

(c) any money received as donations for the purposes of this Act;

(d) any income from investment of the amounts in the Fund.

4. Application of Fund :-

(1) The Fund shall be applied by the Central Government to meet the expenditure incurred in connection with measures and facilities which, in the opinion of that Government are necessary or expedient to promote the welfare of cine-workers; and, in particular,-

(a) to defray the cost of such welfare measures or facilities for the benefit of cine-workers as may be decided by the Central Government;

(b) to provide assistance in the form of grants or loans to indigent cine-workers.

(c) to sanction any money in aid of any scheme for the welfare of cine-workers ¹ [, including family welfare, family planning, education and services] which is approved by the Central Government;

(d) to meet the allowances, if any, of the members of the Advisory Committees and the Central Advisory. Committees constituted under section 5 and Section 6 respectively and the salaries and allowances, if any, of persons appointed under section 8 ;

(e) any other expenditure which the Central Government may

direct to be defrayed from the Fund.

(2) 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.

1. Inserted by the Cine-workers Welfare Fund (Amendment) Act (26 of 1987), S. 3 (10-8-1988).

5. Advisory Committees :-

(1) The Central Government may constitute as many Advisory Committees as it thinks fit to advise the Central Government on such matters arising out of the administration of this Act as may be referred to it by that Government, including matters relating to the application of the Fund.

(2) Each Advisory Committee shall consist of such number of persons as may be appointed to it by the Central Government and the members shall be chosen in such manner as may be prescribed: Provided that each Advisory Committee shall include an equal number of members representing the Government, the cine-workers and the producers.

(3) The Chairman of each Advisory Committee shall be appointed by the Central Government.

(4) The Central Government shall publish in the Official Gazette the names of the members of every Advisory Committee.

6. Central Advisory Committees :-

(1) The Central Government may constitute a Central Advisory Committee to co-ordinate the work of the Advisory Committees constituted under section 5 and to advise the Central Government on any matter arising out of the administration of this Act.

(2) The Central Advisory Committee shall consist of ¹ [such number of members as may be appointed] by the Central Government and the members shall be chosen in such manner as may be prescribed: Provided that the Central Advisory Committee shall include at least three members representing the Government, the cine-workers and the producers.

(3) The Chairman of the Central Advisory Committee shall be appointed by the Central Government.

(4) The Central Government shall publish in the Official Gazette the

names of the members of the Central Advisory Committee.

1. Substituted for the words "eleven members appointed" by the Cine-workers Welfare Fund (Amendment) Act (26 of 1987), S. 4 (10-8-1988).

7. Power to co-opt., etc :-

(1) An Advisory Committee or the Central Advisory Committee may, at any time and for such period as it thinks fit, co-opt any person or persons to the Advisory Committee.

(2) A person co-opted under sub-section (1) shall exercise all the powers and functions of a member under this Act but shall not be entitled to vote.

(3) An Advisory Committee or the Central Advisory Committee may, if it considers it necessary or expedient so to do, invite any person to attend its meeting and when such person attends any meeting, he shall not be entitled to vote thereat.

8. Appointment of Welfare Commissioners etc., and their powers :-

(1) The Central Government may appoint as many Welfare Commissioners, Welfare Administrator, Inspectors and such other officers and staff as it thinks necessary for the purposes of this Act and Cine-workers Welfare Cess Act, 1981.

(2) The Central Government may, by general or special order, direct a Welfare Commissioner to appoint such staff as is considered necessary for the purposes of this Act and Cine-workers Welfare Cess Act, 1981.

(3) Every person appointed under this section shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code, 1860 .

(4) Any Welfare Commissioner may,-

(a) with such assistance, if any, as he may think fit, enter, at any reasonable time, any place which he considers it necessary to enter for carrying out the purposes of this Act and Cine-workers Welfare Cess Act, 1981.

(b) do within such place anything necessary for the proper discharge of his duties; and

(c) exercise such other powers as may be prescribed,

9. Annual report of activities financed under this Act :-

The Central Government shall, as soon as may be, after the end of each financial year, cause to be published in the Official Gazette, a report giving an account of the activities financed under this Act during the financial year, together with a statement of accounts.

10. Power to call for Information :-

The Central Government may require a producer to furnish, for the purposes of this Act, such satisfied and other information in such form and within such period as may be prescribed.

11. Power to make rules :-

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(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for-

(a) the manner in which the Fund may be applied for the measurers and facilities specified in sub-section (1) of section 4 ;

(b) the conditions governing the grant of any loan under clause (b) of sub-section (1) of section 4 ;

(c) the composition of the Advisory Committees and the Central Advisory Committee constituted under section 5 and Section 6 respectively, the manner in which the members thereof shall be chosen, the term of office of such members, the allowances, if any, payable to them, and the manner in which the Advisory Committees and the Central Advisory Committee shall conduct their business,

(d) the recruitment, conditions of service and the duties of all persons appointed under section 8 ;

(e) the powers that may be exercised by a Welfare Commissioner, a Welfare Administrator and an Inspector appointed under section 8 ;

(f) the furnishing to the Central Government by a producer of such statistical and other information as may be required to be furnished under section 10 ,

(g) the form in which and the period within which the statistical

and other information are to be furnished under clause (f),

(h) any other manner which has to be, or may be, prescribed by rules under this Act.

(3) In making any rule under clause (f) or clause (g) of sub-section (2), the Central Government may direct that a breach thereof shall be punishable with fine which may extend to two thousand rupees,

(4) Every rule made 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 immediately following the session or the successive session aforesaid, both Houses agree in making any modification in the rules 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.

1. For the Cine-Workers Welfare Fund Rules, 1984- See Gaz. of Ind., 12-8-1984, Pt. II, S.3(i), Ext., p. 18 (No. 405).