

**CINE-WORKERS AND CINEMA-THEATRE WORKERS  
(REGULATION OF EMPLOYMENT) RULES, 1984.**

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**CINE-WORKERS AND CINEMA-THEATRE WORKERS  
(REGULATION OF EMPLOYMENT) RULES, 1984.**

G.S.R. 677 (E), dated 21st September, 1984 1.-In exercise of the powers conferred by Section 23 read with Section 3 of the Cine-Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981 (50 of 1981), the Central Government thereby makes the following rules, namely :

#### CHAPTER 1

##### Preliminary

### **1. Short title and Commencement :-**

(1) These rules may be called the Cine-Workers and Cinema Theatre Workers (Regulation of Employment) Rules, 1984.

(2) They shall come into force on 1st day of October, 1984.

### **2. Definitions :-**

In these rules, unless the context otherwise requires,-

(1) "Act" means the Cine-Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981 (50 of 1981);

(2) "Tribunal" means a cine-workers Tribunal constituted under Section 7 of the Act;

(3) "Form "means a Form appended to these rules;

(4) "section" means a section of the Act ;

(5) "leave" means earned leave, medical leave, casual leave, maternity leave;

(6) "leave not due" means leave which is not due to the cine-worker but which may be granted to him in anticipation of it being earned subsequently ;

(7) "quarantine leave" means leave of absence from duty by reason of the presence of an infectious disease in the family or household of a cine-worker;

(8) "study leave" means leave granted to a cine-worker to enable him to undergo any special course of training which may be of use to him in his career.

#### CHAPTER 2

##### CH-2

### **3. Form of agreement under Sec. 3 :-**

Agreement as envisaged in Section 3 of the Act shall be as in Form "A".

### CHAPTER 3

Procedure for reference of disputes to a Conciliation Officer of a Tribunal

#### **4. Applications :-**

An application under Section 4 or Section 7 for the reference of a dispute to a conciliation officer of a Tribunal shall be made in Form "B" and shall be delivered personally or forwarded by registered post to the Secretary to the Government of India in the Ministry of Information and Broadcasting in triplicate. The application shall be accompanied by a statement setting forth the following information:

- (a) name of the parties to the dispute ;
- (b) the specific matters in dispute ;
- (c) the total number of cine-workers employed in the establishment affected ;
- (d) an estimate of the number of cine-workers affected or likely to be affected by the dispute; and
- (e) the efforts made by the parties themselves to adjust the dispute.

#### **5. Attestation of application :-**

The application and the statement accompanying it shall be signed :

- (a) in case of a producer, by the producer himself;
- (b) in the case of cine-workers, either by the President and Secretary of a trade union of the cine-workers or by five representatives of the cine-workers duly authorised in this behalf at a meeting of the cine-workers held for the purpose;
- (c) in the case of an individual cine-worker, by the cine-worker himself or by any officer of the trade union of which he is a member or by another cine-worker in the same establishment duly authorised by him in this behalf provided that such cine-worker is not a member of a different trade union.

### CHAPTER 4

Powers, Procedures and Duties of the Conciliation Officer and the Tribunals

#### **6. Conciliation Officer :-**

- (1) The Conciliation Officer on receipt of notice of the strike or lock-

out, shall forthwith arrange to interview both the producer and the cine- workers concerned with the dispute at such place and time as he may deem fit and shall endeavour to bring about a settlement of the dispute in question.

(2) Where the Conciliation Officer receives any information about an existing or apprehended dispute and he considers it necessary to intervene in the dispute, he shall give formal information in writing to the parties concerned declaring his intention to commence conciliation proceedings with effect from such date as may be specified therein.

**7. Parties to submit statement :-**

The producers or the party representing cine-workers or in the case of the individual cine-worker, the cine-worker himself involved in a dispute, shall forward a statement setting forthwith the specific matter in the dispute to the Conciliation Officer concerned, whenever his intervention in the dispute is required.

**8. 8 :-**

The Conciliation Officer for resolving the dispute may hold a meeting of the representatives of both parties jointly or of each party separately.

**9. 9 :-**

The Conciliation Officer shall conduct proceeding expeditiously, and in such manner as he may deem fit.

**10. Proceeding before the Tribunal :-**

(1) Where the Central Government refers any dispute for adjudication to a Tribunal within two weeks of the date of receipt of the order of reference, the party representing workmen or in the case of individual workman, the workman himself and the producer involved in the dispute shall file with the Tribunal a statement of demands relating to the issues as are included in the order of reference and shall also forward a copy of such statement to each one of the opposite parties involved in the said dispute : Provided that where the Tribunal considers it necessary it may-

(a) extend the time limit for filing of such statement;

(b) reduce the time limit for filing of such statement to one week in emergent cases for reasons to be recorded in writing;

(c) where both the parties agree, reduce the time limit for filing of

such statement as per agreement;

(d) where both the parties agree, dispense with the requirement of filing such statement altogether,

(e) allow at any stage of the proceeding, amendments to such statement to the extent as may be necessary for the purpose of determining the real issues included in the order of reference.

(2) Within two weeks of the receipt of the statement under sub-rule (1), the opposite party shall file its rejoinder with the Tribunal and simultaneously forward a copy thereof to the other party : Provided that such rejoinder shall relate only to such of the issues as are included in the order of reference: Provided further that where the Tribunal considers it necessary it may-

(a) extend the time limit for filing of such rejoinder;

(b) reduce the time limit for filing of such rejoinder to one week in emergent cases for reasons to be recorded in writing;

(c) where both the parties agree, reduce the time limit for filing of such rejoinder as per agreement;

(d) where both the parties agree, dispense with the requirement of filing such rejoinder altogether;

(e) allow at any stage of the proceedings amendments to such rejoinder to the extent as may be necessary for the purpose of determining the real issues included in the order of reference.

(3) The Tribunal shall ordinarily fix the date for the first hearing of the dispute within 6 weeks of the date on which it was referred for adjudication : Provided that the Tribunal may, for reasons to be recorded in writing, fix a later date for the first hearing of the dispute.

(4) The hearing shall ordinarily be continued from day to day and arguments shall follow immediately after the closing of evidence.

(5) the Tribunal shall ordinarily not grant any adjournment for a period exceeding a week at a time, not more than three adjournments in all at the instance of any one of the parties to the dispute : Provided that the Tribunal for reasons to be recorded in writing grant an adjournment exceeding a week or more than 3 adjournments at the instance of any one of the parties to the dispute: Provided further that the producer should deposit the

disputed amount with the Tribunal pending finalisation of the dispute.

(6) The Tribunal shall make a memorandum of the substance of evidence each witness: Provided that the Tribunal may follow the procedure laid down in rule 5 of Order 18 of the First Schedule to Code of Civil Procedure, 1908 , if it considers necessary so to do in view of the nature of the particular dispute pending before it.

**11. Place and time of hearing :-**

Subject to the provisions contained in rules 6 and 7, the sitting of the Conciliation Officer and the Tribunal shall be held at such times and places as the presiding officer may fix and Conciliation Officer or the presiding officer as the case may be, shall inform the parties of the same in such manner as he thinks fit.

**12. Evidence :-**

The Tribunal may accept, admit or call for evidence at any stage of the proceedings before it and in such manner as it may think fit.

**13. 13 :-**

A Tribunal may grant to any part to any proceedings before it, such interim or other reliefs (whether subject to any conditions or not), including stay of any order, issue of any injunction or direction in regard to payment of wages or other amounts payable under the agreement referred to in Section 3 , setting aside any unilateral termination of contract or the dismissal of a worker or reinstating a worker, as it deems just and proper in the circumstances of the case : Provided that the Tribunal shall not grant any such interim relief unless all the parties to the proceeding have been served with a notice on the application for such interim relief and have been given a reasonable opportunity of being heard: Provided further that the Tribunal may, having regard to the nature of the interim relief sought and the circumstances of the case, pass appropriate orders granting such interim relief as it deems just and proper in the circumstances of the case before the notice referred to in the preceding proviso is served on the parties to the proceeding: Provided also that where the Tribunal makes any order under the proviso immediately preceding, it shall record the reasons for making the order before complying with the requirements specified in the first proviso.

**14. The summons :-**

The summons issued by a Tribunal shall be in Form "C" and may

require any person to produce before it any books, papers or other documents and things in the possession of or under the control of such person in any way relating to the matter under investigation or adjudication by the Tribunal which the Tribunal thinks necessary for the purpose of such investigation or adjudication.

**15. Service of summons or notice :-**

Subject to the provision contained in rule 18, any notice, summons process or order issued by a Tribunal shall be served either personally or by post, in the event of refusal by the party concerned to accept the said notice, summons, process or order, the same shall be sent by registered post.

**16. Description of parties in certain cases :-**

Where in any proceeding before a Tribunal, there are numerous persons arrayed on any side such persons shall be described as follows:

(1) all such persons as are members of any trade union or association shall be described by the name of such trade union or association; and

(2) all such persons as are not members of any trade union or association shall be described in such manner as the Tribunal may determine.

**17. Manner of service in the case of numerous persons as parties to dispute :-**

(1) Where there are numerous persons as parties to any proceedings before a Tribunal and such persons are members of any trade union or association, the service of notice on the secretary or where there is no secretary, on the principal officer of the trade union or association shall be deemed to be service on such persons.

(2) Where there are numerous persons as parties to any proceedings before a Tribunal and such persons are not members of any trade union or association the Tribunal shall, where personal service is not practicable, cause the service of any notice to be made by affixing the same at or near the main entrance of the establishment concerned.

(3) A notice served in the manner specified in sub-rule (2) shall also be considered as sufficient service in the case of such workman

who cannot be ascertained and found.

**18. Procedure at the first sitting :-**

At the first sitting of a Tribunal, the presiding officer shall call upon the parties in such order as he may think fit to state their case.

**19. Tribunal may proceed ex-parte :-**

If without sufficient cause being shown, any party to proceedings before a Tribunal fails to attend or to be represented, the Tribunal may proceed as if the party had duly attended or had been represented.

**20. 20 :-**

A Conciliation Officer or a Tribunal may enter in any premises in occupation of the party to the dispute after giving a reasonable notice to the party concerned for the purpose of making enquiries under this Act

**21. Power of Tribunals :-**

Every Tribunal shall have the same powers as are vested in a Civil Court under Code of Civil Procedure, 1908 , when trying a suit, in respect of the following matters namely :

- (a) enforcing the attendance of any person and examining him on oath;
- (b) compelling the production of documents and material objects;
- (c) issuing commissions for the examination of witnesses;
- (d) discovery and inspection;
- (e) power of order-any point to be proved by affidavit.

**22. Appointment of assessors :-**

For any proceeding before the Tribunal, the assessors may be appointed under sub-section (4) of Section 7 of the Act, to advise the Tribunal.

**23. 23 :-**

The Tribunal shall have power to award damages in and the cost of and incidental to any proceeding before it.