

THE CINE- WORKERS WELFARE FUND ACT, 1981

ACT NO. 33 OF 1981 [17th September, 1981.]

An Act to provide for the financing of activities to promote the welfare of certain cine- workers.

BE it enacted by Parliament in the Thirty- second Year of the Republic of India as follows:--

1. Short title, extent and commencement.-

(1) This Act may be called the Cine- workers Welfare Fund Act, 1981.

(2) It extends to the whole of India.

(3) It shall come into force on such date 1[as the Central Government may, by notification in the Official Gazette, appoint.

2. Definition.- In this Act, unless the context otherwise requires,--

(a) " cinematograph film" has the same meaning as in the Cinematograph Act, 1952 (37 of 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

(ii) whose remuneration with respect to such employment in or in connection with the production of each of any five feature films, has not exceeded, where such remuneration has been by way of monthly wages, a sum of 2[one thousand and six hundred rupees] per month, and where such remuneration has been by way of a lump sum, a sum of 2[eight thousand rupees];

(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 depiction and does not include an advertisement film;

1. 1- 11- 1984: Vide Notification No. G. S. R. 721 (E). dt. 12- 10- 1984. 2. Subs. by Act 26 of 1987, s. 2 (w. e. f. 10- 8- 1988)

(d) " Fund" means the Cine- workers Welfare 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.

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 section 5 of the Cine- workers Welfare Cess Act, 1981 (30 of 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 the 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 Committee constituted under sections 5 and 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.
1. Ins. by Act 26 of 1987, s. 3 (w. e. f. 10. 8. 1988).

(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.

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 Committee.-

(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.

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.

1. Subs. by Act 26 of 1987, s. 4 (w. e. f. 10. 8. 1988).

(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 Administrators, Inspectors and such other officers and staff as it thinks necessary for the purposes of this Act and the Cine- workers Welfare Cess Act, 1981 (30 of 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 the Cine- workers Welfare Cess Act, 1981 (30 of 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 (45 of 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 the Cine- workers Welfare Cess Act, 1981 (30 of 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 the 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 statistical and other information in such form and within such period as may be prescribed.

11. Power to make rules.-

(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 measures 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 sections 5 and 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 matter 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 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.