

The Missing 3 in Bollywood

Safety Security Shelter

by

Opendar Chanana

dedicated to

those thousands of workers & technicians who slog for long uninterrupted hours under stressful conditions. They are the backbone of the cinema and television industry and equal partners in its exponential growth. They deserve to have access to social security system and highest attainable standards of health.

Acknowledgement

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(Former Judge, Bombay High Court)
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PROLOGUE

by Justice R.J. Kochar
Former Judge, Bombay High Court

Indeed a unique Treatise by Mr. Opendar Chanana who has revealed to the world the woeful world behind and beneath the colourful glamorous edifice of the filmy industry. What we daily see on the screen, big and now small, is like the outer façade of a Five Star Hotel. We never peep into the kitchen to know the inside uncleanliness. Mr. Chanana wants us to see the ugly inside of the glamorous world.

None so far has taken us behind the beautiful scene on the screen. The author who is an integral part of the industry tells how miserably live those who create the glamorous world on the screen. He tells us how live those who create great and gigantic sets. He tells us how the family of a make-up man cannot meet the two ends of his life. He tells us with tearful eyes how the innumerable scattered, unorganized and daily wage earning labourers slog for those who sign for crores of rupees per film or per serial, to keep their body and soul together. For a large number of them there is no tomorrow. Their life is worse than the street beggars. For them there is no fundamental right of Article 21, Right to live a decent and respectable life. They live a life of drudgery. No social legislations, no breeze of social justice under our Socialist Constitution has so far touched them and their families. Their children are miles away from the Article 21A, the Right to free education! No trade union has ever thought of organizing this slogging class to show them a way of good life. This industry is governed not by any labour laws but by the law of *laissez-faire* and hire-fire. They did not realize their might of their work in the industry. A small screw if not properly fitted, the giant set would collapse. If a make-up on the face of stars is spoiled, their image would get spoiled. If a camera man does not adjust his camera and does not shoot from the right angle and in correct shade the whole show would be spoiled. Every artist, every star on the screen needs the services of the technicians and the skilled or unskilled workers without whom their success would be a remote dream. Let this work force know their crucial importance in the industry and let those at the higher level also realize that they would fail in their performance if those behind the screen also do not perform properly. The aroma of glamour is mixed with the sweat of toilers behind the Screen. They must, therefore, be kept happy and in humane conditions of life. They must be lifted from the life of miseries and drudgery. Without them the whole industry would

collapse like the edifice of the Temple if the foundational bricks are taken away from the very base of the Temple.

Let the Union Government now consider to have a uniform legislation to regulate the employer-employee relationship in the Film Industry and to also to establish independent adjudication machinery to resolve the disputes. The work force in this glamorous industry has been so far most neglected section of the society. Let all the right minded and progressive and eminent personalities in the Film industry pay attention to them for their welfare, without whom the whole industry would be at standstill. Let his book, the first of its kind work as an eye-opener for all those in the industry and in the society at large. Let this work force also realize that they are governed by the Constitution which provides for Safety, Security, and Shelter for all. They are today missing. Let us find them and establish them for ever!!

Let his work-force unite. They have nothing to lose. It is essential and inevitable for the industry to maintain its glamour. Without them the whole industry would be on ventilator for its life.

Mumbai
10.3.2011

Sd/-
(*Justice R.J. Kochar*)
Former Judge of Bombay High Court

PREFACE

Between affluence and penury

A modern welfare state is the one that ensures that its citizens are provided *Safety, Security, and Shelter*. Security of service and wages; better working conditions and access to highest attainable standard of health, contributing to living a life in dignity and well-being and above all affordable housing- are the pre requisites to qualitative growth of a healthy society. While the organized sector, although it constitutes merely 7% of the total work force of about 400 million in the country is covered under various legislations for social security and other benefits, the remaining 93% in the unorganized sector which also include the entertainment industry of cinema and television remains deprived of all social and economic benefits.

The spotlight and focus of the print media and now television has always been on stars. It is widely believed that the entertainment and media industry is now one of the fastest growing sectors in India. The corporate giants have acquired the same status as those of Hollywood studios. A nonprofessional will be tempted to believe that technicians should be reaping the benefits of this renaissance and laughing all the way to their banks. However, the wide chasm between affluent few and majority living in penury has to be seen to be believed. The workforce consisting of thousands of craftsmen and technicians, it seems, are not partners in the exponential growth. They have no access to any social security system. Long and uninterrupted working hours leading to fatigue, illness and in many cases hospitalization; frequent accidents on sets leading to premature death of Lightmen and stunt men-stressful working conditions are all accepted as necessary evil.

After long years of struggle *The Cinema and Theatre Workers (Regulation of Employment) Act 1984* was enacted. It made signing of contract between an employer and employee mandatory. However, it has remained on paper only. *The Employees Provident Fund and Miscellaneous Provisions Act 1952* was made applicable to cine workers vide *Cinema and Theatre Workers (Regulation of Employment) Act*. Its enforcement would have been a major boon to senior citizen members of the industry. The workforces consisting of *junior artists, spot boys, light men, assistants* in various crafts are not considered as *Aam Aadmi* (Common Man) for whose benefit the Government has pumped in millions and trillions by way of various

legislations. The Entertainment Industry in so far as workers and technicians are considered is not an *Industry* despite the hula boo created few years ago about it having received recognition under provisions of *IDBI Act*.

Several Enquiry Committee reports since independence have made several recommendations regarding improvement of working conditions, social security and the need to upgrade knowledge by way of training. The exponential growth of the entertainment industry would not have been possible without the active participation of its workforce. They ought to be treated as equal partners in this growth. Lack of sustained agitation and media exposure has only allowed the focus to remain on glamour quotient. It's time to shift it back to the backbone of the industry-the workers and technicians. This book is an attempt to set the record straight.

A Long Trek

The first act, which regulated and controlled the Indian film industry, was enacted in **1918** and it was known as *Indian Cinematograph Act 1918*. The rapid growth of Indian film industry prompted the British Indian Empire to appoint *Mr. W. Evans* to submit a report on Indian Cinema. Tabled before the Government on **February 3, 1921** it stated the number of cinemas in India as 170. The Government of India appointed the first *Indian Cinematograph Enquiry Committee* on **6 October 1927**. *Diwan Bahadur T. Rangachari* was the Chairman of the said committee

Although it was not until the end of *fifties* that trade unions of workers and technicians were formed, trade organizations were formed as early as **1926** when the *Bombay Cinema and Theaters Trade organization* was formed. In **1929** the *Madras Cinema and Theater League* was formed in Madras. However, it was only in June 1932 that the real trade activities began with the formation of the *Motion Picture Society of India* in Bombay. It also organized the first ever *All India Motion Picture Convention* at Bombay in **February 20, 1935** which was presided over by its President *Mr B.V. Jadhav*. It is interesting to note that the first ever organization of Producers was informally formed in **May, 1937** when the *Indian Motion Picture Producers Association* (IMPPA) came into being in Bombay at *Imperial Studio* (Jyoti Studio) at Dadar. However, it was registered only on **October 8, 1938**. *Khan Bahadur Ardeshir M. Irani* and *Chandulal J. Shah* were the first President and Vice President of the organization. The organization though, has seen better days but continues to survive until today. In the south, it was in the year **1938** that the *South Indian Film Chamber of Commerce* was formed. In the same year, the distributors joined hands to form *Indian Motion Picture Distributors' Association*.

June 1938. *Cine Herald, Lahore!* The editorial *Dear Departed Souls* while paying tributes to three artists who met with tragic and unaccepted deaths while shooting a scene for *Mohan Pictures* in Powai Lake called upon the Producers to give material and moral support and relief to the dependents of the victims. It also suggested, as guidance for future, to stunt companies, to arrange for safe guards beforehand for those who play with *danger*. It stressed the need for security and assurance against loss of life to artists. This was the time when the entertainment industry was in its infancy and no formal trade union existed to articulate the concept of better working conditions and wages for artists and technicians. It may come as a surprise to the present generation of trade

unionists and workers that the late doyen of Indian Cinema-*Mr B.R. Chopra* penned the editorial.

1938; It is also a fact that while Producers/Distributors took the initiative of forming their own associations in the thirties, the workers and technicians had to wait for another two decades to organize themselves on trade union lines with the object of improving their conditions of work and securing prompt payments and adequate salaries. However, it is on record that artists did make an attempt in the thirties to form **Cine Artist association** under the leadership of late doyen of Indian Cinema-*Sohrab Modi*. The author could retrieve a rare group photograph from the collection of late trade unionist Mr Abdul Ali that includes several well-known faces as members of the first committee. Several amongst them went on to become prominent faces of Indian Cinema-*Prithviraj Kapoor, Durga Khote, Jairaj, Gajanan Jagirdar, Naseem Banu, Motilal, Hari Shivdasani, Yacub, Nayampally, Billimoria, Navin Yagnik, Kumar, Surendra* and *Pramila*. Going by the details available from the record of *Mr Abdul Ali*, the group photograph was taken in the year **1938**.

Ironically, none from the present generation of trade union leaders took the trouble of finding out from some of the stalwarts mentioned above about the reasons that led to the formation of the association. What issues did the association at that time take up? In addition, what led to the premature closure or demise of the Association? We do not know. *Mr Jairaj* was alive a couple of years back and he would have taken us to journey down memory lane. It would have been of immense value.

19th March 1956. When seven craft unions came together to form *FWICE* (Federation of Western India Cine Employees) on 19th March 1956 (*Report on an Enquiry into the conditions of Labour in the cinema industry in Bombay State*) the combined strength of seven unions was merely 1962 i.e. 26.2 percent of the total workforce in the industry in the state. The following seven craft unions were affiliated to *FWICE* at the time of its formation as per the above-referred Report:

1. *Assistant Film Directors' Association*
2. *Association of Film Editors*
3. *Cine Costume and Make up Artists' Association*
4. *Cine Dance Directors' Association*
5. *Western India Cinematographers Association*
6. *Western India Sound Engineers' Association*
7. *Indian Motion Picture Employees' Association*

However as per the records scanned by the late *Mr R.C. Das*, the Gen. Secretary of *FWICE* (1998) there were eleven craft unions that were part of *FWICE* at the time of its formation. Amongst them were *Character Artists' Association*, *Film Writers Association*, *Cine Production Association*, and *Art Directors Association*.

Mr Krishna Gopal was the first President while *Smt. Leela Chitnis* was elected as the Vice President. *Mr Shivaji Avdhut* (Gen. Secretary), *Mr B.C. Tarkas* and *Mr R.V. Shrikhande* (Jt. Secretaries) and *Mr B. Pereira* (Treasurer) formed part of the first Executive Committee. Since then the trade union movement has come a long way in the state and has 22 craft unions with a membership more than hundred times of its original strength. The objectives that led to the formation of Federation in the year 1956 were:

1. *Security of service and wages*
2. *Better working conditions; and*
3. *Raising the workers status and of the industry.*

This marked the reorientation in the outlook of the technicians who began to organize themselves on trade union lines with the object of improving their conditions of work and securing prompt payment and adequate salaries. Many unions along the way also realized that they had to undertake additional activities for the benefit of their members.

Post-independence the State and Central Governments began to take the industry seriously and appointed many committees including the *Film Enquiry Committee (1951)* which had many well-meaning members of Parliament who even went to the extent of introducing non-official bills during early sixties. *Mr S.K. Patil* was the Chairman of the Committee. However, the Government of the day always sought to assuage their feelings and sentiments by making false promises that it would itself bring a comprehensive legislation to help ameliorate the problems and difficulties of the film employees. It is interesting to note that *Mr N.G. Goray* moved a non-official Bill "*Indian Film Industry Workers' (Improvement of Working Conditions) Bill, 1960*" in 1960. In 1964, *Smt. Maimoona Sultana* moved a bill *The Film Industry Workers Bill 1964*. Ironically, both of them either did not press their respective bills or withdrew them on the assurances of the Government.

At the State, level the *Industry and Labour Department, Government of Maharashtra* set a *Committee to study the conditions of the Employees in the Film Production Industry* in **October 1966**. It came out with several recommendations.

The state of affairs and hardship of the film employees was brought to the notice of late Prime Minister *Pandit Jawaharlal Nehru* when he visited Mumbai to inaugurate the Golden Jubilee Celebrations of the Indian Film Industry on **6 December 1963**. *Mr Madhusudan* and the late *Mr Vasant Kulkarni* submitted a memorandum to him on behalf of *FWICE* asking for a special legislation for the working people in the film industry. The Federation followed up this by sending a delegation to Delhi and the said delegation met *Pandit Nehru* on **26 April 1964** i.e. a month before his sad demise. The late Prime Minister assured the delegation that he would take up the matter with the then Minister for Labour and Employment *Mr Sanjeevayya* and see to it that benefits available to the workers of other industries were also available to the working people in the film industry. His intervention led to a draft outline of legislation to regulate employment in the film industry during the year **1965**. The draft was circulated to all concerned. The film employee's organizations duly submitted their comments. A *tripartite committee* was formed and a proposed legislation was drafted for statutory protection over wide areas for all film employees. The Government placed the said draft outline of legislation before the *Standing Labour Committee* at its 24th Session held in **February 1966** for its consideration. The *Standing Labour Committee* recommended that a *tripartite committee* be set up to consider the draft and make suitable recommendations in this regard and that the proposed committee should consist of one representative each from the Central Organizations of workers and employers and representatives of *Ministries of Information and Broadcasting, Labour, Employment & Rehabilitation* and the State Governments of Maharashtra and West Bengal.

In pursuance of the above recommendations of the State Labour Committee, the Government set up a *14 member tripartite committee* under the Chairmanship of *Mr N.N. Chatterji*, the then Jt. Secretary, Department of *Labour and Employment*, in **November, 1966**. Of the remaining 13 members, 4 members represented the State Governments, 4 the workers organizations, 4 the employer's organizations including the Film Federation of India and one of the Ministry of Information and Broadcasting.

The said *Tripartite Committee*, after visiting studios and processing laboratories in various centres' in the industry and after holding discussions with representatives from all walks of the film industry such as Producers, distributors, exhibitors, artists, technicians, studio, laboratory and theatre employees, finalized its report during **March 1968** and submitted the same to the Union Government in **September 1968**. The report and the recommendations of the *Tripartite Committee* were unanimous.

The Union Government placed the said unanimous report and recommendations before the *Standing Labour Committee* at its 29th Session held in **July 1970**. *The Standing Labour Committee* approved the same. On examination of many of the provisions that formed part of the recommendations it becomes clear that their implementation by way of legislation could have brought workers and technicians of the film industry on par with their counterparts in other industries. Many issues covered by recommendations continue to occupy the agenda of our internal meetings, resolutions, and interaction with employees. After four decades, they continue to defy implementation.

June 1973. The idea of forming an All India Organization of film industry's trade unions sprouted in early seventies in Tamil Nadu. *Mr M.B. Srinivasan* of Madras (Chennai) was the progenitor and in *Mr Vasant Kulkarni* (Mumbai), he found a ready comrade. After protracted exchange of correspondence and exchange of ideas between *M/s Manmohan Krishna, Nimai Ghosh, Subrata Sen, Anil Sen Sharma, Salil Sen* and *Madhusudan* the idea of having an all India body became a reality. Veterans recall electrifying atmosphere in the first conference with nostalgia the first ever conference of organizations of film employees (*AIFEC*) took place in Madras in **June 1973**, thus bringing under one umbrella all Federations functioning in various regions. That the late Bharat Ratna *Mr M.G. Ramachandran* served food to the delegates in person in the glorious tradition of hospitality of the Southern Region of Indian subcontinent has become a legend and part of folklore of employees struggle for solidarity. In deference to seniority in the film employee's trade union movement in the country, *Mr. Manmohan Krishna's* was elected the President while *Mr V.B. Kulkarni* was unanimously elected as the General Secretary. FWICE housed the headquarters of AIFEC in view of the fact that both Southern and Eastern Region Federations did not have the required infrastructure. The first executive committee had stalwarts such *Mr Hrishikesh Mukherjee, Mr Salil Chaudhary, Mr Haren Bhatt, Mr Nimai Ghosh, Mr M.B. Srinivasan, Mr N. Sheshadri, Mr Subrat Sen and Mr Salil Sen*, representing all the regions. The workers and technicians could now be rest assured that an all India body could speak to the Central and State Governments in one voice.

The first conference of workers and technicians under the umbrella of *AIFEC* articulated the collective yearning of the entertainment industry to be recognized as an industry and application of various pro-labour laws enacted since 1947 to workers and technicians in a manner that were apt for their unique working conditions.

16th November 1978. The first ever All India one day token strike was called by AIFEC. *Mr K.B. Shetty*, Joint Secretary led the strike and scores of workers were arrested. The strike did not have an immediate impact due to unstable conditions prevailing at the Centre. AIFEC was not ready to abandon its demand for central legislation and submitted a memorandum to *Mr V.P. Sathe*, the then Information, and Broadcasting Minister during the comeback regime of *Smt. Indira Gandhi* after the fall Janata Government in the second half of 1979.

7th January 1981. The Central Cabinet approved the proposal to enact legislation to protect certain categories of cine workers in the film industry and cinema theatre employees. After lengthy deliberations the *National Executive Committee* of AIFEC passed a comprehensive resolution. The following points formed part of the same:-

- *A fair written agreement*
- *Payments be guaranteed*
- *Medical benefits*
- *Provision for old age and Pension*
- *Compensation/Insurance against risk to life*
- *Inclusion of all categories of workers in the bill*
- *A tribunal for redressal of grievances*
- *Collection of cess for a welfare fund*

A memorandum petitioning the then Minister of Information & Broadcasting *Mr V.P. Sathe* demanding that film making in India be brought in to the schedule of industries was submitted. Ironically, though a high power committee was appointed by the Central Government to look into this demand, it was opposed by *Film Federation of India*, the apex body of Producers, Distributors, and Exhibitors. At one time there was a consensus between the Producers and the workers organization on this issue. But the Producers bodies later on withdrew their concurrence, thus depriving the workers of benefits that were due to them.

The year 1980 saw the formation of the *Working Group on National Film Policy* by the Ministry of Information & Broadcasting. But it was not until **1981**, after several attempts and efforts by the trade unions that we witnessed the enactment of *The Cine Workers Welfare Fund Act, 1981* and the *Cine Workers and Theater Workers (Regulation of Employment) Act, 1981*.

As the wage ceiling in respect of *The Cine Welfare Fund Act* had remained static for a long time and were not compatible with minimum

wages agreed to between the Employers bodies and our Federation, a large percentage of workers and technicians remained outside the ambit of the Act. After several meetings with concerned officials and sustained campaign, the Central Government in the year **2001** amended the Act to enhance the wage ceiling. There is no denying the fact that the development of the television industry has generated tremendous employment opportunities for those working in the film industry. Unfortunately the television industry too remains unstructured and is not transparent in its practices and ethical in its financial affairs. And neither the so called corporatization nor the exponential growth has led to better working conditions, wages, and environment conducive to qualitative work. During this period an exponential growth of the television industry resulted in shift in employment opportunities from cinema to television. It was proposed that workers and technicians employed in this sector be brought under the ambit of this Act. But all efforts in this direction have proved futile.

The last two terms of the present Government at the Centre witnessed legislations passed in the Parliament, especially in the social security and health sector. But ironically the workers and technicians employed in cinema and television industry were not accommodated and kept outside the scope of these legislations.

The three vital issues concerning the healthy and qualitative growth of our industry hinges on *Safety, Security and Shelter*. A brief summary of a day in the life of a worker/technician will make us realize that grave injustice has been done by not including members of our industry within the ambit of various pro labour/workers legislations passed in the Parliament recently:-

- *Slog for 16-20 hours on the sets since daily soaps have become the norm and deadlines have to be strictly adhered to and minimum number of episodes has to be canned and stored in the bank.*
- *Spends appx 2-3 hours in commuting to the sets/location*
- *Reaches home only to hit the bed and has no time to spend with his family*
- *Complies with excessive workload demands or conflicting expectations on behalf of employers*
- *Has no access to recreation facility*
- *Sometimes works at a stretch for twenty to twenty five days without a break/holiday*
- *No social life*
- *Works in an environment that poses grave threat to his or her health and safety.*

- *Due to Conflicting or uncertain job expectations, too much responsibility, and too many hats to wear are caught in difficult, seemingly no-win, and ultimately stressful situations during the course of his/her work day.*
- *Cannot demand wages for the fear of losing his/her job. There are too many waiting in queue to step in to his/her shoes.*
- *And last but not the least has no access to any funding/aid for health, insurance, housing and training for up gradation of technical skills.*

The most unfortunate part is the absence of an aggressive, organized, and sustained campaign on the part of unions to draw attention of the media and the Central and State Government to the issue of granting the status of an industry to this sector that would enable them to draw all benefits available to members of other industries. In a welfare state the Government of the day should intervene and impose certain rules and regulations. When the State Government could intervene on the issue of child labour in the entertainment industry, I see no reason why it cannot do so in case of issues of *Safety, Security, and Shelter* for workers and technicians. It is high time that both the Central and State Government should stop equating the industry with glamour and reach out to thousands of those who toil day and night for pecuniary benefits. That would earn it the blessings of this forgotten and neglected workforce. It may not amount to much as far as vote bank is concerned.

Safety

Living on the Edge

SAFETY

On sets & Locations

Flashback-June 1938

Accident at Powai Lake

To me the pile of faded rare photographs and stacks of posters buried in trunks in the studio were not relics of the past. They were a rare source of authentic information to a contemporary film historian, film buff, and student of cinema. To the godowns, production offices and laboratories they may have been forgotten fragments of lost classics. While undertaking the task of retrieving and discovering information and data about the legendary film maker, the late *B.R. Chopra* in the year 1998 for the book I was writing on him, I faced a major handicap –lack of scientific data and entertainment industry’s apathy towards preserving its own legacy and rich heritage left behind by maestros and masters. Even the advent of satellite and digital technology has not spurred the exploratory spirit of research scholars and students of mass communication. The word research continues to be anathema to *Bollywood* which though producing hundreds of films has no database, information, and statistics that would be of tremendous help to research scholars and film historians.

It was my good fortune that I came across a faded copy of the film journal *CINE HERALD* whose editor happened to be the above referred film maker who began his career as a film journalist and critic in *Lahore* (Pakistan) before shifting to Mumbai after partition and independence. The editorial penned by him in its issue of *June 1938* titled *Dear Departed Souls*, raised the issue of safety of artists and technicians and providing security and assurance against loss of life on account of accidents in the course of shooting. He was spurred to pen this editorial by the incident that took away the lives of three actors while they were shooting for a scene for *Mohan Pictures* in *Powai Lake*, Mumbai. Cruel hands of death took away the life of bewitching beauty *Sarla* who had made a promising beginning to her career. *Mr Chopra* made a strong case for the Producers to provide material and moral support to the members of the bereaved families. He also advised the Stunt companies of that period to ensure that all safeguards were taken for the safety of stuntmen.

8th February 1989

Fifty Years later

Bizarre Fire Mishap

Location: The *Premier Studios* in *Mysore!* The shooting of television serial-*The Sword of Tipu Sultan*. What remains one of the worst ever incidents of fire not only gutting the entire set but also taking a death toll of nearly *60 workers, artists and technicians*. The bizarre fire incident sent shock waves throughout the industry. Non availability of proper fire fighting equipment and ignorance of fire safety standards were quoted as the major reasons for this fire. Improper wiring and absence of adequate ventilators further aggravated the damage. *Sanjay Khan*, the Producer Director who also played the leading role of *Tipu Sultan* himself suffered severe deep sixty degree burns, spent *13 months* in the hospital, and had to undergo several surgeries.

The studio caught fire when *Mr. Khan* was filming a scene of marriage. The bursting of crackers that formed part of the marriage function hit the fabrics, the cardboard of which the set was made and the inflammable gunny bags which were used to make the ceiling led to the mishap. This resulted in short circuit. Nearly *200* people were present on the sets at the time of mishap as part of the marriage procession. As the doors of the set were locked to discourage the entry of onlookers, there was no way to escape. Many were roasted alive while others died in Hospital in *Mysore*, *200 kms* away from the studio. Noted art designer *Mr Kalekar* was one of the victims, while five women who formed part of the dancing in the marriage procession were charred to death. Another actress escaped the fire as she was in the adjacent make up room. The set presented a ghastly picture of charred bodies. Expensive equipment was burnt down. As usual an enquiry was ordered but no one can recall today what steps were taken to ensure that such incidents do not happen again. Initially, an ex gratia payment of *Rs.5, 000/-* was paid to victims. The affiliated unions negotiated with the Producer for reasonable compensation to the workers and technicians who lost their lives in the mishap. Unfortunately no one knows about the outcome of the enquiry ordered by the local administration and fire brigade department.

12th August 2001

Death Strikes Again

In a bizarre incident light man *Subhash S Murkar* (40 years) fell from a height of *35 feet* while adjusting the lights on the sets of acclaimed *Sanjay Leela Bhansali's* magnum opus *Devdas* at Studio 3, Filmistan, Goregaon. He was rushed to the hospital by a unit hand where he was

declared dead before admission. This was the second fatal mishap on the sets of the same film. Earlier on *December 9, 2000* two men operating huge windmill fans were sucked into them. *Dindayal Yadav* and *Raju Yadav* met with the accident when a fan stand that was being balanced on a wooden plank toppled into *Dindayal*. He died before his admission to hospital. *Raju Yadav* sustained serious injuries. Since both of them were not registered workers of the *Movie Action Dummy Effect Association*, the Producer-Director had to bear the expenses.

19th September 2001

A young man takes the plunge

He was only 26 years old when he slipped on the sets of a teleserial *Rajjo Fajjo* that was on air on *ETV (Urdu)* at *AAA Studio*, Andheri East. Light man *Naseer Mohd. Hussain* was adjusting the lights on the sets of the serial when he fell head-on from a height of about *15-19 feet*. He was rushed to Cooper Hospital, Juhu but was declared dead on admission. A case was registered at the MIDC Police Station and the matter was under investigation. The fate of the investigation is not known.

June 6, 2001

The set drowns an Assistant Director

At the prime of his life Assistant Director *Kuljinder Singh Gill*, better known as Pinky Gill and brother of known character artist Avtar Gill fell into a swimming pool after the platform on which he was standing suddenly gave way. Seven others were injured too when the set designed by ace art director *Nitin Desai* for the feature film *Mera Naam, Tera Naam* collapsed at Film City, Goregaon. *Kuljinder* was assisting director *Manoj Aggarwal*, the director of the film.

1st May 2002-The Labor Day

Firemen fight the flames on the set

It was May Day. On the set of a big budget film on the freedom fighter *Bhagat Singh* a fire gutted the sets at *Chandivali Studio* in Saki Naka. The fire started around 11.15pm and completely destroyed the set. There was pandemonium and the entire unit started running helter skelter when the fire broke out. The loss was estimated to be around *1 million rupees*. Eight fire engines and four jumbo tankers were pressed into service to control the fire. Since the set occupied nearly the entire space it took time for the fire engines to enter the studio. It was reported that only one engine managed to reach the location of fire. Fortunately

the fire was brought under control as no combustible material was used on the sets. The cause of fire could not be established.

25th May, 2004

Death on railway tracks

Passion for films led *Nadia Khan*, a young girl in her twenties, to her first trip to India after graduating from *London University* in *Film and Media*. She joined *Kaizad Gustaad* as his assistant during the filming of his *Mumbai Central*. Ironically on the first day of shooting she was knocked down by a speeding local train at *Mahalaxmi Station*.

The director and his crew members, in a state of panic, attributed and registered her death as a result of a road accident. *Gustaad* along with two of his crew members was remanded to judicial custody on charges of manslaughter, negligence, and fabrication of evidence.

A crew member was granted bail to carry *Nadia's* body to Britain. During the long trial 33 witnesses, mostly crew members, deposed before the Sessions Court. 31 witnesses ultimately turned hostile giving a new twist and controversy to the trial. The Court discharged the director in *January 2009* of charges of culpable homicide not amounting to murder. *Nadia's* parents appealed in the *High Court* against the discharge order.

The director was recently sentenced to one month's imprisonment after being found guilty of negligence. He was not sent to prison having already spent a month in jail during the trial.

The Police are reported to have alleged that crew had no permission to shoot at Platforms and tracks. But the Railway spokesperson confirmed that they had permission to shoot on Platform No.1 which was not a running track. It is interesting to note that *Nadia* died on Track No.6. *It is important to take note of the guidelines framed by the Railways that make it imperative for one of its Liaison Officer from the Publicity Department to be attached to the shooting team to ensure that no large scale departure from the original and accepted script is made in respect of shooting of railway sequences using buildings, rolling stock, tracks and signals and railway personnel.*

August 19 2006

The costly jump

Stuntman *Amin* was executing a difficult jump from the 3rd floor of a building onto a van which was supposed to explode. He slipped and fell

on the glass on the ground resulting in head injury. He bled profusely and was given first aid. It was the leading actor of the film *Shootout at Lokhandwala* Vivek Oberoi who realizing the seriousness of the situation immediately took him to a hospital located in the vicinity.

October 22, 2006

Cardiac arrest at 36

A fatal cardiac arrest robbed the industry of a young film maker who was all set to launch his new film. Death came knocking on the door of *Manoj Punj* who had several box office and critically acclaimed films to his credit. Amongst the films he directed, *Shaheed-e-Mohabbat Buta Singh* (remade as *Gadar* in Hindi) established his credentials as a film maker of substance. So sudden was his death that his colleagues and friends refuse to believe that he was no more. Many attributed to his sudden and shocking demise to stress and working conditions in the industry.

A 12' inch pothole ended his career

With more than 400 films to his credit, small time actor and actively associated with the *Junior Artists Association* as its President for several years, lost his livelihood when after shooting he heading towards the bus stop to take a bus for his residence in far off suburb. He fell in a huge pothole that had not been filled up by local authorities. He was rushed to hospital where he was informed that he would never be able to walk properly again. It paid put to his career that spanned 58 years. He was also told by doctors that a surgery costing about rupees fifty thousand and expensive injections could be of great help.

November 2007

Unit overcomes blazing fire

Jaipan Studio, Goregaon reminded many of fire that engulfed the sets of serial *Tipu Sultan* in 1989 which resulted in death of several cast and crew members. The set of teleserial *Ghar Ek Sapna* was a scene of real raging fire. The unit members risked their lives to save expensive halogen lamps by remaining inside. Fortunately there were no casualties as the fire was brought under control.

2008

Electric Shock

For Mohd. Jaan, light man (29 years), an electric shock took the life out of his body on sets of *Vijayta Films Pvt. Ltd.* on location in Thakur

Village, Kandivali, Mumbai. Member of *Film Studio Setting & Allied Mazdoor Union* he was paid a compensation of Rs.3, 84,280/- by the Producers in addition to Rs.35, 000/- that the union provides to the family on the death of the member. He worked in the industry for 13 years. His family was left without a bread earner.

2008

Down and out 'Pugri' (Turban) King

He was completely paralysed when he was struck by stroke. *Babu Deep Singh*, the star dress man who had the distinction of draping 'pugri' (turban) around stars like *Amitabh Bachchan*, *Dilip Kumar* and *Sunny Deol* was bedridden and immobile, waiting for help or assistance from his association which refused to give cheque in the name of his mother-in-law. Unable to move his hands and speak he was offered a pittance in the name of aid. His son's monthly salary of Rs.3000/-could hardly take care of his medical expenses. Having worked in the industry for more than four decades, his pitiable condition bears testimony of complete absence of application or enforcement of any social security scheme, especially for senior citizen members and those who have no financial resources to fall back on in case of any emergency. He lives in a slum and it costs the family Rs.1000/- towards one time visit to a clinic for treatment of stroke and rehabilitation.

2009

Heart Attack

Jiyalal Vishwakarma (43 years), a head carpenter left for heavenly abode when he suffered a *heart attack* on the sets of *Ashtivinayaka Productions* while shooting in Bangkok. The *Allied union* of which he was a member negotiated with the Producers and got Rs.3, 73,800/- for his family in addition to the Rs.35, 000/- that the union provides to the family in the event of death.

2010

Electric Shock

Ashish Kumar Jha, Light man (29 years) was no exception. Once again *loose wiring*, the very touch of which could send shock waves to all parts of one's body turned out to be the culprit. He was shooting at Cinevista Studios for *Coliseum Media Pvt. Ltd.* The *Allied union* got a compensation of Rs.4, 23,580/- for his family in addition to the fixed amount that is paid by the union to his family in the event of death.

1st September 2010

22 feet fall

Radheyshyam Giri is the latest in the list of victims who live in constant fear of death but carry on with their job regardless of the consequences of absence of standard security procedure on outdoor locations as well. He had a nasty fall when he fell from a height of 22 feet on location shooting of a serial titled *Gunaho Ka Devta* in Jodhpur. He was thankful to the Almighty that the fall only rendered him immobile for five weeks. He fractured his right leg but escaped from the jaws of death. His union has demanded compensation of Rs.25, 000/- as per the provisions of *Workman's Compensation Act*.

23rd December 2010

'Rajdhani Express' takes a toll

It was on the sets of *Leander Paes* debut film, *Rajdhani Express* that an elderly junior artist suffered a *heart attack*. *Paes*, the ace Indian tennis star had the shooting cancelled and took the man to the hospital. Unfortunately he breathed his last that night. While *Paes* was devastated, the reports in the Press did not investigate if first aid was given to him on the sets and whether any doctor is available in the studio in case of any emergency. The absence of any provision for treatment of emergency cases on sets puts the life of unit members to great risk. Work may be bread and butter for unit hands or workers and technicians but it's also the question of life and death.

23rd December 2010

Gory death

He was the sole bread earner of his family, comprising his wife and three children. Forty year old *Vijay Gupta*, *Light man*, kissed death when on a chilly winter night he plummeted to the ground from atop a 37 ft. *tress* while fitting lights. The site of his falling onto protruding steel rods and his impalement presented a gory picture on the sets of television serial *Laagi Tujhse Lagan* in State Government owned *Film City*, Goregaon. Eye witnesses recall the fact that he was shivering since it happened to be very cold. It is also reported that he was taken to various hospitals which were not opened late in the night. When finally they were taken in by *Bhagwati Hospital*, he was declared dead on arrival.

The untimely demise of this young light man should draw our attention to the absence of any safety measures on sets. Did he have safety belt on him to take care of any sudden fall? Is any ambulance available in the

Government owned *Film City* to take such victims to the nearest clinic or hospital? Since several units shoot in the sprawling *Film City*, it is criminal negligence on the part of both the administrators as well as producers not to have a doctor present on the sets to provide first aid or treatment to any victim.

The *Film Setting Studio & Allied Mazdoor Union* of which *Gupta* was a member took up the case of compensation with the Producers and after negotiations compensation of Rs. 3, 73,800/- was paid to his wife.

23rd December 2010

Premature death

Three consecutive deaths brought the curtains down on the year 2010. Within a period of few days three workers met with untimely death. But *Sudhirkumr Sonkar*, aged 28 years, a Painter, could add up to the list of those youngsters who are becoming victims of heart attacks at age when they are supposed to be at the peak of their health. He suffered cardiac arrest while shooting on the sets of a television serial at *Ambegaon*, on the border of Maharashtra and Gujarat. His body had to be brought to Mumbai by office bearers of *Film Setting Studio & Allied Mazdoor Union*. The union made arrangements to send the body to his native place along with his relatives. Although the cause of death was declared to be natural, the union cited the clause in MOU about mandatory group insurance of crew members. The Channel had not taken out such an insurance policy and ultimately agreed to pay Rs.4,2

20th January 2011

Only after Times Report

For a change it was *Bharati Dubey's* (Times of India's columnist) write up on the trials and tribulations of ailing renowned actor *A.K. Hangal* that prompted prominent personalities and unions to come to his aid. Out of job the actor in his late nineties has been without work for the last several years. A freedom fighter and one of the finest actors with more than 200 films to his credit, he was one of the leading lights of *IPTA* (Indian People's Theatre Association), and he has been ailing for several years and living in acute penury. He is being looked after by his son who himself suffers from debilitating backache. Till *Bharati's* report highlighted his worsening condition, he had been getting aid from sources outside the industry. Earlier he was hospitalized for one month. A few concerned stalwarts from the industry like *Asha Parekh*, producer *Vipul Shah* had come forward to provide for his medical expenses. Last year during the tenure of *Mr. Ashok Chavan*, the ailing actor received a

cheque for Rs.51, 000/-. Having been part of the industry for more than four decades he was reluctant to seek aid. Prior to Times Report, it was *Maharashtra Navnirman Sena* that handed over a cheque of Rs.51, 000/- to him. The outcome of the newspaper report was positive and several artists and his own union came forward to provide him with financial help. It is important to note that had the workers and technicians, including artists like him been insured under the *ESIC* (Employees State Insurance Corporation), there would have been no need to seek any aid for medical expenses and treatment.

12th February 2011

Living in Penury

Shocking! Shameful! *Sholay* continues to occupy media space. But this time for a reason that can only be called shocking. 81 year old *M.S. Shinde*, the ace editor of *Sholay* and other block busters landed up in slums of *Dharavi* and continues to live in a 160 ft. square ft. room. Had it not been *Bharati Dubey's* report in Times of India, this ailing editor with over 100 films to his credit would have continued to live in ignominy. Having undergone two surgeries he is looked after by his married daughter *Achla* who bemoans the fact that most of his father's Producers didn't really pay him remuneration that he richly deserved. His case is yet another example of unions not having taken up the matter of application and implementation of *Provident Fund* and *ESIC* for workers and technicians. The era of ad hoc measures like coming to aid of workers and technicians living in penury should come to an end.

There have been several other fatal mishaps on sets and locations with unflinching regularity in recent times as under:-

- *A portion of the set erected at Bandra Reclamation collapsed killing one and injuring nine.*
- *Yusuf, a stuntman, fell down from top of a building during a stunt sequence on the sets of Godmother*
- *Actor Vinod Khanna's double in film Bombay 405 miles was stuck in a car that fell into the water. He drowned as the door remained jammed.*

The situation has been aggravated on account of phenomenal growth and expansion of television sector which provides more employment opportunities. Shooting schedules that should be called inhuman are the norm in the television industry. Production houses and companies that have all the facilities and funds at their disposal and several on air daily soaps/serials and reality shows have sometimes no episodes in the

bank. Writers are made to manipulate the exit and entries of several artists if they fall sick when their bodies can no longer take the rigors of gruelling schedules.

Shifts running to nearly 18 and sometimes 22 hours are the norm. There are those rare ones who overcome heavy pay packets and opt for break to distress them. They don't complain simply for the fear of being replaced by those waiting in the wings. No doubt the bank balance may swell but ailments like *diabetes*, *hypertension*, or even *heart attacks* also await those who have become used to punishing their bodies over a period of time.

Workers and technicians, including those who were daily rated workers like *Lightmen*, *Carpenters* etc., are now mostly employed on a monthly salary basis but without the benefits of normal working shift of 8 hours, compulsory weekly holidays, gratuity and provident fund. They have no social life and ironically their daily lives are confined within the four walls of a studio.

Some employers assume that stressful working conditions are a necessary evil and those companies must turn up the pressure on workers and set aside health concerns to remain productive and profitable in today's economy. This belief has been challenged by research that reveals that stressful and punishing working conditions are actually associated with increased absenteeism, tardiness-all of which have a negative effect on the bottom line.

Workers in all other industries are governed by laws which prohibit them to work beyond a certain number of hours.

SAFETY TAKE

Pathetic Safety norms

Safety Take is the title of a documentary that was commissioned by 'Cinematographers Combine' as part of its campaign to raise awareness about the pathetic safety norms in our studios.

From an insider's view the film chronicled untold tales of debilitating injuries sustained by cast and crew members on the sets. It was edited and directed by a young cinematographer Tanmay Aggarwal who is a present a visiting Professor at the Digital Academy, Mumbai.

The documentary should have been widely screened for the benefit of all producers, workers, and technicians.

The screening was organized on the initiative of the author who happened to be the Hon. General Secretary of Indian Film Directors' Association (now Indian Film & Television Directors' Association).

The occasion also marked the presentation of first Identity Card (Personal Accident Insurance-Group) by New India Assurance Company Ltd. to the legendary film maker Shyam Benegal. Tanmay along with ace cinematographer Rajan Kothari was present on the occasion and interacted with directors and assistant directors after the screening of the film.

The following incidents, quotes, and observations should lead us to serious introspection about all issues concerning Safety and the urgent need to take steps in the right direction. We can ignore them at our own peril.

Earthling

Electrical Department

Accidents happen frequently but it is attributed to *fate* by crew member from the electric department. It is not an exception but a rule that no provision for earthling is provided for-be it coolers or fans. Even generators come with a *3-phase 4-wire* system. With *3 wires* for phase and *1* for neutral, where is the wire left for earthling? The earthling in two naked ends is put into socket. It is very dangerous and can result in accidents. Incidents where workers have died due to electric shock are not uncommon.

There are instances when you see live wire running under your feet or a part of a set about to give away. Shooting here is always accompanied by a sense of fear. A normal sight seen in studios here is rickety scaffoldings, sparks flying from plug points and spotlights, spot boys and light men flapping around in cheap slippers instead of safety shoes, set designers without head gear and painters smeared with turpentine. In none of our studios we have fire-fighting equipment.

S.M. Rukkaiah, veteran electrician is very critical of the work ethics, discipline, and absence of professional approach. Negligence results in accidents. He demonstrated the inherent danger in using the equipment in a manner that can lead to an accident-*"I can't walk with it around the waist. This is a safety belt. This is its hook. They hook the belt to a wire above. How far one can walk with a line from the waist? It doesn't work. It's impractical. It is just 25 feet line. How far one can go around on the catwalk? What we do is to tie a cord on both sides of the catwalk. One can go where one wants. Tight fit, it's soldered so that there are no loose connections. It's the rubber pins that ruin the socket. There is too much negligence at work these days. There is no pressure. Pressure is an excuse for consumption, every hour; the men have to step out for a tank up. It wasn't like that before. Not as many drunkards. There is no one to question them. 'Inexperienced, unskilled morons'. Acting like masters of the trade. For the sake of daily wages they would lie about their proficiency to the union. After becoming union members they think they are kings. Whether they know the job or not is someone else's outlook. How would the cameraman or the director know whether these so called gaffers know the job or not? It's like this only"*. Enough food for thought, one would imagine.

Maintenance

Camera Department

Equipment, especially *Cranes* should be maintained by trained operators. The crane is basically a seesaw. It's not that we don't have the technology in India, but no one wants to spend on a crane that meets the safety standards. Hence from shooting point of view it is not possible to contrive complicated moves while shooting.

Giraffe Classic maintenance guidelines book provides for compulsory training for operators to upgrade themselves. Their licenses must be renewed annually or test pieces must be examined as per *EN27* and approved by an independent test facility no longer than 12 months prior to undertaking any manufacture or repair of alloy camera cranes.

Sanjay Rane, Second Camera Operator was atop a crane placed on a Railway platform. He had already canned six shots and even got down to change the magazine. Unfortunately before he could be lowered, the crane operator ordered him to stay put till an approaching train could pass underneath. The next he knew there was a loud bang and the crane arm snapped. He only woke up in a hospital. Any cameraman would shudder at the very thought of falling from such a height. Snapped spine and paralysis under the waist, *Sanjay* can't walk. According to doctors treating him it would take at least 2-3 years for him to recover.

"I have shot in all kinds of odd situations, be it atop a crane or a helicopter. Even coming down from the 7th floor on a bucket used for construction. If I were to think at that moment of a possible mishap, the work would have been paralyzed", recalls the victim of crane crash. Call it bravado or absence of any safety code being put in place.

As a crane operator or a light man one should be asking questions to oneself- *Is this crane I am climbing onto, being operated by qualified personnel? Do they know what they are doing? Is this equipment safe to begin with?* In many instances no provision for safety belts is made.

Normally equipment used for lighting or sets are of sub-standard quality. The equipment is not certified to be of a particular use. And our people are in a habit to use them as they want. All such equipment pertaining to film shooting should be specifically certified by a *Central Authority*. They should not be certified just for the heck of it.

Fire Hazards

Adhering to basic Safety standards

It has often been observed even basic safety standards are not observed on the sets. There is so much of cloth around, is there an extinguisher in case a fire breaks out? A crew member is questioned about availability of any fire fighting equipment on the sets. . *“Outside! Probably outside!”* This comment sums up the complete lack of concern and regard for Safety. No wonder accidents resulting in gutting of sets are a regular feature.

Deathly fall

Left to God

A *100 feet jump* would continue to haunt his family. It cost him his life. The boy who had done 100 feet jumps regularly approached his stunt director to allow him to do the stunt since he badly needed money to pull through hard times. He was allowed to take that fall on the sets of *The Godmother*. Ironically he had taken all the safety precautions and the jump turned out to be perfect. One can watch the fall on the screen. But the camera did not catch him falling straight on his head. *“What that means is that even after taking all the precautions, some percent of it is still left to God”*. This is how a colleague summed up the incident. His director opined that it was only after the accident that one could pin point the mistake.

A Watery Grave

A costly nose dive

Yet another tragedy involving a stuntman shook the entire fraternity of those who perform dangerous stunts at the risk of their lives. *Sayed Amjad Haji*, himself a car stuntman and son of the deceased stuntman recalls the incident in his own words-*“For car stunts, we would make a ramp from which the car would take off. Now once the car leaves the ramp, there is no way of estimating, where or how the car would land. However my father could land on the bull’s eye. He would mark before the jump. I saw it happen. I saw my dad’s car nose dive into the water. Keeping safety in mind, they had a team of swimmers ready for rescue. We had fitted the car with inflated tubes to keep it afloat. But in spite of the tubes the car sank. For twenty minutes the swimmer’s tried to locate the car, but couldn’t find it. In his days he would agree to do any stunt. But these days, we don’t commit to a stunt unless it’s safe. When we set out for a stunt in the morning we are not sure that we will be back home safely. The family’s attitude is such that once*

burnt twice shy. Never thought about insurance! A small Quran talisman that works as my lucky charm is reserved for the big stunts. Not for the garden variety stunts every day."

Dressing his own wounds

What keeps them going? Thrill? Adventure? Or financial constraints? *Shyam Kaushal*, the much in demand stunt director underwent three surgeries that left scars on his abdomen. While his wounds had not healed fully, he was on the sets. It was an internal injury that could have cost him his life. Before he could make his debut as an independent stunt director he had gone through all the rigors-punches, falls, tumbles, fires. Despite the life threatening injury in 2006 he is reported to have remarked-"*Once you get into this profession, you have to be prepared for injuries. But there should be something to back us in our bad times. At the very least, insurance is what we expect from the film industry"*

A few steps to eternity

But *Joseph*, in his mid-thirties was not so fortunate while doing a stunt for tele serial *Sindoor Tere Naam Ka* at *Basera Studio* at Kandivali East where he was supposed to set himself on fire and walk few steps. After the shot had been canned he felt uneasy and became unconscious. He was rushed to a nearby hospital but was declared dead before admission. He was suspected to have suffered a heart attack.

Run Over

Let's take another example of negligence. The driver of a vehicle was sleeping under the vehicle with his legs stretched out. It was probably a generator van or some production vehicle. It was dark. They were doing a night shift and that too at a railway station. Someone else took out his vehicle. He was leaving and didn't look down. He ran over the man's legs.

A stuntman goes through a lot of struggle when performing a stunt. They are under constant pressure to earn their daily bread and butter. Hence performing difficult stunts become a do or die situation for him. It is also to be noted that most of stuntmen live in most precarious conditions.

Freak Accident or Negligence

It happened to be a make shift bridge erected for shooting. Metal sheets had been placed on the bridge. They could be slippery and the vehicle could either skid or swerve. The bridge was narrow and could accommodate only one vehicle. All prevailing conditions cried for strict adherence to safety measures in advance. The shot was ready to be canned. The jeep's driver was destined to survive. The *Assistant Director Suhail Shah* who had worked with *Kashyap* on several of his earlier projects was on the wheel while *Ghulam* the driver sat beside him. The camera rolled and *Sohail* accelerated the speed only to find two persons on his path. He swerved his jeep to the side and an iron rod hanging on the side of the bridge pierced his ear. The two were rushed to the Heritage Hospital in *Varanasi* where the Assistant succumbed to his injuries on 23rd of December 2010. The driver was treated for minor back and head injuries. The crew of Producer Directors' Anurag Kashyap's *Gangs of Wasseypur* had been camping for fifteen days on locations near famed city of *Varanasi* (Banaras) in the state of Uttar Pradesh. The incident begs questions about safety measures being adopted in shooting in canning such shots. The incident also raises a very important question-Why was the driver not driving the Jeep? Should *Assistant Directors* be asked or allowed to undertake or perform jobs that do not fall within the ambit of their job profile?

Medical Attention

Mr Rajan Kothari, acclaimed cinematographer, felt that it was crucial after an accident that immediate and proper medical attention is given to the victim. Generally accidents during film shoot result into either loss of limbs or loss of life. When an accident takes place, the injured is rushed to a private hospital. If the injury is serious, they are asked to go to a municipal hospital where again a police case is registered. What is needed today is that norms should be laid, hospitals should be identified and see that there are less of procedural norms. In western countries every *Grip Truck* (lighting equipment van) is equipped with a first aid kit, stretcher, and minor fire dousing equipment.

SAFETY CONTRACTS

Casual approach

Talking of safety contracts with cast and crew before the start of the project *Rajan Kothari*, observed that there is no such contract as such. The undertaking that producers give is *"If there is any accident when shooting is in progress, I would bear the medical cost."* Beyond that there isn't any other thing. The approach towards safety standards is very casual. There are so many untrained people ready to do any kind of work and the problem lies there, he observed.

Ram Madhwani, Advertisement film maker, felt that one could go on passing out the message about safety down the line. But the crew members have to take it seriously. Otherwise it is just one person wasting his breath. He commissioned the service of three experts from *Australia* to execute very dangerous stunts. Their attitude towards safety was of mathematical precision. The result was that as director he didn't have to compromise and do what would not have been possible if the aspect of safety was not in safe hands. The stunt was an integral part of an advertisement film and ultimately became its main highlight.

Compensation

Ad hoc approach

Sanjay Raut, the camera assistant who fell from the crane and became paralyzed below his waist was paid only 2 lacs (\$5000) by his employers. Similar amount was paid to his colleague who did not meet the same fate. It was inadequate for him and the fall probably meant the end of his career. Sanjay was not only devastated but felt hurt at the selfish attitude of the industry. But he realizes that if he continues to pity himself for his plight it will extend his recovery period. He strongly felt that when Production concern is owned and managed by an individual, there is a better scope for concern and consideration of plight of accident victims. In a company, decision making is hampered by the process since it involves more personnel.

When a leading Producer and head of major Producers bodies *Pahlaj Nihalani* was asked for his comments on the adverse working conditions in the industry, his comment must have raised eyebrows of all those who valued safety and human life. *"What working conditions? In our industry, very few people do contractual agreements. Working conditions are not negotiated with contract workers. Here things are*

settled more by the heart. Anyone who is willing to work and is a good technician does not have to ever feel humiliated. Basically it is a wonderful trait, different than the other industries and bodies. In matters of heart there is no room for working conditions”.

Knowing well that safety concerns will never be addressed, *Sanjay Raut*, the crane accident victim, was always willing to shoot dangerous shots but bemoans the absence of any well-defined and formulated policy for the industry to take care of an accident victim *“Is there an association or a union to look after his family? Not until you personally go and shake them out of their stupor and spell out your woes”*, he sounds very vocal in his criticism of the prevailing system.

A model on the sets, though all praise for her director felt that carelessness and insecurity was what resulted in many accidents. Someone else was always lurking behind the scene to take over from those who were not willing to take the risk.

Stunt directors do not have a long working life compared to technicians. As they advance in age, their bodies can no more take the rigors and risks involved in dangerous stunts they perform. Unlike in *Hollywood*, stunt directors do not get to see the script in advance to have any say in planning of action sequences. For sequences involving falls from high rise buildings there is always the risk of landing somewhere else. Mattresses are still used to cushion falls. In case of grave injury adequate medical facilities are not available on the sets or on outdoor locations.

Except for a few exceptions, film producers don't bother getting the necessary clearance certificates from the fire brigade, railway, traffic police and other concerned agencies before initializing film shoots The compensation varies in case it renders the victim of an accident disabled. In case of death the standard compensation of *Rupees five lacs* is given.

INSURANCE

Accidents don't announce themselves

Pahlaj Nihalani felt that since the facility of insurance was available, the industry must make use of it. He wanted all crew members, technicians to be insured since accidents are not planned or don't announce themselves.

In the words of *Mr R.C. Suri*, Manager, *The Oriental Insurance Co. Ltd.* criterion for insurance depends on the track record of the producer. Depending upon what kind of films he has been making. Whether he has been adhering to the schedules earlier, and what type of accidents has been happening on the sets of his films. The premium may range from 1% to 2% of the total project cost.

Bobby Bedi, Producer of the much acclaimed film *The Bandit Queen* made out a strong case in favour of insurance when he said—*“Presently Indian insurance companies are offering policies to the film industry. United India is offering, so are other GIC Companies. They are offering most of the basics. Once the foreign companies step in you will see a lot of interesting products. You will see a policy called Producers Errors and Omissions which actually insures the producers against the mistakes that he makes even after the release of his film. That's what we were covered under when we did the litigation of Bandit Queen.”*

Earlier it was not possible for insurance companies to provide cover because of loans which were not properly accounted for. The expense accounts that they were keeping were not justified by any criterion.

Bobby Bedi felt that insurance is now critical because the money is coming in from cleaner sources. And if a bank wants to give you money they are going to ask for insurance. *“You see so little of insurance in spite of working for 50 years in this industry. I feel we have never been organized. Just getting a policy is not enough. You also have to have the paperwork to get the claim. So scripts, budgets, schedules, daily reports of what's happening, become critical inputs for claims. Tomorrow if there is a claim the insurance company will try not to pay it. Then you should be able to substantiate it”* was how he summed up the situation.

It is also observed that small-banner film producers cannot afford to insure their cast and crew. Big-time producers who have a big-star

cast can get their film insured. If a producer insures the entire film the entire unit members come under the insurance cover. A few of them have been doing so. But at the end of it insurance, being so important, should be affordable by one and all. Insurance companies should come out with varied and affordable third party schemes.

Increasing corporatization of content providers in the television industry has not led to seeking comprehensive insurance policies. Despite frequent accidents on sets, except for few companies the concept of customized insurance policy has not found much favour. Besides some Producers reasoned that many associations were providing insurance to their members

The need of the hour is to include insurance as part of *Memorandum of Understanding* that is signed between *Federation of Western India Cine Employees* and all *Producers bodies*. A comprehensive insurance policy could ideally cover the following:-

- *Accidents suffered by technicians, workers and artists (fixed number of accidents)*
- *Hospitalization charges*
- *Re shoot expenditure for television production interrupted by accidents and other unforeseen disasters.*
- *Compensation arising out of disability*
- *Liabilities arising out of fire*
- *Equipment damage*

Designing comprehensive insurance policies that meet the requirement of various production houses may be a tedious and time consuming task but it will work to advantage for both Producers and workers.

May, 2007

And Where Hard Work Doesn't Pay

The untimely demise of over stressed and over worked television director *Jaggi* (Jagdish Sharma) due to cardiac arrest on the sets of *Anurag Basu's* tele-serial *Love Story* robbed the television industry of yet another promising talent. He was only *35 years old*. A candle light march was organized in Film City to express solidarity and a Charter of Demands was released. However, such gestures turn out to be mere act of tokenism if not followed up by any concrete action.

There are many like *Jaggi* who are bound to follow him. They are dying even before they are dead. Rigorous and punishing schedules to meet deadlines especially those of daily soaps has resulted in several such incidents with unfailing regularity. Following are few incidents involving artists and technicians falling sick on sets. It is not rare to find actors shooting continuously for *30 days* at a stretch with just two holidays in between. They have no time left for any recreation. Indeed the picture is grim!

- *Saat Phere's Tara* collapsed on set after working for 14 hours a day weeks on end, but she is propped up and she continues to shoot.
- *Saat Phere's* actresses are too ill to run around. So they have been asked to sit and emote, and continue shooting through close ups.
- 52-hour shifts, 16 hour days-actress **Roshini Chopra** collapsed after a 52 hour schedule.
- **Ghazal Rai's** glucose level dropped and she had to be hospitalized on account of complying with rigorous working hours to meet the channel's deadline.
- **Neha**, tele-actor, collapsed on the sets of the teleserial **Mamta** after a severe bout of vomiting. The doctor who was called on the sets to check her, blamed it on stress and the gruelling working hours (ranging between 14-15 hours)
- Director of teleserial bemoans-"The pace of the story is developing so fast that at times working for 16-17 hours does not seem enough
- **Mrinal Deshraj**, TV actor, collapsed on location twice on the same day.
- **Rashmi Desai** fainted not on the sets but while shopping in a mall. Gruelling and punishing working hours of television

actor result in fatigue, the effects of which could be felt during a rare off day. She had been ignoring her health of late in the midst of long hours on the sets of a serial during the last two months.

- Actress **Sonali Kulkarni** collapsed on the sets of a children film **Brinda** in Hyderabad. Doctor was called on the sets. He took her blood pressure and was shocked to note it was next to nothing. She attributed her health scare to shooting continuously for the past few months without adequate sleep and lack of proper diet.
- Actors **Amit Jain** and **Shama Sikandar** collapsed due to exhaustion on different occasions while shooting for tele serial **Yeh Meri Life Hai** (It's My Life). It is reported that they were propped up by unit members and also administered glucose on the sets.
- Director **Apurva Acharya** who had been battling stress on account of long working hours and erratic eating pattern suffered from stomach ailment and had to take injections so that he could go to work.

Living on the Edge

The Show must go on

As long as television serials were telecast on weekly and not daily basis, the Production house could create a bank of episodes. Multi camera set up is only used in reality shows but for serials only single camera set up is available. Given the constraints of time and meeting deadlines, this kind of set up consumes more time.

Another factor that creates the kind of chaotic conditions is that several artists, especially those playing leading roles are simultaneously doing two projects. The Channel stipulates delivery date(s) for each episode which cannot be missed. The situation is best summed up when the director of a tele serial who was a witness to his leading artists collapsing on the set due to exhaustion is reported to have said-**“Hope she gets better. Or else she will have to take the saline and work. The show must go on”**.

Scant attention to

BASIC NEEDS

The few incidents cited above are only meant to highlight the fact that there is complete absence of fire safety equipment and violations of fire safety bylaws, especially in the make shift serial sets.

Sets, especially erected inside estates reserved for industrial or commercial use do not have fire safety equipment. This is true in case of several studios where the only visible equipment happens to be a solitary fire-extinguisher. Mills that were closed long ago are now used for erection of dummy sets. In the absence of any security arrangements or fire safety measures there is a constant risk to members of the unit while shooting.

Far from ensuring that safety measures do not violate the civic rules, what is galling is the fact that even basic amenities like toilet, safe and clean drinking water and emergency medical help is not provided.

A 4 Hour Protest

Very rarely have workers in the entertainment have struck work. Their protests so far have been confined to the issue of wages only. But on *July 2008* nearly *1500 workers* at State Government run *Film City* struck work for nearly *4 hours* after one of their colleagues was injured by a private security guard. The workers took the opportunity to highlight and lodge their protest against lack of simple and basic amenities in the Film City. They drew the attention of the authorities to the following:-

- *No mobile toilets at outdoor locations*
- *No decent and proper toilets within the studios for workers*
- *No changing rooms, especially for females junior artists*

The female junior artists have to venture into the jungle to change their clothes. The toilets are epitome of unhygienic conditions. Sometimes the workers have to take a long walk from their sets erected on outdoor locales to the studios premises to use toilet facilities. It is reported that many of them fall sick on account of unhygienic conditions.

The *BMC* (The Brihanmumbai Municipal Corporation), the local civic body recently issued notices to section of owners of studios and producers of tele serials that have erected scores of make shift sets by using acres of open space and industrial estates lying vacant after their closure. They put the onus of proving the legality of structures on Producers. That these sets have been in place for number of years and the work has been going on implies that the *BMC* knows about their existence and have allowed their construction. The situation is no different in several other studios.

While *FWICE* (Federation of Western India Cine Employees), the parent body of all 22 unions has often drawn the attention of civic authorities, fire brigade, studio owners, and producers, there has been no sustained agitation by workers. What more no **Safety Code** has been devised by concerned unions. This code should form part of the *MOU* with Producers bodies to ensure that proper and established safety norms are adhered to and fire fighting equipment is installed in all studios.

What is work related stress

Job stress can be defined as the harmful physical and emotional responses that occur when the requirements of the job do not match the capabilities, resources, or needs of the worker. Job stress can lead to poor health (mental and physical and even injury.

Consider These Facts

"25% of employees view their jobs as the number one stressor in their lives."

--*North-western National Life*

"75% of employees believe the worker has more on-the-job stress than a generation ago."

--*Princeton Survey Research Associates*

"Problems at work are more strongly associated with health complaints than are any other life stressor--more so than even financial problems or family problems."

--*St. Paul Fire and Marine Insurance Co.*

The idea of job stress is often confused with challenge, but these concepts are not the same. Challenge energizes us psychologically and physically, and it motivates us to learn new skills and master our jobs. Challenge is an important ingredient for healthy and productive work. When a challenge is successfully met, we feel relaxed and satisfied. The importance of challenge in our work lives is probably what people are referring to when they say "a little bit of stress is good for you.

But for too many people, the situation is different. Healthy and desirable work challenge has turned into job demands that cannot be met, relaxation has turned to exhaustion, and a sense of personal pride and satisfaction has turned into feelings of stress. In short, the stage is set for illness, injury, and job failure.

What Causes Job Stress?

While just about any work situation can be a potential source of stress, and differences in an individual's personality and coping style are certainly important in predicting whether certain job conditions will cause stress, research also suggests that certain working conditions are bound to be stressful to most people. Workplaces with excessive

workload demands or conflicting expectations on behalf of employers and employees are good examples. Current evidence argues for a greater emphasis on working conditions as the key source of job stress, and for job re-design as a primary prevention strategy.

Workplace conditions that may lead to stress include

The Design of Tasks

One person works to the point of exhaustion; another is tied to the computer, allowing little room for flexibility, self-initiative, or rest other examples would include such conditions as heavy workloads, infrequent rest breaks, long work hours and shift-work; hectic and routine tasks that have little inherent meaning, do not utilize workers skills, and provide little sense of control.

Management Style

Lack of participation by workers in decision-making, poor communication in the organization, and lack of family-friendly policies would all indicate a need to work on a more effective management style. A specific example of less-than-ideal management style would be a case of micro-managing in which employees need to get the boss approval for everything

Interpersonal Relationships

Poor social environment and lack of support or help from co-workers and supervisors can be real source of stress. An example would be when an employee's physical isolation reduces his/her opportunities to interact with other workers or receive help from them

Work Roles

Conflicting or uncertain job expectations, too much responsibility, and too many hats to wear are just some of the cases in which employees can feel caught in difficult, seemingly no-win, and ultimately stressful situations during the course of their work day.

Career Concerns

Rapid changes for which workers are unprepared, job insecurity situations in which employees have reasons to feel worried about the stability of their future with the firm/company/business--and lack of

opportunity for growth, advancement, or promotion can contribute significantly to employee stress.

Environmental Conditions

Unpleasant or dangerous physical conditions such as crowding, noise, air pollution, or ergonomic problems are all examples of environmental conditions that can directly contribute to stress on the job.

Job Stress and Health

Stress sets off an alarm in the brain, which sets off a response of preparing the body for defensive action. The nervous system is then aroused and hormones are released to sharpen the senses, quicken the pulse and respiration, and tense the muscles. This response (sometimes called the fight or flight response) is important because it helps us defend against threatening situations. The response is biologically pre-programmed. Everyone responds in much the same way, regardless of whether the stressful situation is at work or home.

Short-lived or infrequent episodes of stress pose little risk. But when stressful situations go unresolved, the body is kept in a constant state of hyper-alert activation, which increases the rate of wear and tear to biological systems. Ultimately, fatigue or damage results, and the ability of the body to repair and defend itself can become seriously compromised. As a result, the risk of injury or illness (mental or physical, e.g., depression or high blood pressure) escalates.

In the past 20 years, many studies have looked at the relationship between job stress and a variety of ailments. Mood and sleep disturbances, upset stomach and headache, and disturbed relationships with family and friends are examples of stress-related problems that are quick to develop and are commonly seen in these studies. These early signs of job stress are usually easy to recognize. But the effects of job stress on chronic diseases are more difficult to see because chronic diseases take a long time to develop and can be influenced by many factors other than stress. Nonetheless, current evidence strongly suggests that stress plays an important role in several types of chronic health problems-especially cardiovascular disease, musculoskeletal disorders, and psychological disorders.

You don't have to wait until you become sick, anxiety-ridden, depressed, or completely stressed out to benefit from the insight, care and objectivity therapy can provide! If you think your workplace is a current or potential source of stress for you, you might consider consulting with a therapist to determine ways you can either minimize or avoid altogether work-related stress.

What Research Tells Us

Cardiovascular Disease

Many studies suggest that psychologically demanding jobs that allow employees little control over the work process increase the risk of cardiovascular disease.

Musculoskeletal Disorders

It is widely believed that job stress increases the risk for development of upper-extremity musculoskeletal disorders.

Psychological Disorders

Research consistently indicates that differences in rates of mental health problems (such as depression) for various occupations are due partly to differences in job stress levels.

Suicide, Cancer, Ulcers, and Impaired Immune Function

Research suggests a critical relationship between stressful working conditions and these serious health problems.

Stress, Health, and Productivity

Recent studies of *healthy organizations* suggest that policies benefiting worker health also benefit the bottom line. A healthy organization is defined as one that has low rates of illness, injury, and disability in its workforce and is also competitive in the market place. Examples of organizational characteristics associated with both healthy, low-stress work and high levels of productivity include the following: Recognition of employees for good work performance

- *Opportunities for career development*
- *An organizational culture that values the individual worker*
- *Management actions that are consistent with organizational values*

The need of the hour

SAFETY CODE

Incidents relating to accidents taking place frequently on the sets have one thing in common. Complete absence of any regulation to ensure that safety practices are followed by all production units on sets and outdoor locales. In addition to incidents mentioned in this chapter there are several which go unreported.

While corporate giants are reported to usher in an era of corporatization in the entertainment industry, scant respect is paid to develop practical guidelines in the safe execution of production and events across the entertainment industry. Hollywood biggies like *Disney* too have entered the production sector. Millions are being pumped in big budgeted films, most of which are also shot on locations in various countries. It is another story that most of these films turn out to be duds after the initial draw on first three days of their release. Any effort to engage in fruitful discussion with all concerned regarding evolving or developing a *General Code of SAFETY PRACTICES for Production* is never taken seriously. The aftermath of accidents on sets, resulting in injuries and death of workers and technicians is focused only on negotiations or compensation for the deceased member's wife or family.

That when a copy of *Handbook on Safety Practices* published by concerned unions/associations in *USA, UK, and Australia* was shown to concerned unions here, the office bearers brushed it aside, stating that it was not possible to make the implementation of similar safety practices mandatory.

Other industries are mandated to follow specific safety measures to ensure safety of workers and technicians primarily for the reason that they are recognized as an industry by way of application of various laws enacted in State Assemblies and Indian Parliament. Although trade unions in the entertainment industry are organized to the extent that their parent body has *MOU* with Producers bodies with regard to wages and working conditions, no pro labour law is applicable to them. Unions are more focused in ensuring member to member working arrangement and resolution of disputes pertaining to earned wages. *Safety and Health* is perhaps the least area of concern.

In this chapter we have extensively dealt with several incidents resulting in the death of workers and technicians on sets and on

locales. Attempt has also been made to draw attention to absence of safety measures and medical facilities. It is imperative that we understand the importance given to *Health and Safety* of workers and technicians in entertainment industries in countries like *USA, UK, and Australia*. The safety code and measures approved are available to all concerned. Many key features of such codes and practices could be adopted by our *producers* after deliberations with *Federation of Western India Cine Employees*. In fact it would not be out of place to reiterate the need to include them as key features in the *MOU* signed between Federation and Producers bodies.

Contract Service Administration Trust Fund, California, USA administers a wide variety of programs for the benefit of the motion picture and television industry in Hollywood. It is governed by the collective bargaining agreement by and between the *Producers, the International Alliance of Theatrical Stage Employees, the Moving Picture Artists, and Allied Crafts of the United States, its territories and Canada* as well as the Collective Bargaining by and between the Producers and the Basic Crafts Locals. It is administered by Board of Trustees appointed by the *Alliance of Motion Picture & Television Producers*. It is financed by way of contributions from signatory Producers for each hour worked by or guaranteed a covered employee.

Safety bulletins are developed and issued by the *Industry-Wide Labor Management Safety Committee* during the last two decades. *The General Code of Safety Practices* incorporates information from such safety bulletins. While several guidelines have evolved from *Federal, State and/or Local laws and regulations*, there are several features that don't require any professional or expert opinion to evolve.

It is interesting to note that all Producers are required to have and post a general set of *Code of Safety Practices* at each set, location, or job site.

It is observed that adherence to safety practices serious accidents and injuries can be avoided or prevented.

A few guidelines worth following or adhering to areas under:-

- All Production Concerns or Companies or Producers or Employers are required to name a person responsible for safety on the production as outlined in their *Injury and Illness Prevention Program*.

- Call sheets contain important safety information for the next day's shoot.
- Safety Meetings are conducted whenever necessary to brief workers and technicians or crew members on potentially hazardous set conditions.
- All questions concerning hazardous and/or unsafe conditions should be addressed to supervisor/production manager, producer, union representative, or studio safety representative. No action or disciplinary action will be taken against any crew member reporting such conditions on the studio safety hotline anonymously.
- Fire equipment (hydrants, extinguishers, sprinklers, hoses etc.) must be accessible at all times.
- All cables should be neatly routed.
- If involved in any stunt, special effect, aviation sequence, water sequences or other potentially hazardous or unusual activities, additional Safety meetings may be held for such activities.
- Whenever working greater than 30 inches or 6 feet (during construction) above the floor, ground or other working areas, when standard guardrails or other equivalent protection is not available, use of appropriate fall protection equipment is advised.
- Temporary stair railings and guardrails are required around elevated surfaces, pits, holes or other unprotected openings. Proper lighting in such areas and post signs are necessary.
- Unprotected work areas such as platforms, sets, walkways, cliffs, floor openings, shafts and rooftops (when approaching within 6 feet of the roof's edge) require the use of approved fall protection measures. These measures include but are not limited to guardrails, barriers, safety net systems, a written fall protection plan, and/or the use of personal fall arrest, fall restraint, or working positioning systems.
- Appropriate personal protection equipment and/or other safety equipment must be provided to the cast and crew as needed. There must be a planned escape route and each person involved should personally check all escape routes. Only persons authorized by the special effects and/or Stunt Coordinator shall be allowed in the area.

OBSERVATION: *We can observe from the above that many accidents that took place on sets of our films could have been avoided if Production concerns and Unions had a Safety code in order.*

BECTU (The Media and Entertainment Union, UK) issued a *Handbook* covering key health and safety issues, especially while working on location. The *Advice* from **BECTU** contains useful information for the benefit of crew members. Let us examine those that are of immediate concern to our workers and technicians.

- Long working hours can cause fatigue and stress. Cumulative effects can make you more prone to errors and accidents, infections, long term ill health or falling asleep at the wheel. **BECTU** believes that no one should work more than 12 hours a day. By law you are entitled to rest breaks, daily breaks (min 11 hours), weekly breaks for at least 35 hours or a fortnightly break of at least 59 hours, a minimum average working week of 48 hours (if you agree to do more it should not invoke health risks).
- Planning should avoid unreasonable schedules, food or sleep deprivation and unnecessary retakes especially those involving stressful or tiring activities. Production companies therefore schedule working hours sensibly, taking travel time into account, and provides accommodation for crew and cast when working on locations. Everyone is entitled to work free from harassment, bullying, or abuse.
- Risk assessments should include measures to prevent work related stress and promote good working relationships.

Relevant Law: *Management of Health and Safety at Work Regulations, 1999, Working Time Regulations, 1998 (as amended)*

- Work equipment must be safe, suitable, well maintained, thoroughly inspected after transport/installation, accompanied by documentation/records, and safely operated. Different equipment and safety standards may apply abroad-information must be obtained beforehand.
- Welfare facilities and refreshments are important particularly when working in extreme of temperatures. Uncontaminated drinking water and suitable washing and sanitary facilities must always be readily available to all concerned. Take precautions against risks of food contamination.

Relevant Law: *Workplace (Health, Safety and Welfare) Regulations 1992; Electricity at Work Regulation 1989; Control of Substances Hazardous to Health Regulations 2002; Personal Protective Equipment Regulations 2002; Manual Handling Operations Regulations 1992; Provision and Use of Work Equipment Regulations 1998; Lifting Operations and Lifting Equipment Regulations 1998.*

OBSERVATION: *We can observe that a number of regulations/laws are already in place in U.K. while no such laws are applicable in our industry. What is applicable is mentioned in MOU signed between Federation and Producers Bodies. In the recent MOU entered into by both parties Health and Safety concerns are confined to only 12 hours shift and insurance. But the shift timings are constantly violated and shootings are brought to halt by the Vigilance Committee of the Federation by way of non-co-operation. How many Production Companies insure the entire unit or crew members are open to investigation and debate?*

AEIA, the *Australian Entertainment Industry Association*, and the **MEAA** (*Media and Entertainment and Arts Alliance*) have evolved **Safety Guidelines** for the Entertainment Industry in order to minimize risk in the workplace. The Guidelines have evolved after extensive consultations. It is mentioned that endorsement is being sought from relevant workers' compensation authorities.

The Guidelines are also part of a broad *Occupational Health and Safety (OH&S)* framework for the entertainment industry which will lead to development of *National Code of Practice*.

The regulation of working conditions and adherence to key safe safety and health practices in *Australia* should also be highlighted to draw attention of trade unionists to the fact that there is an urgent need to evolve our *Safety Code* for the benefit of all concerned. The key features of the arrangement worked out between *AEIA* and *MEAA* are highlighted below:-

In all states and territories of *Australia*, there is health and safety legislation that applies to all workplace practices. All Productions, events, and venues must comply with relevant legislation and any person working outside these requirements may be subject to fines and/or prosecution. The legislation, in particular, requires all organizations involved in the entertainment industry to:-

- *Have policies and procedures that aim to protect the health and safety of all.*
- *Ensure such policies and procedures are documented and available to all.*
- *Undertake risk assessments to identify hazards and implement appropriate control measures.*
- *Consult with all involved in the workplace.*
- *Ensuring the health and safety at work is a shared responsibility between the producing company, the venue and all their workers and contractors.*

In view of accidents taking place frequently on sets and locations in our industry, it is worth noting the relevant segment titled *SAFETY INDUCTION* contained in the Guidelines.

SAFETY INDUCTION: All those working on a production or at an event should be given sufficient information to enable them to perform their job safely. Irrespective of the duration of their engagement period, all those working on a production or event must be given an induction at each work site at which they will perform duties. It must include information relevant to the event or production. Time will be put aside on the first day of employment at each venue or site for this induction. Key issues likely to be covered include:-

- Relevant site layout including location of:
 - *Safe access and egress points,*
 - *Facilities and amenities,*
 - *OH&S equipment including personal and protective equipment,*
 - *First aid and emergency equipment,*
 - *Material safety data sheets for any relevant hazardous substances;*
- *Emergency and evacuation procedures and relevant personnel (including recognition/use of fire extinguishers);*
- *Crucial workplace-specific procedures, including relevant manual handling issues.*

We have observed how a young light man *Vijay Gupta* kissed death when on a chilly winter night he plummeted to the ground from atop a 37 ft. tress while fitting lights. The venue was State owned *Film City*. Let us examine a few relevant guidelines contained in the section

Work Involving Heights. Perhaps if few safety measures were in order or in place, *Gupta's* precious life could have been saved.

All Work involving Heights: A risk assessment must be done for all situations where work is done at a height. It must include consideration of those working below. Key issues include:-

- Where there is potential for a person to be injured by a fall from a height, appropriate precautions must be taken, including:-
 - *Wear a fall arrest device when one is specified;*
 - *Do not undertake work requiring the use of fall arrest or restraint devices until you have been given appropriate training in their use and maintenance-including how to avoid pendulum effect injuries;*
 - *Check that all harnesses, lanyards, fall arrest and fall restraint devices are manufactured and maintained to Australian standards;*
 - *Have an effective communications system between those at a height and those on the ground.*
- *Height rescue procedures must be developed for every workplace where work at a height is undertaken.*
- *Safe access must be provided for all work at heights where there is potential for a person to fall more than 1.8 meters, including:*
 - *Where possible, use mobile platforms rather than ladders;*
 - *Ensure mobile access equipment has its wheels locked prior to use*
 - *Do not enter scaffolding until the appropriately qualified person has completed its erection;*
 - *Only ascend/descend facing towards the ladder and hold on while doing so.*
- *Safe working practices must be implemented while working at a height including:*
 - *Ensure vision is not obstructed;*
 - *Where there are no guardrails, use an approved safety harness connected to a secure anchor point;*
 - *Do not work beyond the side of ladders or over guardrails;*

- *Do not place ladders on other structures to extend their reach;*
- *Wear appropriate footwear to minimize slipping, clothing to minimize risk of snagging and tie back hair at all times.*
- *Appropriate precautions must be taken against injury to people below those working at a height , including:*
 - *Take aloft only essential tools and equipment;*
 - *Prior to ascending, secure all tools and equipment with lanyards to prevent them falling on those below, and empty pockets of any unsecured items;*
 - *Implement appropriate control measures to prevent scenery, props, etc. from creating a risk by falling.*
- *Signs must be clear, unobstructed and in conspicuous places.*

In Mumbai's entertainment industry, most of the accidents involve Lightmen falling from heights on account of fatigue, long working hours and other allied reasons. Even if there are no proper basic safety measures adopted on sets and locations and taking into consideration the fact that chances of Unions and Producers bodies engaging in an extensive consultations to frame necessary *Guidelines* pertaining to *Health & Safety* are dim, the *FSS&AMU* (Film Studio Setting & Allied Mazdoor Union) should take cognizance of the fact that it is their members who meet with accidents that lead to loss of life. The union that has more than *38,000 members* on its roll should frame safety guidelines and ensure that all concerned adhere to it. While it can enforce non-cooperation against erring Producers in matters of non-payment of wages, it can also enforce ban or extend non-cooperation against such Producers who do not have safety measures in place. At the same time it can also take disciplinary action against its own members for violating any provision of *Guidelines* framed by it. To begin with *FSS&AMU* can take the following steps:-

- *Organize workshops to acquaint its members with various provisions relating to Safety & Health.*
- *Organize regular inspection of sets and locations. Employ a professional Supervisor to undertake such inspections.*
- *Report to Fire Brigade Department in case of absence of any emergency equipment on sets.*

- *Appoint a Committee to undertake inspection of all Studios to find out if fire fighting equipment is installed and facilities of medical aid are available in case of any emergency.*
- *Co-ordinate with Art Directors and Production Managers to ensure that Lightmen are not put to any risk and that material used, including chemicals, for construction of sets is not sub-standard and hazardous to health.*
- *Ensure that portable and safe drinking water is available and food provided to their members is prepared in hygienic conditions.*
- *Any laxity on the part of Studio owners in maintaining basic safety standards should be reported to all concerned authorities for necessary action.*
- *Ensure that workers and technicians have access to clean and airy Rest and Changing rooms.*
- *New entrants must be made to undergo test for skills while up gradation of those already employed must be made mandatory.*

CENTRAL LEGISLATION

Futile attempts

The need for special Central Legislation to regulate employment and working conditions in the entertainment industry was felt by several Committees of experts including the *Film Enquiry Committee (1950)*. Several attempts were made by well-meaning members of Parliament to raise the issue on the floor of the Parliament in early *sixties*. Several of these members introduced non-official bills. The Government of the day thwarted their attempts by assuring them that it would itself introduce comprehensive legislation to ameliorate the problems and difficulties of workers. As mentioned earlier in the introductory chapter *A Long Trek*, mention must be made of two such members who moved non official bills in the Parliament as under:-

- *Indian Film Industry Workers (Improvement of working conditions) Bill, 1960 by Mr N.G. Goray*
- *The Film Industry Workers Bill, 1964 by Mrs Maimoona Sultana.*

On receiving assurance from the Government the above referred members of Parliament either withdrew or did not press their respective bills.

The Prime Minister's intervention

The state of affairs and hardship faced film employees was brought to the notice of the late Prime Minister of India *Mr Jawaharlal Lal Nehru* in *December 1963* when he was in Bombay (Mumbai) to inaugurate the *Golden Jubilee Celebrations* of the Indian Film Industry on *6th December 1963*.

A delegation from *FWICE* (Federation of Western India Cine Employees) took the opportunity to present a memorandum to the Prime Minister. The parent workers body sought special central legislation for workers and technicians. They followed this brief meeting by one in Delhi on *26th April, 1964* when the delegation met *Pandit Nehru* just a month before his untimely death. The late Prime Minister assured the delegation that he would take up the matter with the then Minister of Labor and Employment *Mr D. Sanjeevayya* and see to it that benefits available to other industrial workers were also available to the workers and technicians of the entertainment industry.

As a result of *Pandit Nehru's* intervention, the Central Government prepared a draft outline to regulate the employment in the film industry during the year 1965. It was circulated in *October 1965* among various concerned interests in the industry, including the film employee's organizations, for comments. The comments and views of employees were duly submitted to the Government.

Tripartite Committee

The Government placed the said draft outline of legislation before the *Standing Labor Committee* at its 24th Session held in *February, 1966* for its consideration. The Committee recommended that a *Tripartite Committee* be set up to consider the draft and made suitable recommendations in this regard and that the proposed committee should consist of :-

- *One representative each from the Central Organization for workers and employers and*
- *Representatives of Ministries of Information and Broadcasting and Labor, Employment and Rehabilitation and*
- *State Governments of Maharashtra, West Bengal, Madras, and Andhra Pradesh.*

In pursuance of the above recommendation of the *Standing Labor Committee*, the Government set up a *14 member Tripartite Committee* under the Chairmanship of *Mr N.N. Chatterji*, the then Jt. Secretary, Department of Labor and Employment in *November, 1966*. Of the remaining 13 members, 4 members represented the State Governments, 4 the workers organizations, 4 the employers' organizations including the Film Federation of India and one of the Ministry of Information and Broadcasting.

The Committee, after visiting studios and processing laboratories in various centres in the industry and after interacting with representatives of producers, distributors, exhibitors, artistes, technicians, studios, finalized its report during *March, 1968* and submitted the same to the Central Government in *September 1968*. It was a unanimous report.

The Union Government placed the said unanimous report and recommendations before the *Standing Labor Committee* at its 29th Session held in *July, 1970*. It was approved.

It would not be out of place to re produce Clause 5,6,7,9 of the proposed legislation to reiterate the fact that the issue of *safety, working hours* and *insurance* figured prominently in the proposed legislation. These clauses and features of the proposed legislation should also generate serious interest amongst the present day trade unionists for reference:-

CLAUSE 5

Uniform Working Hours

While it was accepted that working conditions in the Film Industry were such that uniform hours of work could not be specified for all its sectors, the draft legislation wanted the State Governments to “fix the number of hours which shall constitute the normal working day separately for different classes of employees depending upon the requirements in each case”. All categories of film employees from years of practical experience, will know how such specification of working hours for each craft is very essential, though long delayed, provision.

CLAUSE 6

Earned Leave & Compensation

The Committee specified ten days casual leave for every year of service for those under regular employment, which could be accumulated as earned leave up to 30 days. For those working on a temporary basis, casually or on contract, this legislation carried a provision “for inclusion in their remuneration a specific component representing compensation at the rate of 10% of the wages in lieu of leave and gratuity facilities....”

CLAUSE 7

Insurance of Stuntmen

*The Tripartite Committee agreed in principle that film producers should be asked to take out **insurance policies on stunt artists and other film personnel involved in risky undertakings** in the course of their work for film production.*

CLAUSE 9

Application of Labor Laws

Apart from a number of provisions for governing the employment of women and children, controlling of flare, provision for **rest rooms**, etc., the draft legislation sought to apply eight very important labour laws to all workers employed in the film industry. as under:-

- a) *The Factories Act, 1948*
- b) *The Payment of Wages Act, 1936*
- c) *The Workmen's Compensation Act, 1923*
- d) *The Industrial Disputes Act, 1947*
- e) *The Employees State Insurance Act, 1948*
- f) ****The Employees Provident Fund Act, 1952***
- g) *The Industrial Employment (Standing Orders) Act, 1946*
- h) *The Shops and Commercial Establishment Act.*

**(The Central Government made the Employees Provident Fund Act, 1952 applicable to cine employees, but it remains on paper and has not been implemented).*

It should be noted that if some of the above referred acts had been made applicable to the entertainment industry's workers and technicians, the issue of *safety and health* would have been taken care of by relevant provisions contained in the acts referred above.

The 2nd *National Conference of AIFEC* (All India Film Employees Confederation) held in *Mumbai* in the year 1980 adopted a resolution on *Insurance* of film employees who undertakes risks in film production. It expressed its deep sense of dismay that in spite of many representations over the years, steps had not been taken either by the employers in the film industry or by the Insurance companies operating in the public sector, to provide insurance against loss of limbs or life for such of those film employees like stunt artists and others who undertake risk in their professional work for film production.

The *Conference* recalled the acceptance by the *Tripartite Committee* appointed for considering the legislation to protect film employees of the need to insure *stunt men* and other *film employees* who participate in risky undertakings during shooting. It also drew the attention of all delegates to the fact that since film production had shifted more towards shooting on outdoor locales and difficult exterior terrains,

thereby increasing the risk for all those working in such shooting schedules.

The *Conference*, therefore, felt that there was increased and urgent need for the immediate introduction of a system of *insurance* to cover risk to life and limb of various categories of film employees during film production. It called upon the producers to undertake such insurance of their employees as and when necessary and appealed to the Government of India that *Public Sector Insurance Organizations* should be instructed to accept such *insurance*. It should be noted that the insurance sector at that time had not been opened to the private sector.

Focus on

Movie Stunt Directors and Artists

The 2nd *National Conference* of all India film workers and technicians deliberated and debated on the ten recommendations brought by the Stunt artists. Some of them concern the issue under spotlight in this chapter. They were:-

- *Indian Movie Stunt Directors and Stunt Artists are made eligible for all kinds of life insurance irrespective of their stunt work.*
- **Monthly pension** be given by the Government of India to all senior and retired members of the fraternity.
- *Stunt artists become invalid due to accidents while performing stunts to be given monthly pension for life.*
- *Fixed amount be given by the Government to members of the family in case of death of Stunt director or his assistant in the course of performing a stunt.*

It is interesting to note that soon after the formation of *All India Film Employee Confederation*, the second meeting of its *National Executive Committee* held at *Madras (Chennai)* on *January 26-27, 1974* called upon all affiliated regional federations to demand *Accident-cum-Risk insurance* for all employees involved in hazardous works such as movie stunt men etc.

The *seventh* meeting of the *National Executive Committee* of the Confederation held on *July 7-8, 1979* in *Madras (Chennai)* once again took up the issue of insurance when it unanimously took the decision to form a subcommittee with *Mr Dharmalingam*, as Convener. *Mr Abdul Mansoor* was entrusted with the responsibility of working out a formula for the early availability of insurance to protect employees from risks during film production.

The Confederation in the *National Executive Committee* held on *12-13 September, 1998* at *Bangalore* once again reiterated its resolve to work for adoption of measures for enhancing the productivity of the work force and improving the working conditions.

In its meeting held on *February 12, 2000* at *Bangalore* the *National Executive Committee* called upon the State Government (*Karnataka*) to set aside 1% of the entertainment tax for a *Pension Fund for Senior Citizens* of the Film Industry on whom age had forced retirement. It

also called upon the Government to give an amount of *Rupees One lakh* to all survivors of cine workers upon his or her demise as was being done in the State of *Tamil Nadu* in case of stunt artists.

Application of Factory Act, 1948

It may be recalled that *Tripartite Committee* set up by the Central Government in *February 1966* had recommended the application of *Factory Act, 1948* amongst other acts to the Film Industry.

The *fourth National Conference* of the *All India Film Employees Confederation* took note of the fact that invariably the operation and working of Recording, Dubbing Centres, Preview Theatres, Private Editing Rooms and such permanent buildings, which are used only and primarily for shooting of films, are not governed by any law and or laws. Hence, it reiterated the application of this Act to Film Industry.

The Factory Act regulates the working conditions in the factories and ensures that basic minimum requirements for the *safety, health, and welfare* of the factory workers are provided.

The Act also envisages regulating the *working hours, leaves, holidays, overtime, and employment* of children, women, and young persons.

The Work men's Compensation Act, 1923 (Now 'Employees Compensation Act')

All these years the norm has been to seek settlement of compensation for the benefit of family of a worker and technicians in case of his or her death on the sets or on outdoor locations. This is more applicable to FSS&AMU (Film Studio Setting & Allied Mazdoor Union) which has nearly forty thousand members engaged in construction of sets and handling light equipment.

Although the *Work men's Compensation Act, 1923* does not apply to workers engaged or employed in the entertainment industry, the relevant clause pertaining to calculating the amount of compensation is taken into consideration while negotiating with producers. The *Act* has been amended and the workers bodies should act fast to have their workforce included within the ambit of the *Act* since it will now be applicable to more workers employed in the unorganized sector. It will be interesting and relevant to take note of few key features of this *Act*, which if applied to our industry can take care of resolving several issues relating to compensation as applicable to workers engaged in organized sector.

The main objective of the Act is to impose an obligation upon the employers to pay compensation to workers for accidents arising out and in course of employment.

The *Act (Section 4.57)* applies to any person who is employed otherwise than in a clerical capacity, in railways, factories, mines, plantations, mechanically propelled vehicles, loading and unloading work on a ship, construction, maintenance and repairs of road and bridges, electricity generation, cinemas, catching of trading of wild elephants, circus and other hazardous occupations and other employment specified in *Schedule II* to the Act. Under *Section 2(3)* of the Act, the State Governments are empowered to extend the scope of the Act to any class of persons whose occupations are considered hazardous after giving three months' notice in the official gazette.

It is the benefits that are available to workers covered under the Act that should excite and motivate the workers bodies to initiate dialogue with the Government for application of this Act to workers and technicians.

Benefits

As per the Section 4.58 of the above referred Act, *"The compensation has to be paid by the employer to a workman for any personal injury caused by an accident arising out of an in the course of his employment...."*

"The rate of compensation in case of death is an amount equal to 50 per cent of the monthly wages of the deceased workman multiplied by the relevant factor or an amount of *Rs.50, 000/-* whichever is more. Where permanent total disablement results from the injury, the compensation will be an amount equal to 60 per cent of the monthly wages of the inured workman multiplied by the relevant factor or an amount of *Rs.60,000/-* whichever is more. Where the monthly wages of a workman exceed *two thousand rupees*, his monthly wages for the above purposes will be deemed to be *two thousand rupees* only."

The Act after amendments is now called THE EMPLOYEES COMPENSATION ACT.

Taking up cudgels-

THE CONFEDERATION

It would not be out of place to highlight the fact that the *Confederation (AIFEC)* comprising of all regional federations did take a leaf out of the *Factory's Act* when in the meeting of its *National Executive Committee* held on 29th June 2003 resolved that *8 hours shift* in the industry should be strictly observed on every medium of movie making be it celluloid, video or television. It was decided to give *2 months'* notice to the Television industry to adjust to the mandatory *8 hour shift*. It was pointed out that in the Television industry there was no shift system for technicians, artists, and other crew members engaged in various departments. The workers and technicians worked for as long as *15-16 hours*, inclusive of time taken for commuting to and from place of work. The long hours of work had created grave problems of stress which is the harbinger of various diseases and health hazards. In the year 2010, the working hours extend to *16-18 hours*. That is the norm, not exception.

It is relevant to reproduce the *Preamble* to this decision since it provides an insight into the working conditions in the television industry in the year 2003. The situation is much worse now with mushrooming of channels and thousands of hours of content required to run them 24x7:-

PREAMBLE

The advent of television opened a new avenue of employment for the technicians and artists of film industry who have been traditionally under employed. Initially, the remuneration was good and payment was prompt. Both these advantages have been lost. The remuneration has become increasingly less and irregularity in payment of dues has become the rule rather than an exception. In fact, exploitation rampant in the television industry is such as never existed in making of films.

The most horrendous of this is slave-driving, a feature most striking among the regular established TV producers. The technicians working in making of television serials and daily soaps are required to work as much as *sixteen hours* a day without a break, day in and day out. Compelled by the need to earn a living, they sacrifice everything which makes life worth living.

The *sixteen hours* of overwork every day leaves them no time to live like a normal human being. They carry on their life in a tired body, tired mind, and morbid due to lack of sleep.

For those who are caught in the vortex of sixteen hours work, life has become a continuation of stress. Continuous stress nibbles at your life. Stress related illnesses do not affect overnight. They affect your nervous system and in turn your vital organ, your liver, the functioning of your heart. One dies prematurely.

A person like the late *Dr. Nitu Mandke*, the most celebrated *Surgeon* of the country doing a *hundred* heart operations a month, earning money by millions, suddenly died of a heart attack. He was only *forty eight years old*. There was nothing else wrong with him except overwork and stress.

The successful and 'in demand' technicians are facing the greatest danger of burnout effect.

Good health and safety are important not only to technician's own well-being, it is important for all those who are dependent on him, his children, his wife and may be his parents.

It is natural that inflow of money makes one disregard the unseen price one pays for it. There is a need to be aware of it before it is too late!

Taking the contents of the *Preamble* which aptly summed up the situation in television sector, the house passed the resolution making it mandatory to have *8 hours shift* as prevalent in film production.

The *Confederation (AIFEC)* called upon all regional federations affiliated to it to intimate all Television serial producers about the decision. The Press note issued by *AIFEC* and published in the print media asked the producers to enforce the eight-hour working schedule. In case the producers faced a time crunch, *AIFEC* suggested that *two separate units could be pressed into service instead of extending working hours*.

Subsequent to adoption of resolution and circulated to all regional federations for enforcement, the next meeting of *the National Executive Committee* held on *April 4, 2004* reviewed the implementation and observed that:

- *FCTWEI (Karnataka Federation) timing of shifts differed while shooting outdoors which began at sun rise (6 a.m.) and finished at sun set (6 p.m.) which amounted to one and a half shift. The indoor shooting in studios was of 8 hours. The representatives of the federation pointed out that unemployment was the key factor in forcing the workers to work for long hours.*
- *The Federation in Eastern Region reported facing acute problems on account of producers shooting Bengali feature films outside their state. They did not engage Bengali technicians on the pretext that technicians in Centres such as Hyderabad and Chennai worked for more than 8 hours a shift. The Federation of Eastern Region demanded strict enforcement of 8 hours shift. The other regions representatives concurred with their demand but felt that this would become a reality in due course of time.*

The situation has only worsened mainly on account of complete absence of any social security in the television sector. As has been the practice the *Federation of Western India Cine Employees*, the parent body of all 22 craft unions and Employers, represented by various Producers bodies like *Guild, AMPPTP, IMPPA*, and *WIFPA* engage in intense negotiations to finalize minimum wages and working conditions after every three years. Of late such negotiations have been prolonged beyond tolerance level. The current negotiations have been taking place for a period of 8 months. While the MOU was ready couple of months ago, the Producers took a long time to initial it, thereby causing resentment amongst workers and technicians.

One of the key demands has been fixation of working hours. The parent body was willing to enhance the working hours to 12 especially in the television sector due to its unique nature of work. There was no positive response from the Producers bodies and the workers body, with the active participation of all affiliates has instructed their members not to work for more than 12 hours. They have been bluntly told to walk out of sets on completion of their shift.

Checking drives were conducted by members of the *Vigilance Committee* comprising of members of affiliated unions even late in the night and work come to halt on various sets. The tough stand taken by *FWICE* was later on diluted to the extent that in case of extension of shift to more than 12 hours, the violating Producer is penalized.



Contrasting Working Hours **The European Profile**

It is interesting to profile REGULAR AND MAXIMUM WORKING HOURS (as prevailing in the year 2004) in *Europe*. The following information is not only revealing but also highlights the fact that the world over the issue of HEALTH AND SAFETY is given prominent place in the scheme of film making: -

	REGULAR WORKING HRS./MAXIMUM WORKING HRS.			
	DAYS	WEEKS	DAYS	WEEKS
BELGIUM	8	40	12	50
DENMARK	8	39	10	-
FINLAND	8	40	8	40+
FRANCE	8	39	10	-
GERMANY	8	42	10	50
GREECE	8	40	10	-
IRELAND	8	40	14	80
ITALY	10	50	10	48
SWEDEN	8	40	10	66
U.K.	8	40	12	72

NOTE: -

- *The maximum is a legal provision*
- *When the working week consists of 6 days (including Saturday) a regular working day has 6 hours and 40 minutes*

A regular working day in European feature film production is generally 8 hours. And a 10-hour day seems to be more or less accepted by the unions. However, the situation of 2001 is unchanged that in some countries maximum working hours of 12 and more hours, the regular working week contains 40 hours of just around.

In some countries the workers are (also) protected by legal provisions. According to the German law for instance, a regular working day is 8 hours, regular working week is 48 hours. The maximum allowed is 10 hours a day and 60 hours a week. The French law limits the maximum working time to 10 hours a day and 48 hours a week. In

Spain, where there is no collective agreement, law limits working hours: 8 hours to 12 hour a day and 40 to 50 hours a week. In Belgium the government is going to pass a law on working time, which will content a specific part on the film and TV Production sector in order to allow derogation from the general provisions.

Central Legislation

UNORGANIZED SECTOR

Of late the Central Government and State Governments have taken cognizance of the fact that 93% of the total work force in India are employed in the unorganized sector and have initiated several measures and schemes to provide social security benefits like life and medical insurance, health care, maternity benefits, and old age pensions etc. that are available to the organized sector. However as far back as in the early *eighties* the Central Government enacted important Acts in Parliament for the benefit of Cine Workers as under:-

- ***Cine-Workers and Cinema Theater Workers (Regulation of Employment) Act, 1981.*** Act No.50 of 1981.(24th December, 1981)
- ***Cine-Workers Welfare Cess Act, 1981.*** Act No. 30 of 1981. (11th September, 1981)
- ***Cine –Workers Welfare Fund Act, 1981.*** Act No.33 of 1981 (17th September, 1981)
-

The year 1981 should be considered as a landmark in the struggle of workers and technicians agitating for Government's intervention to ameliorate the cine workers plight.

The *All India Film Employees Confederation*, the parent body of all regional federations had taken up cudgels on behalf of all the workers and technicians and engaged various Governments and their representatives from time to time for intervention. The enactment of the above three legislations in parliament is also the result of sustained efforts over the years by *AIFEC*.

However the *Cine-Workers and Cinema Theatre Workers (Regulation of Employment Act), 1981* has remained on paper only. Since this *Act* primarily deals with providing security to workers and technicians by making it mandatory on the part of Employers in the industry to enter into a contract with employees, it forms part of the Chapter on *Security*.

The other two *Acts* are primarily meant to provide medical aid, health care to workers and aid to wards of cine workers for education; they fall within the ambit of this chapter on *Health*.

Cine-Workers Welfare Cess Act, 1981

This Act makes a provision for the levy and collection of a cess on feature films for the financing of activities to promote the welfare of certain cine workers and for matters connected therewith or incidental thereto. In fact the cess is the only source of financing the implementation of *Cine Workers Welfare Fund, 1981*. The Government does not contribute any funds towards implementation of various measures contained in the Act. It is the contribution of Employers who are levied a cess at the time of censorship of their film.

Levy & Collection of Cess on feature films

Section 3.-1[(1)].* There shall be levied and collected as cess, for the purpose of the *Cine-workers Welfare Fund Act, 1981*, a duty of excise at such rate not being less than *one thousand rupees* and not exceeding *twenty thousand rupees* on every feature film, as the Central Government may, by notification in the Official Gazette, specify from time to time.

Amendment

The provision relating to amount collected as Cess from the Producers was amended in the year 1992 with the enactment of *Cine-Workers Welfare Cess (Amendment) Bill 1992*. The upper limit of the Cess was raised to *Rs.20, 000/- per feature films of Hindi and English and for regional films to Rs. 10,000/- per film w.e.f. 20.04.2001*. This was done to widen the scope of welfare measures and facilities to cine workers and their families. The enhancement met with a strong opposition from the employers although in principle they did not oppose the nature of welfare benefits. *AIFEC*, through its repeated representation and ceaseless efforts made the Government realize the need to widen the scope of benefits and enhancement of amount disbursed towards medical aid etc.

Members of Parliament and State Assemblies are often maligned or reported to be ignorant and indifferent towards the plight of cine workers of the Film Industry, despite the fact that from time to time, prominent artists have been elected as members of Parliament. However it should also be noted that in states like *Tamil Nadu, Andhra Pradesh* and *Karnataka* artists and writers have risen to become Chief Ministers of the State. The film industries in these states have thus enjoyed political patronage that has benefitted the workers and technicians in many ways.

Parliamentarian's support

The debate that took place in Parliament at the time of amending the *Cine Workers Welfare Cess (Amendment) Act, Bill, 1992* led us to believe that our representatives were too willing to share the concerns and problems of cine workers. A few comments from them while participating in the debate on 24th April, 1993, the day the amendment was carried through, bear's testimony to this fact. I quote them verbatim as under:-

PROF. K.V. THOMAS
(Ernakulum, Kerala);

"I rise to support this Amending Bill. This Amendment is just to change section 3 so that the levy can be increased from Rs.1000 per feature film up to Rs.20, 000/-. In Kerala, we have got a similar welfare fund. But it is more beneficial than the funds formed by the Government of India. According to our Kerala Cine-Workers Welfare Fund, *every worker gets a pension between Rs.300/- to Rs.500/- per month. Similarly, medical treatment is free. Education is free.* Unfortunately in our country, even though cinema has got much attraction except a few actors, majority of the workers who are connected with this field often are found to be on the verge of starvation. The Govt. has to take certain firm decisions.

One, the cinema is not declared as an industry so far. If it is declared as an industry, all the people, actors, cameraman and the boys who are connected with the industry-all of them will get the work".

"Secondly, a *pension scheme* should be given to all those who are connected with the industry".

Note: *A suggestion was made to collect a small percentage from collections from cinema theatres as was being done in Kerala. It could lead to huge collection of funds for its welfare fund. This was also one of the recommendations of National Conference held in Bangalore.*

Mr RUPCHAND PAL
(Hooghly, West Bengal):

"My suggestion would be that the Government should address itself to the serious aspects of the welfare of cine workers and try to do something on the lines it has proposed in other sectors of industry,

although many of them have not been implemented yet. For example, there is the *pension scheme*. As we think about the pension of journalists and others, *why can we not think on that line about the pension of the technicians and cine workers?* Again, there is the question of *Employees State Insurance; medical coverage, insurance* and others which will be contributed by the producers or the units, be it the exhibition centre, be it the production centre and they should make the contribution.”

“As you know, in the production process, a good number of cine workers not only meet with accidents but also encounter occupation hazards as a result of which their eye sight is affected. Because of working under too much of light their eye sight is affected. I am not going into details of such hazards. *But medical coverage should be there*”.

Mr ANNA JOSHI

(Pune, Maharashtra):

“...You know it well, artists who work in studio from morning to evening, you know it well, *and that extra artists in Bombay work for 12 hours or 14 hours or 16 hours a day*. There is a *contractor* also and the extra artists have to pay him some amount for getting work in the industry.

“There is no question to pay salary to them. I would like to know in these circumstances as to what are the health schemes, welfare schemes for all these people? What is their total number and whether the Government has considered seriously about all this? If it has considered about all this, then what provision is likely to be made by the Government for them?

Mr RAMESH CHENNITHALA

(Kottayam, Kerala):

“I want to tell you that certain actors, because of their old age, are starving and they are not able to perform. In such cases, *the Government should consider giving pension to those people who are not able to perform*. During the time of shooting and other activities, if they meet with accidents, some insurance cover must be there. It will be highly helpful to them. Three years ago, one famous *Malayalam hero* died during shooting. Actually, I know him personally. Now his family is starving. There are a number of cases like this.” “*If insurance coverage is there, at least his family will be benefited*”.

“My other suggestion is that *tele films and advertisement films must be included in this*. Now a day, the production of tele films and advertisement films is more in number”.

Note: Those workers and technicians engaged in making of television content, advertisement, short and documentary films are still not included in all the above three referred Acts despite several representations made by AIFEC. Thus majority of workforce is deprived of all benefits that they can avail of, especially when it comes to Cine Welfare Fund Act.

Mr CHITTA BASU

(Barasat, West Bengal):

“I would also like to remind the Hon. Minister that the points I am raising were also raised when the original Bill was being discussed in the House. Some of the Hon. Members said that the *film making should be treated as an industry*. If it is treated as an industry, the workers engaged in it should be treated as industrial workers and then the *Industrial Disputes Act* will automatically apply to them. All the rights flowing from the *Industrial Disputes Act* will automatically apply to them”.

Note: The demand for granting of industrial status to the entertainment industry will imply that all pro labour laws passed since post-independence will also apply to workers and technicians of the entertainment industry. AIFEC, ever since its inception and many reports of commissions and enquiry committees from time to time have recommended application of various pro labour laws to our industry. In the absence of any sustained agitation and activism on the part of unions, the demand for status of an industry has remained a dream and confined to reams of pages on which these resolutions were typed or written.

Mr GOVIND CHANDRA MUNDA

(Keonjhar, Orissa):

“This is a small Bill. It has been brought before the House for limited purpose, but that is very important. The Govt. of India has formed *Cess fund* for the welfare of cine workers. But the amount deposited in the fund is very inadequate. Thousands of workers are engaged in the cine industry. They perform a very vital role in the film. In fact, they are the main source of entertainment. We enjoy their action and dances but we do not have any idea about their living condition.”

“When Govt. of India has been laying stress on the welfare of workers engaged in other fields then the cine workers should not be ignored. *They need better education for their children; health care and higher wages.* It is not possible to take care of the welfare of the cine workers with the money available in the *Cine Workers Welfare Fund.*”

It becomes clear from the submissions made by members of Parliament while participating in the debate that they were not only well aware of the fact that workers in the film industry had been denied rights available to workers in other industries under various pro labour laws but strongly felt that the Government should bring a comprehensive bill to provide **social security, medical and health care, education** to workers engaged in the film industry. This debate took place more than fifteen years ago and we are still waiting for any such bill to be introduced in the Parliament. It is also ironical that while the *Cine-Workers and Cinema Theater Workers (Regulation of Employment) Act, 1981. Act No.50 of 1981. (24th December, 1981)* the implementation of which would have ensured regulation of employment, continues to remain on paper, the *Cine –Workers Welfare Fund Act, 1981. Act No.33 of 1981 (17th September, 1981)* continues to be devoid of any feature of good and affective governance, so typical of all Government schemes and plans. However since it is the only piece of legislation that has not remained on paper but is being administered, it is in the fitness of things that attention is drawn to its key features.

The only silver lining

Cine –Workers Welfare Fund Act, 1981

An Act to provide the financing of activities to promote the welfare of cine workers. A few relevant extracts along with notes citing amendments relating to certain clauses are reproduced below:-

DEFINATION OF CINE WORKER:

2. (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 artist (including actor, musician or dancer) or to do any work, skilled, unskilled, manual, supervisory, technical, artistic or otherwise

(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]

NOTE:

Since the wage ceiling as prescribed in the Act in the year 1981 continued to remain static and did not take into consideration the enhancement of wages, AIFEC made several representations to the Central Government. Workers could not apply for enrolment due to low wage ceiling prescribed under the Act. Hence considerable number of workers remained outside the ambit of this Act.

The long awaited amendment of definition of cine workers as contained in Section 2(b) (ii) of the Cine Workers Welfare Fund Act, 1981 –Income Eligibility Ceiling for Cine Workers for the Purposes of Cine Workers Welfare Fund Act, 1981 was done and Gazette Notifications dated 14th December 2001 and 2nd May 2002 was sent by the Ministry of Labour, Govt. of India vide their communication No.S-51012/3/93-W.II (Vol.V), dated 28th May 2002. The amended wage ceiling now stands as follows:-

a) Rs.8000/- per month where such amount is paid monthly

b) Or an amount not exceeding one lakh rupees where it is paid by way of lump sum or instalments; as remuneration of a cine worker for the purposes of this act.

Prior to this amendment it was Rs. 1600/- per month and Rs. 15000/- by way of lump sum or instalments as remuneration.

(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;

4. Application of Fund.-(1) The Fund shall be applied by the Central Government to meet the expenditure incurred in connection with measures 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 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.

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 the 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 a 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.

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)*

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 the statement of account.

Benefits/Facilities available to

Identity Card Holders

MEDICAL FACILITIES

1. STATIC CUM MOBILE DISPENSARY: -

The dispensary is situated at Medical officer, *Cine Workers Welfare Fund Dispensary, Flat No.703, Bldg.No.29 (MHADA Flats), Oshiwara, Andheri West, Mumbai: 400 053*, to provide basic medical facilities to the cine workers and their dependents who hold ID Cards. The mobile dispensary moves around to various locations and studios to check the members and give treatment accordingly.

2. MATERNITY BENEFIT SCHEME FOR FEMALE CINE WORKER

A female cine worker will be entitled to maternity benefit under the scheme twice in her lifetime. The maternity benefit will be available to the beneficiary in the form of lump sum grant of Rs.1000/- (Rupees one thousand only) per delivery for the first two deliveries.

3. CANCER SCHEME

1. Under this scheme member and his dependents can apply for the reimbursement of medical expenses incurred for the Cancer treatment and they will be fully reimbursed.
2. Subsistence allowance @ Rs.600/- (Rupees six hundred only) per month where the worker has no dependent or one dependent @Rs.750/- (Rupees seven hundred fifty only) per month for a period of nine months. In addition the cine worker can avail of daily allowance of Rs.50/- (Rupees fifty only) each per day for travel to hospital and back for himself/herself and one attendant.

4. MONETARY COMPENSATION FOR STERLIZATION

Rs.200/- (Rupees two hundred only) is given to either (husband or wife to encourage family planning.

1. HEART SCHEME-REIMBURSEMENT FOR HEART SURGERY AND ALLIED TREATMENT FOR THE CINE WORKERS ONLY

1. Under this scheme member and his dependents can apply for reimbursement of Medical expenses incurred for the Heart Surgery and allied treatment. He/She will get *Rs.1, 30,000/-* (Rupees One Lakh thirty thousand only) or the actual expenses incurred, whichever is less.
2. Subsistence allowance @ *Rs.750/-* (Rupees seven hundred fifty only) per month where the worker has no dependent or one dependent @ *Rs.1000/-* (Rupees one thousand only) per month.

2. KIDNEY TRANSPLANTATION AND ALLIED TREATMENT

1. Under this scheme only member can avail the facility for kidney transplantation and allied treatment at a Govt. recognized hospital. He/She will get *Rs.2,00,000/-* (Rupees two Lakh only) or the actual expenses incurred whichever is less
2. Subsistence allowance @ *Rs.750/-* (Rupees seven hundred fifty only) per month where the worker has no dependent or one dependent @ *Rs.1000/-* (Rupees seven hundred fifty only) per month.

3. HERNIA, APPENDICOTOMY (Ulcer in Stomach), PROSTRATE ETC. TREATMENT

Cine members will be entitled to reimbursement of expenses, not exceeding *Rs.30,000/-* (Rupees thirty thousand only) for treatment of the above. It is inclusive of post treatment expenses.

4. SCHEME FOR PURCHASE OF SPECTACLES

Under this scheme cine workers will be provided *Rs.150/-* (Rupees one hundred fifty only) for frames and *Rs.20/-* (Rupees twenty only) for lenses.

9. GROUP INSURANCE SCHEME: -

Every Member who is holding a Cine Workers Welfare Fund I-Card is covered under the Group Insurance Scheme **provided he or she has not subscribed to EPF and who are between 18-60 years of age.**

NATURAL DEATH:-*Rs.5000/-* (Rupees Five Thousand only)

ACCIDENTAL DEATH:-Rs. 10, 000/- (Rupees Ten Thousand only)

SCHOLARSHIPS TO THE WARDS OF CINE WORKERS

Under this scheme the wards of cine workers are provided financial aid as under:-

CLASS	MODE OF AID	FINANCIAL AID	
		GIRLS	BOYS
Class 1 to 4	Dress/Slate/Books	250	250
Class 5 to 8	Financial aid	940	500
Class 9	“	1140	700
Class 10	“	1840	1400
Class 11 to 12	“	2440	2000
P.U.C.1 & P.U.C.2/3 Yrs. Diploma “		3000	3000
Professional courses like			
MBBDA/B.E./BSC (Agriculture) “		8000	8000

Note: Relevant application forms can be procured from the Dispensary or from the concerned union's office.

Although the enhancement of wage ceiling in 2001 opened the door of hundreds of workers and technicians to become eligible for obtaining the Identity Card and all the benefits that are available to card holders, the applicants often complaint there is inordinate delay on the part of the office of the Welfare Commissioner, Nagpur to process claims etc.

OBSERVATIONS

- *All disbursement claims be settled within a fixed period.*
- *In case a cine worker requires urgent and immediate medical attention/treatment, he should get himself admitted to the hospital/clinic nearest of his place. The rule that he or she be admitted to a Government recognized Hospital should be waived in emergency situation.*
- *Pathological tests are costly and beyond the reach of majority of cine workers. When the Dispensary was set up the demand to have a Pathological Lab. was made by AIFEC but unfortunately was not ceded to. AIFEC and all regional Federations, who are part of the Central Advisory Committee, should press for this demand on priority basis.*
- *The demand for shifting the office from Nagpur to Mumbai has been confined to cold storage. Better administration and timely disposal of cases pertaining to reimbursement of medical aid bills, reduction in travelling expenses and above all accessibility of senior officers for implementation and resolution of key issues are all factors supporting this shift.*
- *Of late cost of major heart, kidney and other key ailments has raised manifold. For complicated surgeries it is well-nigh beyond the means of cine workers to bear heavy financial burden. No doubt there has been a raise in financial aid but it is minimal. Provision for periodical raise should be made mandatory.*
- *It is observed that many unions fail to take full advantage of this fund. They do not update their existing members about introduction of new measures and enhancement in financial aid. New entrants on the membership rolls of certain unions are not even aware of existence of this Fund. Hence it is important to publicize various schemes and benefits regularly by way of circulars, pamphlets, and even advertisement in trade papers on regular basis.*
- *In case certain medicines are not available with the Dispensary, there should be a provision to procure them. (A*

suggestion was made in the 4th meeting of the Central Advisory Committee on Cine Workers Welfare Fund held on May 2, 2000 at Shram Shakti Bhavan, New Delhi, Item No.4, page5-The committee approved the proposal of an indicative norm of Rs.20/- per visit per worker that may be followed for both allopathic as well as ayurvedic medicines)

- *The annual audited accounts of the Fund should be circulated each year with unfailing regularity to AIFEC and all affiliated Federations. Since this Fund is sustained by way of contribution from the industry and not the Government, it is within the rights of workers representative to press for implementation of this practice. Incidentally AIFEC had earlier voiced a similar concern when its President Mr Madhusudan had sought information pertaining to administrative expenses as well as amount disbursed on account of financial aid under various schemes. This practice, if followed, would ensure transparency and better management and utilization of funds.*
- *Despite several representations, the workers and technicians engaged in production of content for television, short & documentary films are yet to become beneficiaries under this Act. Members of Parliament have endorsed the demand for their inclusion. It should be realized by all concerned that more workers and technicians are employed in television sector.*

The most viable Health Insurance Scheme in India

Employees' State Insurance Corporation of India

Go for it! Any well-meaning advisor would tell the union leaders to go for this unique scheme that was introduced by the Government when it passed the EMPLOYEES STATE INSURANCE ACT, 1948.

BACKGROUND

As far back as 1929 the question of having a Health Insurance scheme engaged the attention of powers that be. *The Royal Commission of Labor* appointed in 1929 showed a keen interest in this subject but it was not until the publication of the *Beveridge Report* in 1942 outlining a health insurance scheme for industrial workers in Britain that the Government felt the need to introduce a similar **health scheme** in India. As a result of pressure from trade unions to have a social security for industrial workers in India in place, the Union Government appointed *Prof. B.P. Adarkar* to prepare such a scheme that would cover workers below a certain wage ceiling in three major groups of industries:

- *Textiles*
- *Engineering*
- *Minerals and Metals*

The scheme was introduced to provide medical care and sickness benefit for insured persons.

Before enacting a health insurance law, the Government of India sought the technical assistance from *ILO* (International Labor Organization) for carrying out an expert examination of scheme prepared by *Prof. Adarkar*. The experts of *ILO*, while concurring with the fundamental principles regarding coverage of contingencies, the financial participation of the provincial governments and the adoption of an integrated scheme covering sickness, maternity and employment injury, they differed on the subject of administration of medical benefits. The *ILO* while anticipating the greatly increasing facilities for medical care and public health in all parts of the country would make it difficult to justify the establishment of a separate medical organization by health insurance institution itself.

The suggestions made by ILO were incorporated in the scheme prepared by Prof. Adarkar and the **Workmen's State Insurance Bill of 1946** was passed in the Legislative Assembly in April 1948 as the **Employees' State Insurance Act**. This was, in fact, the first social legislation adopted by the country after independence. (*Social Security Concept, Chapter No.3, Report of the Working Group on Social Security, Govt. of India, Planning Commission*)

The Act envisages social protection of workers deployed in the organized sector in conceivable contingencies, such as sickness, maternity and death or disablement due to employment injury. Based on the principle of "*pooling of risks and resources*", the unique, multidimensional health insurance scheme guarantees a fair deal to the covered members by providing *full medical facilities to the beneficiaries, besides adequate cash compensation to insured persons for loss of wages or earning capacity in times of physical distress arising out of sickness or employment injury.*

BENEFICIARIES

At present the *ESIC Act* covers the following sectors:-

- *Non-seasonal, power using factories employing ten or more persons and*
- *Non power using factories and specified establishments employing twenty or more persons*

A factory or an establishment located in a geographical area notified for implementation of this scheme falls under the purview of the Act.

APPLICABILITY

Who are entitled to take benefits of this Scheme? Employees of the aforesaid categories of factories and establishments, but drawing wages only up to *Rs.10, 000/- a month*, are entitled to health insurance cover under the Act.

The wage ceiling for purpose of coverage is revised from time to time, to keep pace with rising cost of living and subsequent wage hikes.

COVERAGE

In the fifties the scheme was implemented in only cities in India i.e. *Delhi* and *Kanpur*. Rapid pace of industrialization led to its

implementation at over 737 centres in 27 states and union territories. Over 3.31 lakh factories and establishments across India are covered by the scheme, benefitting about 10 million units of workers in the lower age bracket. At present the total beneficiary population stands at 40 million.

ADMINISTRATION

It is administered by an apex corporate body called the *Employees' State Insurance Corporation*. It consists of members, representing vital interest groups that include

- *Employees, employers,*
- *The Central and State Governments*
- *Representatives of Parliament and Medical Profession*

The corporation is headed by the Union Minister of Labor, as its chairman, whereas, the Director General, appointed by the Central Government functions as its Chief Executive Officer

The Corporate body is, primarily responsible for co coordinating policy planning and decision making for growth, development, and efficacy of the Scheme.

A Standing Committee, constituted from among the members of the Corporation, acts as an Executive body.

The Medical Benefit Council, constituted by the Central Government, is yet another statutory body that advises the Corporation on matters related to effective delivery of medical services to the beneficiary population.

With headquarters at *New Delhi*, the Corporation operates through a network of 45 regional, sub regional and divisional offices located in various states.

The administration of medical benefit is taken care of by the respective State Governments except in case of *Delhi* and *Noida/Greater Noida* area in the state of *Uttar Pradesh* where, the Corporation administers medical facilities directly.

The Corporation has taken over the administration of 21 *ESI Hospitals* in various states for developing them as *ESIC Model Hospitals*.

FUNDING

The scheme, like most of the social security schemes the world over, is self-financing health insurance scheme. Contributions are raised from:

- *Covered employees and their employers as a fixed percentage of wages*
- *As of now, covered employees contribute 1.75% of the wages, whereas, the employers contribute 4.75% of the wages, payable to the insured persons*
- *The State Governments, as per provisions of the Act, contribute 1/8 of the expenditure of medical benefit within a per capita ceiling of Rs.1, 000/- per insured person per annum.*
- *Any additional expenditure incurred by the State Governments, over and above the ceiling, and not falling within the shareable pool, is borne by the State Governments concerned.*

Note: *Employees, earning up to Rs.70/- a day are exempted from payment of their share of contribution.*

INFRASTRUCTURE

Taking into consideration the social security requirements of an ever increasing worker population, the Corporation has expanded its infrastructural network. So far *ESI Corporation* has set up:

- *144 Hospitals and 42 Hospital annexes with about 28,000 beds for inpatient services*
- *Primary and outpatient medical services are provided through a network of about 1388 ESI dispensaries, 1942 panel clinics, and over 300 diagnostic centres set up in and around the industrial centres.*
- *Five occupational disease centres have been set up, one each at Pune (Maharashtra), New Delhi, Kolkata (West Bengal), Chennai (Tamil Nadu) and Indore (Madhya Pradesh) for early detection and treatment of occupational diseases prevalent among workers employed in hazardous industries*
- *For payment of cash benefits, the Corporation operates through a network of over 813 Branch Offices/Pay Offices, whose functioning is supervised by the regional/sub regional and divisional offices.*

Benefits are offered under major categories as under:

- *Medical Benefits*
- *Cash Benefits*

(a) MEDICAL BENEFIT:-

An insured person and his/her dependents become eligible to full and free medical facilities, without any specified limit and as per requirement, from day one of entering the insurable employment. The benefit comprises:

- *Outpatient care*
- *Domiciliary visits*
- *Specialist and diagnostic services*
- *Hospitalization*
- *Super speciality treatment*
- *Free supply of drugs and dressings*
- *Provision of artificial aids and appliances*
- *Immunization and family welfare service*

The scheme also offers old age medical care to retired insured persons, disabled workers and their spouses subject to fulfilment of certain conditions.

(b) CASH BENEFITS:

These include benefits payable in cash, through Branch offices of the Corporation, on account of loss of wages or earning capacity caused by:

- *By sickness*
- *Maternity*
- *Disablement or death of an insured person due to employment injury or occupational disease*

Sickness benefit, disablement benefit, maternity benefit etc. are payable after due medical certification by an authorized doctor/medical board. Unemployment allowance is payable for loss of employment due to closure of factory, retrenchment or permanent invalidity arising out of non-employment injury.

Benefits & Eligibility Conditions

1. SICKNESS BENEFIT

(a) Sickness Benefit: Payment of contribution for 78 days in corresponding contribution period of six months.

DURATION & SCALE OF BENEFITS

Up to 91 days in two consecutive benefit periods at 20% more than the Standard Benefit

Rate i.e. just above 60% of the wages.

(b) Enhanced Sickness Benefit: Payment of contribution for 78 days in corresponding contribution period of six months.

DURATION & SCALE OF BENEFITS

14 days for tubectomy & 7 days for vasectomy, extendable on medical advice.

Rate of payment is 100% of the wages.

(c) Extended Sickness Benefit: For 34 specified long term diseases. Continuous insurable employment for two years with 156 days contribution in four consecutive contribution periods.

DURATION & SCALE OF BENEFITS

124 days which may be extended up to two years on medical advice during a period of three years in insurable employment.

Rate: 70% of wages approx.

2. DISABLEMENT BENEFIT

(a) Temporary: From day one of entering insurable Disablement employment & irrespective of having paid any Benefit contribution

DURATION & SCALE OF BENEFITS

As long as temporary disablement lasts.

Rate: about 75% of wages approx.

(b) Permanent Disablement: From day one of entering insurable Disablement employment & irrespective of having paid any benefit contribution

DURATION & SCALE OF BENEFITS

For whole life.

Rate: about 75% of wages depending upon loss of earning capacity.

3. DEPENDANTS BENEFIT

From day one of entering insurable employment & irrespective of having paid any contribution in case of death due to employment injury.

DURATION & SCALE OF BENEFITS

For life to the widow or until her remarriage. To legitimate dependent children till the age of 18 years. To dependant parents for life.

Rate: about 75% of the wages approx. shareable in fixed proportion

5. MATERNITY BENEFIT

Payment of contribution for 70 days in two preceding contribution periods. (One year)

DURATION & SCALE OF BENEFITS

12 weeks in case of normal delivery. 6 weeks in case of mis-carriage. Extendable by 4 weeks on medical advice.

Rate: Almost full wages.

6. MEDICAL BENEFIT

Full medical facilities for self and dependants from day one of entering insurable employment.

DURATION & SCALE OF BENEFITS

Full medical care till disease or disablement lasts. No ceiling or upper limit on expenditure for individual cases. **Retired insured persons**

who have been in insurable employment for at least five years before superannuation and disabled insured persons are entitled to full medical care for self and spouse only on payment of Rs. 120/- as annual contribution.

CONFINEMENT EXPENSES

An Insured woman or an I.P. in respect of his wife in case facilities for confinement are not available in ESI Institutions.

DURATION & SCALE OF BENEFITS

Up to two confinements only.

Rate: Rs. 1000/- per case

FUNERAL EXPENSES

From day one of entering insurable employment

DURATION & SCALE OF BENEFITS

For defraying expenses on the funeral of an insured person.

Rate: Actual expenses subject to a maximum of Rs. 3000/- (w.e.f. 1-12-07).

VOCATIONAL REHABILITATION

In case of physical disablement due to employment injury

DURATION & SCALE OF BENEFITS

As long as vocational training lasts.

Rate: Actual fee charged or Rs. 123/- a day whichever is higher.

PHYSICAL REHABILITATION

In case of physical disablement due to employment injury

DURATION & SCALE OF BENEFITS

As long as a person is admitted in an artificial limb centre.

Rate: 100% of wages.

UNEMPLOYMENT ALLOWANCE

In case of loss of employment due to closure of factory, retrenchment or permanent invalidity due to non-employment injury and the contribution in respect of him have been paid / payable for a minimum of five years prior to the loss of employment

DURATION & SCALE OF BENEFITS

Maximum six months during life time.

Rate: 50% of the wages.

COVERAGE UNDER THE ESI ACT, 1948

Under Section 2(12) The Act is applicable to the factories employing 10 or more persons irrespective of whether power is used in the process of manufacturing or not.

Under Section 1(5) of the Act, the Scheme has been extended to shops, hotels, restaurants, cinemas including preview theatre, road motor transport undertakings, and newspaper establishment employing 20 or more persons.

Further, u/s 1(5) of the Act, the Scheme has been extended to Private Medical and Educational Institutions employing 20 or more persons in certain States.

The State Govt. has been requested to issue notification under Section 1(5) on the lines of Section 2(12) keeping the threshold limit for coverage as 10 employees instead of 20. The existing wage-limit for coverage under the Act, is Rs. 15, 000/- per month (with effect from 01.05.2010).

AREAS COVERED

The *ESI* Scheme is being implemented area-wise by stages. The Scheme has already been implemented in different areas in the following States/Union Territories

STATES

All the States except *Nagaland, Manipur, Tripura, Sikkim, Arunachal Pradesh, and Mizoram.*

UNION TERRITORIES

Delhi, Chandigarh, and Pondicherry

COVERAGE: (as on 31st March, 2010)

No. of Insured Person family units	14300000
No. of Employees	13896150
Total No. of Beneficiaries	55484000
No. of Insured women	2600250
No. of Employers, etc.	406499

(Brief description of benefits, contributory conditions, duration of benefits and the scale of benefits are reproduced in brochure available with the office of Employees' State Insurance Corporation Panch Deep Bhavan, New Delhi.

Note: *In the course of the 4th meeting of the Central Advisory Committee on Cine Workers Welfare Fund held on May 2, 2000 at Shram Shakti Bhavan, New Delhi, Mr Madhusudan, President of AIFEC, and member of the Committee, had raised the issue of provision for facilities for treatment of cine workers in ESIC Hospitals. The Chairman of the meeting assured him that the issue would be examined and suitable action will be taken. (Item No.3, of minutes of the above referred meeting)*

From the salient features of the above scheme that is applicable to workers of other industries under the Act there is no denying the fact that if workers employed or engaged in various crafts of the entertainment industry are included in it, it will be the single most important step towards ensuring better health facilities and treatment. It will also provide social security for dependents of disabled workers and their families.

Summary Recommendations

Members of the ***Film Studio Setting & Allied Mazdoor Union***, the single largest affiliated union in the country having nearly 40,000 thousand members should be covered in this scheme. Since they are engaged in non-technical fields and have no opportunity for promotion and advancement in their career, this scheme would take care of their future in case of accidents on sets, disablement etc. The category of members of this union include:-

- *Lightmen*
- *Crane Operators*
- *Painter*
- *Moulder*
- *Tapist*
- *Helper*
- *Spot boys*
- *Electricians*

Members of *Movie Action Dummy Effects Association* which has the following category of members can also be included within the ambit of this Act:-

- *Special FX Master*
- *Special FX Assistants*
- *Gun Master*
- *Gun Assistant*
- *Fire FX Master*
- *Fire FX Assistant*
- *Water FX Master*
- *Water FX Assistant*

The above referred members deal with primary explosives i.e. gun powder. They work under conditions that put their life to risk, primarily due to negligence.

Other category of daily wage earners who can be covered under this Act are *Junior Artists* and members of the *Mahila Kalakar Sangh*.

It is a well known fact that the above referred daily wage earners have no fixed income. Taking into consideration that their remuneration may vary

from month to month, the average income could easily fall within the prescribed limit of the Scheme.

FSS&AMU, in a landmark decision taken in the recent past has initiated the practice of receiving direct payment in favour of their members from the producers for their emoluments and remuneration. These are then disbursed by the union to its members. Multiple employers in case of daily wage earners is considered to be the major impediment in implementing this scheme. However this system of payments can ensure the implementation of funding clause of the Act as under:

“As of now, covered employees contribute 1.75% of the wages, whereas, the employers contribute 4.75% of the wages, payable to the insured persons”

In the absence of sustained activism and agitation workers of entertainment industry will continue to be denied their basic right of access to better medical and health care facilities as enshrined in the Constitution of India.

Had the workers been covered under this scheme, the victims of accidents on sets and punishing shooting schedules on account of long working hours (refer to incidents of accidents in earlier part of this chapter) would not have been denied adequate compensation in case of death or disablement and proper medical treatment and health care in case of sickness/illness.

FSS&AMU CAMPAIGN

FSS&AMU (Film Studio Setting & Allied Mazdoor Union) launched a **campaign** in *November 2010* to draw the attention of *Ministry of Labor & Employment* to the plight of its members, especially the large percentage of those living under precarious conditions. Its campaign should also include vital statistics, working conditions, wages and lack of social security, including medical aid, health care and old age pension that is available to workers of the organized sector. Since the present Government's focus is on inclusion of unorganized workers within the ambit of much legislation that have been tabled on the floor of the house or are being implemented, it should not be impossible for the union to win the war.

Support of leading actors who will never be seen to be anti-workers; the print and television media; members of Parliament representing the entertainment industry and several *NGO's* was sought and copy of the Petition was sent to the *Prime Minister, The Finance Minister, The Labour Minister, Smt. Sonia Gandhi, the Chairperson of NAC, The Chief Minister of Maharashtra* and all members of Parliament.

The Union released a copy of the Petition to the Press in a Press Conference held on *26th November 2010*. The representatives of the Union, amongst other demands, also pressed for inclusion of its workforce within the ambit of *ESIC*. The union also declared its intention to use all available legitimate like strike, dharnas etc. in case the Government failed to respond favourably to its demand by *31st December 2011*.

The issue of cine workers not being covered under *ESI* and other welfare schemes of the Government came up for discussion in meetings of *Central Advisory Committee of Cine Welfare Fund* held in the Ministry of Labour and Employment, Government of India from time to time. Pursuant to this, a decision was taken that officers of *ESIC* will get in touch with the representatives of *Cine Workers' Association* and discusses steps that needed to be taken to cover the Cine Workers under *ESI Scheme*. *Mr. S.K. Sinha*, Joint Director Incharge, *ESI Corporation*, Sub Regional Office, Thane was nominated as the *Nodal Officer* for this purpose. Subsequently *Nodal Officers* were nominated in other States Also for interacting with the regional Federations of *AIFEC*.

In order to create awareness about the benefits under *ESI Scheme* and to have clear understanding about the manner in which Cine Workers are hired by the Producers/Production Houses, series of meetings were held with *FWEICE*. In the course of such meetings it emerged that employees of major Producers/Production Houses and Film Studios are covered under *ESI Act*, various categories of Cine Workers hired by Producers from the *22 affiliates* have not been brought under the ambit of the *ESI Scheme*.

In the meanwhile, Ministry of Labour and Employment, Government of India constituted a Sub Committee in *September, 2010* under the Chairmanship of *Mr. B.K. Sahu*, Insurance Commissioner, *ESIC* to look into, inter-alia, the issue of coverage of Cine Workers under *ESI Act*.

SPECIAL SURVEY DRIVE

As a first step towards coverage of Cine Workers under *ESI* Scheme, it was decided that a **Special Survey Drive** of all Film Studios/Production Houses should be launched and conducted in cooperation with *FWICE*.

Since *FSS&AMU* has the largest workforce in terms of numbers a meeting was held in its office. It was attended by *Mr. S.K. Sinha*, Joint Director Incharge and his colleagues. *Mr. Madhusudan*, veteran trade unionist who had been pressing for inclusion of Cine Workers within the ambit of this *Act* for a long time was invited to attend this meeting. After a lengthy discussion and debate with office bearers of *FSS&AMU* it emerged that *FSS&AMU*'s cooperation and assistance in conducting the survey was necessary. It also became evident that the daily wage earning members of the Union were likely to be beneficiaries of this *Act*.

Since it is the Producers who have to make statutory compliances under *ESI Act*, it was decided that *ESI* representatives will hold meetings with office bearers of various Producers bodies to apprise them of their mandatory y obligations under the *ESI Act*.

The *Survey Drive* was launched from *February 2011* and of the *103* Film Studios/Production Houses surveyed till the end of *March 2011*, *37* of them were either not found coverable or found closed/locked. Of the remaining *66* units, *11* were already found covered under *ESI Act*. Thus as a result of the *Survey Drive*, *55* new units were found coverable under the *Act*. In these units, *795* regular/casual employees were found to be employed directly by the employers whereas *1031* employees (Cine Workers) were found to be engaged on contract basis.

SURVEY ANALYSIS

The analysis of *Survey Report* shows that Cine Workers being paid *Rs. 572/-* or less per shift are coverable and thus most cine workers of various affiliates are, prima facie, not coverable (the wage limit for coverage under *ESI Act* being *Rs. 15,000/-* per month). At the same time, various categories of Cine Workers who are members of *FSS&AMU* (Film Studio Setting & Allied Mazdoor Union) have been found coverable and their number is

substantial. In fact, it is this category which is the most vulnerable and less privileged members of the cine industry and hence in dire need of social security.

FOLLOW UP ACTION

The follow up action on the *Survey Reports* received is being taken under the supervision and guidance of *Mr. Mahendra Kumar*, Deputy Director, *ESIC*. As per evidence collected, it appears that about **20,000 cine workers** may be brought under the purview of *ESI Act*. At this stage, the role of principal employers (Producers) is very crucial as it is incumbent on them to register the cine workers whenever engaged by them. The *FWICE* and its affiliates, especially *FSS&AMU* will have to contribute significantly by educating the coverable cine workers under their fold and impressing upon the producers to register cine workers so that they can avail the various benefits under *ESI Scheme*. It is observed that the procedure of enrolment is not cumbersome. The employers can register themselves online.

It should also be recorded that for the first time the Government is keen to provide the social security benefit arising out of this scheme to cine workers. It is evident that *Mr. K. Sahu*, Insurance Commissioner, *ESIC*, *Mr. S.K. Sinha*, Joint Director Incharge, *ESI Corporation*, Sub Regional Office, Thane, and *Mr. Mahendra Kumar*, Deputy Director, *ESIC* are committed to put the intent of the Government to practice. Recently the wage/salary ceiling was enhanced from *Rs. 10,000/-* to *Rs. 15,000/-*. However this may not be enough to cover a large percentage of workers/technicians within the ambit of this scheme. But it should be noted that what matters now is the intent of the Government to provide social security to our workforce. In view of the steep rise in cost of living there is scope for further enhancement of the wage ceiling. The leaders of affiliated unions should make a strong representation to the Government for such enhancement.

In the subsequent pages we will observe that the workers and technicians employed in the cinema and television industries enjoy enough good will amongst the members of the Parliament. A brief summary of comments made by law makers in Parliament is reproduced next as a testimony to the fact that they not only share our concerns but are too willing to voice them in the debates and deliberations in legislative bodies. It is for us to take advantage of this goodwill. This debate took place during the amendment to the *Cine Welfare Fund Act on December 4, 2001*.

WASTED OPPORTUNITY

The support cine workers received from members of Parliament at the time of enactment of *Cine-Workers Welfare Cess (Amendment) Bill 1992* should have warmed the hearts of those at the helm of the trade union movement in the entertainment industry. Enough good will had been generated and it was natural to take our march forward towards enactment of a more comprehensive bill that could put us on par with our colleagues in other industries. The need of the hour was to create a strong lobby within the legislative body to press for such a bill. Like our counterparts in other industries we had to present our case effectively. We had to use the tools of sustained agitation to achieve our goal. The media, especially Television that plays such a vital role in generating debate, discussion on various issues had to be cultivated. The mode of merely sending delegations, petitions was no longer a viable tool.

Once again, the members of Parliament supported overwhelmingly the amendment to *Cine Welfare Fund on December 4, 2001* when the *Cine-Workers Welfare Fund (Amendment) Bill 2001* was passed. The members not only supported the amendment to enhance the wage ceiling limit but also the need to include workers and technicians engaged in making content for television, short, documentary and advertisement films within the ambit of this act. That it has not been done during the last nine years speaks volume about the inability of trade unions to press home the advantage gained by way of unstinted support from law makers.

Shabhana Azmi, renowned actor, social workers, activist and member of Upper house sought simplification of procedure considering the fact that applying for financial aid at the time of illness, the cine worker had to undergo a long and arduous process. She referred to the huge amount of *Rupees twenty crore* being collected in Cine-Workers Welfare Fund.

She rued the fact that no provision had been made to collect cess from the television industry, the advertising industry. She suggested that a certain amount per episode could be collected as cess.

Ms Vanga Geetah wanted the Government to bring in a more *comprehensive Bill* to protect the workers and the industry in all manners.

Mrs Saroj Dubey strongly felt that the audit report of the *Welfare Fund* should be sent to all the people connected with the film industry along with the Unions to maintain its transparency. She wanted the Hon. Minister to introduce a scheme for payment of compensation to the cine-workers such as, stuntmen or the workers performing as duplicates, in case of accidents. She was in favour of application of all the labour laws, regarding payment of *minimum wages, working hours, security; medical care etc.* should also be made applicable to the cine-workers. She urged upon the Hon. Minister to bring a comprehensive Bill in this regard so that the cine-workers get the benefit of all pro labour laws.

Mr H.K. Javare Gowda drew the attention of the house for *inclusion of cine workers engaged in making of serials of television* within the ambit of *Cine Workers Welfare Fund Act, 1981*. He felt that the amount collected by the Government by way of entertainment tax should be earmarked for giving insurance cover and other benefits to the cine workers. He also urged the Government to set up an official committee to go into the problems faced by them. He too favoured and supported his colleagues demand for a comprehensive legislation for benefit of workers and technicians employed in the entertainment industry.

PRIVATE INITIATIVES

Health & Medical

We have covered the benefits available to cine workers who have ID Cards under the *Cine Welfare Fund Act*. Although the fund is administered by the Central Government it is funded by the Producers by way of cess collected at the time censorship of their films. Hence it can be said with certainty that there is no medical and health facility provided by either Central or State Government to workers and technicians engaged in the production of films and television content.

Apart from unions own initiatives to provide medical and educational aid to their members, there are a few trusts and organizations managed and administered by personnel from the entertainment industry. Ironically not all unions are aware of rules and regulations pertaining to dispensation of medical aid to workers and technicians engaged in various crafts. It seems there is absence of proper information which has not been circulated to all affiliated unions.

The quantum of aid provided by unions varies from one union to the other. It is also subject to availability of funds and change of guard or committees that are elected after elections. In some cases policies are often changed when new committees take over the reins. There is no continuity and consistency.

The ideal situation in so far as workers are concerned will be applicability of various schemes that provide health and medical facilities and administered by both Central and State Governments. ESIC (*Employees' State Insurance Corporation*) package of medical, health, insurance benefits is one such initiative whose application to our workers and technicians will enable them to derive benefits for lifetime and not be subjected to or dependent on aid provided by unions.

ESIC is now covering unorganized sector and is conducting a survey with the help and assistance of FSS&AMU (Film Studio Setting & Allied Mazdoor Union) to administer the scheme to workers and technicians employed in entertainment industry. This will fill the vacuum in Health and Medical sector to the extent that facilities will be available on permanent basis to workers entire family as well.

The Cine Artists Welfare Fund of India

*National Film Development Corporation of India,
Discovery of India Bldg.,
Nehru Centre, Dr. Annie Besant Road,
Worli,
Mumbai: 400 018.
Tel: 24929096*

The Cine Artists Welfare Fund of India (CAWFI) was established with a corpus accruing from the profits of Richard Attenborough's Oscar Award winner GANDHI. A Charitable Trust established by NFDC (National Film Development Corporation) to provide financial aid to needy cine artists, especially those of yesteryears and educational aid to their dependents.

The representatives and office bearers of Junior Artists Association and its female counterpart Mahila Kalakar Sangh resent the fact that they have been left out of the purview or ambit of this fund since they are not considered as artists. They have brought this to the notice of the concerned authorities but in vain.

RULES GOVERNING VARIOUS BENEFITS UNDER THE CINE ARTISTES WELFARE FUND OF INDIA

These rules will be called *The Cine Artistes Welfare Fund of India Rules* and extend to the whole of India to the eligible Cine Artistes as defined in the Cine Artistes Welfare Fund of India Rules. The prime purpose of these rules is to provide for the various benefits for which the Cine Artistes Welfare Trust has been formed by the Corporation.

DEFINITIONS:

- a) 'Chairman' / 'Chairperson' means the 'Chairman' / 'Chairperson' of the Trust so appointed by the Board of NFDC.
- b) 'Cine Artiste' means any person who has performed in any capacity and appeared on the screen in any cinema and such cinema was produced and shown to the public at large.
- c) 'Corporation' means National Film Development Corporation.
- d) 'Managing Trustee' means the Managing Trustee of the Trust so

appointed by the Board of NFDC.

e) 'Patron' means any distinguished person or persons appointed as Patron or Patrons of the Trust by the - Board of NFDC.

f) 'Trustee' means a person appointed or nominated by the NFDC to act as a Trustee of the Trust and includes the Managing Trustee, Trustees for the time being and future appointees as trustees.

g) 'Trust' means "The Cine Artistes Welfare Fund of India".

h) 'Trust Office' means any office so designated by the Trustees.

MAJOR OBJECTIVES OF THE TRUST

a) To help Cine Artistes. (Or their dependents) who are in financial distress due to old age or otherwise handicapped from accident or disease.

b) Medical aid to such Cine Artistes and their dependents.

c) Education for such Cine Artistes and their dependents (to be limited up to two children).

d) Assistance to such Cine Artistes in case of accidents, medical emergency etc.

ELIGIBILITY

Unless otherwise approved by the Trustee, any Cine Artiste, who has performed in at least five films and whose annual income from all sources is below *Rs.24, 000* per annum, would be eligible to apply in the prescribed format for financial assistance under any of the aforesaid welfare scheme of the Trust.

GENERAL

1. Grant of Financial Assistance from the Trust Fund to any Cine Artiste is not as a matter of right. Assistance would be extended depending on the applicant satisfying the eligibility and also keeping in view the financial allocation available for the purpose. The Trust reserves the right to reject or accept any application without assigning any reason thereof.

2. A Cine Artiste who is eligible for claiming financial assistance under the rules should first register himself/herself with the Trust Office. The registration number should be quoted in all the correspondence with the trust

3. The Head Office of the Trust would be at Mumbai with Regional Offices at Chennai and Kolkata. Cine Artistes belonging to the respective regions would register their names with the Trust Office in respective regions.

4. For the purpose of these rules, the term 'Dependent' means and includes:

- a) Spouse
- b) Spouse of a deceased Cine Artiste
- c) Minor sons and daughters
- d) Unmarried and non-earning daughters
- e) Parents wholly dependent on Cine Artiste

PROCEDURE

The Head Office of the Trust will be in Mumbai with Regional Offices in Chennai and Kolkata. Cine Artistes belonging to the respective regions should apply to the Trust Offices in the respective regions.

Application made for any assistance should be addressed to the Secretary of the Trust. Normally all cases for financial assistance would be discussed and decided by the Regional Sub-committee of the Trust at Mumbai, Chennai, and Kolkata. The General Body of the Trustees would only decide on policy issues or on such matters that fall outside the prescribed guidelines. The Regional Sub-committee would consist of the Chairman of the Trust, the Managing Trustee, and the local Trustees of the respective regions.

In cases of emergency pertaining to compensation in case of death or other similar emergencies which warrant immediate financial assistance, the Chairman or the Managing Trustee is competent individually to grant the financial assistance up to a limit as may be decided by the Trustees. Such cases would be put up for ratification by the Secretary in the next meeting of the Trustees.

BENEFITS AVAILABLE UNDER THE FUND

1. Schooling Assistance

Financial assistance in the form of reimbursement of school and college fees will be extended to the eligible Cine Artistes for the schooling/college education of their legitimate children. This aid will however be limited up to two children only. The assistance would be to the extent of actual school fees subject to a maximum of:

Up to 12th Std.	Rs. 800 p.a.
All graduation courses, All post. Graduation courses, All Research or Professional courses	Rs.1,200 p.a

During a month specified by the Trust for the purpose each year, eligible Cine Artistes may apply in the prescribed format along with the photocopy of the child's mark list of last examination. Assistance will be granted only where the applicant has passed the examination in the earlier year. He/she will also have to attach a letter from the Head Master/Principal of the school/college stating the yearly fees payable by each applicant student separately. The payment will be made by cheque and will be issued directly in the name of school/college concerned.

In addition to the reimbursement of school and college fees as mentioned above, the Trust will also offer a limited number of scholarships to the meritorious school and college going children of Cine Artistes as under:

Class	Amount (Rs.)	Minimum required % for eligibility
Up to 12th Std.	800	60 %
All Graduation Courses, All Post Graduation, Courses, All Research/ Professional Courses	1200	60 %

In case of physically handicapped children of Cine Artistes, minimum percentage would be the pass marks.

MEDICAL AND HOSPITALISATION ASSISTANCE

Medical and hospitalization assistance in the form of reimbursement of expenses incurred for medical treatment or hospitalization will be extended to the eligible Cine Artistes and their dependents. The assistance will not be available for routine check-ups or routine visits or for minor ailments. It will be at the discretion of the Trust to reject or approve any case of medical expenses/hospitalization reimbursement.

Any eligible Cine Artiste who cannot afford to pay his/her or the dependents medical and/or hospitalization bills, may apply for advance financial assistance to the Trust in the prescribed format which may be granted at the sole discretion of the Trust.

Following rules will be applicable in all cases of medication/hospitalization claims:

1. In case of medical claims for reimbursement of doctor's fees and/or drugs, a copy of the doctor's report and the prescription along with the original receipt of doctor's bill and chemist's bill where relevant will be submitted.
2. In case of medical tests such as X-rays, pathological tests etc., a copy of the report of the laboratory along with the bill in original will be submitted.
3. Where hospitalization is necessary, treatment will have to be taken only in the Government or Municipal hospitals or such other hospitals specifically approved by the Trust. In emergency cases however, the patient can be admitted to the nearest hospital and the intimation in such cases should reach the Trust office within 72 hours of the admission for ratification
4. Along with every application for hospitalization assistance, a Cine Artiste will have to attach a letter from the doctor/hospital authorities indicating the type of disease, treatment involved and also estimated expenditure for the treatment along with details of bed charges, medicine, duration of stay etc.
5. No advance will be paid in the normal course by the Trust to the Cine Artiste for hospitalization.
6. In case of hospital bills the payment will normally be made by cheque in the name of the hospital only.

7. Under no circumstances should a patient be admitted to a hospital on Trust account in anticipation of assistance.
8. No reimbursement will be made to Cine Artistes who take treatment from private doctors or nursing homes not approved by the Trust under the rules.
9. No assistance will be provided under the scheme for delivery beyond the second delivery.

The maximum assistance for outdoor treatment/prescribed drugs would be Rs.1, 000 in each case and for hospitalization with medical expenses would be Rs.10, 000 in each case. However, the Trust will have the discretion to sanction amounts in excess of the above in genuine and exceptional cases.

FINANCIAL ASSISTANCE IN CASE OF EMERGENCY

Financial assistance would be extended by the Trust in case of the following emergencies:

1. Death of a Cine Artiste
2. Permanent disablement of a Cine Artiste
3. Accidents and mishaps occurred while shooting and disablement arising out of such accidents
4. Any other emergency which warrants financial assistance by the Trust

Financial assistance would be given depending on the merit of each case. Further, it will be the sole discretion of the Trust to sanction or reject any application for the assistance under this clause without assigning any reason thereof.

A totally disabled Cine Artiste or widow or dependent of a deceased Cine Artiste can apply directly to the Trust indicating the Identity Card number. The maximum aid which can be given under this category is Rs.10, 000. However, in exceptional and deserving cases the Trust may relax the limit.

Assistance for the above mentioned emergencies would be given only once to the applicant.

FINANCIAL ASSISTANCE TO CINE ARTISTES WHO HAVE FALLEN ON BAD DAYS OR FINANCIAL ASSISTANCE TO REMOVE POVERTY

Under this scheme financial assistance of Rs. 750/- per month will be extended to Cine Artistes who have fallen on bad days due to unemployment or due to any other reason. To be eligible for such help, a Cine Artiste should be above the age of 50 and should have acted or performed at least in five films or spent not less than five years in the trade. Such applications should be duly recommended by the Union/Association to which the Cine Artiste is/has been affiliated.

Financial assistance is also extended to widow of cine artist for a period of 1 year.

Assistance to the extent of Rs.750 p.m. can be given for such period as the Trust may decide.

Film Industry Welfare Trust

*Film Industry Welfare Trust House, Adjacent to S.N.D.T. College,
Behind Ajivasan Hall, Juhu Road,
Santacruz (W),
Mumbai: 400 049.
Tel: 26600895/26612710*

Several eminent personalities from cinema and television industry are on the Board of Trustees.

ELIGIBILITY

Any active worker of the film industry, who is a member of any of the film Association/Union affiliated to *Federation of Western India Cine Employees*, Mumbai, is entitled to seek medical aid for himself/herself, his/her non-earning dependent wife/husband, minor, unmarried, dependent children and dependent parents PROVIDED, HOWEVER THAT SUCH WORKER SHOULD HAVE BEEN A CONTINUOUS IDENTITY CARD HOLDER OF HIS/HER RESPECTIVE ASSOCIATION/UNION FOR A MINIMUM PERIOD OF FIVE (5) YEARS. In the sole discretion of trust, the eligibility for medical aid may, from time to time, be extended to members of the Associations/Unions affiliated to the respective Federations of Cine Employees of other regions of India. NO OTHER RELATION OF THE WORKER EXCEPT AS SPECIFICALLY MENTIONED HEREIN ABOVE IS ELIGIBLE FOR MEDICAL AID.

RULES & REGULATIONS GOVERNING MEDICAL AID

1. *Medical aid will be provided to only serious cases, particularly when the applicant is unable to afford the expenses involved in the treatment.*
2. *Application for medical aid must be made on the trust's medical aid form, prior to commencement of treatment as no re-imbursalment under any circumstances will be made to the applicant for the expenses already incurred by him/her*
3. *The aforesaid condition for prior application may be relaxed by the trust only in very serious cases like that of accident, heart attack, paralysis, in which event the applicant should apply for medical aid within 48 hours from the patient's admission in a hospital.*
4. *The trust reserves the right to accept or reject any application for medical aid without assigning any reasons, whatsoever.*

5. *After receiving the application the same shall be considered only after making appropriate enquiries as to the merits of each case.*
6. *As far as feasible, the trust would grant medical aid only to such workers who take treatment from Government/Medical hospitals rather than private hospitals/nursing homes.*
7. *The trust shall have absolute discretion in assessing the quantum of medical aid required to be granted in each case and the same shall not be questioned by the applicant.*
8. *Under no circumstances any patient will be admitted in any hospital on trust's account*
9. *All applications must be addressed to the Secretary, Film Industry Welfare Trust and handed over/delivered in the trust's office only.*
10. *No medical aid is given for delivery related cases*
11. *The trust has the right to relax, alter, amend or modify these rules without any prior notice and such relaxation, alteration, amendment or modification shall not be questionable, nor shall the same be quoted as precedent for other cases.*

WHAT DOCUMENTS ARE REQUIRED TO BE SUBMITTED FOR MEDICAL AID

- (i) Medical aid form, which is available in the trust's office, must be completely filled in and duly signed by worker and not anyone else on his/her behalf, before submission to the trust.
- (ii) Xerox Copy of first two & last two inside pages of the worker's ration card
- (iii) Xerox Copy of the worker's identity card, which should contain:-
 - (a) His/hers membership number
 - (b) His/hers date of admission by his/her respective Association/Union
 - (c) His/hers Photograph
 - (d) His/hers signature.
- (iv) Patients medical history recorded by the hospital showing the hospital's diagnosis & the treatment required to be given & the likely expenditure for the treatment, duly certified by the attending doctor on behalf of the hospital.
- (v) In case of applicant being a widow, her marriage certificate/Nikahnama and her late husband's death certificate

Shelter for the Shelter less

BASERA

4/42, "Alaknanda" Gulmohar Cross Road No.10,
J.V.P.D. Scheme,
Mumbai: 400 049
Tel: 26208304/Cell No. 9820231380/Fax: C/o. 26730510

Promoted by Dharmesh Tiwari, General Secretary of CINTAA and President of FWICE along with his actress wife Roma Tiwari, BASERA provides much needed succour to the needy and deserving cine workers, technicians, and artists in the industry, especially those who have fallen on hard times and find it difficult to make both ends meet. The aid is given by way of food, cloth, medicines, and necessary support to their dependents. It also aspires to construct an OLD AGE HOME for those workers who do not have a roof over their head. The aid is given on monthly basis and is not accepted in cash but in kind. It was set up in the year 2007.

FUNDING

It is funded by way of donation/sponsorship by eminent artists and personalities working in the industry. The sponsors indicate as to how many bags of food they are offering and then they directly give order to the supplier. In case aid for education to wards of workers, the fee/costume/books etc., payment is made directly to the school/college by donors/sponsors.

RARE GESTURE

Amongst the many instances of providing succour to the needy, the case of legendary singing stars like Kalyanibai and *Mubarak Begum* stand out. *Kalyanibai* at the age of 100 was living in penury, unable to lead a decent life when *Basera* took up her cause by providing her food for a period of one year. Not many will recall that *Kalyanibai* lend her voice to popular numbers like *Aahen Naa Bhare Shikwe Na Kiye* (Zeenat). She was also the leading lady of number of acclaimed films like *Ghar Ki Laaj*, *Kanyadan*, and *Achut Kanya*. She was left to live on her own when her husband migrated to *Pakistan* before partition. Her son *Moiuddin* worked as Spot Boy.

Mubarak Begum, best remembered for her all-time great hits *Kabhi tanhaiyon mein hamari yaad aayegi* and *Mujhko apne gale laga lo ae mere humrahi* on the other hand had the additional burden of looking

after her mentally challenged daughter who suffered from Parkinson disease without any source of regular income. Compared to Lata Mangeshkar at one time, she was granted a measly monthly pension of *Rs. 750* by the Government. Medical facilities and subsequently her monthly rent were provided by *Basera*.

Amongst the prominent artists who came forward to contribute their mite towards the humanitarian case was *Smriti Irani* who adopted *13 poor kids*. She also undertook to bear the expenses of their education.

Cine Artiste Welfare Trust

Registered with the Charity Commissioner

Regd. No. 13558 (MUM)

221, Kartik Complex, 2nd floor, Opp. Laxmi Industrial Estate,

New Link Road, Andheri West,

Mumbai: 400 053

Tel: 26730511/12. Telefax: 26730510,

During the beginning of last decade of last century, the *Cine & TV Artists' Association* was headed by late *Amjad Khan* who made his debut in the cult classic film *Sholay*. It was felt by the committee headed by him that enough funds were not available to provide financial and medical help to deserving and needy members of the Association. It was also felt that funds could be raised by organizing charity shows. But donations could not be accepted as the association was not eligible to get an Income Tax exemption. Hence it was decided that the Association should form its own Trust to become eligible for exemption under *Section 80G*.

The late *Amjad Khan's* untiring efforts resulted in the formation of Trust in the year 1991 and the trust was registered with Charity Commissioner. The following eminent personalities and stalwarts were on the Board of Trustees:-

Mr. Sunil Dutt

Mr. Dara Singh

Ms Asha Parekh

Mr. Amjad Khan

Mr. Amrish Puri

Mr. Chandrashekhar

In the midst of organizing its first charity show in the year 1992 the Association and the Trust were struck with a tragedy-the demise of *Amjad Khan*. With active support of *Mr. Dilip Kumar* and *Ms Saira Bano*, the Trust carried on the unfinished job of *Mr. Amjad Khan*. Three shows were held in *London, New Jersey* and *Houston* and number of eminent artists, musicians, dancers lent their co-operation by participating whole heartedly in the shows. The Trust managed to collect funds of around *Rs. 1.62 crores* from all the shows organized in the year 1993.

The Trust also benefited from the show *CINEMA CINEMA 100* organized by *National Film Development Corporation*. By way of participation of its members it managed to get *Rs.25 lacs* from *NFDC*.

The Trust, for the last several years has been providing medical and educational aid to the needy and deserving members of the Association and their dependents. It has made arrangements with *Lotus Eye Hospital* for regular eye check-up and cataract operations. For the supply of requisite spectacles arrangement has been made with *M/s Sailesh Opticians*.

For treatment of Kidney stone ailments the Trust has made an arrangement with *Nana Palkar Smruti Samiti*. The treatment at very concessional rates for needy members is provided at Samiti's *Aditya Lithotripsy Centre*.

It is worth noting that the *Government of Maharashtra* allotted a plot to the Trust admeasuring *1347.38 sq.mtrs* at *Ambivilli Village*, near *Four Bungalows*, behind *Ambani Hospital* and plans have already been submitted to the *Municipal Corporation of Greater Mumbai* for approval. The Trust has an ambitious plan to include *Medical Centre*, *Recreation facilities*, *Library* besides housing the office of the Association and the Trust in the proposed building. *Mr. Dilip Kumar*, one of the founders Trustee of the Trust donated a sum of *Rs.15 lacs* from the *M.P. Funds* for the development work of the approachable road to the plot. *Ms Priya, Dutt*, Member of Parliament too donated a sum of *Rs.30 lacs* from her *M.P. Fund* for the completion of the said road.

The foundation stone of the proposed *16 storey building* was laid on *1st of May, 2011*. The Trust had organized show in the year *2010* and raised *Rupees five crore rupees*. Nearly *125 artists* had participated in the said show. *Mr. Mithun Chakraborty*, actor and Chairman of the Trust informed the gathering that the money collected was not sufficient to raise more than four storeys. Efforts were on to get donations from people from all walks of life and a proposal to name floors after the donors was one way to generate interest amongst potential donors. It was further stated during the function that the first phase of construction would be over in three years. Noted actor *Aamir Khan* who was present on the occasion offered his assistance in raising funds. The building, **CINTAA TOWERS**, will house the office of trust on ground floor while a cafeteria, a preview theatre; rehearsal hall will be housed on other floors.

The National Policy on
Safety, Health & Environment
at Workplace

The National Policy on Safety, Health and Environment at Workplace (NPSHEW) seeking to provide general guidelines for all stakeholders such as Governments, inspection authorities, employers, research and development institutions, educational institutions for developing a safety culture and ensuring safety, health and congenial environment at all workplaces has been announced on 20th February, 2009

The National Policy on HIV / AIDS and the World of Work was announced on 30 October 2009. The objective of the policy was to generate awareness about HIV/AIDS, encourage action to prevent its spread and further improve and develop the support and care initiatives at the workplace.

The policy aims at preventing transmission of HIV infection amongst workers and their families; protect right of those who are infected and provide access to available care, support and treatment facilities, deal with issues relating to stigma and discrimination related to HIV/AIDS by assuring them equity and dignity at the workplace and ensure safe migration and mobility with access to information services on HIV/AIDS.

The trade union bodies under the umbrella of *AIFEC* and *FWICE* should demand inclusion of their workforce within the ambit of the Policy.

Wages of
Security

WAGES OF SECURITY

From Social Clubs to Craft Unions

Until the early fifties most of the craftsmen and technicians worked with studios. There were no freelancers. In fact, they were considered as permanent employees of the studios. The need to have a trade union body was never felt. Most of the unions of the employees of the producers were originally designed to be social clubs to installing a feeling of fellowship among the members and for meeting and discussing matters of professional interest. *The Report of an Enquiry into the conditions of Labour in the Cinema Industry in Bombay State* is one of the earliest authoritative records available that records the developments that led to the formation of various craft unions.

It is interesting to note that while the momentum to organize trade union bodies picked up in the early fifties, the artist's community in the year 1930 felt the need to have an organization/association to protect their rights. But it was only in the year 1939 that the movement for forming an association began and "*Film Artists Association of India*" was born. Veteran artists like Nazir, Motilal, Yakub, Durga Khote, Sohrab Modi, Gajanan Jagirdar and P. Jairaj were instrumental in the formation of this association. No records or information relating to events and developments in the forties is available or traceable.

As per the above-referred Report, "*....with the influx of independent producers in large numbers since 1946, the conditions of these workers began to deteriorate. Many of them lost large amounts of their salaries. This paved the way for reorientation in the outlook of the technicians, who began to organize themselves on trade union lines with the object of improving their conditions of work and securing prompt payment and adequate salaries.*" The forties and fifties were privy to adverse working conditions in terms non-payment of wages and insecurity of service of technicians and workers. The technicians felt miserable and frustrated.

It was only when Producer Mr. Chimanlal Trivedi started contract system in his Production Company, cracks developed in the relationship between the Writers and Directors who were considered as two most important two wheels on which the industry moved. The change in system led to disputes between the Producers and Directors on one hand and between Directors and Writers on the other. It was evident that the Director could no longer choose a Writer of his choice. The

same held true for Writers. They now felt the need to have their own trade union bodies. It is important to note that since each craft had issues that were unique, it was not feasible to have one union under which could represent all crafts.

While undertaking the herculean task of unearthing information and material required profiling various craft unions, it became clear that few individuals played a stellar role in organizing well-knit trade union bodies to protect the rights of workers and technicians. Mention must be made of *Mr. Shivaji Avdhut* who took the initiative with the help and support of his colleagues like *Mr. R.V. Shrikhande* to organize a union to secure earned wages and remuneration of editors despite initial scepticism and doubts. Majority of employees were not members of the union and this deprived the union's representatives of any authority to bargain with Producers for wages and enforcement of discipline. The founding members were convinced that only a craft union was capable to ensure security of service and wages. They also felt that to improve the working conditions a well-knit union could be the mediator to negotiate with producers.

We have on authority of late *Mr. K.A. Abbas* and *Mr. Ramanand Sagar* that the very idea of having an independent association of film writers first germinated at the *Sunday Cultural and Literary* meetings held at the residence of late music director *Mr. Anil Biswas* in the year 1950. Amongst prominent writers and members of the fraternity of that era who were regular in these meetings were *M/s Dr. Safdar Aah, Ramanand Sagar, K.A. Abbas, Mahesh Kaul, Narendra Sharma, Chandrashekhar, Madhusudan, P.N. Rangeen, and Amritlal Nagar*. According to *Mr. Abbas* it started with informal Sunday meetings at the Matunga flat of Music director *Mr. Anil Biswas* who had a literary flair, too, and so every Sunday afternoon was *Open House* to all writers, most of them being film writers and artists

It required several informal meetings and lot of explaining to the workers and technicians the feasibility of having a union. As mentioned earlier the existing unions at that time were merely cultural and social bodies. Majority of technicians engaged in production of films were not members of such bodies. Consequently, they had no authority to negotiate with producers.

Although the unions were primarily concerned with providing security to workers and technicians in terms of minimum wages and improvement in working conditions, they also undertook several other activities like:-

- *Periodical discussions*
- *Exhibition of films of professional interest*
- *Publication of monthly and quarterly magazines/bulletins*
- *Library of books on film making and film appreciation*
- *Training to hone skills*

The Western India Cinematographers' Association, Association of Film Editors, and the Assistant Film Directors' Association organized monthly discussions while *Cine Dance Directors Association* arranged dance performances to promote various styles of dancing. *The Western India Cinematographers Association* published *Indian Cinematographer* while the *Assistant Directors Association* used to bring out monthly and quarterly issue of *AFDA Bulletin*. It is also on record that the cinematographers' association had a small Library of about 100 books.

It was not until 19th March 1956 when seven unions came forward to form *Federation of Western India Cine Employees* that workers and technicians could have one representative to take up the issue of security of service and wages with Producers.

From 1956 to 1966 no record is available that would suggest that if a formal agreement was entered into between *FWICE* and Producers bodies concerning any wage agreement and establishment of any mechanism relating to settlement of disputes between the employer and employees. However, the Central and State Governments realizing the important place which cinema had come to occupy in life, set up committees to enquire into the conditions of labour and working conditions in the cinema industry. Reports submitted by these committees do throw some light on issues that continue to be relevant even today. Mention must be made of the following committees in this regard:-

- *Report of an Enquiry into the Conditions of Labour in the Cinema Industry in Bombay State.*
- *Report of the Committee for Employees in the Film Production Industry, October 1966 (Government of Maharashtra Industries and labour Department)*
- *Report of the Film Enquiry Committee, 1951*

While the copy of the first is not available, the other two are available for reference and perusal. The digitization of records at the State level is a recent development. The development and growth of cinema industry is

intrinsically linked to the history of our country and it is hoped that efforts will be made to digitize all reference and records pertaining to our industry. It will be a boon for all research scholars and students of cinema of one of the largest industries in the world.

Thanks to *Mr. Madhusudan*, one of the stalwarts of trade union movements in the entertainment industry, a copy of the first instance of written agreement being entered into between *FWICE* and two bodies representing Producers namely *IMPPA* (Indian Motion Picture Producers Association) and *Film Producers Guild of India Ltd.* was made available to the author. According to him, it was after protracted negotiations that Producers agreed to ink this agreement. Their reluctance to enter into an agreement arose from their fear of workers and technicians striking work.

However, the accompanying documents/schedules/annexure pertaining to wages in existence during the said year/period are not traceable.

This Agreement signed on *18th March 1966* should be treated as predecessor of all future agreements entered into between *FWICE* and Producers bodies that grew from two at that time to four. This arrangement between the employers unions and producers bodies can be considered unique from the point of view of the industry, though falling under the unorganized sector, established:-

- *A unique mechanism of settlement of disputes,*
- *Minimum wages*
- *Member to member working rule.*
- *No Objection Certificate to be obtained by a member from his union in case he or she chose to take up assignment, which was hitherto handled or assigned to another member. This becomes applicable especially in case of a dispute arising out of non-payment of dues/creative differences*
- *Right of FWICE to issue Ban Order against defaulting Producer(s) and or imposing non-cooperation against defaulting Producer(s) that is jointly implemented by all affiliated craft unions.*

No doubt, there have been occasions when workers and technicians had to resort to striking work but unlike their counterparts in other industries, the approach was never militant. Although the mutual agreement arrived at between *FWICE* and Producers bodies ensured that minimum wages were fixed and applied to in case of absence of any contract, it

did not lead to enforcement of *Cinema and Theatre Workers Act*, which had made signing of contract mandatory. It is also important to note that although the Central Government made the *Provident Fund Act* applicable to cine workers, it remains, till to date, only on paper. Part of the blame lays with unions for not taking a tough stand, thereby depriving thousands of workers and technicians the benefits of this Act. The Senior citizen members of the entertainment industry would have been the key beneficiaries of this Act.

The first

AGREEMENT

between

Indian Motion Picture Producers' Association

&

The Film Producers Guild of India Ltd.

&

Federation of Western India Cine Employees

This agreement is made on **18th day of March, 1966**, between the INDIAN MOTION PICTURES PRODUCERS' ASSOCIATION, an association of film producers duly registered as a company under the Indian Companies Act of 1913, having its registered offices at Sandhurst Building, V. Patel Road, Bombay-4, acting through its President, and the FILM PRODUCERS' GUILD OF INDIA LTD., another association of film producers, duly registered as a company and having its registered offices at Rajkamal Studio, Parel, Bombay-12, also acting through its President, hereinafter referred to jointly as "the Employers" of the one part, and the FEDERATION OF WESTERN INDIA CINE EMPLOYEES, a federation of different craft unions of film workers and duly registered as a Trade Union and having its registered offices at 231, Famous Cine Studios & Laboratories Building, Haines Road, Mahalaxmi, Bombay-11, hereinafter referred to for the sake of brevity as the "Federation", of the other part.

WHEREAS both the Employers and the Federation are desirous, in the interests of harmonious relations, of forming a Joint Dispute Settlement machinery for the mutual settlement of disputes between the employers and the workers in the film industry-employed in the region known as Western India, it is hereby agreed:-

(1) That the Employers recognize the Federation as the sole representative organization of the crafts as represented by the Federation's affiliates as on date, and the Employers further agree that they shall not recognize any trade union or similar body that may come into existence in the future as representative of any or all of the crafts already affiliated to the Federation subject to the provisions of any code of discipline in which the parties hereto have subscribed.

(2) That the Employers agree to fully co-operate with the Federation in the enforcement of any action the Federation and/or its affiliates decide to take against any employee belonging to the craft or crafts represented by the affiliated unions.

(3) That it shall be the duty of the Employers and their members, on employment by them of any member of the Federation or its affiliates, unions, to issue in writing a contract or letter of appointment, stating therein in unambiguous terms all necessary details, such as the date of commencement of employment, duration of employment, amount of emoluments, mode of payment, nature of work, etc., and further that such contract or letter of employment shall be issued before the commencement of the duties relating to the contract or letter of appointment.

(4) That in case any member of the Federation or its affiliates refuses or delays in accepting such a contract or letter of appointment, as state in clause 3 above, the Employers or their member concerned shall forthwith draw the attention of the Federation or of its particular affiliate concerned, but this shall be done always before the commencement of the duties relating to the contract or letter of appointment. It is also agreed that if this notification is not attended to within a reasonable time by either the Federation or its affiliate concerned, the member who refuses to accept the letter of appointment or contract, shall forfeit all his rights that may otherwise have accrued, should a dispute arise regarding such an employment at a later stage.

(5) That in case of employments where no letter of appointment or contract has been issued, and also if no notice of non-acceptance by the member has been duly issued to the Federation and/or its affiliates, should a dispute arise regarding such employment, provided always that sufficient proof of the employment is available, such dispute shall be adjudged solely on the basis of the existing rules and regulations and minimum rates prescribed by the individual affiliate concerned, as per schedule attached.

(6) That the representatives of the Employers and the Federation shall meet and discuss as to any amendments to such rules and regulations and minimum rates prescribed by the affiliates as above but it is understood that until any final agreement is arrived at and reduced to writing, the present rules and regulations and rates, shall be held as valid in settlement of all disputes for the purpose of clause 5.

(7) That a Joint Disputes Settlement Committee shall be formed herewith, consisting of a minimum two but not more than four members representing jointly the IMPPA and the Guild, and an equal number of members representing the Federation. Every meeting shall elect its own Chairman for the day and such a Chairman shall have only a casting vote. All decisions arrived at, at such meetings shall be final and no appeal shall be entertained.

(8) That the names of first members, as above, shall be duly furnished by the Employers and the Federation, in the first instance, not later than a fortnight from the date of this Agreement, from which date the Joint Dispute Settlement Committee will be deemed to have come into existence. Thereafter any change that may be necessary will be duly intimated before the meeting.

(9) That this agreement shall be deemed to be for a period of one year from date, and thereafter shall automatically stand renewed until such time either the Employers or the Federation desire its termination by giving notice in writing, but in that case, a clear three months' notice must be given by the party desiring termination.

(10) That it is fully agreed that the expressions Employers and the Federation, as used above, shall unless repugnant, to the context, be deemed to be as represented by either of the two Presidents of IMPPA and the Guild for the time being or their successors in office, and by the President of the Federation also for the time being or by his successor, or by whosoever the Presidents may duly authorize in writing on the letter heads of their respective organizations.

IN WITNESS WHEREOF, the parties have set their hands this day and the year above mentioned.

Sd/-
B.R. Chopra
Vice President
Guild

Sd/-
G.P. Sippy
President
IMPPA

Witnesses:

Sd/-
1. **I.K. Menon**

EMPLOYERS

Sd/-
2. **M. Somnath**

Sd/-
Krishna Gopal
President
FWICE

Dated 18th March 1966.

Subsequent MOU's

More issues & concerns

While the scope of first agreement signed between the Federation and Producers bodies on 18th March 1966 was limited to setting up a mechanism for settlement of disputes regarding payment of wages and member to member working rule, it is worth noting how the exponential growth of the industry, especially the television sector led to birth of new concerns and issues affecting both the workers and Producers. Let us, therefore, examine what issues formed part of MOU signed on 3rd of June 2001 between the Federation and representatives of four bodies of Producers.

For the first time the MOU contained a clause relating to signing of contract that was made mandatory but never implemented. When representatives of Producers bodies in the course of negotiations were shown the notification issued by Ministry of Information & Broadcasting (C.S.R...677 (E), 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), made the signing of a contract mandatory, they were taken aback since they were not aware of such notification. Eminent Producers showed keen interest in drawing up a model contract based on the one included in the notification. The relevant portion from the MOU published in *Super Cinema*, September 1, 2001 is reproduced below for immediate reference:-

It is mandatory on the part of the Producers to sign contract with all workers/technicians engaged by them. In case of any dispute arising out of violation of terms and conditions of the contract by either party, the case will be referred to Joint Dispute Settlement Committee consisting of Producer's Organization and FWICE for arbitration and settlement.

Although the above-referred clause did not take into consideration the guidelines included in the notification, it was the first step in making the relationship between the Employer and Employee more professional. It would have left no scope for any third party intervention or extra constitutional authority to tackle matters relating to dispute and working conditions.

Other important issues or highlights of the said MOU also need to be

highlighted. They were also specifically related to those affecting various Crafts.

CINE SIGNERS ASSOCIATION

4 hour Shift for Background Music, Dubbing etc. but no time was fixed. Producers were at liberty to call the singers at any time and 4 hours could be calculated from that time only. Beyond 4 hours, singers were entitled to get over time as per the rules: (*Allowance Rs.50/-; Night allowance Rs.50/-*) (*Song shifts 11.30 am to 3.30pm and 6 pm to 10 pm*)

The Association of Cine Singers had been taking up the issue of allowances and shift timings for a long time. This was perhaps the first time that their concerns were addressed to a great extent.

CINE MUSICIANS ASSOCIATION

- i) It was decided to change the shift timings with effect from *1st July 2001* as here to (*10 am to 2pm and 4pm to 8pm*). *Background for 7 hours (10am to 6pm). Background for ten and half hours (10am to 9.30pm)*
- ii) Musicians were to report at stipulated time with *15 minutes* grace on either side. In case any musician comes late beyond that time it was decided to deduct the wages proportionately from the basic wages and/or he should be sent back.
- iii) Music Directors would have to inform the Producer and Cine Musician Association in writing about the detailed list of Musicians together with their remuneration one day in advance, and in case of emergency within *8 hours*.
- iv) It was not compulsory to have live Recording for background music and dubbing of different tracks for difference musicians would be allowed, even for Background. Dates were to be fixed for meeting with Music Directors and Musicians to sort out various irritants.
- v) **Messengers:** It was clarified that the messengers were entitled to get only one time payment per song irrespective of the fact whether the same is recorded in one day, or any number of days and they were not supposed to charge per day of recording.
- vi) **Music:** Hire charges of electronic instruments were to be firmly fixed. It was decided to have a Joint Meeting with *Cine Music Directors' Association* and *Cine Musicians' Association* to take a final decision in the matter.

It has observed that issue of re-classification of junior artists has always been on the agenda when negotiations between Producers and *FWICE* takes place before signing of *MOU*. It is also observed that this issue often became a cause of disagreement between the Association on one side and *FWICE* and Producers on the other side. Even in the *MOU* under reference, the issue is dealt with and is reproduced here for reference:-

JUNIOR ARTISTS ASSOCIATIONS

- a) ***Mahila Kalakar Sangh***: It was decided to convene a meeting of both representatives of Producers bodies and *FWICE* to classify the Grades of *Mahila Kalakar Sangh* (female junior artists) for re-classification. Selection process will be done very year where re-classification will be done every third year.
- b) ***Special category of Junior Artists/Dancers***: It was decided that in case *Mahila Kalakar Sangh* and/or *Cine Dancers' Association* are not in a position to fulfil the particular requirement of the Producers, the Producers could engage the services of such persons from outside but only after making sure that his specific requirement cannot be fulfilled by the concerned Association. *FWICE* agreed to instruct *Junior Artiste Association, Mahila Kalakar Sangh, and Cine Dancers' Association* not to interrupt/disrupt the shooting of Game Shows, Chat Shows etc.

DANCE DIRECTORS/DANCERS

It was decided that Producers were not obliged to pay any extra payments to the dancers even if any dance director made a request to pay excess payment to his favourite dancer(s)

SHOOTING ABROAD

Producers brought to the notice of *FWICE* that workers were charging *Two and a half shifts* charges instead of *one and half shift* while shooting abroad. It was agreed that this issue would be discussed in subsequent meeting.

SETTING WORKERS

It was decided that no setting worker would be allowed to do more than

two consecutive shifts as it was observed that many workers were charging for four to five shifts per day. No worker, it was decreed, could do more than two shifts.

ART DIRECTORS

Art Directors raised objections regarding creation of permanent sets and claiming of benefits because of shooting on the sets of a particular Producer, by other Producers. It was felt that such a practice should be discontinued.

GENDER EQUALITY

The serious matter of female make-up artists not getting membership of Cine Costume and Make-up Artists Association found mention in this MOU. It was decided that FWICE would take up the matter with the said Association to resolve the issue. Ten years later the issue continues to be highlighted in the media and has even drawn the attention of concerned authorities since it promotes gender bias and against the constitution of our country.

Ten Years Later

MOU FOR 5 YEARS

During the last decade, the practice of signing *MOU* every three years could not be strictly adhered to. Various reasons could be attributed to long delays in negotiations between Federation and Producers bodies. It is observed that most of the issues are related to workers and technicians engaged in production of thousands of hours of content that is now required to fill up airtime on television. Besides wages, working conditions pertaining to shifts running to *15-18 hours* have defied resolution over long period of negotiations.

All technicians and workers engaged in both cinema and television sector used the legitimate tool of non-cooperation with Producers, from *1-3 October 2008*. However, when *MOU* that was signed subsequently between the Producers bodies and Federation was not put into practice the workers once again issued non-cooperation against all Producers, thus bringing to halt the shooting of all television serials. This time it was sound recordists and make up department that was not satisfied with the hike offered to their members. This forced the television channels to resort to re-telecasts of their serials. The Channels issued an ultimatum to all their Producers to resolve the issue with workers and technicians by *9th November 2008*.

While many issues between Producers and all affiliates were ultimately resolved there were some that spilled over to agenda for the present *MOU*. One of the issues that had been simmering for too long was the long working hours and punishing schedules that led to several accidents on sets, technicians, and workers falling sick to meet the deadlines of daily soap operas. While all over the world an 8 hours shift is the norm in any industry, the television industry made the workers toil for anywhere between *15-20 hours* each day. Moreover, such long working hours also violated the relevant provisions of laws that only allowed an 8 hours schedule. The representatives of *FWICE* made a representation to the *Ministry of Labour* pleading for *12 hours shift* in view of the nature and demand of television sector. Simultaneously the Vigilance Committee of Federation also ensured that any violation of *12 hours shift* was firmly dealt with.

While *MOU* in respect of *shift workers* has been signed and initialled by representatives of three Producers bodies, the *MOU* for contractual is yet

to see the light of the day. The fourth Producers body has refused to initial the *MOU*.

Let us highlight the key features of the *MOU* to examine how issues affecting the Employees and Employers have been dealt with. We shall also take note of any new issue(s) that has found place in this *MOU*.

- The agreement between the Parties will be valid and subsisting until 28th February 2015.
- **Member-to-Member** working is the foundation of this *MOU*.
- In case of reality shows, game shows, and such programs having specific requirements or of reality genre, the Producer shall give **30% work** to the junior artist members as well as *Mahila Kalakar Sangh* members.
- In case of construction activity or for the purpose of construction/alteration of set, the Producer shall engage skilled workers from the respective association who is recognized to be member/affiliate of *FWICE*.
- **GROUP INSURANCE:** - The Producer shall bear the cost of *Group Insurance* of each such member employed by him for rendering his or her services. Such members shall not include the staff and any such person deployed or hired directly by the employee or workers to execute the work of Producer, and who is not within the purview of this *MOU*.

The workmen/employee shall fully co-operate, provide all necessary documents, and execute all necessary documents/forms for purpose of group insurance. Any disputes regarding the insurance policy with insurance company shall be jointly addressed by both the parties for the welfare of concerned workers by way of claim.

The parties agree that they shall adhere to all the necessities and requirements for purpose of maintaining the validity of the group insurance.

In case an insurance policy is not obtained or taken due to default of the Producer and if in such a case an employee is injured or has expired during the course of employment then

such employee shall be entitled to claim and recover compensation as per the provisions of applicable law. The Producer shall bear expenses towards treatment of such employee. Such claims if any shall be first routed through Producer Bodies, *FWICE* and affiliates of *FWICE*.

- **FILMS/T.V. SERIAL:** - The wages shall stand increased for the First year by 10% of the rates agreed between the parties. 5% for the second year; 7.5% for the Third year; 5% for the Fourth year and 7.5% for the Fifth year.
- In case of TV Serials/programs, the concerned members of the *FSS&AMU* (Film Studio Setting & Allied Mazdoor Union) who are employed on Regular Basis shall have the option to work at a compensation or wages on monthly basis. The terms have been specified in the MOU, subject to wage hike.
- **PICK-UP AND DROP FACILITY:** In case of a shooting outside the limits of the *Municipal Corporation of Greater Mumbai*, the Producer shall arrange to pick up and drop the junior artists from *Dahisar Check Naka* or *Naigaon Railway Station* or *R.K. Studio* (Chembur), as the case may be, at 8.30a.m. In addition, drop them at the said points, as the case may be, at 9.30p.m.
- **SPECIAL STIPULATIONS/CASES:** All such shootings, which are made or intended to be made beyond the territorial boundaries of India or geographical boundaries of India, shall be governed or treated as a special case whereby the shift timings or timings for shooting or scheduling of shooting shall be to the convenience and requirement of the Producer. The normal agreed payments or shift wise payment agreed hereinafter should be entitled only to such Payments, which would be explicitly agreed between the Producer and such workers for purpose of rendering his services for abroad shoots. Such payments shall include lodging, boarding, laundry and travelling expenses with food, however, it shall not include shift wise payment, allowances, out of pocket expenses, overhead expenses etc. not explicitly agreed between the Producer and the workers.
- **OUTDOOR SHOOTINGS WITHIN INDIA:** - At all such shootings which are made or intended to be made outside the limits of the city of Mumbai but within the territorial boundaries of India, the

workman shall not be entitled to any allowances, out of pocket expenses, overhead expenses, incidental expenses etc. as the lodging, boarding, laundry and travelling expenses with food will be borne by the Producer.

- **LOW BUDGET FILMS:-**All such films (all languages) which budgets would not exceed (4) *four crore* shall be considered as Low Budget Films and for such films the normal rates herein after agreed between the parties towards consideration/wages shall not be applicable. In such cases, the producer shall make an application to his respective Producer Association. Such producer shall be allowed to negotiate and make payments to workers/employees at any rate below the minimum wage rate agreed between the Parties, under intimation to *FWICE*. In case of dispute and in the absence of any written document for confirmation of wage rates agreed between the producer and workmen of the affiliates of *FWICE*, the minimum wages as per the rules and bye laws of the affiliates of *FWICE* to be made applicable.
- **INTERNATIONAL FILMS:-**Any Indian Producer or a Producer of *Indian origin* that is member of respective Producer Association and engages services of members affiliates of *FWICE* for purpose of making an International Film shall be covered within the provisions of minimum wages agreed in this *MOU* and therefore shall make payments at the rates agreed for Indian Films. Such films cannot be treated as International films for the purpose of this agreement.

Any Producer who is not of *Indian Origin* or citizen of India or not registered in India and who requires to obtain special permission from Central Government or Reserve Bank of India for shooting and for receiving or making payments in India shall be treated as an International Producer for purpose of this agreement and such film which is being made by such International Producer will be treated as International Film for the purpose of this *MOU*.

The wage rate applicable for such *International Producer* shall not be less than 3 *times* the wage rate normally agreed/hereinafter agreed for Indian Film/or Indian Producer. The workers shall be entitled to receive conveyance at the rate of double the amount applicable for Indian Producers/Indian Films.

- **WORKING HOURS/SHIFT TIMINGS:** Working Hours shall be limited to a maximum of *8 Hours* in case of *one shift* and *12 Hours* in case of *one and a half shift*. In case the one shift exceeds 8 hours, the concerned Producer shall pay wages applicable to such extension. However, in no case shall the one and a half shift will be allowed to exceed *12 Hours*. Shooting shift timings will be the same as existing i.e. from 9a.m. to 6p.m., 2p.m. to 10p.m., 7p.m. to 2a.m., and 9p.m. to 5a.m. All shifts shall be inclusive of compulsory One Hour Lunch/Dinner break and wages shall not be deducted for such Lunch/Dinner breaks.
- **NON-FICTION OR REALITY SHOWS** (Annexure II): In the event of a Non-fiction show, a Producers' Body as well as the *FWICE*, extend the duration of its shooting schedule up to a maximum of four hours beyond the existing scheduled timing of 12 hours provided that:-
 - (a) *both the concerned Producers and the members of the Affiliates-Associations accord their mutual consent for such extended duration.*
 - (b) *the artistes, technicians, and workers engaged for such extended duration are paid their remuneration/wages for two shifts.*
 - (c) *adequate arrangements are made by the Producer concerned for transportation of such persons to their homes if the pack up time is beyond midnight and*
 - (d) *the duration of such shoots should in no case be extended beyond the two consecutive shifts.*
- **RECLASSIFICATION OF JUNIOR ARTISTES/DANCERS:**

It is explicitly agreed between the parties that there is a necessity of re-classification and selection of junior artists and dancers to maintain the class to the satisfaction of producers. Therefore, it is agreed that in case of selection of dancers, the producer association shall sit with the respective affiliate of *FWICE* on monthly basis for selection of the dancers.

For reclassification of junior artistes, the Producers Association, the *FWICE* and the respective affiliates of *FWICE* shall sit together once a year.

- **RESOLUTION OF DISPUTES:**

- a) *Disputes pertaining to wages/remuneration of workmen:* Each member of affiliates of *FWICE* or such other workmen covered within the provisions of this *MOU* shall first demand his payment from the producer in writing and try to resolve the disputes amicably failing which after the period of *15 days* such workmen may be entitled to file a formal written complaint to his respective association. A copy whereof should be marked to the producer also and the procedure mentioned hereinafter shall be followed to resolve and settle the matter.
- b) *Disciplinary Actions and other grievances:* The producer shall be entitled to file a complaint towards initiating disciplinary actions against the workers at any point of time for breach of code of conduct adopted and prevailing within the industry such that the norms of trade and business agreed upon, prevailing, existing since long period shall be protected for benefits of the entire industry and to file such complaints for breach of terms and conditions agreed between the producer and workmen from time to time.
- c) *Any other Dispute:-*All disputes between the parties not falling within the purview of clause no. a) and b) above shall be referred to their respective associations after obtaining special permission from respective associations only.
 - i) Procedure adopted for causing amicable settlements between the Producer and workers to resolve the matter between them, the producer/workmen shall file a formal complaint to their respective associations. On receipt of such complaint, a copy of the entire complaint along with annexures and exhibits shall be forwarded by the recipient association to the concerned producer association and/or affiliates of *FWICE*, which would be thereafter forwarded to the concerned producer and/or workers for reply. All such correspondence shall be routed only through the respective associations to which the parties are member respectively.
 - ii) In case, if such dispute shall not stand settled amicably between the producer and workmen through their respective association then matter shall be further referred to *Joint Dispute Settlement Committee* for

resolving the matter between producer association and *FWICE* in presence of the concerned affiliate/s of *FWICE*.

- **APPEAL:** Parties shall be entitled to file its appeal against the orders passed during such proceedings of the complaints for resolution of disputes as per the by-laws of respective associations and if the dispute is referred to the *Joint Dispute Settlement Committee* then there shall be no further appeal.

For the resolutions of disputes, neither parties nor the affiliates shall call the producer or the members of the affiliates of the *FWICE* directly.

- All parties and affiliates of *FWICE* will help each other in implementation and enforcement of decisions jointly taken. **Neither party shall be entitled to issue non-cooperation directive unilaterally.**
- **FORMATION OF VIGILANCE COMMITTEE FOR DISPUTES PERTAINING TO EMPLOYMENT OF NON MEMBERS:-**
 - a) *A vigilance committee* shall be constituted as defined above who shall have powers to take inspection at shooting premises to ensure that member to member working is adhered. Such vigilance committee shall be entitled to take inspection of shooting during the breaks without disturbing the shooting activity or production activity of the Producer. In no circumstances, the shooting or production shall be disturbed or interrupted for whatsoever reasons. In case if during the inspection certain employees/workmen are found to be non-members of affiliates of *FWICE* then the vigilance committee shall make list of such non-members and such list shall be forwarded to the respective producer and producer association with an intimation that all such non-members should be either removed or enrolled as members of respective crafts/affiliates of *FWICE*. Such directions shall be adhered by respective producers within 2 days, failing which vigilance committee shall be entitled to refer the matter directly to the *Core Committee* and the decision of the *High Power Committee* shall be final.

- b) A vigilance committee shall also be entitled to inspect the shooting premises on receipt of complaint by producer against any of the members of affiliates of *FWICE*.
- c) No stoppage of shooting at any cost with no exception whatsoever unless decided by the *High Power Committee*. Also no fines to be imposed/levied on the producers on locations. This provision shall not be applicable for the producers who have defaulted and dishonoured the cheques remitted towards settlement. In such case, a notice of three working days will be given to the producer to clear his dues before taking any action. If the producer complies and remits payments within such three days, he shall not be liable for any action, penalties, interests etc.
- It is decided that suppliers of **raw materials, supplier of gems, jewellery designers etc.** shall not be granted or allowed membership in affiliates of *FWICE*.

OBSERVATIONS

The inclusion of *Group Insurance*, ignored by both Employers and Employees in *MOU* is a welcome step to provide long-term security but the absence of any reference to mandatory signing of contract as mandated in the notification issued by Ministry of Information & Broadcasting in the year 1986 remains a cause of great concern and worry. An industry that is projecting and working towards attaining a global status ought to make the practice of signing a contract approved by both Employers and Employees mandatory.

The *Film Writers' Association* earlier had been working on drawing a *standard contract* for its members and was hopeful of having the approval of all concerned. The *MOU* does not reflect that it has happened.

The restriction of shift duration to *8 hours* is a welcome move although the provision of extending it by four hours and treating it as one and half hour shift does not confirm to the relevant laws of the land. However, *FWICE* was able to convince the *Ministry of Labour* that the peculiar nature and demand of television sector made it impossible to meet the deadlines on the part of Producers producing content for television.

The *ESIC* officials (Employees State Insurance Corporation), of late, have been working overtime in interacting with *FWICE*, *FSS&AMU* (Film Studio Setting & Allied Mazdoor Union), the largest affiliate in terms of numbers as well as Producers bodies in conducting a survey. They have interacted with individual Producers as well to convince them how application and implementation of *ESIC* would benefit all workers and technicians.

The *PPF* (Provident Fund) that is also applicable to workers and technicians fails to find any mention in *MOU*. Its inclusion would have benefited senior citizen members of the industry, especially those who have no support system or do not have the means to fund their medical treatment. It would not be out of place to mention here that had *ESIC* and *PPF* been implemented earlier (*PPF* was made applicable to workers in eighties), stalwarts such as *Mr. A.K. Hangal* and many others would not have suffered for want of funds for treatment of their ailments. The rules and regulations pertaining to wages applicable for production of films by Producers who are not of Indian origin and who shoot their

films in English have been incorporated. This is a step in the right direction although there is always room for debate and amendments.

No mechanism has been put in place to monitor the implementation of *Group Insurance*. It is observed that *FSS&AMU* (Film Studio Setting & Allied Mazdoor Union) continues to negotiate with Producers for death compensation due to family of a deceased member who died on sets of shooting of a film or television serial. It implies that Producers of such films and serials had not taken *Group Insurance* for Crew Members.

Of late, there have been several instances of absence of security on sets and studios, especially the one situated in places like *Naigaon*. Studios are situated far off from the main highway and pose great security risks especially late in the night. Very recently, several members of *FSS&AMU* were injured and hospitalized because of dispute involving outside elements. The *FWICE* had to approach the concerned Minister to bring to his notice the situation prevailing in such studios and to provide adequate security. Primarily it is the responsibility of Producers as well as Studio owners to provide security to workers and technicians working on sets in such studios. Such studios have come up on locations that were originally meant for industrial use. It is also observed that areas surrounding such studios are breeding ground for *malaria*. Hence, issues relating to security and providing hygienic conditions for workers and technicians should have been included in *MOU*.

Since all affiliated craft unions are party to *MOU*, it also becomes their responsibility to acquaint their committee members with provisions, especially those concerning their craft. Additionally they must inform their members about not only wages but also decisions taken in other areas affecting them directly. For instance, a crew shooting in Chandigarh was not aware of the fact that in the present *MOU* there was no provision for out of pocket allowance while shooting outdoors. They not only protested but also threatened to stop work. The union had to intervene by way of informing them about the doing away of such a provision. Hence, all affiliates must keep their members well informed in order to avoid any untoward incident.

It is understandable that *FWICE* has to deal with demands and needs of each affiliate and sometimes may find it difficult get the nod from Producers representatives in the course of negotiations. The present situation is beset with various complex issues. The issue of trade unions of local political party's insistence on getting jobs for their members has threatened to escalate in view of the *Member-to-Member rule* that has

been in existence ever since the first Agreement was signed in the year 1966.

The author made several attempts during the last six months to seek the opinion and views of General Secretary of *FWICE* on issues that have been plaguing the trade union movement. This was in line with best tradition of healthy and ethical journalism that views of *FWICE* was recorded on important issues dealt with in various chapters.

In subsequent chapter General Secretary, *FWICE* has his say on various issues in a recorded interview.

Rejoinder

FEDERATIONS PERSPECTIVE

(From recorded interview with Mr. Dinesh Chaturvedi, General Secretary, FWICE-without comments from the author)

DELAY IN SIGNING THE MOU

Trivial issues held up the signing of the *MOU*. For instance, earlier one and a half shift was the norm when workers and technicians had to travel beyond *Dahisar Check Naka*. Producers opined that they pick up workers at 9 a.m. from *Check Naka* and drop them at the same point at 6 p.m. Hence, they contended that they would pay only for one shift. The disagreement over this issue resulted in a deadlock for six months. *FWICE* wrote several times to Producers bodies bringing to their notice that it was in their interest to continue with the earlier standard practice. It was pointed out to them that if workers were to go out to have lunch on their own it will result in wastage of time while the producer will save time by providing lunch to them on the sets. The fact that it took two and half-hours for workers to travel to & fro from their residence to *Check Naka* was reiterated repeatedly.

WHY MOU FOR 5 YEARS?

It has always been a standard practice to limit the *MOU* to three years all these years. Many affiliates were not in favour of having *MOU* for five years. It was brought to their notice that this will help in putting stop to infiltration of workers (non-affiliates). It will also ensure that Member-to-Member working rule is implemented in letter and spirit.

Affiliates opposed 10% hike keeping in view that prices had climbed sky high. The General Council first decided to ask for 35% hike and subsequently brought it down to 15% and ultimately it was decided that decision would be taken when negotiations actually begin. In the course of meeting with Producers bodies it was decided that hike in wages will take place in phased manner i.e. 10% during 2010, 5% in 2012, 7.5% in 2013, 5% in 2014, and finally 7.5% in the year 2015. In the General Council, there was no consensus on issues of time span of *MOU* and the percentage of wage hike. The debate went on and on and hence, there was considerable delay. Moreover the fourth Producers body i.e. *WIFPA* (Western India Film Producers Association) refused to sign the *MOU*. Since many of their Producer members make regional films (in Bhojपुरi

dialect), they could not afford to pay to workers the wages that formed part of *MOU*. This was not acceptable since the other three Producers bodies would have objected to any such preferential treatment at the cost of their own member producers.

SHIFT HOURS

Although resolutions had been passed earlier on restricting one shift to 8 hours, as was the norm all over the world, the issue did not get the attention it deserved. It was only when artists and technicians felt the heat of long working hours and punishing schedules, especially while working for production of content for soap operas for television that the issue acquired importance. Accidents resulting in Light man falling down and workers falling sick due to fatigue had become common. The Federation was aware that an *8 hours shift* was the norm but keeping in view the fact that producers making content for television were unable to have a bank of sufficient episodes it was decided to grant them an extension of 4 hours in exceptional circumstances. The Federation had to satisfy the officials in the Labour Ministry the need for such an extension in view of the peculiar nature of television industry. The workers too concurred with this arrangement. This arrangement is now in operation and normally the Producers and workers pack up after *12 hours shift*. In case of *2p.m. to 2a.m.* shift it was decided and agreed upon that in addition to normal conveyance paid to workers an additional conveyance of *Rs.200/-* would be paid to the worker. It was also decided that he would be dropped after shooting at a point/place where he could avail the facility of hiring a cab or an auto rickshaw.

WORKING CONDITIONS

A meeting with the Chief Minister of Maharashtra was arranged through the initiative of *Mr. Mahesh Bhatt* to draw his attention to issues like absence of toilets for women in state owned and administered *FILM CITY*. The female junior artists had to use open spaces as temporary toilets. Several rejoinders had been sent to authorities managing the Film City. They did take the initiative of building toilets but that was only a cosmetic change and proper and clean toilets continued to evade the artists. A meeting with the Home Minister *Mr. R.R. Patil* was also arranged and it was pointed out to him that if such basic facilities continued to be denied to workers there would no other option except to boycott the *Film City*

Visible improvement can be observed in *Kamalistan* and *Filmistan Studios*. After several inspections and visits to Studios located in places like *Naigaon*, improvement is visible. However, the main issues are that of security and inhospitable terrain. The approach road from the highway to the studio is in pitiable condition. However, the main issue is that of security. The security guard staffing the Studio is only for namesake and outsiders have easy access to the premises. Recently many workers were attacked by outsiders within the premises of *CITY STUDIO* in *Naigaon* and had to be hospitalized. Compensation or providing medical treatment does not resolve the issue. The issue was hotly debated in the *General Council* and since the responsibility of providing security, rests with the Producer it was decided that if proper arrangements were not done to provide security to workers and technicians, such studios would be boycotted by all affiliates.

ISSUE OF SAFETY

Although regular inspections do take place to see if proper safety measures are adopted by Production team and workers, it is not possible to visit sets of hundreds of Producers who shoot on daily basis content for television soap operas. At times workers were not allowed to carry on with shooting when it was observed that safety measures were not in place. However, lack of workforce limits the scope and feasibility of such inspections. Affiliates and workers too need to realize the importance of adopting safety measures. No worker or technicians should step into the shoes of other craftsman. He or she should only do his job. Otherwise, accidents are bound to take place when a person not equipped or trained to do a particular work/job undertakes to do so. Bravado should have no place in such a situation. The practice of taking up a job that ought to be done by one who is trained to do so is a common practice.

BLACKLISTING OF WORKERS

Several letters have been sent to Producers bodies not to blacklist or sack any worker simply for the reason that he refuses to follow any order or diktat that is not in the interest of worker/technician. The tough stand taken is to instil courage in workers that they should do their job sincerely but without any compromise. Proper notice has to be given to workers if their services are not required.

ON IMPLEMENTATION OF VARIOUS SCHEMES

ESIC scheme is on the verge of being implemented. Survey is being

conducted. All these years such schemes have never drawn attention of all concerned and now that they are in focus it will take time to convince all concerned that it will be mutually beneficial to implement such schemes.

In a meeting with officials of concerned Ministry in Delhi, it was brought to the notice of Minister that even freelance journalists were entitled to *Provident Fund*. The situation is now ripe for implementation. Change in Portfolios and transfer of officials are a big hindrance.

CONFLICT OF INTEREST

Producer's bodies as well as Federation are concerned with the issue of contracts being taken by Art Directors and Dance Directors. Federation's main concern is that workers be paid their full wages and it is in the interest of Producers that workers are paid directly.

PAID OFFICE BEARERS

The workload on office bearers has increased manifold. Many office bearers find it difficult to find time for unions work. They are faced with the question of survival. The General Secretary referred to initiative taken by him to put to practice in *Sound Recordists Association* the practice of giving 10% as incentive to members of *Vigilance Committee* from fines collected by them. This was treated as compensation to the time devoted by members for this purpose. That the funds of the association jumped to 95 lacs from mere 7 lacs within a period of two years speak volumes about the feasibility and credibility of such a practice. However, the practice could not be put into practice in Federation. *Prem Singh Thakur* who collected nearly 11 lacs for Federation is not entitled to more than Rs.5, 000/- towards his conveyance. He is a committed worker and not looking for any incentive. However, what about others? They may question the futility of devoting time for such purpose. Incentives are necessary. The idea needs a healthy debate to begin with. When there is no incentive, the attendance is very low. It was found that when conveyance for *Vigilance Committee* members was increased from Rs.100/- to Rs.300/- the majority of members would turn up.

*Another Viewpoint***SETTLEMENT OF DISPUTES**

Disposal of complaints regarding earned wages has been the driving force behind organization of workers and technicians on trade union lines. Although unions or associations have been there since 1950's it took more than a decade for them to ink a formal agreement with Producers bodies-1966 to be precise. This *Agreement*, reproduced in this chapter, formally set forth a procedure for resolution or settlement of disputes under a mutually agreed upon procedure. It is also worth noting that the issue of dispute settlement has always been on the agenda of subsequent *MOU's* signed between Federation and Producers bodies.

When the first formal agreement was signed, the industry's activities were mostly confined to production of feature films. It is only in the late nineties that we witnessed an exponential growth of television sector, bringing in its wake whole set of complex issues relating to disputes concerning earned wages. As mentioned repeatedly the long punishing schedules extending to 15-20 hours became a norm rather than an exception. The earned wages rose from thousand to lacs of rupees. With daily soaps becoming the norm, Producers were required to have sufficient episodes in banks to fill up on airtime of ever expanding channels.

There has been no review or debate on the existing mechanism relating to settlement of disputes, both at affiliates and Federation level. Complaints regarding non-receipt or payment of earned wages have been on the rise. However, no effort has been made to explore and determine procedure, which shall contribute to expeditious disposal of complaints.

In the recent past *Mr. Madhusudan*, one of the pioneers of the trade union movement and one who had the privilege to hold all important posts at affiliate, Federation, Confederation and International level, had circulated a draft containing his suggestions for evolving a procedure for speedy disposal of complaints. It was sent to all concerned but few had the time and inclination for a healthy and open debate on issues raised by him. The content of the draft is still relevant and deserves to be considered in its proper perspective.

It goes without saying that tremendous amount of valuable time is wastefully consumed in sterile arguments and verbiage by both sides. This is because of ever-varying interpretations conditioned by loyalties rather than reason.

The complaint filed by a worker/technician is generally confined to the following issues:-

1. *Non-payment of earned wages*
2. *Dismissal of member without settlement of dues*
3. *Premature termination of assignment*
4. *No written agreement.*

On the other hand, the Producer too is at liberty to file complaints in the craft association on issues such as-

1. *Workers/technicians demanding more than the fixed wages*
2. *Non-compliance in discharge of duties*
3. *Non-attendance when the job required his presence*

Each association has a dispute settlement committee, which adjudicates upon the complaint. A copy of the complaint is made available to the concerned producer for his reply/comments in writing. The producer, it is observed, does not always comply with the request.

A meeting of the dispute settlement committee of the affiliate is then held on a date, which is usually fixed by consulting the producer about his earliest convenience to be present.

According to *Mr. Madhusudan*, this is where the first hitch in early disposal of the complaint occurs. It is reported that the producer, for one reason or other, does not attend irrespective of whether the date was fixed after consulting him.

What makes the early and speedy resolution of the dispute is the factor of late filing of case. It is observed that a complaint is usually filed when the film concerned is in final stages of completion and immediate disposal becomes a matter of urgency.

Even at this primary stage of dispute settlement, the respondent can bring a representative of his own association to attend the meeting. At the meeting of the affiliate, the statement of both the complainant and the producer is recorded, including sometimes that of witness if they are

relevant. The process makes both parties aware of their strength and infirmity of their positions.

All these issues are decided in accordance with accepted principles. *Mr. Madhusudan* has used the word '*accepted*' because in the meetings of the apex committee these are sometimes interpreted differently on different occasions.

In the light of recorded evidence, the committee gives its judgments.

More often than not, the respondent accepts the judgment. In some cases, he does not. In that event, an opportunity is given to both parties to reach a mutually agreeable settlement in which the committee or any member of the committee does not participate.

Sometime a settlement is reached. If there is, no settlement the matter is forwarded to *FWICE* for further action.

It is worth noting that all avenues of settlement are exhausted at this stage.

All the labour put in by the committee at the affiliate level comes to naught when the matter is heard at the *Joint Dispute Settlement Committee* of *FWICE* & Producers body. The matter is heard de novo, without real reference to the proceedings and findings at craft affiliate level.

In fitness of things the apex *Joint Committee* should sit and hear the matter as an appellate body where due consideration is given to what had transpired at the earlier stage. '*Even though we sit as a domestic forum it will put everything in much better order if procedure, as laid down for appellate body is followed*', avers *Mr. Madhusudan*.

The comment '*but we are not a court*' is heard too often. '*Certainly we are not a judicial court but we must deal with the matter judicially. More so when the producers' organizations have condoned their member going to court*, asserts *Mr. Madhusudan*.

It must be noted that several decades of the functioning of the domestic forum no *worker* has gone to court against the decision of Joint Committee. However, quite a few producers have. The late Producer-Director *Mr. Mohan Segal* went to High Court against the decision of Joint Committee but failed to get any relief. The court's decision in one

way legitimized the procedure and mechanism of settlement of disputes and complaints.

The positive as well as infirmities of the pattern of dispute settlement has been dealt with. A new procedure, which is not only reasonable but also just and fair as well is suggested by *Mr. Madhusudan* that should become functional after debate and discussion.

IMPARTIALITY & NON-PARTISANSHIP

To ensure impartiality and non-partisanship the members of the committee acting as judges should take an oath as done by all judges including the Chief Justice of India. There should be one difference. He should not be swearing by *God, Geeta, or Quran*. The oath, as suggested by *Mr. Madhusudan*, should be, '*I swear by the success of my next/on hand venture that I shall be fair and impartial in judgement.*'

It is a fact that over the years certain norms and principles have been laid down. However, they are not strictly adhered to. There is a need to accept without reservation. That rules are rules and should be abided whether they suit the interest of one party or the other.

There should be no room for indulging in discretion. It is exercise of discretion, which leads to unwanted persuasion, arguments and bickering and not the least indulgence in bias.

One bane of the present system is the delay in disposal of disputes. Expeditious disposal should be the rule rather exception.

WRITTEN AGREEMENT

As *Mr. Madhusudan* rightly avers, the incidence of disputes will be vastly reduced if all contracts are entered into by a written agreement.

Unfortunately, written agreements in our industry are conspicuous by absence. There are two obvious reasons:-

1. *The employers does not give a written agreement in the belief that there being no written agreement absolves him of liability and*
2. *The technician does not want to give a written agreement that will put on record the money receivable by him. However, there is an agreement between the FWICE and Producers bodies that*

in the absence of an agreement the minimum payment prescribed for various craft associations' members will be the amount payable.

In case of 'commanding' technician, this amount is less than he was to receive for his services. In case of a technician in a weak neglecting position, this minimum is often more than he would be usually receiving.

In both case either one or the other concerned person will be aggrieved. Nothing can be done about this because this formula gives advantage only to the weaker of the two parties.

In any adjudication of a case where the technician has not been given a contract the only things he should be required to prove is the fact of his being engaged for a job and not what he did or did not receive from X party.

It will be ideal if a *Performa Agreement* is adopted between the employer and employees bodies, which are compatible with the demands of the law of equity.

PREMATURE TERMINATION OF ASSIGNMENT

It is accepted that an employer has the inherent right to terminate the services of an employee when he so desires. It is also an accepted principle that the person whose services are desired to be terminated should be paid the contracted amount at the time of termination.

If this stipulation is observed, there will be no need to give an explanation to make charges or find faults.

The *Industrial Dispute Act* requires that payment should be made on the same day or the next working day.

This is often not done. In any case, another replacement should be engaged after the payment is made.

What is sought to be made out that there should be no protracted procedure of charges and counter charges and allegations, holding up smooth working conditions.

An important thing to note and remember is that credit in the title will be given to the outgoing technician for the work done by him or her in the film and which is not *totally* deleted.

ELIMINATION OF PROCRASTINATION

It does not need reiteration that when a technician files a complaint he or she usually does it as a last resort and with quite a struggle in his/her mind whether to complain or not.

In this situation, it is natural that with all the soreness inside him or her, once he or she has taken the plunge, the unpleasant episode should be finished as soon as possible.

It is regrettable that much the same situation obtains in our forum as does in the court of *law-adjournments*.

One feature, which distinguishes our system from the courts of law, should be *speedy dispensation of justice*.

Of course, it is possible that certain important members will not be present on the given date.

However, this remains a possibility even if the date is fixed by consultation on a few days in advance taking into consideration the unpredictable nature of film production business.

On the other hand, it allows ample time to everybody to manage attendance on *permanently fixed dates*.

It is also noted that producer's side has a large panel represent various producers' associations. There is certainly no need to cram the small meeting place with too many participants. The quorum should be not more than seven persons of which one should be the *Presiding Officer* as against a full participant entrusted with the task of conducting the meeting with decorum.

ADJOURNMENTS

No adjournment should be allowed to any of the parties. The respondent should be allowed to be represented by an authorized person.

Only in a very rare case, for truly rare reason an adjournment be allowed. The matter should be decided on the next, already fixed date, based on available evidence.

The Chairman of the dispute committee of the *FWICE* affiliate or a member of the committee who records evidence at the affiliate level, or the General Secretary of the concerned affiliate must be present on the respective date to assist the complainant in presentation of the case.

This may not be difficult in the end. Once it is established that the committee member has to be impartial, the motive of helping a friend in his case will not act as a motive for attendance.

The very natural tendency for every member to want to say something must be taken into consideration. Consequently care should be taken the committee on any given date should not be large.

The above suggestions are by no means exhaustive. In fact members from both sides need to add wisdom to it to make it some sort of a *Magna Carta*.

The Unions Missed the Bus

Mandatory Signing of an Agreement

Had the notification issued by Ministry of Information & Broadcasting, Government of India, duly published in the Gazette of India on 21st September 1984 and pertaining to settlement of disputes, working conditions and most important of all making the signing of an agreement between the Film Producer and Cinema Worker been implemented by all Federations and affiliated unions, the security of workers would have been ensured more than two decades ago.

The notification issued by (C.S.R.677 (E), 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 provides in *Chapter 1V* a model contract/agreement which is reproduced for the benefit of all concerned. It shall also act as a due reminder to all that after years of struggle and several representations made to the Government of India by representatives of workers unions, including *All India Film Employees Confederation* and various regional *Federations* that the Government of India rose from its deep slumber to provide the much needed succor and healing touch to the workers and technicians who had been agitating for *central legislation* for providing security to them. That a law enacted in the Parliament for the benefit of cinema industry's workers has been put on shelf thereafter and not negotiated for inclusion in *MOU* signed between *Federation* and Producers bodies implies that the trade union movement in our industry failed in its duty to provide long term security to workers by way of enforcement of this law.

It is on record that representatives of workers and technicians, prior to enactment of this *Act* and further framing of rules under the *Act*, had used every opportunity to press for *Central Legislation* in providing security and better working conditions. Resolutions were passed in all *National Conferences, National Executive Committee Meetings of All India Film Employees Confederation* calling upon successive Governments to make applicable to workers and technicians all pro labor laws that had been enacted for the benefit of workers of the *organized sector*.

The seventh meeting of the *National Executive Committee of AIFEC* held in *Madras (Chennai)* on 7th & 8 July 1979 took up the issue of having a standard contract and appointed a sub committee with *Mr. Madhusudan* as Convener and *Mr. Manna Ladia* and *Mr. Vijay Bhaskar* as members of the committee. It was entrusted with the task of evolving a standard form of contract for contractual film employees all over India. A *Vigilance Committee* was also set up to ensure that the *legal rights of salaried and casual employees* were protected effectively. *Mr. K.R. Shetty* was appointed as Convener, while *Mr. Subrata Sen* and *Mr. Dharmalingam* were other members of the committee. Similar concerns were reiterated in the eighth meeting of the *National Executive Committee* held in *Madras (Chennai)* on 8th & 9th February 1981. The Committee decided to convey its concerns and demands by way of following resolutions to the then Prime Minister of India, *Smt. Indira Gandhi* and the then Minister of Information & Broadcasting, *Mr. V.P. Sathe*:

- b) *The payment of earned remuneration to them should be fully and suitably guaranteed in accordance with the assignments they are called upon to fulfil.*
- c) *The proposed written agreement that every producer is called upon to enter into with each worker, must be fair as per a well-defined Performa and not one-sided and inequitable.*
- d) *The 'Cine Workers' Tribunal proposed under the Bill, should be exclusive for this Industry, which has very many unique features of employer/employee relations and there must be a time-limit for seeking of relief through the Tribunal.*
- e) *The proposed Bill should provide for suitable protection during old age and disability.*
- f) *The proposed Bill should provide for medical benefits, particularly to the thousands of film employees who are living on the border of poverty line.*
- g) *The proposed Bill must provide for suitable insurance and/or compensation against risks undertaken to life or limb in the course of film production work*

It would not be out of place to quote relevant extract from the Resolution passed at the Plenary Session of the *Fourth National Conference* of the *AIFEC* held on 7th, 8th and 9th February, 1986 at *Madras (Chennai)* after the *Act* had been passed in both the houses of the Parliament:-

"This Fourth National Conference of the All India Film Employees Confederation, having considered the "Cine Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981" and the "Cine

Workers and Cinema Theatre Workers (Regulation of Employment) Rules, 1984" in all their aspects,

welcomes the coming into force of the *Act and Rules* from 1st October 1984;

feels concerned that the *Agreement Form* in respect of cine workers employed on daily wage basis, shift basis, time-rated and piece-rated basis etc. have not yet been finalized and gazetted;

demands that all the remaining formalities like appointment of personal under the *Act and Rules* be finalized and completed by 31st March 1986 and the *Act and Rules* be implemented in letter and spirit from 1st April 1986;

Earlier in the 20th meeting of the *National Executive Committee* of AIFEC held on 8th February 8th & 9th February, 1986 held in Madras (Chennai) had duly passed a resolution demanding inclusion of cinema workers engaged in *short film, advertisement films, documentary films, television films and video films.*

The 24th meeting of *National Executive Committee* of AIFEC held on 9th & 10th April, 1988 in *Mumbai* noted that the *Act*, though enacted several years ago, no concrete steps were taken so far to enforce/implement the *Act* effectively and secure for the cine workers the assured benefits and protection under the said *Act* for which the cine workers had struggled for years.

It is reported that after lengthy discussion, it was decided that the utter disappointment and resentment of cine workers at the Government's attitude of doing nothing to enforce the *Act*, be conveyed to the Government and also send a delegation of the Confederation-comprising of representatives of all the regions to Delhi to meet the Hon'ble Minister of Labor to apprise him of the above and also other problems of the working people of the film industry.

Until 1991, no meeting could take place and although the Minister agreed to meet a delegation of AIFEC and convene a meeting of the *Central Advisory Committee* during June/July 1990, nothing came out of all the assurances. In the meantime, there was a change in Government and it was decided to take up the matter with the new Government.

The Secretariat in AIFEC attempted to seek an appointment with the new

Minister without much success. Unfortunately, the Government of Prime Minister *Mr. Chandrashekhar* also fell and mid-term poll was held. In the meantime, *Mr. Anil Chatterji* had taken several members of Parliament into confidence regarding the non-implementation of Act. They had assured their assistance and help.

The non-implementation of the *Act* once again formed part of the agenda in the 31st meeting of the *National Executive Committee of AIFEC* held in *Madras* (Chennai) on 18th October 1992. The members noted with regret that no progress had been made towards its implementation. The *FWICE*, it was reported, had been informed by the Deputy Commissioner of Labor that as per notification dated 4th November, 1988, of Government of India, Ministry of Labor, the *Cine Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981* was to be implemented by State Governments and the said Deputy Commissioner of Labor had asked *FWICE* to meet and submit to him certain information. Although *FWICE* did submit the required information they did not hear from the Commissioner's office about any future course of action. It was decided after deliberations that all regional *Federations* should take up the matter with Labor Commissioners in their respective states. The *AIFEC*, it was further decided, would pursue the matter with the Central Government of India.

In the next *National Executive Committee* *Mr. Madhusudan* informed the members about communication addressed to *Mr. Sangma*, the then Labor Minister seeking amendment in the act as was done in case of *Cine Welfare Fund Act* about enhancing wage ceiling in respect of *lump sum* payment and *contractuals*.

The *Act*, by all accounts remained in cold storage by the time the 34th meeting of the *National Executive Committee* met in *Madras* (Chennai) pm 9th December 1995. The members were informed about the meeting *FWICE* had with the Labor Commissioner in their office. He was once again made aware of the strong feelings of the workers in this matter and he was told to convey to the Labor Minister that cine workers would take up **agitation** if the Government persisted in procrastination.

In the meeting of the *National Executive Committee* held on 13th & 14th December 1996, the representatives concurred with the view that they should be held partially responsible for non-implementation of the Act.

It was only in the year 2001/2002 that the issue of signing of contract/agreement was raised in the meeting between *FWICE* and

Producers Bodies during negotiations for minimum wages and working conditions. Producers present during negotiations were surprised that they were not aware of such an *Act* and were all in favor of framing a *Model Agreement*. Such a clause was included in the MOU as is evident from the Press release issued by a prominent Producers body. However, the matter again rested there.

Recalling any further developments in this matter will serve no purpose as to this date it remains on shelf. *No agitation, no strike, no dharna*, or even a *token form of protest* has been used as legitimate tool for its implementation. Had such a situation arisen in other industries it would not have taken more than 25 years for any similar Act passed in the Parliament for the benefit of workers to remain in limbo. Before we have a fresh look at the Act and the rules framed under *Notification*, we must reiterate the importance of this *Act* in view of the fact that it ensures regulation of employment of workers and technicians in the industry as well as makes it mandatory for Producers to enter into an agreement with employees. Let us focus our attention on the present state of affairs and examine which clauses contained in the said *Notification* would have benefited the workers and technicians:-

- *A model agreement that forms part of the Notification could have been adopted for each craft with few changes in view of nature/requirement of each craft. The model agreement could have been mutually discussed threadbare with Producers bodies and included as part of MOU.*
- *Since the Act provides legal remedy and protection to workers, any change in Committee at all levels will have no bearing or adverse impact on the workers and technicians.*
- *It is a common practice that not many Producers provide a copy of the agreement to technicians although it is mutually signed. Thus, the Producer enjoys the privilege of using it against the technician if it suits him or serves his interest. However, if the technicians desire to complain against violation of any clause in the agreement he does not have a copy of the agreement.*
- *Since the technician is in need of employment he submits himself or herself to all conditions relating to working conditions, payment schedule etc. which may go against the interest of the technician in the end. However, the Act ensures that the interest of the worker is duly protected.*

- *The entry of corporate giants into Production of films should have ensured that an era of Professionalism was here to stay. An agreement that serves the mutual interests of both the Employer and Employee would have left very limited scope for disputes. The corporatization of the industry surprisingly does not ensure that agreements are signed between Producers and technicians.*
- *The activism of unions is more confined to checking drives relating to working of non-members; recovery of dues and compensation. If part of such activism had been diverted to implementing this Act, the law of the land would have protected the workers and technicians. Needless to mention that ad hoc measures and steps have continued to plague the trade union movement in the entertainment industry.*
- **FOCUS on Clauses 5,10,12,18,19 in the Form 'A' in the prescribed Agreement between Film Producer and Cine Workers for security of workers & technicians:-**
 5. *That in case the assignment of the Cine Worker is completed earlier than the period stipulated in Clause 1 and 4, the Producer shall settle the account of the Cine Worker and pay the remaining balance of the agreement amount in full before the commencement of the re-recording, work censor of the film, whichever is earlier.*
 10. *That the Producer shall get the Cine Worker insured for any injury or damage to his/her person including death caused by accident arising out of or in the course of his/her employment and/or during the period of his/her assignment under this agreement.*
 12. *That in case the if the Producer desires to terminate this agreement before the expiry of its term for reasons other than misconduct in relation to performance of the Cine Worker's duties or his/her unwillingness to perform the services required under this agreement the Producer shall be entitled to do so only upon payment of the balance of the stipulated amount of the agreement. Only after such payment to the Cine Worker, the Producer shall be entitled to employ another Cine Worker in his/her place.*

18. *That the Producer shall not without the consent in writing of the Cine Worker assign or transfer the benefit of this agreement to any other person.*
19. ***That the provisions of the Employees Provident Funds and Misc. Provisions Act, 1952 shall be applicable to this agreement.***

It must be reiterated that the *Act* and *Notification* also takes due care of the interest of the Producer. This is evident if we carefully go through the *Act* and *Notification*.

The *Act* as well as the *Notification* is re produced in the following pages for the benefit of all affiliated unions as well as all regional *Federations*. It should also be noted that the *Act* in its present form needs to be amended to:-

- *Include workers/technicians engaged in the production of content for television, short films, documentary films and advertisement films. The television sector today provides more employment opportunities.*
- *Enhance the wage ceiling applicable to salaried workers/technicians and contractuales.*

THE CINE-WORKERS AND CINEMA THEATRE WORKERS (REGULATION OF EMPLOYMENT) ACT, 1981

Act:

*THE CINE-WORKERS AND CINEMA THEATRE WORKERS
(REGULATION OF EMPLOYMENT) ACT, 1981. ACT NO. 50 OF 1981.
[24th December 1981.]*

*An Act to provide for the regulation of the conditions of employment of
certain cine-workers and cinema theatre workers and for matters
connected therewith.*

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

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.

1. Short title, extent, and commencement. - (1) This Act may be called the Cine-workers and Cinema Theatre Workers (Regulation of Employment) 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; and different dates may be appointed for different provisions of this Act and for different areas.

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

(a) "Cinema theatre" means a place, which is licensed under Part III of the Cinematograph Act, 1952 (37 of 1952), or under any other law for the time being in force in a State for the exhibition of a cinematograph film;

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

(c) "cine-worker" means an individual--

(i) who is employed, directly or through any contractor or other person, in or in connection with the production of a feature film 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 such feature film does not exceed, where such remuneration is by way of

1. 1-10-1984: Vide Notify. No. G.S.R. 676(E), dated 21-9-1984, Gazette of India, Extraordinary, Pt. II, Sec. 3 (i).

618. monthly wages, a sum of one thousand six hundred rupees per month, and where such remuneration is by way of a lump sum, a sum of fifteen thousand rupees;

(d) "competent authority" means any authority authorized by the Central Government by notification in the Official Gazette to perform all or any of the functions of the competent authority under this Act:

(e) "contractor" means a person who furnishes or undertakes to furnish cine-workers for being employed in or in connection with the production of a feature film, and includes a sub-contractor or agent;

(f) "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:

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

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

(i) "production", in relation to a feature film, includes any of the activities in respect of the making thereof;

(j) "Tribunal" means a Cine-workers Tribunal constituted under section 7;

(k) "wages" means all emoluments which are payable to a worker in accordance with the terms of the contract of employment in cash, but does not include--

(i) the cash value of any food concession;

(ii) any dearness allowance (that is to say, all cash payments, by whatever name called, paid to a worker on account of a rise in the cost of living or on account of his being required to work in a place other than the place where he is normally residing), house rent allowance, overtime allowance, bonus, commission or any other similar allowance payable to the worker in respect of his employment or of work done in such employment;

619.(iii) any contribution paid or payable by the employer to any pension fund or provident fund or for the benefit of the worker under any law for the time being in force;

(iv) any gratuity payable on the termination of his contract.

CHAPTER II

3. Prohibition of employment of cine-worker without agreement.-

(1) No person shall be employed as a cine-worker in or in connection with the production of any feature film unless,--

(a) an agreement in writing is entered into with such person by the producer of such film; or, where such person is employed through a contractor or other person, by the producer of such film and such contractor or other person; and

(b) such agreement is registered with the competent authority by the producer of such film.

(2) Every agreement, referred to in sub-section (1) shall,--

(a) be in the prescribed form;

(b) specify the name of and such other particulars as may be prescribed with respect to, the person to whose employment it relates (hereafter in this sub-section referred to as the employee)

(c) specify the nature of assignment of the employee, his hours of work, the wages and other benefits (including benefits by way of provident fund, if any), to which he is entitled; the mode of payment of such wages and contributions to such provident fund and all other terms and conditions of employment;

(d) include, where such employee is employed through a contractor or other person, a specific condition to the effect that in the event of the contractor or other person failing to discharge his obligations under the agreement to the employee with respect to payment of wages or any other matter, the producer of the film concerned shall be liable to discharge such obligations and shall be entitled to be reimbursed with respect thereto by the contractor or other person.

620. (3) A copy of the agreement referred to in sub-section (1) with respect to the employment of any person as a cine-worker shall, if such person is entitled to the benefits of provident fund under section 16, also be forwarded by the producer of the film to the Regional Provident Fund Commissioner concerned under the Employees Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952).

4. Conciliation officers. - The Central Government may, by notification in the Official Gazette, appoint such number of persons as it thinks fit to be conciliation officers charged with the duty of mediating and promoting the settlement of any dispute (hereinafter referred to as the dispute) between a cine-worker and the producer of the film in, or in connection with, which he has been employed or the contractor or other person through whom he has been so employed, with respect to the terms and conditions or termination, of employment of such cine-worker.

5. Duties of conciliation officers. - (1) where any dispute exists or is apprehended, the conciliation officer may hold conciliation proceedings in the prescribed manner.

(2) The conciliation officer shall, for the purpose of bringing about a settlement of the dispute, without delay, investigate the dispute and all matters affecting the merits and the right settlement thereof and may do all such things as he thinks fit for the purpose of inducing the parties to come to a fair and amicable settlement of the dispute.

(3) If a settlement of the dispute or of any of the matters in dispute is arrived at in the course of the conciliation proceedings, the conciliation

officer shall send a report thereof to the Central Government together with a memorandum of the settlement signed by the parties to the dispute.

(4) If no such settlement is arrived at, the conciliation officer shall, as soon as practicable, after the close of the investigation, send to the Central Government a full report setting forth the steps taken by him for ascertaining the facts and circumstances relating to the dispute and for bringing about a settlement thereof, together with a full statement of such facts and circumstances and the reasons on account of which, in his opinion a settlement could not be arrived at.

(5) If, on a consideration of the report referred to in sub-section (4), the Central Government is satisfied that there is a case for reference to a Tribunal, it may make such reference under section 11 and where that Government does not make such a reference, it shall record and communicate to the parties concerned its reasons thereof

621.(6) A report under this section shall be submitted within three months of the commencement of the conciliation proceedings or within such shorter period as may be fixed by the Central Government:

Provided that, subject to the approval of the conciliation officer, the time for the submission of the report may be extended by such period as may be agreed upon in writing by all the parties to the dispute.

6. Settlement to be binding and to be enforced by the competent authority. - Every settlement arrived at in the course of a conciliation proceeding under this Chapter shall be binding on all the parties to the dispute and shall not be called in question in any court and it shall be duty of the competent authority to enforce the terms of the said settlement.

7. Constitution of Tribunals. - (1) The Central Government may, by notification in the Official Gazette, constitute one or more Tribunals, to be called the Cine-workers Tribunals, with headquarters at such place as may be specified in the notification, for the adjudication of disputes relating to any matter specified in any agreement of the nature referred to in section 3. (2) A Tribunal shall consist of one person only to be appointed by the Central Government.

(3) A person shall not be qualified for appointment as the presiding

officer of a Tribunal unless--

(a) he is, or has been, or is qualified to be, a Judge of a High Court; or

(b) he has, for a period of not less than three years, been a District Judge or an Additional District Judge; or

(c) he has held the office of the presiding officer of an Industrial Tribunal constituted under the Industrial Disputes Act, 1947 (14 of 1947), for a period of not less than two years.

(4) The Central Government may, if it so thinks fit, appoint two persons as assessors to advise the Tribunal in any proceedings before it.

8. Disqualification for the presiding officers of Tribunals. - No person shall be appointed to, or continue in, the office of the presiding officer of a Tribunal, if-

(a) he is not an independent person; or

(b) he has attained the age of sixty-five years.

9. Filling of vacancies. - If, for any reason, a vacancy (other than a temporary absence) occurs in the office of the presiding officer of a Tribunal, the Central

Government shall appoint another person in accordance with the provisions of this Act to fill the vacancy, and the proceeding may be continued before the Tribunal from the stage at which the vacancy is filled.

10. Finality of orders constituting Tribunals, etc. - (1) No order of the Central Government appointing any person as the presiding officer of a Tribunal shall be called in question in any manner; and no act or proceeding before any Tribunal shall be called in question in any manner on the ground merely of any defect in the constitution of such Tribunal. (2) No settlement arrived at in the course of a conciliation proceeding shall be invalid by reason only of the fact that such settlement was arrived at after the expiry of the period referred to in sub-section (6) of section 5.11. Reference of disputes to Tribunals.

11. Reference of disputes to Tribunals. - (1) Where, on a consideration of the report referred to in sub-section (4) of section 5, the Central Government is satisfied that it is necessary so to do, it may, by order in writing, refer the dispute or any matter appearing to be connected with, or relevant to, the dispute, to a Tribunal for adjudication.

(2) Where in an order referred to in sub-section (1) or in a subsequent order, the Central Government has specified the points of dispute for adjudication, the Tribunal shall confine its adjudication to those points and matters incidental thereto.

12. Procedure and powers of conciliation officers and Tribunals.-

(1) Subject to any rules that may be made in this behalf, a conciliation officer or a tribunal shall follow such procedure as the officer or Tribunal may think fit.

(2) A conciliation officer or a Tribunal may, for the purpose of inquiry into any existing or apprehended dispute, after giving reasonable notice, enter any premises in the occupation of any party to the dispute.

(3) Every Tribunal shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (5 of 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;
and

(d) in respect of such other matters as may be prescribed;

and every inquiry or investigation by a Tribunal shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code (45 of 1860) and the Tribunal shall be deemed to be a Civil Court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).

623.(4) A conciliation officer may call for and inspect any document which he has ground for considering to be relevant to the dispute or to be necessary for the purpose of verifying the implementation of any award

or carrying out any other duty imposed on him under this Chapter, and for the aforesaid purposes, the conciliation officer shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (5 of 1908), in respect of compelling the production of documents.

(5) A Tribunal may, if it so thinks fit, appoint one or more persons having special knowledge of the matter under consideration as assessor or assessors to advise it in the proceeding before it.

(6) A Tribunal may grant to any party to any proceeding 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.

(7) Subject to any rules that may be made in this behalf, the awarding of damages in, and the costs of, and incidental to, any proceeding before a Tribunal shall be in the discretion of that Tribunal and the Tribunal shall have full power to determine by and to whom and to what extent and subject to what conditions, if any, such damages or costs are to be paid, and to give all necessary directions for the purposes aforesaid and such damages or costs may, on an application made to the Central Government by the person entitled, be directed to be recovered by that Government in the same manner as an arrear of land revenue.

13. Duties of Tribunals. - Where a dispute has been referred to a Tribunal for adjudication, it shall hold its proceedings expeditiously and shall submit its award to the Central Government ordinarily within a period of three months from the date on which such industrial dispute is referred to it:

Provided that in computing the period of three months under this section, the period for which the proceedings before the Tribunal have been stayed by any injunction or order shall be excluded.

14. Publication of awards of Tribunals. - (1) Every award of a Tribunal shall, within a period of thirty days from the date of its receipt by the Central Government, be published in such manner as that Government thinks fit.

(2) Subject to the provisions of section 15, the award shall be final and binding on all the parties to the dispute and shall not be called in question in any Court in any manner whatsoever.

(3) The award of a Tribunal shall be executed in the same manner as if it were a decree of a Civil Court.

15. Revision.- (1) The High Court may, on the application of any person aggrieved by the award of a Tribunal, call for and examine the record of the Tribunal, to satisfy itself as to the regularity of the proceeding before such Tribunal or the correctness, legality or propriety of any award passed therein and if, in any case, it appears to the High Court that any such award should be modified, annulled or reversed, it may pass such orders accordingly:

Provided that where the presiding officer of the Tribunal is a Judge of a High Court, such application shall be heard and disposed of by not less than two Judges of the High Court:

Provided further that where the award of the Tribunal provides for the payment by the producer of any film or, as the case may be, the contractor or other person of any amount either by way of compensation to the cine-worker or by way of damages, no such application by the producer, contractor or other person shall be entertained by the High Court unless the applicant deposits with the High Court or with such other authority as may be prescribed the amount ordered to be paid:

Provided also that where, in any particular case, the High Court is of opinion that the deposit of any amount ordered to be paid would cause undue hardship to the applicant, the High Court may dispense with such deposit subject to such conditions as it may deem fit to impose so as to safeguard the interests of the cine-worker concerned.

625. (2) Every application to the High Court under sub-section (1) shall be preferred within ninety days from the date on which the award was passed by the Tribunal:

Provided that the High Court may, in its discretion, allow further time not exceeding one month for the filing of any such application, if it is satisfied that the applicant had sufficient cause for not preferring the application within the time specified in this sub-section.

(3) In this section, "High Court" means the High Court within the local limits of whose jurisdiction, the headquarters of the Tribunal is situated.

16. Application of Act 19 of 1952 to cine-workers.- The Employees Provident Funds and Miscellaneous Provisions Act, 1952, as in force for the time being, shall apply to every cine-worker who has worked in not less than three feature films with one or more producers, as if such cine-worker were an employee within the meaning of that Act.

17. Penalties. - (1) Whoever contravenes the provisions of section 3 shall be punishable with fine which shall not be less than ten thousand rupees but which may extend to fifty thousand rupees:

Provided that the Court may, for any adequate and special reasons to be mentioned in the judgment, impose a fine of less than ten thousand rupees.

(2) Where any person convicted of an offence under sub-section (1) is again convicted of an offence under the same provision, he shall be punishable with fine which shall not be less than twenty thousand rupees but which may extend to one lakh rupees:

Provided that the Court may, for any adequate and special reasons to be mentioned in the judgment, impose a fine of less than twenty thousand rupees.

18. Offences by companies.- (1) Where an offence under this Act has

been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

626. (2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.--For the purposes of this section,--

(a) "company" means anybody corporate and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.

19. Cognizance of offences. - No court shall take cognizance of any offence under this Act except on a complaint made by, or with the permission in writing of, the Central Government or an officer empowered by it in this behalf and no court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try an offence punishable under this Act.

20. Magistrates power to impose enhanced penalties.

Notwithstanding anything contained in section 29 of the Code of Criminal Procedure, 1973 (2 of 1974), it shall be lawful for any Metropolitan Magistrate or any Judicial Magistrate of the first class to pass any sentence authorized by this Act.

21. Effect of laws and agreements inconsistent with this Chapter.-

The provisions of this Chapter shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in the terms of any agreement or contract of service.

22. Protection of action taken under this Chapter. - (1) No suit, prosecution or other legal proceedings shall lie against any competent authority, conciliation officer, or any other employee of the Central Government or the presiding officer of a Tribunal, for anything which is in good faith done, or intended to be done, in pursuance of this Act or any rule or order made there under.

(2) No suit or other legal proceedings shall lie against the Central Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or any rule or notification or order made or issued there under.

1*[22A. **Delegation of powers.** - The Central Government may, by notification in the Official Gazette, direct that any power exercisable by it under this Act or rules made there under (other than the powers conferred by this section and section 23) shall, in relation to such matters and subject to such conditions, if any, as may be specified in the notification be exercisable also by the State Government or by such officer or authority subordinate to the State Government as may be specified in the notification.]

23. Power to make rules. - (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Chapter.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:--

(a) the form in which an agreement may be entered into by a producer with a cine-worker under section 3 and the other conditions of employment;

1. Ins. by Act 35 of 1988, s. 2.627.(b) the manner in which proceedings may be held by a conciliation officer under sub-section (1) of section 5;

(c) the procedure to be followed by a conciliation officer or Tribunal under section 12;

(d) the matters referred to in clause (d) of sub-section (3) of section 12;

(e) the damages or costs that may be awarded by a Tribunal under sub-section (7) of section 12;

(f) any other matter which is required to be, or may be, prescribed.

(3) Every rule made by the Central Government under this Chapter 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.

CHAPTER III

24. Application of Act 19 of 1952..- The provisions of the Employees Provident Funds and Miscellaneous Provisions Act, 1952, as in force for the time being, shall apply to every cinema theatre in which five or more workers are employed on any day, as if such cinema theatre were an establishment to which the aforesaid Act had been applied by a notification of the Central Government under the proviso to sub-section (3) of section 1 thereof, and as if each such worker were an employee within the meaning of that Act.

25. Application of Act 39 of 1972..- The provisions of the Payment of Gratuity Act, 1972, as in force for the time being, shall apply to or in relation to, every worker employed in a cinema theatre in which five or more workers are employed or were employed on any day of the preceding twelve months, as they apply to, or in relation to, employees within the meaning of that Act.

In exercise of the powers conferred by section 23 read with section 3 of the

**CINE-WORKERS AND CINEMA THEATER
WORKERS (Regulation of Employment) ACT,
1981 (50 of 1981),**

*the Central Government hereby makes the following
RULES, namely:*

1. Vide G.S.R. 677(E), published in the **Gazette of India**, Extra., Pt. II, sec.3(i), **dated 21st September, 1984**, P.8.

CHAPTER I

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) 'Forms' means a Form appended to these rules;
- (4) 'Section' means a section of the Act;

- (5) 'Leave' means earned leave, medical leave, casual leave, and 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 II

3. **Form of agreement under section 3.** -Agreement as envisaged in section 3 of the Act shall be as in Form 'A'.

CHAPTER III

PROCEDURE FOR REFERENCE OF DISPUTES TO A CONCILIATION OFFICER OR A TRIBUNAL

4. **Applications.** -An application under section 4 or section 7 for the reference of a dispute to a conciliation officer or 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 Labor] 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.

1. Subs by G.S.R. 284, dated 1st April 1986

5. Attestation of application. -The application and the statement accompanying it shall be signed: -

- (a) In the 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 authorized 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 authorized by him in this behalf provided that such cine-worker is not a member of a different trade union.

CHAPTER IV

POWERS, PROCEDURES, AND DUTIES OF THE CONCILIATION OFFICER AND THE TRIBUNALS

6. Conciliation Officers. –

- (1) The conciliation officer on receipt of notice of the strike or lockout, shall forthwith arrange to interview both the producer and the cine-workers concerned with the dispute at such place and time as he may deemed fit and shall endeavor to bring about a settlement of the dispute in question.
- (2) Where the Conciliation Officer receives any information about an existing or apprehended disputes and he considers it necessary to intervene in the dispute, he shall, give formal intimation 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 forth with the specific matter in the dispute to the conciliation officer concerned, whenever his intervention in the dispute is required.
8. The conciliation officer for resolving the dispute may hold a meeting of the representatives of both parties jointly or have each party separately.
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 each 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) 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 finalization of the dispute.

- (6) The tribunal shall make a memorandum of the substance of evidence of each witness:

Provided that the tribunal may follow the procedure laid down in rule 5 of order XVIII of the first Schedule to the Code of Civil Procedure, 1909 (5 of 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 sittings 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 proceeding before it and in such manner as it may think fit.

13. A tribunal may grant to any party to any proceedings before it, such interim or other relief, (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 is it deems just and proper in the circumstances of the case before the notice referred to in the proceeding, proviso is served on the parties to file 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 member 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 done deemed to be service on such persons.
- (2) Where there are numerous persons, as parties to any proceeding 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 proceeding 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. A Conciliation Officer or a Tribunal may enter in any promises 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 the Code of Civil Procedure, 1908 (5 of 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 proceedings before the Tribunal, the Assessors may be appointed under sub-section (4) of section 7 of the Act, to advise the Tribunal.
23. The tribunal shall have power to award damages in and the cost of an incidental to any proceeding before it.

FORM 'A'
(See rule 3)

AN AGREEMENT
Between Film Producer and Cine Worker

This agreement is made on thisof.....
19..... between Messrs..... having office
at..... (a sole proprietary concern/a firm Registered
under the Partnership Act, 1932/a Company incorporated and
registered under the Companies Act, 1956) (Hereinafter referred
to as the "Producer" on the first part and Shri/Smt./Kum
.....son/daughter/wife of Shri.....residing
at..... (Hereinafter referred to as the "Cine Worker") on
the second part. The terms 'Producer' and 'Cine-Worker' shall
include their heirs, successors, administrators, and legal
representatives:

WHEREAS the Producer is engaged in the production of a talkie
film, his production No..... tentatively titled,
as..... inlanguage in 35 mm/16mm/ 70 mm
gauge/Cinemascope, in color/black and white:

WHEREAS the said producer is desirous to engage the Cine
Worker in the capacity of a in the aforesaid
film and the Cine Worker accepts the same:

Now, therefore this agreement is made as follows:

1. That both the parties agree that the duration of this
agreement shall be from the date hereof till the
completion of the film and this period shall not exceed
consecutive months.
2. That the Cine-Worker agrees to attend studio, location or
work place as the case may be subject to the
requirement of his previous engagement and on his
confirmation, to his respective job punctually as and
when he shall be required by a written intimation by the
Producer or the person duly authorized by him in writing.

3. That in consideration of the Cine-Worker's services, as aforesaid, the Producer agrees to pay and the Cine-Worker agrees to receive a sum of Rs..... (Rupees.....) payable as advance on signing of this agreement and the balance of Rs.....payable in ...equal installments.
4. That in the event of the film being not complete within the stipulated period and the producer still needing the services of the Cine-Worker to complete the film, the producer agrees to pay and the Cine-Worker agrees to receive additional remuneration on pro-rata basis, payable in the same manner as stated in clause 3 above, till the completion of the film.
5. That in case the assignment of the Cine-Worker is completed earlier than the period stipulated in clause 1 and 4 above, the Producer shall settle the account of the Cine-Worker and pay the remaining balance of the agreement amount in full before the commencement of the re-recording work/censor of the film, whichever is earlier.
6. It is agreed by the Producer that for the purposes of this agreement.
 - (a) A working day shall mean a period not exceeding eight consecutive hours (to include one hour's break- for rest and refreshments);
 - (b) A working week shall mean a six-day week from Monday to Saturday, both inclusive, and the Cine-Worker is not liable to work on Sundays and Public Holidays;
 - (c) The Cine-Worker shall not be required to work for more than five consecutive hours without a break; and
 - (d) A period of not less than twelve hours shall elapse between the Cine-Workers' release from the studio/location/work-place and the next succeeding call.

7. That the Cine-Worker shall, if so required,
 - (a) Attend the studio, location, or work place as the case may be earlier than the scheduled time of the shift, for preparatory work, and in that case, he/she shall be paid by the Producer extra wages at the rate of Rs..... per hour or part thereof for such early attendance.
 - (b) Continue to work beyond the working day, with one-hour break and in that case he/she shall be paid by the Producer extra wages at the rate of Rs..... for the work during the extended hours and refreshments, and transport facilities.
8. That the Producer shall provide transport and food or pay travelling allowances to and fro to report to duty and food allowance while on duty as are customary or fixed by bilateral arrangements between the Producers and Cine-Workers representative organizations.
9. That the Producer shall also pay for all travelling and accommodation expenses, fares, cost of food and such other allowances as are customary when the Cine-Worker is required to work on location outdoors.
10. That the Producer shall get the Cine-Worker insured for any injury or damage to his/ her person including death caused by accident arising out of or in the course of his/her employment and/or during the period of his/her assignment under this agreement.
11. That where the Producer is prevented from proceeding with the production of the film by reason of fire, riot, natural calamity, order of the public authority or any other reason beyond his control: -
 - (a) He shall be entitled to suspend the operation of this agreement during the period of suspension of production in case the production is suspended. The producer shall serve notice in writing of such suspension on the Cine Worker

and shall pay all his/her dues up to the date of service of such notice. Upon resumption of work on the film, this agreement shall revive and shall remain valid for the period stipulated in clause 1, excluding the period of suspension therefrom; or

- (b) He shall be entitled to terminate this agreement as from the cessation of production, in case the production ceases completely. The producer shall serve a notice in writing of such cessation on the Cine-Worker and make payment of the entire amount due to the Cine-Worker at the time of termination.
12. That in case if the Producer desires to terminate this agreement before the expiry of its term for reasons other than misconduct in relation to performance of the Cine-Worker's duties or of his/her unwillingness to perform the services required under this agreement the Producer shall be entitled to do so only upon payment of the balance of the stipulated amount of the agreement. Only after such payment to the Cine-Worker, the Producer shall be entitled to employ another Cine-Worker in his/her place.
 13. That the Producer shall have the right to terminate this agreement on ground of misconduct on the part of the Cine-Worker in relation to performance of his/her duties or his/her unwillingness to perform the services required under the agreement, upon payment to the Cine-Worker or the amount due at the time of termination, calculated taking into consideration the Cine-Worker's total work in the film and the work he/she has completed till the date of termination of this agreement. Termination under this clause shall not be made unless the charges of the producer against the Cine-Worker are proved before a forum comprising equal number of representatives of the Producers' Organization and the Cine-Workers' Organization to which the Producer and the Cine-Worker respectively may belong. The decision of the forum shall be binding on both the parties. The Producer can engage another Cine-Worker for the job towards this agreement only after the forum has given a decision in

favor of such termination and the Cine-Worker has been paid all his dues.

14. That in case of premature termination of this agreement it shall be the option of the Producer whether or not to retain the work of the Cine-Worker in the film and at the same time, it shall be option of the Cine-Worker whether to allow his/her name to go on the credit titles of the film.
15. That the Producer shall have the right to decide the manner of representing the Cine-Worker's personality on the screen, his/her clothes, make-up and hair-style and the Cine-Worker shall fully and willingly comply with the direction of the Producer in this regard, provided that the requirements of the Producer in this respect have been notified to the Cine-Worker and accepted by him/her.
16. That the Cine-Worker agrees that he/she shall render his/her services to the best of his/her ability in such manner as the Producer or, at his instance, the Director of the film may direct and shall comply with all reasonable instructions that he may give for the production of the film.
17. That the Cine-Worker, shall comply with all the regulations of the studio location or work place as the case may be.
18. That the Producer shall not without the consent in writing of the Cine-Worker, assign, or transfer the benefit of this agreement to any other person.
19. That the provisions of the Employees Provident Funds and Misc. Provisions Act, 1952 shall be applicable to this agreement.
20. That the Producer shall not utilize the work of the Cine-Worker in any film other than the film under this agreement, without prior permission of the Cine-Worker.

The parties have put their hands to this agreement on the date, month, and year said above in the presence of each other and in the presence of the witnesses.

FORM 'B'
(See rule 4)

**Form of application for reference of a dispute to a
Conciliation Officer under section 4 or section 7 of
Tribunal**

The Cine-Workers and Cinema Theatre Workers (Regulation and Employment) Act, 1981.

Whereas a dispute *is apprehended/exists between..... And..... And it is expedient that the *matters specified in the enclosed statement which are connected/the dispute investigation and settlement relevant to the disputeshould be referred for adjudication by a Conciliation/Tribunal Officer Tribunal hereby made under section 4 or 7 of the Cine-Workers and Cinema Theatre Workers (Regulation of Employment) Act 1981 that the said matters/said dispute should be referred to a Conciliation officer/Tribunal.

This application is made by the undersigned that has/have been duly authorized to do so by virtue of a resolution (copy enclosed) adopted by a majority of the members present at a meeting of theheld on the..... 19.....

A statement giving the particulars required under rule 4 of the Cine-Workers and Cinema Theatre Workers, 1984 is enclosed.

Signature of employer*.....

Or agent.....

Or.....

*Delete whichever is not applicable.

Signature of the President of the Trade Union

Secretary to the Trade Union or

Signature of five representatives duly authorized

(Vide resolution enclosed)

.....

*Or

Signature of the Cine-Worker(s)

Or

Signature of the Cine-Worker in the
 same establishment duly authorized
 (Vide authorization enclosed).....

To

The Secretary to the Government of India,
¹[Ministry of Labor],
 New Delhi.

Statement required under rule 4 of the Cinema-Workers and
 Cinema Theatre Workers (Regulation of Employment) Rules,
 1984;

- (a) Parties to the dispute including the name and address of the establishment involved.
- (b) Specific matters in dispute.
- (e) Total number of Cine-Workers employed in the establishment affected.
- (d) Estimated number of Cine-Workers affected or likely to be affected by the dispute.
- (e) Efforts made by the parties themselves to adjust the dispute.

*Delete whichever is not applicable.

1. Subs. by G.S.R. 284 dated 1st April, 1986.

FORM 'C'
(See rule 14)

Whereas a dispute between andfor investigation and settlement has been referred to this Tribunal for adjudication under section (7) of the Cine-Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981, you are hereby summoned to appear before the Tribunal in person on theday of at..... o'clock in the noon to answer all material questions relating to the said dispute and you are directed to produce on that day all the books, papers and other documents and things in your possession or under your control in any way to the matter under investigation by this Tribunal.

Dated.....
Tribunal.

Presiding Officer,

The Unorganized Workers' Social Security Act, 2008

The Unorganized Workers' Social Security Act, 2008 (no.33 of 2008) was another major step taken by the Central Government to provide for the social security and welfare of unorganized workers and other matters connected therewith or incidental thereto. On 30th December 2008, the Act received the assent of the President and was published in the Gazette of India on 31st December 2008 by the Legislative Department of the Ministry of Law and Justice. It came into force w.e.f. 16.05.2009. At present smart cards are being issued to unorganized workers and their families who are *Below Poverty Line* under the *Rashtriya Swasthya Bima Yojana* to provide health insurance cover. More than 1.44 crore (14.4 millions) *Smart Cards* have been issued as on 20.04.2010. The Central Rules under the Act have since been framed and *National Social Board* has been constituted. Some States have already constituted the *Social Security Board*.

It was yet another opportunity for *AIFEC* and affiliated regional Federations to demand the inclusion of workforce of cinema and television industry, especially the marginalized and economically weaker section of workers employed as:-

*Light men,
Crane Operators,
Painters,
Moulders,
Tapists,
Helpers,
Spot boys.
Stuntmen
Junior Artists
Mahila Kalakar (female junior artists)
Members of Movie Action Dummy Effect Association*

Unlike workers and technicians engaged in various other crafts, they have limited life span in their careers. They retired at the age of 58. Although *Film Studio Setting & Allied Mazdoor Union* of which they are members is one of the largest unions in Asia having nearly 40,000 members provides several benefits that are not available to members of other craft unions, they are not protected or covered by any legislation or

pro labor laws enacted by Central and State Governments since the time India gained independence. The case for inclusion of *Stuntmen* and those engaged in providing *special effects* is equally strong considering they too have a very limited time span in their profession. They are left with no social security cover after they are forced to take leave of their profession when their bodies can no longer suffer the rigors of dangerous stunts. It is common to across many of them living in utter poverty and penury, fighting for survival. *Junior artists* too could lay claim to belong to a workforce that has to engage in a daily battle for survival. No doubt, television has been a boon as far as providing opportunity for employment is concerned. However, there are no post-retirement benefits and security.

Going by comments and support the industry received from members of the Parliament reproduced earlier, it would not have been a difficult task for leaders of trade union movement in the entertainment industry to seek their support and intervention. *It would not be out of place to mention here that the present generation of leaders may not be even aware of the enactment of this very important Act.*

On closer examination and scrutiny of key clauses of the above-referred *Act*, one can say with certainty that the application of this *Act* to our industry would have benefitted its large workforce in terms of social security and several benefits that have never been available to it by way of comprehensive legislation.

DEFINITIONS

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

- (a) “employer” means a person or an association of persons, who has engaged or employed an unorganized worker either directly or otherwise for remuneration;
- (b) “home-based worker” means a person engaged in the production of goods or services for an employer in his or her home or other premises of his or her choice other than the workplace of the employer, for remuneration, irrespective of whether or not the employer provides the equipment, materials or other inputs;
- (m) **“unorganized worker” means a home based worker, self-employed worker or a wage worker in the unorganized sector and includes a worker in the organized sector who is not covered by any of the Acts mentioned in Schedule II to the Act;**

*Chapter II***SOCIAL SECURITY BENEFITS****Framing of scheme:**

3. (1) The Central Government shall formulate and notify, from time to time, suitable welfare schemes for unorganized workers on matters relating to:-

- (a) *life and disability cover;*
- (b) *health and maternity benefits;*
- (c) *old protection; and*
- (d) *any other benefit as may be determined by the Central Government*

(4) The State Government may formulate and notify, from time to time, suitable welfare schemes for unorganized workers, including schemes relating:-

- (a) *provident fund;*
- (b) *employment injury benefit;*
- (c) *housing;*
- (d) *educational schemes for children;*
- (e) *skill up gradation of workers;*
- (f) *funeral assistance; and*
- (g) *Old age homes.*

FUNDING

Funding of Central Government schemes:

4. (1) Any scheme notified by the Central Government may be:

- i. wholly funded by the Central Government; or
- ii. partly funded by the Central Government and partly funded by the State Government; or
- iii. partly funded by the Central Government, partly funded by the State Government and partly funded through contributions collected from the beneficiaries of the scheme or the employers as may be prescribed in the scheme by the Central Government.

NATIONAL & STATE SOCIAL SECURITY BOARDS

The Central Government by notification shall constitute a *National Board* to exercise the powers conferred on, and to perform the functions assigned to, it under this Act. Similarly, a State Government shall constitute a *State Board*. Such Boards shall consist of representatives from unorganized sector, eminent persons from civil society, members of Parliament and State Legislatures and Central, and State Governments.

WORKERS FACILITATION CENTERS

The State Government may set up such Workers facilitation centers as may be considered necessary from time to time to perform the following functions, namely:

- (a) *disseminate information on available social security schemes for the unorganized workers;*
- (b) *facilitate the filing, processing and forwarding of application forms for registration of unorganized workers;*
- (c) *assist unorganized worker to obtain registration from the District Administration;*
- (d) *facilitate the enrollment of the registered unorganized workers in social security schemes*

REGISTRATION

Subject to fulfillment of conditions mentioned below, every unorganized worker shall be eligible for registration:

- (a) *he or she shall have completed fourteen years of age, and*
- (b) *a self-declaration by him or her confirming that he or she is an unorganized worker*

It must be noted that every eligible unorganized worker shall make an application in the prescribed form from the District Administration for registration.

On registration, he or she will be issued an identity card by the District Administration, which shall be smart card carrying a unique identification number and shall be portable.

In case if a scheme required a registered member to make a contribution, he or she shall be eligible for social security benefits under the scheme only upon payment of such contribution.

Where a scheme requires the Central or State Government to make a contribution, the Central or State Government, as the case may be, shall make the contribution regularly in terms of the scheme.

SOCIAL SECURITY SCHEMES FOR THE UNORGANIZED WORKERS

While referring to Section 2 (i) and (3) of the Act, the following Social Security Schemes will be applicable for the Unorganized Workers:-

1. *Indira Gandhi National Old Pension Scheme*
2. *National Family Benefit Scheme*
3. *Janani Suraksha Benefit Scheme*
4. *Handloom Weavers Comprehensive Welfare Scheme*
5. *Handicraft Artisans' Comprehensive Welfare Scheme*
6. *Pension to Master Craft persons*
7. *National Scheme for Welfare of Fishermen and Training and Extension*
8. *Janshree Bima Yojana*
9. *Aam Aadmi Bima Yojana*
10. *Rashtriya Swasthya Bima Yojana.*

Under Schedule II of the Act (See Section 2(m), the following Acts have been mentioned:-

1. *The Workmen's Compensation Act, 1923 (8 of 1923)*
2. *The Industrial Disputes Act, 1947 (14 of 1947)*
3. *The Employees State Insurance Act, 1948 (34 of 1948)*
4. **The Employees Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952)*
5. *The Maternity Benefit Act, 1961 (53 of 1961)*
6. *The Payment of Gratuity Act, 1972 (39 of 1972)*

** Applicable to workforce engage in production of feature films but not implemented.*

SCHEMES THAT MATTER

NFBS and *IGNOAPS* are two schemes that can provide succor and relief to a large chunk of workforce employed or engaged in cinema and television industry, especially members of:-

- *Film Studio Setting & Allied Mazdoor Union,*
- *Movie Stunt Artists Association,*
- *Movie Action Dummy Effect Association,*
- *Junior Artists Association*
- *Mahila Kalakar Sangh*

NATIONAL FAMILY BENEFIT SCHEME (NFBS)

NFBS provides a lump sum family benefit of *Rs. 10,000/-* (Rupees Ten Thousand only) to the bereaved household in case of death of the primary breadwinner in the bereaved family, irrespective of the cause of death. It is applicable to households below the poverty line as per the criteria prescribed by the Government of India.

This scheme is applicable to all the eligible persons in the age group 18 to 64 years. The family benefit will be paid to such surviving member of the household of the deceased who, after due local inquiry, is determined to be the head of the household. For the purpose of the scheme. The time household would include spouse, minor children, unmarried daughters and dependent parents.

INDIRA GANDHI NATIONAL OLD AGE PENSION SCHEME (IGNOAPS)

This scheme is part of the initiatives taken under the *National Social Assistance Program (NSAP)*.

Pension under this scheme is granted to a 'person aged 65 years or higher and a destitute in a sense of having little or no regular means of subsistence from his/her own sources of income or through financial support from family members or other sources. In other words, the applicant must belong to a household below the poverty line according to the criteria prescribed by the Government of India.

The Central Assistance under *IGNOAPS* will be provided at the rate of *Rs.200/-* per month per beneficiary. The pension is to be credited where

feasible, into a post office or a public sector bank account of the beneficiary.

AMENDMENTS

Social Security Now, during the *National Convention* on Social Security for Unorganized Workers held in January 8-10, 2010 suggested several Amendments to the *Unorganized Workers' Social Security Act, 2008*. It drew the attention of authorities concerned to several deficiencies in the Act and in order to make the Act more meaningful and relevant to more than 40 crore (400 million) unorganized workers in India.

Many amendments, it is observed, will make it easier for the economically weal and marginalized workforce employed in cinema and television industry to be included as beneficiaries of the Act. Hence, it is importance to highlight few of the amendments suggested by "Social Security Now".

The following amendments were proposed:-

DEFINITIONS NOT INCLUSIVE

The *Act* is premised on a clear distinction between 'organized' and 'unorganized' sectors, despite the contrary argument that such firm distinctions cannot be drawn and these form a continuum with clear inter-linkages. Contrary to the usual practice of defining *unorganized* as a residue of the *organized*, the *Act* defines organized as a residue of the *unorganized*. This has been done by defining 'unorganized sector' as establishments that employ less than 10 workers.

The *Section 2(1)* needs to be amended deleting coverage of enterprises employing less than 10 workers.

PROPOSED AMENDMENT

Section 2 (1)-“unorganized sector’ means an enterprise owned by individuals or self-employed workers and engaged in production or sale of goods or providing service of any kind whatsoever and where the enterprise does not fall under the definition of factories in *Factories Act, 1948*

SOCIAL SECURITY NOT DEFINED

The *Act* does not give any clarity on what the State means by 'Social Security'. Chapter II explains the possible schemes of social security. Social security cannot be reduced to schemes but should be articulated from the perspective of rights derived from constitutional rights and principles.

PROPOSED AMENDMENT

An additional sub section may be added as section 2(1) unless otherwise provided in this *Act* or schemes made there under "social security" means measures by the government in collaboration with employer, worker or otherwise, designed to meet the contingencies in life of a worker, namely old pension, unemployment benefits, maternity benefits, livelihood loss compensation, accident and medical care, provident fund etc.

DEFINITION EXCLUDES WORKERS DEPENDENT ON LIVELIHOOD SYSTEMS

The definition exclude workers dependent on livelihood systems-like forest workers and fish workers, who could not be brought within the ambit of 'home-based worker' 'self-employed worker' and 'wage worker'. For instance, most of the traditional fish workers in India follow a sharing system, in which the catch is shared among the boat owner and the crew.

PROPOSED AMENDMENT: Section 2 (m)

Section 2(m) reads as "unorganized worker" means a home based worker, self-employed worker or a wage worker in the unorganized sector and included a worker in the organized sector who is not covered by any of the Acts mentioned in Schedule II to this *Act*; and

In section, 2(m) following words should be added after the words, who is not covered....and includes workers dependent on traditional livelihood systems as specified in the schedule.

NO JUSTICIABLE SOCIAL SECURITY TO UNORGANIZED WORKERS

A justiciable right is one in which the aggrieved individual can seek

remedy in a court of law. To make a right justiciable, it should be defined and be available for the individual for a sufficiently long period of time. Although the stated objective of the *Act* is to provide social security and welfare to the unorganized workers, *the Act does not confer any defined right to social security for them. In the Act, social security schemes are not included as part of the body of Act and are given in a schedule.* This essentially means that schemes can be changed at any point of time by a notification, and not after discussion in the Parliament, thereby denying the workers the benefit of consistency and justifiability.

PROPOSED AMENDMENT

Section 3. (1) be modified to begin with

The Central Government may, by notification in the Official Gazette, frame schemes to be called the *Unorganized Workers Social Security Fund Schemes* for the establishment of Social Security fund under this Act for unorganized workers as defined in this *Act*, to whom the said Schemes shall apply and there shall be established, as soon as may be after the framing of the Schemes, a Fund in accordance with the provisions of this *Act* and the Schemes on matter relating to-

Section 3 (2) may be modified as follows:

The schemes included in the Schedule I to this *Act* be suitably amended to include *all unorganized workers as defined in this Act* and by notification in the Official Gazette, be made social security schemes under this Act.

PRIVATISATION OF INSURANCE SCHEMES

The Government should consider extending the ESIC schemes to all workers rather than inviting private sector firms to manage health scheme for unorganized workers, in which the contribution by government of India will be a transfer of public funds to private agencies. The medical care, maternity benefit and accident compensation schemes should not be private insurance based. These schemes need to contain such a clause.

PROPOSED AMENDMENT

Add Section 3 (3) (a), which reads, "The protection and benefit under any scheme constituted under the Unorganized Workers Social Security

Fund Schemes shall be managed by or under the authority of the government or any nationalized financial institution”.

SOCIAL SECURITY NOT UNIVERSAL AND, THEREFORE, CONSTITUTIONALLY INVALID

Most of the schemes are available only for *BPL* workers. A person earning more than *Rs.12* per day in a village is not considered *BPL* as per the current *BPL* norms, which leave a large proportion of the deserving poor outside the safety net. The Central Vigilance Commissioner (CVC) has, therefore, recommended enhancing the number of *BPL* families. By this restrictive clause in the schemes, more than 90 percent of the unorganized workers, the contingencies of whose lives have pushed them into poverty and increased vulnerabilities, are, in effect, denied the benefits of the schemes mentioned in the schedule of the *Act*.

In the Schemes given in the Schedule I of the *Act*, unorganized workers, except the *BPL* workers, have been generally excluded from enjoying the benefits of the schemes, and, therefore, from the benefits of the *Act*. This generalized exclusion is constitutionally invalid. It is in violation of Article 14 of the Constitution, which does not permit generalized discrimination.

PROPOSED AMENDMENT

The *Act* should specifically provide:

Section3 (2) may be modified as follows: “The schemes included in the Schedule I to this *Act* be suitably amended to include all unorganized workers as defined in the *Act* and by notification in the Official Gazette, be made social security schemes under this *Act*.”

INADEQUACY OF BENEFITS

PROPOSED AMENDMENT

The benefits and protections of healthcare, maternity leave and pension should be need-based and not minimum. In cases where the pension is not defined, the criteria for assessing the pension amount should be 50 percent of the wage by the employee.

Add new Section 3(1) A as:

Section 3(1) A: The social security schemes made under the *Act* shall provide medical, maternity and accident care with hospitalization as per the medical needs without any cost ceiling; the compensation shall be as per *Workman Compensation Act* and the pension on attaining *sixty* years of age shall be *fifty* per cent of the need based wages fixed by the Central Government.

NO SOCIAL SECURITY FUND

The absence of a financial memorandum to the *2008 Act* as well as the non –allocation of funds for social security for unorganized workers in *2008-2009* and *2009-10* budgets casts doubts on the genuineness of government's intentions in delivering social security rights to the unorganized workers in India. The *Act* should have provided for the creation of a *Social Security Fund*, and financial memorandum for budgetary allocation for the Fund.

PROPOSED AMENDMENT

The following clause is suggested to be added to *Section 4(1)* of the *Act* as under:

Section 4(1)A: There shall be created a "National Security Fund" and all contributions, grants, donations and other proceeds shall be deposited with the 'National Social Security Fund'. The Government of India shall make budgetary provisions for transferring budget allocation for social security for unorganized workers to this Fund subject to minimum of *five* percent of the total budget.

REGISTRATION OF EMPLOYER

The *Act* does not bestow any responsibility on the employer, wherever, an employer-employee relationship exists. The *Act* should provide for the registration of an employer of an unorganized worker, as the case may be.

On shelf for 25 Years

The PROVIDENT FUND

The Employees Provident Funds and Misc. Provisions Act, 1952 was made applicable to cine workers in the Notification issued by the Central Government (Vide G.S.R. 677(E), published in the ***Gazette of India, Extra., Pt. II, sec.3(i), dated 21st September, 1984, P.8.***

The Notification was the result of years of representations made by AIFEC and should have been an occasion to celebrate, as its application and enforcement would have provided long-term security, especially to those workers and technicians who had no financial security or resources to fall back on retirement or in case of emergency. That it continues to evade all of us despite being made mandatory by the Central Government by way of above *Notification* is a matter of great shame. It speaks volumes about our indifference and apathy towards providing long time security to the large workforce.

In chapter relating to *Safety and Health* we have already drawn attention to any number of specific cases of accidents, hospitalization, deaths and senior members living in penury and pitiable conditions. The application and enforcement of this *Act* would have provided succour to them in time of need.

That there was huge support from prominent members of Parliament bears testimony to the fact that they were keen to support and help the workers and technicians by their gesture of official support.

The AIFEC under the able stewardship of *Mr. Madhusudan* in subsequent years continued to draw the attention of concerned Ministry in the Central Government to the *Notification* and reiterated its demand for its enforcement. However, what it failed to do so was organize a legitimate strike or initiate a campaign to draw the attention of the Government and the media to the fact that it was not being enforced.

AIFEC, vide its communication of *August 2, 2001* submitted a *Memorandum* to the then Minister of Labour, Government of India drawing his attention to non-implementation of *Employees Provident Fund and Miscellaneous Provisions Act 1952* to Cine workers. It is important to note that the following eminent members of Parliament endorsed the *Memorandum*:-

1. *Mr. Somnath Chatterjee, MP (West Bengal)*
2. *Ms. Shabana Azmi, MP*
3. *Mr. Vinod Khanna, MP*
4. *Mr. Raj Babbar, MP*
5. *Mr. Dasari Naryan Rao, MP*
6. *Mr. D. Rama Naidu, MP*
7. *Mr. Priya Ranjan Das Munshi, MP*
8. *Mr. Dipankar Mukherjee, MP*
9. *Mr. Ajit Kumar Panja, MP*
10. *Mr. Gopal Basu, MP*
11. *Mr. Cho Ramaswami, MP*
12. *Mr. Shashi Kumar, MP*
13. *Mr. Ramakrishna Hegde, MP*
14. *Mr. Ambrish, MP*

The above-referred members of Parliament represented various political parties. Many amongst them are prominent faces of the film industry.

Identifying employers under the *Act* was considered a major fact in its non-implementation. The *Memorandum* made useful suggestion to resolve this issue.

MEMORANDUM

The business of making films describes itself as film industry. In fact, it is not an industry with the result that none of labour legislation enacted in the post-independence period is applicable to it.

Insecurity is the most glaring feature of the film industry even for those who put in a lifetime of productive work but find themselves redundant as they approach the end of their working life.

After years of struggle the artistes, technicians and other craftsmen had succeeded in making the government make a move.

In 1984 the *Cinema and Theatre Workers (Regulation of Employment) Act 1984* was enacted. It was made applicable to the Film Industry Vide section 3/16 of the *Cinema and Theatre Workers (Regulation of Employment) Act 1984*, the section read as follows:

'The Employees Provident Funds and Miscellaneous Provisions Act, 1952, as in force for the time being, shall apply to every cine-worker who has worked in not less than three feature films with one or more

producers, as if such cine-worker were an employee within the meaning of that Act'.

Further section 3/17 reads: *'Whoever contravenes the provisions of section 3 shall be punishable with fine which shall not be less than ten thousand rupees but which may extend to fifty thousand rupees. Provided that the Court may, for any adequate and special reasons to be mentioned in the judgement, impose a fine of less than ten thousand rupees'.*

According to the *Employees' Provident Funds and Miscellaneous Provisions Act*, the employers deduct a certain percentage from the employee's wages, add a similar amount themselves and deposit the aggregate sum in the Employees Provident Fund account with the government within 15 days.

The *Provident Fund Commissioner* finds difficulty in identifying the employers who are liable under the *Act*.

A simple remedy was suggested by *AIFEC* in the *Memorandum* to resolve the issue of identifying the employer:

1. *The trade magazines of the film industry periodically publish lists of films, which are in making and available for sale etc.*
2. *All these production companies are members of either one or the other film producers' organizations.*
3. *The addresses of these film-producing companies are available with the organization of which they are members.*

AIFEC had suggested that the fund authorities get the lists of names and addresses of these companies from their parent organizations and send them the required notice.

The *Confederation* had offered help in this matter. In fact, a list of companies whose films were under production was made available to the authorities.

To ensure smooth functioning of the scheme each zonal Federation (there are five of them) in Western Region, Eastern Region, and Southern Region will install a computer in which the title of the film, along with the production company and the producer will be fed. Each employer will be required to pass a receipt of the amount deducted from the cine workers. This too will be added to the computer against the liability of the employer.

The law requires that the deducted amount along with the employer's contribution be deposited in Provident Fund account within *15 days*.

Film Producers are generally perceived to be a migratory tribe. Films having been abandoned before completion are not unheard of. Understandably, there is lurking doubt in cine workers mind that their contribution to the fund may vanish along with the producer.

Towards this end unions will play the role of vigilance and see to it that the cine workers 'deduction as also the employers' contribution is deposited in the fund BEFORE commencement of next shooting schedule.

Needless to add that during the last sixteen years film men have been deprived of crores of rupees. If the Act was implemented the hundreds of film which are abandoned at various stages before completion would have contributed to financial security of technicians, artistes and craftsmen of the film industry.

IMPORTANT CIRCULAR

It is very interesting and important as well to take note of official circular (No.S-61012/1/06-W.II, dated June 14, 2006) issued by Mr. S. K. Biswas, Under Secretary, Ministry of Labour & Employment, Government of India. It was sent by Registered Post to The Chief Secretaries of all State Governments and Members of the Central Advisory Committee on the Cine Welfare Fund (from Employees & Employers' side) regarding the **Amendment** in the provisions of The Cine-Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981 regarding.

The author has copy of the circular the content of which is worth reproducing for the benefit and perusal of all concerned. The questions arises as to why those at the helm of affairs in the trade union movement have not taken the issue of enforcement as well as amendments of relevant provisions forward despite the initiative taken by Government officials like Mr. Biswas?

BY REGISTERED POST

No.S-61012/1/06-W.II,
GOVERNMENT OF INDIA
MINISTRY OF LABOUR & EMPLOYMENT

Jaisalmer House, Mansingh Road,
 New Delhi: 110 011

Dated, the 14th June, 2006

Sir,

I am directed to say that The Cine-Workers and Cinema Theatre Workers (Regulation of Employment) Act 1981 was enacted to provide necessary safeguard to low paid artists and technicians engaged in the production of feature films with regard to their terms and conditions of employment, payment of wages and provision of other amenities. However, suggestions received for amendment of sections 2(c) (ii) & 16 of The Cine-Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981 are under examination as follows:-

(a) As per the existing provision of section 2(c) (ii) of The Cine-Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981 regarding remuneration, an individual whose remuneration with

respect to such employment in or in connection with the production of such feature film does not exceed, where such remuneration is by way of monthly wages, a sum of one thousand six hundred rupees per month, and where such remuneration is by way of lump sum, a sum of fifteen thousand rupees.

In view of the rise in the wages of cine-workers in the film industry as well as to cover the cine-workers under the provisions of Employees' Provident Fund & Miscellaneous Provisions Act, 1952 (EPF & MP Act, 1952), it has been suggested to amend **section 2(c) (ii)** of the Cine-Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981, as follows:-

'whose remuneration with respect to such employment in or in connection with the production of each of a feature film, not being less than the monthly remuneration or lump sum remuneration stipulated prior to the commencement of the Cine-Workers and Cinema Theatre Workers (Regulation of Employment) Act, 2006, 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'

*It is also proposed to fix specified amount not exceeding **Rupees Eight-thousand** per month where such amount is paid monthly or an amount not exceeding **one-lakh rupees** where it is paid by way of lump sum or instalments as remuneration of a cine-worker for the purpose of this Act.

(b) Section 16 of the Cine-Workers and Cinema Theatre Workers (Regulation of Employment Act, 1981 reads as under:-

'The EPF & MP Act, 1952, as in force for the time being, shall apply to every cine worker who has worked in not less than three feature films with one or more producers, as if such cine-worker were an employee within the meaning of this Act'

This precondition of having worked in more than three feature films is incongruous as the other employees who are covered under the *EPF & MP Act* are entitled to one-day membership after abolition of the infancy period clause under the *EPF & MP Act, 1952*. Therefore, it has been proposed to amend section 16 of this Act as follows:

The words '**who has worked in not less than three feature films with one or more producers**' may be substituted by the words '**as defined under section 2(c)**'.

It is requested that comments/suggestions/objections, if any, from the affected persons may kindly be furnished to this Ministry within a period of 45 days to enable us to process the matter further for necessary amendments in The Cine-Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981 accordingly.

Yours faithfully,
Sd/-
(S.K. BISWAS)
Under Secretary

Copy for similar action to:-

1. All Welfare Commissioners
2. Employment Provident Fund Organization,
Bhikaji Cama Place, New Delhi

Sd/-
(S.K. BISWAS)
Under Secretary

Shelter

Denial of basic need & Right

ONLY LIP SERVICE

The year was 1985. *The Cine Costume and Make-up Artists & Hair Dressers Association* initiated a project for housing for its members. The late *Mr. Sunil Dutt*, actor and Parliamentarian was approached for his assistance in approaching the State Government for allotment of land for the project. *Mr. Dutt*, however, was of the opinion that asking for land for members of only one craft association would do great injustice for members of other associations. On his suggestion a meeting was convened where it was decided that a Housing Project for members of all craft associations be formed and should be appropriately called *Dadasaheb Phalke Housing Society Ltd. (Proposed)*. The project also had the support of *Mr. Vilas Savant*, the then State Minister.

Mr Jagat Kumar, representing the *Cine Costume and Make-up Artists & Hair Dressers Association* was initially the Chief Promoter, while *Mr. Ram Mohan* was appointed as Secretary. *Mr. Amir Bhai* took the responsibility of Treasurer of the proposed society. Subsequently *Mr. Raj Verukhia* took over as its Chief Promoter while *Mr. Baldev Malik* was appointed as its Secretary.

A circular was sent to all affiliated association for enrolment of members of the Society. Nearly 1500 members were enrolled. Each member paid Rs.501/- towards his share. Each affiliate was asked to nominate a *Promoter* to the Society.

In 1987 *Mr. Dutt* took a delegation of *Mr. Verukhia*, *Mr. Baldev Malik*, *Mr. Amir Bhai*, and *Mr Ram Mohan* to *Mr. S.B. Chavan*, the then Chief Minister of Maharashtra. He took up the issue of allotment of land for the proposed society in a meeting held on 21 December 1987 and urged the Chief Minister to initiate the process for allotment of land. Since members of the entertainment industry were always at the forefront in championing all national causes, the weaker sections of the industry deserved to have a roof over their head, he argued before the Chief Minister. It seems, *Mr. Chavan* was convinced and immediately took necessary steps to take the matter forward.

Mr. Verukhia recalls that with the assistance of an architect a plan for 23 acres of land that would house homes for workers, a social club, and a clinic was prepared and even a vacant land in *Four Bungalows* was identified. Unfortunately they were informed that the land under reference was reserved for usage by Government. *Mr. Verukhia* also

points out that subsequently other places too were identified but in all cases the concerned State department often found a reason to refuse allotment.

The saga of unrewarding efforts continued and interaction with successive Chief Ministers of the state as well as concerned Ministers did not yield any concrete result despite assurances.

The promoters, through the good offices of *Mr. Mansoor* also had a meeting with *Mr. Dilip Kumar* who took up the issue with *Mr. Sharad Pawar*, who happened to be the Chief Minister of the State at that time. He too showed keen interest in taking the project forward but the file never inched forward.

It is important to take note of the recommendations made by several stalwarts of the industry to not only to successive Chief Ministers of the State but also the Central Government Ministers.

The promoters made several visits to the office of *Forest and Revenue Department*. The File bearing No. *LCS/260/489-CR-445-J-3* continues to remain static and due to apathy and indifference of the all concerned in the Government, the project has remained on paper.

Ms Balbir Ward, member, Central Advisory Committee on Cine Welfare Fund took the initiative once again in January 2004. She sought the assistance of *Mr. R.K. Chandolia*, Welfare Commissioner (HQ), New Delhi in taking the project forward by taking up the matter with the Chief Minister of Maharashtra. She wrote to him on *January 5, 2004*, enclosing a copy of her communication addressed to *Mr. Kiran Shantaram*, the then Sheriff of Mumbai. Her letter was accompanied by copies of letters of recommendation of the following stalwarts:-

1. *Mr. Sunil Dutt's letter dated 2nd February 1988 to Mr. S.B. Chavan, Chief Minister.*
2. *Mr. Baldev Khosa's letter dated 2nd February 1988 to Mr. S.B. Chavan, Chief Minister.*
3. *Mr. Amitabh Bachchan's letter dated 13th April 1988 to Mr. S.B. Chavan, Chief Minister*
4. *Mr. Naushad Ali's letter dated 22nd January 1989 to Mr. Sharad Pawar, Chief Minister.*
5. *Mr. Dada Kondke's letter dated 2nd September 1995 to Mr. Sudhir Joshi (Forest & Revenue Department).*
6. *Mr. Raam Laxman's letter dated 2nd September 1995 to Mr. Sudhir Joshi.*

7. *Mr. Eknath Gaikwad's letter dated 22nd September, 1993*
8. *Mr. Pramod Navalkar's (Minister of Cultural Affair) letter dated 10th November 1995*

Ms Ward also took the opportunity to enclose copies of letters received from various Ministers and officials in response to submission made by *Promoters* for allotment of land.

1. *Mr. Eknath Gaikwad, Minister, dated 22nd September 1993*
2. *Mr. Pramod Navalkar, Minister for Cultural Affairs, dated 10th November 1995*
3. *Mr. A.B. Ambrekar, Secretary to Minister, dated 18th February 1996*
4. *Mr. Shivaji Patankar, Officer, Forest & Revenue Department, dated 6th May, 2002.*

The doyen of Indian Cinema *Mr. L.V. Prasad*, himself the winner of coveted *Dadasaheb Phalke Award* also took up the issue with *Mr. S.B. Chavan*, the Chief Minister vide his communication dated 13th February 1988.

In the year 2005 *Mr. K. Chandra Sekhar Rao*, the then Minister, Labour & Employment, Government of India referred to the representation received from *Ms Ward* to *Mr. Vilasrao Deshmukh*, the Chief Minister of Maharashtra, strongly recommending allotment of land for houses. It will be in the fitness of things that content of this communication is reproduced to reiterate the fact that enough goodwill had been generated in the corridors of power. But the project could never be implemented. The communication under reference is dated 28th January 2005-

28 January 2005

Dear Shri Vilasrao Deshmukh ji,

A copy of representation received from Ms Balbir Ward, Member, Central Advisory Committee on Cine Workers Welfare Fund is enclosed herewith.

She has represented that the Cine Workers Association under the name of Dadasaheb Phalke Co-op Housing Society has been representing to the Government of Maharashtra right from 1987 for allotment of land for house-site in and around Mumbai. I am given to understand my predecessor had also addressed the then Chief Minister for sanction of House-site in survey No.41 in Charkop, Kandivali, and survey No.341 at

Bandra (E) at Borivali. It appears that the representation is very reasonable. Hence I shall be grateful if you could kindly get the representation examined and consider for allotment of land for houses. In case there is any constraint in allotting land, I request that they may be allotted readymade flats constructed which are reported to be coming up in Mumbai on usual terms and conditions. I shall be happy if you could kindly send me a line of reply on the action taken.

*With regards,
Yours sincerely,
Sd/-*

(K. Chandra Sekhar Rao)

Shri Vilasrao Deshmukh
Chief Minister of Maharashtra
Bhausahab Hiray Marg,
Malabar Hill,
Mumbai: 06

A copy of the above referred letter was sent to *Ms Ward* by *Mr. T. Prabhakar Rao*, OSD to the Minister.

Mr Verukhia also has on record the recommendation letter penned by *Ms Lata Mangeshkar* to the Chief Minister. When *Mr Sunil Dutt* led the delegation to meet *Mr Chavan*, the then Chief Minister of Maharashtra, he urged him to take into consideration the following pertinent points:-

1. *That workers, artists, and technicians had always been in the forefront in lending their assistance and help whenever the nation was faced with any national calamity.*
2. *That a project named after the Father of Indian Cinema, Dadasaheb Phalke would be a befitting tribute to the legend and his ideals*
3. *That workers and technicians, especially those who had no house of their own deserved to have a roof over their head.*

Since the Proposed society could not get any land allotted to it, it did not get itself registered. After two decades of untiring efforts and assurances by those at the helm of affairs, the *Promoters* decided to take legal advice and were told that a large amount collected from shareholders could not be withheld for an indefinite period, especially when the Society had no legal status. Therefore on 24th July 2004 in the meeting of all associations which was held in the office of *FWICE* it was unanimously decided to return Rs.2, 000/- (inclusive of interest) to each

member by Payee's account cheque through their association as full and final. Not all members could avail of this offer.

After a long gap a meeting of the Office Bearers was held on 25th January 2008 at the office of *FWICE* and it was decided to return Rs.2, 200/- to each member by through their association. It was also decided that the Chief Promoter *Mr. Verukhia* and *Ms Balbir Ward* will continue to make efforts to get the land for workers under the guidance of *FWICE*. In case of any favourable development the senior members of the society will get a priority, especially those who were without any shelter.

Mr. Verukhia, in his interaction with the author states that refund with interest has been returned to 1000 members and that the society still has 500 members. For him the project is not dead. According to him the successive Governments and Ministers have only paid a lip service to the issue and need for a shelter/roof for the workers and technicians.

It can be said with certainty that while blaming all the concerned authorities for not taking the project forward, there is a lesson for the trade union movement in the cinema and television industry –they should have taken an aggressive stand and even used the peaceful means of non-cooperation and dharnas to draw attention of the media and authorities to the utter neglect and apathy towards the plight of workers and technicians engaged in the industry.

Efforts were also made by *FSS&AMU* (Film Studio Setting & Allied Mazdoor Union), probably the largest union having membership strength of nearly forty thousand members, in acquiring land from the State Government for construction of houses for its members.

The union often invited Members of State Assembly and eminent personalities on the occasion of its *Annual Day* that is celebrated on 26th of January each year. Thousands of workers throng the venue to hear their *Chairman* in person who often choses this day to announce new welfare schemes for the members and their families. It is observed that while politicians are invited to address the gathering they are always found wanting in fulfilling their promises. One such promise pertains to allotment of land for providing roof over the heads of members who belong to the economically weaker section of society.

In the year 2007 the Chairman wrote to *Mr. Narayan Rane*, Revenue Minister, Government of Maharashtra drawing his attention to the need of providing plot on concessional rate for construction of a housing complex. The proposed complex was supposed to house a medical

clinic and a playground as well. The association sought allotment of land measuring 10 acres for the purpose. It also drew the attention of the concerned Minister towards the living and working conditions of its members as under:-

- *On account of nature of their work, members could consider themselves lucky if they could get work for more than 10-15 days in a month*
- *Being daily wage earners they had no definite regular source of income and hence could not dream of acquiring a home of their own*
- *Long working hours and punishing schedules leaving no room for any rest or recreation.*
- *Majority of members continue to reside in unhygienic conditions. Irregular working hours often leave them with little time for their families. Returning to slums that provide them temporary shelter provided no relief.*

The association made a plea for allotment of land in suburbs like *New Link Road, Jogeshwari, Oshiwara, Goregaon, Malad, Versova, Yari Road*, or vacant land behind *Lokhandwala Complex*. If no land could be allotted in these areas, they left it to the discretion of the government to allot land at any other convenient place.

A copy of their communication was also sent to *Mr. Vilasrao Deshmukh*, the then Chief Minister of Maharashtra and the *District Collector*.

Having failed to receive any response, the Chairman sent a rejoinder to *Mr. Rane* vide his communication of *17th February 2007* and *16th May 2007*. Copies of all letters were duly endorsed to the Chief Minister *Mr. Deshmukh*. A copy was also marked to the *District Collector* for his reference and perusal.

The Senior Vice Chairman in his communication dated *13th June 2007* and addressed to the *City Survey Officer*, Tehsildar Office, Borivali requested him to take note of letter addressed by *Mr. Rane*, the Revenue Minister to him regarding allotment of land.

Subsequently the Collector referred the matter to *Borivali's Tehsildar Office* (Mumbai).

The association further referred to availability of vacant plot (*Property Card no. 258/A&25*) and requested the concerned authority to conduct survey of 10 acres of the vacant plot.

When there was no compliance on the part of concerned authorities the Chairman in his annual address to huge gathering of members and in the presence of various stalwarts of the industry made a fervent plea to *Mr. Baldev Khosa*, the Member of State Assembly. *Mr. Khosa*, himself an eminent artist in the industry promised the Chairman that he will not let the association down and would take the matter forward. That was in the year 2010. Ironically in the annual meeting held on 26th January 2011 which was attended by the various stalwarts as well as Central Minister, *Mr. Khosa* reassured the members that he would get the needful done. The Chairman, due to unavoidable circumstances, could not attend this meet.

What emerges from all the above referred initiatives taken by concerned associations as well as the Promoters of Proposed *Dadasaheb Phalke Housing Society* is that those at the helm of affairs in trade union movement have failed to realize that until and unless they resort *dharnas, strike* and *agitation*, no Government or authority would take notice of their demands and needs. When unions of other industries are able to draw the attention of authorities by using legitimate tools of fasting and strike their voice is not only heard in the corridors of power but immediate steps are taken by the Government to redress their grievances. The recent strike by *Mathahadi workers* is a case in point.

The only successful initiative

Many may not be aware of the fact the State Government in the early eighties did allot houses to *Film Writers* in the year 1982. The then Managing Committee of the association under the chairmanship of late well known literary figure *Mr. Krishan Chander* took the initiative of approaching the state government for allotment of land or homes for its members. *Mr. Chander* initiated a dialogue with *Mr P.K. Kunte*, the then *Minister of State for Housing and Public Works*, Government of Maharashtra. The year was 1976. In his communication dated 5th October, 1976, *Mr. Kunte* conveyed to *Mr. Chander* a proposal for allotment of tenements to film writers. The content of the said communication is reproduced below:-

P.K. Kunte

MS/HSG/900/76

Minister of State (Hsg.)
**MINISTER OF STATE FOR
 HOUSING AND PUBLIC WORKS
 GOVERNMENT OF MAHARASHTRA**
 Sachivalaya, Mumbai: 400 032

Dated: 5th October 1976

Dear Shri Krishan Chander,

We have been discussing the question of providing a plot of land for the Film Writers Association for some time now. I regret the delay in finalizing this matter.

However, it has now been possible for the Maharashtra Housing Board to Announce the Site and Services Scheme at Poisar, Bombay under which we are offering plots for H.I.G., M.I.G., L.I.G., E.W.S., categories of citizens. The M.I.G. and H.I.G. plots are for citizens of higher bracket of income, i.e. Rs.1500 and above. The L.I.G. plots are meant for citizens with a total income of Rs.600/- per month. I now understand that the Association is willing to book three or four plots in the L.I.G. Category at Poisar. As per the plan, 38 tenements can be constructed on each plot at a price of Rs.9000/- per tenement. The idea basically is that Film Writers should come together and form into one or more Co-operative Societies and build their own tenements through Builders/Contractors approved by the Maharashtra Housing Board and as per plans and estimates sanctioned by the Board. The Board will be collecting an initial deposit of Rs.4000/- from each member to be credited

to the proposed Co-operative Housing Society in due course. The balance amount is to be paid in 120 monthly instalments along with local taxes, etc.

Although in my letter, I have given broad details of this proposal, I may add that it may be subject to some changes of a very minor nature. The full details are being worked out.

In the meantime, I shall be grateful to reserve three plots of land (114 tenements) for the Film Writers Association. I request that within a month's time, the representatives of the Association may kindly get in touch with the Officers of the Maharashtra Housing Board and finalise this.

I hope, you are progressing well. Your services to this world of Indian Literature in general and to our cultural renaissance are indeed so noble and notable that everyone will wish from the bottom of his heart for your speedy recovery.

With kind regards.

Yours sincerely,
Sd/
(P.K. KUNTE)

Shri Krishan Chander,
President
Film Writers' Association
BOMBAY.

From the contents of the above referred communication it is evident that *Mr. Chander's* credibility and standing played a key role in the allotment of homes for film writers. It is also true that during that period the Government and those at the helm of affairs held the writers, technicians, and artists in high esteem.

Mr. Madhusudan, one the founders of the association and fortunately very much alive and active informs that nearly 114 tenements were allotted to film writers under the category of *L.I.C* (Lower Income Group). According to him the association took only 30-32 allotments. The category under which the allotment was done did not generate desired interest. Nevertheless several members benefitted by acquiring a home or roof over their heads. It is also a fact that in late seventies or early eighties when allotment was done, the activities of industry had not shifted to nearby suburbs like *Andheri*. The Production offices were mostly confined to *Naaz* (Lamington Road) while studios were located in *Mahalaxmi, Dadar* etc. The scenario has changed today with most of the

main Production houses, television channels, studios occupying large space in the suburb of *Andheri*, especially in areas like *New Link Road Oshiwara, Four Bungalows, and Versova*. Many technicians and workers now reside in these areas and find it a convenient location. Various associations too shifted to these areas in early or late nineties. By the beginning of this century, barring two associations, all of them have their offices in areas like *Oshiwara* and *New Link Road*. At present several studios have come up in far off places like *Naigaon* where major work or shooting of serials for television takes place.

Those who acquired homes in *Samta Nagar* in the suburb of *Kandivali East* must be thanking their stars since they were subsequently allotted bigger homes by builders who took up the area for re-development. The place commands a hefty premium now.

The letter of allotment provided to members by the Office of the Estate Manager contains the following key features:-

- The initial down payment of *Rs.12, 000/-* (Rupees twelve thousand rupees) were paid by members in four equal instalments.
- The allotment was done on *1st of March, 1982* under the *Low Income Group* on Hire Purchase Basis on payment of Monthly equated instalment of *Rs.101/-* payable to the office of the Estate Manager (II), Griha Nirman Bhavan, Bandra East, Mumbai: 400 050 for a period of *12 years* towards the balance cost of the tenement.
- In addition to the monthly equated instalment referred to above to the said office, members were required to pay the following charges as under:-

A) Rs.36.00	Towards provisional service charges
B) Rs. 6.00	Towards lease rent (Provisional)
C) Rs.23.00	Provisional Municipal Taxes.
D) Rs. 9.00	Management Charges
E) Rs. 5.00	N.A. Assessment.

=====

Rs. 79.00

The option of paying full tentative sale price in lump sum, at the initial stage was also offered to members as under:-

- | | | |
|----|---------------|---|
| 1) | Rs. 20,500.00 | Towards the full tentative sale price |
| 2) | Rs. 71.00 | Towards the Advance monthly (Charges) taxes for March 1982 |
| 3) | Rs. 215.00 | Towards the permanent deposit equivalent to 3 months charges. |

Rs. 20,786.00

Total payment due.

Deduct:

Rs. 12,100.00

Already deposited to the Board on account of payments towards initial down payment including the payment in increase in cost plus earnest money deposit.

Rs. 8,686.00

Exact amount payable

=====

It is clear from the above options that by paying the above referred amount, many allottees were given the privilege of paying the lump sum amount although the price quoted above was mentioned as tentative and was likely to vary on finalization of the works accounts and any difference was required to be paid by the allottee.

Not long ago, The *Association of Cine & TV/AD. Production Executives* figured in the media reports of having approached the State Government for allotment of land for housing its members. It pointed out to concerned authorities that it did not figure in the reserved quota in the scheme of housing of the State Government. It submitted a memorandum to *Mr. Gopinath Munde*, the then Deputy Chief Minister. Before the matter could move forward, the government changed. *Mr. Chaggan Bhujbal* became Dy. Chief Minister and the petition was submitted to him when a delegation of the association called on him at his office. He offered to allot certain percentage of flats constructed by *MHADA* in Powai. He also offered to arrange for housing loan. According to *Mr. More*, the General Secretary, the location was too far off for comfort of travelling and convenience. The matter rested there.

IFTDA (The Indian Film & Television Directors' Association) too inserted an advertisement in the copy of the *Annual Report, 2010* about a housing scheme. Not much is known about the fate of the scheme.

It is clear that barring the successful effort of the *Film Writers Association* in the late seventies no other association or organization in the Cinema

and Television industry could succeed in convincing the State Government in providing land for the purpose of housing the economically weaker sections of the industry. As reiterated earlier no Government will come forward on its own to provide roof over the heads of workers of our industry unless the trade unionists are able to fight for their legitimate right by way of a sustained agitation.

Integrated Housing Scheme

for

BEEDI & MINE WORKERS

The representatives of *AIFEC & FWICE* are members of the Central Advisory Committee constituted by Ministry of Labour & Employment, Government of India. Life cine workers, beedi workers too come under the administration of Welfare Commissioners. The representatives should take up the matter of housing for economically weaker section of entertainment industry on the lines of Integrated Housing Scheme initiated and funded by the Ministry. It should also be pointed out to the concerned Minister that the Cine Welfare Fund is run on the basis of contribution made by Producers in the form of cess levied at the time of censorship of their film and the Government does not make any contribution, whatsoever to this fund. But funds for Beedi and Mine workers are allocated by the Ministry.

Under the RIHS 2007 which is effective from 1.4.2007, the Implementing Agency is Ministry of Labour and Employment, through the Welfare Commissioners in the field under the Director General Labour Welfare. The subsidy of Rs.40, 000/- is released in two equal instalments. The workers' contribution is Rs.5000/-, which is deposited after the administrative approval granted by DGLW's Office. The first instalment will be released, in advance, for construction up to roof-level. The second instalment will be released when the construction reaches up to roof level to enable workers to complete construction in all respect. The workers' contribution of Rs.5000/- shall be refunded to him, along with the 2nd instalment.

In addition to above individual housing scheme, the management is granted Rs.40, 000/- for type-I houses and Rs.50, 000/- for type-II houses for providing accommodation to the workers on charge of nominal rent.

Six Decades of Existence

Craft Unions

CONFLICT OF INTEREST

What began as fight for Security of service and wages; better working conditions; and raising the workers status and of the industry in the early fifties ultimately led to the organization of workers under the umbrella of their own craft unions. Initially all the unions were not registered under the *Trade Union Act* but under the *Societies Registration Act*. Hence, they were called 'Associations' and barring few all of them continue to be called Association to this date. It was only on the intervention of few founding fathers of certain unions that realization dawned on few 'Associations' that were formed in the early fifties that unless they were registered under the Trade Union Act they could not protect the legitimate rights of the workers and technicians. They were able to convince their colleagues and fellow craftsmen that *Societies Act* offered no scope for resolution or settlement of labour disputes.

In fact, the trade union movement in the Indian Film Industry started in Bengal in 1948. **Manna Ladia**, who laid the foundation of *Association of Sound Engineers*, was the founder Joint Secretary of the Union Called the **Cine Technicians Association of Bengal**. At that time associations were formed in Bombay (Now Mumbai) and Madras (now Chennai). Both were registered under the *Society's Act*. They were **Association of Cine Technicians of India** (unregistered) in Bombay and **Association of Cine Technicians of South India** in Madras. Since they were not registered under the *Trade Union Act*, they could not resolve labour disputes. It is on record that prominent members in the Film Industry in Employers Section discouraged their staff members to not to join any association or union. Ironically eminent technicians considered themselves too emancipated to join trade unions.

The initial reluctance on the part of 'Associations' during the formative years to be recognized as trade unions perhaps sowed the seeds of subsequent apathy in adoption of legitimate activism and sustained campaigns to get recognition for their members as part of a recognized industry by successive Government since independence. This is borne out of the fact that trade unions in other industries that were not organized to the extent that our Associations were adopted an aggressive approach in getting due recognition from the Government in terms of application of all pro labour laws to their workers. They used the legitimate tool of *strike*, *morchas*, and *dharnas* to draw the attention of authorities to their plight and demands.

Influx of independent producers and closure of studios, which employed technicians and workers on monthly salaries, resulted in freelancing by technicians. Although they could get better remuneration, they had no security which regular employment could provide. However, when the salaries or remuneration were not paid in time and were too meagre for sustenance, the concerned trade unionists took the plunge of organizing workers on trade union lines.

We have already noted in the Chapter titled **A LONG TREK** that while *Producers/Distributors* took the initiative of forming their own associations in the *thirties*, the *workers* and *technicians* had to wait for another two decades to organize themselves on trade union lines with the object of improving their conditions of work and securing prompt payments and adequate salaries. However, it is on record that artists did make an attempt in the thirties to form **Cine Artist association** under the leadership of late doyen of Indian Cinema-*Sohrab Modi*. The author could retrieve a rare group photograph from the collection of late trade unionist Mr Abdul Ali that includes several well-known faces as members of the first committee. Several amongst them went on to become prominent faces of Indian Cinema-*Prithviraj Kapoor, Durga Khote, Jairaj, Gajanan Jagirdar, Naseem Banu, Motilal, Hari Shivdasani, Yacub, Nayampally, Billimoria, Navin Yagnik, Kumar, Surendra* and *Pramila*. Going by the details available from the record of *Mr Abdul Ali*, the group photograph was taken in the year **1938**. Ironically, none from the present generation of trade union leaders took the trouble of finding out from some of the stalwarts mentioned above about the reasons that led to the formation of the association. What issues did the association at that time take up? In addition, what led to the premature closure or demise of the Association? We do not know. *Mr Jairaj* was alive a couple of years back and he would have taken us to journey down memory lane. It would have been of immense value.

Preservation of records, rare photographs, and complete absence of any attempt to undertake any research on the subject has been the bane of this industry. This was evident from the authors attempt to trace the history of each union which included photographs, publications, membership records etc. Many amongst the present office bearers were not acquainted with the history of their own union. A few amongst the *22 unions*, no doubt, have preserved old records as is evident from their profiles, which follow.

It is also a fact that the Union Government, barring appointment of few enquiry commissions never took the industry seriously. Despite several representations, the industry could never get the status of an

industry from each successive government. That except for two Acts passed in the Parliament in the early eighties, no pro labour laws passed in the Parliament since independence were made applicable to our workers and technicians. It is only recently that the State and Central Government have taken a serious note of including workers and technicians within the ambit of various flagship schemes initiated for the benefit of workers engaged in professions that do not belong to the organized sector. The credit for awakening the Government to the plight and working conditions of the workers must go to the **Film Studio Setting & Allied Mazdoor union**, the biggest and largest union having nearly forty thousand members. It launched a signature campaign and sent a Petition to the Prime Minister and concerned Ministers and to all members of Parliament demanding that workers and technicians be made beneficiaries of various pro labour schemes and Acts.

On the other hand, it can also be said with certainty that the unions since the last six decades have managed to ensure and guarantee their members the payment of minimum wages in accordance with **MOU** signed between the Federation and Producers bodies. The **MOU**, it may be noted, has been renewed from time to time since sixties and ensured that workers and technicians had access to basic working conditions including working hours, allowances etc. The Federation could effectively put to use the tool of non-cooperation in a peaceful and just manner against defaulting producers. Each craft lend its support in implementing non-cooperation orders issued by the Federations against erring producer. Disputes arising out of not receipt of wages in the absence of any contract or agreement are settled at Union level failing which all cases are sent to Federation for resolution and settlement in **Joint Dispute Settlement Committee** that also includes representatives of Producers bodies. The Federation and Associations can thus take credit for protecting the rights of workers and technicians to great extent when it came to payment of minimum wages.

It is interesting to note that few Producers have gone to Courts against the decisions of *Dispute Settlement Committees*. The Court, by way of its judgment(s) did not deem it fit to grant any relief to Producers but recognized the legitimacy of the procedures evolved by Federation and Associations in settling disputes. Although records pertaining to such judgments are sadly not available with Federation, the senior most trade unions stalwart *Mr Madhusudan* goes on record by recalling that it was late eminent Producer Director *Mr Mohan Segal* who sought intervention of Court against the order of the Federation. In his appeal

against the order *Mr Segal* reiterated that the *Joint Committee* formed for settlement of disputes were acting as 'Private Courts'. The appeal was rejected.

It should also be noted that there have been very few strikes by workers and technicians. Many would tend to attribute the lack of aggressiveness and activism on the part of workers as 'weakness' while others would attribute it to cordial relationship between the employers and the employee. But the fact remains it is only now that some 'Associations' like **FSS&AMU** have taken up the gauntlet to fight against the authorities for its apathy and indifference to the pitiable working conditions of the workers. In the connection that there has been no sustained campaign and activism, even a token strike, to force the concerned authorities to implement the **Provident Fund Act** that was made applicable to cine workers in the mid-eighties. The senior members, especially who find it difficult to survive without any support system, would have been the main beneficiaries of this Act.

The **Profiles** of each union does throw light on problems that may be common to all unions or unique to their craft. Other than the minimum wages, the Profiles also include the welfare measure that each union has in place for the benefit of its members. It should be noted that no official **Census** has ever been undertaken on the number of workers and technicians employed in cinema and television industries. Even figures of number of people engaged in the industry listed in the publication of V.V. Giri Labour Institute, Ministry of Labour, Government of India, does not do any justice to the strength of workforce employed in the industry. A Member of Parliament in Mumbai expressed his shock and surprise when representatives of **FSS&AMU** went to meet him to submit a copy of Petition they had sent all members of the Parliament. He could not believe that the union had nearly 40,000/- workers on its roll. The exercise of determining total membership strength of all affiliated unions will make the concerned authorities take serious note of concerns and demands of a large workforce.

Going down memory lane, we will observe that trade union stalwarts who were responsible for the formation of unions of their own craft also took the initiative in the formation of *Federation of Western India Cine Employees* and *All India Film Employees Confederation*. Some of them became persona non grata. They were not able to get regular employment. Alas! Some of the founding fathers of the movement who were bestowed with immense talent in their respective craft could never put it to productive use.

The concept of honorary and social work did earn the founding fathers of trade union movement respect and admiration. **It also ensured that self-interest never took precedence over common interest or welfare of the workers.** Earlier there was clause in the constitution of the Federation that only those persons who have been professionally active were eligible for contesting for any office. Thereafter *Mr Madhusudan* suggested that such a person who aspires for any office or post in the Federation should be active professionally or in the work of the unions. The amendment was accepted and incorporated in the constitution. This concept of honorary work was unique to our trade union movement, unlike unions all over the world where union leaders were paid regular salaries but with a provision of not being allowed to take any professional assignments. However, with the arrival of television the workforce not only increased manifold but it also resulted in conflict of interest. With production of content for television running into several thousand hours and the large of amount of funds at stake, the debate on the question of doing away with honorary work put in by trade unionists has been initiated, though largely within the confines of personal discussions and interaction. Several related issues that are unique to this decade and can no more be brushed under the carpet have created conflict of interest. In the course of doing research for this book, the author came across several issues the ignorance of which can have a damaging effect on the trade union movement. A few observations should be considered as vital issues for serious debates at all platforms. They are-

- *Since trade union activities require full time attention and focus, a serious debate is called for to examine the need to evolve a fair and transparent system that will ensure that office bearers are paid salaries. This will, to great extent, silence those critics who accuse the office bearers of lack of commitment and absence of pro-labour stance or attitude.*
- *The exponential growth of television sector has led to influx of new entrants. Any new entrant must become a member of an affiliated union and only then can be employed by a Producer. This is part of member-to-member working arrangement between Federation and Producers bodies. Although there is no denying the fact that it has ensured that this rule also protects the rights of members, especially the recovery of minimum agreed wages, of late it is observed that a mere recommendation by Producer ensures that he is enrolled as member in few unions. Membership card is also needed for obtaining visas when a member travelling with a unit for shooting abroad. Several such entrants continue to renew their membership for years*

despite not being connected with their craft after initial enrolment. They can enjoy the facility of medical and all other benefits that a union offers to its members. Many such members even discontinue paying regular membership fee after failing to obtain regular employment and they take up work in other industries or other forms of gainful employment. However, when a card can come in handy for several benefits or identification purpose, their membership is renewed by way of paying a penalty. At the time of renewing their membership after a long gap, the unions should insist on proof/evidence of their current employment. In this context it is important to note that had the provision of having a contract under Cine Workers and Theatre Workers Employment Regulation Act, 1981 been implemented, it would have ensured that barring apprentices the employers would have to commit to signing a contract with employees. This would have made the working arrangements more professional and enabled Unions to determine if a member renewing his membership after a long gap was really employed or simply wanted to take various advantages associated with having membership card.

- The issue of insurance has been on the agenda of almost all state and national level meetings. It goes to the credit of some unions who have taken out insurance policies while many unions because of lack of funds have not been able to do so. There is an instance of a union that took accident policy @ Rs.3 per month for a period of five years, discontinued the same for reasons that do not stand the scrutiny of any logic.
- The only initiative the Central Government took in the early eighties to provide medical relief and aid for education of wards of members was in the form of **The Cine Workers Welfare Fund**. The aid is only confined to cine workers although, as mentioned earlier, it is the television sector that employs more workers and technicians. Despite several representations from time to time, the employees working in television sector remain outside the ambit of this Act. A sustained campaign and agitation would have forced the Government to take note of this anomaly and carry out necessary amendment.
- The inclusion of cine workers as beneficiaries of Provident Fund Act made applicable to cine workers in the eighties would have ensured that workers enjoyed all benefits available to workers of other industries. What we have not witnessed a sustained campaign for its enforcement? The question begs an answer.
- When negotiations with Producers bodies are due for signing of MOU, the unions of each craft should pay equal attention to their

demands for better working conditions besides increment in minimum wages.

- *With the induction of latest technology, the need to arrange for workshops, conferences, exhibitions, and interaction with experts is the need of the hour. While corporate houses or big Production banners can afford to send their regular employees for training, majority of technicians are left to fend for themselves. Sponsorship of deserving candidates by corporate houses is one option that unions can look forward to. It also needs to be mentioned that some unions who have sufficient funds need to curtail administrative expenses and divert the funds saved to training of deserving members. A trained technician well conversant with the use of latest technology is more likely to be employed with better emoluments/remuneration.*
- *A craft union whose members need to acquire and upgrade technical nature should have a Library that is accessible to all members. A few unions do have such Libraries. It is sad to note that one union, which had Library of its own for more than four decades and had more than three hundred rare books, has done away with it. What is more galling is that the precious collections of books, many of which may be out of print and not available, are either not traceable or dumped somewhere.*
- *Film appreciation programs that include regular screening and discussion on important national and international cinema should form integral part of activities of unions, especially those dealing with crafts of technical nature. Such programs also serve the purpose of providing an opportunity to technicians to interact with their colleagues and seniors on regular basis. Two decades back a film society that had majority of aspiring filmmakers and technicians as its members provided the much-needed platform to members to have access to classics. What more there are instances of some members becoming acclaimed film makers and craftsmen. To them the regular exposure to classics was a great learning school for them. One or two unions did initiate such programs but because of different perceptions and perhaps apathy, the screenings and discussions were discontinued. It is also worth noting that of late many film clubs and societies have come up and screen important films from national and international cinema on regular basis. However, the initiative has largely come from those who are not part of the entertainment industry. The international film festivals held each year do serve a purpose but they are not a culmination of yearlong activities.*
- *Of late, the media is full of reports on several accidents on sets resulting in loss of precious life of many workers in the prime of their*

life. A few unions do use the “Workman Compensation Act” for settlement of compensation to be paid to wife of deceased member. Although the said act has been amended and is now called Employees Compensation Act and guarantees enhanced compensation for workers in case of injury or death, the concerned unions are not aware of it and continue to get an amount that can never really compensate the loss of regular wages to the members of the deceased family. It is worth noting that the focus is not on prevention but on compensation. All accidents are avoidable largely if proper and basic safety measures are taken before the shooting begins. This book also contains information about safety measures adopted and made mandatory in several countries. It would not be out of place to reiterate the importance of drawing a SAFETY CODE, which should become part of MOU between Producers bodies and Federation.

- Any trade union should be thoroughly acquainted with labour laws applicable to its craft and other industries. It was observed that one of the largest trade unions did not have any act in its library other than the trade union act. There is also need to have regular training and workshops for new generation of trade union leaders to enable them to not only understand the role the union has to play in the context of present realities but also prepare the next generation of leaders. Ironically, beyond ensuring that minimum wages are paid, no serious attempt is made to take up other vital issues for the benefit of members.
- A few attempts have been made to bring out publications/newsletters by unions but after initial enthusiasm, their publication has been discontinued. Publications and Newsletters are a bridge between the union and its members and they provide a platform for members, experts, and leaders to have regular interaction on key issues affecting them. If regular publication is not viable economically or because of change of policies due to change in committees, at least an attempt should be made to bring out special issues once a year. Efforts of some unions in this regard are laudable. A comprehensive special issue by union of **Sound Engineers** published two years ago traces not only the history of the union but also raises several issues affecting the craft in particular and trade union movement in general. It is observed that the practice of bringing out such publications was considered an important activity of many unions in their formative years. A few such publications were located during the course of research work undertaken by the author. This information proved to be invaluable.

- *The issue of contracts for hiring employees for lump sum amount continues to plague some unions. Such craftsmen who then hire employees at rates that are not in accordance with minimum wages take the contracts from Producers. What more even the earned wages are not paid in time. They deduct a certain amount from the wages. The wages, ought to be paid by Production Managers employed by Producers directly to the workers. This practice is followed in art direction department and although the issue has generated heated debate, it continues to be the bane of trade union movement. Earlier too cases of dance masters taking contracts from producers for hiring dancers had been the subject of several debates and resolutions.*
- *Of late, some unions are engaged in expensive litigation because of rivalry between one or more groups over issues ranging from conduct of free and fair elections to acquisition of property. Since the cases are filed in Industrial/Labour courts and the matter is sub judice, no comments or opinion can be expressed on the merits of each case. However, what can be said with certainty is that litigation being an expensive affair; all concerned parties should take into view that ultimately it is the hard-earned wages of members who struggle 24x7 to survive that is being used for this purpose.*
- *In few unions, members take up multiple assignments. In some cases, they become equipment suppliers and undertake contracts from Producers for not only renting their equipment but also providing workforce. In industry parlance, it is called **Package Deals**. The workers do not get the minimum wages. A supplier, even though he is a worker by way of his membership of a union becomes an employer. This is a clear case of conflict of interest and such unions should either amend their constitution so that equipment suppliers are not entitled to their membership failing which they should not be allowed to stand for elections. It would be unfair to other members who cannot guarantee employment to their colleagues.*
- *It is observed that few members hold principal posts such as General Secretary in more than one union. Although it may be legally tenable, it can also lead to conflict of interest especially when concerned unions have different perspective or views on a given issue. There should be a healthy debate on this issue.*
- *A few unions have been organizing functions to honour prominent and deserving members of their craft for achieving excellence in their field. They also honour members of other crafts and in some cases confer Lifetime Achievement Awards to veterans and senior members. Unfortunately, they are not able to hold such*

functions. Credit must be given to some unions for having engaged in constant dialogue for inclusion of long ignored crafts in the category of popular awards with prominent private organizers of star-studded annual awards nites. These include those organized by television channels and publishing houses. Corporate houses who have ventured into production of films and content for television should come forward to fund award functions organized by these unions on regular basis.

- The issue of **gender equality** has generated much heat and debate, especially concerning the refusal of membership by Cine Costume Make-up Artists & Hair Dressers Union to female make-up artist who work in secrecy. Only hairdressers and stylists are allowed to become members. The matter has reached the National Commission for Women. In some cases, the Federation had to issue letters in favour of such female artists allowing them to work all over India. However, the letters did not cut much ice with concerned union in South as well. This kind of gender bias goes against the constitution of India and has been in place since last several decades. A few prominent filmmakers have stood up against this bias and employed female make-up artists. It has also been reported that union members levy fines on such artists. Make up men are worried that if female make-up artists are allowed to work they will lose their jobs. It is worth noting that the concerned union is engaged in a long drawn legal case in labour court because of rivalry between two groups. As mentioned, earlier since the matter is sub judice no comments can be made on the merits of case. However the issue of gender bias in an age when women have come to hold eminent positions in all fields calls upon stringent action against by the Federation as well as the National Commission for Women against the erring union.

- The amendment to the **Copyright Act, 1957** that will ensure that authors (Lyricists and Music Composers) will not be able to assign Intellectual rights to the film producer has generated much heat amongst Producers, writers, lyricists. The changes are in accordance with the TRIPS AGREEMENT on Intellectual Property Rights. While the beneficiaries feel that amendment will be able to monetize their rights for the entire span of the copyright period and will be able to make money for usage of their works other than related to film like Mobile TV, TV, DTH, Mobile Radio, Ring Tones etc., the Producers are vehement in asserting their rights as owners of the copyright. On the other side, it can be said that while Lyricists and Composers get lump sum amount, they may have to wait for a long period in case they are in need of money.

- *A few unions have felt the need to have their **websites**. Ironically, after initial enthusiasm, the information is not upgraded. Change in committees and office bearers sometimes lead to discontinuation of policies and initiatives taken by committees or office bearers preceding them. It is also observed that in this age where information is available at the click of mouse, most of the unions have no email ID's.*
- *Except for annual elections, the representatives of all unions in the General Council of the Federation hardly get any opportunity to interact with each other. A few years ago, an attempt was made to organize social meets but it did not become a regular feature. Such meets can generate the much-needed understanding of each other's perspective and viewpoint of issues relating to their craft in particular and the trade union movement in particular.*

MEMBERSHIP STRENGTH OF EACH AFFILIATED UNION (2010)

1. ASSOCIATION OF CINE & TELEVISION ART DIRECTORS	1189
2. ASSOCIATION OF CINE & TV/AD. PRODUCTION EXECUTIVES	2792
3. ASSOCIATION OF FILM & TV EDITORS	578
4. ASSOCIATION OF VOICE ARTISTS	600
5. CINE COSTUME AND MAKE-UP ARTISTS & HAIR DRESSERS ASSOCIATION	5000
6. CINE DANCERS ASSOCIATION	1200
7. CINE & TV ARTISTES' ASSOCIATION	3755
8. CINE MUSICIANS ASSOCIATION	1000
9. CINE SINGERS ASSOCIATION	205
10. CINE STILL PHOTOGRAPHERS' ASSOCIATION	388
11. CINE AGENTS COMBINE	38
12. FILM STUDIO SETTING & ALLIED MAZDOOR UNION	38540
13. FILM WRITERS ASSOCIATION	7983
14. INDIAN FILM DANCE DIRECTOR'S ASSOCIATION	510
15. INDIAN FILM & TELEVISION DIRECTORS ASSOCIATION	3872
16. JUNIOR ARTISTS ASSOCIATION	1100
17. MOVIE ACTION DUMMY EFFECT ASSOCIATION	482

18. MOVIE STUNT ARTISTS' ASSOCIATION	548
19. MUSIC COMPOSERS ASSOCIATION OF INDIA	234
20. MAHILA KALAKAR SANGH	1100
21. THE WESTERN INDIA CINEMATOGRAPHERS ASSOCIATION	3126
22. WESTERN INDIA MOTION PICTURES & TELEVISION SOUND ENGINEER'S ASSOCIATION	1360
TOTAL STRENGTH	74,100*

NOTE:-

- **Figures were obtained from each association during the first half of the year 2010. Hence the figure by the end of the year 2010 should be on the higher side by 5%-10%.The total figure does not include membership strength two non- affiliated associations/unions owing allegiance or wings of local Political parties like Shiv Sena and MNS.*
- *The total figure also does not include those who continue to be non- members i.e. not members of any craft unions. Though such members are not supposed to be employed by Producers as per member to member working arrangement and MOU signed between Producers bodies and FWICE, a certain percentage of workers and technicians continue to work despite regular checking drives undertaken by members of the Vigilance Group of FWICE and individual associations/unions*
- *The figures against Cine Costume and Make Up Artists & Hair Dressers Association are not updated. The Association is engaged in a legal case in the Labor Court and the official/registered office is closed for quite sometime.*

ASSOCIATION OF CINE & TELEVISION ART DIRECTORS

848 Adarsh Nagar, New Link Road, Oshiwara, Jogeshwari (W),
Mumbai: 400 102.

Tel: 26731704

Established in: 1975

Affiliated to: FWICE

Registered under the Trade Union Act, 1926

Regd. No:

Membership Strength: 1189

Categories of Members:

Art Director

Production Designer

Modeller Designer

Modeller

Mistry (Supervisor)

1st Asst. Art Director

2nd Asst. Art Director

Background Artist

Cut glass

Mural Artist

Admission fee: Rs.51,600/- (can be paid in instalments)

Annual Subscription (yearly):

Production Designer: Rs. 2500/-

Art Director: Rs. 1500/-

Assistant: Rs. 1000/-

Welfare measures:

- Medical aid provided
- Grant of Life Membership on attaining the age of 60 years
- Death compensation to members family

Special Events:

"Rang Sadhana"-annual celebration

Before free lancers entered the entertainment industry the art directors, were employed by various institutions. They honed their skills and craftsmanship in the confines of studios. Films were mostly shot on sets designed and created by them. The downfall and demise of studios/institutions led them to offer their services as freelancers to

various producers so that they could ensure security for their legitimate earnings.

The onus of taking the initiative to form a union to protect the rights of members of the fraternity under the changed circumstances fell on the shoulders of veterans like M/s. *V.H. Palnitkar, M.R. Achrekar, Shanti Deo, Ganesh Basak, Anup Kakad, J.S. Pophley, Wahab Saheb, A.A. Majeed, and M.K. Sayed*. Apart from these stalwarts, other eminent art directors whose contribution in taking the association forward in its quest to provide protection to their colleagues were *M/s Biren Nag, Sudhendu Roy, Shanti Das, N.B. Kulkarni, Bansi Chandra Gupta and Sant Singh*. Some of its office bearers subsequently went on to hold important posts in *Federation of Western India Cine Employees* and *All India Film Employees Confederation*. The name of late *Mr R.K. Handa* comes to mind instantly. Another veteran like *Mr Vasant Katkar* was instrumental in the formation of one of the largest unions, *Film Studio Setting & Allied Mazdoor Union* while *Mr Rangrao Chougule*, the current member of the executive committee of the association holds the important post of Hon. General Secretary of *FSS&AMU*. Currently one of the leading art directors, *Mr Nitin C. Desai* leads the association as its President.

With exponential growth of television industry, the association changed its name from *Cine Art Directors* to *Association of Cine & Television Art Directors*. The association framed a code of conduct to instil discipline

ASSOCIATION OF CINE & TV/AD PRODUCTION EXECUTIVES

103, Kuber Complex, Opposite SAB TV, New Link Road, Andheri West, Mumbai: 400 053
Tel: 26742344

Established in: 1975

Affiliated to: FWICE

Registered under the Trade Union Act, 1926

Regd. No.: .BY-11-8145, dated 12.06.1985

Membership Strength: 2792

Production Assistants: 634

Production Managers: 1233

Production Accountants: 10

Production Controllers: 487

Production Executives: 232

Secretaries: 6

Executive Producers: 65

Supervising Producers: 12

Line Producers: 6

Head of Production: 4

(All members are not active. Out of total membership strength of 2792, 103 members either did not renew their membership/or left or passed away. Hence valid number of total members stands at 2689):

Categories of Members: 10

(as mentioned above)

There is also a provision to accord Life Membership

Admission fee:

Production Executive: Rs. 25,000/-

Line Producer: Rs. 25,000/-

Executive Producer: Rs. 25,000/-

Head of Production (Programming Head): Rs. 25,000/-

Production Manager: Rs. 15,000/-

All other categories: Rs. 10,000/-

Annual fee:

Production Executive: Rs. 450/-

Line Producer: Rs. 450/-

Executive Producer: Rs. 450/-

Head of Production (Programming Head): Rs. 450/-

Production Manager: Rs. 400/-

All other categories: Rs. 300/-

Welfare measures:

- *Medical and educational aid provided*
- *Death compensation*
- *Special incentives to wards of members excelling in education and cultural activities*
- *Group Insurance of members*
- *A Registered Welfare Trust to provide medical aid; education aid (Scholarship) to wards of members; Retirement Fund; death compensation and financial aid for member's daughter's marriage.*

Special Events:

Holds Awards function annually since 15th December 2001 to honour and felicitate members who have done exceptionally well in the production of Films and Television serials. The last award function held on 23rd May, 2009 was the 8th edition

Souvenirs are published every alternative year from the year 1996

For too long the importance of Production Management Department was not recognized and those engaged in this profession were unorganized and scattered without any umbrella organization to protect their rights and provide them with social and economic security. It may not be out of place to reiterate the fact that this department acts as a bridge between workers, technicians, artists, and producers.

Mr R.K. Handa who had the experience of being associated with films in various capacities like Production Controller, Advisor, Consultant and Production designer took the initiative of bringing members on one platform. With the active support and participation of his colleagues like Harrington Bernard, Chandra, Ram Milan Verma, Gangadharan and many others committed associates Mr Handa's efforts led to the formation of Association of Cine Production Executives which was duly registered on 2nd June 1975. The first elected office bearers and members of the Executive Committee besides Mr. Handa were M/s Gangadharan, Ram Milan Verma, Harrington Bernard, Manik Gupta, Subhash Anand, Mohd. Shafi, Zaki Kashvi, Hira Singh Negi, and Chandramohan Rao. Mr Handa led the association as its President for a continuous period of ten years till a new management took over in the year 1985 and framed a new constitution and registered it under the Trade Union Act of 1926. Subsequently the association was renamed as Association of Cine & TV/Ad. Production Executives.

ASSOCIATION OF FILM & TV EDITORS

Unit No.203, 2nd floor, Plot No.D/11, Oshiwara Industrial Estate,
Opp. Oshiwara Bus Depot, New Link Road, Goregaon (W),
Mumbai: 400 102
Tel: 28792859

Established in: 1953

Affiliated to: FWICE

Registered under the Trade Union Act, 1926

Regd. No. 1963 of 31.01.1956

Membership Strength: 578

Life Members: 13

Grade I Members: 221

Grade II (Assistant Editor) Members: 166

Video Members: 178

(It is to be noted that only 178 members have paid their subscription as of 31.12.2008)

Categories of Members:

Grade I Members

Grade II Members

Video Members:

Annual Subscription:

GRADE I & VIDEO EDITORS **Rs. 266/-**

GRADE II (ASST. EDITORS) **Rs. 206/-**

Affiliation fee: Rs. 25/- per annum for all members

Welfare measures:

- L.I.C. Group Insurance Combo Scheme for maximum of Rupees One lakh. Members to pay Rs. 520/- as annual premium
- Members can avail of ID card under Cine Workers Welfare Fund for scholarships to the children of Cine Workers every year as well as medical benefits
- Financial assistance of Rs.5, 000/- to a widow of cine workers and for meeting wedding expenses of her first two daughters
- Financial assistance of Rs.1, 500/- towards funeral expenses of cine worker
- Sanugrha Anudaan Yojna jointly initiated by the association and Late Pratap Dave Welfare Fund in the year 2008 for the benefit of senior members who have attained the age of 60 and are unemployed and have no means to earn their livelihood. They are given Rs.200/- pm till such time as they are alive.

- *Discount of 25% up to billing of Rs.1,000/- and 30% for billing above Rs.1,000/- to all members of the association and their dependants in immunoassay & pathology by way of arrangement with M/s. Nicholas Piramal India Ltd. and Dr.Phadke's Pathology Lab and Infertility Centre..*

Special Events:

- *Members honoured annually for their meritorious services in their craft by winning various awards.*
- *Dadasaheb Phalke Editing Life Time Achievement Award from the year 2007-2008*
- *Silver Jubilee of formation of association celebrated in 1979 and commemorative volume released on the occasion,*

*Bimal Roy, General Secretary of the Association at the time of celebration of Silver Jubilee of the Association recalls that during the 2nd World War i.e. in the forties, the technicians in Bombay were in a state of insecurity, irrespective of whether the films for which they had been employed were successful or not. According to him, there were one or two honourable exceptions such as, the *Bombay Talkies*, the *Prabhat Film Company*, and the *Wadia Movietone*. But, by and large, the technicians and the workers were compelled to live from film to film. After the war, there was slump in box office collections and jobs suddenly became scarce. Those fortunate to get jobs considered themselves lucky if they got their salaries. They were not supposed to protest even if their salaries were not paid for six months. Although Producers regained their lost ground when box office collections picked up subsequently, the workers and technicians did not get their rightful share in this new prosperity.*

The *forties* and *fifties* were privy to adverse working conditions in terms non-payment of wages and insecurity of service of technicians and workers. The technicians felt miserable and frustrated. Slowly the realization dawned that unity was the crying need of the hour. It was in such an atmosphere that the idea of organizing a well-knit trade union body to protect their rights germinated and the late veteran editor *Mr Shivaji Avdhut* took the initiative with the help and support of his colleagues like *Mr R.V. Shrikhande* to organize a union to secure earned wages and remuneration of editors. He convened an informal meeting at his residence to explain his idea and plans to his colleagues. Since the idea of having a union was unheard of in those days, it took lot of explaining and arguments to explain the feasibility of having a union. The existing unions were primarily cultural and social

bodies. Majority of film employees were not their members. Consequently they did not have the authority or mandate to enforce discipline and bargain with the Producers. It was during this period that a move was initiated to hold an *All India Technicians meeting at Madras (Chennai)*.

A meeting of technicians of local industry was convened at *Shree Sound Studios, Dadar* to make preparations. *Mr Avdhut* took the opportunity to explain to his colleagues the idea of organizing film employees under the umbrella of an effective and militant union. Few participants were rather sceptical but the majority came to support the idea. The responsibility of organizing the union fell on the shoulders of *Mr Avdhut* who readily accepted the challenge of bringing together all his colleagues together since he had already covered lot of ground with the support of his colleagues. Through a letter dated *August 6, 1953*, he, along with few friends, invited all Editors and Assistant Editors to attend a meeting at *Embassy Preview Theatre* on *August 9, 1953*. It was unanimously decided in that meeting that a union of Film Editors and their assistants be formed under the name of *Society of Film Editors*. An ad hoc committee was formed to draft a constitution and make all preliminary arrangements.

October 4, 1953 marked a red letter day in the history of this union as during the General Body meeting held on this date the draft of constitution was presented and a new ad hoc committee was constituted to overlook the enrolment of members and to get the union registered with the Registrar under the *Societies Act*. It was in the same year that it was registered under the said act.

Since the *Society of Film Editors* was registered under the *Societies Act*, it did not enjoy the benefits and protection accorded to employees by the *Trade Union Act*. A historic decision was taken in the meeting of General Body held on *August 15, 1955* to change its name from *Society of Film Editors* to *Association of Film Editors* and get it registered under the *Trade Union Act of 1926*.

The first Executive Committee, constituted in early *1954*, held its first meeting on *March 24, 1954*. On *July 4, 1954* on the occasion of General Body meeting held at *Shree Sound Studios, Dadar*, it was decided to celebrate unions first Annual Day on *August 15, 1954*, an event that was celebrated for a number of years.

It is interesting to note that the idea of having a parent body of film employees with a view to ensure co-ordination and co-operation

amongst various craft unions finds mention in the minutes of the Executive Committee of the union held on *September 17, 1954*. The proposal to have a *Federation* of all craft unions found enough support and it was decided to take it to next level with convening of an Extra Ordinary General Body meeting that took place on *December 12, 1954*. The meeting took note of progress made in this respect and decided to await receipt of draft constitution of the proposed federation. *Mr Krishna Gopal*, affectionately addressed as *KG* by all was the prime mover of its formation and in the year *1956* the *Federation of Western India Cine Employees* was formed.

February 26, 1956 was a landmark date in the annals of not only the editors union but the entire fraternity of craftsmen in the film industry. Presided over by its eleven times (1955/56 -1970/71) President *Mr Goverdhanbhai Patel*, an eminent cinematographer and special effects wizard the meeting witnessed *Mr Avdhut* announcing amidst cheers the registration of the union under the *Indian Trade Union Act, 1926 (Registration No. 1963 of 31.01.1956)*. It was in this meeting that the constitution of *Federation of Western India Cine Employees* was adopted.

The Producers did not take kindly to the momentum the trade union movement gathered but had to accept the truth. Days of exploitation were over.

The earliest reference to minimum wages found in the records of the Association is possibly in the minutes of the meeting of the Executive Committee held on *February 19, 1959*. The meeting was presided over by late actor *Jairaj*. The meeting proposed wage structure that may not seem rational and practical today.

It was in the annual general meeting of the Association held on *August 15, 1965*, under the chairmanship of *Goverdhanbhai Patel* approved the charter of minimum wages which introduced several new elements, such as gradation or classification of films into *A, B* and *C*, specified daily rates of wages for black and white and colour films and also laid down the minimum wages for editors and assistant editors of documentaries and advertisement shorts. In the case of daily rates, the Association had prescribed an eight-hour shift or part thereof.

It was not until early *1972* that the minimum wages were revised again.

In the seventies the *Association of Film Editors*, barring perhaps the sole exception of *Make-up Artists Association* which started recruiting

apprentices within its fold. The rules for induction of apprentices were changed from time to time.

It is important to note that the Association had several decades ago given due importance to apprenticeship for new recruits and framed rules and regulations which are worth emulating even now when new technology is inducted from time to time, thus requiring all craftsmen to undergo *on- job training*:-

- All applications were entertained once in a year during the month of May or any other month that was decided by the Executive Committee. The applicants were young person's aspiring to take film editing as their vocation/profession. They were required to have following qualifications:-

i) **Education:** *Minimum educational qualification required was S.S.C. or equivalent to it.*

ii) **Age:** *Age limit was 21 years for those having educational qualification of S.S.C. and 24 years for graduates.*

iii) *They were supposed to not to belong to any other craft in the film industry and/or members of any craft association or engaged in any other vocation.*

- On being successful in both oral and written examination the candidates were issued permission by the Executive Committee to work as apprentices under various editors/members. They were instructed to observe the following rules and regulations:-

i) *They were to work as full time apprentice for a period of one year and were not supposed to accept any other job in any other vocation.*

ii) *They were to work as apprentices under the Editor/Editors notified in the letter(s) of permission issued to them only and were not to work with any other editor(s) under any circumstances without the written permission of the Committee.*

iii) *They were not allowed to render their services as assistant editor(s) during the period of their apprenticeship.*

- After a period of one year, a test was prescribed to be arranged for those apprentices who had completed a year's apprenticeship and carried out all the rules and regulations and conditions of their

apprenticeship, on recommendation of the editor(s) under whom they had worked as apprentice, and only after the said test and recommendation of the editor(s) who would take the test, as per the advices of the Association, their application(s) for membership of the Association was considered as per relevant clause of the constitution. The Association took several initiatives to regulate conditions of employment and the wage structure in many areas. It made a sincere effort to impose self-discipline and self-regulation amongst its members.

In the year 1979 the Association celebrated its *Silver Jubilee* and published a *commemorative volume*. It is perhaps the only publication in the archive that records various facets of history, growth, and development of the Association till the year 1979 from the day it was formed.

ASSOCIATION OF VOICE ARTISTS

Flat No.65, C-22, "Swapanpurti", MHADA, 4 Bungalows, Andheri West, Mumbai: 400 053

Website: www.avaindia.org

Established in: 1999

Affiliated to: FWICE

Registered under the Trade Union Act, 1926

Regd. No.06.01.2001

Membership Strength: Over 600

Categories of Members:

Annual Subscription:

Welfare measures:

- *Group Insurance for all members*
- *List of blood donors to help members in case of an emergency*

Special Events:

- *Organize picnics and get together for recreation and interaction*
- *Awards function*
- *A Yahoo group for interaction between members*

A handful of committed voice artists had visualized the need for an association with some clear cut objectives in mind. It was conceived and put in place to protect the interests and welfare of *Voice artists*. *Voice Artists* were hitherto at the mercy of unscrupulous producers, when it came to payments. The Artists were also subjected to many unfair trade practices. The association resolved to address the following pertinent issues:-

- *To redress the grievances of all voice artists, especially in the area of the recovery of their dues.*
- *To weed out some of the undesirable practices prevailing in the voicing industry.*
- *To create more job opportunities for its members with fair wages.*
- *To take care of the welfare of its members.*
- *To foster a spirit of professionalism and to build a dedicated, sincere and hardworking cadre of creative artists.*

With these views in mind an ad-hoc committee was formed. These pioneering members worked tirelessly to enrol more members and spread awareness amongst the voice artists.

The first *annual general body meeting* was held at Andheri on the 27th of June 1999 with 190 members actively participating in the deliberations. The second general body meeting was held on the 2nd of October 2001 at Andheri. After this the general body meeting became an annual affair with its members increasing to over 600.

Over the years, AVA has formulated a constitution and an oath of loyalty and integrity. The AVA was also registered under the trade unions act 1926 on the 6th of January 2000. An affiliation was secured with FWICE (Federation of Western India Cine Employees) by August 2000, becoming the 21st. proud affiliated unit of the parent body.

A Yahoo group *associationofvoiceartists@yahoo.com* was also created. This forum will serve as a common platform where members can share information and experiences which will be useful to fellow members. AVA also has a fully functional website *www.avaindia.org*

This gives AVA a formidable presence in the Voicing Industry, as a body that cannot be taken lightly. Many members who were denied their hard earned money were given justice through the AVA.

Today with improved communications through group SMS, all of AVA's members can be informed of any urgent news alerts in a moment.

The Welfare wing of the AVA has *group insurance* for all its members. They also have a list of *blood donors* to help fellow members in emergencies.

But AVA is not all about work alone. AVA also organizes *picnics* and *get together* for its members. This gives the members a chance to socialize and interact with each other.

CINE COSTUME AND MAKE-UP ARTISTS & HAIR DRESSERS ASSOCIATION

C/o. Shri Kiran Parmar, Shivshakti Nagar, Babu Mansu Chawl, R.No.4, Saki Vihar Road, Andheri East, Mumbai: 400 072

Mobile: 9867225081

Established in: 1955

Affiliated to: FWICE

Registered under the Trade Union Act, 1926

Regd. No: 1871

Membership Strength: 5500*

Categories of Members: 3

Make Up

Hair Dressers

Dress Men

Admission Fee: Rs.50, 000 (appx)

Annual Subscription: Rs.120/-

Welfare measures:

- ***A trust*** was established to provide medical aid to members and educational aid to wards of members. Funds sanctioned as per merit of each case.
- ***Family Relief Fund*** offers Rs.50,000/- to family of deceased members or on retirement. Members need to contribute Rs.360/-which goes to the fund.

NOTE: Relevant information was not made available to the author despite repeated reminders. Initially the concerned office bearer agreed to send the information but subsequently citing legal case involving the Association that is being heard in Labour Court, Mumbai, refused to part with any information. From the profile and reports published earlier as well as through recorded interview with its earlier President Smt. Balbir Ward, the Association's profile could be published. However, the author holds no responsibility for views and statistics contained in the profile.

The association is perhaps one of the oldest craft union bodies. It is well established fact that in the early *fifties* nearly 25 studios who produced half a dozen films yearly employed technicians, skilled and unskilled workers, including artists on monthly salary.

One of the leading Producers of the time under the banner of *Verma Brothers* was making a film titled *Bagi Siphahi* with top stars of the day. The film went over budget and its completion was delayed. Several workers had not been paid their salary for over a year. The concern replaced the engaged workers and hired others in their place. The families of sacked workers were on the verge of starvation. Some of the senior Make-up and Dress man took stock of the situation and convened a meeting of all workers at *Shree Sound Studios* to resolve the impasse. It was in this meeting that the initiative to form a union was taken. It took the decision to stop the shooting of the film. Nearly 200 junior artists were participating in the schedule that was taking place on a huge set. The two departments of Make-up and Dress led other workers to boycott the shooting. The Producer did not relent to any pressure and filed false charges against the workers led by *Mr Jagatkumar* who along with *Mr Mohan Kapoor* and *Tulsiram Chavan* were arrested. When the case came up for hearing in court, the Judge ordered the Producer to pay workers arrears within twenty four hours failing which he should be arrested. In fact the order of the court was such that other workers too got their much delayed payments. This victory led to several workers taking the initiative to form a union. It is interesting to note that many stars too came forward to help and guide them to form a craft union. Notable amongst them were *Mr Balraj Sahani* and *Mr Manmohan Krishna*. Several workers joined the movement to form a union and in the year 1955 it was registered as *Cine Costume and Make-up Artists Association*.

Although majority of the unions have shifted to the suburb of *Andheri* the union continues to function from its own office in the premises of what was once *Shree Sound Studios*. The place, according to *Ms Balbir Ward*, one of the first female to hold prominent position in any affiliated craft unions holds special place for the union. It was under the 'Peepal tree' that workers assembled to deliberate on the issue of forming a union. According to her it was *Mohan Kapoor* who took up cudgels on behalf of the aggrieved make up man who was not paid his salary for three months. He and his children had been living in the premises where *Lata Mangeshkar* resided. It was she who provided them with shelter and food. *Mohan Kapoor* along with other workers went to the sets of the concerned Producer and saw to it that unless the makeup man was paid his dues, the camera will not roll. His aggressive stand made others realize the importance of forging unity amongst all workers for a common cause i.e. timely payment of wages and proper working conditions. After this incident, veterans like *Pereira*, *Jagat Kumar*, *Lal Singh*, *Radhey Shyam*, *Tulsiram Chavan*,

and *Chandu Deshpande* came forward to join the movement to form a union.

It is interesting to note that prior to 1961 when the first female hair dresser *Ms Shakuntala Panchal* enrolled as member of the union, the job of a hair dresser for female artists was done by make-up men only.

When *Balbir Ward* joined the union in the year 1971 it had only 250 members. This fact is verified by her membership number which stands at 251. She was immediately drafted into the Managing Committee. The union was housed in the office of *Mr. Pereira* at *Famous Studio*. She remained as member of the committee for another 4-5 years and in the year 1979 became its *General Secretary*. She was not officially given charge by her predecessor *Mansoor Ali*. All her pleas for the next couple of months to officially take charge were turned down for one or the other reason. She had to daily take a cab from *Basant Studio*, Chembur to *Shree Sound Studio*, Dadar to attend office. In order to resolve the deadlock she suggested to her predecessor that he put it in writing that he would be held responsible for all that had transpired during his tenure while she would be accountable from the day she officially took charge. He reluctantly gave a letter after much persuasion but later on tore it. He felt offended and perhaps was not willing to accept a female member taking over charge. This *gender inequality* has continued to remain a contentious issue till now with female make-up artists still not permitted to become members. She observed that the union had not updated its accounts and members had no access to information relating to state of affairs of the union. Unable to set things right she withdrew from all activities till 2001 when she took up the reins of the Association as its *President*.

The Association took up the issue of implementation of *Provident Fund*, acquisition of land for *housing* for members and construction of a *hospital* near *Film City* for workers and technicians. Although *Ms Ward* got recommendation letters from various stars and dignitaries it did not cut much ice with bureaucracy.

Ironically the issue of *gender inequality* has haunted the Association all these years. Although the Constitution of the Association does not debar entry of female make-up artist the reality is otherwise. Of late the issue has generated much heat in the Press and drawn the attention of concerned authorities.

The Profile does not do full justice to the Association that is one of the

oldest amongst all affiliated unions. Since previous and current office bearers are engaged in a legal battle in Labour Court more relevant information, statistics are difficult to obtain.

CINE DANCERS ASSOCIATION

Shop No.A, Karai Villa, Bharadawadi Road,
Andheri West,
Mumbai: 400 058
Tel: 26778330/26778324

Established in: 1968

Affiliated to: FWICE

Registered under the Trade Union Act, 1926

Regd. No: By/2/8961

Membership Strength: 1200

Categories of Members: 1

Admission fee: Rs.1, 000/-

Annual Subscription: Rs.50 per month

Welfare measures:

Medical aid to members is provided by Cine Dancers Welfare Trust. If the amount of aid exceeds Rsd.10, 000/- the committee sanctions necessary amount depending on the nature of illness and treatment required. The association in such cases deposits the amount in Hospital where a member is admitted for treatment.

Educational Aid to wards of members is provided. The amount is given by cheque directly to the school.

Retirement Fund is meant to provide financial security in the form of lump sum amount of Rs.1 lakh to those who have been members for 15 years or more; Rs.75,000/- to those who have been members for 10 years or more and Rs.50,000/- to those who have been members for 7 years or more.

Insurance (all inclusive) is administered through ICICI Prudential and members are insured for health, life, and accidents for a cover of Rs.20 lakhs in case of members completing 20 years under the policy. Minimum premium paid by members is Rs.2, 000/- annually. The age factor is taken into account in determining the premium.

Special Events:

An Academy to train students in Bollywood style of dancing is run by a member of the union. The Academy pays rent to the union. Fees are not exorbitant and within reach of most of the applicants.

The union has not preserved any record of its history, its origin, and issues that led to its formation. There is apathy towards preserving archival records and not many founders or veterans are alive to re live the period that saw the birth of the union. A few like *Ramesh Rao* who are alive are either too old or bed ridden on account of illness and are not in a position to recall or trace the history of the union. It is left to *Zahid Sheikh*, the young *President* of the union to provide some information on the basis of what his mother, a dancer in her own right from 1968 and several seniors under whom *Zahid* had the opportunity to work told him.

As with other crafts like *junior artists* and *stuntmen*, the *dancers* too were clubbed under the category of cine artists. It was the supplier who recruited them. The *female dancers* were exploited by the suppliers and wages were either not paid or not paid in time. Lack of security of wages, undesirable working conditions, and exploitation led to the birth of the union. The founding members had to face still opposition and the tussle even led to one of their founding members affectionately called *Gopal Dada* being put behind bars. One of the choreographers *Surya Kumar* had to pay for his life too. *Jacob Circle* was the meeting point for not only dancers but also *junior artists*, *stuntmen* as well. Their venue of meeting then shifted to *Mahim* and thereafter to several other locations before the Junior Artists finally got a place for themselves in *Saat Raasta* (Mahalaxmi). The Dancers ultimately found a shelter in *Basanti Hall*, opposite *Ranjit Studio*, *Dadar* which was rented by the union. With enterprising members joining the union, a *Toko Fogo Night* was organized with the intention of collecting funds. Hence in 1986 they were able to acquire their own office in *Ranjit Studio*. It was inaugurated by *Dharmendra*, a top star of that period.

In 1997-98 the young members of the union, who were already feeling restless and had been demanding changes in the outlook and approach to several key issues revolted against the senior members who had been running the union. Active young members like *Ramesh Ranga* and *Derrick* led the revolt and won the elections. Many senior members with the help of members of political parties and anti-social elements made it difficult for the young dancers to function effectively. They took the decision to sell the office in *Ranjit Studio* in 1998 and shifted to the present premises. They also acquired adjacent office where an Academy is now being run by a member of the union. He pays rent and conducts classes from 7am to 10pm. Students and youngsters belonging to the local area enrol in the classes. During vacation time batches are full. Not all students join the class with the

intention of joining *Bollywood*. Many students after completing training may opt to join various groups that accompany troupes on tours all over the world. The union has now acquired another office and will rent out the present premises. This will be another source of funds for the union.

One of the main *qualifications* required to become a member of the union is recommendation from *Dance Masters (Choreographers)*. For instance *Choreographers* like *Saroj Khan, Bosco Ceaser, or Remo* would recommend students for membership of those students who have received training in their respective academies.

When themes or story of films were set in rural India opportunities for employment were more. Films had more characters. Films were of longer duration and a minimum of *seven songs* was the norm. Songs often required more dancers. The situation has changed now. According to *Zahid Sheikh*, the current President of the Union who along with *Ramesh Ranga* and *Ravi* infused a fresh blood in the union by revolting against seniors less than a decade ago films are mostly shot abroad on various locales. The very nature of locales requires foreigners as characters.

Another change that has taken place is needed to have characters that look authentic and believable in their looks and presentation. Earlier a *Sardar* character (dancer) would be enacted by a member who was not a *Sardar*. Now due to intervention of certain groups, the Producers insist on having Sardars as dancers. The same applies to characters of foreign origin. Earlier members would be made to look like foreigners after donning relevant make up. However, this has changed now resulting in loss of jobs for members.

The changed scenario brought about by advancement of technology, contemporary themes and the overall look of the films is not a cause for concern when it comes to percentage of unemployed members. There are several avenues available to members now. They go for live performances with groups that tour abroad or conduct shows all over India. Television serials are another window for job opportunities.

If at all any issue that has resulted in much heartburn and drawn the union into conflict with authorities it is the use or hire of foreigners in films. The foreigners, of late, have been regular feature in dances choreographed for feature films. As part of their get up they wear '*ghagra cholis*' and '*salwar kameez*'. The union has protested against this practice as it results in fewer opportunities for their members. All their efforts to raise this issue with various *NGO's, concerned Police*

department and the *Human Rights representative* have been in vain. The Producers bodies, as *Zahid* points out, are “*just brushing the issue under the carpet*”. The Federation has been repeatedly approached in this matter but it seems they have turned deaf ears to all the pleas of the union. The union also made a representation to the *Crime Branch* of the Police Department. Clarification was sought from them about the issuance of visa to these foreigners. They were informed that the Government of India issues visa to them under the section of *Culture, Entertainment, and Performers*. When the Government was approached for redressal of their grievance they were informed that visa is issued to them on receipt of valid application. They were told to approach the trade union authorities. As a last resort they wrote to *Registrar of Trade unions* which did not even bother to acknowledge their communication. *Zahid* was shocked at the indifferent and callous attitude of the *Trade union* authorities when they told him bluntly that it was their prerogative to respond to their letter or not. The union did not make use of *Right to Information Act*.

To the unions surprise they found that local *co coordinators* who earlier supplied *junior artists, models, crowds, and dancers* became *manpower consultants* who have formed their own companies and on the basis of a contract bring these foreigners here to cater to the requirement of the Producers. He cites another example where the foreigners though have no relevance are inducted to cater the new found fascination for white skin. At a *Property Expo* in *Navi Mumbai* the customers were treated to grand show having a bevy of foreign girls. In feature films like *Billoo Barber* the popular Rajasthani folk song *Marjani Marjani* had foreign girls wearing *ghagra choli* in group dance. The male dancers happened to be Indians. “*How can you justify this*”, asks *Zahid*. It is not even a foreign locale or requirement of the script. In the recently release multi starrer *No Problem*, foreign girls were made to wear *Salwar Kameez* (Punjabi attire).

Zahid laments the fact that not many members come forward to assist him in dealing with various issues. “*How can I run round all the time? It is humanly impossible for an individual to resolve so many issues without the support of others*”, asks *Zahid*. Another issue that has compounded the problems faced by the union is the entry of unions affiliated to local political parties.

Non-members continue to be employed by Producers despite the member to member working rule that forms part of the *Memorandum of Understanding* signed by *Federation* and *Producers* bodies. Producers continue to defy this rule and regularly employ non-

members. This often leads to confrontation and stoppage of shooting by the *Vigilance Committee* of the *Federation*. Ultimately the issue is resolved when non-members become members of their craft union.

Another contentious issues faced by the union is that despite the contract clearly mentioning that *Producers* cannot award contracts to *Choreographers* for recruiting dancers for their films, the clause is blatantly violated. This practice is also followed by *Art Directors* and *Music Directors* as well. With the result the dancers not only get wages that are lower than what are supposed to get but are at the mercy of *Choreographers*. “As long as our members get paid in time, we do not interrupt shooting but if they are not paid we leave no stone unturned in recovering the wages”, says *Zahid*.

The dancers today have a limited life span. Producers are always on the lookout for fresh faces. Earlier a dancer could get work for twenty years. “*My own mother worked from 1968 to 1990 till I was ready to take over and be the bread earner of the family. But senior members are not called upon regularly*”, says *Zahid* while talking about the hard times senior members have in coping with life after retirement.

Once an ace dancer for nearly two decades, starting his career at the age of 10 with *Sachin Shankar dance troupe*, *Sudhir* is a typical example of what life could be after retirement. Although he is full of praise for the union for helping senior members in times of emergency, he would like leading *Choreographers*, *Artists*, and *Producers* to organize a Program with the intention of raising funds for the benefit of senior members, especially those who have fallen on bad days. He would also like the *Government* to help them by including them within the ambit of one of the *Pension Schemes* initiated by them for common man. *Zahid* opines that life after retirement is a grim battle for survival, especially for those who could not or did not make any provision for funds required by them in old age.

The union is apprehensive that the act relating to *Provident Fund* which is already applicable to cine workers may face logistic problems and resistance.

The working conditions on sets and studios, especially the make shift sets erected in *Naigaon* are indicative of care and concern that Producers and Studio owners have for *dancers*, *junior artists* etc. After workers staged a *dharna* sometime back and the Federation conducted an enquiry into the state of affairs in *Film City* and *Filmistan Studios*, the concerned authorities acted swiftly and with the result mobile toilets in *Film City* have been provided while the permanent

ones have been upgraded. But a lot needs to be done in providing safe and *portable drinking water* on sets to workers. A few producers do provide the facilities in *Vanity vans*.

On a parting note, *Ramesh Ranga*, one of the youngsters who led the revolt against seniors in 1998 and was its *President* till 2002 attributes the reason of unemployment of members to absence of any healthy debate and discussion within the union on various issues. *“Foreigners fulfil the requirement of films-they are good looking, have good figures. They are open minded and liberal when it comes to wearing dresses that may not be acceptable to our members with conservative background and middle class values. The entertainment industry’s values have changed and nudity or semi nudity is acceptable now. To tackle unemployment we must accept change. The union should introspect why it is not able to meet the demands and requirements of the Producers”*, elaborates *Ranga* on the question of employment and the changing scenario.

CINE & TV ARTISTES' ASSOCIATION

221, Kartik Complex, 2nd floor, Opp. Laxmi Industrial Estate,
New Link Road, Andheri West,

Mumbai: 400 053

Tel: 26730511/13

Fax: 022-26730510

E-mail: cintaa1958@yahoo.com

Established in: 1958

Affiliated to: FWICE

Registered under the Trade Union Act, 1926

Regd. No: 3086/30th June 1958

Membership Strength: 3,755

Categories of Members: 3

Regular Member

Associate Member

Life Member

(Work Permit is also given to those who are engaged by some Producer and working in a feature film/TV Serial/Telefilm, but not fulfilling prescribed conditions. Proper agreement(s) from the Producer(s) supporting their eligibility are to be submitted by applicants)

Annual Subscription:

Regular Member:

Entrance fee: Rs.5, 001/-

Subscription: Rs.50/- per month

Associate Member:

Entrance fee: Rs. 2,501/- at the time of granting Associate membership and balance Rs.2, 501/- when the membership is regularized.

Subscription: Rs.10/- per month

Life Member: Rs.10, 000/- or more in one lump sum

Welfare measures:

- Cine Artists Welfare Trust undertakes benevolent work by way of: Medical and Educational Aid; Eye Cataract Operation; Kidney Stone ailments. (Expenses for all the above facilities are borne by the Trust in genuine and deserving cases)
- "Monthly Relief" to deserving members and their dependents
- Arrangement for dental treatment with clinics
- Arrangement for Pathological tests
- Arrangement for concessional rates for MRI/CT Scan
- Arrangement of Medical assistance with IIFA

- *Medical and educational aid to members and their wards provided to Identity Card holder under Cine Workers Welfare Fund*
- *Group Insurance of Members against accidents*
- *Provides Certificate of Membership to members approaching State Government/MHADA (Maharashtra Housing & Development Authority) for allotment of flats/plots as artists.*

Special Events:

- *Honours and felicitates veteran members of the Association (both living and deceased)*
- *Felicitate the State, National, and International awardees in recognition for their outstanding contribution to the Indian Film Industry as artists.*

The artist's community in the year 1930 felt the need to have an organization/association to protect their rights. But it was only in the year 1938 that the movement for forming an association began and "*Film Artists Association of India*" was born. Veteran artists like *Nazir, Motilal, Yakub, Durga Khote, Sohrab Modi, Gajanan Jagirdar and P. Jairaj* were instrumental in the formation of this association. *Prithviraj Kapoor, Naseem Banu, Hari Shivdasani, Nayampally, Billimoria, Navin Yagnik, Kumar, Surendra, and Pramila* formed part of the first Managing Committee of the Association headed by *Sohrab Modi*. But as mentioned earlier very little is known about the issues that led to the formation of this Association and what ultimately led to its closure. This can be attributed to our disinterest in preserving archival records.

However from the information provided by the Association the main object of the Association was to safeguard the interest of the artists, organize meetings, lectures for better understanding and paving the way of personal interaction between members of the community.

It is also known that members of the Association also used to collect money for the corpus by way of participation in many relief fund collection functions, variety shows etc.

In the year 1954 the name of the Association was changed to *Film Artists Guild*.

On 24th of February, 1958, in the course of an informal meeting held at the residence of late *Mr Manmohan Krishna*, the name of the Association was once again changed. It was decided to call it *Character Artists Association*. The meeting was attended by *Durga Khote, Leela Chitnis, Kanhaiya Lal, Achla Sachdev, Kamini Kaushal,*

Jeevan, Bipin Gupta, K.N. Singh, Mubarak Merchant, Gajanan Jagirdar, Sajjan, Jagdish Sethi, David Abraham, and Nazir Husain.

On 17th March, 1958 the first Executive Committee meeting of the Association was held at *Shree Sound Studios*. Principal office bearers were elected in the said meeting as under:-

President	<i>Durga Khote</i>
Vice President	<i>Mubarak Merchant</i>
General Secretary	<i>Manmohan Krishna</i>
Treasurer	<i>David Abraham</i>
Joint Secretary	<i>Sajjan</i>

The Association subsequently registered itself under the *Trade Union Act, 1926* on 30th June, 1958. In the first year itself 95 members were enrolled.

18th August, 1960 witnessed the change of Profile of the Association when in an *Extra Ordinary General Meeting*; the name of the Association was changed to *Cine Artists Association*. It was but natural that leading stars and artists of the day joined the Association in good numbers.

Other than looking after the security of its members in terms of its wages the Association continued to help the needy and deserving members by way of medical and financial assistance. The Association did not exclude the wards of deceased members from such assistance.

When the late *nineties* witnessed an exponential growth in television sector, it was time to open the membership to artists engaged in making of serials for television. Thus it was in the fitness of things that the Association once again changed its name to *Cine & TV Artistes' Association*.

In the year 1990 the Association formed its own Trust *Cine Artiste Welfare Trust*. Profile of this trust is given in the chapter on *Safety*. It was felt by the committee that enough funds were not available to provide financial and medical help to deserving and needy members of the Association. It was also felt that funds could be raised by organizing charity shows. But donations could not be accepted as the Association was not eligible to get an Income Tax exemption. Hence it was decided that the Association should form its own Trust to become eligible for exemption under *Section 80G*.

The late *Mr Amjad Khan* played a major role in the formation the trust. Unfortunately before charity shows could be organized he left for his heavenly abode in the year 1992. However leading artists saw to it that such shows were successfully held in various parts of the world. Ever since the trust has been providing medical and financial aid to needy members and their dependents.

After years of sustained efforts the Association is now in the process of giving final touches to the development of a plot which will house not only the office of the Association but a Library and other facilities.

The Association honours veteran members, both living and deceased. It also felicitates National and International award winners. The function to honour such members is clubbed with the Annual General Body Meetings.

CINE MUSICIANS ASSOCIATION

Flat No. 4. Ground Floor, Poonam, Plot No. 389,
Sitaladevi Temple Road, Mahim,
Mumbai 400016.

Telephone: 2445 4305

Email: cmamumbai@yahoo.in

Website: www.cinemusiciansassociation.com

Established in: 30th June, 1952

Affiliated to: FWICE

Registered under the Trade Union Act, 1926

Regd. No. 1396

Membership Strength: 1000

Categories of Members: 2

Life Member

Ordinary Member

Gradation:

A Grade

B Grade

Special Grade

Extra Special Grade

Super Extra Special

Top Grade

Annual Subscription:

Life member:

Lump sum fees: Rs.9, 500/-

Welfare measures:

- **Family Benefit Fund:** The Association provides lump sum aid of Rs.30, 000/- to the nominees of the deceased member.
- **Medical Aid Fund:** Since the last two years the Association recommends application for suitable and proportionate medical aid to HIMESH RESHAMMIYA GLOBAL FOUNDATION. Mr Reshammiya, himself an eminent singer and music director started this foundation to provide aid to needy members.
- **OLD AGE (GRATIS PAYMENT):** Members who have attained the age of 70 and are not in good financial position are provided with aid of Rs.3, 000.
- **HIGHER EDUCATION FUND:** The Managing Committee recommends suitable and deserving applicants to HIMESH RESHAMMIYA GLOBAL FOUNDATION towards the higher education of wards of members.
- **FINANCIAL ASSISTANCE:** On receipt of deserving applicants the Managing Committee makes recommendation to HIMESH RESHAMMIYA GLOBAL FOUNDATION for financial aid to those

members who are in bad financial condition and unable to seek employment on account of poor health.

Sumant Raj is considered to be its founder member. Eminent musicians formed part of the first Managing Committee of the Association. *Mr A. Albuquerque* (Treasurer), *Mr Ram Singh*, & *Mr Joe Menezes* (Vice Presidents), *Mr V. Bulsara* & *Mr C. Franco* (Hon. Secretaries) had the privilege to be principal office bearers of the Association at the time of its formation.

It is perhaps the only affiliated unions that have not moved to suburbs from the time it bought its own office in 1952. It is also one of the rare unions that have managed to keep a strict watch on its financial liabilities. In the year 1988 when the present President *Mr Bhushan Chawla* took over, its financial assets rose from mere Rupees Ten Lacs to over Rupees One Crore thirty eight lacs. *Mr Bhushan* took the wise decision in putting all the funds in fixed deposits from the time he took over. From the interest accruing from the deposits the association managed to meet all its expenses.

Since not much information is available about the formative years of the Association by way of records, publications etc., the only option available was to approach the President to obtain relevant information about the concerns and issues affecting the fraternity of musicians.

Earlier musicians were called for rehearsals and thereafter to recording studios were never paid their wages after the final 'take'. They had to visit the Producers office for this purpose. Even after making several visits they did not get their wages. If the concerned Producer did not make or produce any film thereafter, their wages could never be recovered. The wages could only be recovered in case the concerned Producer decided to make another film. The question of getting allowance for conveyance did not arise.

It was only on the intervention of late eminent Music Director *Mr O.P. Nayyar* who insisted upon his Producers to pay the musicians called for recording of his songs after the take that musicians began to get their wages in time after the *final take*...

Musicians who had to bring heavy instruments to the recording studios had to bear the expenses of travelling which was almost half of the wages they would receive from the recording. Later on when the Association along with other affiliated Associations started getting wage hike on account of *MOU* signed between the Federation and

Producers bodies that provision for receiving conveyance from the Producer became a reality.

Initially annual wage hike of 10% was the norm and no recording finished on time. A usual shifted lasted 4 hours and musicians had to extend their recording by couple of hours more. The Association then insisted upon the Producers to bring cash to pay to musicians for fixed overtime charges after the *final take*. In case the recording finished on time there was no question of any overtime charges.

The beginning of era of digital recording began to render majority of musicians unemployed. Live recordings became exception. While earlier the Association received 25-30 applications for membership, it trickled down to just 2-3 since aspiring musicians were not sure if they could survive in the Profession. Multiple dubbing of tracks meant musicians would individually come to studios to record their track. *Synthesizer* was one instrument that proved to be the death knell for live recording. At the same time it is in the sound department that has witnessed revolutionary changes and advancement. Earlier the accent was more on songs that formed an integral part of films. But of late film makers have realized the importance of background score and effects in the overall scheme of film making.

It is also interesting to note that earlier when the Association was formed it was musicians who came from Anglo-Indian and Catholic community that provided the core membership of fraternity of musicians. They introduced western instruments in recording of music and songs. Many amongst them squandered their hard earned wages and were left to fend for themselves in later years of their life.

Many of its musician members are excellent *Teachers* who impart the knowledge of music to aspiring musicians. Many musician members are also world class *Arrangers* and *Programmers*

Musicians' desirous of becoming members of the *Cline Musicians' Association* are required to fill up the prescribed *Audition form* which are available at the office on payment of Rs. 200/-. Auditions for new members are held once a year during the months of *November & December* or any convenient month in the year as found fit by the Managing Committee. There are two categories of members enrolled by the CMA. But as mentioned earlier hardly any application for enrolment is received now days.

While *Life Members* are eligible for all benefits provided by the Association, the Ordinary class members, though entitled to the right to vote are not eligible for any benefit. They can convert their membership to *Life Membership* by paying the requisite fee but the date of the member becoming a life member only will be taken into account when being considered for the benefits and other welfare measures extended by the *CMA*.

However, Mr *Bhushan* devised a plan whereby all members became Life Members by way of a unique structure of payment of membership/annual fees.

At the time of enrolment, a life member will be required to fill up an application form and a *Nomination* slip for the family benefit available at the office, and submit two stamp sized photographs along with the application. The *Nomination Form* should contain two specimen signatures of the nominee or a certified *LTI* (Left Thumb Impression) if the nominee cannot put his/her signature, along with two recent photographs of the *Nominee*. Nomination is restricted only to one person.

After completing all formalities, grades will be awarded to each candidate by the panel of judges depending on his/her performance and musical calibre at the time of the Audition. The starting grade is '*B*'. The next higher grade is '*A*', and then '*Special*', '*Extra Special*', '*Super Extra Special*' and '*Top Grade*'. Any up-gradation sought by any member after joining the association, shall be done according to the constitution of the *CMA* as amended from time to time.

If a member, at any point of time desires to play one or more additional instrument(s) (different from the one he originally applied for) he/she shall pay an additional amount of Rs. 200/- (per Instrument added) on the payment of which a fresh card mentioning addition of Instrument would be issued.

SONG SHIFTS:

The following will be shift timings for song recordings. 10.00 a.m. to 2.00 p.m. 1 Song (duration 4 hours) 4.00 p.m. to 8.00 p.m. 1 Song (duration 4 hours)

BACKGROUND SHIFTS

10.00 a.m. to 9.30 p.m. (One and half Shift) there will be no half or one shift background.

Note. There will be one hour break for Lunch from 1.00 pm. to 2.00 pm. during background shift.

For all song and song dubbing recordings, a grace period of 15 minutes shall be allowed at the commencement and conclusion of the shifts. There is no grace period for background shifts.

EXTENSION OF BACKGROUND SHIFTS

If an extension of the background shift is desired by the Producer / Music director, the following overtime charges will apply.

From 9.30 to 10.00 p.m. Normal Overtime.

Beyond 10.00 p.m. Overtime charges will be double the normal in half hour units.

Note: *For all musical work extending beyond 10.00 p.m., be it song or background, the overtime charges will be double the normal charges after*

10.00 p.m. in half hour units.

SONG RECORDING

Normally, only one song should be recorded in a 4 hour song shift. However, on the request of the Producer / Music Director, musicians are allowed to record / dub for two songs and will be paid two songs payment. Musicians are allowed to play only two song recordings in a day. Either two in the morning shift or two in the afternoon shift, or one in the morning and one in the afternoon shifts.

In exceptional cases, musicians are allowed to play more than two songs in a day, after obtaining permission from the CMA Managing Committee stating valid reasons.

If a musician/s is/are retained for dubbing extra parts or extra

instruments after the recording / dubbing is over, he/she/they shall be paid one-song money extra, provided such extension is only for two hours. After, the expiry of two hours, over time will be charged, for the period he/she/they have/ have been retained over and above two hours. If a musician plays more than one Instrument in a song, or musician/s dub more than one part he/she/they shall be paid one song payment extra. He/she/they will also be entitled for normal overtime, if the shift extends beyond the stipulated time i.e.4 hours.

Song recording shifts always have to start at the stipulated time. If however, a Musician is called at the last moment and joins the song shift in-between, it will be construed that he is present from the beginning of the shift and the charges will be applicable as if he has been in the shift from the beginning i.e. 9.30 am. Or 4.00 pm. as the case may

BACKGROUND MUSIC

Musicians playing more than one instrument in Background music shifts are entitled to receive their regular rates plus half of their normal charges per extra instrument played.

VERSIONS OF SONG RECORDED IN THE SAME SHIFT

If two different versions of the same song (e.g. Happy and sad), It will be construed as two songs and two songs payments will have to be paid to the musicians. All other rules pertaining to song recordings will also apply where applicable. All Payments to the musicians shall be paid by the producer in cash only, immediately after the completion of work for the day.

ELECTRICITY FAILURE

If there is electricity failure before completion of the work and if the shift ends before the resumption of power, and if the work is not done, compensation at the rate of 2hrs payment for all the musicians will be paid by the producer. In case the Producer insists that musicians stay back till the power comes back, the musicians will be entitled for song payment and overtime till the shift continues, less the actual time when the power was not there, subject to a maximum of two hours.

In case of machine failure, the musicians shall be entitled to be paid

the full payment irrespective of the time lost due to machine failure.

SUNDAY RECORDINGS

For all recordings done on Sundays the payments and overtime will be doubled.

WAITING CHARGES AFTER RECORDING

If a producer is not ready with the cash at the end of a shift, musicians are entitled to overtime as per rules, till such payment is made by the producers and received by the musicians.

SHOOTING

All musicians will be paid an extra amount of Rs. 500/- if the shooting of a song is done during the recording. No shooting will be allowed after the end of a recording.

PROHIBITED TO ACCEPT TWO BOOKING IN THE SAME_SHIFT

Musicians are, prohibited to accept two bookings during the same shift. Even if the Music director / Producer agrees for the musician coming late from another recording this should not be given as an excuse. Any musician found engaging in such practice will forfeit his money collected thus from both recordings (including overtime if any) as fine by the *CMA*. If the same musician commits the same activity a second time, an additional amount of Rs. 500/- will be charged by the *CMA* apart from the money he earned (including overtime if any) from both the recordings. If he further engages in such practice, very strict disciplinary action will be taken against him, which may even end in his losing the membership permanently.

CONVEYANCE

Conveyance will be paid to the musicians as per agreements reached between the *FWICE*, the Producers' Bodies, and the *CMA* from time to time.

However, if the same production is having two song recordings on the same day during the morning and evening shifts, only one conveyance will be paid to the musicians who are engaged for both the recordings.

REPORTING TIME FOR THE RECORDINGS

All musicians will report for work at the stipulated time and take grace period only as per rules. A check will be maintained by the filed inspectors of the Producers' Bodies and if a musician is found to be a habitual late comer, he/she will be reported by the field officers to the *CMA* which may initiate disciplinary action against the musician.

PREVIOUS DUES BY A PRODUCER

No recording will be permitted unless all previous dues from the producer are settled. Members are requested not to participate in such recordings where the Producer already owes money to the musicians. If a producer wishes to have a recording, all his previous dues should be settled before commencement of work of the fresh recording. It will be the responsibility of the field officer to collect such payments in cash. If such cash payment is not made, he may ask the musicians not to cooperate with the recording. Any member who breaks this rule will be viewed very seriously by the *CMA*.

CINE SINGERS ASSOCIATION

413 B, Mastermind 1, I.T. Park, Royal Palm Estate,
Aarey Milk Colony Road, Goregaon West,
Mumbai: 400 065
Mobile: 9820060882

Established in: January 1956

Affiliated to: FWICE

Registered under the Trade Union Act, 1926

Regd. No: BY/2/8946, 1957

Membership Strength: 205

Categories of Members:

Life Members: 93

Ordinary Members: 112

Males: 111

Females: 94

Admission fee:

By way of audition: Rs. 5,000/-

By recommendation: Rs. 7,500/-

Annual Subscription: Rs. 500/-

Life Membership: Rs. 22,200/-

Welfare measures:

- Financial aid to nominee of a deceased member towards death compensation
- Medical aid to deserving members and educational aid to wards of members
- Group Accidental Policy for all members

Tracing the history of the union established more than five decades ago, it is evident that names of M/s. Pankaj Mitra, K.N. Sharma, Sunil Kumar, Suman Purohit, Meena (Patki) Tadkodkar, Rekha Jaykar, Bhushan Mehta, Gulam Mohd., and Sapan Jagmohan must be mentioned as the founder members. But it is also noteworthy to take note of the fact that it was legendary music director Mr O.P. Nayyar who was the guiding force behind the formation of the union. He insisted that all Producers and Studios make on the spot payments to *Chorus Singers* at the end of the Recording Shifts. Prior to this arrangement the *Chorus Singers* had to collect the payments due to them from the Production office at the end of the month, and that too, after several visits. There was no standardization of working conditions. It seems life has turned a full circle, since currently the

entertainment industry is witnessing similar working conditions as were prevailing before the formation of all craft unions.

In due course of time, many legendary Singers like *Lata Mangeshkar* and *Mohd. Rafi* also became members of the Association. But later on they went on to form a separate association of *Solo Singers* and as a result did not continue their membership of the *Cine Singers Association*. However it had to wind up on account of differences on the issue of *Royalty*. But enough damage had already been done and *Cine Singers Association* was considered as *Chorus Singers Association* by leading singers.

It was only in the year 2003 that the Management Committee of that period took the initiative to clear doubts and misunderstanding that had created a wide chasm between Chorus Singers and Playback Singers. They were able to convince leading Playback Singers to join the Association and succeeded in enrolling them as members. Prominent singers who joined the Association the year 2003 onwards include M/s *Kumar Sanu, Udit Narayan, Pankaj Udhas, Roop Kumar Rathod, Sonu Nigam, Babul Supriyo, Shaan, Shankar Mahadevan, Himesh Reshammiya, Kailash Kher, Abhijit Bhattacharya, Adnan Sami, Ravindra Sathe, Kunal Ganjawala, Bhavdeep Jaipurwale, Vijay Prakash, Hrishikesh Kamerkar, Poornima Chandra, Uttara Kelkar, Alka Yagnik, Sadhana Sargam, Jaspinder Narula, Shreya Ghoshal, Sunidhi Chauhan, Vasundhara Das, Gayatri Ganjawala, Mahalaxmi Iyer, Himani Kapoor.*

Due to limitation of funds, the Association has not been able to launch Welfare schemes for the benefit of its members. However financial constraints has not deterred its resolve to make use of existing meagre funds by way of providing Rs.15,000/- (Rupees fifteen thousand only) to nominee of a deceased member towards *Death Compensation* as per existing rules of the Association. In addition any application of a deserving and eligible member for *Medical Aid* and for educational expenses for wards of members is duly considered by the Managing Committee on a case by case basis. Significantly the Association recently launched a *Group Accidental Policy* worth Rs.1,00,000/- (Rupees one lakh only) for all members, whereby premium amount is paid by the Association. Efforts are being made to provide cover to all interested members and their dependents with a *Group Medclaim Policy*, whereby the members would get the benefit of a sizeable discount in the premium amount to be paid by them.

CINE STILL PHOTOGRAPHERS' ASSOCIATION

662, Adarsh Nagar, Behind Hanuman Mandir, New Link Road,
Oshiwara, Jogeshwari West,
Mumbai: 400 102
Tel: 26730416

Established in: 2001

Affiliated to: FWICE

Registered under the Trade Union Act, 1926

Regd. No.

Membership Strength: 388

Categories of Members: 2

Full fledged Photographer

Assistant Photographer

Admission Fee: Rs. 100/-

Annual Membership Fee: Rs.600/-

Welfare measures:

- All members are insured for Rupees One Lakh (Life Insurance) and for similar amount for Accident Policy.
- Premium is paid by the Association for the above two policies.
- Cine Still Photographers Welfare Trust registered with the Charity Commissioner provides medical aid and funds for education for members children

Special Events:

- Workshops in association with camera manufacturing companies for up gradation of technical knowledge
- Award for Best Photographer in association with authorities organizing International Film Festival at Nasik,
- Seminars/Practical demonstrations during Annual General Body Meetings on the subject of Digital Photography.

The Initiative

Protection & Security

Mr Abner Bhastekar's initiative led to the formation of the Association in the year 2001. It is interesting to note that *Cine Still Photographers Association* was already in existence since 1962. It was established by Mr Kamath who owned *Kamath Photoflash*. The vacuum created by the demise of Mr Kamath in 1967 was difficult to fill and it was unfortunately dissolved. Still photographers thereafter were left to mend for themselves without any protection and security in so far as

minimum wages are concerned. Payments were not made by Producers for years together. Bouncing of cheques was the norm. No mechanism was in place to resolve any dispute, whatsoever.

Mr Bhastekar who had been associated with the craft for over three decades decided that it was time that the problems of still photographers were addressed to and rights protected. He felt that it was possible only if there was an association to act as spokesman for all the members of the craft. He shared his concern with his friend *Mr Arvind Sinha* who happened to be his batch mate from J.J. School of Arts. Their interaction led to a concerted action by way of approaching all their contemporaries and seniors in the craft. *Mr Kundan Goswami* and *Mr Avinash* amongst many others joined hands with them to establish the current Association.

A grand gesture

Within a short span of time the Association witnessed a phenomenal rise in terms of membership. Members had access to an Association that could ensure payment of minimum wages, better working conditions, and timely resolution of disputes. Another feather in the cap of those running the association was acquisition of an office within a period of four years. During the intervening period, *Mr Arvind Sinha* provided office space to the Association in his studio located in *Juhu Tara Road* and saw to it that all facilities were available to the Association.

Great upheaval

Digital Photography

In the year 2005 the craft of still photography witnessed a great upheaval with the introduction of *digital photography*. Manual cameras were replaced by digital cameras. Since practical knowledge of working on computers was essential, members were required to undergo training. In the manual photography era processing and printing laboratories used to take care of colours etc. A positive fall out was craftsmen becoming more aware of colours. They could do all the work at home or in their office on computers what was done by laboratories earlier. The only work that is done outside is printing of photographs. The Association played a pivotal role in making it easier for their members to adapt to digital technology. It organized Seminars and practical demonstrations on use of digital cameras. On the occasion of its *Annual General Body Meetings* an exclusive session devoted to Digital photography. Thanks to *Cannon*, members who

bought their digital cameras were provided two days training gratis. *Nikon* too followed suit and organized seminars. Members had access to various magazines and journals devoted to *Digital Photography*.

New strategy

Marketing & Publicity

The entire business of marketing and distribution has changed the concept of publicity. *Multiplexes* and *digital projection* has also brought about major changes. This is evident in the material and designs used in hoardings, posters, and other forms of publicity. The still photographer became an important member of the crew on the sets. Cut and paste technique used earlier in publicity was replaced by digital photography. However their services are only utilized on the occasion of launch of serials in so far as television is concerned.

Initially individual still photographers faced lot of problems. Privately run concerns that designed and conceptualized the marketing often used to send their own photographers who were not members of the Association. The Association, fearing undesirable confrontation, approached them individually to explain to them the benefits of becoming members. Non-cooperation, except on one occasion was not resorted to. Moreover they were not required to pay admission or membership fees. Any person can become a member but those applying for Asst. Member category have to submit a letter from the Photographer who employs him or her. Such members must work as apprentice for a period of two years before they become full members. However they have all the rights as assigned to regular members.

From Still to movie

Next generation of cameras and equipment

Mr Bhastekar takes pride in the fact that Indian still photographers are better equipped and technically superior to their Hollywood counterparts. They have an added advantage of working in tandem with designers and marketing experts. There is more space for creativity. The next generation still cameras are now being used for filming documentaries, shorts, advertisement films. Hence a still cameraman, especially for projects with budgetary constraints has taken to new tools of filming. *Mr Bhastekar* has himself, used *Cannon 5D*, *Mark II*, and *Cannon 70* for shooting promotional shots for *IPL (Indian Premier League)* tournament. Digital Photography, he adds, has led to many breakthroughs in creativity and marketing. However the *Western India Cinematographers Association* does not accept such

members. *"I was rebuked by an official of the Association when I visited their office to submit my application for membership", Mr Bhastekar* recounts his own experience. He was bluntly told that only if he shoots his films/documentaries/advts. using the film format will he be eligible for membership.

Recognition at last

The FIRST Award

One area where *Cine Still Photographers* have not got their due is non-recognition in various Awards functions. No category has been established for acknowledging excellence in their field. The Association, in collaboration with organizers of *Nasik International Film Festival* took the initiative of awarding the *Best Cine Still Photographers* in the 2nd edition of the festival in 2009. Since the festival is recognized by the Government of Maharashtra, the award becomes de facto recognition by the State Government. The process of getting accreditation from the Government has been initiated. This will bring the Still Photographers on par with their counterparts employed by the Media, both print and television in terms of benefits.

Working conditions

No respect for labour

According to *Mr Bhastekar* not many educated members get elected to their executive committee. Popularity and personal equations with members are the main criteria when it comes to elections. Merit alone does not open windows to opportunity for engaging in social and honorary work. He strongly feels that the parent body gets bogged down by non-issues raised by affiliates. Add to that is the fact that despite the entry of corporate giants in the entertainment industry the working conditions continue to be stressful with shift hours extending to 12 hours in films and between 15-18 hours in television industry. This, he points out, is not the norm in Hollywood, Europe and other countries. No respect is accorded to labour in the industry. The Employers do not recognize the services and contribution of workers. It is interesting to note that corporate houses whose entry was supposed to instil discipline and professional working ethics make technicians work for 12 hours while having 8 hours shift in their other business ventures. The blame for not making any concerted efforts in rectifying this anomaly also lies with our Production sector. Seeking judicial intervention is ruled out since Associations do not have the time, finances, and inclination to undergo a judicial process that is time consuming.

A bleak scenario

Medical & health care

Media, especially television, is guided by glamour quotient. While they do focus on issues of welfare of workers of other industries, the entertainment industry's woes hardly merit any attention. Actors, of course, does charity work for NGO's but *Mr Bhastekar* seems angry over the fact that when it comes to craft unions they have never offered their services, except in the case of their own union. He cites the example of IIFA (*International Indian Film Academy*) which claims to collect and donate funds every year for workers and technicians. It is more of media hype and at the delivery level behaves in no different manner than the bureaucracy. For instance, he cites the example of a worker who incurs an expenditure of *around rupees four lakh for a major surgery* gets only *rupees fifteen thousand* as reimbursement. A worker who suffers heart attack and borrows *rupees two lakh* to meet hospitalization and post-surgery expenses gets only *fifteen to thirty thousand*. He further cites the case of a member who was admitted to a *TB Hospital* in a critical condition. The union approached IIFA which sent the cheque only after his death. Those who manage the organization are ever busy and concerned officials had no time to sign the cheque. It was lying on the table for months. The hospital did not accept the cheque as the member had passed away. In case of emergency the aid should be provided immediately, he concludes. Even in case of *Cine Welfare Fund, Nagpur*, in case of emergency, a member has to incur all the expenses and reimbursement takes time.

In the present scenario of trade union movement in the entertainment and television industry, it is very difficult for educated, knowledgeable, and experienced professionals to get elected to important posts, thus depriving unions of benefit of better management and organization skills. The members take personal relationship into consideration at the time of electing their representatives. This, *Mr Bhastekar* feels, is the bane of the trade union movement and is a common occurrence in all unions.

CINE AGENTS COMBINE

*A/501, Mitnayan Building, Near Ekta Nagar Bus Stop,
Ganesh Nagar, Kandivali West,
Mumbai: 400 067
Mobile: 9320719119*

Established in: 1997

Affiliated to: FWICE

Registered under the Trade Union Act, 1926

Membership Strength : 38

Categories of Members: 1

Annual Membership Fee: Rs.600/-

Admission Fee: 10,000/-

Welfare measures:

- *A trust formed by the Association provides medical aid and educational aid to wards of members*
- *On retirement wards of members have the option of taking up the membership*

The *Suppliers* have been the key link between the Producers and junior artists ever since the industry came into being. It was only when they had an Association of their own that they came to be known as *Agents* or *Coordinators*.

The Agents played a crucial role in ensuring that junior artists received their wages on time. According to tripartite agreement, Producers had to recruit junior artists through the agents/suppliers who in turn had to ensure that only members of affiliated union were recruited. It was specifically mentioned in the agreement that junior artists will be paid their wages each day. Thus, junior artists supported the formation of an Association of Agents.

The General Secretary gives the credit of bringing all *Agents* under the umbrella of an Association to *Mr. Prakash Verma* who happened to be President of *FWICE* at the time of affiliation. At a time when corporates had not entered the entertainment industry and Producers had to look for funds from sources that charged high rate of interest, that *Agents* were the ones who could ensure that a smooth and working relationship between the employers and *junior artists*.

It was late *Pappu Lekhraj*, father of the present General Secretary, who worked ceaselessly along with *Mr. Prakash Verma*, *Mr. Lalchand*,

Mr. M.S. Chaudhary and *Mr. K.K. Dewas* in organizing the Association. Having himself started his career as a junior artist under *R.K. Banner*; he was better equipped to serve the interest of his fraternity when he became a supplier himself. That he was the one who could liaison with Producers was a foregone conclusion. He enjoyed the confidence of all junior artists.

Mr. Lekhraj arrived in Mumbai as a young boy from the remote village in *Gujarat* (now in Pakistan) two years before independence. He was determined to become a star and spend most of his time outside *Ranjit Studios*, Dadar in the hope of being picked up by a junior artist's supplier. He made his debut as part of mob in a film made by *Filmistan*. But he could not graduate from a junior artist to a star and it was but natural that when *Shahid*, his supplier offered to take him as his assistant he had no hesitation in accepting the offer. He soon set up his own agency. It was only when he became a permanent member of *Raj Kapoor's* *R.K. Banner* that there was no looking back. Major Studios and Production companies reposed full faith in him as supplier. His son who now handles leading banners as an agent recalls that dancers in the late fifties and early sixties were paid a pittance. It was difficult to recruit talented aspirants those days as facilities like accessibility to better communication network available today were not available to *suppliers* in those days.

When many daily rated workers began to be employed on monthly or weekly salaries, the Agents stood their ground and ensured that junior artists continued to be employed as daily rated workers by Producers.

The booming industry of television and commercials has ensured more opportunities for employment for junior artists. Against fifty serials that are shot daily for television, only five films are on the sets. The Producers shoot all their films on locations and only complete patchwork in studios in Mumbai. It is also a fact that junior artists are no more employed when Producers shoot on locations because of budgetary constraints. Rather than paying daily wages and footing the travelling, fooding expenses, it is cheaper for the Producers to hire locals on outdoor locales.

Classification of grades of members of both male and female junior artists has always been part of *MOU* signed between Producers and *FWICE* but rarely implemented. Ever since Indian Cinema has acquired a global image, the filmmaker's desire for fresh, handsome, and young faces is understandable. Students are more than willing to be part of scenes of marriage, parties, university campus. However,

their interest is only getting extra money for pocket expenses. Agents have ensured that for every extra non-member employed by the Producer, he pays an equivalent amount to an unemployed member of the Association.

Applicants for membership of the Association need to undergo apprenticeship under a *supplier/agent* for a period of not less than five years. Since *Agents* are the ones who ensure that at the end of the day each daily rated worker is paid his wages, any new entrant should be thoroughly acquainted with the system under which he has to work. He must acquire the ability and capability of undertaking a job that is not only responsible but accountable each day.

Coordinators without any knowledge or experience of working in the industry failed to gain the trust and confidence of *junior artists*. Initially *coordinators* were enrolled in the Association but when complaints by *junior artists* about non-payment of daily wages became a regular feature, the Association put the system of apprenticeship in operation to ensure that amateurs were not welcome within their fold.

According to the General Secretary of the Association *junior artists* who get regular work can earn anywhere between Rupees ten to fifteen thousand in a month. However, this remuneration can come down to Rupees five thousand for many *junior artists* if they do not take up work on regular basis or are plain unlucky not to get work regularly.

FILM STUDIO SETTING & ALLIED MAZDOOR UNION

7, Triumph, Teresa Co-op Hsg. Society, 56 Bamanpuri Road,
J.B. Nagar, Andheri East,
Mumbai: 400 059
Tel: 28379343/28251526
E-mail:

Established in: 1983

Affiliated to: FWICE

Registered under the Trade Union Act, 1926

Regd. No: BY-II 7942 dated 03.09

Membership Strength: 38,540

Categories of Members:

Light man

Production Boy (Spot Boy)

Electrician

Carpenter

Painter

Moulder

Tapist

Helper

Polish man

Annual Subscription: Rs.1, 012/-

Admission fee: Rs.22, 000/- (appx)

Welfare measures:

Medical aid to the needy members and their families: on discharge from the hospital members are required to submit relevant bills along with discharge papers and family card along with application. Members are entitled to 50% of the bill while family members get 25% of the medical expenses. The upper limit is Rs.25,000/-. In case of heart attack, cancer and ailment connected with kidney, a member is entitled to aid of Rs.50,000/- if the medical expenses exceed Rupees one lakh. Members are entitled to medical aid once in a year.

Retirement fund: Any member on attaining the age of 55 is entitled to take retirement. He should submit all union cards along with two photographs during the month of December. Applications approved by the Committee will not only be given a Retirement benefit fund of Rs.50,000/- by way of cheque but would also be felicitated by Guests of honour during the Annual meeting held each year on 26th January.

They will be presented with a shawl and a trophy along with the cheque.

Death compensation: Rs.50,000/- (Rs.47,000 for death and Rs.3,000/- towards funeral expenses) to the wife or mother of deceased member provided death certificate and unions cards are submitted to the association within three months of his demise.

Funeral expenses: Rs.3,000/- for diseased member

Marriage fund: Rs.25,000/- for eligible daughters of members. Members are required to submit an application one month prior to marriage along with school certificate/birth certificate, family card, and marriage invitation card. On approval of the application a cheque for Rs.15,000/- is given while the balance amount of Rs.10,000/- is given on submission of marriage certificate of the daughter and two photographs of the marriage within six months from the date of marriage. Members are entitled to this aid for two daughters provided there is gap of two years between the marriages of two daughters. Cine Welfare Fund, Nagpur **Identity card** for members to benefit from to avail of all benefits available under various medical and educational schemes.

Education aid: Application for this aid is submitted by eligible members for their wards between 1st September and 31st October. Mark sheets and Xerox copy of family card must accompany the application. The classification of aid is as under:

Between 1st class to 4th class: Rs. 1,400/- per annum

Between 5th class to 9th Class: Rs. 1,600/- per annum

Between 10th and 12th Class: Rs.3,000/- per annum

Between 13th and 15th class: Rs. 3,200/-

For handicapped children: Rs. 3,200/- per annum

NOTE: Members can avail of all benefit after having been on roll of membership for five years. In case of death compensation the deceased members family can avail of the benefit if he has been a member for at least one year.

The union is one of the largest one in terms of membership strength. It has 38,540 members on its roll. It had a turbulent history before it became a strong and united under the dynamic leadership of the acclaimed actor *Mr Mithun Chakraborty* a few years after its formation.

Prior to 1983 workers were members of *Indian Motion Picture Employees Union*, which came to standstill on the death of late *Mr Vasant Kulkarni* in the year 1974. *M/s K. Raghuram Shetty, Datta Khandarkar, and X.M. David* took over the reins on the demise of *Mr Kulkarni*, but the union could not sustain itself for long due to differences in the rank and file. Hence the *Indian Motion Picture Union* ultimately became defunct in the year 1981.

For two years i.e. from 1981-1983 there was no organized union to protect the rights of members. The plight of the workers had worsened during these two years. The present union also owes its formation to the untiring efforts of Art Director *Mr Vasant Katkar* who along with his colleagues like *Abdul (Moulder), Narain (Painter)* took the initiative to form *Film Studios Setting & Allied Mazdoor Union*. It can be said with certainty that he was the founder of the union. Despite being engaged as *Art Director* for several films he always found time in managing the union. Workers initially were apprehensive about the survival of the union having witnessed the demise of earlier union. It is interesting to note that *Mr Rangarao Chougule*, the present General Secretary had then taken upon the responsibility of distributing free membership forms to workers and went from studio to studio for enrolment. Though he remained in the background and was initially not inclined to work in the film industry he embarked on the tedious task of enrolling members, most of whom had no faith in the union's ability to survive. He could have acquired the privilege of being enrolled as the first member of the union but settled for Membership No. 173 when he changed his mind and decided to stay back. He was destined to hold all important posts in the union from time to time.

It was on the sets of *Shashi Kapoor's* magnum opus *UTSAV* in 1983 that nearly 350 workers were enrolled as members.

The union was finally registered on 3rd September, 1983 with the *Registrar of Trade unions* and wasted no time in getting affiliated with *Federation of Western India Cine Employees*. Record from the time of enrolment of first member in 1983 has been maintained by the union.

The initial period was fraught with odds. Finding a place to function was difficult. But *Mr Vasant Katkar* who was also the General Secretary of the *Art Directors Association* convinced his colleagues to allow *FSS&AMU* to function from their office in *Ranjit Studio* in Dadar. Fortunately they were provided with all the facilities free of cost, including telephone and electricity. During this period *Mr Atma Ram* had become the President of the union and when the union was forced

to shift office from Dadar, it found in *Mr Atma Ram* their saviour. He had his office in *Natraj Studio, Andheri* and provided them space for office. Ironically the union had to shift its office to Dadar once again. Constriction of space for holding meetings prompted *Mr Vasant Katkar* to hold meetings in his godown in *Marol, Andheri*.

The need to have a large office prompted *Mr Katkar* to take the first bold step amongst several other steps he took in the subsequent years despite strong resistance from committee members at that time – he bought the present office for *Rupees four lakhs*, thus exhausting the total funds available with the union. He sought the assistance of his fellow *Art Directors* to contribute by way of installation of furniture and other accessories required in the new office. *Mr Katkar* now feels his decision to acquire an office at that time stands vindicated. The property is now worth millions of rupees.

It did not take much time for the union to draw more members within its fold. The members felt secured in the belief that the union would act as their spokesman and fight for their rights. In the year 1985 when a permanent structure had been set up in *Film City*, the union not only opposed this move but also issued non-cooperation notice against *Film City*. The tough stand taken the union forced the *Film City* to discontinue the practice of allowing permanent structures to come up within its premises. This victory was a shot in the arm of the union and boosted the confidence of members in the ability of the union to take tough stand in their interest.

When the union had enrolled enough members it felt the need have someone who was not only educated but knowledgeable in matters that required interaction with *FWICE* and other unions. *Mr Vasant Katkar* inducted one of his eminent colleagues and Art Director *Mr R.K. Handa* in the committee. *Mr Handa* ultimately went on to hold important posts in *FSS&AMU*, *Art Directors Association*, *FWICE*, and *AIFEC (All India Film Employees Confederation)* till his death in 1998.

Mr Katkar then took another bold decision for the welfare of members. He bought an ambulance. It was perhaps the first time that any union had one and each day it went on rounds of various studios. A doctor was brought in to treat sick workers and dispense medicines. The initial resistance of committee members to the induction of ambulance was short lived. *Mr Katkar* took the ambulance to *Kamalistan Studio* and requested the Chairman *Mr Chakraborty* to perform the ceremony of its induction by breaking the coconut. He in turn asked *Mr Sultan Ahmed* on whose set the shooting was taking place to perform the

ceremony. The Committee posed for the happy occasion and none could detect or smell any dissent. It is interesting to note that the ambulance was also used for the purpose of checking drives on various studios. The doctor was subsequently posted at union's office for a short while.

But the euphoria of owning an ambulance and putting it to use for members benefit was short lived when workers complained against the conduct of the doctor who would dispense the same medicine for all types of sickness. The ambulance was ultimately sold off.

The unity of the workers was once again put on stake when a parallel union of *Lightmen* was formed and lead by *M/s Gulshan Thakur, Monappa Shetty, Dilip Sansey*, and others in the year 1986. They had not joined *FSS&AMU* and had formed their own union. They too wanted to approach *FWICE* for affiliation and approached *Mr Chandrashekhar* for his help who advised them to merge with *FSS&AMU*.

The year 1987 witnessed a *lockout* by the industry on the imposition of 4% *Sales Tax* that was levied on equipment hire, studios recording, editing, and raw material. The members who could no longer depend on their daily wages had to lead a hand to mouth existence and their condition became from bad to worse. Several artists, technicians and producers came to rescue of workers during this period and it was in the fitness of things that *Mr Vasant Katkar, Mr R.K. Handa*, along with *Mr A.K. Abdul(Moulder)* not only provided relief to their members but also to members of the parallel union. This lead to change of heart and attitude of leaders of the parallel union and they were wise enough to dissolve the union and merge with *FSS&AMU* in 1987. It should also be mentioned here that eminent personalities like *Mr Amjad Khan, Mr Shakti Samanta, Mr Atma Ram*, and *Mr Chandrashekhar* played a key role in forging unity and in bringing about this merger.

From 1991 the union witnessed a study growth, especially on *Mr Mithun Chakraborty* taking over the reins of the union as its *Chairman*. It was *Mr Vasant Katkar* who approached *Mr Chakraborty* and invited him to provide leadership to the union. He felt that his stature as a star would lend a high profile to the union and fulfil all future aspirations of its members.

Mr Chakraborty, who always had a soft corner for workers and commitment towards their welfare sought the assistance and cooperation of artists like *M/s Sanjay Dutt, Jackie Shroff, Raza Murad*,

Kiran Kumar, Raj Babbar and Dimple Kapadia and film makers like *Mr Atma Ram* in forming a welfare trust for the benefit of members. Thus *Film Set Lights Spot Workers Welfare Trust* was formed in 1991. But it was not destined to survive and the initial enthusiasm of the bigwigs was short lived. It wined up before it could really take off though it was not formally closed.

On 15th August, 1991, a welfare society by the name of *Film Set Light Spot Workers Welfare Society* was formed. It was inaugurated in the presence of late *Mr Sunil Dutt*. *Mr Chakraborty* was very keen to impart an independent character, more so in the area of building up union's assets and resisted the temptation to seek any aid or help from any other source other than contribution from its members. He exhorted the members to come forward and donate Rs.11 per month from their earnings, thereby contributing Rs.132/- annually to the *Society* since he did not want any outside help.

The year 1992 also witnessed a tussle between *FSS&AMU* and *Producers Bodies* on the issue of wage hike. The Union called upon the Producers for a wage hike of 15% within 15 days failing which the demand would be raised to 30% if the demand was not ceded to within 30 days and so on. In the presence of stars like *Sanjay Dutt, Jackie Shroff* and *Mr Chakraborty* in a meeting convened at *Filmalya Studios* the workers overwhelmingly voted in favour of hike.

In their meeting held at *IMPPA House*, the Producers took the extreme step of banning both *Mr Vasant Katkar* and *Mr Chakraborty*. This was the first time when differences cropped up between the *Chairman* and *Mr. Katkar* and as a result *Mr Vasant Katkar* parted company with the union leaving *Mr Chakraborty* alone to preside over the phenomenal growth of *FSS&AMU* during the next two decades. *Mr Monappa Shetty* took over the General Secretary and held the post for several years till *Mr Zarkhande* took over briefly. He was once again replaced by *Mr Shetty* who ultimately gave way to *Mr Rangarao Chougule* in 2008.

It is very rare that an actor who came to occupy an exalted place in the galaxy of stars would take genuine interest in the welfare of workers belonging to the marginalized and weaker section of entertainment industry. *Mr Mithun Chakraborty* has presided over the phenomenal growth of the union. He not only made it one of the most powerful unions in terms of numbers but actually saw to it that its finances were managed in a manner that it never had to depend on any outside help or assistance. This was possible only because he kept a hawk eye on

its expenses. He was fortunate to have people like *Mr Bhagwati P. Shukla* who ably managed its financial resources as its treasurer for nearly two decades.

Mention must be made of *Mr Laxman Prasad Bania*, originally from *Assam* who has been in the committee for nearly 18 years at a stretch and continues to take active interest in the affairs of the association. He began his career by joining as *Spot Boy* (now called *Production Boy*) with well-known actor *Jeetendra*. He recalls that when he became a member the *Spot Boys* were paid *Rs.13* a day. During the strike in 1986 he did not get any aid given to member workers since he had not got a membership card for himself. He was fined for being a non-member. He paid *Rs.81/-* for enrolment. According to him what drives people to join the association is the fact that union provides benefits that are unparalleled. An experienced Carpenter who is bound to get regular employment for thirty days a month earns anywhere between *fifteen to eighteen thousand rupees* a month while a job outside the industry may not provide him with more than *seven thousand rupees*.

Each year on 26th of *January*, the *Republic Day*, the union celebrates its *Annual Day*. The Chairman makes it a point to not only address the vast and teeming thousands of its members but also introduce many welfare schemes for the benefit of members and their wards. The monetary help given to members by way of various schemes is also enhanced. This is one day thousands of members throng the stadium where the annual meeting is held. They wait for hours with berated breath to listen to their *Chairman*. It should also be mentioned that the union not only honours senior members who take retirement with monetary benefit but also present them with a trophy and a shawl. Stalwarts of trade union movement who have made a significant contribution are also honoured. Members of the Assembly, State Ministers dealing with labour and employment are also invited sometimes to address the gathering. The union has had a bitter experience of such leaders using their platform to convey their wish and resolve to help the union but never taking any follow up steps to fulfil their promises. But now the union leaders are determined to fight their own battle. They have no faith in the false assurances given by such political leaders. It would not be out of place to reiterate the fact that no union provides the kind of benefits *FSS&AMU* disburses to its members.

Since majority of members never had the benefit of reaping the benefit of formal education, the union took the initiative of providing

scholarships to the wards of members to enable them to be literate and educated, unlike their parents. However the union provided ample opportunities to its own members to rise above their own limitation such as no formal education to not only become union leaders but also occupy high posts in *FWICE* and *AIFEC*. Such was the confidence instilled in them under the leadership of *Mr Chakraborty*.

Realization of earned wages of workers was another area where the union took the Producers and *Art Directors* head on to ensure that daily rated workers got their wages directly from the Producers and not through any third party. It had become a practice to award contracts to *Art Directors* which included lump sum wages of workers hired by them for construction of sets. This led to delayed payments while a portion of their wages was deducted by those hiring them. The union issued notices in leading *Trade papers* calling upon Producers to send payments of workers hired on their sets directly to the union. It threatened to boycott any erring Producer. The threat worked and now several Production houses are sending wages directly to the union. Of course this had led to the office and its staff being overburdened with the task of timely disbursement of wages to its members.

The union during the last couple of years has put the concept of non-co-operation to effective use. This has resulted in immediate recovery of wages of members from errant producers who refuse to pay the members even the minimum wages that are mutually agreed to and recorded in *Memorandum of Understanding* between the *Federation of Western India Cine Employees* and four *Producers bodies*. This has been possible only on account of the regular checking drive undertaken by *Mr Prem Singh Thakur*, the *Senior Vice Chairman* of the Union. It would not be out of place to mention here that he often at the beck and call of members of not only *FSS&AMU* but members of the other unions to address their grievances, especially in taking up the issue of non-payment of wages by producers or compensation due to members on account of accidents that regularly take place in make shift studios erected by television serial producers. However there are some who question the *modus operandi* adopted by him in settling disputes arising out of non-payment of wages and employers extending shift hours beyond the stipulated *12 hours*. He remains unaffected by criticism since he claims to enjoy the confidence and trust of large section of workers of the union.

Prem Singh defends his aggressive approach by citing several examples of exploitation of workers of the union. Despite the fact that their union has the largest workforce that is responsible for putting the

set together, ensures lighting is in order members continued to be easy target for exploitation by not only the employers but also *Art directors, Equipment suppliers* etc. In order to lend credence to his arguments he goes on to enumerate the following instances:-

- *The Art Directors take contract from the Producers which allow them to hire the members of the union. He does not pass on the total wages he receives from the Producer to the worker. The loser is the worker who does not get the minimum prescribed wages.*
- *The Equipment Supplier too enters into a package deal with the Producers. The worker does not get minimum prescribed wages from the Supplier.*
- *In both the above cited cases, the worker is the ultimate loser. He gets wages that are below the minimum prescribed limit after several reminders.*
- *Producers are either reluctant to pay proper wages to members of the union who accompany the unit for shooting abroad or hire non-members. They want the members to be grateful that they got to travel abroad.*
- *Members working on the sets are sacked if they protest in case of shooting continues beyond the limit of 12 hours.*
- *Members, despite the inclusion of cine workers within the ambit of Provident Fund Act are still not entitled to it. Several other welfare schemes and initiatives towards benefit of workers of other industries like Employees State Insurance Scheme are still not applicable to members of the union.*
- *But for the union, under the able leadership of Mithun Chakraborty, its Chairman, which provides aid and help to its large force by way of various initiatives and schemes, there is no contribution towards their welfare by Central and State Governments as well as Producers.*

However what cannot be overlooked is the fact that several *Equipment Suppliers* are also members of the union. By hiring or engaging members of the union as part of package deal they pay the wages to them. They continue to enjoy all the rights that are applicable to workers. This anomaly needs to be rectified. Such an arrangements gives them an added advantage over others who are not *Equipment suppliers*.

Rangarao Chougule, the General Secretary has taken cognizance of the practice of package deals that deprives workers of their minimum wages and has written to *Federation* and all Producers bodies, drawing their attention to exploitation of members. On the occasion of its last *Annual Day* (26th January 2010), the *Chairman* had put forward the

resolution before a large gathering that henceforth all Producers will pay wages of workers of the union directly to the union. It was unanimously endorsed by members. The union is now implementing the resolution and several Production concerns are complying with the directive.

For the very first time the union has Petitioned the *Prime Minister*, the Finance Minister, The Chairman of the *National Advisory Council and Congress Party*, The *Labour Minister* and the *Chief Minister of Maharashtra* to enforce and implement existing acts applicable to workers and further include its workforce within the ambit of various acts and initiatives that the present Government has implemented for the benefit of common man. A copy of the *Petition* has also been sent to all members of the *Parliament*, including those who represent Mumbai. A copy of the Petition was released to members of the Press during a *Press Conference* organized by the Union on 25th of November 2010 at the Press Club of Mumbai. What is noteworthy is the support it got from leading stars and artists like *Akshay Kumar, Salman Khan, Anil Kapoor, and Sanjay Dutt*. A delegation of the union also pursued the matter with local members of the Parliament.

A copy of the *Petition* was circulated amongst all members and a signature campaign was launched. Members willingly came forward to sign on the *Petition* when they came to know that demands of union pertained to their own welfare and security. Support of local members of Parliament and Assembly was sought. At the Press Conference the union declared its intention to go on strike or resort to peaceful *Satyagraha* if their demands were not met or if the existing applicable laws like *PPF* were not enforced or implemented.

Unfortunately, as with all previous efforts this campaign too petered out due to lack of any sustained agitation.

However, the only silver lining was the initiative taken by the Central Government by way of including workers within the ambit of *ESIC* (Employees State Insurance Corporation) scheme. A survey is being conducted by the local representatives of *ESIC*. A meeting was convened at *FSS&AMU* office to provide all relevant data to the Jt. Director of the department *Mr. Sinha* seemed to be committed and inclined to take the campaign forward by way of meetings with leading Producers and Production houses to convince them to become part of the initiative for the long term benefit of workers and in their own interest. If the scheme is ultimately implemented it can be termed as a fall out of the campaign launched by *FSS&AMU*.

FILM WRITERS ASSOCIATION

201, Richa Industrial Estate, Plot No. B-29, Andheri West,

Mumbai: 400 053

Tel: 26733027/26733018

E-mail:

Established in: 1954 (informal)

Affiliated to: FWICE

Registered under the Trade Union Act, 1926

Regd. No: 3726, dated 13.05.1960

Membership Strength: 7983

Categories of Members: 6

Life Member

Regular Member

Senior Regular Member

Senior Associate Member

Associate Member

Fellow Member

Admission fee: Rs. 2500/- (for all categories)

Annual Subscription:

Associate & Fellow members: Rs. 72/-

Regular Member: Rs. 120/-

Life Membership: Rs. 10,000/-

Welfare measures:

- Paravarik Sahaetya Kosh (Family Welfare Fund)
- Hrishikesh Mukherjee Educational Fund for Bedi Rahi Scholarships (Education Fund)
- Emergency Relief Fund (Medical Assistance)
- Pension Scheme

Special Events:

- In 1980 Silver Jubilee of the association celebrated and a Commemorative Volume is published.
- Author's Information, the periodical of the Association was first published on 17th May, 1976. The periodicity was uneven and eventually closed after few years.
- Screen Writers Conference held on 13th & 14th December 2008 (An edited video of this conference is available with association for a nominal price)
- A Writers Workshop, in collaboration with Whistling Woods International conducted from 23rd to 27th February 2009

- *Seminar on Cinema and Literature-The Question of adaptation organized on 21st & 22nd March, 2009*
- *A hand on Interactive TV Writers workshop held from 14th to 17th May, 2009 in collaboration with Whistling Woods International*

Open House

Sunday Cultural and Literary Meetings

Till the early fifties most of the craftsmen and technicians worked with studios. There were no freelancers. In fact they were considered as permanent employees of the studios. The need to have a trade union body was never felt. It was only when Producer *Mr Chimantal Trivedi* started contract system in his Production Company, cracks developed in the relationship between the *Writers* and *Directors* who were considered as two most important two wheels on which the industry moved. The change in system led to disputes between the Producers and Directors on one hand and between Directors and Writers on the other. It was evident that the Director could no longer choose a Writer of his choice. The same held true for Writers. They now felt the need to have their own trade union bodies.

We have on authority of late *Mr K.A. Abbas* and *Mr Ramanand Sagar* that the very idea of having an independent association of film writers first germinated at the *Sunday Cultural and Literary* meetings held at the resident of late music director *Mr Anil Biswas* during 1950. Amongst prominent writers and members of the fraternity of that era who were regular in these meetings were *M/s Dr. Safdar Aah, Ramanand Sagar, K.A. Abbas, Mahesh Kaul, Narendra Sharma, Chandrashekhar, Madhusudan, P.N. Rangeen, and Amritlal Nagar*. According to *Mr Abbas* it started with informal *Sunday meetings* at the Matunga flat of Music director *Mr Anil Biswas* who had a literary flair, too, and so every Sunday afternoon was *Open House* to all writers, most of them being film writers and artists.

Enrolling members

Studio to Studio

It is interesting to quote the late *Mr K.A. Abbas* has recorded that' *"Someone got forms printed in the 'thaila' (bag) of Qamar Jalalabadi, who in the course of his professional work as song-cum-dialogue-writer, went from Studio to Studio enrolling members. For one or two years the association remained not in the womb, but in a bag which Qamar Sahib was carrying with him"*.

The late *Pt. Girish* went on record to state that *Dr. Safdar Aah* was the founder and father of the *Film Writers Association*. However *Mr Abbas* opined that it was the dynamic initiative of *Mr Ramanand Sagar* who shot to literary fame when he wrote the Urdu novel "*Aur Insaan Mar Gaya*" that ultimately worked. In the course of his struggle he happened to ask *Mr Abbas* if he had any future in the industry. "*I don't think it is an industry. But you have certainly got a future init. You might even help organize it as an industry*", *Mr Abbas* told *Mr Sagar*. A year later, *Mr Sagar* arrived in *Bombay* and began his endless round of studios to gain foothold in an industry where the struggle for securing the dignity and rights of the writers had still to begin. It is recorded that *Mr Sagar* took the initiative to form the *Film Writers' Association* in 1954.

As per the official version provided by the association it was towards the end of 1950's that a meeting of the film writers was held in *Shree Sound Studios* to form a film writers association. In that meeting *Mr D.N. Madhok* was elected as the President, *Mr. Mahesh Kaul* and *Pt. Sudarshan* were elected as Vice Presidents. *Mr. Madhusudan* was elected as the General Secretary and *Mr. Shakeel Badayuni* as Treasurer. Others who formed part of the Executive Committee were *M/s Kamal Amrohi*, *Dr. Safdar Aah*, *Narendra Sharma*, *Inder Raj Anand*, *Arjun Deo Rashk*, and *Ramanand Sagar*. A Sub-Committee consisting of *Mr. Mahesh Kaul* (Chairman), *Mr. Madhusudan* and *Mr. S. Banaji* were set up to draft the constitution of the association.

An account was opened with *Punjab National Bank*. Since the association had no office of its own, finding appropriate venue for meetings was a big concern. Generally meetings were held at *Kardar Studios*. The constitution was drafted and approved.

Ironically despite the efforts and commitment the association became defunct after a year or two. That the association did exist in 1951 is corroborated by news item published in *Screen* in its issue of November 9, 1951. The issue was published immediately after the release of *Film Enquiry Committee Report*. It is important to reproduce the said news item which stated-"*The Film Writers Association, Bombay, has passed a resolution deploring the lack of representation for Screen writers on the proposed Film Council. It asked the Central Government to provide adequate representation to them*". After this no written record about the existence of the association is available.

Growth & Development

The initial years

Retracing the history of the association *Pt. Girish* in commemorative volume published on the occasion of celebration of *Silver Jubilee* of the association in 1980 mentions in his article titled *FWA-Growth & Development* that during the initial period the association's office was at *Famous Studio, Mahalaxmi*. The office shifted to a small room adjoining the Masjid (Mosque) near *Roop Tara Studios* in *Dadar*. Thereafter it shifted to *Shree Sound Studios* and finally to *Ranjit Studios*. He further mentions that *Dr. Safdar Aah* was helped in the task of association-building by *Mr. Ramanand Sagar*. Thereafter it was *Qamar Jalalabadi* who shouldered the responsibility of General Secretary Ship for several years. Other office bearers changed from time to time but *Mr. Jalalabadi* continued to remain General Secretary for several years.

The official record available with the associated mentions that it was mainly through the efforts of *Mr. Ramanand Sagar* and *Mr. C.L. Kavish* that it was revived after couple of years. Amongst those who helped in its revival were *M/s G.D. Mudgulkar, Pt. Sudarshan, Shailendra, Krishna Chandra, and Mahendra Nath*.

It is interesting to note that *Mr. C.L. Kavish* prevailed upon *Mahendra Sing Bedi* and *Mr. Z.D. Lari* to give a donation of *Rs.25/-* (Rupees twenty five) in order to issue postal invitation to all the writers to attend a meeting convened to revive the association. Some of the noteworthy invitees were *M/s Sahir Ludhianvi, Sarshar Sailani, Dhruv Chatterji, Kaif Irfani, Manohar Singh Sehrai, Shahid Lateef, Ismat Chughtai, Inder Raj Anand, Balkrishan Mauj, and Pt. Mukh Ram Sharma* amongst many others.

Parts of early years of existence of the association with focus on issues relating to writers and initiatives launched are available in several issues of *Screen* of that period. They were primarily news items. The appointment of a committee consisting of *M/s Sahir Ludhianvi, Narendra Sharma, and Vishwa Mitra Adil* to organize and conduct *Mushairas* for collecting funds for the association finds mention in news item section of *Screen*. However officially as per the official hand-out available it was towards the end of the *sixties* when *Mr. Sahir Ludhianvi* was the President, that the first program was held in order to raise funds for the association. About *Rs.15,000/-* (*Rupees fifteen thousand only*) were collected and it was only thereafter that the financial association began to improve. Another news item contains

information about formation of a committee to prepare and finalize a plan for giving awards. It consisted of *M/s K.A. Abbas, Ramanand Sagar, Krishna Chandra, Hasrat Jaipuri, Shailendra, Indivar, and C.L. Kavish*. A reference to convening of meeting by *Film Writers Association* held on Saturday, May 29, 1954 is mentioned in *Screen* in its issue dated 24th May, 1954. Invitations were sent to *Story, Script, Song* and *Dialogue* writers of all languages of the Bombay Film Industry.

Adoption of Constitution

29th May 1954

On 29th May, 1954 another meeting of writers was held at *Shree Sound Studios*. Nearly 80 writers had enrolled as members by then and appeal was made to all film writers to join the association. 24 writers were present at the meeting. The constitution of the association was adopted in the general body meeting held thereafter. The membership enrolment drive had been a success. On formation of the association it was in the fitness of things that one of its main initiators was elected as its General Secretary. There was no post of President or Chairman as the constitution did not have any provision for the post (s). *Mr. Vishwamitra Adil* and *Mr. C.L. Kavish* were elected as Jt. Secretaries while *Pt. Sudarshan* became the Treasurer. The council of members included stalwarts such as *M/s K.A. Abbas, D.N. Madhok, P.L. Santoshi, Mehesh Kaul, I.S. Johar, Rajinder Singh Bedi, Majrooh Sultanpuri, Sahir Ludhianvi, V.P. Sathe, Shakeel Badayuni, Krishna Chandra, Kamal Amrohi, Rajendra Krishna, Ali Reza, and Nabendu Ghosh*.

Issues at stake

A few pertinent issues/matters which the association took up immediately on its formation can be categorized as under:-

- *To institute 20 Annual Awards-five for stories, five for screen plays, five for songs and five for dialogues.*
- *Arrange informal meetings for interaction between prominent technicians of various crafts to debate on problems affecting them.*
- *To fight for dignity and rights of writers and to secure representation on National and International organizations and develop fraternal relations with them.*
- *To seek representation of writers on panels/committees instituted by Government to debate on cinema and issues connected with it.*

- To set up branches of the association in Poona (Pune) and Kolhapur.
- To submit memorandum to Government to enact comprehensive copyright law for safeguarding the rights of writers.
- A committee set up to formulate four types of standard contracts. One for the person who writes the story, second for the screen play and the third for dialogue writer and the fourth for lyricist.
- To have a Members Assignment Register to maintain details of registration of current assignments of members. A drafting committee consisting of M/s Arjun Dev Rashk (Convener), I.S. Johar, Inder Raj Anand, Mehesh Kaul, Vishwamitra Adil, and Madhusudan as members was set up.
- Formation of Dispute Settlement Committee to settle disputes between writers and producers and also between writers. (The committee started functioning from 11th July 1954 and had settled two dispute matters by 6th August 1954).
- A Liaison committee to organize and settle various functions assigned to different committees constituted by the association.

Minimum Wages & Standard Contracts

It is interesting to note that *Mr. Mahesh Kaul* sought the approval of the general body for fixing the *minimum wage* level for writers in their contracts with producers. A debate on the issue resulted in inclusion of this in the standard contract form.

As reported in *Screen* in its issue of 26th November 1954, the association also formed a *Film Writers Club* to provide recreational facilities for writers. *Jogeshwari Caves* was the first venue for a picnic organized on Christmas.

In the annual general body meeting held on 15th May, 1955 and presided over by *Pt. Sudarshan* an organizing committee was formed. It had M/s *K.A. Abbas, Mahesh Kaul, Majrooh Sultanpuri, Pt. Sudarshan, J.C. Solanki, Balraj Mehta, C.L. Kavish, K.B. Pathak, P.N. Rangin,* and *V.S. Shastri*. No record of amended constitution is available with the office now. The posts of President and two Vice Presidents were created as a result of the amendment. Although names of office bearers for the years 1955-56 and 1956-57 are not available in official records but a printed letter head of the association of the said period shows that in the year 1958-59 *Mr. K.A. Abbas* was the President while M/s *Kamal Amrohi* and *G.D. Mudgulkar* were the Vice Presidents of the association. The first serious efforts to make *standard contracts* mandatory was made by the association when *Mr.*

K.A. Abbas, President in his letter dated 3rd January 1961 addressed to IMPPA (Indian Motion Picture Producers Association) fixed the minimum wages as under:

Story	: Rs.2, 000/- (Rupees two thousand only)
Screenplay	: Rs.2,500/-(Rupees two thousand five hundred only)
Dialogue	: Rs.3,000/- (Rupees three thousand only)
Songs	: Rs. 500/- (Rupees five hundred only)

Keeping in view the ever increasing budgets, price index, standard of living the rates have been revised from time to time. The first such *revision* came into force in August 1962 after protracted struggle and efforts by writers and the association.

Precursor to formation of Federation of Workers

The association also took the initiative to convince other organizations/unions to interact with each other on regular basis and more important focused on the need to have a *Central Organization* of all workers organizations. Mr. C.L. Kavish, Convener of the Liaison Committee in his communication dated 18th August 1954 to Presidents of other organizations drew their attention to the need of regular interaction between members of the Liaison Committee and at least two representatives of associations to explore the possibility of forming a central organization. All associations complied and sent two representatives to a meeting held on 6th December 1954 at the office of *Film Writers Association*, Famous Cine Studios. It was in this meeting that a decision to have a *Film Workers Federation* was taken. A committee was formed to draft a constitution. The same was drafted but whether the proposed *Federation* functioned or not is not established. But it can be said that it was precursor to the formation of *Federation of Western India Cine Employees* which was formed a few years later.

It should also be mentioned here that records available with the *Association of Film & TV Editors* are at variance with those of *Film Writers Association*. The idea of having a parent body of film employees with a view to ensure co-ordination and co-operation amongst various craft unions finds mention in the minutes of the Executive Committee of the union held on September 17, 1954. The proposal to have a *Federation of all craft unions* found enough support and it was decided to take it to next level with convening of an *Extra Ordinary General Body* meeting that took place on December 12, 1954. The meeting took note of progress made in this respect and

decided to await receipt of draft constitution of the proposed federation. *Mr. Krishna Gopal*, affectionately addressed as *KG* by all was the prime mover of its formation and in the year 1956 the *Federation of Western India Cine Employees* was formed. Further in the meeting held on *February 26, 1956*, presided over by *Mr. Goverdhanbhai Patel*, an eminent cinematographer and special effects wizard *Mr. Shivaji Avdhut* announced amidst cheers the registration of the *Editors union* under the *Indian Trade Union Act, 1926*. It was in this meeting that the constitution of *Federation of Western India Cine Employees* was adopted. In all fairness credit for initiating the formation of a Central body should go to both the associations.

Members of Writers union were divided on the question of registering the body under the Trade Union Act. In the meeting of the Organization Committee held on *15th May, 1955*, this matter was taken up for discussion. But it took five years to get it registered under the said Act. This decision was taken in the General Body meeting held on *26th February, 1960*. *M/s K.A. Abbas, Qamar Jalalabadi, Sahir Ludhianvi, Shashi Bhushan, Vrajendra Gaur, C.L. Kavish, and S.R. Basar* were authorized to complete all the formalities for registration. Application for registration was submitted on *17th March, 1960* and the Registrar of Trade Unions registered the union on *13th May, 1960*. It is interesting to note that the association was affiliated with *Federation of Western India Cine Employees* earlier that it has been registered as a trade union.

Registration

Stories, Screenplays, Songs

By late *sixties* the association undertook the task of *registering* stories, screenplays, songs etc. The first recorded reference to such registration is contained in the minutes of the Managing Committee meeting held on *11th June, 1968*. It was felt that registration would protect the rights of writers in case of any dispute. The registration, with the passage of time, is one activity undertaken by the association that has withstood the test of time and continues to draw hordes of writers, professional as well as amateurs.

The first and only initiative

Housing for members

At its meeting held on *10th February, 1977*, the Managing Committee resolved to form *Film Writers Cooperative Housing Society*. It authorized *Mr. Vishnu Mehrortra* and *Mr. Ghafil Harnalvi* to operate a

bank account for this purpose. In respect of providing shelter to its members belonging to the lower income group, the association can take credit for not only approaching the *Government of Maharashtra* during 1975/76 but succeeding in getting tenements for members in the suburb of *Kandivali*.

Authors Information

The FIRST Periodical

'*Authors Information*', the first periodical published by the association to provide a platform to writers to air their views as well as their problems, began its short lived journey on 17th May, 1976. The first issue was edited by *Mr. Anil Kavish* but from the second issue *Mr. Madhusudan* took over as Editor. Unfortunately it was discontinued. Although in the intervening period the need for a mouthpiece as well as spokesman for writers has been acutely felt, no revival of its publication has taken place till to date.

In its meeting held on 27th April, 1977 it was decided to approach *Filmfare* for giving awards to best story and best lyric writer as well. Except for one exception year i.e. 1988, the year the association selected the best story, the Association's efforts did not yield any positive results.

Library

Right at the time of its formation in 1954, the association felt the need to have a *library* and approached all the members for donation. *Wali Saheb* was the first to contribute *Rs.201/- (Rupees two hundred one only)* and with his contribution the *Library Fund* was established. Over the years the association has regularly upgraded its library.

1980-The Landmark Year

Silver Jubilee celebrations

1980 was a landmark year in the history of the association. It was the *Silver Jubilee year* and a commemorative volume was published. The *Silver Jubilee Celebration Committee*, in its meeting held on 12th November, 1979 decided to honour distinguished writers each year. It wanted to implement the provision in the constitution drafted in the year 1954 for giving 20 awards in various categories. *M/s Benoy Chatterji, D.N. Madhok, Dr. Safdar Aah, Kidar Sharma, Pt. Mathur, Pt. Narottam Vyas, Pragji Dossa, Rajinder Singh Bedi, Vishram Bedekar, and Wajahat Mirza* were selected for their dedicated and distinguished

contribution in the evolution of art of film writing. From then on at least three prominent writers are being honoured annually in the General Body meeting. Such members are presented with a trophy, shawl, and a citation. From 1990-91 onwards, a token amount of Rs.1,101/- (*Rupees eleven hundred only*) has been added to the above three as humble token of appreciation.

Copyright

Issues at stake

It is a well-known fact that writers of story, screenplay, and lyrics are not entitled to have copyright on their creation. They are deprived of their share of monetary gains. Yet we have not witnessed a sustained agitation to procure these rights. Of late the *World Intellectual Property Rights Organization (WIPO)* and the *WIPO Copyright Treaty* to which India is a signatory has made our *HRD (Human Resources Development) Union Ministry* to propose amendment in the *Copyright Act 1957* which is likely to give *Writers, Directors, Music Directors and Lyricists* control and ownership over copyright. It is reported in 14th February 2010 Sunday edition of *Mid-Day*, a leading tabloid of Mumbai, that “*producers have allegedly been quick to take legal help to protect their turfs and ensure that there is no amendment to the present law. It further states that “Predictably, writers and lyricists seem to be elated”.* Quoting veteran and much acclaimed writer and lyricist *Mr. Javed Akhtar*, it conveys the dismal scenario that leads to writers, lyricists, and composers being highly underpaid. “*If you see their contracts, you’ll realize that they are as good as bonded labourers. Even the moral rights, which are not transferable, are taken away from them. This is a situation of total exploitation and repression”*, *Mr. Akhtar* is quoted to have said.

Mr. Swanand Kirkire, the Bollywood lyricist who wrote the songs of the biggest box office hits of the year *3 Idiots* and much acclaimed *Mr. Bachchan’s* film *Paa* amongst others, concurs with *Mr. Akhtar* in the same report by stating, “*Today, there are multiple revenue streams available for commercial exploitation. There are ringtones and other avenues. Much more money is made than it was earlier. When the money is there, what is the problem in paying us? It is high time we got paid and the interests of the people, protected”.* However when the tabloid approached the law firm *DSK Legal* which is reported to have been roped in by the anti-amendment lobby for consultation, the firm’s Managing Partner *Mr. Anang Desai* is reported to have said, “*There is hardly any independent music production happening in India. Almost all the music produced here is merely part of movies in which producers invest”.*

Abbas Tyrewala, the writer of acclaimed and box office hit *Munnabhai* and critically acclaimed *Maqbool* advocated complete and unilateral commitment to *Intellectual Copyright*. “*We should make it illegal for people to buy writers right to script*”, he opined during a conference organized by the association. He suggested that in order to fix a reasonable remuneration for scriptwriters a fee should be fixed as a percentage of the films budget.

It is yet to be seen whether the concerned craft unions are able to join hands together to fight for implementation of amendments. As of now no official press release or reaction has been handed out or published. If no concrete action is taken by unions they will be losing out on a golden opportunity to enforce all the benefits that will accrue to their members by way of amendments. They will no longer be able to accuse the Government of apathy and indifference.

Conference & Workshops

Re defining the role of a writer for films & television

Acclaimed writers mingled with those who aspired to become one on the occasion of conference organized at the *Film Institute of India, Pune* by the association. The assembly of leading lights deliberated on various issues plaguing the scriptwriters. A few pertinent points that emerged from the deliberations could be summed up as under:-

- *A screenplay of a film would be better if writers didn't write what is acceptable to audience. They should write about what they believe in.*
- *Make Producers break with the stranglehold of star system*
- *Contemporary films have something for everyone except the writer*
- *Existence of a system that inflicts self-morality as a result of which characters in our films don't even speak the way normal people do*
- *Despite the existence of a rich tradition of folklore, the film industry has not cared to even tap a small percentage of treasure trove of stories. Hence the need to find original way to tell stories*
- *It is not just the content but also the way it is being told that is getting changed*
- *The need to allow personal creativity take over to make things change*

The Elevation

Contemporary scenario

A few major developments during the last decade have brought about a welcome change. After a long hiatus, acclaimed writers took the initiative to contest elections to the Managing Committee of the

Association. They took the initiative in organizing series of seminars/conferences and workshops to enable the fraternity to focus its attention on key issues plaguing the writers. Exciting developments like the arrival of multiplexes and positive response from the audience to unprecedented themes led to the elevation of a writer to a major player in the scheme of film making. A well-structured screenplay is not looked down upon by Producers but considered to be a key element in making a good film. Today every Bollywood Professional has a bound script that he or she wants to make it to the screen. It is now an acceptable fact that no matter how good or great your story is a bad screenplay can ruin it.

INDIAN FILM DANCE DIRECTOR'S ASSOCIATION

401, Vishaka Arcade, Veera Desai Road, Opp. Courtyard Restaurant Lane, Andheri West,

Mumbai: 400 053

Tel: 65220351

www.ifdda.COM

E-mail: ifdda75@yahoo.com

Established in: 1975

Affiliated to: FWICE

Registered under the Trade Union Act, 1926

Membership Strength: 510

Categories of Members: 2

Dance Directors: 236

Assistant Dance Directors: 274

Admission fee: Rs. 25,000/-

Annual Subscription: Rs. 100/- per month

Welfare measures:

The Association provides various welfare facilities for the benefit of members including medical aid to needy members

Special Events:

On 14th January 2001 the Association felicitated choreographers who were bestowed with various awards in all languages

Although choreography has been an integral part from the time of inception of Indian cinema, it was only in the year **1975** that *Indian Film Dance Director's Association* was formed by renowned choreographer *Mr. Satyanarayan* whose Rehearsal Hall *Satyam* continued till the year 2009 as its official address. Till his death in 1992 he remained its President while another stalwart *Mr. Badri Prasad* lend his services as Treasurer till he expired soon after the demise of the President. *M/s Oscar Ungar, Subal Sarkar, Jay Borade, and Pappu Khanna* took over as President, Vice President, General Secretary, and Treasurer respectively.

It was only on 20th May, 2007 that the old guard paved the way for a new committee. On *Ms Saroj Khan*, the ace and renowned choreographer, *Mr. Rajendra Satyanarayan* (son of late *Mr. Satyanarayan*), who had been looking after the Association for 25 years as the Office Secretary was made the President while *Mr. Pappu Khanna* continued to be the treasurer. *Mr. Ganesh Acharya*, a young

choreographer took over as the General Secretary. *Mr. Bhupinder Sayan* was elected as the Vice President. *Mr. Acharya*, on account of his professional commitments resigned, paying the way for *Mr. Naimish Bhatt* as the present General Secretary.

Change of guard led to formation of a Vigilance Committee and in the year 2009, the Association acquired its own office in *Andheri*.

INDIAN FILM & TELEVISION DIRECTORS ASSOCIATION

306/307, Richa Bldg., Plot No. B-29, Off New Link Road,
Andheri West,
Mumbai: 400 053
Tel:022- 65164283
Telefax: 022-26733197
E-mail: iftdaindia@gmail.com
Website: www.iftda.org

Established in: 1960

Affiliated to: FWICE

Registered under the Trade Union Act, 1926

Membership strength: 3,872

Category of Members

Life Member

*Director /Serial Director/Episode Director/Dialogue Director/Music
Video Director/2nd Unit Director/Co-Director*

Assistant Director to the above

Creative Director/Head

Associate Creative Director/Head

Associate member

Admission fee:

Director: Rs.5, 000/-

(Total Rs. 5,901/- at the time of admission inclusive of one year subscription, Membership card, Senior citizen welfare fund and one year contribution towards AIFEC)

Assistant Director: Rs.2, 500/-

(Total Rs. 2,951/- at the time of admission inclusive of one year subscription, Membership card, Senior citizen welfare fund and one year contribution towards AIFEC)

Subscription

Director: Rs. 50/- per month

Assistant Director: Rs. 25/-per month

Life Member: Rs./ 15,000/-

(Total Rs. 15,560/-/- at the time of admission inclusive of membership card, Senior citizen welfare fund and ten years contribution towards AIFEC)

Welfare Measures

Medical aid is given to members on the basis of need and merit.

For **Cataract operation** of each eye, a lump sum amount of Rs.5, 000/- is sanctioned for genuine cases. Cheque is given in the name of Doctor/Nursing Home.

Monthly pension of Rs.1, 000/- each per month to seven members of the Association. A criterion for granting monthly pension is that the members should be above 70 years of age having no source of income and having 10 years old membership of Association.

When it was established in the year 1960 as *Indian Film Directors' Association*, it was perhaps the only organization of Directors and therefore called itself the *Indian Film Directors Association*.

The progenitor of *IFDA* was the *Assistant Directors' Association*. In 1960 a decision was taken to approach, invite, and include the Directors and the name changed to *Indian Film Directors' Association*. The Association changed its name to *IFTDA* (Indian Film & Television Directors' Association) in the year 2007.

That eminent members of the fraternity such as *Mahesh Kaul, K.A. Abbas, Ramesh Saigal, Basu Bhattacharya, Mohan Segal* and *Madhusudan* headed the Association during the various stages of its evolution and growth bears testimony to the fact that stalwarts of the Indian Cinema were concerned and contributed to protection of not only monetary rights of members but also stood for their creative rights and opportunity. That many of its office bearers held leading posts in *Federation of Western India Cine Employees* and *All India Film Employees Confederation* from time to time bears testimony to the confidence and trust it enjoyed amongst fraternity of unions all over India.

Amongst several initiatives taken by the Association was introduction of *Lifetime Achievement Award*. Eminent Directors such as *Phani Majumdar, Kidar Sharma, Mohan Segal, Hrishikesh Mukherjee, Prakash Mehra, Shakti Samanta, and Lekh Tandon* have been the recipients of this Award. Accompanying the Rodin's *Thinking Man* as trophy for award winners were comprehensive filmographies of award winners. It was one of the first Associations to exempt members from payment of annual fees on attaining the age of 65. The Association also took the lead in insure all its members for *Personal Accident Policy* for which identity cards were provided to members. Taking cue from this initiative several other affiliates were motivated to ensure their

members and it can be said majority amongst them continue to subscribe to such a policy.

When technicians were in awe of latest technology and were in the process of grasping its long term implications and impact and when *DVD* and digital technology had not entered our cinema and television, the Association organized several seminars for the benefit of not only its members but craftsmen of other affiliates as well. The Association was honoured when the *Directorate of Film Festivals, Ministry of Information & Broadcasting* invited the then *IFDA* to organize a Seminar during the International Film Festival held in New Delhi in the year 1998. Several eminent personalities from India and specialists participated in the Seminar. That key recommendations of the Seminar became integral part of policies bears testimony to the value and importance of such seminar. The Association went on to organize another seminar in the year 1999 in association with *REAL IMAGE*, *Avid's* representative in India in the then *Sumit Studio* owned by late *Prakash Mehra*. It was a unique opportunity for members to get acquainted with digitized way of editing films. Sophisticated equipment was flown in from *Chennai* by *REAL IMAGE* for demonstration and eminent sound recordists took up the responsibility to show practical demonstration of latest technology. This was followed by another Seminar organized by the Association in association with *Rajataru*. That all these activities were sponsored and did not use association's funds were reminders of trust and credibility enjoyed by the Association in the eyes of individuals and corporate bodies who readily came forward to fund these activities.

As early as 1969 the Association campaigned against indiscriminate import of foreign films and for being selective in the matter of quality of films. It also perceived the nexus between cost and quality of films and the need for small budget films, which could survive on a smaller, more discriminate audience.

The need was voiced to adopt a taxation policy, which will encourage and support films with smaller budgets but more of artistic integrity and social relevance, the minority film. The 12 excise free prints and the slab system of excise levy were introduced after sustained voicing of the need by *IFDA* (now *IFTDA*) in areas where voice mattered.

The shortage of theatres was another issue the Association picked up as far back as 1978. State Governments were directly approached. It was a matter of gratification that a state like *Uttar Pradesh* built no less than *thirty* cinema houses. *NFDC* (National Film Development Corporation) embarked upon a massive program of encouraging

theatre building and *seventy* odd cinemas were built by *NFDC* assistance.

The Association also saw very early the potential of *Television* providing both gainful employment and creative opportunities for filmmakers. It was both persuasive as well as aggressive in raising a strong voice in support of *Television* makings its own programs and discard the crutches of old movies. Subsequently, with the mushrooming of television channels, tele films and soap operas and other good programs opened a vast new are of opportunity for film makers, quite a bit of the credit goes to the Association.

When *Expenditure Reforms Commission* during the tenure of *Mr. Atal Behari Vajpayee* recommended closure of *National Film Archive of India* in 2002, the Association launched a campaign by lodging a protest with the Prime Minister. It also sought international support through *UNI-MEI*. The campaign highlighted the fact that *NFA* was the custodian of film heritage of India and any decision to close it down would amount to axing cinema. It further drew the attention of all concerned that Government was duty bound to protect institutions that are custodians of heritage. The support from trade union bodies from all over the world made the then Government see valid reason behind the protest and ultimately did not accept the recommendation for closure of *NFAI*.

JUNIOR ARTISTS ASSOCIATION

Navalkar Wadi, Galla No.3, Purshottam Compound,

Near Fish Market, Jogeshwari East,

Mumbai: 400 060

Tel: 283655623

Fax: 28365516

Established in: 1956

Affiliated to: FWICE

Registered under the Trade Union Act, 1926

Regd. No: BY-II 7942 dated 03.09

Membership Strength: 1100

Categories of Members: 2

A Class (Decent)

B Class

Admission fee:

No admission fee. No new members are inducted. Senior members who retire can exchange their membership cards with new entrants. They get anywhere between Rs.50,000/- to Rs. 1,000,00/- in exchange.

Welfare measures:

No provision for insurance, retirement.

Medical aid of Rs.2, 500/- given to ailing members

Members get Rs.6, 000/- for **marriage** of their daughters

The late actor *Amjad Khan* aptly summed up the enigma called the *Junior Artist* when he stated that films could be made without top stars or singers but not without *Junior Artists*.

They were called *Cine Artists* in the *fifties*, recalls veteran trade unionist *Hari Sharma*, who as a young handsome lad came to Mumbai to become a film star but went on to become a junior artist and a trade unionist and held various posts in the union since the last five decades. That was the time when *stuntmen*, *artists*, and *light men* had no separate union and were recruited by the *supplier* who selected them on the basis of their ability to perform a particular role in front of the camera. While someone was made to act in front the camera, the other would be found fit to engage in scenes requiring sword fighting. There were those who were asked to be part of group dance.

It was much later that they organized themselves by way of having a union and acquired semblance of importance in the scheme of film

making. The late Amjad Khan who became an icon in his debut making film Sholay once aptly described their contribution when he wrote, "They are no strangers to burning deserts, nor to freezing mountains or the winds on lonely rain swept plains. They carry on regardless. Silent sentinels who lend credence and believability to 'Moses exodus with his people out of Egypt as in 'The Ten Commandments' and the required weight to the people fleeing from the village as the dam is about to burst".

The union's history is fraught with turbulence right from the time when its members used to assemble with dancers, fighters in the central suburb of *Dadar* waiting for the supplier to fetch them to the studios. They had no union to protect their rights. They were at the mercy of the *supplier*. They were all called *cine artists* and it was the *supplier* who, depending on his personal evaluation, acted as the sole arbiter of their destiny. They were paid Rs.3/4 per day by producers and this meagre remuneration and dole was responsible for them being addressed as *Extras*. According to *Hari Sharma* it was only when they were better organized and under the umbrella of a union that they were taken seriously and the nomenclature changed from *Extras* to *Junior Artists*.

Junior artists found spacious space in a Railway office opposite the *Gurudwara* in *Dadar*. But internal bickering forced them to leave the office. The union owes its birth to stellar role played by *D'Mello* and *Navin Yagnik*. They had no option except to occupy free space available on footpath waiting anxiously for the *supplier* to turn up each day. It was *M.H. Chaudhary*, an agent, who got them an office in *Saat Rasta* (near Famous Studios, Mahalaxmi) on rent. It continued to be their office for several years till one of their members *Husain*, who had been suspended earlier, transferred the ownership rights of the office in his own name through fraudulent means. Unfortunately he was abetted in this fraud by some members of the union. A case was filed in the court and verdict is still awaited. Since members have no personal stake or interest they have given up pursuing the case.

The union took temporary shelter in the office of *Mahila Kalakar Union*, their female counterpart for some time, till they rented a place in the suburb of *Andheri*. They ultimately acquired an office of their own in *Jogeshwari*.

In the early *sixties*, according to *Sharma*, artists were not employed as daily wage earners. They were supposed to get Rs.7 as lunch money but got only Rs.3. Even to get this paltry sum they had to wait for 15 days to 2 months. *Jagdish Sethi* happened to be the Chairman of the

union and *Anwar Husain*, the late *Nargis Dutt's* brother was the President. Both of them took up the issue of timely payment to junior artists with the producers and their intervention led to resolution of the issue.

Prior to 1972 there was no separate union for female *junior artists*. *Mahila Kalakar Sangh*, the union of female *junior artists* came into being during this period when a *Casting Bureau* was formed in order to do away with the service of *suppliers* who till then recruited *junior artists*. It was felt that since *suppliers* were exploiting junior artists, especially female members, their services should be dispensed with and instead a *Casting Bureau* be formed. A committee was formed with five representatives each from the *Federation* and the *Producers*. It could not take off due to internal bickering and the union was suspended by *Federation*. Members assembled in *Famous Studios* where the office of *Federation* was then situated and raised slogans against it. By this time majority of members had deserted the union. This also led to blacklisting of few stalwarts of the trade union movement by the *Producers*. *Sharma* recalls the names of late *Krishan Malik*, *Sadanand Desai* and *Wagle* who were banned by the producers for supporting the *junior artists* who were not being given work. He also recalls the name of late *Vasant Kulkarni* who played a major role in the strike. This happened in the year 1975. The remaining members of the union also staged *dharnas* in *Ranjit* and *Famous Studios*. The *Producers* were at that time under the umbrella of *All India Film Producers Council* headed by late *G.P. Sippy*. *Shreeram Bohra* was their *Vice President*. The *Council* functioned from *Rajkamal Studios*. *Junior artists* also sat on *dharna* at *Altamount Road*, where *G.P. Sippy* resided. It was a big relief for the union when *Federation* resolved the issue and took them back in their fold. It invited the *Producers* to come forward to amicably resolve the issue but it did not.

Nearly 25 members survived on the daily financial aid of *Rs.100/-* provided by the *Federation*. This amount was used for their fooding and the strike continued for fifteen days. The *Casting Bureau* earlier used to pay *Rs.2500/-* towards rent for using the office premises of the union. Members soon starting coming back to the union since *Producers* could not provide office space to the *Casting Bureau*.

Before it could take off the *Casting Bureau* was buried and replaced by committee comprising *Producers* and representatives of *Federation* for grading of *junior artists*. This practice continued for several years and

was discontinued. The gradation was done on the basis of age, personality, and ability.

Earlier too, in 1967 when the *Federation* was headed by late *Manmohan Krishana*, the Producers had tried to create disunity amongst the rank and file of the workers when it formed *Film Sena* with the motive of breaking the *Federation*. *Vasant Kulkarni*, recalls *Sharma*, invited late *Datta Samant* to intervene in the matter. It may be recalled that *Samant* was to become a household name in subsequent years as the trade union leader who led the *Mumbai Textile workers* in a strike that lasted for several years. The union during this period was fortunate have *Vilas Sawant*, the State Minister as one of their patrons. His association with the union lasted for several years.

Stars like *Mumtaz*, *Dara Singh*, and *Jeetendra* and comedians like *Mohan Choti* who began their careers as *junior artists* and rose to become stars prompted thousands of star stuck teenagers to enter *Bollywood*... That was the period when no respectable family would want their children, especially if they happened to be girls, to even think of joining the industry as artists. The profession was looked down upon by parents. Many a Studios like *Filmistan*, *Basant*, *Ranjit* and *Mohan* had several artists on their payroll. They began their careers as *junior artists* and rose to become either stars or character artists and comedians. But it is also a fact that if few could become stars there were hundreds of *junior artists* who could never go beyond the stage of mouthing few inconsequential lines before the camera. They stayed back and never went home. Many became *agents* or *suppliers* who enjoyed better financial security.

Earlier large film units shooting on locales would include hundreds of junior artists. *Sharma* cites the example of late *Sunil Dutt* whose unit included hundreds of junior artists. The unit travelled several times for shooting of *Reshma Aur Shera*. Similarly *Raj Kumar Santoshi* too had hundreds of junior artists travelling with the unit number of times for outdoor location shooting of *Lajja*. The same happened during the location shooting of *China Gate*. His unit would include several fighters, horses etc. He adds the names of Producer-Directors like late *Raj Khosla* and *Manoj Kumar* to the list of those who would include a large number of junior artists in their units for outdoor shootings. But junior artists in the changed scenario are not part of such units. Producers now recruit the locals for shooting crowd scenes. They are not supposed to be paid any wages.

The profession subsequently not only gained respectability but also drew boys and girls from upper middle and middle class families, so much so that parents went out of their way to support them financially in their struggle to gain foothold in the industry. The television opened the floodgates for youngsters to make a bee line for entry into what was earlier an exclusive privilege for few. The content of films now was more urban oriented and advancement in technology brought more gloss and glamour. Thus *junior artists* could no more aspire to become stars or character artists. Hundreds amongst them became unemployed. Television proved to be their benefactor, especially of late when many *tele serials* are being made on subjects or themes that have rural background. In fact the booming television industry has opened the doors for several struggling actors or youngsters from well off families who, for earning extra pocket money, offer themselves or are recruited for crowd or wedding or campus scenes. *Junior artists* can now heave a sigh of relief that television serials have many wedding or party scenes or crowd sequences which offer regular employment to them.

There is no provision for providing any financial or medical aid or pension to those members who are living in penury. *Hari Sharma* laments the fact that unlike the founding fathers there is a leadership crisis. *“Now a day’s self-interest comes first. Our seniors worked for the members not for themselves. We have failed to reach out to Government to draw their attention to our plight”,* says *Sharma*. On being questioned about the lack of basic facilities like *clean toilets, portable drinking water* on sets, *Sharma* blames his colleagues in the Production sector. It should be the concern of those who look after Production. They must see to it that basic facilities are made available to *junior artists* on sets and locations. *“We did stage a dharna in State owned Film City in protest against absence of proper toilets and changing rooms. The concerned authorities only made cosmetic changes in the existing urinals and changing rooms.”* states *Sharma*.

The union could never raise substantial funds for providing decent medical or financial aid to its members. *Groupism* and *infighting* in the union were cited as main reasons for not establishing any permanent infrastructure for providing facilities to members and their children. Earlier the *Film Industry Welfare Trust* used to provide education aid for the wards of members but a few years back it discontinued the practice. But it continues to provide financial aid to members in case of major surgery or treatment of cancer and kidney failure etc. *The Cine Welfare Fund*, according to *Sharma* is another source of reimbursement of medical expenses incurred for major surgeries and

treatment of cancer. *IAFA* too provided medical aid to members but of late it is not available for reasons not known to *Sharma*.

There is a general consensus on the issue of *MOU* incorporating agreement on various issues like provision of basic facilities for workers as part of working conditions. Despite the *MOU* not being signed or endorsed by one of the Producers bodies, it was put in practice by *Federation* and affiliated unions. However several Producers continue to pay wages lower than the mutually agreed minimum wages. But on account of day and night vigil by way of checking drives undertaken by members of union as well as the *Vigilance Committee* formed by the *Federation* the producers are made to pay minimum wages as stipulated in the *MOU*.

But *Sharma* also blames the workers in not strictly adhering to the dead line of *12 hours* shooting shift. He feels workers too must share the blame of working beyond the stipulated *12 hours* shift timing. He does not concur with the view that any protesting worker may be blacklisted by the Producer. He reasons that a daily wage earner unlike a worker employed in a *Mall* is tempted to compromise since he is not a regular employee. His mentality is different. He has to think for his survival the next day. He is willing to work beyond *12 hours* as it may provide him with a little extra income or wages required to keep his home fire burning. When the question of survival is at stake, compromises are bound to be made.

The union has two categories of members. The *Decent Class* category of members also known as *A Class* consists of those who are well turned out and can converse in smattering of English. A few amongst them are fortunate to slip into the role of a *judge*, a *cop*, or a *doctor*. In case they are ask to say few lines they get extra money. The female's members of the *Mahila Kalakar Sangh* who fall in the category of *Super and A Class* gets extra emoluments. The *B Class*, also categorized as the *Chawl (Slum) Class* consist of *junior artists* who form part of crowds, mobs, groups, slum dwellers, dead bodies or part of the ambience in a college campus. Even if the camera happens to capture their close up it makes no impression.

Every day between *5pm to 8pm*, the newly bought office in the suburb of *Jogeshwari East*, is swarmed by several *junior artists*, waiting anxiously for their names to be called out by the *Secretary* to report for shooting the next day.

It is very rarely that *junior artists*, save for few big budget films or benevolent producers are provided with *changing* or *rest rooms*. Discrimination is also practiced when it comes to food served to them on sets of television shoots. In far off suburb of *Naigaon* (outside the limit of Greater Mumbai), there is a scarcity of *safe portable drinking water*. These artists, unlike their privileged colleagues who are provided mineral water, have not only to risk falling sick by consuming water that is not safe but also risk falling prey to malaria that is rampant in the area where make shift studios have been constructed.

Although wages of *junior artists* are enhanced from time to time at the time of signing of *MOU* between *Federation* and *Producers bodies*, there is lot that needs to be done in areas of *health* and *safety*. They ought to be provided with essential basic facilities like *clean toilets*, *changing rooms*, *safe drinking water*, and *food of good quality*. They should also be provided with social security since senior members who are no longer active or get the opportunity of employment have a bleak future. Several attempts have been made in the past to raise funds for the benefit of members but all attempts were marred by infighting.

There is a general perception that these *junior artists* are only required to fill up the background space and have no worthwhile contribution to make. But no one can deny that each frame will remain incomplete without their presence. They deserve to be equal partners in the growth and development of the entertainment industry.

MOVIE ACTION DUMMY EFFECT ASSOCIATION

*B-31, Oshiwara Industrial Centre, Link Road,
Opp. Oshiwara Bus Depot, Goregaon West,
Mumbai: 400 104
Tel: 26844620
E-mail: madea@rediffmail.com*

Established in: 1993

Affiliated to: FWICE

Registered under the Trade Union Act, 1926

Regd. No: By II-8997, dated 13.10.1993

Membership Strength: 482

Categories of Members: 8

Special FX Master

Special FX Assistants

Gun Master

Gun Assistant

Fire FX Master

Fire FX Assistant

Water FX Master

Water FX Assistant

Admission fee: Rs. 1,000/-

Annual Subscription: Rs. 360/-

Welfare measures:

- *Group Insurance Policy for all members*
- *Accidental Mediciclaim Policy*
- *Reserve fund for benefit of deceased members*
- *Individual account of each member under PPF scheme.*

Special Events:

The Association acquired its own spacious office in February 2010

For a layman, cinegoer or for that matter even for the members of the fourth estate, the risk and danger associated with performance of dangerous stunts is associated with stuntman who have their own association –*Movie Stunt Artists Association*. There have been regular incidents on sets where the stuntmen have lost their lives while performing dangerous stunts. Ironically, except for those actively associated with films and television in various crafts, very few know that there is another category of craftsmen who deal with primary explosives i.e. gun powder. They work under conditions that put their life to risk, primarily due to negligence.

The association was formed as late as 1993 and registered under the *Trade union act*. The need to organize was necessitated by their resolve to not allow the employers to exploit them. Since they have no security cover, the Association took a brave decision to insure all its members against any accident that occurs either on the sets or even in normal life and also while traveling. It procured a *Group Insurance Policy* from *M/s New India Assurance*. All members are duly registered with the said insurance company. The individual claim amount of each member against a fatal accident is Rs.3, 00,000/- (Rupees three lakh). In addition the Insurance Company has also provided them with an *Accidental Mediclaim Policy* of Rs.60, 000/- (Rupees sixty thousand only) for each member. Each member pays a premium of Rs.240/- (Rupees two hundred forty only). The association pays, vide a single cheque, the entire premium to the Insurance Company.

The above referred insurance is applicable in case of an accident. But what happens if a member expires due to any natural ailment? The Association, taking the later into consideration approached the *Life Insurance Corporation of India* for a *Group Policy for Natural Risk Cover* as well as *Accidental Risk Cover*. This insured a member for Rs. 1,00,000/- (Rupees One lakh only). It is interesting to note that in the year 2008 *Mr. Prabhat Tyagi*, a member of the association, met with a fatal accident while returning from shooting in Chandigarh. The family of the deceased member received an amount of Rs.1, 00,000/- (Rupees One lakh only) from *Life Insurance Corporation of India* and Rs.2,40,000/- (Rupees Two Lakh forty thousand only) from the *Oriental Insurance Company Ltd*. This was possible on account of the decision taken by the association of having *Accidental* as well as *Natural Death Policy* with the said two Insurance companies. In addition to the above, the association has got a *reserve fund* of granting Rs.1, 00,000/- for family of the deceased member.

Life for those engaged in this profession is always under scrutiny of death. Various incidents occur on the sets, resulting many a times in the death of members in the prime of their life. The insurance amount only provides for immediate needs of the deceased family. It can never compensate the death of their bread earner, especially if he happened to be the only one providing fodder for lives of his family. Taking this into consideration the association took, perhaps the most important decision, of opening individual account of each member in the *Union Bank of India* under *PPF* (Public Provident Fund) scheme. The duration of the scheme is 15 years and it is operable by way of each member paying 2 ½% of any remuneration he receives from the

producer. This is paid to the association which deposits the amount in his PPF account with the said bank. It earns 8% interest annually. It is by far the most beneficial scheme, especially on retirement.

MOVIE STUNT ARTISTS' ASSOCIATION

602-604, Dilkap Chambers, Veera Desai Industrial Estate,
Veera Desai Road, Andheri West,
Mumbai: 400 053
Tel: 26735187/26732787

Established in: 1959

Affiliated to: FWICE

Registered under the Trade Union Act, 1926

Regd. No: 3386 dated 29.04.1959

Membership Strength: 548

Categories of Members: 3

Stunt Directors

Stunt Assistants

Stunt Men

Admission fee: Rs.80, 225/-

Annual Subscription: Rs.100/-

Welfare measures:

- *Death Compensation-Rs.1,25,000/-*
- *In case of accident, hospitalization, rendering a member immobile or unable to perform his job, the Union, as per understanding with the Producer gets a member remuneration for 15 shifts a month for a period of 2-3 months*
- *The union has been in discussion with various insurance companies to insure their members. But the burden of paying annual premium has been the main hindrance since at a given time nearly 50% of members may be out of job.*

Special Events: *In order to inculcate communal harmony the Union organized a special event in which Priests from different religions offered prayers.*

As with many unions the past records have not been archived. This makes the tasks of tracing the journey of the craft from its inception to the present times very difficult. It was only through the efforts of *Rashid Mehta*, who had been its President earlier and now one of the most active members of the committee, that facts, interesting incidents relating to its past could be gleaned. He arranged a meeting with two veteran fighters who in their seventies could still vividly recall many incidents concerning the formation of the union and the hurdles faced by its founders in getting recognition for the contribution of stuntmen.

Two veteran fighters –*Sinha* and *Nisar Burhan* come together to not only narrate the journey of their lives as stuntmen but also dwell on the background under which the union came to be formed. They are joined by *Rashid Mehta*. They also bring rare working skills, some of which have seen better days and need to be preserved not only by them but by the union as part of its archival record.

For the first time we have the privilege of knowing that a tall handsome man who was nicknamed *Douglas* by his colleagues on account of his physique and looks after the legendary Hollywood star was the founder of this union. It was at the Club known as *Tipu Sultan Club* situated on *Duncan Road* that its owner *Douglas* and his colleagues used to deliberate on the possibility of forming a union for the benefit of stuntmen who in the fifties were hired by *Supplier* to perform multiple roles –*stuntmen, junior artists* etc. *Burhannudin, Nisar's* father, a *stuntman* in his own right along with *Azimhai* were the other two who supported *Douglas* in forming the union.

Before the union came into being the Producer did not accord due respect to the craft and had many *Masters* on their payroll that had vested interest in initially opposing those who wanted to bring all stuntmen under one umbrella. According to *Nisar*, Production houses or concerns run by *Homi Wadia, Nanubhai Vakil, Nanabhai Bhatt, Ramnikhai* opposed the formation of the union. They were supported by *Mohan Studio, Prakash Studio*. The stuntmen, those days, were hired to perform multiple roles i.e. as *stuntmen, junior artists* and were paid a pittance. Since films those days used to take anywhere between 18 to 24 months to complete, they were paid between Rs.300 to 600 for the entire duration. They would be hired through the supplier and not the Master. *Douglas* wanted to put a stop to this exploitation and wanted the fighters to go through the *Master*. The tussle between the Producers and *Douglas* and his colleagues lasted nearly six years till the union was finally formed in the year 1959. It started with 30-35 members on its roll. *Douglas* became its first President. *Burhan* as Secretary and *Baliram* as Treasurer completed the list of major office bearers of the union.

The first task before the union on its formation was to insist that Producers will only hire *Fighters* for performing stunts and that they would be chosen by the *Masters* and not *Suppliers*.

The union, through the guidance and assistance of *Yagnik*, a paid but knowledgeable Treasurer got itself affiliated with the *Federation*.

Not many present generations of stuntmen and fighters know that *Sinha* happened to perform the first stunt involving a *horse fall*. A pit was dug and boxes were put inside. The horse would land in the pit and the fighter would be thrown on the other side of the pit. As a young lad he came from the south and learned his ropes from *Shetty* who ruled the scene in those days for his dare devil stunts. From heroes of that era to the present generation of heroes like *Abhishek Bachchan*, *Sinha* has performed stunts and worked as duplicate for all of them. Since safety measures in those days were primitive he shows his scarred ear as a testimony of an era when fighters took huge risks to perform stunts. Ironically *Sinha* could never graduate from a stuntman to a *Stunt Director*. But he has no regrets since he was content to perform stunts and the thrill and adventure associated with great personal risk compensated for the low wages that were paid to him. On the other hand *Nisar* was more practical. He never undertook any risk and performed only those stunts that ensured safety.

According to him although there was a healthy competition amongst the fraternity the fighters would always complement each other's work. They would go out of their way to help each other in case a stuntman or fighter was not in a position to perform a particular stunt. He laments the fact that if facilities available to the present generation of stuntmen were available to them, they could have jumped from the 13th floor without batting an eyelid.

Rashid Mehta, who took over as *President* of the union in 2003 and now oversees many activities of the union as member of its managing committee, was very keen to provide the members with a *gymnasium* when the union decided to acquire a spacious office. He wanted the gymnasium to be housed in the office. In order to maintain a certain fitness level to enable the *stuntmen* to be less injury prone, the gymnasium was supposed to be equipped with latest equipment for training. Since facilities for training in gyms are not accessible and beyond the reach of stuntmen given their high admission and annual fees, the gym could have provided all the facilities free of cost to the members. But due to internal bickering the spacious office had to be sold off. The present office is not spacious to accommodate a gym. Thus the idea of *training* in a gym was nipped in the bud before it could materialize.

However *Stunt Masters* do arrange *regular camps* which include practice sessions, warm up exercises. The duration of the workshop is anywhere between *15 days to two months*. In case stuntmen are to report to outdoor locales, the Master may arrange a workshop for 15

days prior to their departure. Exercises include various types of *falls*, *blows*, and *kicks*. *Rashid* reiterates the importance of various types of techniques that stuntmen are supposed to be acquainted with in order to avoid injuries. Though they do get injured once in a while the injuries are minimal.

The *stuntmen*, at the most, have a limited time span in his profession. *15 years* if he remains free from any major injury and *20 years* if can maintain physical fitness. Those who strictly adhere to a healthy life style by way of a healthy diet as well as abstain from alcohol and smoking have better chances of surviving in this profession. With age reflexes slow down and on retirement those who have maintained their required fitness levels and have acquired immense experience and expertise may become *Stunt Directors* provided luck and right breaks are on their side.

The very mention of retirement sends shiver down the spine of most *stuntmen*. Many leave for their home towns while other takes to driving cabs for their survival. The union at present provides them *1.25 lakhs* on *retirement* but is acutely aware of the fact that this amount will not help them in leading a decent life. It is deliberating on ways and means to increase the fund so that a reasonable amount is given to *stuntmen* on retirement. They are also exploring other avenues like *Provident Fund*, the implementation of which could provide succour to them when age and unemployment are waiting at their doorsteps.

Medical aid, other than what the union provides to the members is also sought from *IAFA* in case of medical emergency, surgery etc. of members. The paperwork, according to *Rashid* has to be in order for speedy reimbursement. Other sources of funds like the *Film Industry Welfare Trust* are not accessible since they are not publicized. *Rashid* laments the fact that the trust has never sent any circular to unions acquainting them with the *Rules & Regulations* so that accessibility to funds is not shrouded in secrecy and disbursement is not limited to select few.

The entry of corporate houses in Production of films has to some extent prompted all concerned to give importance to *Insurance* of not only equipment but all unit hands, workers and technicians. Since the nature of craft practiced by stuntmen is risk and injury prone, some big production houses have initiated the practice of insuring the entire project. But the overall scenario is dismal with only *30%* of Producers or Production houses integrating insurance within their budget. Producers, laments *Rashid*, do not realize that in case of

compensation on account of death or grievous injury, the producers have to shell out more money than they would if insurance policy had been taken.

Compensation provided to member's family on his death due to fatal accident is mostly settled as per the *Workman Compensation Act* (now amended and named *Employees Compensation Act*). Most of the times the Producers voluntarily pay an amount that is reasonable and takes into account the age of the deceased stuntman. In case the producer is unwilling or quotes an unreasonable amount, the union may opt for *judicial intervention*. But that happens very rarely.

The latest to add to the list of those who meet with *fatal accidents* was a young stuntman who while taking a dangerous jump on motorbike had his neck grievously injured when the handle of the bike struck him on landing. He was performing the stunt on the sets of a *Gujarati* (Regional) film. He survived for a few days after hospitalization. *Riyaz* was only 35 years old when death came knocking on his door. He leaves behind a *son* and his *wife*.

Although budgets for feature films have skyrocketed during the last decades, with stars taking a major share of it, the duplicate of the top star like *Sharukh Khan* who takes home 15 crores gets 1-1.5 lakhs, or 5 lakhs at the most for the entire film. If hired on daily wages he gets Rs.4, 500 per day although he puts his life and family to a great risk while performing dangerous and life threatening stunts as a duplicate. On the other hand the personal *Make up man* of the star takes home Rs.7, 000/ per day and enjoys whole lot of privileges like staying in five star hotels and travelling by air. This according to *Rashid* is unjust although he does not grudge *Make up man* his higher wages and privileges.

While the look and texture of films has changed for better with acquisition of better equipment and expertise, the idea of providing script to stunt directors in advance is still alien to Producers. The units that come from abroad to shoot here are more professional and provide the script to the stunt directors in advance to enable him to rehearse and plan the choreography of difficult stunt scenes. The overall result of this professional approach is visible in the way stunts scenes are integrated in a harmonious manner with the narration of the film.

It may seem shocking but it is true that more than 50% of *directors*, according to *Rashid* do not provide any advance intimation or information to stunt directors about the stunts that are to be performed.

They are called on sets on the day of shooting and told what is required. This often results in loss of credibility of a character as can be observed when one watches a teacher or doctor performing karate kicks. Stunt scenes when harmoniously blended with the overall character of an artist make his look more credible or believable. No doubt in case of a star like *Salman Khan* it may look credible when as a *Doctor* his expertise in performing dangerous stunts can be attributed to his training as boxer, karate expert while in college or university. Unknowingly Producers have to shell out more money when artists are made to sit for several days when they are only required on the last day or during the climax. The directors many a times calls for more equipment and artists than are required for a particular day. This results in wasteful expenditure which could be avoided if proper planning is done before the shooting takes place.

The *Stunt Director*, if he is assertive, can insist on the presence of a *doctor* and *ambulance* on the sets. Although big production houses and units coming from abroad to shoot in India do ensure that safety measures are in order, 80% of producers here do not provide for a doctor and ambulance on the sets. Foreign units have a technical department that has a permanent *Safety Instructor* who ensures that even while filming a song or a stunt scene there is no room or possibility of any accident taking place. If a scene requires a shot to be taken in rain he checks in advance if lighting or wiring do not result in any electrocution or short circuit. But in case of local Producers, the *stunt director* takes upon the responsibility of *safety instructor* in the absence of a doctor or an ambulance on the sets. Cynics may say that accidents do take place even when safety measures are in order. But when adequate precautions are taken, risks get minimized.

Although no written *Safety Code* is available, the union often holds meetings with its members for discussion on up gradation of safety measures to be adopted while performing dangerous stunts.

Although there are no fixed rates for those stuntmen who perform *special stunts* like *breaking of glass*, *falls from great heights* or those involving *fire*, the *Stunt Director* ensures that they are adequately paid. But it is only on sets that negotiations take place and remuneration fixed on the basis of a *consensus*.

Rashid bemoans the fact that workers and technicians when required to work in difficult conditions such as on locale where they face *biting* or *freezing cold* hardly get adequate facilities. The actors too face the

same conditions but can rest within the cosy confines of their vans that have the facility of keeping them warm.

More than 50% of members of the union remain unemployed at any given time. Those who do get employment on regular basis often fall *sick* on account of long and strenuous working hours leading to *fatigue* and *accidents*. It results in long recuperation at home, thus making their condition more pathetic.

If only the *MOU* signed between the *Federation* and the *Producers bodies* could include enforcement of better working conditions, the workers could lead a more productive and healthy life.

MUSIC COMPOSERS ASSOCIATION OF INDIA

608, A Wing, Royal Sands, Off Link Road, Andheri West,

Mumbai: 400 053

Tel: 26375921

Established in: 1958

Affiliated to FWICE

Registered under the Trade Union Act, 1926

Regd. No. 7543

Membership Strength: 234

Life Membership: Rs.11,000/-

From the time the association was established in 1958. It continued to function from its office in *Famous Studio*, Mahalaxmi. It was only in the year 2007 that it shifted to the suburb of *Andheri*.

Prior to formation of the union most of the music directors were working with different Producers and Studios on monthly salary basis. They could not work with others simultaneously and had to manage with meagre remuneration. Hence the leading music directors and maestros of that time -*Naushad, C. Ramachandra, Madan Mohan, S.D. Burman, Ravi, S. Mohinder, Salil Chaudhary, Prem Nath, Avinash Vyas, Jaidev, S.N. Tripathi, Shankar Jaikishan, Kanu Ghosh, Khayyam, Husan Lal Bhagat Ram, B.N. Bali, Vasant Desai, Hemant Kumar, S. Madan, Anil Biswas, Datta Ram, O.P. Nayyar, Vedpal Verma, Kalyanji Virji Shah, Hansaraj Behl, N. Dutta, Bulo C. Rani, Roshan, Iqbal Qureshi, M.L. Sonik, Pt. Shiv Ram Ganguly, Gulam Mohammad* took the decision to form an Association to protect their rights and thus *Cine Music Directors Association* came into being. They were serious and united in their approach in mitigating the plight of music directors. Sadly the intent never translated into practice. *Naushad* once on a visit to U.S.A highlighted the plight of music directors who were poorly paid and enjoyed no social benefits. People from all walks of life, including the NGO's immediately came forward to help the association financially. But no local effort was ever made to generate funds.

The fact that the constitution has never been amended since it was registered speaks volumes about lack of any growth and debate on crucial issues affecting the *Music Directors*. The only instance of any amendment being carried out was regarding the membership fees. It used to be Rs. 5/- per month while the admission was Rs.75/-. The monthly membership has now been converted into Life Membership of

Rs.11, 000/- as one time contribution. The General Body meeting had actually approved a one-time fee of *Rs.51, 000/-* but that could not be implemented since it would have violated the relevant provision of the *Trade union act* But members are free to donate. The present membership strength is 234. The decision to have one-time fee was not a sound decision in so far augmentation of funds was concerned. Funds generated through fees only provide for administration and day to day running of the office which was a rented one till it acquired one on ownership basis.

Earlier a recording fee of *Rs.200* per song was charged although the Producers were always reluctant to pay the fee. It was difficult to oversee the collection. Hence a picture levy of *Rs.5,000* became the norm as it was more convenient. But only 5/6 music directors come forward to pay the same. The only other initiative the Association took was to organise a musical program in Delhi during the Indo-China war. Over the years the decision to organize shows and programs for the benefit of members and to augment funds was never implemented although music directors, particularly the prominent ones in various committees were capable of organizing such shows with the support and participation of renowned singers and musicians.

Any scheme or initiative to help the senior, retired, or unemployed members, especially senior citizen members has remained confined to the aims and objectives of the constitution but never implemented. Lack of funds and regular source of income has deprived members of any access to social security and medical and insurance benefits.

The advent of television and mushrooming of channels though providing more employment created a whole lot of problems arising out of long and crippling working schedules and non-payment of wages. Earlier the association would hardly get any complaint for recovery of their wages and dues. But now days it is daily flooded with complaints from those working for television. The Production concerns cite non receipt of payments from channels and programs being take off air due to lack of *TRP's*. The payment is often promised to be paid 45 days after the broadcast of the program. All dispute matters or complaints received in respect of work for television are directly sent to *Federation C* complaints for various craftsmen for a particular project are clubbed together and taken up jointly for settlement.

Digital recording and absence of *live recording* has led to unemployment. Many members who don't get work find other avenues of employment. They join bands that perform live in Hotels and

Restaurants. Comparatively the *Association of Musicians* is much better off in all respects.

Till few years ago stalwarts like *Mr. Khayyam* and *Mr. Ravi* continued to be actively associated with the association. *Khayyam* voluntarily stepped down as Vice President after many decades of selfless service to make room for new generation of music directors to usher in and infuse new ideas. *Mr. Ravi* continues to head the association as President. Copyright and royalty were another area of interest and focus. Except few renowned music *directors and singers* who on account of their stature became beneficiaries of royalty the others, once the recordings were over and the work was done have no access to any royalty. The Producer who owns the copyright further assigns the same to the recording company who become the ultimate beneficiaries and is equipped to tap all new sources of revenue. From time to time the association has debated on the issue of royalty and copyright but on account of lack of funds and the will. The Association neither took up the matter with the concerned Ministry nor sought any judicial intervention. It is hoped that with the amendments to the *copyright act* their creative and financial rights will be protected.

Recently the Association changed its name from *Cine Music Directors' Association* to *Music Composers' Association of India*.

MAHILA KALAKAR SANGH

418, Adarsh Nagar, New Link Road, Oshiwara,
Jogeshwari West,
Mumbai: 400 012
Tel: 26324716

Established in: 1953

Affiliated to: FWICE

Registered under the Trade Union Act, 1926

Regd. No: 8580

Membership Strength: 1100

Categories of Members: 3

Super Class

B Class

C Class

Annual Subscription:

Welfare measures:

- **Medical Aid** between Rs.2,000 to Rs.3,000 provided to members
- Rs.2,000/- provided to members on the occasion **of marriage of daughter**
- Rs. 75,000/- to members who take **retirement** subject to their being member of the association for a period of 10 years.

It was an uphill task to make the representatives of the Sangh talk about any issue concerning their association. In fact the office bearers seems so reluctant to even acknowledge the queries sent to them, that they refuse to grant even few minutes for the purpose of any interaction. They did not want to interact with the media for the fear of being misrepresented. However on the intervention and initiative of Sr. Vice Chairman of the *Film Studio Setting & Allied Mazdoor Union*, Mr *Prem Singh Tahkaur*, that *Ms Zulekha Khan*, the General Secretary of the *Mahila Kalakar Sangh* agreed to come to their office for a brief chat.

The Association had a turbulent history. Till 1972 female junior artists were part of *Junior Artists Association*. They shared a common history, issues, and concerns when the conflict arising out of formation of *Casting Bureau* and the need to do away with the services of *suppliers* and *agents* forced them to form their own union. It was felt that since *suppliers* were exploiting junior artists, especially female members, their services should be dispensed with and instead a *Casting Bureau* be formed.

The union, after branching out on its own, took shelter in *Ranjit Studio*, Dadar but had to subsequently shift to *Mahim*. Ultimately it was able to have its own office in *Adarsh Nagar*, Andheri. It is interesting to note that at one time it also provided temporary shelter to *Junior Artists Association* when it had to shift from its *Saat Rasta* (Mahalakshmi) office under controversial circumstances.

Zulekha Khan's father was himself a prominent *supplier*. He did not want his daughter to become an artist. *Mr Pappu Lekhraj*, who was to become one of the well-known *suppliers* worked under him. But destiny had something else in store for her. When her father fell on bad days she had to take up the responsibility of becoming the bread earner. She joined the union and for the last three decades have been the most visible face and representative of the union.

THE WESTERN INDIA CINEMATOGRAPHERS ASSOCIATION

24, 2nd floor, Om Heera Panna Arcade, Opp. City International School,
Oshiwara, Andheri West,
Mumbai: 400 53
Tel: 26355926/26355396

Established in: 1953

Affiliated to: FWICE

Registered under the Trade Union Act, 1926

Regd. No: 1780/ 30th April, 1955

Membership Strength: 3126

Categories of Members: 5

Active Cinematographers – 303

Associate Cinematographers – 586

Junior Cinematographers – 681

Junior Videographers - 232

Associate Videographers - 37

Attendant - 1287

Admission fee:

Active member: Rs. 15,000/-

Associate member: Rs. 12,000/-

Junior member (videographers/cinematographers): Rs. 8,000/-

Attendants: Rs. 8,000/-

Apprentice: Rs. 2000/-for one year after which they are enrolled as junior members.

Annual Subscription: (@ per month

Active member: Rs. 100/-

Associate member: Rs. 90/-

Junior member (videographers/cinematographers): Rs. 80/-

Attendants: Rs. 80/-

Welfare measures:

100 % Death Compensation is sanctioned for members:

Active – Rs. 1, 00,000/-

Associate – Rs. 80,000/-

Junior – Rs. 70, 000/-

Attendant - Rs. 60,000/-

Disbursement of Financial Help in the form of 50% Death Compensation given to **senior members** for the purpose of medical help.

Kanyadan Gifts- Rs. 11,000/- to members daughters only.

Medical Aid –Rs. 10,000/- to members for their medical treatment.
Scholarship Schemes also applicable to members children from 2009 (60% and above)

1 to 4 th Standard -	Rs. 500/-
5 th to 9 th “	Rs .800/-
SSC “	Rs. 1000/-
HSC	Rs 2000/-
Diploma	Rs. 5000/-
Degree	Rs. 8000/

Members on attaining the age of 70 years given Life Membership provided they have been members of WICA for a period of 40 years.

Special Events:--

Lifetime Achievement Award to veteran Cinematographers.

Technical Workshops conducted in office premises

On the 2nd of August, 1953 a small group of cinematographers gathered at the *Embassy Theatre*, in Mumbai, to attend the meeting convened by *Mr. Avdhut*. It was the very first meeting of cinematographers, and it was out of this meeting that the idea of craft wise Association took shape.

Mr. Fardoon Irani was in the chair and most of the top cameraperson of the time were present. It was generally felt that a society be formed on the lines of the A.S.C (AMERICAN SOCIETY OF CINEMATOGRAPHY). *Mr Krishna Gopal* emphasized the need for a compact body in following words: "It is necessary to form a compact body of cinematographers so that its voice can be heard. It would also provide cinematographers with a common platform, where they could discuss their problems, exchanges views and generally be of help to each other." *Mr Rajnikant C. Pandya* suggested that regional body be formed instead of all India body and named *Western India Cinematographer's Society*. The new society included the cameraperson working in *Mumbai, Pune, and Kolhapur*, and was ultimately named *Western India Society of Cinematographers'*.

The first meeting of the *Western India Society of Cinematographers* was held at the *Shree Sound Studios* on 5th September, 1953. Office bearers were elected and a draft constitution was adopted. The Office bearers elected were *Mr. Nitin Bose* as President, *Mr. V.Aadhut* as Vice-President. *Mr. Krishna Gopal* as secretary and *Mr. Radhu Karmakar* as Treasurer respectively.

The members of the first executive body were *M/s Rajnikant C. Pandya, Mr Dwarka Khosla, Mr Surendra K. Pai, Mr Prahlad Dutt, Mr Ratanlal Nagar, Mr Rajendra Malone, Mr M.R.Jaywant, Mr R.D.Mathur, Mr Ajoy Kar, Mr Vasant Buwa, and Mr. Rustom Master. Kumari Nargis (Smt. Nargis Dutt) and Mr. Raj Kapoor* were first to accept Life Membership.

Working as a Society, *The Western India Society of Cinematographer's* was unable to solve effectively, the various problems of its members. It was felt that these could be handled better if the Society registered itself as a *Trade Union*. At the *39th meeting* of the Executive Committee it was decided to reorganize the society as a Trade Union. At the General Body Meeting of the *Society* held on *9th April, 1955* it was unanimously decided to register the *Society* as a *Trade Union*. On *30th April, 1955* the registrar of *Trade Unions Bombay State*, registered the *Society* under *Indian Trade Union Act, 1926* as *The Western India Cinematographers' Association*. The registered office was at *Shree sound Studio Dadar (East), Mumbai - 400 014* from where it shifted to its present premises at *Andheri West, Mumbai*.

The first General Body Meeting of the newly formed *Western Indian Cinematographers' Association* was held on *28th May, 1955* at *Shree Sound Studios*. Offices bearers and members of the Executives Committee were elected by ballot papers for the first time. The office bearers elected were *Mr. Nitin Bose* as President, *Mr. Govardhan Patel* as Vice-President, *Mr. Krishna Gopal* as General Secretary and *Mr. Radhu Karmakar* as Treasurer respectively.

The members elected to f the Managing Committee were *M/s Mr V.Awdhut, Mr Rajnikant C. Pandya, Mr Rustom Mr P.Master, Mr Dronacharya, Mr R.D.Mathur, Mr S.S.Verma, Mr K.S.Gupta, Mr M.N.Malhotra, Mr Babubhai Mistry, Mr Jaywant Pathare, Mr Tara Dutt, Mr Rajendra Malone, and Mr M.V. Vaidya* respectively. The Draft constitution was adopted with some amendments. The various unions within the film industry followed the *W.I.C.A* example and started forming craft wise *Trade Unions*. The Association welcomed the formation of other Trade Unions and in its *8th* meeting *W.I.C.A's* Managing Committee mooted the idea of a federation of all films craft unions in Mumbai. On *28th February, 1957* *Federation of Western India Cine Employees* was formed.

In its meeting held on *19th April, 2006* the Managing Committee decided to start a DVD/CD Library. Equipment like DVD player and flat

colour television was bought for the purpose of screening of films as part of not only promoting film appreciation but also initiate a dialogue between the *Director of Photography, Film maker and artists* on various subjects that were related to cinematography. It was proposed to have screening every second or third Saturdays of the month. The other object of starting such a program was to bring together members for personal interaction on various issues. The Committee also proposed to have a *Library* of books for the benefit of members.

In the year 2009 the Association initiated a training program. It was held on three consecutive Saturdays. Though successful it did not become a regular feature for want of space. The Association is in the process of identifying a place where such training course could be held on regular basis.

WESTERN INDIA MOTION PICTURES & TELEVISION SOUND ENGINEER'S ASSOCIATION

7-B, G-26, Juhu Sangeeta Apts CHS Ltd.

Behind Lido Towers, Juhu,

MUMBAI: 400 049

Tel: 26612942

E-Mail: wimptsea56@gmail.com

Established in: January 1956

Affiliated to: FWICE

Registered under the Trade Union Act, 1926

Regd. No: 2158, dated. 29.09.1956

Membership Strength: 1360

Categories of Members: 8

Sound Recordists

Asst. Sound Recordists

Boomman

Commercial Recordists

Asst. Commercial Recordists

Sound Editor

Foley Artist

Sound Equipment Attendant

Admission fee:

Recordists: Rs.25, 911/-

Asst. Recordists: Rs.21, 911/-

Boomman: Rs.10, 902/-

Commercial Recordists: Rs.25, 911/-

Asst. Commercial Recordists: Rs.21, 911/-

Sound Editor: 21,911/-

Foley Artist: 10,902/-

Sound Equipment Attendant: 5,500/-

Annual Subscription:

Sound Recordists: Rs.50/- per month

Asst. Sound Recordists: Rs.30/- per month

Boomman: Rs. 20/- per month

Commercial Recordists: Rs.50/- per month

Asst. Commercial Recordists: Rs. 30/- per month

Sound Editor: Rs. 30/- per month

Foley Artist: Rs. 20/- per month

Sound Equipment Attendant: Rs. 15/- per month

Welfare measures:

Insurance: Members are insured for One lakh each for Life Cover and Accident separately for which they are required to pay annual premium of Rs.500/-. The Union pays the requisite premium and deducts the same when a member renews his membership

Medical Aid: No fixed amount.

Pension: Senior members, especially those who become inactive are provided monthly pension @ Rs.1, 000/- per month. At present ten senior members are provided pension

Special Events:

Awards: "Dhwani Award" initiated in the year 2005 on the occasion of Golden Jubilee celebrations. Making the award conferred on those excelling in the craft an annual feature is under consideration.

Training: The union imparts regular training to its members to enable them to upgrade their knowledge, both theoretical and practical. It is a refresher course lasting three months and is relevant in view of the induction of latest technology.

Library: The union has a library that is constantly upgraded.

Before the release of *Ardeshir M. Irani's* film *Alam Ara*, India's first talkie feature film on 14th March, 1931 at *Majestic Cinema*, *Shree Krishnatone Film Company*, Bombay made a talkie/sound film running into 7659 ft. under the title *Krishnatone Talkie Program No.1*. Though not a feature film, it contained several songs. It followed this Program with two other talkie programs titled *Tansen No.2* and *Hindi Song No.4*. It was censored on *February 5, 1931*. These sound and talkie based programs generated enough interest amongst cinegoers and when *Alam Ara* (11 reels/11,152 feet) produced by the *Imperial Movietone Company* was released it was a landmark event in the history of not only sound engineering but also Indian Cinema.

According to *Anjani Srivastav*, Administrative Secretary of the union, it was during the making of *Alam Ara* that *Ardeshir Irani* brought *Tennar Recording machine* from *Kolkata (Calcutta)* and the cinematographer of the film also happened to be its sound recordist. *Irani*, during the course of the filming of the film learnt the craft of sound recording and ultimately it was his name that was credited as sound recordist of the film. Recalling the travails of the sound engineers, *Anjani Srivastav* draws our attention to the fact that engineers who came from abroad for repair and maintenance of recording machines did not want to impart any training or knowledge to their Indian counterparts. Hence it was left to the local engineers to learn the intricacies of art of sound recording through trial and error. A few fortunate amongst them did go

abroad for training. It was *Sant Tukaram* that brought *Minoo Katrak* from *All India Radio* to record the sound of the film. Not sure if he could succeed he took up the job nevertheless. He could always go back to Radio if he did not succeed. It is another story that he went on to be acknowledged as the first *Professional* sound recordist in Indian cinema.

That Producer *Ardeshir Irani* took the credit of sound recording in *Alam Ara* establishes the fact that sound engineering came to be accepted as a coveted craft. It is also interesting to note that other Producers who took the credit for sound recording were *Kikubhai Desai*, father of late *Manmohan Desai* and *Subhash Desai*. Prabhat's *Vishnupant Damle* and Saroj Movietone's *Nanubhai Desai* were other Producers who joined the bandwagon of Producers taking credit for sound recording.

Since Songs have been an integral part of storytelling in Indian cinema, *Alam Ara* introduced the first ever song '*De De Khuda ke Naam Par*'. It was sung by *Wazir Mohammad Khan*. The songs were not recorded in disc form at that time and it took nearly three years to have the songs on disc format. This was followed by the first talkie *English film* produced in India by *Imperial Film Company* and released in 1932. Titled *Noorjehan* its Hindi version too was released in 1931. Although the *Marathi* feature film *Sant Tuka Ram alias Jai Hari Vithal* directed by *Babaji-Rav Rane* and produced by *Dada Athavale* of *Master & Company*, Pune-Bombay is considered to be the first Marathi feature film censored in 1932; it was *Prabhat Film Company's Ayodhacha Raja* that was released first in theatres in 1932.

While *Alam Ara* was being readied for release other film producing centres were all set to release their first talkie films. *Mukul Bose* and *B.M. Tata*, two outstanding sound engineers who were pioneers in the craft were instrumental in introducing sound in *Bengal* and *Mumbai* (Bombay).

The beginning of era of talkie films paved the way for many experiments, technical as well as creative. It is interesting to note that An Anglo-India co-production *Karma* (Fate), starring *Devika Rani* and *Himanshu Rai* takes the credit of having its premier in English version in London, in *May 1933*.

The profession of film making acquired respectability after several qualified persons joined the fraternity at a time when sound had become an integral part of film making. The fact that *Sound Engineers*

occupied an exalted position compared to *actors* lends credence to craft acquiring better status and importance in the scheme of film making. The elevation of sound engineering to a new high probably acted as a deterrent to the formation of a trade union body during *thirties* and *forties*.

With the advent and induction of new technology and innovations, sound engineers and recordist felt the need to organize themselves on the lines of *S.M.P.E.* of America. Hence *The Society of Cine and Audio Engineers* was formed with aims and objectives as under:-

- *To bring improvement in the creative and scientific aspect of film making in general and sound recording and re-production in particular.*
- *To provide patronage to research with a view to improving the technique of film making in general and sound recording and sound reproduction in particular.*

Initially the idea behind the formation of the Society was to provide an opportunity to members to interact on issues relating to keeping pace with new trends and technology. Later on it also provided a platform to sound engineers and recordists to identify their needs and find ways and means to resolve issues connected with their profession. It should be noted that the *Society* published a monthly journal which was considered to be one of the best of its kind in India. It had reciprocal arrangements with similar societies all over the world.

What led to the *Society* ultimately becoming a *trade union* body can be traced to few important events and issues such as:-

- When the constitution of *SCAE* was being drafted, it amalgamated several clauses from the constitution of technician's bodies like *C.T.A.* of South India which too was registered under the *Society's Act*. The clauses that were in favour of workers led the Society to believe that their constitution would be accepted by the Registrar. The Registrar thought otherwise and rejected clauses that fell outside the ambit of *Society's Act*. It became imperative that a new draft for the constitution would have to be made.
- During the period under reference many labour cases that came up for resolution before the *Society* could not be dealt with as any stoppage of work would have led to *civil liability*.
- After the *Second World War* there was a noticeable spurt in production of films and entry of several *Independent Producers*. Had this not happened the *Society* would have remained content with its

activities and scope of functioning. Except for *sound recordists* and their assistants who were provided by *Studios* to the Producers, all other craftsmen including *artists, directors, writers, music directors, make up* and *wardrobe men* joined hands with independent producers and distributors in acquiring better financial deals and wages. In fact several amongst them took up multi assignments. The sound department was left to fend for itself as salaries of sound engineers and recordists remained static. Their woes did not end there. Even the salaries paid to them were irregular.

It is interesting to note that in the year 1954 both the sound engineers and cinematographers together worked under the organization known as *Senior Technicians of Bombay* and had a meeting in *Filmistan studio*

Finally on 29th September 1956 the SCAE was registered as a trade union body. It was formally called *Western India Motion Picture Sound Engineers Association*. Under the able guidance of its founding father *Mr. Manna Ladia* it started functioning from an office in *Shree Sound Studios*, Dadar which it also shared with *Western India Cinematographers Association*. Prior to that *Film Editors* and *Cinematographers* too had switched over from the status of a Society to *Trade union bodies*. This allowed the union to protect the legitimate rights of its members and resolve issues and problems that were of purely trade union in nature. *Sound Engineers* and their assistants, *Sound projectionists* working under *Sound Engineers* and their assistants all came under one umbrella as a single cohesive unit.

The membership of the union was made compulsory for all those employed in Sound department of the studios. In fact all those employed in the craft in various capacities became members of the union.

The realization that the sound department remained a poor cousin of other crafts in terms of wages and security spurred the union to back the demand for its members to work as free lancers, a privilege which other technicians were already enjoying. Thus in the General Body meeting of the union held on 13th October 1968 it was unanimously resolved that no sound recordist will take up more than two assignments. The impact of this resolution could be felt immediately when *sound recordists* decided to resign their jobs with the studios en masse. It was a historic decision since they had to forgo the security of *Provident Fund* and *Gratuity* to which they were entitled to while being employees of the studios. It is evident from the case of a well-

known sound recordist *K. Rane*, recalls *Anjani Srivastav*, that abysmally low salaries led to members leaving studios to become free lancers. *K. Rane*, when he left the studio, was paid a paltry sum of rupees *three hundred per month*. He also narrates another reason for this shift. While the Producers made arrangements for providing food to artists the recordists were left to fend for themselves and went out to have their lunch. However the Producers realized that this led to wastage of time and ultimately provided this facility to recordists too.

But unfortunately the *diploma holders* from the *Film Institute, Pune*, who were better qualified and were offered more assignments broke this ceiling. The senior recordists who after years of struggle and activism had instilled discipline in the craft and working conditions became helpless in the face of this violation. The ceiling was short lived.

There was chaos. It is on record that many sound engineers formed a *clique* to grab more assignments. The recordists who supervised recording of pilot tracts formed part of a group that paved the way of decline in the status and respect which senior recordists had earned for their craft.

On completion of *78 years* the union brought a voluminous publication titled *Dhwani Ke Baazigar* (The Acrobats of Sound) in the year *2009*. Edited by *Anjani Srivastav*, the publication draws attention of its valued readers to various topics and issues concerning the important role played by *Sound Engineers* and *Recordists* in the making of films and content for television. More important it raises several vital issues related to trade union movement in general and the sound department in particular. Introducing the publication, *B.N. Tiwari*, President of the union focuses our attention in a detailed article on the following pertinent issues:-

- *While members are too eager to register their complaints regarding non-payment of remuneration by Producers, they readily settle for far less amount while the case is under consideration by relevant committee. This results in weakening and undermining the authority of the union and Federation. Members settle for lesser amounts to be in the good books of the employer but do not realize that once the case is settled the Producer does not use the services of the complainant in his next venture. It seems complainants only file cases only to put pressure on the Producer so that he or she can be forced to settle the claim but outside the jurisdiction of the union or Federation.*

- *The rule of registration of assignments for feature films and television serials is not adhered to although it requires a mere rupees hundred to do so. The rule of payment through association is not followed.*
- *The strike in 2006 for enforcement of wage hike brought all the members together but many amongst them ultimately surrendered by working for wages that were far below the rates demanded by the union.*
- *Youngsters who join the fraternity have no respect for senior members.*
- *Equipment suppliers enter into a package deal with Producers. Supply of manpower is also included in this deal. Camera attendants are hired at low rates. The suppliers through such deals while enhancing their profit margins also provide producers the opportunity to save funds.*
- *Many members also become equipment suppliers. They buy Nagra recorders and other equipment and they provide services of a boom man, camera attendant in addition to lending their services as sound recordists. They procure this deal from the Producers at rates far less than the minimum. This results in fewer jobs for members and less wages.*
- *Multiple assignments taken up by many sound recordists for television serials. In order to get the work done they also employ non-members.*
- *Many boom men take up assignments as sound recordists even without being acquainted with fundamentals of sound recording. When payments are not received they file cases against employers.*
- *Duality in identification by way of using two different names-one on the roll of membership register and the other for their identity in the industry. This leads to problems when claims for insurance are filed.*
- *As it was felt that admission rates were high, applicants were provided with the facility of paying in instalments. However frequent bouncing of cheques towards balance instalments are not exception but the norm.*
- *Freelancing started in the year 1969 but the era of monthly salaries has again gained acceptance. Members are forced to work for 18 hours without any off day and allowance. Salaries are not paid regularly. At the first sign of protest a recordist is shown the door by the employer.*

Although *sound engineering* as a craft has made rapid strides by way of induction of new technology, the various awards instituted by various television channels and other organizations did not recognize

the importance of sound in taking the Indian cinema forward in terms of excellence and craftsmanship. Hence it was in the fitness of things that the union is striving to make its *Dhwani Awards* an annual fare. At the same time it is heartening to note that, of late, several sound recordists and engineers have gained international recognition. *Pokutty* winning the *Oscar* for *Slumdog Millionaire* not only brought laurels to the Indian cinema but also lend credence to the importance of this craft in its contribution to the evolution of cinema. The international recognition to one of its finest craftsmen once again brought the union into limelight when it arranged a function to felicitate *Pokutty*. It was attended by stalwarts of the entertainment industry. This recognition may turn out to be the turning point for craftsmen of sound in their quest for better recognition, wages, and working conditions.

The union is keen to have a more spacious office in the near future so that it can provide better in house facilities like *refresher courses* for those opting to acquaint themselves with not only the fundamentals of sound engineering and recording but also get first-hand knowledge and experience of latest technology.

FWICE***Federation of Western India Cine Employees***

113, 1st floor, Kartik Complex, Op. Laxmi Industrial Estate,
New Link Road, Andheri West

Mumbai: 400 053

Tel: 022-26730137/

E-mail:

Established in: January 1956

Registered under the Trade Union Act, 1926

Regd. No: 7194

Membership: 22 craft associations

No broad based data is available on the origin, history, and growth of most of the affiliated craft associations. No serious thought has ever been given to archiving available data. If there is any aspect of the largest entertainment industry in the world that is never given its due importance, it is RESEARCH. It continues to be anathema. Even in case of *FWICE*, there is more than one version about the year it was formed and the number of associations that formed part of it.

While late *R.C. Das*, General Secretary of *FWICE* is on record that it was formed in the year 1958 with 11 craft associations, the *Report of an Enquiry into the Conditions of Labour in the Cinema Industry in Bombay State* mentions that it was formed on **19th March 1956** with the affiliations of seven craft associations.

As per the above referred Report the following seven craft associations formed part of *FWICE* when it was formed in 1956:-

Assistant Film Directors' Association
Association of Film Editors
Cine Costume and Make-up Artists' Association
Cine Dance Directors Association
Indian Motion Picture Employees Union
Western India Cinematographers Association
Western India Sound Engineers Association

The Report further mentions that at the time of *FWICE*'s formation three more associations were expected to be affiliated to it. They were:-

The Cine Musicians' Association
The Junior Artists' Association
The Cine Art Directors Association

In the introduction to this chapter the events that led to formation of *FWICE* have already been highlighted. While profiling the craft unions, especially those of *Editors*, *Sound Recordists*, and *Cinematographers* we find that founder members such as *Mr. Shivaji Awadhut* and *Krishan Gopal (K.G)* played a major role in formation of *FWICE*.

The archival records mention the initiative taken by the *Film Writers Association* to persuade other associations to support its initiative in organizing a Central Organization of all workers organizations. It also took steps to have regular interaction with colleagues of other associations in this respect.

It is interesting to note that a meeting was convened by the *Film Writers Association* in its office at *Famous Cine Studios* on *6 December 1954* to explore the possibility of having a Federation of all associations. Two representatives of each association were invited to participate in this meeting. A decision to form *Federation of Western India Cine Employees* was taken in this meeting.

A committee was formed to draft a constitution. The same was drafted but whether the proposed Federation functioned or not is not established. But it can be said that it was precursor to the formation of *Federation of Western India Cine Employees* which was formed a few years later.

In order to provide a proper perspective to the issue of formation of Federation it is essential to reproduce what has already been mentioned in profiles of both *Film Writers Association* and *Association of Film Editors*. It should also be mentioned here that records available with the *Association of Film Editors* are at variance with those of *Film Writers Association*. The idea of having a parent body of film employees with a view to ensure coordination and cooperation amongst various craft unions finds mention in the minutes of the Executive Committee of the *Association of Film Editors* held on *September 17, 1954*. The proposal to have a *Federation of all craft unions* found enough support and it was decided to take it to next level with convening of an *Extra Ordinary General Body* meeting that took place on *December 12, 1954*. The meeting took note of progress made in this respect and decided to await receipt of draft constitution of the proposed federation. *Mr. Krishna Gopal*, affectionately addressed as *KG* by all was the prime mover of its formation and in the year *1956* the *Federation of Western India Cine Employees* was formed. Further in the meeting held on *February 26, 1956*, presided over by *Mr. Goverdhanbhai Patel*, an eminent cinematographer and

special effects wizard *Mr. Shivaji Avdhut* announced amidst cheers the registration of the Editors union under the Indian *Trade Union Act, 1926*. It was in this meeting that the constitution of *Federation of Western India Cine Employees* was adopted. In all fairness credit for initiating the formation of a Central body should go to both the associations.

While going through the archival record available with *Western India Motion Pictures & Television Sound Engineers Association*, we are able to trace events that should be considered to have influenced the formation of Federation. *Mr. Manna Ladia*, who played a key role in trade union movement prior to the formation of his own association and *Federation*, had recorded important events in an article titled *History of Trade Unionism in Indian Film Industry* (Birth of the Trade Union Movement). These events were precursor to the formation of collective trade unionism.

According to *Mr. Ladia* the Collective Trade Union movement in the Indian Film Industry started in Bengal in 1945. He was the promoter and founder Joint Secretary of the union called the *Cine Technicians of Bengal*. There were only two associations in existence then namely *Association of Cine Technicians of India* (unregistered) in Bombay and *Association of Cine Technicians of South India* (Registered under Society's Act) in Madras. They were faced with a problem when solving labour disputes the scope was limited as they were not registered as trade unions. He further adds that the constitution of the newly formed association was in line with that of *A.C.T. (London)* so as to meet the requirements of the registrar of workers of the Trade Unions. Under the new constitution even the film director who was then considered to be the man of the employer was eligible to be a member of the trade union. The registrar could not reject the constitution outright although he tried to find faults in it. Subjective considerations like political linkage by different parties' as well communal factors became the main hindrance. Nevertheless, they were able to get their association registered under the *Trade union act of 1926*. It is important to note that both *Mr. Ladia* and *Mr. Shambu Singh*, both Secretaries of the association tendered their resignations from their respective studios after eleven years of permanent jobs on differences of opinion regarding their affinity with Trade union movement. This act on their part went on to instil confidence in their members about their integrity and commitment.

The partition of the country led to mass unemployment. It became more difficult to enforce provisions of *Trade union Act* for the benefit of

workers and technicians. .

In early 1951, under the auspices of C.T.A. of South India, an *All India Cine Technicians* was held at *Vahini Studio*. CTA of India (Bombay) and CTAB (Calcutta) were invited to this meeting. While the response from Bengal was encouraging, the Bombay association sent a lone delegate *Mr P. Kaila*. It is mentioned that the Bombay association was dormant at that time. The convenors of the meeting decided to make the meet more representative by inviting the director *Ms P. Das Gupta* to preside over the function. A resolution to form an All India body of Cine Technicians was proposed at the conference by Late *Mr. Debaki Bose* (Bengal) which was seconded by *Mr. L.V. Prasad* (South India). However the delegates could not ignore the fact that the artists, musicians, and singers had their respective associations. Since these associations had good and committed workers and leaders, any governing body could not be called an all India body if it did not have representatives from these associations. The Executive committee had to accommodate thirty members from all studios and laboratories as well as freelance directors, cinematographers and art directors. Each craft association had their unique problems and it was felt they alone could solve their problems. While efforts were on find amicable solution *Mr. Lad* joined *Filmistan Studios*, Bombay.

Mr. Lad went on to form and become the Secretary of association of sound engineer's society, namely *Cine Audio Engineers*. The association amalgamated all the existing clauses of constitution of technicians body, particularly that of C.T.A. of South India which was registered under the *Society's Act*. Surprisingly these clauses were incorporated for the benefit of workers. This was what led to their incorporation in the constitution of *Cine Audio Engineers*. But the draft was rejected by the *Registrar of Trade unions* since all such clauses went beyond the scope of *Society's Act*. It was imperative to have a new constitution. Overcoming difference of opinion the association was finally registered under the *Society's Act* on the lines of *SMPTE*.

In mid-1953 another *All India Technicians conference*, sponsored by CTAB was held in Calcutta. Bombay was again found wanting by sending only one delegate. *Mr. Krishna Gopal* (KG) was the lone delegate and was subsequently joined by *Mr. A.J. Patel*. One of the main highlights of the conference was the formation of an *All India Council of Cine Technicians* under the Chairmanship of *Mr. Ramnath* from Madras. The body was supposed to be the Federal/parent body of all the different *Cine Technicians Association* and it was assumed that it would act as the official mouth piece of technicians from all over

India. The conference also witnessed the adoption of a constitution of this body.

The formation of an All India body also prompted the technicians in Bombay to initiate a move to have a federal body of their own. As a first step it was proposed to revive C.T.A. of India. Several meetings were held and the all-pros and cons were hotly debated. Wiser council prevailed and it was decided to first have associations of difference crafts. *Mr. V. Avdhut* and *Mr. Shivaji Avdhut* took up the responsibility of convening meetings of cinematographers and editors respectively. Ultimately *Western India Society of Cinematographers* and *Society of Film Editors* were formed.

The *Association of Cine Technicians of Bengal* and *South India* had already joined the *All India Council*. The President of SCAE (Society of Cine Audio Engineers) convened a General Body meeting in *February 1954*. He placed the constitution of the Council and after deliberations it was decided that the Society should join the Council subject to Council changing its character from that of its proclaimed trade unionist ideology to that a society devoted to social, technical and educational work and further to withdraw from it if its constitution could not be amended accordingly.

The third All India Cine Conference was held in Bombay on *May 15, 1954* at *Jahangir Art Gallery* and was attended by SCAE, SFE, and WISE. SCAE's efforts to have the rules of the council altered did not meet with success as members competent to affect the change were not present. SCAE decided to withdraw from the Council although as co-host of the conference it rendered all support and cooperation. It is important to take note of the fact that it was in this conference that the newly formed *Writers Association* too joined the council.

While dealing with the issue of *Trade Unionism*, *Mr. Lad* quotes the address of the *Mr. Pahsupati Chatterji*, the President at this conference:-

'Here I am tempted to refer to TRADE UNIONISM amongst cine technicians. Following the example of the Association of Cine Technicians (London) the Cine Technicians of Bengal has been registered as a Trade Union. But other associations, I am afraid, though registered bodies have preferred to keep away from Trade Unionism. But to facilitate collective negotiation and bargaining, Trade Unionism is the only course open to us, and the Egoism that we are ART workers and not JUTE workers, should not stand

in the way because our lit is no way better than jute workers, in fact it is worse.'

The address of the President led to introspection and acted as a revelation for all. It, in fact, ultimately led to launch of trade unionism in all crafts. *Film Editors* were the first to take the initiative of switching over from being a society to a trade union body. *Cinematographers* followed them. *Mr. Ladia* happened to follow suit by organizing the *W.I.M.P.S.E.A.* (Western India Motion Picture Sound Engineers Association) and became its founder President. These events happened to be precursor of formation of *Federation of Western India Cine Employees* in Bombay and similar bodies in Bengal and Madras. It is significant to note that the birth of collective trade unionism was without the added baggage of any political affiliation. The next initiative was having an all India representative body. *The All India Film Employees Confederation* was subsequently formed in early seventies.

AIFEC**All India Film Employees Confederation**

C/o Film Employees Federation of South India

36, Jawaharlal Nehru Salai,

(100 ft. Road), Vadapalani,

CHENNAI: 600 026

Tamil Nadu

Tel 044-24832548/24838897

Fax: 044-24832548

Registered office:-

Federation of Western India Cine Employees

113, 1st floor, Kartik Complex, Op. Laxmi Industrial Estate,

New Link Road, Andheri West

Mumbai: 400 053

Established in: 1973

Registered under the Trade Union Act, 1926

Regd. No: BY-11-7580

Membership: 5 Regional Federations based in Mumbai, Kolkata, Chennai, Hyderabad, and Mumbai

It took nearly two decades for all existing regional federations to have an *All India body* to voice their collective and individual concerns. We have observed that several attempts were made earlier to have such a body in *fifties*. However, the idea could not take shape. Not all film making centres in various states had a federation during that period. The issue of choosing between the *Trade Union Act* and *Society's Act* for registration also generated debate in the initial years. On the other hand a few individuals associated with the movement continued to exchange ideas and thoughts on the formation of an All India body. Amongst them were *Mr. Manomohan Krishna, Mr. Nimai Ghosh, Mr. Subrata Sen, Mr. Anil Sen Sharma, Mr. Salil Sen, and Mr. Madhusudan*.

That the idea of forming an All India organization of film industry's trade unions sprouted in the soil of Tamil Nadu and the credit for being the progenitor goes to *Mr. M.B. Srinivasan*. In *Mr. Vasant Kulkarni*, he found an able supported in Mumbai.

Even though the body had not been registered the first conference of the newly formed All India body of film employees took place in *Madras* in *June 1973*. *Mr. Madhusudan* recalls the fact that the said conference is remembered by everybody with nostalgia and has become a part of the folklore of film employees struggle for solidarity.

Legend has it that doyen of Tamil Cinema and Chief Minister of Tamil Nadu, *Mr. M.G. Ramachandran* served food to the delegates attending the conference in the glorious tradition of hospitality of the Southern Region. The Conference was a great success.

Keeping in view the fact that both the *Eastern* and *Southern* regions didn't have necessary infrastructure to house the head office of the *Confederation*, it was decided that the office of *AIFEC* would be located at *FWICE* office in Mumbai. Since *FWICE* was the senior most amongst all regional federations, *Mr. M.B. Srinivasan* proposed the following names for principal office bearers from Western Region:-

President	Mr. Manmohan Krishna
General Secretary	Mr. Vasant Kulkarni

Other members of the first Executive Committee of *AIFEC* from all the regions were:-

Western Region	Mr. Hrishikesh Mukherjee
	Mr. Madhusudan
	Mr. Haren Bhatt
	Mr. Salil Choudhary

Southern Region	Mr. M.B. Srinivasan
	Mr. Nimai Ghosh
	Mr. N. Sheshadri

Eastern Region	Mr. Subrata Sen
	Mr. Salil Sen

Out of the five seats allotted to *Eastern Region* in the *National Executive Committee*, two seats were kept open for the nominees of *Cine Technicians and Workers Union*.

One of the key decisions taken in the Conference was to get *AIFEC* registered under the *Trade Union Act*. The following representatives from *Western region*, *Eastern Region* and *Southern Region* were authorized to submit application for registration:-

Mr. Manmohan Krishna, Mr. Madhusudan, Mr. Haren Bhatt, Mr. M.B. Srinivasan, Mr. Nimai Ghosh, Mr. N. Sheshadri, Mr. Subrata Sen and Mr. Salil Sen.

The Steering Committee meeting of the *National Executive Committee* of AIFEC held in Madras on 18-20 May, 1973 also took the following two important decisions:-

- i) *The principal office-bearer ship should be given to each region by rotation and the said region be allowed to suggest names for the posts of the President or Vice President, General Secretary and the Treasurer.*
- ii) *The posts of the Vice Presidents and Joint Secretaries should go to the remaining two regions.*

The trade union movement suffered a great set back when *Mr. M.B. Srinivasan* and *Mr. Vasant Kulkarni*, considered to be architects of the constitution of AIFEC passed away. This was the time when AIFEC had just taken off and aspired to become the official voice of all regional federations.

AIFEC wasted no time in setting up an Agenda that focussed on the following important issues:-

1. *Recognition of film making as an industry*
2. *Application of all pro-labour laws passed in Parliament since independence to workers in film industry.*
3. *Special legislation for film industry keeping in view its unique character and requirements.*

While it did succeed in having two Acts passed in Parliament, the demand for recognition of film making as an industry has so far failed to find favour with successive Governments. It is to be noted that the late *Mr. V.P. Sathe*, Minister of Information & Broadcasting did appoint a high powered Committee to consider grant film making the status of an industry. However, FFI (Film Federation of India), the apex body of Producers, Distributors, and Exhibitors opposed the move.

In the second meeting of the *National Executive Committee* held at Madras on January 26-27 1974, called upon all regional federations to launch a movement as early as possible on the following demands:-

- i) *Special Legislation,*
- ii) *Minimum Wages for all Crafts with provision for variable Dearness Allowance,*
- iii) *Lessening or stipulation of contract period in the case of contractual employees engaged on lump sum payments,*

- iv) *Establishment of Employment Boards for all casual film employees, and*
- v) *Accident-cum-Risk Insurance for all employees involved in hazardous works such as movie stunt-men, etc.*

The representatives attending this meeting also opined that all preparations for launching of the movement on the above *Charter of Demands* should be concluded before the end of *February 1974* and *March 3, 1974* should be observed as THE ALL INDIA FILM EMPLOYEES' DAY.

*While the Central Government's decision to amend the **Copyright Act** in the year 2010 that could result in writers, lyric writers, and perhaps directors getting the benefit of royalty has generated heated debate in the media, AIFEC as far back as 1974 took the decision to hold a special convention on Copyright. This decision was taken in the 3rd meeting of the National Executive Committee meeting held in Bombay on January 11-12 at Mumbai. It entrusted Mr. M.B. Srinivasan the responsibility of meeting Writers, Composers, Musicians, Art Directors and other bodies to prepare the basis for this convention.*

16th November 1978 is considered to be an important date in the history of AIFEC when it called for an all India one day token strike. It was the first pro-active stand that led to the arrest of many workers and its Joint Secretary *Mr. K.B. Shetty*.

In the 7th meeting of National Executive Committee held at *Madras* on July 7-8, 1979 various sub committees were formed to deal with matters relating to:-

- i) *Discharge of liabilities to the Writers*
- ii) *Insurance against risk*
- iii) *Standard Contract*
- iv) *Protection of legal rights of Salaried/Casual Employees.*

In the above referred meeting it was also decided to write to Minister of Information & Broadcasting for inclusion of all those crafts which were not included in the list of *National Film Awards* every year. *Mr. M. Somnath* who became the most visible face of *FWICE* was also appointed as the Executive Secretary of *AIFEC* in this meeting.

In the late *seventies* on account of political uncertainty *AIFEC*, despite several meetings with concerned Ministers in the Central Government,

failed to get favourable response. It was only on 7th January 1981 that the Central Cabinet in its meeting decided to bring in legislation in the Parliament to protect the interests and rights of certain categories of cine workers and employees of cinema theatres.

While welcoming the decision of the Central Government to introduce a *Special Legislation* to protect the interest of employees in Film Production Sector, AIFEC brought to the notice of the Government of India, that the Proposed Bill should contain within it the following provisions for it become an effective instrument for the protection of thousands of film employees, who, lead lives of insecurity and uncertainty:-

- a) *The Bill should so define a Cinema Worker that all categories working in the Production Sector, from those fulfilling unskilled work to those undertaking skilled work, are fully and entirely covered by the protection*
- b) *The payment of earned remuneration to them should be fully and equitably guaranteed in accordance with the assignments they are called upon to fulfil.*
- c) *The proposed written agreement that every producer is called upon to enter into with each worker, must be fair as per a well-defined Performa and not one-sided and inequitable.*
- d) *The Cine Workers' Tribunal proposed under the Bill, should be exclusive for this Industry, which has very many unique features of employer/employee relations and there must be a time limit for seeking of relief through the Tribunal.*
- e) *The proposed Bill should provide for suitable protection during old age and disability.*
- f) *The proposed Bill should provide for medical benefits, particularly to the thousands of film employees who are living on the border of poverty line.*
- g) *The proposed Bill must provide for suitable insurance and/or compensation against risks undertaken to life or limb in the course of film production work.*

We have observed that several committed trade unionists have been victimized in the past on account of their pro worker stand. In this connection it is interesting to note that late *Mr. Nimai Ghose* presented a paper on **Workers' Cooperatives** to provide relief to the victimized veterans in the workers trade union movement. In the 10th meeting of the NEC held at Bombay on 28-29 December, 1981, extensive discussion was held on the paper presented by him. It was resolved that without attaching any label of AIFEC and Federations and/or

unions, such a scheme on the part of the victimised or to help/assist the victimized should be encouraged and that *Mr. Nimai Ghose* and *Mr. Madhusudan* should work on setting up such production units with the support and backing of their colleagues in the trade union movement, who may be occupying positions of responsibility in different Government agencies.

In the 3rd *National Conference of AIFEC* held on 16-18 January 1982 at *Calcutta*, various issues relating to *Foreign Film-making Units* shooting in India were taken up for discussion.

The Conference took note of the fact that increasing number of *foreign film making units* were coming to India to shoot films. It also observed that in violation of the practice followed abroad, very few Indian technicians were employed in these productions, and often the information about foreign units shooting in India reached them long after they have left the country.

It demanded that all foreign film technicians of whatever craft must obtain *temporary membership* of the corresponding craft in India. It also demanded that in keeping with the International practice, for technicians employed in the foreign units as many local technicians shall also be employed in them and that they must be paid according to International practice. The resolution passed in this connection was forwarded to the *National Film Development Corporation Limited*.

Efforts of *AIFEC* to have its representatives on *Central Advisory Committees* at various Centres paid dividend when in its communication dated 2nd April 1985, the Ministry of Information & Broadcasting asked for panel of names of cine workers to be included in the Committee that advises the Central Government on various matters arising out of the administration of the *Cine Workers Welfare Fund Act, 1981*.

AIFEC also took the initiative of drawing the attention of the Government to its responsibility to educate and **train technical personnel** in respect of the new Technology. It urged the Central and State Government to make available to it technicians the facilities at the *Film & Television Institute of India* and other State sponsored Institutes. It recognized the importance of short term courses and suggested that existing Institutes organize short **refresher courses** at fees which were within the slender means of film technicians.

There are several issues that have been taken up by *AIFEC* which have been highlighted or referred to in other chapters.

Promoting International Solidarity

UNI

UNI Global Union provides a voice and a platform for workers at the international level in jobs ranging from the night janitor in your office block to the big-time Hollywood director of your favourite movie. With 20 million workers in 900 unions worldwide UNI fosters international solidarity and provides a voice at the international level for all its members.

UNI is focusing on Global Agreements to achieve power and parity for workers at multinational corporations. In the age of globalization this is more important than ever. The global economy is in crisis and workers are bearing a disproportionate part of the burden. The solution to the crisis must include a global employment strategy that creates sustainable well-paying employment with bargaining rights.

As part of its *Organize and Recognize campaign*, *UNI* works with its member unions to ensure that union organizing and bargaining rights are enshrined in law. In countries where these laws do not exist, *UNI* is joining the fight to get them on the books. Where these laws do exist, *UNI* works with unions, the *International Labour Organization*, and other groups to ensure that they are enforced. *UNI* also works in developing countries to build trade unions where there are none and to offer training and capacity building to its members.

UNI was created on *January 1, 2000*, by members of *The Communications International*, *FIET* (the white collar and services global union), the *International Graphical Federation* and the *Media and Entertainment International*.

UNI-MEI

UNI MEI is the global union in the media, entertainment, arts, and sports representing staff freelance, independent and contract workers in the sectors. It brings together over 100 union and guilds in over 70 countries.

UNI MEI caters to the special concerns of unions and similar associations whose members are engaged in mass media, entertainment, and the arts.

UNI-MEI serves as a point of contact for its affiliates and the members they represent in this increasingly internationalized sector. It is a clearing house for information useful to them, particularly that regarding bi-national or multinational productions, or movement of employees across national borders.

It is concerned with issues ranging from ownership structural evolution, trade policy, and technological change to copyright and neighbouring rights, piracy, and censorship. It acts to exchange information about collective agreements, legal standards and practices of the categories it represents at an international level, aiming where relevant and feasible to temper chaotic labour relations and practices with common regional or wider minimums in consultations with employers or in practice alone by employee concentration.

UNI MEI sees part of its role as encouraging stronger links between those active in the media, entertainment and the arts and the trade union movement in general. Other activities include coordinating solidarity with affiliates and others in the sector, both in industrialized countries and in developing ones, in cases of labour disputes, infringement of trade union or human rights or of freedom of expression in the arts or media. It seeks to stimulate audio-visual production and the arts. It also has observer status with several inter-governmental bodies. It seeks to identify and defend the interests of its members in these bodies and in other international public policy arenas.

UNI MEI together with the *International Federations of Actors and Musicians* form the *International Arts and Entertainment Alliance*.

UNI-MEI's film and TV production group brings together film workers from all over the world. Our affiliates cover all the crafts involved in the production of theatrical, motion picture, or television products. They are involved in every phase of a production, from its conception through every aspect of its execution. Technological change is one of the biggest challenge films and TV production workers are facing today and to which they need to adapt rapidly. *UNI-MEI* affiliates work together for the improvement working conditions in an industry, which is undergoing a profound restructuring process, characterized by concentration and internationalization.

UNI-MEI has been active in organizing a series of seminars and conferences to bring film and TV production workers together in order to exchange experience on production standards, working conditions, and organizing. *UNI-MEI* campaign for minimum standards in production and encourage the cooperation of unions in co-productions. *UNI-MEI* is establishing European and international dialogue structures with film producers' associations and multinationals in the entertainment industry to enhance international industrial relations in this sector.

Representing the interests of affiliates on regulation at national regional and global level is vital for giving a global voice to media and entertainment workers. Regulations at regional and global level impact on business models, rights, remuneration, models, and various other aspects of the environment in which media and entertainment workers.

Defending our members' intellectual property rights and the fight against piracy, supporting sustainable funding for creation in film and entertainment, strengthen public values in creative industries, workers' rights, freedom of association and expression as well as the status of cultural workers and their access to collective rights are the key issues on which we take position and directs campaign towards governments and regulatory bodies.

UNI MEI positions are directed at national government in support of affiliates ' efforts, regional bodies such as the *ASEA*, the *EU*, *MERCOSUR*, etc. as well as international regulatory bodies such as the World Intellectual Property Organization (*WIPO*).

INTERNATIONAL SOLIDARITY

Many countries having cinema and television industries, especially in the *Asian-Pacific region* have long history of organization of workers and technicians. It is also a fact that many such organizations are not trade union bodies but professional organizations. However they have always initiated negotiations with Producers on several issues concerning workers and technicians. On issues that require global support and solidarity *UNI-MEI* has often come forward to bring all trade union bodies and professional organizations on one platform. Several instances can be cited where active support by *UNI-MEI* to its affiliates on issues of importance has yielded positive results.

Whether it was the proposed closure of *National Film Archive of India* or the amendment of *Cine Welfare Fund Act* (raising of wage ceiling), *UNI-MEI* and all its affiliates came forward to endorse the resolutions passed or put forward by Indian affiliates, especially *IFDA* (now *IFTDA*). In the subsequent pages are reproduced the resolution regarding amendment of *Cine Welfare Fund Act* is reproduced. A letter written by General Secretary of *UNI* to concerned authorities supporting the resolution is also annexed.

Lowering the number of hours film workers work, improving working conditions and for improving training or the right of all countries to foster their own cultural sectors have been on the agenda of various conferences organized by *UNI-MEI* in this part of the world. Amongst several other important issues, *UNI-MEI* and its affiliates have supported the local industry workers and technicians on varied issues such as:-

- Greater health and safety protection
- Access to enhancement of skills and training
- Re-classify film and television sector as an industry that will provide legal protection and social security to its work force
- More employment opportunities for women
- Sustained growth and development of various regional cinemas in view of standardisation of culture on account of globalization

There is no denying the fact that international support and solidarity for sustenance and growth of *National Film & Television industries* is one of the most endearing and positive features of *UNI-MEI* which has remained a non-political organization.

RESOLUTION

Proposed by OPENDER CHANDRA,
Gen. Secretary, Indian Film Directors'
Association (IFDA) & Federation of
Western India Cine Employees (F.W.I.C.E)

This conference of "Asia/Pacific Film Production workers held in Sydney, Australia (6-8 April, 2001) endorses the demand long pending demand of all cine workers in India to amend the income ceiling defining the cine worker which was fixed in 1984 so that a large section of cine workers is endorsed to receive benefits of "Cine Workers' Welfare Fund" (1984).

The Conference further endorses the demand to include all technicians and workers employed in Television and associated with documentary & short film, adult film and Television within the purview of Cine workers' welfare fund".

PHILIP BOWER DEPUTY GENERAL SECRETARY
UNI - Union Network International



Christopher Warren, Federal Secretary, MEVA (AUST)

Shonagh Lindsay, Executive Officer (SDGNZ)

RICHARD HARRIS, EXECUTIVE DIRECTOR, AUSTRALIAN
SCREEN DIRECTORS
ASSOCIATION

DOMINIC SHEEHAN, Legal & Administration
Manager, New Zealand
Writers
Guild.

Rosnani Samuil - Script writer

Association - Malaysia

Shuhar Kadir & Film Workers Association
Zainal Osman. of Malaysia

Wid' Santoso
Script writer

Indonesian Television & Film maker
organization

Lokeswidar
Director

Daniel Chan, President, Screenwriters Association (Singapore).

P. J. Webb, Director, UNI-MEI (Brussels)

D. Dwyer UNI APPO Director Telecommunication

LYNN GAUVEY MEDIA ENTERTAINMENT & ARTS ALLIANCE
AUSTRALIA

24.04.2001

Protest to Indian Government to support film & television workers

Shri SATYANARYAN JETIYA Hon. Minister for Labour Shram Shakti Bhavan Rafi Marg NEW DELHI : 110 001 India	Mrs. SUSHMA SWARAJ Hon. Minister of Information & Broadcasting Government of India Shastri Bhavan NEW DELHI : 110 001 India
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Nyon, 24 April 2001

Dear Ministers,

Union Network International (UNI) which represents 15 million workers in over 140 countries in more than 900 unions is concerned at the ongoing delays to much needed amendments to the Cine Workers Welfare Fund Act (1984).

Our affiliates in India, the FWICE (Federation of Western India Cine Employees) and the IFDA (Indian Film Directors Association) have advised us that there has been a proposal to amend this Act for some time now. Despite this is bringing considerable hardship to the workers, your Government has failed to resolve the delays.

At UNI's recent Conference of the Asia Pacific Film Production workers held in Sydney Australia in April 2001), workers from around the Asia & Pacific region endorsed a resolution calling for your government to take immediate and urgent action to amend this Act. The conference resolved that:

CONFERENCE RESOLUTION

This Conference of the Asia Pacific Film Production workers held in Sydney Australia (6-7th April 2001) endorses the long pending demand of all Cine workers in India to amend the income ceiling defining the cine workers, which was fixed in 1984, so that a large section of cine workers is endorsed to [secure] benefits of "Cine Workers Welfare Fund (1984)".

The Conference further endorses the demand to include all technicians and workers employed and associated with documentaries and [feature] film, advertising film and television within the purview of "Cine Workers Welfare Fund (1984)".

Action by your Government to enact the long pending amendment to the concerned act would benefit millions of cine and television workers and technicians and can only be of great economic benefit to your country.

Therefore we urge you to take note of the serious concern expressed by other workers in the region and take urgent steps to pass this amendment.

Yours sincerely,
Philip Jennings
General Secretary