



Animal Suppliers



Set Material Suppliers



Model Coordinators



Artiste Suppliers



Choreographers



Cinematographers



Editors



Directors



Costume Designers



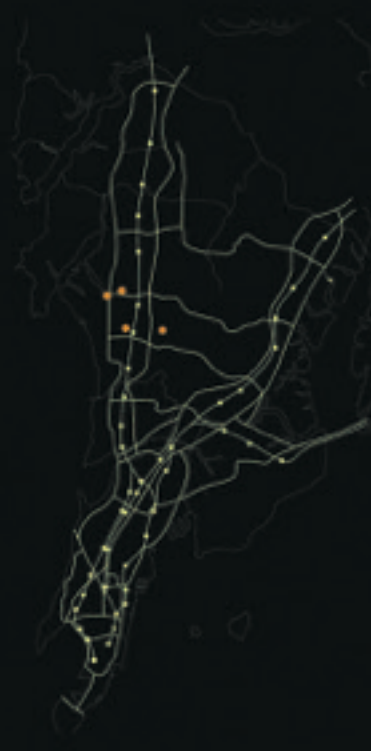
Hair Dressers



Make-Up Artistes



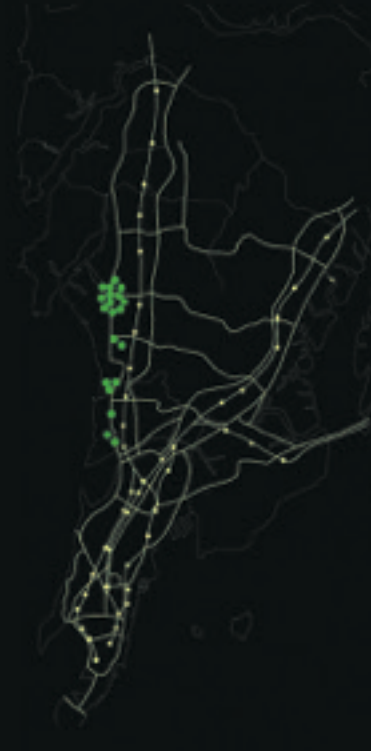
Cine Associations



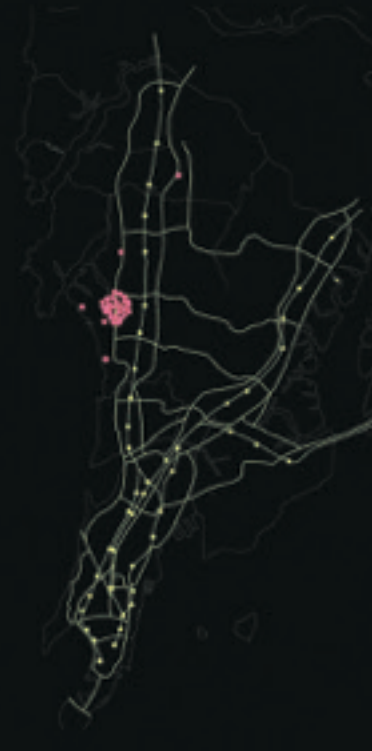
Casting Directors



Photography Studios



Editing Rooms



Recording Studios

K.V.V. SARMA, MANAGER, GEMINI STUDIOS,
MADRAS VS UNKNOWN ON 18/8/1952, MADRAS HIGH COURT

*Ar Section 2
Madras Case law/LL*

----- JUDGMENT GOVINDA MENON, J. (EXCERPTS)

This is an appeal against the conviction of the manager of the Gemini Studios, Madras, by the Chief Presidency Magistrate, for having contravened the provisions of the Factories Act (63 of 1948)...

... The main question that has been argued is whether the studio in which the films are produced is a "factory" within the meaning of the term in the Factories Act and whether the persons employed there are "workers" as defined in the Act.

...
"Worker" is defined in Section 2 Clause (l) as follows:

" a person employed, directly or through any agency, whether for wages or not, in any manufacturing process, or in cleaning any part of the machinery or premises used for a manufacturing process, or in any other kind of work incidental to, or connected with, the manufacturing process, or the subject of the manufacturing process"

"Manufacturing process" is defined in Section 2 Clause (k) as follows:

"any process for--

(i) making, altering, repairing, ornamenting, finishing, packing, oiling, washing, cleaning, breaking up, demolishing, or otherwise treating or adapting any article or substance with a view to its use, sale, transport, delivery or disposal or ..."

...The appellant's contention is that no manufacture takes place at all but that the production of a finalised talkie film is mostly intangible material constituted by individual genius incapable of regimentation or standardisation. It cannot be said that any artificial or mechanical process is primarily the basis which makes the raw film into a finished product. An illustration is put forward on behalf of the defense that the conversion of a raw film into a finished product is exactly like the writing of a book of poems by a poet wherein the paper and the card board on which they are printed form the raw material for an elaborate production which is finally given to the public.

...In short the argument is that it is misleading and incorrect to bring in the idea that a raw film upon which songs and photos are recorded and absorbed constitutes a raw material which is converted into a manufactured article. The difficulty in accepting this argument is on account of the very wide words used in the statute in defining "manufacturing process". None can dispute that the raw film is an article or a substance and when by the process of treating or adapting, after the sounds are absorbed and the photos imprinted, it is rendered fit to be screened in a cinema theatre, then such a change would come within the meaning of the term "treating or adapting any article or substance with a view to its use".

...
It is futile to make comparisons between the English Act and ours; for one thing the idea underlying the Factories Act in England is the regulation of the employment of manual labour. ...Conditions in England with regard to the control of intellectual labour are not the same as in our country. In India the intelligentsia requires protection from the exploitation of capitalists probably in a greater measure than in England. ...Therefore even if intellectual or artistic labour is employed, if what is received as remuneration for such labour by the individual concerned can be termed wages in the manufacturing process, then the person so employed is a worker.