
CRITICAL EVALUATION OF HEMA COMMITTEE REPORT AND ITS IMPACTS ON SAFETY OF WOMEN WORKERS IN THE FILM INDUSTRY

Muthu Sivaranjani M, BA LLB (Hons), Crescent School of Law, B.S. Abdur Rahman
Crescent Institute of Science and Technology, Vandalur – India

Afrin Fathima A S, BA LLB (Hons), Crescent School of Law, B.S. Abdur Rahman
Crescent Institute of Science and Technology, Vandalur – India

ABSTRACT

Industries are the birth place of an economy and the process of industrialization is the mother-hood for any society seeking development in a broader aspect, be it urbanization, communication, technology, etc. Where in, the concept of theatrical drama and art forms expressed as motion pictures evolved into a means of commercialization leading to the emergence of limelight into the entertainment sector, specialized under the triumphant title as the "Film Industry or Motion Picture Industry" fondly known as "Cinema" - inclusive of both silver screens and small screens. It comprises of various commercial and technical institutions such as studios, cinematography departments, production companies, casting crews, etc. in which employment opportunities were opened to men, women and even transgender.

However, the women employed at this industry faced certain issues of complexity which rung the doorbells of the judiciary through the specialized agency formed under the Chair of Former Justice K. Hema, High Court of Kerala, who submitted a detailed report called as the "Hema Committee Report" expressing the list of issues faced by the females in film industry and recommended certain measures to overcome the same and improve the situation. Though, the report held statutory approval and implemented at the earliest still the battle faced by these women has not come to an end.

The report was thus analyzed and critically evaluated through doctrinal research methodology carried out with regards to assess the needs for its implementation, prediction of impacts - both positive and negative, drawbacks and gray areas, along with the suggestion of future activities seeking betterment are discussed in this paper.

Keywords: film industry, women employed, hema committee Report, doctrinal research, impacts, drawbacks, gray areas, suggestions

I. INTRODUCTION

Film Industry is a glorious throne-holder of the entertainment sector, with its wings spread wide throughout the world in various titles like Hollywood, Bollywood, Kollywood, etc. based on the regions of screening, where a large-scale population is employed under its various institutions comprising of men, women and even transgender. Though, the industry resembles to be glamorous in the limelight, still the miseries of the women employed in the industry are hidden under the darkness.

The various sensational issues arising in the Film Industry of Kerala (Malayalam), rung the doorbells of judiciary through the specialized agency formed under the Chair of Former Justice K. Hema, High Court of Kerala, who submitted a detailed report called as the "Hema Committee Report" expressing the list of issues faced by the females in film industry and recommended certain measures to overcome the same and improve the situation. Therefore, the report is analyzed and critically evaluated with the need for its implementation, prediction of impacts - both positive and negative, drawbacks and gray areas, along with the suggestion of future activities seeking betterment are discussed in this paper.

II. LITERATURE REVIEW

The paper traces out the impacts of "Hema Committee Report" dealing with safety of women in film industry, preserving its originality from the following literatures in the manner as elucidated below:

1. WCC: Leading the Revolution for Safe Workplaces in Mollywood by Vishnu Varma, an article focusing on the dynamics in Kerala (Malayalam) film industry, after release of the Committee report. It was a good reference material, but is distinct from this research paper as there's difference in parameters of research with respect to the complete analysis of the report, examination of the need for implementation, prediction of pessimistic impacts, identification of drawbacks and suggestions.
2. Justice Hema Committee Report: A detailed coverage by The Hindu Bureau, an article focusing on the analysis of the report. It was a good reference material, but is distinct from this research paper as there's difference in parameters of research with respect to the examination of the need for implementation, prediction of pessimistic impacts,

identification of drawbacks and suggestions.

3. Malayalam Film Industry: Implement Hema Committee Report by Subhashini Ali, an article focusing on the analysis of the report and the needs for its implementation. It was a good reference material, but is distinct from this research paper as there's difference in parameters of research with respect to the prediction of pessimistic impacts, identification of drawbacks and suggestions.
4. '#MeToo is a fad' by Economic Times, an article focusing on the dynamics in Kerala (Malayalam) film industry after the release of a report by Hema Committee. It was a good reference material, but is distinct from this research paper as there's difference in parameters of research with respect to the complete analysis of the report, examination of the need for implementation, prediction of pessimistic impacts, identification of drawbacks and suggestions.

III. OBJECTIVES AND RESEARCH METHODOLOGY

The research was carried out on the Hema Committee Report, 2017 with the aim of: i. analyzing the report's study on issues faced by women in cinema and its recommendations, ii. observing the impacts created by the implementation of the report - both positive and negative, iii. Identifying the drawbacks and gray areas in the report, and iv. suggesting future activities.

Further, the methodology used in the research was purely doctrinal /non-empirical study on the source document - Hema Committee Report, 2017 and with reference to various materials such as enactments, journals, news articles, etc.

IV. KEY FINDINGS

- Observation of Hema Committee Report discussing issues and its recommendations.
- Identification of needs for implementation, impacts and drawbacks with gray areas.
- Suggestion for future activities in order to improvise the situation.

V. ANALYSIS OF HEMA COMMITTEE AND ITS REPORT

A revolutionary incident in the Malayalam film industry which created a widespread

sensation towards the safety of women in the cine field was when a leading female actress was allegedly kidnapped and sexually assaulted in a moving car by a gang of men in February 2017, awakened the necessity to create a specialized body to address the issues faced by the female workers called as the “Women in Cinema Council” (WCC).

The award-winning film maker Jeo Baby who was known for his critically acclaimed movies featuring formidable description of women, including *The Great Indian Kitchen*, at a news conclave on August 30, 2024 stated that, “a big revolution is happening within the Malayalam film industry and a massive change will occur in workplaces in Kerala and that change has been led by the women in our society and WCC”¹.

The WCC’s body was constituted by 18 female workers belonging to the Mollywood industry who filed a petition in 2017 seeking the study of risks and problems for females in cinema and to call for actions regarding the same, as a consequence of which the “Justice Hema Committee” was formed in the very year and a detailed report was released on August 19, 2024 revealing the presence of a ‘power group’, with the power to control the industry where in, the ‘casting couch’ were in play of alleged nature causing exploitation, discrimination and sexual harassment of women in the industry².

(1) COMMITTEE FORMATION

The members of WCC submitted a memorandum to the then Chief Minister of Kerala, Shri Pinarayi Vijayan in 2017 seeking for clarity in addressing issues and actions towards safety of women at workplace in Kerala (Malayalam) film industry, who formed a three-member Committee comprising of Justice K Hema, a Cine Artist C Sharada and a Retd. IAS officer, K B Valsalakumari. Various industrial organizations in film making and the WCC gave a positive response to the state’s immediate action by constitution of such a scrutinizing body and it was admitted in para 3 of the report that “it was for the first time that a government in this country had ventured upon such a novel task and that they were glad to be part of the journey”³.

It took two years for the Committee to complete the report which was finally submitted

¹ Vishnu Varma (2024), WCC: Leading the Revolution for Safe Workplaces in Mollywood

² The Hindu Bureau (2024), Justice Hema Committee Report: The complete coverage

³ Hema J (2019), Hema Committee Report, p.2-3

on December 31, 2019 in which an acknowledgement was made with respect to the efforts of the WCC members stating that, “WCC declared solidarity to the survivor and in accordance to the members of WCC, that was not the only incident in the history of cinema, but was the only one incident which was reported as women were being silenced in the film industry”. However, it was not brought into public notice until August 19, 2024⁴.

(2) AREAS OF STUDY AND DOCUMENTATION PROCESS

The state government of Kerala had issued the “Terms of Reference” (TOR) which required the Committee to study and report on 7 subject matters along with the direction of Kerala State Chalalchithra Academy to arrange for meetings in which the discussions regarding the same were to be fostered. The subject matters as stated under the TOR are enlisted as follows⁵-

- i. Issues faced by women in said industry and its possible solutions.
- ii. Measures to improve and encourage females to participate in various other allied fields in cinema.
- iii. Ways to drive more number of females into the technical side via concessions.
- iv. Conditions for service and remuneration for females in cinema.
- v. Ways to promote equal content for both men and women on screen.
- vi. Ways to encourage films with 30% of women engaged in production activities.
- vii. Ways to aid females in cinema during their career break.

Further, they prepared questioners with respect to the subject matters specified in the TOR and examined them on different categories of women working in cinema under 30 categories as provided in APPENDIX 1.1. The responses were collected in accuracy with their analysis catalyzed by two group meetings which were held in camera with absolute privacy in which they identified the difficulties, nature of grievances expressed and gathered relevant

⁴ Subhashini Ali (2024), Malayalam Film Industry: Implement Hema Committee Report

⁵ Hema J (2019), Hema Committee Report, p.5-6

documentary evidences with the help of the attendees of the meetings.

It is to be noted that the Committee had admitted that it compiled the report only on the basis of direct evidences without any hearsay with direct examination of witnesses whose statements were recorded in writing. Adding on to the same, documentary evidences were also collected from individuals working in cinema along with the procurement of necessary documents through various sources. A clear statement of non-disclosure of identity was assured by the Committee who made it a point in the report and also gave clarity that the information procured by them would not be shared to any media sources until the completion of the study⁶.

(3) ISSUES HIGHLIGHTED

➤ RELUCTANCY OF SPEECH BY CERTAIN WOMEN IN CINEMA

The report clearly highlighted that freedom of speech and expression for individuals in the film industry, such as (women) dancers and junior artists, is being violated. Many are afraid to share information or discuss their problems due to concerns about job security, which could lead to financial hardships⁷.

➤ CERTAIN MEN SCARED TO SPEAK AGAINST INDUSTRY

Certain men were unjustly banned from the industry for lame reasons. They were scared or hesitant to speak out against these actions, fearing it would harm their future opportunities in cinema. This highlights that even men in the film industry lack job security⁸.

➤ ISSUES FACED BY WOMEN IN CINEMA GENERALLY

On consideration of the statement of all the witnesses (both men and women) it is found that women in cinema face lot of challenges like violation of⁹-

- Article 19(1)(g) – Freedom of profession, occupation, trade, and commerce¹⁰
(unauthorized or illegally banning form industry)

⁶ Hema J (2019), Hema Committee Report, p.13-21

⁷ Hema J (2019), Hema Committee Report, p.23-25

⁸ Hema J (2019), Hema Committee Report, p.25-26

⁹ Hema J (2019), Hema Committee Report, p.26-28

¹⁰ Constitution of India (1950), Art. 19(1)(g)

- Article 21- Right to life and personal liberty which includes right to dignity, right to privacy (no proper changing room on the set of cinema), right to clean environment, right to reputation¹¹ (Making of vulgar comments on females at workplace, via calls, etc.)
- Article 14 - Right to equality, without any gender discrimination¹² (Male dominated industry, gender bias, gender discrimination, reluctance for entry of women into technical side and very less provision of opportunity)
- Article 39 - Equal remuneration, right to an adequate means of livelihood¹³ (Failure to pay even consented remuneration, with disparity in the same among males and females with utter discrimination)
- Lack of safety – Gross indiscipline, usage of alcohol and drugs, sexual harassment, abuse, assault against females at workplace.
- Article 19(1)(a) – Freedom to speak and express¹⁴ (Females prone to violence in the form of torture, incase of expressing their resentment and unwillingness to sexual demands)
- Basic human rights – improper sanitation facility and changing rooms
- Right to sue – Absence of written contracts and legally constituted authority for grievance redressal.

➤ **CERTAIN HUMAN RIGHTS OF WOMEN WORKERS WERE DENIED: NO TOILETS & CHANGING ROOM**

It is recognized as a human right for every citizen to live their life with dignity. This report indicates the violation of human right such as their right to life and personal liberty (inclusive of both implicit and explicit rights). Actresses and many other women who work in the film industry, including hair stylists, assistants, and young artists, have their fundamental human rights infringed like they do not have proper changing rooms or water, toilets, no facility to

¹¹ Constitution of India (1950), Art. 21

¹² Constitution of India (1950), Art. 14

¹³ Constitution of India (1950), Art. 39

¹⁴ Constitution of India (1950), Art. 19(1)(a)

dispose sanitary napkins on the shooting locations.

To prevent urge of urination majority of the women refrain to drink water which has led to physical ailments due to which many have landed up in hospitals on some occasions. This is evident to show that the basic human rights of women in film industry are being violated¹⁵.

➤ **SEXUAL HARASSMENT, ASSAULT, ABUSE AND CASTING COUCH**

The predominant issue faced by women in the industry was sexual harassment. Every woman has her right to live with dignity, choose any profession, or career of her liking, with the further right to work in a safe environment, free from any harassment which violates her dignity, especially sexual harassment. But, according to the report, in film industry, such rights are being infringed¹⁶.

➤ **COMPROMISE, ADJUSTMENT AND CASTING COUCH**

Women in film industry are facing sexual exploitation (affecting their dignity, privacy). In accordance with the exhibits and statements given by witnesses in the report it is clear that there is demand for sex for the very entry into cinema¹⁷.

➤ **SEXUAL DEMANDS FOR ENTRY INTO CINEMA MAKES IT DIFFERENT FROM OTHER FIELDS**

In other industries if a person must enter into a job, they have to take up a test (if any) or an interview but in film industry at the very inception and for the very entry into film industry there is a (casting couch) demand for sex¹⁸.

This barrier violates some basic human rights and fundamental rights such as right to freedom of occupation, article-21 right to life dignity, privacy, unsafe working environment.

➤ **WOMAN IN CINEMA DO NOT ORDINARILY APPROACH POLICE**

According to the report the victims do not approach police due to various reasons like they feel

¹⁵ Hema J (2019), Hema Committee Report, p.28-37

¹⁶ Hema J (2019), Hema Committee Report, p.37-41

¹⁷ Hema J (2019), Hema Committee Report, p.42-47

¹⁸ Hema J (2019), Hema Committee Report, p.48-50

embarrassed, threat of Cyber-attack, threat to their own life and of their closed ones, the predators usually be more influential, again they have to work with the same person who may take revenge, etc. Due to such reasons their freedom of speech and expression, to work in a secured ambit, to be treated with dignity are being infringed¹⁹.

➤ **ONLINE HARASSMENT (CYBER-ATTACK)**

Through online harassment women are being publicly threatened and defamed; many remarks on sexual signs were done publicly to demoralize and humiliate female artist. It is also said in the report that the online harassment is by public and not by anybody else from the industry and not only in film industry but also in other industries women face this problem²⁰.

➤ **INTERNAL COMPLAINT CELL**

According to the report, Malayalam film industry is controlled and dominated by male. In the current situation, the ICC Constitution might not offer much help for the issues affecting women in the Malayalam industry. The issue that whether this industry has an employer and employee relationship to constitute an internal committee is still pending before the court.

Any woman working in the Malayalam film industry will not be protected against sexual harassment, assault, or abuse in the film industry by the Constitution of ICC, which comprises of individuals from the industry itself. In the film industry, influential people can even threaten and coerce those who form an association or file a complaint against them. Consequently, after considering the facts and circumstances, it is determined that there would be no benefit in establishing an ICC in the film industry, with members and presidents drawn from the industry itself. Additionally, it's also possible that the ICC won't retain secrecy and that claims of sexual harassment or assault may become widely discussed within the industry. It will only compound the anguish the woman has already endured.

The report suggests that In order to address the issues affecting women in film, the government should establish an impartial forum in accordance with a statute.²¹

¹⁹ Hema J (2019), Hema Committee Report, p.50-53

²⁰ Hema J (2019), Hema Committee Report, p.54-55

²¹ Hema J (2019), Hema Committee Report, p.56-66

➤ **BAN IN CINEMA**

Individuals working in cinema are unauthorized and illegally banned from working in cinema. This problem is faced by more men than women. There is no transparency in working of this industry. It is illegal and unconstitutional. It is observed that the power group is Providing false information to ban a person. Proper justification is not been given by the power group (mafia sangham) for banning actors, producers, directors and also the hair-stylists. Illegal banning is a violation of people's fundamental rights.

WCC members were usually not counted to work in cinema for a mere reason that they are members of the body to protest against atrocities in cinema. Since this banning is done by word of mouth there is no documentary evidence to prove the banning. This banning is not on basis of any law or rule. It is done by certain associations and unions together. They are not legally permitted to do so.²²

➤ **HAIRSTYLIST**

The union and its office bearers refuse employment to many hairdressers, prohibit them from working without a membership card, and have eliminated the age restriction. It is unlawful to refuse employment to anyone based only on their age, they were compelled to withdraw the complaint before the district court There is a gender discrimination/ bias where Women are prohibited from working as makeup artists.

Additionally, women are not granted identity cards.. They also face sexual abuse by some makeup man. According to the receipts produced by the witnesses the committee has noted that no account is kept, and membership fees and subscriptions are not collected consistently. Such actions are against the law and the constitution. Some individuals have monopolized their power and have control over the whole film industry.²³

➤ **JUNIOR ARTIST**

They were hesitant to discuss their issues with the committee as they were afraid of denial of work. They were treated worse than slaves. Basic needs are also not provided to them like toilet facilities, long working hours, food & water were not provided in some sets usually. Inhumane

²² Hema J (2019), Hema Committee Report, p.67-89

²³ Hema J (2019), Hema Committee Report, p.89-98

treatment is given to junior artists on set. Their wages were not paid on time. This shows that they were been financially and sexually exploited.

There is no proper accounting and auditing. Huge amount of money is collected from junior artists but no service is provided. There is no specific time schedule due to which they have to work for a long time.

These issues from the report depicts that the basic human rights, fundamental rights and some of the labor regulations and employers' rights of the junior artists are being infringed-

- Right to health and medical assistance is also violated- if a junior artist sustains any injury on the set they were completely ignored, even if they are taken to the hospital their medical expenses were not given by the production unit even when the injuries are caused at shooting location.
- Right to shelter is also violated where no proper accommodation is provided in late night shoots. And proper transportation facility was also not provided. They are not even allowed to use umbrella even in hot sun.

➤ **CONTRACT IN MALAYALAM FILM INDUSTRY**

Only after 2000, written employment contracts were made in film industry which has both benefits and drawbacks. It is necessary at all times to include all the details in contract itself, which is nothing less than a secured shield for both the artist and the producer priorly. The agreement is only signed by the producer and the hero or heroine. However, issues emerge since the contract signed in the cinema does not display all the terms.

The printed version of the contract contains several blank spaces for the parties to sign and does not specify the remuneration, time schedule, etc., which impacts the party's rights and obligations. The employee cannot be forced to attest in the express contract by the producer, and vice versa.²⁴

(4) RECOMMENDATIONS DERIVED

The Committee after refining the study came up with certain and significant recommendations

²⁴ Hema J (2019), Hema Committee Report, p.113-117

in the form of suggestions and reliable solutions which they found to be the best possible ways of solving the aforesaid issues in the report, are provided in the manner as,

➤ **ENACTMENT OF SPECIAL LAW AND SET UP OF TRIBUNALS**

Enhancement of legal protection by enacting an appropriate statute and constitute a separate tribunal under the enactment, which could be titled as “The Kerala Cine Employers and Employees (Regulation) Act, 2020” relating to the provisions dealing with the prohibition of certain offences committed against women in cinema along with provisions governing the constitution of a tribunal and its functions.

Lack of an effective authority for the redresses of grievances and payment of remuneration must be fostered, by the establishment of appropriate tribunals by the Government with the powers of a District Court Judge, and must be gender sensitive. Inclusion of severe penalties in the said enactment in case of failure to comply with its provisions shall be fostered by means of monetary compensation, bar the offender from working in cinema for stipulated time period and on failure to fulfill penalty shall be imprisoned in civil prison.²⁵

➤ **ACTIONS FOR BETTERMENT OF SERVICE AND REMUNERATION**

The respective state may take action in providing financial assistance in accordance to the budget of movies by means of “welfare fund” to artists and technicians engaged in the process, with primary preferences given to the old and poor artists who are jobless and facing great financial difficulties.

Written contracts must be fostered with respect to the fixtures of salary and services, as it is difficult to sue for compliances of promises made in relation to the terms of service and remuneration. Further it must be in the manner of – full settlement within a stipulated period of time, protect the interest of all concerned, non-interference after agreement, full disclosure of details, specify the facilities to be availed at the spot, and a special clause certifying that the parties have completed online gender training.

The online gender training must be mandated as to reduce the sexual misdemeanor and prevent sexual harassments as they stimulate from the patriarchal attitudes that privilege men and

²⁵ Hema J (2019), Hema Committee Report, p.172-182

belittle women in the industry. Through this initiative, the untrue consciousness can be improved via prior gender awareness as anything fixed in mind can be unfixed too. Strict adherence to non-consumption of alcohol and drugs in work place, with respect to higher rate of sexual harassments reported in the presence of intoxication. This must be displayed in work spaces with the clear expression of such activities shall be banned at the spot.²⁶

➤ **ENHANCEMENT OF PARTICIPATION OF WOMEN IN ALL SECTORS OF CINEMA**

A comprehensive “Film Policy “ must be made by the Government covering most of the aspects in production of movies, its distribution and activities of exhibiting the same with exclusive priority given for equity on the basis of gender along with the establishment of gender balance in all decision making processes concerning the matters where a woman is at the workplace of the cine industry. Further, timely supports must be provided with respect to budgetary needs on movies that are predicated towards gender justice along with a single window system for provision of loans must be set up for movies which are produced by women.

Government should ensure the tie ups of the theatres in such a way that the movies made by women are screened equally as the movies made by men, and a separate category of “best woman producer, director and script writer” must be made with respect to the annual awards to render gender justice. Along with the establishment of tribunals, contractual liabilities, etc. the fostering of short term quality training for technicians must be ensured by provision of appropriate internships and entire team (both cast as well as the crew) must mandatorily undergo a program on gender training. This process of film making can be taught to students as a skill based subject to improve knowledge thereby enhancing participation in future.²⁷

➤ **PROVISION OF CONCESSIONS TO WOMEN IN SECTORS OF TECHNICAL STUDIES OF CINEMA**

Government must take actions to include film making as an optional course in government colleges, at least one in a district, with 50% of seats reserved for female students and the technical faculties in such colleges must constitute at least 30% women. The need based concessions can be offered to female students along with the provision of scholarships to the

²⁶ Hema J (2019), Hema Committee Report, p.189-239

²⁷ Hema J (2019), Hema Committee Report, p.207-243

passionate ones.

An all women light unit can be formed in studios owned by the state itself along with celebration of “Film Festivals” in colleges as to encourage students towards the studies in cinema. Further, a digital platform shall be established for female technicians in the industry where the female students enrolled in the studies can avail required educational and practical assistance.²⁸

➤ **AID AND ASSISTANCE TO WOMEN IN CERTAIN CIRCUMSTANCES**

Welfare Funds must be created for women who are in break from job during the maternity, child care, or physical disability and capital raised for such funds must be partially provided by state’s sources and partially from industry as well. In accordance to the same, separate rules must be framed to administer this fund in a transparent and efficient way.²⁹

➤ **MAINTENANCE AND ENCOURAGEMENT OF GENDER JUSTICE IN CONTENT OF CINEMA**

The visibility of women on screen must be enhanced with powerful positions in characterization in the film must be ensured along with the issuance of certificate of gender justice to be displayed while the film is screened. As stated earlier, gender awareness training programmes must be conducted with mandatory aspects, along with the redefinition of masculinity and femininity.³⁰

➤ **ACTIONS TO WELCOME CINEMA WITH 30% WOMEN IN PRODUCTION ACTIVITIES**

Financial aid via easy loan with less complicated repayment schedules must be availed with assurance of theatre facilities to exhibit such movies involving 30% women in the production section. They must also be provided with prominent public spaces in urban and local bodies to put up their hoardings for the film .

It is to be noted that, these recommendations of the Committee shall come into force only by

²⁸ Hema J (2019), Hema Committee Report, p.243-259

²⁹ Hema J (2019), Hema Committee Report, p.259-270

³⁰ Hema J (2019), Hema Committee Report, p.270-272

the due implementation process carried forward by the concerned Government, until and otherwise it will serve to be a mere research document for the purpose of understanding the underlying struggles hidden behind the theatre screens and its solvative measures.³¹

VI. OBSERVATIONS

The non-empirical and doctrinal study of the “Hema Committee Report” brought in a clear observation of three significant factors, namely – (1) need for implementation, (2) impact prediction of both positive and negative effects and consequences, and (3) drawbacks and gray areas which serves to be the foundation to derive the purpose of this report and its significance in safeguarding the rights and dignity of women in the cine industry.

(1) NEED FOR IMPLEMENTATION

The main object behind the constitution of the Committee and preparation of this report was to identify the various issues faced by female workers employed in the cine industry, address them with the help of the state, provide the best possible measures to overcome the stated issues and promote for a better working environment for women in their work place in the respective institutions of the industry. A mere report from the authorities under the recommendation of state will not be binding, unless and otherwise it is duly implemented with the attention of the legislative and executive authorities.

This report was submitted to the Kerala Government at the earliest on December 31, 2019, but it remained confidential until the recent release to public notice on August 19, 2024 which clearly expresses the delay in publishing such a crucial document for almost four long years, arising the question of “whether it is a delay due to the prevailing situations or a delay in performance of duty by the respective authorities – with or without any contrary intentions?”. Though, it was a late release of the report, it started to achieve its purpose even before the statutory implementations which was reflected through the consequential resignation of the office bearers of the important sectors of the industry, such as that of the President of AMMA who was a past criticizer of the “#Me Too Movement” by stating it as fad.³²

The report highlighted the significance by itself stating that it was urged to be the need of the

³¹ Hema J (2019), Hema Committee Report, p.272-289

³² Economic Times (2024), ‘#MeToo is a fad’: Mohanlal faces backlash as old comments resurface after AMMA resignation

hour after the sensational sexual assault of a leading actress in Mollywood, and this shows that it served to be a means of formal addressing of the issues faced by female workers in the industry and enhance their safety in all means. Further, the implementation of the report shall result in the enhancement of feminine safety in all aspects as discussed in detail under the prediction of impacts in VI(2). Hence, the purpose of the report shall be achieved only by the implementation of the same, which is required to be carried out at the earliest.

(2) IMPACT PREDICTION – EFFECTS AND CONSEQUENCES

The implementation of the report will enable the women in film industry to uphold their rights and ensure their safety at workplace, however the assessment of the recommendations under V(4) provides for the prediction of the impacts which the report will create – inclusive of both positive (optimistic) and negative (pessimistic) effects and consequences it will cause. They are elaborated as follows-

OPTIMISTIC EFFECTS AND CONSEQUENCES

- The film industry will be refined in such a way that the basic rights and safety of the women at workplace shall be ensured by law through enactment of special laws and the violation of the same shall be justified at the tribunals constituted by the enforcement of the act.
- The females working in the industry will be provided with pre-defined services and rightful remuneration which would be claimable due to contractual obligations.
- The vast industry will open the doors to welcome women in all its sectors right from acting, casting, production, etc. which ensures their participation in all sectors of cinema.
- The passion to learn and work in the field shall be promoted amidst the female students who can avail concessions by means of scholarships to pursue their technical studies in cinema which encourages shaping of film making into an optional course of study and open the gates of employment opportunities for them.
- The interest of the females working in the industry will be protected at all times, including the time period in which they may be on off due to the reasons of maternity, child care, physical disabilities, etc. paving way for them to stay engaged to their stream without any breakage of their profile and career in cinema.

- Gender justice will be rendered in the characterization of females in the contents of cinema, which will boost up their on-screen appearance and enable them to share the reputational credits in the film's success equally as the male actors receive.
- The number of movies produced by women will gradually increase with the provision of partial funds from government and industry along with single window loan facilities.

PESSIMISTIC EFFECTS AND CONSEQUENCES

- The implementation process of the suggestions provided by the Hema Committee via the report shall consume time as changes have to be made in the industrial processes such as the new contractual procedures, alterations of rules in accordance to the new statute, etc.
- There may be reputational loss on disclosure of information regarding the “power group” to them who may be identified to have caused such issues.
- The report covers only issues faced by women in Malayalam cinema only, which means the said binding effect of the recommendations will be up to the specified state only, however similar issues are present in the other film industries in the territory of India too.
- The issues were analyzed in an inclusive manner with the examination of only specified 30 categories of sectors in the industry where the rest remains unidentified.

(3) DRAWBACKS AND GRAY AREAS

- a) The issues faced by junior artists (female) were not fully covered as they could not be reached on time by the Committee, however, they received complaints from junior artists facing serious issues by December, 2019 through the CM and the Cultural Affairs Minister of Kerala.
- b) The Committee was not provided with a professional stenographer from the state with the ability to maintain confidentiality which burdened the Committee with the preparation of documented copies by themselves.
- c) Even though, the information were maintained in high confidentiality, the leakage of the details occurred due to the interruptions of media due to the reason that film stars were involved in this which could be a sensational content for their daily breads.

- d) The subject matters with respect to working hours, provision of female assistants to female artists, all discussions with female workers must be made in official premises in groups only, security of accommodations ensured by production companies, etc. could have been discussed in the report with detailed expressions.
- e) The regulations with respect to media trial remains untouched which is the causative factor for various issues involving females in the industry to receive sensation by the exposure of their identities which affects their dignity.

VII. SUGGESTIONS FOR FUTURE ACTIVITIES

On the basis of the critical evaluation of Hema Committee Report, a few suggestions are provided to carry forward the necessary activities in future to overcome the pessimistic effects, drawbacks and gray areas in the manner as-

- i. Extension of examination to women in other sectors of industry apart from the said 30 sectors and make reports on the other allied industries such as Kollywood, Bollywood, etc. as similar incidents are present in them too.
- ii. Display of gender justice certificate in films can be done in accordance to the recommendation of the committee, but at the same time, display of awareness statements in violence scenes especially in those which depict any sexual violence stating that “the scene is fictional and a punishable offence, which is created with due care to the artist engaged in this” in order to ensure that the scene shall not create any contrary social effects and preserve the dignity of the female artists involved in it.
- iii. The Gender Training Program shall be carried forward by constituting a separate body comprising of professional trainers and counselors who can be mandated to be a part of the film companies and allied councils to ensure the timely awareness and prevent any occurrence of sexual exploitations, discrimination and harassments.
- iv. The penalties imposed for violations against the women employed in the industry must be made even more severe with both disciplinary actions and criminal actions fostered towards the offenders.
- v. The victims must be compensated not only by the offender, but also by the production

company incase of the occurrence of the violation during the film making associating it and the medical expenses must also be incurred from the offender.

VIII. CONCLUSION

The revolutionary report of the Hema Committee deserves the power to be implemented in both statutory and executive aspects as it has more optimistic effects and consequences to enhance the safety of women in cine industry. Though, pessimistic effects, drawbacks and gray areas are present within, they can be easily rectified with the help of the future activities to be carried out as provided in the suggestions of the paper under VII. However, the report serves to be a fundamental document to preserve the rights and safety of the women in film industry as examined in this research.

“The sky is full of mysteries: with the twinkling stars and the beautiful moon. But, scientific investigation revealed that stars do not twinkle nor does the moon look beautiful. The study therefore, cautions: Do not trust what you see, even salt looks like sugar” – Justice Hema J³³

APPENDIX 1.1

SERIAL NO.	CATEGORY NAME AS SPECIFIED IN THE HEMA COMMITTEE REPORT
1	Actresses
2	Producers
3	Directors
4	Junior Artists
5	Hairstylists
6	Makeup Artists
7	Graphic Designers
8	Costume Designers
9	Associate / Assistant Directors
10	Cine Distributors
11	Cinematographers / Camera Women
12	Cine Exhibitors
13	Production Executives
14	Playback Singers
15	Dubbing Artists

³³ Hema J (2019), Hema Committee Report, p.1

SERIAL NO.	CATEGORY NAME AS SPECIFIED IN THE HEMA COMMITTEE REPORT
16	Still Photographers
17	Technicians
18	Lyricists
19	Editors
20	Music Directors
21	Script Writers
22	Public Reporting Officers
23	Dancers
24	Art Directors
25	Choreographers
26	Studio Staffs
27	Production Department Staffs
28	Academicsians
29	Sound Engineers
30	Dance Choreographers

REFERENCES

- 1) Hema J (2024), Hema Committee Report
- 2) ‘#MeToo is a fad’: Mohanlal faces backlash as old comments resurface after AMMA resignation, *available at* <https://economictimes.indiatimes.com/news/new-updates/metoo-is-a-fad-mohanlal-faces-backlash-as-old-comments-resurface-after-amma-resignation/articleshow/112871032.cms?from=mdr> (Last visited on 05.10.2024)
- 3) Vishnu Varma, WCC: Leading the Revolution for Safe Workplaces in Mollywood <https://www.hindustantimes.com/india-news/wcc-leading-the-revolution-for-safe-workplaces-in-mollywood-101725805564514.html> (Last visited on 05.10.2024)
- 4) The Hindu Bureau, Justice Hema Committee Report: The complete coverage <https://www.thehindu.com/news/national/kerala/justice-hema-committee-report-the-complete-coverage/article68567888.ece> (Last visited on 05.10.2024)
- 5) Subhashini Ali, Malayalam Film Industry: Implement Hema Committee Report https://peoplesdemocracy.in/2024/0901_pd/malayalam-film-industry-implement-hema-committee-report (Last visited on 05.10.2024)