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**REPORT** of the Expert Committee constituted by the government of Kerala to study and report on various issues faced by women in cinema and to suggest solutions to such issues (hereinafter referred to as 'the Committee'):

Present:

**Chairperson**

Justice K. Hema  
(Former Judge, High Court of Kerala)

**Members**

1. Smt. T. Sarada, Cine Artist
2. Smt. K.B. Valsalakumari, IAS(Retd)  
Principal Secretary (Retd), Government of Kerala)

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**By Hema, J:**

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'!

2. As study progressed into the issues faced by women in Film Industry, it started revealing that glamour of the Industry is just an exterior glitter but, hovering over the same are, dark clouds of distress and endured agony, kept hidden from the outer world. We could listen to various sobbing stories of despair, not only of women

but, of men too but, shockingly, they are silenced in the Industry. Their anguish and agony die within the Industry, unable to be addressed, with no forum to seek solutions, though their problems are legion.

3. It is at this juncture that the Government of Kerala has come forward by appointing this Committee to study the various problems faced by the women in cinema and suggest solutions to the same. It is for the first time that a government in this country has ventured upon such a novel task and we are glad to be a part of this journey.

#### **Formation of the Committee**

4. This Committee is constituted by Government of Kerala to study the issues faced by women in film industry, their working atmosphere and also to suggest solutions to their problems. It is for the first time that a Government in this country ventured upon this type of an initiative and constituted a Committee with a High Court Judge, a Bureaucrat (*both retired*) and a senior Cine artist, to make a study on the issues relating to women in cinema and suggest solutions.

5. This happened when a group of women working in Malayalam cinema joined together in May 2017 and formed an organization known as, "Women in Cinema Collective" (WCC, for

short) and met Sri. Pinarayi Vijayan, Hon'ble Chief Minister of Kerala, and submitted a petition (petition submitted by WCC before the Honorable Chief Minister is marked as Ex. A1), seeking a number of reliefs.

9. WCC declared solidarity to the survivor. According to members of WCC this is not the only incident in the history of cinema, but this is the only one incident which is reported. According to WCC, women are being silenced in the film industry, on the ground that prestige of the film industry needs to be upheld etc. They have herefore, requested the government to constitute an expert committee to study the issues relating to cinema and take

appropriate measures to ensure justice to the women who suffer in the film Industry on account of various reasons: gender bias, absence of internal complaints cell, no mechanism to prevent sexual harassment, lack of safety and security at work place etc etc.

10. Sri Pinarayi Vijayan, Hon'ble Chief Minister responded positively to the request of WCC and this Committee was constituted by the government.

**Terms of reference:**

11. The government then, issued Terms of Reference ("TOR", for short) for the study (the terms of reference is marked as exhibit A2) and directed the Kerala State Chalachithra Academy to make arrangements for the meetings. The first meeting of the Committee was held at Thiruvananthapuram on 19.12. 2017 and Smt. Rani George I.A.S, Secretary, Cultural Affairs Department and Sri. Dinesh Bhasker, Additional Private Secretary to the Chief Minister also attended the meeting, on request by the Committee. The Committee discussed in detail, how to proceed with the study and of setting up of office with necessary staff.

12. As per Terms of Reference dated 16. 11. 2017, the Committee is required to study and make a report mainly, on following aspects relating to women in cinema:

1. Issues faced by women in cinema (like security etc.) and solutions to the problems.

2. Service conditions and remuneration for women in cinema.
3. Measures to enhance participation of women in all fields connected to cinema
4. How to bring more women into the technical side of cinema, by giving concessions including scholarships etc
5. How to help women in cinema when they have to remain out of work due to delivery, child care or other health issues
6. How to ensure gender equality in the *content* of cinema
7. How to encourage cinemas in which 30% of women are engaged in production activities.

**A few difficulties faced by the Committee :**

13. Before discussing the issues raised by the women in cinema, I think it is necessary to mention about at least a few difficulties faced by the Committee in completing the work. We decided to proceed with the study only on the basis of direct evidence from the individuals working in cinema and not on the basis of any hearsay. Therefore, the main difficulty faced by the Committee is in preparing the schedule for meetings. We caused a public notice to be published in the Malayalam daily, calling upon those who are acquainted with working of cinema to appear before the Committee and make their statements regarding the issues, if any, existing in cinema which are referred to in the terms of reference. The copy of the Terms of Reference was also published (Copy of paper publication is marked as Exbt. A3). But, none responded to the paper publication.

14. The Committee then, decided to contact individuals in cinema personally and invite them for meetings. The contact details- address, phone number, email ids etc. of both men and women in cinema whom we propose to interact with, were not readily available. We had to spent considerable time to collect correct details and contact various individuals from cinema. When attempts were made to contact them, in the available details, mostly they were not available in the phone numbers given to us or they would not answer the calls.

15. We then, thought of serving notice to individuals in cinema by local delivery or by post but, the post of an office attendant was not sanctioned to the Committee. However, we took an office assistant on daily wages to effect personal service of notice. When personal delivery was attempted, we found that the required persons were not available in the address at the time when the staff went for service of notice. There was no guarantee that the individuals would appear before the Committee on the date and time required, if services effected through any adult member.

16. Therefore, it was not possible to serve notice following the normal procedure by personal delivery and post. Even though majority of the persons in cinema are living in Kochi at which place office of the Committee is located, both men and women in cinema

were mostly away from their homes and they were busy with their own work schedule and it was very difficult to ensure their presence before the Committee , on the dates convenient to both, the witnesses and the Committee .

17. The two members of the Committee are permanent residents of Chennai and Thiruvananthapuram, whereas the office is at Kochi (where the chairperson is stationed at) and the meetings are ordinarily held at the office of the Committee at Kochi. Before the office was set up at Kochi, the Committee held sittings at Thiruvananthapuram and examined witnesses who were available in Thiruvananthapuram, to their convenience. Since the members were at different places, they were able to attend office and meetings, only for 3 to 4 days, once a month, excluding the two days for journey taken for the member from Chennai. On the rest of those days, the chairperson interacted with individuals in cinema and collected various study materials from different sources. However, presence of the members was inevitable during examination of witnesses and recording their statements, for better appreciation of their evidence, they were definitely present.

18. The schedule for meetings could not have been prepared, as if in a court proceedings, or like any other office proceedings, on to be day-to-day basis continuously for a month or



more. The convenience of the witnesses, their availability and that of the members had to be looked into and be tallied to fix the dates for meetings. The convenience of the witnesses and that of the Committee clashed on many times but, the Committee gave preference to the dates of the witnesses. In between, the flood in Kerala and consequent problems of transportation also stood in the way of fixing convenient dates for meeting.

19. To suit convenience of individuals in cinema, who are busy with their own work, meetings had to be held even during night and the sittings were held continuously for a very long time, at a stretch, in our anxiety to complete the report at the earliest. There are days when the sitting commenced at 10 a.m. and concluded only at 9 in the night. It is also worth mentioning that very famous actors and others working in cinema spent considerable time with the Committee, clearing the doubts of the Committee on various aspects. Some of them even appeared before the Committee more than once and shared their experiences, which were all helpful to the Committee to discharge the duties assigned to us.

20. Even though the Committee was getting reliable information that the female Junior artists were having a lot of serious problems and we were taking all efforts to get Junior artists for ascertaining their problems, we could not get any one of them for

examination by the Committee. However, towards the fag end of the proceedings of the Committee, in December, 2019 the government sent a letter (The said letter is marked as exhibit A6) asking the Committee to look into the problems of junior artist and suggest solutions to the same, in the light of the two complaints received by Hon'ble Minister of Cultural Affairs and Honorable Chief Minister from a person stating that the junior artist have serious problems. (The copy of the complaint received by Honorable Minister for cultural affairs is marked as exhibit A7 and the copy of the complaint received by Hon'ble Chief Minister is marked as Exbt. A8).

21. In the light of the above communication Exhibit A6, the person who sent the complaint to the government was contacted and he informed that the junior artists can come to the Committee only after 8<sup>th</sup> of December 2019. Though the probable delay that would be caused for filing the report was a dissuading factor, it was necessary and inevitable to study the problems of junior artists. Having received a complaint and instruction from the government, we were bound to examine junior artist, especially since they convey their willingness to appear before the Committee. But, later the complainant informed that the junior artists are scared to disclose their problems before the Committee fearing that they would lose the job. He was directed to send their problems by email. The email is marked as Exhibit A9.

22. Another difficulty faced by the Committee is in preparation of this report without help of a stenographer who has computer knowledge. Many facts stated before the Committee by the witnesses, both men and women in cinema are highly confidential and those details were shared with the Committee only because of that trust they reposed in us. Therefore, we wanted to prevent any information which was disclosed to the Committee from being leaked out and becoming a controversy, even before filing of the report before the government. The witnesses being celebrities, many would be interested in knowing the details of what is disclosed to the Committee and publicizing the same.

23. Even though we tried to get a stenographer who is adequately trained in computer and who will also be able to maintain absolute confidentiality, which is very important in the nature of the evidence adduced, unfortunately, we did not get one to our satisfaction. Therefore, we are forced to type this report by ourselves, though none of us knows professional typing. This, we find, a tedious task.

**Method adopted for study:**

24. To make a study into the issues faced by women in cinema, and to find solutions, we mainly adopted the following method:

- a. Firstly, a detailed Questionnaire was prepared, based on Terms of Reference and copy of the same was sent to members of the WCC whose email ids were made available by the office bearers of WCC, with request to furnish their views on the various aspects referred to in
- b. the Questionnaire (copy of the Questionnaire is marked as Exhibit A 4). We collected the answers to know what type of problems women in cinema generally have.
- c. Two group-meetings were held with the members of WCC (who responded to the Questionnaire) belonging to different categories of women in cinema.
- d. Individual meetings of both men and women in cinema who might have contrary views were held and their evidence was recorded "*in camera*".
- e. A public notice was caused to be published in Malayalam daily to give opportunity to those who wish to bring to notice of Committee, any issues relating to women in cinema.
- f. WhatsApp groups were created for each of the different categories of women in cinema for easier communication and effective notice. Information was collected through WhatsApp chat and also by meeting such individuals and recording their statements. Various video clips, audio clips, screenshots etc. were all collected.
- g. Various other documents were collected from other sources also-both men and women in cinema and outside cinema-, including study materials, audio clips, video clips, screenshots of WhatsApp messages, etc.
- h. Office bearers of AMMA (Association of Malayalam Movie Artists), FEFKA (film employees Federation of Kerala), WCC, various other unions of persons working in different categories in the film industry were contacted and called for meetings and their views on different issues were obtained. Their

statements were also recorded. Their bylaws and other documents were procured through them.

- i. Statements of both men and women working in cinema in different capacity were recorded in writing 'in camera', maintaining absolute privacy in the proceedings.
- j. Documents were procured through email, WhatsApp chats etc. from certain other individuals, who are not working in cinema and their views, which we found to be relevant for the study.
- k. Some of other relevant study materials were collected through Internet and other sources.
- l. Shooting location of the movie "Lucifer" was visited by Chairperson and one of the members of the Committee and was closely observed.
- m. Chitranjali studio also was visited by Chairperson and one of the Members of the Committee. Dubbing and other activities were closely watched.

#### **Questionnaire:**

25. The collection of relevant materials for the study commenced by preparation of a detailed Questionnaire based on facts stated in the Terms of Reference (copy of the Questionnaire is marked as Exhibit A4). Copies of the Questionnaire were sent by email to all the 40 members of WCC whose email ids were made available to the Committee by the office bearers of WCC. They were requested to furnish their answers to the several questions put by the Committee, concealing their identity.

26. The members of WCC to whom the Questionnaire were sent belong to different categories working in cinema such as artist, director, producer, scriptwriter, cinematographer, hairstylist,

academician etc. Assurance was given to them by the Committee that their answers will be kept confidential to encourage them for disclosing all relevant details without hesitation. A specific date was fixed for sending answers, but they sought for more time to furnish answers because of their busy work schedule and engagement at different places, away from their homes. By 5<sup>th</sup> July 2018, however, we received answers from altogether 32 members of WCC. The answers to the Questionnaire which were sent to the Committee by members of the WCC furnished a good input relating to the various issues faced by the women in cinema.

**Two group-meetings:**

27. On consideration of nature of the answers given by members of WCC to the Questionnaire, we found it necessary to hold group meetings with them and we held two separate meetings with members of WCC on two days, from morning till evening. The participants were having vast experience in film industry in their respective fields and various actresses/artistes, directors, cinematographers, assistant directors, associate directors, executive producer, line producer, hairstylist, costume designer and make-up artists participated in the two meetings.

28. In the first meeting, 12 artists/actresses, 3 directors, 1 scriptwriter, 1 producer, 2 cinematographers, 1 assistant/ associate

director, 1 executive producer/line producer, 1 hairstylist and 1 costume designer were present. In the 2<sup>nd</sup> meeting, 3 costume designers, 6 hairstylist/make-up artists participated. Thus, a total of 31 women in cinema from different categories participated in the two meetings. The members of the WCC actively participated in the meetings and they stated their issues openly before the Committee. The participants were also informed that if they wished to state anything in privacy, they would be given an opportunity to speak the details to the Committee by conveying separate individual meeting.

29. The meetings proceeded from morning till evening on both the days. The participants disclosed various types of problems which they faced in film industry, in different capacity. They stated their difficulties such as, lack of contract being executed between the employer and employee, failure to get even the consented remuneration, non availability of toilet facilities and changing rooms on the set, lack of safety and security for accommodation, transportation in connection with the employment, sexual harassment etc.

30. On consideration of all what the participants spoke at the meeting and the nature of the grievances expressed, it was felt that the women must be having much more to speak, if a proper atmosphere is provided to them. We could also get evidence on

specific instances from their experiences which they have gone through and which they may be embarrassed to speak in a group meeting. We decided to call a few of them for meeting individually and record their statements to obtain direct evidence relating to issues faced by women in cinema and also to collect documentary evidence from them.

**Report on direct evidence, NOT on hearsay:**

31. The Committee decided that the report shall be founded on direct evidence and not on hearsay. We also found it appropriate to get different views from both men and women, either in support or contrary to the views already expressed at the two group meetings. We identified certain individuals who may be having different views on different aspects and invited both sides to the meetings of the Committee and examined them before the Committee.

32. Individual meetings were held with both men and women in cinema and they stated their personal experiences in cinema before the Committee. Most of the witnesses who were examined before us were referring to various problems which they faced in cinema. Their statements were recorded in writing. Since issues involved were plenty, proceedings were time-consuming.

33. There are instances where recording of statements of even a single witness and discussion with the witness consumed



about 10 hours. The meeting commenced at 10 am in the morning and could be concluded only at 9 pm in the night, with a lunch break of one hour maximum. Thus, even though members of the Committee were available only for 3 to 4 days a month, the amount of time consumed for meetings were more than double. In some cases, we also adjusted time of meetings to the convenience of witnesses and they were examined from 6pm onwards for more than 3 hours in the night.

34. We are glad that witnesses co-operated with the Committee and spoke in detail, their personal experiences in cinema, good and bad, which are quite useful in the study undertaken by us and for making conclusions to our satisfaction. There are instances where very important and prominent persons in cinema, both men and women for whom time was very important, had to appear before the Committee more than once. They willingly and readily raised time to appear before the Committee and gave valuable inputs. They spent a very long time with the Committee and explained and cleared many doubts, to our satisfaction. Their direct evidence based on their experiences counted very much in making conclusions stated in this report. We do appreciate their commendable gesture.

35. We also collected documentary evidence from individuals working in cinema and certain others who are not connected to

cinema, institutions, unions, federation, government official and also from internet, WhatsApp messages, videos, screenshots from mobile phone, voice clips etc. Necessary documents were also procured through various sources and persons other than witnesses who gave statements, through email, internet etc. Even though we wanted more men and women in cinema from different categories, we could not do the same, for want of time and the difficulty in fixing a scheduled for them, to the convenience of all.

**Meetings held in absolute privacy, "in camera":**

36. Considering sensitive nature of the various allegations made before the Committee by many individuals from cinema and also the probable consequences, which they may face if the statements were made public, it was decided to maintain absolute privacy in the proceedings and the meetings held. The witnesses who appeared before us were assured of the confidentiality which would be maintained by the Committee in relation to the statements given by them before the Committee.

37. We avoided recording of the names and other details of the witnesses in their statements. The task given to the Committee is to study and report the problems faced by women in cinema for which, it is not necessary to mention the names of the persons who confided with us, various facts from their own experiences. Meetings

with different persons in cinema, were held 'in camera'. In absolute privacy. While statements of various persons from cinema were recorded, care was taken to ensure that their statements will not reveal their identity. In fact, many who were examined before the Committee were afraid to reveal to us, many things which they experienced in cinema, fearing adverse consequences on them. In the beginning, we found it strange, but as the study progressed, we realized that their fear is well-founded. We are therefore, concerned about their safety and also the safety of their close relatives.

38. The experiences which many women have gone through in cinema are really shocking and are of such gravity that they had not disclosed those details even to the close family members. On knowing how Malayalam film industry runs and the consequences which women in cinema may face, if they openly state what they have gone through, we are satisfied that women in cinema are justified in not disclosing their experiences in public or even to the close family members. The proceedings were therefore, held in extreme confidentiality.

39. Even though various high-profile individuals from cinema appeared before us, we could hold proceedings, avoiding any publicity. The appearance of the celebrities before the Committee on different dates was not known even in the neighbourhood of the office

where the meetings were held. We took care to avoid publicity since we were afraid that any publicity will adversely affect the task which we are entrusted with and hence it was strictly avoided.

40. The names of the individuals both men and women who were examined before the Committee were not hidden from the main records. We also struck off the names and other details of the women who gave answers to the Questionnaire so that their identity will not be disclosed. This is done to protect the interests and welfare of both men and women and the industry itself. Our function is only to study the issues relating to women in cinema and report; not name or shame anybody or expose the guilty.

**No sharing of information with media before completion of study:**

41. To maintain privacy of the information shared with us, we also decided not to share any details of the proceedings to the media. We did not disclose anything about the proceedings of the Committee to the media or what statements were made before the Committee by any one of the individuals, for maintaining absolute confidentiality in the proceedings held by the Committee. To inspire trust of the individuals who gave statement before the Committee, it was necessary to keep the statements, absolutely confidential.

42. We also found it necessary to avoid controversies popping up by media publication, during the proceedings of the Committee, in the best interest of the assignment undertaken. Had any information given to the Committee leaked out, it was possible that both women and men might refrain themselves from frankly speaking out their experiences before the Committee, as they are likely to suffer by media publicity and online harassment. Even though many of the personnel from newspaper, channels and also online channels contacted the Committee to get information, we explained to them the need to maintain confidentiality.

43. We are glad that majority of the media personnel understood the seriousness and they did not bother us any more, by putting digging questions. Therefore, we could complete the study without any external intervention. Still, certain media published misleading reports even to the extent that the Committee is dysfunctional.

**Categories of women in cinema:**

44. In the course of the study, we came to know from various sources that women in cinema constitute not only artists, but they comprise of 30 categories which are as follows (the list may not be complete):

Categories of Women in Cinema			
1	Actress	2	Producer
3	Junior artist	4	Director
5	Cinematographers/ camera woman	6	Associate Director/ Assistant Director
7	Costume designers	8	Graphic designer
9	Make-up artists	10	Cine distributors
11	Hairstylist	12	Cine exhibitors
13	Productn executive	14	Still photographers
15	Dubbing artists	16	Playback singers
17	Editors	18	Lyricist
19	Technicians	20	Music directors
21	Scriptwriters	22	P.R.O
23	Dancers	24	Art directors
25	Dance choreographers	26	Sound engineers

27	Choreographers	28	Studio staff
29	Production department staff	30	Academicians

45. Even though efforts were made to procure presence of men and women from all the categories, we found it difficult to get all of them referred above.

**Certain category of women in cinema reluctant to speak:**

46. We collected contact details of dancers from their trade union and formed WhatsApp group for initiating discussion with them. But, when a message was posted by the Committee in the WhatsApp group expressing our intention to convene meetings with them and hold discussion on the various issues faced by them, to our utter surprise, instead of responding to the message, they started leaving the group, one after the other. (The screenshots of the WhatsApp group chat are marked as Ex A5 series)

47. On discreet enquiry, it is understood that the dancers were instructed not to speak anything against anybody in cinema before the Committee. Still, we continued our efforts to get dancers for meetings and at last, two dancers appeared before the Committee but, they stated that they have absolutely no problem in the film

industry since their union was very strong. To repeated Questions from all angles, they repeated that they have no problem. From other inputs which we have during our study, we formed an opinion that they were deliberately suppressing the relevant information from the Committee, fearing consequences of losing chances in cinema.

48. In the very same manner, we tried to collect details of junior artists through their co-ordinators. Few names of junior artists with their phone numbers were furnished to the Committee but on contacting them over phone, we were informed that they were old and are at Tamil Nadu and not available in Kochi or nearby district. They sounded reluctant to come over. It was decided to open a WhatsApp group for communicating with them. But, they informed that they do not have WhatsApp in their phones nor did they have any email id. Thus, attempts made to communicate with them failed. We made all efforts to get a few junior artists, but it appeared to us that they were under some threat that if they stated anything before the Committee, they will not be given any chance in cinema.

49. However, much later, at the fag end of the proceedings of the Committee, a communication was received from government instructing the Committee to consider the issues relating to the Junior artists, in the light of The Complaints Received by Honorable Chief Minister and Honorable Minister for cultural affairs. The



complainant was contacted, but he informed that the Junior artists were scared to come to the Committee because, if the information leaks out, they were scared that they will not be called for work in cinema, in which event they will suffer financially.

50. However, on hearing about the activities of the Committee, a Junior artist co-ordinator came forward and furnished certain documents which disclose that junior artists have lot of problems. (Further details will be discussed in appropriate context)

**Certain men scared to speak against industry:**

51. Surprisingly, in the course of study, we came to know that certain men also had suffered a lot of issues in the film industry and many of them, including some very prominent artists were unauthorisedly banned from working in cinema for considerable length of time. It was shocking to know that the sole reason for such unauthorized banning was due to very silly reasons. They would have knowingly or unknowingly invited wrath of one or other person from the powerful lobby in the industry, which rules the industry. Therefore, men generally were hesitant /scared to speak against the industry, fearing that any leaking of the information given by them will adversely affect their future chances in cinema. Still, it is encouraging that certain men spoke impartially and they even said

formation of WCC was for the good so that industry will improve (I will discuss this in more details in another context).

**Materials relied upon to make conclusions:**

52. For making various conclusions on the several issues faced by women in cinema, we have relied upon oral statements of witnesses both men and women who appeared before the Committee and interacted with the Committee. We have also taken into consideration various documents, audio clips, video clips, screenshots of WhatsApp messages, WhatsApp chats etc. produced by the witnesses which are marked as Exhibit C1 to C24 and also certain other documents and materials procured by the Committee from other sources and marked as Exhibits B1 to B31. The Committee has also obtained documents from few other sources and marked them as Exhibits A1 to A 16. All these documents are also relied upon by the Committee. The observations made at Chithranjali studio, and shooting location of the film "Lucifer" at Kuthiramalika are also taken into account, while making conclusions in this report.

**Issues faced by women in cinema, uenerally:**

53. On consideration of the statements of all the witnesses with whom we interacted, who include the most prominent men and women in the industry, the documents which the Committee procured (marked as Exhibits A1 to A16 and all the documents

27

marked through witnesses Ex. C1 to C24 series), audio clips, video clips and also documentary evidence which we procured through witnesses by the Committee (Ex B1 to B31) and various other materials collected from the individuals examined or contacted and from internet, we find that women in cinema generally face a lot of issues, which include the following:

1. Sexual demands made to women for the very entry into cinema and for getting chances to work in cinema.
2. Sexual harassment, abuse, assault against women at workplace, transportation, places of accommodation etc.
3. Torture of women, if they express their resentment and unwillingness to sexual demands.
4. Violation of human rights of women in cinema by not providing basic facilities like toilets and changing room on the set of cinema.
5. Lack of safety, security in cinema, in accommodation, transportation etc.
6. Unauthorized and illegal banning of individuals working in cinema in different categories.
7. Silencing of women under threat of ban from work in cinema.
8. Male domination in industry, gender bias, gender discrimination
9. Gross indiscipline in cinema --consumption of alcohol, use of drugs, disorderly conduct/ misbehavior at work place.
10. Making of demeaning and vulgar comments at workplace, over phone etc.
11. Non-execution of contract in writing between employers and employees, to suit individual requirements.
12. Failure to pay even consented remuneration.

13. Disparity of remuneration between man and woman and gender discrimination in remuneration
14. Resistance/reluctance to allow women into cinema especially on technical side and lack of opportunity
15. Online harassment (cyber-attack).
16. Lack of legal awareness of women about their own rights.
17. Absence of any legally constituted authority to redress the grievances.

54. Now, I would proceed to discuss above issues faced by women in cinema, under separate heads.

**Denial of human rights to women in cinema: No toilets & changing room:**

55. From the evidence adduced before the Committee, we find that women are denied even basic human rights in Malayalam film industry, by not providing adequate facilities like toilets and changing rooms, on shooting locations. Almost all the women who were examined before the Committee stated that there is no toilet facility or changing room on the set, especially while shooting is done in many outdoor locations, which will be in remote places. What is being done now is, the women themselves will find some space in a nearby interior place like forest or behind bushes or a fat tree to pass urine, while on outdoor shoot. At times, some cloth is being held by one or two persons to help the other to change dress or to pass urine. No water will also be available at the site.

56. During menstrual periods, the women in cinema face a very tough time, without being in a position to use water or other facility even to change or dispose of sanitary napkins, it is pointed out. It is also stated before us that women in cinema are forced to hold back urge for urination for a very long time. They also do not drink water on location, to prevent urge for urination. This has resulted in urinary infection and other physical discomfort and problems to many women in cinema. I was surprised to hear from a Junior artist that she was not allowed to go to toilet by the production unit, since it takes 10 minutes by walk to reach a convenient place for going to the toilet. Many of them have landed up in hospitals on some occasions, it is stated.

-31-

60. Thus, the women in cinema go through a hard time during shooting for want of toilet and changing room on the set. Many witnesses stated before us that they do not even drink water on the set so that they will not have urge for urination, despite their knowledge that it will lead to physical ailments. They have no other way than to do all these things, even by ignoring their own health because of lack of toilet facility on the set. They are also forced to withhold the urge for urination. They stated that it has become a habit for women in cinema not to drink water in order to withhold urge for urination and thereby, many of them suffer from urinary infection and other physical problems. Not only actresses but, many other women -hairstylist, their assists, junior artists etc. work in cinema.

61. Certain producers stated that caravans are provided on the set for the use of women even though caravans are highly expensive. But, various witnesses disputed this fact and it was pointed out that caravan is provided to only heroes and heroines but they do not let other women to use their caravan since it is provided to the exclusive use of the heroines. It was stated that if at all just one caravan is provided for general use on the set, it will not serve

the purpose. If a caravan is used by a lot of women in on the set, the tank will overflow and there will be clogging also and the toilet will not be in a usable condition.

62. So, providing one caravan in every set will not solve the problem, it is stated by many witnesses. Some of the witnesses stated that E-toilets have to be made available in the set for their use or in the absence of the same, caravans have to be arranged. The production unit must provide e-toilets at least by renting them out and make them available, in usable condition, compulsorily, they insisted. A production house can buy e-toilets, but nobody is giving any importance to this.

63. Toilet and changing room have to be taken as an unavoidable facility on the set and some steps have to be taken immediately for ensuring the same on every set, it is submitted by many women in cinema. Though few men also supported this stand, even now their production units are not providing toilet or changing room facility on set. The women in cinema insisted that all production houses shall make arrangement of E-toilets in the location, which according to the producers are cost-effective than caravans. But, if e-toilets are provided, it must be in usable condition, it is added.

64. This peculiar situation exists in Malayalam film industry because it is male dominated and men do not understand or try to

understand or pretend not to understand the basic needs of a woman, it is stated by various witnesses. It is pointed out that this sort of a situation exists only in cinema but, not in any other work place. A famous artist stated that this problem is known to everybody in cinema. This was also brought to the notice of many members of AMMA. Discussion was also held at the meeting of AMMA relating to toilet problems. They expected AMMA to take necessary action to make available toilets, through the producers' association. But nothing was done so far, and human rights violation continues.

65. We have asked men about this horrible state of affair in the film industry. Some men admitted that such a situation exists and it has to change. But few others, including a very prominent actor stated that women were working in cinema since the past so many years and they were pushing on, without any complaints. They were somehow or other adjusting to the situation. They used to go to some nearby houses or some other convenient places, where clothes are held to change dress and for urination and therefore, it is only a question of adjustment by women in cinema and therefore, lack of toilet facility need not be taken seriously, it is stated by certain men in film industry.

66. We cannot accept what men in cinema have stated regarding non availability of toilet or changing room. We cannot shut



our eyes to the serious situation existing in film industry and what the women in cinema suffer because of non-availability of such facilities and changing rooms. According to most of the witnesses, women do not even drink water on the set, for preventing urge for urination. They withhold the urge for urination. This has become a habit for women in cinema and many of them suffer from urinary infection and other physical problems.

67. Regarding changing room, one suggestion came from certain witnesses examined before the Committee that caravan or a vehicle can be kept as a substitute for changing room where women can comfortably change the dress. But, most of the women objected to this idea because this is a time when hidden cameras are easily available and it is possible that such cameras will be installed in enclosed changing rooms and hence, in all probabilities, on the very next day their privacy will be exposed in social media and the entire process will be flashed on the internet. Therefore, the women pointed out that any permanent set-up for changing room will also not be a solution for the problem.

68. We do understand the anxiety of women in cinema. There could be all such possibilities as stated by them. Even in a shed or a vehicle, there can be intrusion into privacy of women by hidden cameras. A suggestion came from a witness that in every set an

arrangement can be made to install a changing room by means of ring and a thick curtain of appropriate size which can be fixed to any wall temporarily and after the use is over, it can be dismantled and preserved for further use. This is just like a shower curtain, it is submitted. So, in every set, production unit has to make arrangements for changing room by using a ring and a thick curtain which can be temporarily fixed to any wall or other place and removed, after the use. This is not very difficult to implement.

71. According to producers, it incurs heavy cost to provide caravan for the use of all the women on the set. Caravan is provided for accommodating only main hero and heroine because they insist for providing caravans to them. They do not allow other women to use their caravans for toilet purpose. There is also an understanding that such toilets cannot be used and many junior artists, co-artists etc. and they also do not dare to make request to the main artist to whom caravan is provided to. We are persuaded to believe this version.

72. It is unfortunate that even though it is the duty and responsibility of the production set to make available all basic facilities like toilets and changing rooms for those who are working on the set, it was not done and it leads even to serious physical problems. We are convinced that women suffer considerably, mentally and physically due to non-availability of toilets and changing rooms on the set. We have no doubt that failure to make such facilities to women in cinema on location set by the production set

amounts to serious violation of human rights to the women in  
cinema. This is a serious issue.

75. There can be no doubt that absence of facility of toilet and changing room on the set amounts to human right violation. We are of firm opinion that there must be toilet facilities and changing room in every set and before permit is granted for protection, it must be ensured that such facilities are made available by the production team. No production of cinema must be allowed without ensuring that such facilities are available on the set. Every citizen has a right to live his or her life with dignity and it is recognized as a human right. Such a right of a person is to be valued and respected. The women cannot be asked to go to a forest or behind a bush to pass urine or change the sanitary napkin. The basic facility of toilet and changing room in usable condition must be provided to the women in cinema, without any exception.

**Sexual harassment, assault, abuse and casting couch:**

76. It is well settled in law that sexual harassment results in violation of woman's fundamental rights guaranteed under the Constitution of India. A woman in this country has the 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, in film industry, such rights are more infringed than protected. From the evidence placed before the Committee, which includes statements of both men and women in cinema, various documents produced and procured, we unhesitatingly conclude that sexual harassment etc. are shockingly rampant in film industry and it remains unchecked and uncontrolled.

77. At the very outset, I would make it clear that as per the evidence given before the committee, all men are not responsible for the bad reputation for the film industry. All the women who spoke before the committee about sexual harassment stated that there are also highly respectable men working in film industry, with whom they found it very safe to work. The names stated were that of a cinematographer and a director with utmost respect to them.

78. One of the witnesses stated that the cinematographer and she mentioned is well reputed for his character, conduct and concern for others in the set. It is also stated by one of the witnesses that because of the highest responsibility and the exemplary dealings, he seems to have disciplined the entire crew in his set and it is very comfortable for women to work in his set. It has also come out in

evidence that the attitude of a very famous director is also excellent and he takes good care, especially when sensitive and physically intimate scenes are shot with women. He has always made it a point to see that only the persons whose presence is inevitable for shooting alone are present at the time of shooting. He would also ensure that the shooting space is adequately covered so that such scenes are made not visible to others on the set.

79. Women who find it embarrassing to act in such scenes with their body exposed found this very comforting. Some of the witnesses also stated that there are also a few other men working in different spheres who are also very understanding, friendly and helpful to women, in many ways. In the above circumstances, whatever is stated in the report against men may not be read as applicable to all the men in the film world.

80. However, it has come out in evidence that certain men in cinema, who are well-known and well reputed for their ability as artist, director or whoever he be in the film industry have shocked certain women in cinema by sexual harassment, and physical advances made by them towards them. Thus, the major issue which women face in film industry is sexual harassment. It is the worst evil which women in cinema face in the film industry. The Women in

cinema are most reluctant to speak out the sexual harassment, which they are subjected to, even to other women or close relatives.

81. Most of the women in cinema, who are known to be very bold, are reluctant and hesitant to divulge their bad experiences in potato cinema, particularly, of sexual harassment. They are scared to disclose it even to their colleagues in cinema, fearing consequences which they may have two face. They are afraid that if they divulge their issues to others, they would be banned from cinema and subjected to other harassments, since such persons are powerful in cinema and all men in cinema will stand together by him. By using fans and fan clubs, there would cause severe online harassment against them in social media. They would also face threat to life, not only to themselves but, even to the close family members also, it is stated by various witnesses. They are thus, silenced in cinema.

82. We noticed in the beginning that the girls/women were very hesitant to divulge their experiences even to the committee about sexual harassment in cinema. We realised that the reason was not merely womanly embarrassment but, they were scared that they will be harmed by the perpetrators, in case the information reaches their ears. Therefore, we gave the witnesses, assurance that absolute confidentiality will be maintained in the proceedings. On being



convinced of the assurance, some of them started disclosing their sensitive experiences before the Committee.

83. We have interacted with both men and women in cinema who belong to old generation (black-and-white era) as well as new generation. We have come to know from their statements that ever since the industry originated, there were problems to women in the industry. One of the witnesses from old generation stated that women in cinema have a lot of problems but, the main problem is that there is no authority to redress the grievance of woman, whenever they have some problem. They cannot open their mouth to make a complaint.

84. In case a complaint is made against an artist to the producer, if such artist has good market value, producer will not avoid him from his cinema because for the producer, cinema a business. It is a same case, as far as the complaint against a director is also concerned. If he avoids an artist or a director who has a reputation and more market value, producer will be the loser. Even if a producer can avoid such artist or director and go for another one, producer will not do it. This is because of financial reason.

86. According to women in cinema, the harassment starts from the very inception. It is revealed from the statements of various witnesses who were examined before the committee that production controller or whoever gives an offer for role in cinema first approaches the woman/girl or if it is the other way and, a woman approaches any person in cinema seeking a chance in cinema, she is told that she has to make "adjustments" and "compromise" to take her in cinema. "Compromise" and "adjustment" are two terms which are very familiar among women in Malayalam film industry and the by, they are asked to make herself available for sex on demand.

87. The girl also told that demand for sex can be made by anybody in the cinema - actor, producer, director, production controller or any other person and a woman must be willing to surrender to their demands. Referring to certain well-known actresses who are successful in the industry, women in cinema are convincingly told that such women have all gained reputation, money and fame only because they were willing to 'adjust and compromise'. She is also told that if she wanted to get a chance to act in cinema and grow to heights, she will have to make certain "adjustments" and "compromises".

88. One of the artists stated before the committee that normally, a woman goes for audition on seeing advertisement in Facebook or some other social media and if she responds, she may get a phone call, informing that she is found suitable for the role and she will also be asked to meet the producer or director. She will also be told that she will have to "compromise" and "adjust". Many in the industry are made to believe that all women in the industry get into the industry or are retained only because they have sex with men in the industry.

89. This impression is created by none other than people within the industry itself, to persuade new comers for surrendering to demands for sex. There are occasions where such an idea is

convincingly conveyed to the aspirants and certain women/girls/newcomers are exploited. By the time they realize that they are trapped, it will be too late. It has come out in evidence that there is a general assumption and misunderstanding in cinema that women come to cinema only for making money and that they would surrender to anything. This impression is created in society also to the extent which is contrary to the facts, it is stated by the witnesses. Certain witnesses stated before us that some people believe that women who are acting in cinema would sleep with anybody for money. Some new comers believe this and they become victims of sexual exploitation.

90. However, these facts are kept as a secret by every woman who enters the industry, who would have gone through a lot of difficult times. It has come out in evidence that it is only after the formation of WCC that women started disclosing to each other, their bad experiences relating to sexual harassment. A WhatsApp group was formed by WCC in which the women were free to chat openly and state the problems which they faced in cinema. Having assured by WCC that whatever the women disclose on the wall of the group will be kept confidential, women disclosed their experiences in group chats.

91. Many women in cinema stated before us that after WCC was formed, they found a forum where they could safely disclose instances of sexual harassment which they have gone through. Till then, they were all keeping to themselves, all their experiences and suffering the brunt that they have gone through, not being able to disclose it even to family members since their parents were reluctant to send them to cinema because of the bad name for the film industry.

92. There may be instances of consensual sex, but women in cinema generally, are not willing to share bed to get a chance in cinema. Another witness stated before the committee that there may also women who would be willing to adjust to the demands and she herself has seen certain mothers who are conniving at the situation and believe that there is nothing wrong in it. The witness stated that this is a shocking reality. According to women in cinema, it is a sad state of affair that a woman has to surrender to sexual demands for her to get a job in cinema whereas there is no such state of affair in any other field, it was pointed out by many witnesses who are examined before the committee.

93. Women in cinema stated before us that majority of men working in cinema itself think that the women who are willing to act intimate scenes in cinema will also be willing to do the same off-set

also. Therefore, men in industry make open demand for sex, without any embarrassment. Even if women are not interested in having any sexual contact with them, demands are made for sex, by offering to give more chances in cinema notwithstanding their resentment and objection to such demands. It was pointed out by certain women in cinema that some new comers fall prey to these offers and they are sexually exploited, against their willingness.

94. Some of the witnesses also produced certain video clips, audio clips, screenshots of WhatsApp messages etc., to establish the fact that there is demand for sex for the very entry into cinema and that certain people in the industry persuade them to make themselves available for sex. Many women emphatically stated before the committee that this situation in Cinema should be stopped. Some of them stated that they were forced to reject such offer in cinema, at the cost of losing their long-awaited dream of acting in cinema, though it is their passion.

95. On considering the various statements made by women in cinema and the documents available before us and also the evidence given by certain men, we are fully satisfied that women in cinema face a difficult situation by demand of sex for the very entry into cinema. Few men stated before the committee that women undergo such experiences only from certain fake persons who under

the pretext of producing cinema give advertisement and called them for audition etc. According to them, women must be careful in not falling for such fake advertisements but, it will not be correct to say that the entire film industry is bad.

96. On analysis of evidence placed before us, we are satisfied that women face sexual harassment even from very well-known people in film industry, who were named before the committee. On considering the various aspects we have no reason to disbelieve what was stated before us regarding sexual harassment in film industry.

**Sexual demands for entry into cinema makes it different from other fields:**

108. Various men in cinema tried to impress upon the committee that that sexual harassment exist not only in cinema but it is there in every other field. Therefore, sexual harassment in cinema may not be blown out of proportion, it is stated. However, many women in cinema brought to our notice that there is a striking difference between sexual harassment in cinema and other fields. According to women in cinema, sexual harassment starts even before a woman comes to film industry and starts working there. If a woman wants to get a job in cinema, either people from cinema will approach or she will have to meet somebody but, demand for sex is made by people in cinema.

109. The offer to act or for doing any other job in cinema comes to a woman coupled with demand for sexual favours. As I already mentioned, the woman would be asked to adjust and compromise, thereby she is asked to surrender to sexual demands. Many witnesses pointed out in no other job, there is any demand for sexual favours for getting the job. The person will have to prove the merit by going through a test if any, and also by appearing for an interview. In cinema, situation is totally different. At the very



inception and for the very entry into film industry, there is demand for sex.

110. Therefore, women in cinema do not find it safe to go to the work place all alone. It is stated by various witnesses that demands for sex are not there for women who seek other jobs. Sex is not a precondition to obtain any other job for a woman. Casting couch makes jobs in film industry different from other jobs. It was pointed out by various women in cinema that to get the job of the teacher, doctor or the like, no demand is made for sex, it would be enough if a woman proves her ability by undergoing a test and appearing before an interview. But things are different in film industry, it is stated.

111. It is stated by various women in cinema that while going for work in cinema, they are often accompanied by their parents or close relatives, since demand for sex is made along with the offer for chance in cinema and hence, they are apprehensive of their safety in their work place. The women in cinema do not find it safe to stay all alone, in the place where accommodation arranged for them. In most of the hotels where they are staying, the doors are knocked by the men working in cinema who would be mostly under intoxication.

112. Many women have stated that knocking will not be polite or decent but, they repeatedly bang at the door, by force. On many occasions, they felt that the door would collapse and men would make an entry into the room by force. So unless women take somebody from the family when they go for work, they fear that they will not be safe at the workplace.

113. But, a teacher, clerk, engineer or doctor or any woman in any other profession will not have face any such issues. At any rate, they will not have to take their parents when they go for work to their office because they are not confronted with any demand for sex to enter their respective work place. Ordinarily, it would be sufficient for them to prove their ability and nothing more to get other jobs and they can safely walk into the office. But, it totally different state of affair exists only in cinema and women are scared to go for work all alone, because of the undue importance which people in cinema give to sex. There is direct evidence on these aspects from the witnesses with whom we had interacted by us.

**Woman in cinema do not ordinarily approach police:**

114. Even though evidence before us discloses several sexual acts which are committed against women in cinema mostly constitute various offences under the Indian Penal Code and also fall under definition of The Sexual Harassment of Women at Workplace

(Prevention, Prohibition and Redressal) Act (POSH Act, for short) etc. But, the women in cinema who suffer the atrocities prefer to keep silence, while thinking about the serious consequences which they may face if they make any complaint about the atrocities in cinema.

115. Many men in the cinema who were examined before the committee asked why the women are not going to police, if the situation is that bad in cinema. I informed one of the actors that I would ask the victim to go to the police station or send the statement given by her to the police to register a case and proceed in which event, he could imagine the consequences. It is a well-known fact that women ordinarily do not rush to the police in case of any sexual harassment because of various reasons. In the case of women in cinema also the situation is not different. They are more embarrassed than ordinary women because they are public figures who can be subjected to various harassment including cyber attacks. Even those men who ask why not the woman go to police would know that if any sexual assault is made against any woman in their own family, nobody rushes to the police station with the complaint. Therefore, we cannot evaluate what the men said, totally unconnected from the reality.

116. Many witnesses stated before the committee that they face various consequences if they go to the police station with an

allegation of sexual harassment or assault. If they take up the matter before court or police, they will face worse consequences, including threat to life. An artist added that threat to life will not only be the against the victims but, even their close family members will be in danger. They cannot predict what all they would be confronted with if they were to open up their mouths to make any of their grievances, even before authorities. Being public figures, their name will be tarnished through social media. On the very next day of the complaint, there will be severe cyber attacks in social media.

117. The various documents produced before the committee by the witnesses abundantly prove that very vulgar language is used in social media to attack the women online. They even post pornographic pictures, photo of erected penis and more, with vulgar comments, to demoralize the women. Such attack is too much for the women to face and suffer. Some of them told this Committee that they are taking risk by disclosing their experiences in cinema, because by doing so, not only themselves but their relatives would also be in danger, if the facts stated by them reach the ears of those who tortured them, as many of the perpetrators are very influential. It was a shocking experience for us to listen to the nature of sexual assault and harassment which women in cinema have gone through.

147. On the next day onwards, she had to work with the

same man, as husband and wife, hugging each other. That was terrible. Because of what was done to her during shooting, her resentment and hatred had reflected on her face, during shooting. 17 retakes had to be taken for just one shot. The director criticized her for the situation. In cinema there is a general assumption that women come to cinema for making money and she will surrender to anything. The men in cinema cannot even imagine that it is because of the passion for art and acting that a woman comes to the movie. But the impression is they are coming for fame and money and they will sleep with any man for getting a chance in a movie. If a person thinks that a woman is a problem-maker, she will not be called to the cinema again. Therefore, women who are passionate of acting will be suffering all the atrocities, silently. To a question put by the Committee to this witness whether other women in cinema had same experience, she said may be they have, but they are scared to state their problems openly.

## Online harassment (cyber attack)

163. Various women and men stated before the committee that they are being subjected to online harassment to their utter annoyance. They are publicly threatened and defamed by publishing various comments and posting certain vulgar pictures, videos etc., in Facebook and other social media. They are subjected to trolling also and many messages are circulated through WhatsApp. Various remarks of sexual colour are made in public against them and even photos of penis and other pictures are posted on the wall of the female artists, followed by comments that they will be raped etc., to ridicule, threaten, demoralise and humiliate the female artist.

164. Admittedly, online harassment is by the public and not by anybody from the film industry. Such offences are committed against not only against women in film industry but against many other woman also. It's a common problem faced in society now. So, a question arises whether this issue comes within the purview of the study of this committee or not. This committee is constituted to study and report issues relating to women in film industry and their working

atmosphere and as per the terms of reference, the committee has to suggest solutions to problems.

## Internal Complaint Cell

- 100 -

197. Members of WCC requested the Committee to recommend for formation of an Internal Complaint Committee (ICC, for short) in every production unit of cinema and Association of Malayalam Artistes (AMMA", for short), in accordance with the guidelines laid down by the Supreme Court In Vishakha Versus State of Rajasthan and the Sexual Harassment of Women at Workplace



(Prevention, Prohibition and Redressal) Act, 2013 ('POSH Act', for short). Several suggestions were also made by various people during their examination before the committee, as to how ICC has to be formed. Witnesses who were examined before the Committee, both men and women, stated that it would be beneficial, if there is an authority to consider the grievances of women in cinema and redress the same. One of the suggestions was, two persons each from AMMA, FEFKA, and different trade unions working in cinema can be chosen to constitute ICC.

198. However, it has come to the notice of the committee that a writ petition as W.P.(civil) no. 33994/2018 was filed by WCC, seeking directions from Honorable High Court for constituting ICC (The copy of the writ petition is marked as Exhibit A17) The relief sought for in the writ petition is to declare that AMMA is legally obliged to constitute a Complaints Committee against sexual harassment for its members in accordance with the guidelines laid down by the Supreme Court in Vishakha case and POSH Act. Another prayer in the writ petition is to direct the respondents, including the government, to appoint a Complaints Committee against sexual harassment. Various contentions were taken up by AMMA and the government in the writ petition (vide the counter affidavits marked as Exhibit A 18 and A19) that AMMA is only an association

of artists and not an employer. The activities of AMMA will not fall under the definition of the workplace and there is no employer-employee relationship between AMMA and its members, it is contended.

199. However, it was also stated by AMMA in their counter statement that the association has already formed a 'Woman Cell Grievance Forum' and it is functional. But, according to them, that will serve the purpose because various other people who are not members of the Association are working in cinema and AMMA will not have control over all of them. AMMA is an association formed exclusively for the artists-- actors and actresses-- in the film industry. But it is the responsibility of the employer to constitute a mechanism in the workplace for redressing the grievances of the women against sexual harassment and, not AMMA, it is further contended.

200. According to government, there has to be employer-employee relationship for formation of Internal Complaints Committee, as per the Act. It is also contended by the government that Local Complaints Committee has been constituted in all 14 Districts, as per section 6 of the sexual harassment act and the said committee is empowered to receive complaints of sexual harassment from establishments where the Internal Complaints Committee has not been constituted and if the complaint is against the employer

himself. District collectors in the state are notified as district officers for the purpose of exercising and discharging all powers and functions under the Act. Thus, if at all there is any complaint against the employer himself, or if no ICC is formed by the employer, the aggrieved woman can approach the local complaints committee, it is contended.

201. The government further stated in their counter statement filed before the High Court that a circular was issued by the government that every employer of a workplace in which more than 10 workers are employed shall constitute an Internal Complaints Committee under POSH Act and it is the duty of the employer to provide necessary facilities to the internal Committee for dealing with the complaint and conducting an enquiry. Where an employer fails to contravene attempt to contravene or abets contravention of Provisions of the Act or any rule made thereunder shall be punishable with a fine which may extend to Rs. 50,000.

202. Anyway, the relevant questions whether an ICC can be formed in film industry, whether ICC can be constituted in the absence of an employer-employee relationship or whether there can be an ICC in an association like AMMA in which there is no employer-employee relationship etc., as contemplated by the POSH Act are pending consideration before the Honorable High Court. Hence, it will

be sub judice if this committee consider those relevant questions. So, we make it clear at the very outset itself that to be would refrain ourselves from making any comment in this report on legal issues relating to ICC, which are pending consideration by the Honorable High Court.

203. However, after having made an in-depth study into the problems relating to women in cinema, even if the Honorable High Court finds ultimately that ICC can be formed in cinema, as per the POSH ACT, we are most hesitant to recommend for constitution of ICC in cinema, as contemplated by the various provisions of POSH Act, mainly for a few reasons.

204. I have discussed about the situation in cinema, the powerful lobby etc, under the head "ban in cinema". This has to be read along with it, to understand the present position in Malayalam film industry. In the course of the study, we understood that Malayalam film industry is under the control/clutches of certain producers, directors, actors -- all male. They control the whole Malayalam film industry and, they dominate other persons working in cinema. They can even coerce and threaten the persons who work in ICC to deal with the complaint, in the manner they demand. If any one of them who is a part of ICC does not act according to dictates of those in power, their future can be ruined and they will be even wiped

out of the industry, as they are capable of doing it. This situation in cinema is very shocking.

205. It is brought to the notice of the committee that a prominent actor in Malayalam cinema referred to the powerful lobby which exists in film industry as "mafia" in cinema, since they could do anything in cinema, according to their whims and fancies and even ban very prominent directors, producers, actors or any other person even though such ban is illegal and unauthorised. No man nor woman dare to utter any word which may offend anyone belonging to the power group, because such person will be wiped off the industry by the powerful lobby.

206. From the various facts disclosed from evidence of different individuals in cinema and documents produced before the committee during the study, we are satisfied that constitution of ICC may not be a solution at all to the problems of women in Malayalam industry in the present scenario (that is discussed under different heads, including "ban in cinema"). If an ICC has to be constituted as per the relevant provisions of POSH Act, individuals working in cinema itself have to be president and members. The employer is the person who has to decide whom to be chosen for different posts in the ICC. But, producers can be easily influenced by many various other individuals in cinema against whom sexual harassment

allegations may be made. Further, allegations are made against many producers themselves.

207. In the beginning, the committee found it difficult to believe all these allegations. But, as the days passed by, we are fully convinced that such allegations are true and well founded. On analysing the various facts disclosed from the statements given by various individuals in cinema before the Committee and documents, we are fully satisfied of the fact that as long as the power structure exists Malayalam film industry, they will take the full control of it and account Constitution of ICC comprising of persons in cinema will be of no use at all to protect any woman in Malayalam film industry from sexual harassment/assault/abuse in cinema.

208. A detailed discussion is made in this report itself about the unauthorized ban in cinema under the head "ban in cinema" in this report. Some of the witnesses from cinema pointed out that nothing serious is necessary to offend a powerful man in the industry. Even a silly thing can offend such people. For example, if a light boy fails to get up, on seeing a particular person who controls the industry, that would be sufficient for him to be thrown out of the industry, certain witnesses pointed out. The ego plays.

209. It is submitted before this committee that powerful persons in cinema can even coerce and threaten the individuals who

constitute ICC to deal with the complaint, in a manner they demand. If any one of them who is a part of ICC debts not act according to dictates of those in power, their future can be ruined. They will be wiped out of the Industry itself, as they are capable of doing it. Therefore, whoever be the president or members in the ICC, the powerful group can easily influence them and formation of ICC will not solve the problems which are faced by women in cinema.

210. Apart from this, it is also most likely that whatever be the information which is confidentially disclosed to the ICC, will be conveyed to the persons belonging to the power group and even the person against whom the complaint is made, contrary to the wishes of the aggrieved woman who makes the allegations. Whatever the aggrieved woman might have stated before the ICC on sexual harassment or assault on her will soon go out and it is likely to affect the woman's interest adversely. Therefore, formation of ICC in cinema, will only add up to the torture which the woman has already suffered. The grievance will not only be solved, but it is likely that she will be victimised further. She herself can be banned from cinema.

211. In such circumstances, the aggrieved woman will be most reluctant to divulge her grievances before the ICC which is formed comprising of individuals from cinema itself, fearing publicity and consequences. We feel that no woman in cinema will go to the

ICC, if the president and members of ICC are from film industry itself. They will not disclose the details before such an ICC. It is in evidence that even though a forum was constituted by AMMA akin to ICC, for dealing with the grievances of women, no woman has approached such a forum, with allegations of sexual harassment. It is not because they have no grievance but, they are not willing to go to such a forum with their grievances for various reasons.

212. Therefore, taking on the facts and circumstances into consideration, we find that no purpose will be served if an ICC is constituted in film industry, with people in the industry themselves working as president and members of ICC. It is also possible that no confidentiality will be maintained in the ICC and allegations of sexual harassment or assault will become talk of the town and in the industry. It will only add up to the torture which the woman has already suffered.



221. Taking all the above facts into consideration, we find that even if an ICC can be constituted in cinema, strictly in terms of

the provisions of the Act, it will not be of any help to the aggrieved woman in cinema but it will only create more harm to them. Having understood how the film industry runs and what exactly is the situation there, as revealed from the study, we would unhesitatingly say that constitution of ICC will not solve problems of women in cinema. We have absolutely no hesitation to state that there must be an independent forum which must be constituted by the government, as per a statute, to deal with the problems of women in cinema. Then and then alone the women can be liberated from the evils of Malayalam film industry (We are making suggestions regarding this in appropriate context).

246. A very strange phenomenon exists in Malayalam film industry. Individuals working in cinema are unauthorisedly and illegally banned from working in cinema. This is stated before the committee, by more men than women in cinema. It has come out in evidence that about ten to fifteen individuals in cinema who are in the forefront of the Malayalam film industry constitute a power group and they are controlling the Malayalam film industry. As per evidence adduced before the committee, both oral and documentary, certain actors in cinema (some of them are also producers, distributors, exhibitor or directors) -- all male-- gained enormous fame and wealth and they are in full control the whole Malayalam film industry now. Many men in the industry stated before us emphatically that many individuals were banned from cinema who include even famous actors. Their names were also stated.

247. The strange thing about banning is that it requires no serious issues to ban a person from cinema. If a person, knowingly or unknowingly offend any member of the power group in Malayalam film industry for any silly reason, he may be banned. There need not be any serious issue for the power structure in cinema to ban and harm others who work in the industry. It depends upon likes and dislikes of any one of the members of the power group to prevent a person from working in cinema. If a member from the power group is not pleased with someone in cinema (whether he be an actor, producer, director or anyone in cinema, however efficient he may be), because of even personal prejudice, all the members of the power group join hands and such person is prevented from working in cinema.

248. A well-known and popular actor who is quite influential in film industry also stated before us that himself and another prominent actor were banned from cinema, for no reason. It all depends upon the whims and fancies of those who impose the ban. Mostly the banning will not be supported by anything in writing. It is operated by mouth-to-mouth secret communication from one to another. For example, if there is a proposal by a producer for production of a movie, he will be told by anyone of the members of the power group that if he allows a particular actor to work in his

movie, he will be in trouble. He will also be told that no objection certificate will not be issued by the film chamber of commerce etc.

249. This sort of communication is made to dissuade the producer from casting that particular actor whom the power group wanted to ban. It is stated before the committee that people with lot of ego were there in the realm of affairs of film chamber of commerce during a particular period. They were highly prejudiced against certain actors and they were also been able to ban anybody from cinema. It is the film Chamber of Commerce which issues "No objection certificate" and it would be very easy for them to prevent the release of a movie. Therefore, the producer who is warned by the power group not to cast a particular actor will opt to produce his movie by casting another actor and not take any risk.

250. The witness stated before us that there is no authority at governmental level whom the aggrieved can approach to redress his or her grievances. They cannot ordinarily go to courts also, since there will be no document or proof for the illegal banning. The witness also stated that because of the illegal banning, many actors had to suffer. It is in such circumstances that the association for artists, "AMMA" was formed. But, at the beginning, the film Chamber of Commerce was so powerful and did not even recognise AMMA. According to the witness, once a complaint was taken to the film

126 - (7)

Chamber of Commerce which was typed in the letter pad of AMMA  
but, it was torn off in the presence of the person who took the letter  
to the film Chamber of Commerce, stating that there is no such a  
thing called AMMA. However, as days passed AMMA has now gained  
strength to fight against injustice, it was stated by the witness.

252. Another witness who is a well-known actor also stated before the committee that there is a system of banning actors from working in cinema. It is not on the basis of any law or rule. It is done by certain associations and unions jointly. They do not have any legal authority to do it but it is a fact many individuals are banned from working in cinema without any authority. The actor himself was

banned for 2 years from acting. Other actors were also banned in the same way. He was asked to pay a fine of Rs. 20 lakhs, if he were to be cast in any movie. However, there was an enquiry and the actor was not guilty of certain alleged act and the ban against him was lifted.

253. It is also stated that ordinarily, there will be nothing on record to prove the illegal banning. Of course, he made it clear that a producer can decide whom he should cast in his cinema. He can also avoid casting a person in his movie. So, if a producer does not like a person acting in his cinema, he need not cast him in his cinema. In the same way, an actor can decide in whose movie he has to act, it is stated. But, certain organizations and associations in cinema intervene and would not allow the producer or the actor from doing whatever he wishes and thereby, they are banned from working in cinema to their choice.

254. But, such banning will be extremely confidential. This witness also had such an experience. He took a strong stand that agreement has to be executed in cinema, but this was not to the liking to prominent members of the AMMA. Therefore, they joined hands with each other and decided that he should be stopped from calling for any movie, for the reason that he expressed his opinion that agreement should be executed. While so, a director gave him a



chance to act in a Hindi movie. He came to know later that even the said director had been asked not to allow him to be made a part of his movie, since he was expelled from AMMA. But, fortunately, the director was in favour of the actor and hence, he could act in the Hindi movie.

255. This witness explained how a person is denied chances in cinema: Production controllers have a major role in getting a person banned from cinema and they manipulate situations to keep a particular person away. When the director and the producer decide the casting, they will ask the production controller to fix all other work. If the production controller personally does not want a particular person to be in cinema either by himself, he will tell the producer that such person is not available or he will create some excuses and convey it to the producer.

256. The production controller also may tell the producer that he or she is a problem creator or that he or she will not come on time for the movie or that she is a "me-too" person etc. If the production controller is approached by an influential person, asking him not to allow a particular person to be allowed to work in a cinema, then also, he uses some tactics to keep the person away from cinema. If a person actor or actress has personal contact with a producer or director, he will have opportunity to speak directly to him

and only then, he will know the actual position and that he was kept away by manipulations done behind his back.

257. If a person does not have any personal contact with the producer or director, such actor or actress will not get the opportunity to act in the movie. The actor or actress may not even know that the producer had proposed to cast him or her in the movie. No document will be available to prove the banning. This is done by personally talking to the relevant persons. Such a situation can be stated to be a conspiracy. No evidence will be available to prove the ban but the person who is banned will come to know about the banning. The banning happens, more or less like causing a "marriage proposal to be fizzled out", it is stated by a prominent witness. Everybody in Malayalam film industry protects his own interest and he can be thrown out at any time, without even himself knowing that he was being thrown out.

258. One of the actors stated before the committee that in a way, it is good that WCC was formed. According to him, it has created an occasion for an expert committee to study the problems in cinema. People outside the industry will also know what is happening in the industry. He also stated that there must be transparency in the working of the industry and there must be some authority who can oversee the working of the film industry. The witness stated that

he has objection to WCC but his resentment was only because they are speaking against their association AMMA, though the latter has been doing many good things for the artists in cinema. WCC ought to have avoided criticising AMMA unnecessarily.

259. Women in cinema have a strong case that members of WCC are banned from cinema only because they are members of the said organisation and they speak out the atrocities they face in cinema. According to an actor, no person will have the same prominence in film always. As days pass by, prominence of the actress will be reduced and this is very common. Members of WCC have to accept this reality, it is stated. However, the actor stated that these days, women in cinema are putting forward one or other issue and the result is that the producers do not wish to take them for acting. There are afraid of women who make complaints. Everybody desires to lead a peaceful life. Therefore, certain women are avoided by producers and they would prefer to cast others who may not create any problem, it is submitted.

260. Anyway , it is a fact that there is banning in cinema and such allegation is not a cock and bull story. Banning in cinema is a reality, as seen from evidence, both oral and documentary, placed before the committee. The power group has no authority to ban any person from working in cinema. It is illegal. It is unconstitutional also.

It is by instructing the producer not to allow such person or some other person who has hold in the production unit that the banning is done. It was brought to the notice of the committee that even though in earlier days producers were the most powerful person in cinema as the one who spends money but, the situation has changed drastically these days.

261. These days, produces cannot independently decide anything in cinema, it is stated by many witnesses. The actors who have grown powerful by money and fame decide who will be the hero or heroine or who will direct the movie or who will be the scriptwriter etc. If the producer does not act as instructed by the power group, they can easily see that the producer does not get any prominent actor, director, script writer, technicians or others to work in the cinema proposed to be produced by him. There are many instances where a director or producer did not get persons of his choice to work in cinema. Therefore, no producer in cinema dares to allow any person who is banned the powerful group, to working is movie. Fearing the power group, he will give some excuse other to avoid the person who is banned by the power group.

262. Many witnesses examined before the committee stated that they were banned from acting in cinema (we do not wish to name those persons here) and according to them, there was no

apparent justifying reason for doing so. It is clear from the version given by various witnesses that such banned persons include various well-known actors, directors and many others. This list includes a person who was just an actor at the time of banning but later, he became a producer, exhibitor and distributor. According to him, he realised that by merely being an actor a person cannot be powerful in film industry.

263. A few women brought to the notice of the committee that such power group, by hook or crook also cause that they lose chances in cinema. They stated that the power group make them lose their chances by passing on false information to the producer or the director who proposes to call them for the movie. They deliberately and convincingly, inform them either personally or through production controllers that such woman has no available date or that she will not be able to act in that movie for some other reason etc. The woman will not even know about the crooked move made against her, without her knowledge, and behind her back, until very much later when she comes to know from other source that she was not considered because of the false information given to the person concerned. However, by then, she would have already lost her chance to act in the movie.

264. Various witnesses spoke about their experiences with reference to the name the movie, the producer, director and other details. This is a very sad state of affair but unfortunately, such a situation exists in cinema. WCC members have a strong case that they were all banned from cinema because they openly stated undesirable things that happen in cinema. None of them is given any chance to work in cinema. They are practically kept away by those who are offended by what members of WCC stated openly against the atrocities in cinema and from the Association, AMMA.

265. According to members of WCC that many men have openly stated to them that the members of WCC will not be allowed to work in cinema. None dares to take the members of WCC in cinema since they openly spoke about various things which are not to the liking of many in the industry. Instead of taking members of WCC in a movie, they go for other women who are available. Certain other producers are scared to take members of WCC, since they believe that by choosing them, they would be offending powerful members of AMMA.

268. It was pointed out that an actress who was getting a lot of offers from several sources, earlier to formation of WCC stopped getting offers from movies for which she would have been considered normally. On an analysis of what has been stated before us, we are convinced that members of WCC are generally not considered for working in cinema for the mere reason that they are members of WCC who protested against atrocities in cinema. The only member of WCC who is getting several offers in cinema is the founder member of WCC about whom I have already discussed above. She is the only one woman who stated repeatedly that there is no problem for women in cinema and that she had not even heard about any sexual harassment on any woman in cinema etc., which is far from truth. In this context, if her evidence is analysed, we are persuaded to believe that she is deliberately not speaking against men or the industry only because of her selfish motive not to go at ousted from the Malayalam

film industry. No value can be attached to evidence of such an actress.

269. It has come out in evidence that a very famous actor referred to the power group in Malayalam film industry "mafia sangham", as they can do anything that they wish in Malayalam industry. The said artist used to openly state his opinion about whatever he did not like in the industry but a few persons did not like this frankness. Against such individuals, the actor had reacted strongly and even though he is one of the best actors in the industry, about who has ability for acting is undisputed, he could be kept away from the industry, when the ten to fifteen joined hands to ban him from cinema.

270. The above artist had to leave cinema and go as serial artist. But there also, he could not escape from the clutches of the powerful lobby. By using 'ATMA' which is an association in serial also. During that time, the president of the said Association was an actor in cinema also. Thus, if those 10 to 15 artists decide, they can keep away anybody from cinema including actors and directors. The banning is done for silly reasons. As an example, it was stated that if a light ball smokes in front of a hero, knowingly or unknowingly, it can catch the male ego and the hero can ban him from cinema and he will be out of the industry, a witness spoke before the committee.



If anybody does anything which is not to the liking of such artists, he will not be seen in cinema from next day onwards, it is stated.

271. One witness stated that there was no system of executing any contract between the producer and the actor till 2000. Many complaints were received in film Chamber of Commerce regarding this. A suggestion came from the film Chamber of Commerce that it would be better to execute an agreement between the producer and the actor. That suggestion was supported by few persons in cinema, including a director who stated his opinion openly in a meeting. In the meeting many artists and producers had participated but a few artists did not like this suggestion. Those persons including the then president of AMMA informed the director that he may not make such suggestion.

272. It is disclosed from the evidence of one of the witnesses that certain well-known actors who were opposing the move for execution of agreement between actors and producers went on a strike and they left India on a foreign tour, to convey their protest against the suggestion for agreement. The foreign trip was made to give the message that none will get them for cinema thereafter. This caused a lot of difficulties to the producers. A situation arose where the industry itself would come to a standstill.

273. In such a situation, one of the director who was supporting the view that agreement should be executed between actors and producers directed a movie with two well-known artists, and he himself was director cum script writer. Another director also brought in another film and all these had the effect of cracking the strike. Thus, the agreement became a reality. But, director became enemy of the actors and they used many tactics to ban him from cinema. Even though the director was very well-known and he was doing at least 3-4 movies per year continuously for about 10 years, he could not direct any film with famous artists and technicians who were prohibited from acting in movies directed by the said directive. Those who were willing to work for his movies were banned from doing so.

274. Another episode was also brought to the notice of the committee. An actor had taken Rs. 40 lakhs which was the whole remuneration for a movie from a producer through a director. But the actor did not get ready for acting, in spite of lapse of 3 years. Later, the actor told the producer that he will act only if the director is changed. The said issue came to the union, MACTA. Since there was an agreement, the union took a stand that he must act in the same film without changing director but the actor did not oblige. The witness took a stand that the attitude of the actor is unethical. But,

the actor using his influence took steps to expel him from the industry.

275. As a first step, the actor did everything to get MACTA dissolved. He made the writers, cameramen, technicians directors and everybody to resign from MACTA, using his influence and support from many leading actors. Thus, MACTA became non-existent. Not being satisfied with that, he also caused a parallel union to be formed for the technicians and that is the present FEFKA. This could be achieved only by support from the power group. On different occasions, famous actors, prominent office bearers of artist association (AMMA), FEFKA used their influence over various actors, technicians, producers, financiers, not to work or associate with the said director in any of his project.

276. The power group also imposed ban on actors, technicians, producers, etc., who worked with the Informant, by issuing circulars and show cause notices. Many artists, technicians, producers and financiers withdrew from the director's projects and even the new actors (who came forward to work with the Informant) were threatened by the power group. They controlled and abused the Malayalam film industry by virtue of their dominant position in the industry. Ultimately, the director filed a case before the competition commission of India. The committee obtained the details of the case

and copy of the award through a lawyer at Delhi who appeared in the said case. He sent copy of the order by email to the committee and it is marked as Exhibit CCI. The said order speaks for itself.

277. As per the order by the Competition Commission of India, it was held that the then President and Secretary of AMMA, President and Secretary of FEFKA, Production Executive Union are all guilty of anti-competitive conduct and they were directed to cease and desist from indulging in such practices. Penalty was imposed on them to create deterrence. The order of CCI reveals that Rs. 4. 65 lakhs was imposed as penalty on the AMMA; a penalty of Rs. 85,594/- was imposed on FEFKA and penalty of Rs. 3,86,354/- (Rupees Three Lakhs and Rs. 56,661/- were imposed on FEFKA directors' union and FEFKA production executives' union respectively. A penalty of Rs. 5 1478/- was imposed upon the then president of Amma. A further penalty of Rs. 19113 was imposed on the then secretary of AMMA. The then director and general secretary of FEFKA were also directed to pay a penalty of Rs. 6,6356 and Rs. 32026 respectively. The secretary of FEFKA production executive union was also directed to pay penalty of Rs. 27737.

278. In an elaborate order which runs to 89 pages, Competition Commission of India discussed various aspects, with reference to the evidence both oral and documentary which depicts

the state of affair in the industry and entered several findings to hold the Associations guilty. When this order was brought to the notice of the general secretary of FEFKA, he explained that the said order is in challenge before the higher forum. Anyway, we are not considering the correctness or otherwise of the order of the CCI in this report and we do not have any powers also, to do it. But, we are fully convinced from the evidence which are placed before us that there is unauthorised and illegal banning of individuals working in different categories in cinema.

280. We have come across with various instances where Unions, Associations and Federation are passing orders and issuing directions which are not justified even by their own bylaw. They do not even ascertain whether such acts are banning can be done by any union or association, legally. There is a culture in the film industry by which everybody concerned whether man or woman believes and are caused to believe that the Association, Union or Federation have enormous authority to do anything on any persons working in the industry including banning from cinema. The members of the unions and federation believe and proceed on an assumption that unions etc. can ban them from working. The impression is so deep-rooted that they do not even know that neither any individual nor the union, association or Federation has any power to ban any person from working in cinema and that to do so will be illegal.

281. This seemed to us very strange to a because most of the office bearers and certain other persons in the union, Association and Federation are well educated. Still, they seem to be under the impression that as office bearers, they can prohibit a person from working in the industry. Why and how such an impression could be

created in the film industry is a mystery. It seems that by force of habit, the office bearers of the union etc. believe that banning is within their power and others also believe this. Such illegalities have become routine in cinema. Though many members of the unions have come before the committee and given statements before the committee, they seemed to fear the office bearers of the union because according to the women, they are capable of denying work to them.

282. The members of the union, Association, federation etc., honestly believe that the unions have authority to ban them from working in cinema. They stated before the committee that if they dare to speak anything against the union and if anyone in the union comes to know that they made some statement before this committee against the union, they will be denied work. The surprising thing is, the members of the union believe that it is within the power of the union to stop them from working. It is in evidence that certain hairstylists who have completed that they are prohibited from working in cinema by the union because they have questioned certain illegalities and discrimination is shown to some of them by the office bearers of the union.

283. It is in evidence that if the hairstylists question any of the atrocities on the side of the office bearers of the union, they are

not given membership in the union and others in cinema are informed that such hairstylist should not be allowed to work in the cinema. It is needless to say that no union can prohibit a person from working in cinema if he or she is not a member of a union. The membership would be relevant for other purposes but absence of a membership card cannot be made a reason to deny work for a hairstylist or any other member of a particular union. A producer also cannot be asked not to allow a nonmember of the union to work in his cinema. But, practically, all these illegalities are recognised as legal in the film industry

284. It is high time that such illegalities are stopped in the film industry. There is no doubt that illegal banning violates the fundamental right of the individuals. It is not very easy to stop this illegal practice in cinema since it has become an unquestioned practice in cinema and people are made to believe that different unions, association and federation have the right to put a ban on the individuals in cinema from working in the industry. The film industry itself is under the clutches of certain powerful persons in cinema and banning is imposed by word of mouth and without any document so that there will be no documentary evidence to prove the banning.

285. Therefore, there must be some authority at government level which can prevent the illegality and undo the



injustice caused to the individuals in cinema. Even though certain witnesses stated before us that persons in cinema itself can be given the authority to deal with the matter, we will be most reluctant to accept the suggestion, after realising how the Malayalam industry runs at present.

**Hairstylist :**

286. We have examined few hairstylists and all of them have stated that they have a lot of problems in cinema. The main cause for the issues is the way in which their union is functioning. Many of them are denied work by the union and its office bearers. Even though many hairstylists are working even after expiry of 35 years of age, many are denied even membership to the union on the ground that they have completed 35 years of age. It is also stated by the hairstylist that the union is banning the hairstylists from working without a membership card . It need it is needless to say that such acts are illegal.

287. A prominent office bearer of FEFKA stated that the decision taken by the union, fixing the minimum age for membership to the union as 35 years is unconstitutional. The President of the hairstylist union also admitted that he was directed by FEFKA to remove the age limit for membership in the union. It is in evidence that certain hairstylist approached the District Labour Officer (DLO)

challenging the fixation of age limit for membership and various other decisions taken by the union. But, neither the union nor FEFKA has done anything in the matter knowing that denial of work to any person on the ground of age is illegal.

288. According to hairstylists, the District Labour Officer initiated a conciliation proceeding but, the dispute could not be settled because of the attitude shown by the office bearer of the union. A complaint was filed before this committee also regarding their grievances. Though an attempt was made to settle the issues it could not be done. The hairstylists brought to the notice of this committee that the office bearer of the union compelled the hairstylist to withdraw the complaint even before the District Labour Officer and also this committee. They ultimately submitted a letter before both the authorities stating that they settled the issue with the union and they have no grievance. However, considering the various aspects, circumstances under which they were compelled to withdraw the complaint, etc., it can be easily inferred that the withdrawal is only made under compulsion and hence, it cannot be acted upon by the committee. The wrong committed by the union cannot be made good by withdrawal of complaint made under compulsion.

289. It is also in evidence that women are not given opportunity to work as make-up artists. Identity card is also not

issued to make up artist, for the sole reason that they are women. This is also illegal. Though a woman who was working as hairstylist and also as personal make-up artist for many famous artists, her application to membership for make-up artist was not considered. Recently, certain cards are issued as make-up artist, but it is only an eye wash and such women are not actually working as make-up artist and they are not extended any benefits of make-up artist, it is submitted.

290. It is the policy of the union not to allow any person who is not a member of the union to work in any movie, without the identity card issued from the union. This is clearly illegal. The reason for denying membership to make-up artist is that she is a woman but, a make-up artist is graded as Chief technician in cinema and therefore, she may enjoy many facilities including better accommodation etc., just like men. The men in cinema do not want any woman to enjoy any such facilities. It is clear gender discrimination against women. The committee is fully satisfied of what is stated by the hairstylist regarding the above aspects.

291. According to hairstylist and other women in cinema, there is representation of women among the office bearers of the and therefore there is nobody to talk on behalf of the women. They stated that at the top level of union, women should come so that there

148 (9)

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would be somebody to talk on behalf of women

292. The hairstylist took the risk in raising complaints against the acts committed by the office bearers of the union and she is denied work by the union. Just as the members of WCC are banned from working in cinema. She is also banned. However, she does not grant about the stand taken by her because she is getting reports from other hairstylist that they can peacefully work on the set now because men fear that women will openly state the offending acts committed by them. The witness continued to say that she is not going to get any benefit by speaking all these to the Committee. She will only have losses. She is already denied chances in cinema. But there is one benefit because of making grievances openly. Women and work with peace of mind. Some of her friends informed her that they have some benefits because of WCC and men are scared now to torture women.

293. The hairstylist also stated that there is no uniformity in taking membership fees or subscription from the hairstylist. Different amounts are taken from different persons and no account is maintained. The witnesses produced receipts showing that the

amounts are different with lot of disparity. Huge amounts are received such as Rs. 35,000 and Rs. 75,000 but no accounts maintained by the union, it is stated. The accounts are also not subjected to auditing, it is contended by the hairstylists. There can be no doubt that such acts by the union are actionable but nothing is done in film industry because persons who are aggrieved are women.

294. Even though it is stated in a letter that Rs.500/- is the yearly subscription for membership, receipts were produced to show that different amounts, such as Rs.500, Rs.1000 and even Rs.5000 are received from different persons (vide exhibit C21(b)). It is seen that Rs.200/- is received from one person for application form fee. Different amounts are seen received from others. In the light of these inconsistencies the District Labour Officer was addressed by this office. He gave a report Exhibit C19 stating that a few women had approached in on the complaint that they are not given membership card being women. The District Labour Officer intervened in the matter and proceedings were initiated involving the workers and representatives of FEFKA and makeup artists and hairstylists union. Though the matter was settled after conciliation proceedings, it is understood that none of the conditions were complied with by the Union Secretary.

295. According to the District Labour Officer, union is unnecessarily interfering in the employer-employee relationship. It is also understood that the Union has informed all producers over phone that only if the workers have membership from their union, they shall be allowed to work. This is illegal. The DLO also understood that though the byelaw shows that annual subscription is Rs.500/-, Rs.500/- is taken for membership Rs.75,000/- is being realised from the members in instalments. This fact is admitted by the Union Secretary. It is not understood how and under what authority such huge amount is realised from members, which is against the byelaw. The President and Secretary are acting contrary to the byelaw knowing that it is contrary. It is reported by the DLO that during the conciliation proceedings before him, the Secretary of the union was ~~found~~ behaving badly towards the complainant. The Unions are working like autocrats, according to him. The DLO is convinced about this from the two meetings held. He also received another complaint from another person having similar nature. It has come to the knowledge of the DLO that Rs.5,000/- was received from that person apart from Rs.200/- towards application fee. Rs.100/- was also accepted as donation fee. When the Secretary was asked to explain the discrepancy, he only stated that it was received by the earlier Committee and he has no responsibility. A copy of the compromise

was also produced by the DLO which is marked as Exhibit C19A dated 21.8.2019.

296. A compromise is entered into by the Secretary, Joint Secretary of the Union and also a representative from FEFKA and three women who had complaints. The compromise shows that even if there is no membership in the Union, if they are called directly by makeup man, he has to inform the Union and only union will allow them to work. It can be undoubtedly stated that union has no authority to prevent any person from eking his livelihood by working in cinema on the ground that there is no membership in the union. Such banning from cinema is without any authority. It is only by contacting producers that such illegal activities are committed by office bearers of the union. There is no justification in fixing age limit to any person for becoming a member of the union. Normally, trade unions are formed for the welfare of the workers and not to create problems to them. But certain people have monopolized their authority in cinema and their control everything in cinema.

297. We are surprised note that women working in cinema are under the impression that it is only legal for the Unions to impose restrictions and ban them from working in cinema. Though they have eligibility to work, by might and influence, the union office bears prevent them from working as per the evidence of various witnesses.



The women in cinema lacks legal awareness and that is one of the reasons why they do not understand the seriousness of the illegalities which are committed against them by men in cinema. This situation is cleverly exploited by men in denying to the women there are valuable rights.

298. Like many other women in cinema hairstylists are also harassed by men in cinema. There are make-up men who harass hairstylist who work under them yet, there are some good make-up men also, it is stated by the various witnesses. One of the witnesses stated that on one day a makeup man asked her to share his room. When she refused, he created problems to her in many ways. He abused her. She stated that the make-up man antagonised since she asked the director and producer to provide a room with safety and they arranged the same. The makeup man called her over phone during night and threatened her and abused her in filthy language. Having been convinced that it will be difficult to continue on the set with this makeup man, she left the set, before her work was over. She stopped her work and came home on the next early morning. There is no safety in the room allotted for their accommodation. The door will open by just a push. These are also making the life of a worker in cinema, problematic.

299. On analysing the statements given by various witnesses and evidence produced, we are satisfied that hairstylist are denied work without any justifiable reason by the hairstylist union and such acts should be stopped by adequate measures. They come from a financially poor background and many of them stated the sad plight at home. Since raising of any objection to the illegalities committed by the union leaders lead to denial of work to hairstylist, they suffer all the illegalities, without uttering any word, it is submitted. They face many difficulties in silence and seek the committee to do something to save them from the male dominated industry.

#### **Junior artist**

300. Lot of junior artists work in Malayalam film industry. Both men and women work as junior artists. If a crowd is to be shot, junior artists are required and their presence is inevitable. But, they are not recognised as artists by AMMA and they are not eligible to be members of AMMA. They are also not treated as technicians and hence, not admitted to FEFKA. Thus, they are not even considered to be part of film industry though there can be no cinema without junior artists, it is submitted. They are procured by production unit through various agents/coordinators. As part of this study, at the beginning itself, we wanted to get a few female junior artists, who could speak

about their problems before the committee. So, junior artist coordinators were contacted and one of the coordinators gave a list of few names and phone numbers of junior artists.

301. However, when the junior artists were contacted, it was found that they do not have WhatsApp numbers or even email ID, for communicating with them. They also informed that most of them are from Tamil Nadu and not available in Kochi and it was difficult for them to come over to the committee. From the conversation with the junior artist it appeared that they were reluctant to speak about their problems before the committee. It also appeared that the list was given deliberately including persons who were not willing to speak. However, at the fag end of the proceedings of the committee, we received a communication from the government, instructing the committee to look into the problems of junior artists and suggest solutions. This was done, in the light of letters received by Honorable Minister for cultural affairs and Honorable Chief Minister, stating that junior artists were having certain issues in film industry.

302. The author of those letters was contacted and he was asked to come to the office with minimum of two junior artist who were willing to speak about their issues. Though he undertook to come after 8th of December 2019, as there was some meeting of junior artist on 7<sup>th</sup> at Kochi, he later informed that junior artists are

scared to give evidence, anticipating serious consequences, including denial of work to them, if they were to state what they have gone through, as junior artists. Thus, nothing could be done in respect of the complaint given to the government on issues relating to junior artist.

303. In the meanwhile, another woman contacted the office of the committee and expressed her willingness to speak about the problems relating to junior artists in Malayalam film industry. So, a meeting was scheduled for hearing the above junior artist coordinator and she came to the office with two men who were conversant with the problems of Junior artist. Another set of three persons also came to the office and meetings were held with them. They all stated the various problems which Junior artist faced in cinema. One of them was working in cinema since a long time and he is conversant with the problems in cinema. Other two women are working as junior artists and they had gone to various film sets and worked as junior artists.

304. All the three of them narrated the experiences which they faced in film industry. From the various statements made by the junior artist coordinators and junior artists, it is quite evident that the junior artists face very serious issues in Malayalam film industry. It was shocking that the junior artists were treated worse than slaves

in film industry on certain sets. They are totally neglected in respect of the basic needs which are required by them. They are not provided with even toilet facilities on the set, even though they are made to be on set for 19 hours continues from 7 am to 2 am in the night. One of the junior artists stated that on one set, the shooting was going on in an open ground extending to a very vast area. They were all made to stand in the hot sun for a very long time, whereas others who were working on the same set could use umbrella. The junior artists who were all made to stand in hot sun were not even given anything to eat or drink on many sets. Of course, they stated that there are exceptions and food is provided in some sets. But generally, they will not be given even water from the set.

305. Very inhuman behaviour and treatment is shown to the junior artist on the set, it is stated. Even if only hundred persons are required, thousands of junior artists would be required to come to the set. Only a few will be chosen and food coupon and will be given only to those who are selected. But the others will be asked to remain on the set and not allowed to go back. These people will not be given food or even water from the set. They will not be given any facilities on the set. In some sets there will not be any space for the junior artists even to sit or take rest when there is no shooting, if they are too tired because of the hot sun and other activities on the set.

306. One of the witnesses stated that in one set, a woman was working as a junior artist happened to sit on a chair as she was very tired because of the medicines she was taking for heart problem and as she was also standing in hot sun for a long time without even water, he was asked to get up from the chair. She was also asked not to come for work thereafter. Such inhuman treatment is given to the junior artist on the set. If anybody questions any of the things which happen on the set, such a junior artist will not be called for shooting, thereafter many women who come for work on cinemas at as junior artist would be too poor are financially and they find it extremely difficult to make both ends meet, it is stated by the junior artists. Women come for cinema shooting as junior artists only because of their very bad financial position. Most of the women who come forward to act as junior artist will be either divorced, abandoned by their husbands and family or those who are not having any job. The women have to bring up their children, pay their fees, pay the rent of the house they are occupying.

307. But junior artists will not be paid their wages on time. They will not be paid the even amount which is due to them even after the shooting is over. The junior artist would have to meet the producer, or the person who has engaged them for the work, repeatedly and they have to beg for the money which they owe to the

junior artist. It is stated by the junior artist and the junior artist coordinator that even though an amount of Rs. 1800 to 5000 are given from the production set for payment to the junior artists as their wages, per day, such amount is never given to the junior artists, by certain coordinators. Many intermediaries misappropriate the amount and they are paid only about Rs. 450 to 500 per day as wages. The rest of the amount are taken away by those who stand between the production set and the junior artists.

308. A request was made by the junior artists and the junior artist coordinators with whom meetings were held to recommend to pay their wages directly to their bank account by the production coordinators, after excluding their commission. All the amounts spent by the production set for the coordinators and also for the junior artists must reflect in the bank accounts it is stated. This will protect the junior artists from financial exploitation it is stated. It is also pointed out that the junior artists are coming from their homes by spending money from their own pocket for transportation and food on the way.

309. They are coming from faraway places and other districts by bus or train. But that amount is not paid to them either by the production coordinators or by the production set. They have to

pay for transportation out of the meagre amount of Rs. 450 to 500 which they get as their wages.

310. After going through all the bad treatment, they receive at the production set, without food or even water. Ultimately, they do not have any amount to carry home, after spending the whole day and night at the production set. The junior artists and their coordinators stated the junior artists come to the set after going through various struggles. One of the witnesses stated that if she has to come from Trissur to reach the production set at Thodupuzha or Kottayam by 7 AM, she has to wake up at least by 3 o'clock calendar make all arrangements at home for the children, cook their food and do many errands. She has to take public transport to reach location, after doing all the work for the family. Even though the shooting will be only after lunch, the junior artist will have to reach the spot at 7 AM. In case they are late to reach because of some traffic block or other unexpected reasons, they will not be allowed to work, a junior artist stated from her own experience. She could not reach on time because of traffic block and she was denied work thereafter.

311. Denial of food and water is a serious problem which they are facing on the set, it is stated. As already stated earlier, lack of toilet facilities at the shooting location is also a very serious problem. One of the junior artists stated that on one set, one



character artist took a caravan on rent by spending about Rs. 25,000 on rent since there was no toilet facility on the set. She allowed the junior artists to use the caravan but none from the production set shows such concern to the junior artists, it is stated. The heroines however, never allows other women in the set to use caravan even for emergency. It is also pointed out that the character artist suffered a lot from the production set up for showing this magnanimity and it became a very big issue.

312. Another witness stated that, there was shooting at Palakkad for which producer decided to give 3000 for junior artist as their remuneration per day but they were given only very low amount by the coordinators as there were many mid-persons who were dealing with money.

313. Another issue is that even if the production set needs 50 junior artists, the junior artist coordinators will be asked to send hundred junior artists and the details/particulars of the type of junior artists required will also be made available to them. After making arrangements for hundred junior artists tallying with the requirement, when the junior artist comes to the location at 7 am, all of them will not be selected. Even if 50 junior artists are rejected, they will not be allowed to go back home. They have to remain on the production set itself, without food or water or other facilities including toilet. These

are putting the junior artist to a miserable condition, it is stated before me. The witnesses also stated that there is nobody on the set to whom they can state their problems and redress their grievances. If any one of them opened their mouth on any of the issues which they are facing on the set, she will be out of the industry. Therefore, fearing loss of work and whatever money they get from the production set, none of the junior artist make any complaint to anybody. It is stated by the witnesses who came before me that they were thinking twice before coming to the committee to speak about their problems because they are at the risk of losing their job.

314. The witnesses also pointed out that there are many persons who are working in the industry who exploit women for sex. The girls who are called for working as junior artists are told that they would be given a chance in cinema if they comply with the demands for sex. They are told that they will have to adjust and compromise, if they wanted to come to the film industry. One of the female junior artists coordinator stated that WhatsApp groups are created by certain coordinators or managers with both men and women as members in the group and thereby give them opportunity to contact each other and they get acquainted. Their acquaintance lead to undesirable results and even end up in flesh trade. There is nobody to check such mishaps. Film industry is not controlled by any

Government machinery and this affects the women who are helpless financially and otherwise, it is stated.

315. It was also stated that many persons are damaging the reputation of film industry by indulging in various objectionable activities. There are several individuals who are working under the name and style junior artists coordinators in the state of Kerala, but most of them are fake. They get women on the promise to work as junior artists on the promise that they would give them chance to act in cinema and they collect different amount of money from them and such people do not even give the women any chance to work in cinema. Such fake persons also exploit young girls and women and use them for some other purposes.

316. One junior artist stated that there are a very few coordinators who give the junior artist Rs. 700/- per day as their charges. But such coordinators are very few. In the beginning they used to take only a small amount as their commission and the rest used to be paid to the junior artist. But, these days they are engaging several persons to work under them and they are also paid from the money which they get from the production set as commission. This also affects the payment being given to the junior artist. In case any junior artist or their female coordinators raise their voice against any such unjust activities, they will not be given any work thereafter. Due

to this, no junior artist on their female coordinators will object to the misdeeds that happen in film industry, it is stated.

317. It is also brought to my notice that huge amounts collected for arrangements of junior artist but no account is maintained by the coordinators or others. There is also no proper accounting or auditing. There is no authority at the governmental level to control the persons who are working as junior artist coordinators, it is stated. There is nobody to control the junior artist coordinators, it is submitted. There is also no mechanism to protect the women who are suffering because of fake coordinators. The junior artists are subjected to various exploitation. There are many associations which are working now for Junior artists and Rs. 2500 and Rs. 3000 are collected from each Junior artist for becoming member of the Association, it is stated. One such Association is named in such a way that it resembles the name FEFKA to mislead women and huge amounts collected with no accounting or auditing.

318. There is discrimination to junior artists in giving food. In some production sets there are men who give proper food to junior artists who are obliging by sexual favours. While some persons are given food with 6 to 7 items, others are given only 2 to 3 items.

319. Another serious problem which the junior artists face in cinema is completely ignoring the junior artists, if they sustain any

injury on the set. One of the witnesses stated that while shooting was going on for a high budget movie recently, in which very famous artists were working, a 70-year old woman got burn injuries when hot oil happened to spill over her body from her neck downwards from a lamp. Even though she was taken to the hospital by the production set, no amount was paid for her treatment. She had to be taken care of by her relatives who had to spend the hospital expenditure. Another person fractured his leg on the same set, when an elephant went a little crazy but, no amount was paid to the injured by the production expenses or treatment.

320. Another problem which the junior artists are going through is that after the shooting they are totally neglected by the persons who take them to the set and they are left at the set at late night without accommodation or transport. The women will have to go home all alone and there were occasions where they have to sleep even in the railway stations for safety. The work will be over only by midnight or so, but there will be no person to take the junior artists back home. There will not be given any transport facilities to reach at least the railway station or the bus station. There will be no accommodation at the location. One of the witnesses stated that the police had once apprehended them and questioned them why they

were moving around in the late night and they had to explain the situation to the police.

321. There is no time limit for the work of junior artist. Their work normally commences at 7 am and it can go up to any time in the night, even 2 am. They are not given any amount for over time. After the work is over, the junior artist face total neglect and that will be nobody to take them back to their houses, late in the night. There will be no place even to lie down and sleep. They will not have any toilet facility in most of the sets. In one of the sets, toilet facility was available only at a long distance from the shooting location and the artist had to walk for 10 minutes to reach the spot. But she was not permitted even to go to the toilet at that time. The location was such that they cannot walk all alone up to the space where toilet is available and they need somebody to accompany them. But permission was denied to them to go to toilet, it is stated. The situation is horrible, the witnesses stated.

322. It is also stated that hundreds of associations are working in Kerala and they collect huge amount of money from each Junior artist but they do not give any service to them. Same person opens more than an association and he will collect money for one year and thereafter, he leaves the association and opens another. There is nobody to control such associations which exploit junior

artists. No accounts are maintained and the associations being private no auditing is also done. Women who are cheated files complaint to police and in some cases, they get back the money through the police. But, many cases, SIM card is discarded by the person and he cannot be traced by police. Therefore, all associations must be registered with government and auditing of the accounts must be made compulsory, it is submitted by junior artist and coordinators. Registration certificate also must be issued to such registered associations. One of the association has named it in such a manner that the name is deceptively similar to the most famous association/federation working in cinema.

323. It is also stated that some people styling them as directors invite Junior artists and they would be asked to pay huge amounts such as Rs. 5 lakhs or some other amount, promising to give a chance in the cinema which is directed by him. Publication is affected through social media such as Facebook etc., calling for women to act in cinema. It will be only reported that a new cinema is going to be directed or produced, without showing the name of the movie or the director or producer. But, the contacts phone number will be shown in which girls can contact. But, when anybody makes compliant they vanish discarding the SIM card so that they will not be

traceable. There are cases where women are used for sex also. Many women become prey to such exploitation, it is stated.

324. Another request made by the junior artists is that agreement must be made compulsory with the producer, coordinator and the junior artist, showing the amount which will have to be disbursed to the junior artist. The payment which is due to the junior artist must be directed to be transferred to the account of the junior artist so that there will not be no misappropriation, it is submitted by various Junior artists. It is also stated that there must be a system where the junior artists are given identity card. Only the registered associations of junior artists can be allowed to send Junior artists to the production set so that Junior artists will be safe and not exploited. All financial transactions must be supported by documents and the fund must be subject to government auditing. It is brought to the notice of this committee by the junior artist coordinators that government is losing a lot of revenue because no auditing is done in film industry.

325. It is also stated that the junior artists are tortured at the site, without allowing them to use umbrella when there is hot sun. They are made to stand in the sun for very long time unnecessarily. All these can be verified if a responsible person is sent to some production set by this committee, it is stated. When injuries



are caused to the women at the shooting location, expenses are not met by the production unit. There is no specific time schedule for the junior artist. The shooting may start at 7 am and they have to be present at the location at least by 6 am. Thereafter, on many occasions they have to remain in the location even up to 3-4 am. Normally the schedule in cinema is from 6 am to 2 pm and from 2 pm to 9 pm for which payments are made. If a person has to work after 9 pm, she will have to be given different charges which is almost double. But the junior artists are not paid for the work which they do. A light boy gets Rs. 1500 for working from 6 am to 2 pm. If he works from 2 pm to 9 pm, he gets the same amount. If he works after 9 pm, he gets doubled the amount. But, there is no such payment for the junior artists. The coordinators and junior artists stated that same system may be followed for the junior artists also, it is stated.

#### **Contract in Malayalam film industry:**

326. The link in the relationship between the producer and every member of the production crew is the contract executed between them. An employment contract is a contract which is executed between the employer and the employee which establishes the rights and responsibilities of both the parties. The employment contract will necessarily include, terms relating to 1) remuneration

and wages 2) work schedule 3) duration of employment 4) general responsibilities 5) terms relating to confidentiality etc. and other terms. Depending upon the nature of work, parties will decide what terms and conditions have to be incorporated in the contract. It is a personal agreement between the parties who employ the other. The employment is controlled by the terms and conditions referred to in the contract.

327. But, I was surprised to hear from various witnesses that there was no practice of executing any contract in film industry but, such a thought came only late in the industry. Till the year 2000, there was no written contract in film industry. But, many difficulties arose because of absence of contract and the individuals in cinema understood the necessity to execute contract between the producer and the employees. A written contract is a great way to clearly define the job, responsibilities, and benefits. It prevents any confusion about the job. However, there are benefits and drawbacks in executing an employment contract. The parties to the contract must make sure to carefully read all elements of an employment contract before signing it. They have to satisfy themselves that they are comfortable with every part of the contract. If anyone of the parties to the contract breaks the contract, legal consequences will follow. But it seems people in film industry are not aware of the importance of the

agreement and they did not take it seriously. It is stated before the committee that even now, contract is not executed between the parties before production of a movie commences. It came out from evidence that there is a printed form of a contract available in the office of the film Chamber of Commerce which is being signed by the producer and the artist. Only the producer and the hero or heroine sign the agreement and no others.

328. Therefore, many disputes arose between various persons in the industry regarding remuneration, nature of work, script, terms with the director, the work schedule and many other things. In the absence of not showing the details of the terms in the contract many consequences follow. As one actress pointed out she was not told about the extent of nudity that will be exposed in a scene before the shooting commenced. She was only told that a portion of her body at the backside will be exposed. When the shooting started, she was asked to do many things which was contrary to the understanding between the parties. She was asked to do a lip lock scene. A huge portion of her body was insisted upon to be exposed.

329. The actress refused to do it and she walked out of the movie, since she could not agree with what she was told at the time of shooting. The loss which might have been caused to the production

unit can easily be understood. At the same time the embarrassment caused to the artist because of failure on the part of the persons concerned in not explaining to her about the role also has to be born in mind. Therefore, it is always essential that such details are stated in the contract itself which will protect the artist and also the producer, well in advance.

340. But the contract executed in cinema do not show all the details and hence problems arise. The remuneration will not be contained in the contract before signing it. Later some amount might be shown in the contract by manipulating the printed form of contract which is full of blank portions. The time schedule also will not be shown in the contract and that also can lead to difficult situations. Anyway, a contract in have printed form with a lot of blank portions will not protect the interest of either of the parties. Therefore, it is necessary that the parties decide well in advance all the terms and conditions which are to be incorporated in the contract. The practice of signing him more or less a blank paper as contract will definitely affect the rights and liabilities of the parties. Many instances were brought to the notice of the committee that there were disputes regarding the remuneration fixed, which remains unpaid.

341. Therefore if the parties insist that all the terms and conditions which are agreed upon must be clearly shown in the

contract before the signing it shall be done. That will help the parties to avoid future controversies. The parties must be very clear about the terms which they want to incorporate in the contract and they must take the responsibility if such details are not shown in the contract. However, if an employee insists that a personal contract has to be executed, he or she shall not be compelled to sign the printed form of contract which has a lot of blank portions. The parties must come to terms about the same before the production work starts on a movie. Producer has no right to compel the employee to sign the printed form of the contract and vice versa.

### **Solutions to the problems of women in cinema:**

#### **Enact law & constitute tribunal :**

342. On considering the statements given by various individuals in cinema, both men and women, all the documents which are produced by witnesses and procured by the committee from various sources and having understood during the study, the nature of the working atmosphere of women in film industry, and also how the Malayalam film industry runs in the present scenario, I have no hesitation to hold that the only solution to the various issues faced by women in cinema is to enact an appropriate statute and by constitute a Tribunal under the statute.

343. The following are the statutes which are applicable to the film industry in Kerala:

- Cinematograph Act 1952
- Cinemas (Regulation) Act 1958 (Kerala)
- Cine Workers and Cinema Theatre Workers (Regulation), 1981
- Cine Workers Welfare Cess Act, 1981
- Cine Workers Welfare Fund Act, 1981

344. On a close perusal of the relevant provisions of above statutes I find that those statutes may not be sufficient to meet the present days' challenge. There are also various laws including Indian Penal Code which lay down penal provisions to deal with the illegal acts committed against women. The POSH Act also relates to sexual harassment against women in workplace. But, while considering the various provisions relating to women and the relevant definitions given in those statutes, it would be clear that many of the situations which are discussed in this report are not covered by those enactments.

345. For example, while the POSH Act deals with sexual harassment against women at the workplace, women in cinema are subjected to sexual harassment even prior to their reaching the actual workplace or the shooting location. They are subjected to

sexual harassment, abuse and assault even prior to the entry of women into cinema or their workplace. The torture commences even before a woman is chosen for a job in cinema. An offer to give a chance in cinema is put forward to them along with the demand for sex. If a woman wants a chance to work in cinema, she is insisted to share bed with a particular person or persons in cinema. This is horrible.

346. Thus, various offences including sexual offences are committed against woman, before she joins work and start working at workplace in the film industry. This is a peculiar situation which makes the film industry different from other workplaces. Normally, such demands do not take place when a woman seeks any other job. A test or examination and an interview will decide whether a woman is eligible or not, for other jobs but, the situation in cinema is totally different. Therefore, the POSH Act which deals with sexual harassment that workplace will not take within its fold, the problems which women face in Malayalam film industry.

347. Apart from that, the POSH act deals with sexual harassment after the employer-employee relationship is created whereas in cinema, harassment starts even before the employer-employee relationship is formed. To handle the problems of women in Malayalam film industry, to prevent, protect and deter the

offending acts committed against women in cinema, a totally different statute with provisions of different nature would be necessary. Such a statute has to be enacted and, I would suggest that the statute can be titled, thus:

**"The Kerala Cine Employers and Employees (Regulation) Act, 2020"**:

348. The statute must contain provisions which will prohibit various illegal and objectionable acts committed by any person against women in cinema, and also penalize the perpetrator by imposing penalty or compensation. Other main provisions which are to be included in the statute are relating to the following:

- Constitution of a Tribunal
- Appointing a retired District Judge as the Tribunal, preferably a woman, who has a minimum of five years experience on the trial side.
- The decision of the tribunal shall be final, subject only to a revision before a Division Bench of the High Court.
- The powers of the Tribunal include taking assistance of any expert to his/her satisfaction, a counsellor, mediator, doctor, psychologist, psychiatrist, lawyer or any other person, whether from within the industry or outside the industry can be availed of, as the Tribunal may think it fit and proper, depending on the facts and circumstances of each dispute.



- The tribunal shall have powers to appoint any person as commission to inspect, discreetly enquire collect any relevant material and report any fact which the tribunal finds relevant for the enquiry.
- When a dispute arises and a complaint or petition is filed before the Tribunal, the Tribunal will consider, as the first step, whether the dispute can be solved by settlement, counselling, conciliation or mediation, into the actual dispute between parties, irrespective of whether the allegations constitute an offence or not or it falls under the POSH Act or any other special enactments and the Tribunal itself can take efforts to settle, mediate or conciliate and for this purpose, the Tribunal can follow its own procedure, as it may deem fit and proper.
- (But, Tribunal will not have power to be deal with any sexual offence committed against a minor)
- Even if a petition or complaint is filed before the tribunal , there will be no bar for any person to move the regular courts or any other forum, to seek redressal of the issues. The pendency of the matter before the tribunal will not be a bar for the party to seek redressal.
- All proceedings before the tribunal shall be held 'in camera'
- The details of the proceedings before the tribunal, including names of the persons involved in the dispute, shall not be published through any print media,

channels, Internet, WhatsApp, social media or by any other mode.

- If any person, directly or indirectly, causes any publication contrary to what is stated above, depending upon the nature of publication caused, the Tribunal may impose a penalty on the person who commits the same, which may extent to Rs.....and the minimum shall be fixed at Rs.....
- If the person refuses to pay the amount, provisions have to be made in the statute to recover the penalty or send him to civil prison.
- The Tribunal will be treated as a civil court and it will not have powers of a criminal court to conduct any trial, as in a criminal court.
- If any person in cinema commits any act detrimental to the interest of the petitioner/complainant, by harassing her and banning her from film industry by some means other, for the sole reason that a petition or complaint was filed before the tribunal and if the tribunal is satisfied of the same, Tribunal may impose penalty which may extend to a Rs..... and minimum shall be Rs. ....
- **Certain provisions to prohibit certain illegal, offending acts committed by any person against women in cinema and penalty or compensation.**

- No person shall cause any publication through social media or Internet or any other mode, calling any person for audition or for other selection process for admitting entry of such person to film industry, unless he registers as a producer before an appropriate authority (the government will consider the authority before whom the producer has to register and also insist to furnish relevant details as may be necessary)
- No person shall offend or create any nuisance to any woman, ignoring her resentment, by sending or circulating any message or voice clips, video clips to such woman, through any social media, WhatsApp or by any other mode.
- No person in cinema shall harass or torture a woman in cinema, directly or indirectly through his fan club, social media or any other mode by publishing any offending materials.
- No producer shall, refuse to execute an agreement to the satisfaction of himself and the employee, if the employee insists to execute a contract prior to her/his employment in his movie on such terms and conditions, as they may agree between each other
- No producer shall, compel or insist his employee, including an artist to execute a contract in the printed form, which is kept in the office of film Chamber of Commerce, unless the employee agrees.

- No person shall compel, persuade or influence any woman to go to any place as stated by him, on the false promise to give her any chance to work in cinema.
- No producer shall provide any accommodation or transportation which is unsafe and insecure to a woman in cinema.
- No person shall, directly or indirectly, commit any act to prohibit, ban or prevent any other person from working in cinema.
- No person shall prevent or ban a hairstylist from working in cinema on the ground of age limit or for the reason that she has no membership card issued by the union.
- No person shall prohibit any person, directly or indirectly, from work as make-up artist on the ground that she is a woman or that she has completed age of 35 years or for the reason that no membership card is issued to her by the union.
- No producer shall deny to any woman in cinema, including Junior artists, basic facilities such as toilets, changing room, food or water on the set.
- No person shall torture any woman in cinema by any act for the reason that she expressed her resentment to the physical advances made by him towards her and/or that she did not oblige him by sexual favours on the sexual demands made.

- No producer shall provide any unsafe or insecure accommodation to any women in cinema who works in his movie
- No producer shall engage any driver with criminal background or other disqualification for the transportation arrange for any woman in cinema
- No person shall smoke or consume alcohol or keep in his possession or use any drug on the set or workplace which can be accessed by any women in cinema in connection with the work in cinema and exhibit disorderly behavior, after consuming alcohol or drugs or under intoxication, to the annoyance of any woman on the set.
- No person on the said shall intentionally make any de meaning comment, whether vulgar or not, or with double meaning to any woman in cinema or in the presence of any woman, which he knows is likely to offend or embarrass such woman.
- No person shall harass a woman in cinema by inviting her to share his bed with him.
- No producer shall refuse to provide to any woman in cinema, basic facilities of toilets or safe changing room on the shooting location and in case there is no permanent arrangement for toilet on set, sufficient e-toilets or caravan shall be made available in usable condition.

- No producer shall refuse to pay to any person in cinema, remuneration which is due and payable, as per the terms of contract
- No producer or junior artist coordinator shall deny to any hairstylist, junior artist or any other employee, any amount fixed as minimum wages, as agreed upon by such persons and as stated in the contract.
- No producer or shall deny and refuse to pay to any assistant director any amount fixed as a day's remuneration, which shall be fixed at a minimum of Rs. 250/- per day, or such other amount as agreed upon by them and incorporated as such in the contract.

(The producers Association can, in consultation with assistant directors who are providing valuable services, fix minimum wage to assistant director for a day's work)

- No producer or any other person shall refuse to incorporate any term in the contract, if any woman in cinema insists to incorporate such term, especially relating to the extent of exposure of her body in a scene or a lip lock scene or such other scene which she may not agree to do in the movie
- the above provisions are not exhaustive. Those provisions may be taken only has a guiding factor --any other provision which the government may find it appropriate may also be added.

**Penalty and bar on failure to comply with the above provisions:**

- If it is established, on the scale of probability that any person acted in violation of the above provisions or failed to comply with the above provisions, Tribunal may impose a penalty on such person, which may extend to Rs....., and the minimum penalty shall be Rs.....
- The tribunal may also bar him/her from working in cinema for a period of ..... days or ..... months or ..... years, as the tribunal may deem to fit and proper, taking into consideration the gravity of the act or omission committed by such person.
- If such person fails to pay the penalty, it can be realised from him as done in civil cases and if that is not possible, he can be sent to **civil prison**, for such period, as the tribunal may deem it fit and proper.
- A person aggrieved can file petition before Tribunal within 3 years of commission or omission which constitutes violation of the relevant provisions referred above.

Dated this, the day of 31<sup>st</sup> of December 2019



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**Justice K. Hema,**

(Former Judge)

High Court of Kerala

**By Smt. T Sarada**

(Member)

- a. **Lack of basic facilities:** One of the major problems faced by women in the film industry is lack of adequate toilet facilities. While it may not be possible always to provide caravans to all artists and technicians, it is recommended to provide e-toilets to them in sufficient numbers with arrangements for cleaning them at regular intervals.
- b. **Lack of safe changing rooms:** Another important issue raised by the women in the film industry who had given evidence before us is the lack of safe changing rooms. I recommend that in every set/location where film is being shot provision should be made for at least temporary changing rooms like a circular metallic rod/strong PVC rod with rings and opaque canvas cloth like the shower curtains which can be dismantled and reinstalled very quickly in different locations.

*By, Smt. T Sarada*



c. **Sexual harassment:**

- (1) "Adjustment" and "compromise": A major issue raised by many of those who gave evidence relates to sexual harassment. Sexual harassment existed even in the good old days of film industry. The society today is different from that of yesteryears. Today there is a lot of influence of the Western culture on our society. Hence everybody mingles with each other quite openly. Girlfriends and boyfriends are very public now. The relationship between men and women was different in olden days. The culture of the new generation is different. "Adjustment" and "compromise" are open these days whereas it was not so open then.
- (2) **Knocks on the door:** These days women hear knocks on their doors at night and that is quite common.
- (3) **"Casting couch"** existed in olden days too. But today women have started speaking about it openly. In olden days hero and heroine had relationship with mutual consent. The "availability" of women was a perception then too. But if it became public the

*By, Smt. T Sarada*

people involved were embarrassed, whereas it is not so now.

(4) The way many people (women?) in the industry are dressed today is not correct. More than concealing, their style of dressing exposes their body parts. In the olden days there were no conversations with sexual double meaning in the sets. Similarly, there were no sexual assaults on the sets like touching or squeezing the breasts of actresses, junior artists or technicians. Today it cannot be said that these kinds of harassments do not exist in the film industry.

**d. Ban:** The threat of unofficial ban existed even in olden days. But the threat was never implemented then. It is difficult to take action against the unofficial ban that exists in the film industry. If women ask for more remuneration they are avoided if the producer cannot afford the higher remuneration. Today the women in the film industry are more educated and hence are more courageous. Hence they speak out such things very openly. But unfortunately because of their outspokenness they are avoided from films. It is not easy to change the situation in the film industry.

*By, Smt. T Sarada*

- e. **Lack of contract:** Many a time women do not get their proper remuneration. But if there is a contract the producers will be bound to pay the remuneration as stated in the contract. It will be good to fix the working time and remuneration of artists and technicians through a contract.
- f. **Prevalence of alcohol and drugs:** Drugs are quite common among youngsters in the film world.
- g. **Lack of proper accommodation:** The accommodation provided to women should be safe and suitable. Instances have been brought to our notice wherein women had been provided unsafe and unsuitable accommodation which affects their acting in the ensuing days. Women should as far as possible be accommodated in the same place and if possible in adjoining rooms, without isolating them.
- h. **Equal remuneration:** Audience does not have the same demand for women as for men. Even public ask initially who the hero is. So I do not agree with the principle of equal remuneration.
- i. **Work place definition:** Indoor studios and outdoor locations alone need be defined as "work place" as far

*By, Smt. T Sarada*

as the film world is concerned.

- j. **Prevalence of cyber-attacks:** This is something that government should take strong action against as the future of girls and boys in the film world are destroyed by these criminal acts.
  - k. **Lack of ICC:** There should be an Internal Complaint Cell for the film industry. But care should be taken to ensure that the members are people with integrity and that the ICC is an independent authority.
  - l. **Age bar for makeup women:** I do not understand why there is an age bar for makeup women and why they are not issued job cards.
  - m. **Gender discrimination:** There is gender discrimination in the film world. Women producers have to suffer insults and abuse from actors and directors only because they happen to be women.
2. **Submit suggestions on service and salary conditions**
  3. **Submit suggestions for enhancing the participation of women in all working sectors related to cinema.**

There are practical problems in enhancing the participation

*By, Smt. T Sarada*

of women in film industry. So that issue is best left to the decision of producers and directors. The present day women are educated. They argue for their rights. There should be no problem for the producer. He should not be destroyed. We are all people who lived for the film industry. We genuinely hope that the films run well.

4. **Submit suggestions for bringing in more women by giving them concessions including scholarships in sectors of technical studies of cinema**

I am not in favour of awarding scholarships to girls since they will stop their studies half way through. Further all girls who pass out of film academies and schools do not find a job in the film industry. I am not in favour of enhancing women's participation in technical studies of cinema.

5. **Submit suggestions for helping women in such circumstances where they have to remain away from job due to delivery, child care, physical disabilities etc.**

I am not in favour of this except giving help in case of accidents. Government need not offer assistance to women who are out of job due to delivery and child care. Producers have been rendering help when staff or crew

*By, Smt. T Sarada*

meets with accidents. Government may also help when the crew meets with accidents

6. Submit suggestions to maintain and encourage gender justice in the content of cinemas
7. Submit suggestions on the actions to be taken to encourage cinemas wherein 30% women are engaged in production activities.

Government may take action in giving financial support based on the budget of such movies.

**Welfare Fund:** This is something that I strongly recommend. Welfare Fund for cine artists and this donation should be exempted from Income tax. Government should create a fund for the welfare of artists and technical people. The fund is to be used primarily for old and poor artists who do not have any job and hence are under great financial difficulties. Government should frame appropriate rules in administering the fund.

Dated this, the day of 31<sup>st</sup> of December 2019

*T. Sarada*

**Smt.T. Sarada,**  
Cine Artist  
(Member)

By Smt. K.B. Valsalakumari

(Member)

Indian society like many other societies across the world is a male dominated society. The film world is no exception to the rule. The film world being a microcosm of the larger society reflects what happens elsewhere in the society. But what distinguishes it from the rest of the society is the immense influence it exerts over the psyche of the common man, especially the youth of the country. The scope of its potential influence goes far beyond the large metropolises to the tiniest of villages located in far flung areas. Hence all the more reason why every individual working in the film world functions keeping that heavy burden of responsibility in mind. Visual media and especially movies can make or mar the values of the children and youth of a society.

The first of the terms of reference mentioned in the

By, Smt. K.B. Valsalakumari

Government order No 661/2017/CAD dated, 16.11.2017, Trivandrum has been dealt with by the chairperson of the Committee. Hence I deal with the rest of the terms of reference in the following paragraphs. The seven terms of reference together define the scope of the study entrusted by Government to the committee headed by Chairperson.

The term 'woman' is not a monolithic entity. It is stratified by various axes like class, caste, race, religion, age, skills, kinship etc. Hence the issues faced by one category in the film industry need not necessarily be the same as those faced by others. Not just that, one category may be totally unaware of the problems and issues faced by another in the same industry.



The issues mentioned herein and the solutions put forth are not meant to find fault with any individual or shame him or her but are part of an earnest attempt to ennoble a profession so that it becomes a viable career option for aspiring artists and technicians, both female and male. Hopefully film making would become so safe and decent that fathers and mothers can send their daughters (and sons) to the profession of film making with the same confidence and sense of security as sending their children to work in an engineering firm or a college.

It was very painful to hear some incidents narrated by witnesses in which very highly placed men in cinema were

*By, Smt. K.B. Valsalakumari*

involved. These are people whom the society looks up to with great reverence and admiration. Incident by incident, as the narration progressed, many icons started crumbling. These are people who have the influence and power to change the course of Malayalam movies; unfortunately, these are the very same people who by their acts of commission and omission are contributing to the degeneration of the profession.

At the outset let me start with a caveat that the issues discussed herein are not universal. There are people who do not feel or experience the problems mentioned herein, by virtue of their positions of power in the film industry or their rank in the film hierarchy or their wealth or gender or kinship ties. I am also not oblivious of the fact that the Malayalam cinema world has some of the finest, genuinely refined, and culturally sophisticated human beings who treat their colleagues and subalterns with great respect and dignity. Witnesses had mentioned the names of people

By, Smt. K.B. Valsalakumari

with great respect since they made women feel very comfortable to work in cinema and more importantly, they work with great gender sensitivity. The issues raised here do not relate to people like them. So, when issues are raised be sure that there are many exceptions to the rule. Perhaps it is those exceptions that uphold whatever little nobility the profession is left with in Malayalam cinema.

## **II. Submit suggestions on service and salary conditions.**

### **A. Need for Written Contract:**

Film is an industry that is intended to provide entertainment to the people and or convey social messages through its aesthetics. Except for very few senior artists currently there is no system of written contract between the producer and all cast and crew. Those contracts that do exist are not always entered into before the start of the work of the movie. Historically the Malayalam film industry did not have a system of written contract between the producer of the movie and all artists or

*By, Smt. K.B. Valsalakumari*

technicians, detailing the terms and conditions of service and the penalty for breach of contract. Lack of a written contract has given rise to many difficulties not just for actors and technicians but also for producers and directors. Witnesses stated that the contract in its current form helps only the producer. It does not protect the interest of all concerned in making a movie. All those who deposed before the committee, irrespective of their place in the hierarchy of film industry and irrespective of their gender, welcomed the idea of a written contract. It is relevant to note here that ironically it was the insistence on contract on the part of certain members of the film fraternity that led to the dissolution of MACTA, the association meant for the welfare of film technicians.

Although the producer is the financier of a movie, the director is the chief architect who has to translate the script on to the screen with great sensitivity while simultaneously ensuring that the spirit of the script is not lost in translation. This calls for

*By, Smt. K.B. Valsalakumari*

great creativity on the part of the director and that creativity flourishes only in a milieu of freedom. But when that freedom is trampled with by the interference of narrow interests of others or by extraneous considerations, the final product is something that the director had not intended at all. Instances have been cited before the committee wherein editing was done without the knowledge of the director thus stifling the creativity and talents of the director apart from shattering the director. A contract with the director should stipulate clearly the non interference in the directors work once the story, script and dialogue are approved.

The committee was informed of the growing influence of heroes in production and their interference at times in script and dialogues that affect the creativity of directors who become very frustrated at such painful actions. Such things are not good for the growth of cinema as an art form. Such situations are faced by beginners and those who do not have influence in movie,

beginners and those who do not have influence in movie, however talented they may be. If there is a written contract a condition can be insisted on that such interference shall not be permitted.

In one case narrated to the committee the understanding was that the actress will be given suitable accommodation. But when she found that the accommodation offered to her was not safe, the production team agreed to find another suitable accommodation and that accommodation was in a lodge like accommodation in an absolutely unsafe place far away from the shooting location. Hence, she continued to stay in the earlier accommodation provided to her since there were at least other familiar people there. For days together she had to sleep on a sofa in the verandah of a house.

Similarly, the original shooting days for her was 25 days. But it took around 32 days for the shoot to be completed. Despite

the shooting schedule being enhanced the total remuneration given to her for about 32 days was Rs 8000/ an amount far below the remuneration of a daily wage worker. In another case an actress was promised Rs 50000 for 20 days of shooting. But she was paid only Rs 4000. There was no contract and so she found it impossible to obtain the amount promised orally. At the same time in a big budget movie she was given Rs10000 for 7 days of shoot presumably because she fought for her rights. But another artist who worked with her was not paid any remuneration.

Sometimes the original schedule fixed may have to be extended due to the exigencies of the film production. But the artist does not get adequately compensated for the extended period of time. Had there been a written contract signed before the start of the project regarding accommodation, remuneration etc any violation could have been pointed out and relief sought for. Even if for the sake of argument it is stated that the Producer had not agreed for a higher remuneration or a better

accommodation, a contract can protect the interest of all concerned including that of the producer.

One witness narrated her bitter experience in a cinema she acted in. She was doing the role of the title character. During the time of discussion of the project she was informed that there will be intimate scene but the director did not disclose greater details in spite of her repeated requests. He only stated that there is nothing to be scared of and that he will do only as she consents to. Three months after preparation for the movie and the shooting, one day the director told her that there will be nudity and lip lock in the movie and that there will be great exposure of body parts. She was forced to do a kissing scene and expose the back part of her body. She was not interested in continuing further. She was informed the next day her nudity and a bath tub scene will be shot. But before that she left the movie not even claiming the remuneration for the three months she worked.



She subsequently sent a message to the director stating that she had lost faith in him and she has difficulties in continuing in that movie. But he insisted that unless she comes to Kochi personally he will not delete the intimate scenes. She brought the fact to the notice of the producer who said that he will deal with the director. She understood that the director was blackmailing her. Had there been a written contract such crisis could have been avoided. If written contracts are mandatory there will be more transparency in the dealings of such people and those with ulterior motives will be exposed.

The junior artists required for a movie are sourced through agents who are the middlemen who provide the required number of artists. But very often contracts are not signed between the producer and the agents who provide junior artists. Work is carried out not on the basis of a contract but on an understanding. For that very reason when any part of the understanding is

violated there is no way of ensuring compliance of the original understanding. Hence in the interest of transparency too it is imperative that contracts be insisted on for artists, technicians, and agents who provide junior artists.

**NO CONTRACT, NO RIGHTS.** Without a written contract it becomes difficult to enforce compliance of the promises made with regard to conditions of service and remuneration. The Film Chamber of Commerce should give its green signal to the movie maker to start the movie only after ensuring that written contracts have been signed by all concerned including the coordinators of junior artists. While preparing the contract attention has to be paid to the special needs of women like safe toilet facilities, safe changing rooms, safe transportation, safe lodging and safe working environment. The contract should necessarily include clauses detailing the number of days of work, the number of hours of work if possible, the batta for over time

work, the remuneration that will be paid, the fact that the person has undergone successfully the mandatory basic online training in gender awareness.

My suggestions include the following:

1. Every one associated with making a movie including the coordinator of junior artists should be mandated to enter into a written contract before the production work starts specifying the number of days, and if possible, the number of hours a person is expected to work and the remuneration she/he will be given in full settlement within a stipulated time.
2. The format should be designed in such a way that it protects the interest of all concerned.
3. The contract should ensure that once the story, script and dialogue are approved, the director is given full artistic freedom and her /his work should not be interfered with by anybody including the heroes that stifle the creative energies of directors.
4. Regarding intimate scenes the director should make full

disclosure of the details to the actresses (and actors) before the contract is entered into and if agreeable that fact should be mentioned in the contract.

5. It is important that the contract mentions specifically about the arrangements made for the special needs of female cast and crew like safe toilets, safe changing rooms, safe transportation, safe accommodation etc.

6. Contract should have a special clause that certifies that the person entering into a contract has undergone successfully the online gender training.

***B. Mandatory, basic online training in gender:***

Several shocking instances of sexual misdemeanour and sexual harassment were narrated by witnesses to the committee. These culpable, indecent behavior emanates from patriarchal attitudes that privilege men and belittle women. Such attitudes are a consequence of the socialisation process of both male and female of the human species. Since both male and female are

*By, Smt. K.B. Valsalakumari*

similar in intellectual abilities, and emotional capacities and men differ from women only in sheer brute strength, the feeling of superiority by one over another and inferiority by another has no rational basis. It grows out of a false consciousness that veils the exploitation embedded in man woman relationship. It is a kind of imposition of *cultural hegemony* (Antonio Gramsci) by which the superordinates create a culture (with their particular norms, values and stigmas) in which their continued dominance is regarded as beneficial.

Most males are socialised into this kind of a cultural hegemony wherein they think they are the privileged ones and that the woman is the inferior being denuded of all privileges. This deemed superiority is deployed by the privileged few as an instrument to control the less privileged leading to a highly skewed power equation. This deemed superiority which has no rational basis takes several allotropic forms like undervaluation of the work done by women, devaluing the efforts put in by

*By, Smt. K.B. Valsalakumari*

women, claiming ownership over women's body and sexuality, use of undignified language etc.

Manifestations of such false consciousness can be rectified by proper gender awareness training since anything learned can be unlearned too. Through appropriate gender awareness training it is possible to work for a democratic set up in which all cast and crew irrespective of their gender or age or lack of other qualifications and skills are treated with respect and dignity which in turn will provide a safe working space for women and all others.

**Suggestions:**

With this end in view any entrant to a movie whether as cast or crew should undergo a mandatory online basic gender awareness training. No person who has not undergone this training will be eligible to work in the film world. To ensure this, the contract entered into, before the start of movie making, should have a certificate to the effect that the person has

*By, Smt. K.B. Valsalakumari*

should have a certificate to the effect that the person has undergone the basic gender awareness training.

***C. Non consumption of alcohol and drugs in work space:***

An oft repeated complaint heard was that consumption of alcohol and drugs in workspace in cinema is common. Many acts of sexual harassment had taken place after consumption of alcoholic beverages or drugs. One witness stated that most of the actors come to the sets after consuming alcohol. Most of them use drugs too. The justification given is that the intoxicant enhances creativity, stated the witness.

Directors and producers have experienced several difficulties like non punctuality to shooting location by the new generation actors and actresses who consume alcohol/drugs, using very abusive language against producers who are constrained from taking any severe steps lest they lose the money they had invested thus far in a particular movie in which the actor/actress is acting etc. Such unprofessional behaviour on

*By, Smt. K.B. Valsalakumari*

the actor/actress is acting etc. Such unprofessional behaviour on the part of certain actors and actresses cause also great monetary loss to the producer, and loss of time of other artists and technicians.

### **Suggestions:**

1. Non consumption of alcoholic beverages should be insisted on by producers in work place and substance abuse should be banned totally from the work places in cinema.

2. That alcohol and drugs have been completely banned in work spaces should be displayed very prominently in work places including outside locations, studios, dubbing and editing rooms, transporting vehicles on duty etc.

### **C. Remuneration:**

This is an area that is highly complex. The remuneration of an actor or artist or technician is not a fixed amount. It varies based on several factors. There is no written contract (except in

*By, Smt. K.B. Valsalakumari*



cases of certain heroes or heroines) detailing the terms and conditions of service including the remuneration to be paid to those working for the movie. This lack of a written contract is exploited by some to deprive them of even the remuneration promised orally. Some artists/ technicians are reluctant to demand the amount promised and this is exploited by some to the disadvantage of the artists/technicians.

Many witnesses narrated incidents in which they were not given the promised remuneration. Other ways of exploitation, as cited by witnesses, included (1) paying several times less amount than promised (in one instance 10 times less amount), (ii) paying for lesser number of days than actual days worked, (iii) paying only after repeated demands etc. Broken promises cannot be mended as there are no documentary evidence or written contract to prove the promises.

One witness stated that she had to go begging to get the

*By, Smt. K.B. Valsalakumari.*

entire amount as promised. Since she has not signed a contract so far, even the remuneration agreed upon orally, was not paid to her. If she asks for her promised remuneration she is regarded as a problem maker. Women are blamed for any mistake that is pointed out. Then she is branded as a problem creator and will not be cast in another cinema.

Sometimes the remuneration that is rightfully theirs is denied to them. In the case of hair stylists, a call sheet for a hair stylist is from 6am to 9.30 pm. For working for 15.5 hours the remuneration they get is Rs 1169. If they work at night from 9.30pm to 12.30am they get an additional half batta. If they work from 12.30am to 2 am they get another half batta. A witness stated that many a time just to avoid giving them half batta in the last slot, they record that the hairstylists worked till 1.55am only. However, such discriminatory treatment is not meted out to people who get crores of rupees from the movie as remuneration.

*By, Smt. K.B. Valsalakumari*

Here again class operates to discriminate not just between men and women but also between women and women. A witness stated that declaring film as an industry and designating people working in the film as "workers" will protect many rights of those engaged in film making

There are no clear cut and transparent basis on which remuneration is paid to artists and technicians. The fact is that women are paid less than men even when they are equal from the point of view of market value, talents and efforts put in by the actors. However extraordinarily a woman performs she is never regarded as a frontrunner when it comes to fixing remuneration. There is absolutely no comparison between a man and a woman when remuneration is fixed. Witnesses stated that however equally talented and experienced and however superbly an actress performs, normally she is not given even 1/10th of what her male counterpart is given as remuneration. Even when a

*By, Smt. K.B. Valsalakumari*

woman who is a state award winner acts along with a male actor who has never won a state award he is given more remuneration. A movie in which equally talented hero and heroine work with equally significant roles, the heroine may get only approximately one tenth or in rare cases at the most one third, of what the hero gets.

The witnesses (both men and women) who deposed before us were sharply divided on the issue of equal remuneration for men and women. While some argued for equal remuneration, others stated that equal remuneration cannot be given to male and female artists.

One argument advanced for giving higher remuneration to actors (as opposed to actresses) is their supposed "indispensability" for the success of a movie. Producers themselves are reluctant to drop actors who claim high remuneration because they feel that the movie will run only if

*By, Smt. K.B. Valsalakumari*

certain male actors act in it. They argue that since cinema is a business, only if a cinema is profitable will there be another cinema. If a cinema has to be profitable it should have stars who have great success rate and market value. Directors and producers themselves suggest the names of such stars. Only then will it succeed. By that same logic the principle of equal remuneration for equal work is not practicable in cinema, according to them.

So the crucial factors determining the success of a movie according to the prevailing view are success rate and market value of male actors including satellite rights value. When actresses demand higher remuneration from producers, their typical reply is that actresses do not have satellite value and that there is no guarantee that the movie will run.

One witness stated that an actor brings in money for a producer in two ways. One is through theatre collection. The

*By, Smt. K.B. Valsalakumari*

common assumption is that just the name of the hero will make audience throng to the theatre whereas just the name of the heroine will not make the audience flock to the theatre. But that assumption is not correct because not always will a movie in which the superheroes have acted will succeed. If the success is based on purely the name of a superhero then those short lived movies in which the super heroes acted should have succeeded instantaneously. On the contrary such movies with superheroes in the lead role were a flop the very first day it was exhibited. If the market value of the superhero alone was the basis of the success of a movie shouldn't those movies run for a longer period? Not just that, even if a movie in which a superhero has acted is a big flop in the next movie in which he acts he will be given a huge remuneration. So then the argument that remuneration is based on success rate does not hold good in such situations. Whether a success or failure, a woman is paid less by way of remuneration.

*By, Smt. K.B. Valsalakumari*

Movies in which super heroes were absent like *Take off* and *How Old Are You* ran very well for a long time not because of the market value of the heroes. They ran well because of the talent of the heroines (compared to those of the heroes) and also due to other factors like story, merit of the director, technical merit etc. This goes to prove that it is not just the presence of a superhero or well established male actor for that matter that determines the commercial success of a movie. There are several other organically inter related factors that account for the success of a movie.

The next argument is that male actors have a higher satellite rights value than women. The basis of assigning a higher satellite value to male actors than actresses is equally dubious. Remuneration of a male actor is fixed based on satellite rights value even before the movie is released. Channel owners come forward to buy satellite rights creating a hype mentioning just the names of the heroes and without even seeing the movie in

*By, Smt. K.B. Valsalakumari*

advance. Even before the movie is released, its publicity starts. The actor, producer and director will work in unison to persuade the channel owner to buy the satellite rights of the movie even without seeing the movie. Such kind of lobbying work with channel owners to buy satellite rights is not done using the names of heroines.

There is an understanding between the channel owners and the producer-director-hero combine. The heroes in movies whose satellite rights have been purchased find time to attend functions of the channels like award function. But even if women appear in several film promotional events or award functions channel owners do not give them any consideration. This is because there is no heavy weight in the power structure of the film industry who is willing to talk to channel owners on behalf of actresses. For that same reason nobody buys satellite rights by mentioning the heroine's names. Here again women are discriminated against.

*By, Smt. K.B. Valsalakumari*



Under normal circumstances as per common sense, the movie that gets higher theatre collection should get more satellite right value. Such movies have better merit too. The director, hero, heroine, script –they all will be meritorious. It would have been accepted by the audience too. But channel owners do not come forward to buy satellite rights of such movies because such movies do not have godfathers in the industry to exercise influence on their behalf. A witness cited how the powerful men in the industry work to the detriment of the NOT powerful producers. Even if satellite rights of movies produced by the non powerful producers are purchased it will be for a pittance. The witness continued that those producers who are excluded from the power nexus find it difficult to get satellite rights. Even if the movie is an award winner and however excellent the movie is, the power nexus influences the satellite owners and quite unreasonably keeps the others at arm's length and deny satellite

*By, Smt. K.B. Valsalakumari*

rights for others. For instance "Sudani from Nigeria" is a very famous movie. It had bagged awards too. But since they did not have any power nexus, they could sell the satellite right only after prolonged delay and that too for a nominal amount.

All these go to show that it is not the merit of a movie that is the determining factor in obtaining satellite rights. Neither is it the acting brilliance of heroes nor is it the success of the movie. The power nexus in the film industry does not do anything to encourage the comparatively powerless in the industry; they are like a huge banyan tree that stifles the growth of all plants standing below it. And this affects some genuinely good movies very badly. One witness cited the example of a cinema that bagged the best director award both at the IFFI and IFFK has been recognised as a much debated, very good movie. But due to the activities of the power nexus nobody came forward to buy satellite rights for a long time. It was bought recently finally after

*By, Smt. K.B. Valsalakumari*

much negotiations for a small amount. The only reason why this movie could not fetch satellite rights was because this power nexus operated against this movie, stated the witness.

The film industry is a highly competitive field. One witness opined that the so called market value of a hero is a completely fabricated myth. The view that only some heroes have great market value is due to their certain self concocted reasons. They do not allow the value of another artist or technician to ascend; they have a monopoly over it and would like to retain it like for long number of years.

One witness stated that the market value of superheroes is propped up by artificially created FANS ASSOCIATION and by giving that association money. The same person will have membership in multiple fans association. They are willing to work as anybody's fans association, provided money is given to them. This is an unethical approach. Those who do not wish to

*By, Smt. K.B. Valsalakumari*

indulge in such unethical practices like creating Fans Club by giving them money, are excluded. The witness continued that Fans Clubs are used as tools for demoralising several individuals in the film industry. Initially these clubs were deployed to shoot down the movies of people they dislike and ensure that the movies do not succeed. Now they are used for cyber bullying.

The performance in a movie should not be valued based on whether a person is male or female. On the contrary higher remuneration should be fixed based on better performance and not based on gender. Better remuneration should be given to better performer whether it is man or woman. There are several factors that contribute to better performance like a person's experience in cinema, the time they spend for a movie, the efforts they put in for preparing for acting in a movie like changing their appearance by shaving their head, reducing their weight etc. For instance in the movie "Take Off" the heroine was given much

*By, Smt. K.B. Valsalakumari*

lesser remuneration than the two heroes who had spent comparatively very little time in the movie. Such unfairness is very high in the cinema. This is the consequence of gender discrimination, male domination and power nexus.

A witness stated that remuneration is fixed after negotiation among the actor, producer, director and production controller etc. Fairness is not a criterion in fixing remuneration. On the other hand there is a lot of foul play in choosing the artist and fixing the remuneration. The decision makers are all men who visualise women as inferior stuff with no influence over the audience.

Another important issue under remuneration is the lack of a minimum remuneration for junior artists. Even manual labourers get a minimum amount for their labour. But this is not the case with junior artists. Not only should minimum wages be fixed for junior artists it should be ensured that it reaches their

*Rev. Smt. K.B. Valsalakumari*

hands and not siphoned off by middlemen like agents and production controllers.

The injustice in fixing the remuneration of assistant directors and associate directors was highlighted by some witnesses. The job of an associate director or assistant entails no rest. It is more strenuous than that of a manual labourer according to the witness. Those who have been working continuously for over 2 years get anywhere between Rs 30000 to Rs100000 only. Many of them are in great financial difficulties and are not able to meet their needs.

Another great injustice in cinema is the fact that associate /assistant directors are not paid daily batta. Even ordinary workers like light boys, production boys, junior artists, dancers are paid batta. The light boys of unit get Rs 1150. But the assistant and associate directors are not paid any batta over and above the lumpsum paid to them. If a shooting has to start at

*By, Smt. K.B. Valsalakumari*

6.30am they have to get up by 5am and be ready. They will be in the shooting location without any rest from 6.30am to 6.30pm. Sometimes the work extends till 9.30pm. They will have home work to do even after that. Many a time they are able to sleep only after 2am. The remuneration given to them are not at all proportionate to the strenuousness of their work.

A witness lamented that since the work of the Asst Director is not clearly defined; all jobs entrusted to him or her have to be executed. The AD has to work hard for long hours whether it is sunshine or rain. The preproduction work that lasts anywhere between 5 to 10 days is not counted as 'work'. Preproduction work includes planning for the shooting, costume, script copying, research based on subjects like law, medicine, politics, and suitable amendments to the script. This involves a lot of time. Research also needs to be done about the historical era in which the movie is set. The costumes of that time, the background of

the set etc have to be studied by the AD and prepared and given to another department along with reference materials. But these works are not even seen as part of 'work'. That time spent is not taken into account while fixing remuneration. So is the case with post production work which involves lesser number of days than preproduction work. In post production works like dubbing, editing etc the presence of the AD is required. If the actor is a non-Malayali, the dialogue has to be taught to him/ her, lip movement has to be corrected. The time and efforts spent on these are not taken into consideration while fixing the remuneration.

Although unit members and technicians have daily wages fixed for them, no such daily wages are paid to the A.Ds. The preproduction and post production works, apart from shooting days, are treated as service without payment. It will only be just if like in the case of unit boys daily wages are fixed for A.Ds too.

*By, Smt. K.B. Valsalakumari*



A unit boy or other technicians get Rs 700 or Rs 1000; if at least Rs 250 is fixed for the preproduction and post production works, some justice will be done, stated a witness.

A witness brought out the injustice in treating all Assistant Directors alike. An A.D whether she works for 30 days or 45 days gets a lumpsum amount of Rs 5000. This is a very meagre amount compared to others in the set. One argument advanced for this low remuneration is that the A.Ds come to the cinema to learn the work. While this may be true for freshers, an AD with two or three years of experience should not be treated at par with a beginner while fixing the remuneration. The A.D.s should be graded based on their experience and efficiency and remunerated appropriately. In light unit batta is fixed based on the time they utilise for the work in the cinema. Different batta are fixed for work for different time like from 6am to 6pm, 6pm to 9pm and from 9 pm until work finishes. Costume assistant, art assistant,

cinematography assistant, spot editors, camera unit, light unit, make up assistant, hair stylists, production boys—all have batta fixed for their work. But not so for A.Ds. Although they have heavy work they are ignored in the matter of payment.

One witness opined that the main income for a cinema is from satellite rights. Channels buy the satellite rights based on the main character. Mammooty and Mohanlal have great satellite rights and so their pictures have great value. Satellite rights are based on the value of the main character and not based on gender. Women have comparatively less value for their satellite rights. But when they come as main character they have greater satellite rights value. For instance Nayanthara is an actress with great value. She gets more money than men. Manju Warriar who is now a lady superstar gets more money than male actors except Mohanlal and Mammooty. This is all based on the image she has built for herself, according to the witness.

This is the case with technicians too. There are women costume designers and make up women who get more remuneration than men. Similarly there are transgenders too who get more money. There is a lady costume designer who gets the highest remuneration in Malayalam cinema; she gets more remuneration than a male actor, stated the witness.

According to another witness, in the matter of direction too gender is not the deciding factor while fixing remuneration. For instance Anjali Menon is a director with great value. Similarly among dance masters women get more remuneration than men. In cinema all values are determined by the success of the cinema. If a cinema in which a woman acts succeeds she will be cast in the next movie giving the amount she demands. Gender bias is not a factor in fixing remuneration. For Asst Directors minimum wages have been fixed. (Rs 50000) and work has been defined for them.

*By, Smt. K.B. Valsalakumari*

Another witness stated that there is great difference in the remuneration of men and women. Their remuneration cannot be equalised. Cinema is based on business principles. In Indian cinema men are valued more. In cinema, business takes place based on heroes. Satellite rights, overseas rights, other language rights are all fixed based on the heroes. The remuneration of the heroes are also fixed on that. Compared to men women do not get that value. Women in Malayalam cinema do not get the same satellite rating that Mammooty and Mohanlal get.

When famous actors are given satellite value of 8 or 9 crores of rupees, women will never get that amount.; they will not get even one third of that amount. Moreover the people of this state cannot be attracted to the theatre if heroines alone decide. And when it happens there will be a director or script writer behind that. It is very rarely that business happens exclusively with the talents of a heroine alone. But in Tamil,

*By, Smt. K.B. Valsalakumari*

Nayanthara has such value. But she does not come close to male actors.

In cinema remuneration is fixed based on the demands of heroes. If the cinema fetches more value for the hero he will demand larger remuneration. These days it runs into crores of rupees. Women can also demand the remuneration they are eligible for. But it is up to the producer to decide whether to give the remuneration or not. If the producer does not wish to pay the amount demanded he cannot be insisted upon to pay the amount demanded by the hero or the heroine. The producer will cast someone else and produce the movie. He will produce the same movie with a cast he is interested in.

Remuneration is fixed not on the basis of gender. It depends on several factors including the prominence of the role and sometimes on personal relationship, satellite value, marketability, affordability by the producer etc. Very often the

*By, Smt. K.B. Valsalakumari*

value is based on casting. Even before the cinema is released satellite rights are sold based on casting and director's name. Similarly, there are movies whose satellite rights are not sold out for years. Multiple factors are decisive in selling satellite rights. Satellite value has a huge role in fixing remuneration. If the movie sells out for a huge amount, then the remuneration is fixed high accordingly. There are cases to the contrary too.

Equal remuneration cannot be insisted on since it is fixed based on several factors. Remuneration is fixed not based on the prominence of the character alone. Digital platforms like Netflix, Amazon, and Hot star buy films from producers. Remuneration is fixed based also on the amount the producers get from those digital platforms and on the income the producers get from distributors, and exhibitors.

One witness felt that it is not possible to give equal remuneration for men and women. Cinema is a male driven

*By, Smt. K.B. Valsalakumari*

industry in the current scenario. People go to watch movies based on who the hero is. Here the heroine does not get the value that a male character artist gets. That is why there is a large turnover of heroines. Hero will continue to be the same person. Many heroines come these days since any project will work if any heroine comes, but normally a cinema will not work out if there is no generally accepted male artist in that cinema. Therefore men have more significance.

Most script writers are men. So most cinemas are made from the male perspective. They depict women as show pieces. But a male artist will always be an artist with value. He will be an artist with value from the point of view of satellite rights, digital rights, music rights, overseas rights, outside Kerala rights. The remuneration of a male artist is fixed based on such rights. Female artists have less value on such rights because majority of the audience who go to the theatre to see a movie are men.

*By, Smt. K.B. Valsalakumari*

Female artists have normally fewer shooting days; so men are given greater importance. Hence male artists are given greater remuneration than female artists. Female artists have not even demanded equal remuneration; they have demanded lesser remuneration than male artists. Heroines do not have the same physical exertion as heroes. Although heroines are present throughout in the movie the number of shooting days are less for the heroine. So however good a heroine is hero has more value and gets more remuneration. But there are instances where heroines have got more remuneration than heroes. That is because female artists have built their brand. If they build their brand they will get more remuneration.

Such internalised ideologies of dominance render invisible the strong patriarchal ideologies that structure the edifice of Malayalam cinema. Malayalam cinema is a male dominated industry. It is peopled overwhelmingly by men. The decision

*By, Smt. K.B. Valsalakumari*



makers in that space are men. In every number they are present overwhelmingly in cinema compared to the diminutive size of women, making them almost invisible. Hence it is understandable that the space of cinema will be animated by androcentric ideologies. One such ideology is the relative value of women vis-a-vis men. There is a hierarchical structuring within the world of cinema wherein women are valued less and men are valued more. Men are the norm and "women" are the "Other". In this hierarchical order of things, men are placed in a position of supremacy and women are placed in a subordinate position to serve the interest and convenience of men.

While the cinema is an artistic endeavour, it is also a business enterprise. For the sustainability of cinema as an industry it is essential that the producers who invest money in film making should get reasonable returns from their investment making it a profitable venture. But that profit should not be at the

*By, Smt. K.B. Valsalakumari*

cost of a discriminatory treatment towards women. The reason advanced for not giving equal remuneration for women is the lack of comparative market value for women.

The rhetoric of market value is predicated on several factors. They include the reputation of the person as a successful actor in previous movies, general acceptability by the audience, theatre collection, satellite rights value obtained through digital platforms etc. Producers state that there is no guarantee that a movie will run based on the heroine's name alone since their market value is less. There are movies in which heroines have been universally acclaimed for their histrionic talents and have fetched huge collection for the producers. In spite of that heroines are paid less than the heroes in such movies.

Another fallacious argument put forth is that audience and therefore theatre collection will go up by just projecting the name of the actor. If the name of an actor alone can draw a huge

*By, Smt. K.B. Valsalakumari*

audience why is it that there are several movies of superstars that do not even run for a couple of days? If the name of an actor is what attracts people to the theatre, then those movies in which superstars act should be running for at least a week. On the other hand there are movies like "Take Off" and "How Old Are You?" that were grand successes and they were heroine centric movies. They ran not because of the market values of the heroes. They were successful because of the superb acting skills of the heroines (compared to the heroes in the movie) and due to several other factors like the story, the script, technical excellence etc. Successful movies are the product of hard team work. It involves the sweat, time, dedication, passion and creativity of artists, technicians, and all other crew members. To attribute the hard earned success of a multidisciplinary team to just one individual namely the hero is like declaring the first runner of a relay race team, the winner. It is obvious that audience surge and theatre collection are not based on the names of heroes alone.

*By, Smt. K.B. Valsalakumari*

Again if the success of a movie depends on the artistic reputation of the hero and if a movie of a superhero fails in the theatre bringing low collection, why is it that when he is cast again in another movie, he is paid a huge remuneration? On the contrary whether a movie is a success or failure the heroine is paid lower remuneration.

A witness who is an actor with long experience stated that if a cinema has to be profitable, it should have stars who have great success rate and market value. This is a misleading argument. The movie "Joseph" in which Mr. Joju George acted as Joseph was a great success and a profitable movie. The hero until he acted in "Joseph" was not a star with great success rate and market value. After his performance in "Joseph" his value increased. So it is not necessary that whether from the point of view of artistic success or business success a movie should have an established actor in the lead role. Such fallacious arguments

*By, Smt. K.B. Valsalakumari*

and their allotropes have been deployed in the film industry for too long to craft a discourse that has effectively privileged men and subordinated women. The power relation between men and women in cinema is so unequal and male perspective so dominant that some men have succeeded greatly in making women internalise the male notion that they (women) are inferior and not worthy of even claiming equal remuneration.

In a patriarchal society women and their creative talents are devalued. In the act of assigning value, women, however talented, are accorded a secondary position. Men even if less talented than women and even if mediocre are assigned a greater value than women. Most of the producers are men because men command more wealth than women. Producers will naturally try to maximise their returns on the investment in cinema. They do this by reducing expenses wherever they can. The guillotine is applied to the remuneration of women and not to that of men

*By, Smt. K.B. Valsalakumari*

which is highly discriminatory. If women are assertive and demand for a higher remuneration, the producers will find replacements for them, since women are deemed to be 'dispensable'. But in the case of men, producers will give higher remuneration and try to retain them in their movies as men are regarded as 'indispensable'.

My suggestions under remuneration are as follows:

1. Currently there is no set of transparent criteria in the fixation of remuneration. I am of the view that when equal amount of time, hard work, talent, creative energy are expended by the hero and heroine who have the same amount of experience, there should be parity in their remuneration. While this should be the goal, since there may be practical difficulties in implementing the same immediately, as a first step the huge gap in remuneration between the men and women doing similar job should be narrowed down urgently. As a second step a fair

*By, Smt. K.B. Valsalakumari*

remuneration for women and men should be worked out which is not based on whether an actor is male or female but strictly on histrionic abilities, efforts put in to fit a role like reducing body weight, or changing appearance, punctuality and discipline on sets, superb performance etc.

2. The pre-production and post-production work of Assistant Directors and Associate Directors should be regarded as 'work' and remunerated appropriately.

3. A minimum remuneration should be fixed for junior artists and they should be paid in full for the work that they work as agreed to, and the amount should be credited to their bank accounts immediately on completion of their work.

4. It is unfair to treat all assistant directors with different years of experience in the same category. They should be categorised based on their experience and suitably remunerated.

*By, Smt. K.B. Valsalakumari*

5. Malpractices such as recording the time of completion of work like 1.55am, while a person has actually worked till 2 am, just to avoid remunerating for an additional batta should be stopped.

*E. Lack of an effective authority for redressal of grievances:*

Whether it is lack of basic facilities or violation of understanding regarding remuneration or complaints on sexual harassment, there is no effective forum where the artists and technicians can approach for redressal of their grievances. This situation is exploited by many in the industry to their advantage and to the great distress of others.

*Suggestion:*

Government should take the lead in establishing a Tribunal with the judicial powers of a District court Judge who is gender sensitive. The tribunal should be vested with powers to deal with

*By, Smt. K.B. Valsalakumari*



all matters like sexual harassment, service conditions and breach of written contract, illegal banning of people and ousting people from movies just because of some displeasure caused to the powerful people in the cinema. Cases brought to this tribunal should be disposed of within a definite period of time. The final appeal should lie with the Hon:High Court.

***F. Safety and security of women:***

There is a general concern among women in the film industry about the lack of safety and security in the accommodation and transportation provided to them. One witness narrated an incident of how she was provided accommodation in an insecure hotel where there was no proper lighting, was very dusty, the way to the hotel was dark and eerie. There were no CCTV cameras. When the matter was brought to the notice of the production controller, executive and make up man they said the place had only such facilities. One night while staying in the hotel she got up around 1.30 or 2 am a man got up

*By, Smt. K.B. Valsalakumari*

from the leg of the cot and stood close by her. She screamed and somehow ran out of the room into the adjoining room where the assistant of the heroine was accommodated. On complaining to the police no action was taken. When those in the movie were apprised of this they said that complaining of the incident will affect the cinema. When the police came to the hotel in connection with the celebrations of Independence Day the driver of the caravan disappeared never to be seen again on the set.

By and large no body checks the criminal back ground of people who work in the movies. That causes a lot of problem to women and a deep sense of insecurity. What is worse is the fact that when a complaint was given the responsible people who are duty bound to ensure the safety of the cast and crew took no action whatsoever. Such sins of omission add to the insecurity of women who work in movies. The complaints given in this connection to the concerned film association went with no response and with no action whatsoever taken.

*By, Smt. K.B. Valsalakumari*

### Suggestions:

1. Doing a back ground check of all people associated with movies will help the film makers weed out those who have not produced a clearance from the police.
2. Ensure that the accommodation provided to women are neat, safe and secure with adequately lighted access roads and secured latches for doors and windows.
3. When any criminal offence is committed, file a complaint with the local police and follow it up.

### *G. Designating hairstylists as Chief Technicians:*

One witness stated that even though a woman has studied make up and does make up for artists, she is treated only as a hair stylist and not as a make up woman simply because she is a woman. The remuneration of a make up person is much higher than that of a hair stylist. She cannot work in the job card of a make up woman although she works as a make up woman for several prominent artists. The argument put forth by FEFKA is

*By, Smi. K.B. Valsalakumari*

that the bye law does not permit women to work as make up women.

Suggestion:

If a woman is qualified to be a make up woman, denying her the job card of a make up woman even though she does the job of a make up woman is highly unjust. This is gender discrimination. If the current bye law does not permit issuing job card of a make up artist, then FEFKA should take action to change the bye law and permit qualified women to work as make up women.

### **III. Submit suggestions for enhancing the participation of women in all working sectors related to cinema.**

In order to suggest ways of enhancing participation of women in all working sectors related to cinema we need to understand why there is currently comparatively very low participation of women in different sectors of cinema.

The general perception of society is that cinema is not a

*By, Smt. K.B. Valsalakumari*

safe sector for girls and women to work in. The recent sexual attack on a lead actress has reinforced that belief. Further there is a feeling that it is not a dignified place to send daughters alone for work. That is why we have the unusual sight of some mothers or fathers accompanying daughters for shooting. (We do not see the parents of teachers or doctors or clerks or journalists accompanying their daughters to work and wait there till their work is over and accompany them back home)

The perception of many men in the film industry is another major reason for the low participation of women in cinema. Many witnesses stated that some men in the cinema believe that women who come to the cinema are "available"; that such girls and women are morally very loose. They do not realize that many girls and women come to the film industry out of sheer passion for acting or love for that art form. Because of their misconceptions about women in cinema they apply that moral yardstick to all women in the movie and especially to new

*By, Smt. K.B. Valsalakumari*

entrants into movie and misbehave with them. Life in the film industry is made insecure and miserable for such women by such false consciousness of some men.

The reality of film industry is very shocking. This is a place which is plagued by a serious class issue. Except for the lead actor and actress, toilet facilities are not provided for other women artists, technicians, junior artists etc. As a consequence, as many witnesses stated, women have to refrain from going to toilet, sometimes for the whole day leading to a lot of health issues. Those lead actors and actresses who do have caravans, do not permit others to use their caravan for several reasons ranging from the fact that caravans are used for discussions with guests on their future projects to reasons like personal aversion to sharing toilets with others.

That women who are not in important roles do not have changing rooms was another revelation. This facilitates peeping Toms to leer into makeshift changing rooms of women.

*By, Smt. K.B. Valsalakumari*

Sometimes accommodation is provided for those who are not in lead positions (whether in acting or in technical jobs) in lodge like places where there is lots of drinking and which are not safe for women. Of equal concern to women in non -lead positions (and sometimes in lead positions too) is transportation facilities provided to them wherein the criminal background of drivers is not checked. Further women and men may be transported together back to their hotels from the shooting locations at night when some of the male co-passengers may be tipsy.

Cinema is a male dominated industry. It is an exclusive Boys' Club where men sit and chat over long hours at night discussing the script of movies or other aspects of the project at hand or future projects. In many cases the discussion happens over alcohol. When they get intoxicated the conversation slips out of hand and goes off on a tangent. After drinking the conversation does not always stay focused on just movies. In such digressions they may crack vulgar jokes with sexual

*By, Smt. K.B. Valsalakumari*

innuendos. There will be many other discussion sessions that cause difficulties to a woman. Therefore men prefer to keep women out of such discussions. So, one associate or assistant director or script writer who is a woman in the midst of an all male group will find it very uncomfortable especially when men crack sexual jokes in front of her. Having a lone woman under such circumstances is equally uncomfortable for some men too. But if the gender balance is maintained the men will be more cautious in their conversation and try not to hurt the sensibilities of women.

The social situation also makes it difficult for women to sit and discuss in the same room day and night with other men. Men might discuss several matters related to cinema while they are drinking. If a woman decides to disengage herself from such nocturnal discussions she will get to know of the decisions taken in the previous night only when she reaches the set. This is a vicious circle. Due to the current social mores and norms a

*By, Smt. K.B. Valsalakumari*



woman cannot sit in a crowd of men for long hours day in and day out for discussions. But if she disassociates herself from such discussions in informal settings, a witness stated, there is the danger of her missing out on important decisions taken in groups where many men were inebriated.

The consumption of alcohol and drugs is quite rampant in cinema. One witness who is very high in the film hierarchy stated that most people come to sets after drinking. Use of drugs is also widespread. According to the witness, almost everybody uses drugs. Their justification, according to the witness, is that with the intoxicants, the creativity goes up. When an actress was called for shooting she did not go for the shoot stating that she was "mood off". Despite being called repeatedly for the shoot she did not go for the shoot. For the producer it is a huge loss amounting to about Rs 4 lakh per day. It was after much persuasion using her boyfriend that she finally went for shoot.

Sexual harassment at work place has been declared

*By, Smt. K.B. Valsalakumari*

illegal. Following the case in Vishaka Vs State of Rajasthan and others, very clear guidelines have been issued by the Hon. Supreme Court to prevent sexual harassment at work place which includes inter alia setting up appropriate complaint mechanism in the employer's organisation for redress of the complaint made by the victim. Further, such complaint mechanism should ensure time bound treatment of complaints. But the film industry is a place where sexual harassment happens without any grievance redress mechanism.

The Malayalam film industry has a power nexus comprised of a handful of producers, directors, actors and production controllers that controls the industry. When sexual harassment is perpetrated by someone in the power nexus, the women are too scared to complain lest they should be ousted not just from that particular movie in which the incident happened, but from all movies produced by others too thus leading to the termination of their career in the movies since the clout of the power nexus is

*By, Smt. K.B. Valsalakumari*

very strong. Men too have been victims of such ouster. Such exercise of power that makes the careers of talented men and women dependent on the will and pleasure of a select few is quite arbitrary, unjust, illegal and undemocratic. Due to the potential of film careers of talented actors and actresses and technicians being annihilated when those in the power nexus are displeased and finding no legitimate authority to go and register their grievances, women are placed in extremely vulnerable position.

There is a culture of silence that shrouds Malayalam movie which is partly a consequence of a fear psychosis engendered by the working of the power nexus that controls Malayalam cinema. According to another witness, many women would have had bad experiences in cinema. But nobody will speak out because of fear. If they feel a woman is a 'problem maker' then nobody will call her again. Therefore, the witness said, many people suffer

*By, Smt. K.B. Valsalakumari*

silently. There is an unwritten understanding in cinema that those who complain against the bad tendencies in cinema and those who fight for their rights need not be called again for a movie. So, fear grips women and they suffer silently.

Another witness stated that when a woman who is harassed by the director of a movie tells about that to her colleagues, the normal reaction of the crowd around her will be to silence her and they will ask her to compromise and adjust; let the cinema run. The priority in film industry is to ensure that cinema should not be obstructed, whatever be the barriers. On the contrary, male superstars, director or producer or any one in such power position can do anything, stated the witness. A movie getting obstructed due to them is not a problem at all. The witness said that she has seen superstars walk out of set quarrelling over some reason. Whatever inconveniences are caused to others in the set, it is not a matter of concern for the superstars. But if a woman

*By, Smt. K.B. Valsalakumari*

sees a sexual harassment and reacts to that she is asked to adjust and compromise.

A very senior artist stated that women do not bother to speak out about the sexual harassment they undergo. This is because they are afraid of the bad name and experiences they are likely to endure in future. They may even lose their jobs in cinema. Another witness who had to endure such bad name opined that there is nobody to speak on behalf of such women. In case some people support such a person they too will be subjected to bad experiences and out of fear of this they do not speak up openly.

The reason why there are so few women in Malayalam cinema is that cinema is a male dominated industry, both in terms of numbers and in terms of control exercised in the sector. This is specially so in the case of technicians. The argument that cinematography is a man's job and is unsuitable for women is often deployed to deny women opportunity to work in cinema.

*By, Smt. K.B. Valsalakumari*

Many men find it difficult to take orders from superior women and many men find it difficult to accept suggestions put forth by subordinate women because most men are not used to it. They are not exposed to an alternative situation. Many men have been socialized into believing that decision makers are always men. But in many other sectors this is not the case.

There are changes, albeit very slow, happening to this state of affairs. One woman film maker narrated her experience of consciously making a gender balanced movie. "Although initially men found it difficult, as the production proceeded there was a noticeable change suddenly. The attitude of men changed in just one day. Every one worked together. So if women's number increases in the set, I think it is good for the cinema. It will never be a bad thing. It became a celebration like in a college".

One of the first steps in solving many of the above stated problems is to enhance the percentage of women involved in the

*By, Smt. K.B. Valsalakumari*

making of movies. There are very few women directors in our country. India has only 9% female directors, 12% female script writers and 15% female producers. These figures are much less than the global average. (Archana Garodia Gupta, President, FICCI Ladies Organisation, Mumbai). In Malayalam movies women directors are even less.

Measures to enhance women's greater participation involves a multi pronged strategy which should include the following:

1. A comprehensive Film Policy, covering all aspects of film production, distribution and exhibition with special focus on gender equity, should be framed by the Government. The main objective of the policy should be to encourage new talents, both artists and technicians based on gender equity, develop human resources and capacity building, create new job opportunities in the film sector for women, and for that increase the investment in Malayalam

*By, Smt. K.B. Valsalakumari*

cinemas, make distribution and marketing more democratic and inclusive.

2. Gender balance in the composition of decision making bodies in cinema is very critical for making cinema a woman friendly space. Currently there are very few women who are members of decision making bodies related to films. When decision making bodies comprise of only men, the women's perspectives are likely to be left out. Since our society has more women than men, leaving out more than half the population's (women's) perspectives from decision making will make them skewed and will not reflect reality or meet the criterion of equity. Hence in all decision making bodies related to cinema 50% members should be women.

3. There should be adequate and timely budgetary support to incentivize movies that are predicated on gender justice both thematically and in production process.

*By, Smt. K.B. Valsalakumari*



4. A single window system for sanctioning loans at nominal interest rates for movies produced genuinely by women (not by proxies of men) and also for facilitating all kinds of permissions and clearances in a time bound manner to start shooting a movie should be established in the state. This will enhance the ease of producing movies and encourage more women to enter production.

5. Government should either directly or indirectly through tie ups ensure that in each taluk where there are two or more theatres, one of them will exhibit movies made by women producers, women directors, women script writers, movies made by men that have gender justice as its theme during the prime time slots at least for a period of one week.

6. Along with annual film awards that are distributed by Government there should be awards instituted for the best movie by a woman producer, woman director, and woman

*By, Smt. K.B. Valsalakumari*

cinematographer, and best script writing (whether from men or women) from a gender justice perspective .

7. At the governance level, a high powered judicial tribunal should be set up to look into all matters like breach of contract, sexual harassment at work place , and all other related issues.

8. Signing written contracts to protect the interest of all those who work in cinema should be made mandatory for all categories of employees including coordinators of junior artists.

9. Short term but quality training to women (who have talents, aptitude and passion for cinema) in skill sets like lighting, assisting camera person, assistant to hair stylists, assistant to make up man or woman should be facilitated giving priority to women from self help groups like Kudumbashree, and marginalised sections of society like tribal groups, fisherfolks etc. The proposed film city

*By, Smt. K.B. Valsalakumari*

at Chitranjali complex in the public sector can also afford opportunities for internships for women.

10. It should be made mandatory that all cast and crew attend a basic gender awareness training program before starting the production work. Training materials could be made in both Malayalam and English and can be made available online. This should be a mandatory requirement to be fulfilled by all before the production process begins.

11. Cinema is an art form that has not just entertainment value. It is also potentially a very powerful medium of social transformation. As Oscar Wilde rightly put it pointing out the transformative potential of art, "Life imitates art far more than art imitates life". With the integration of technology that has made global viewership possible, the art of cinema can influence the minds and hearts of millions of people, especially the younger generations. It is essential that we give a good exposure

*By, Smt. K.B. Valsalakumari*

and appreciation of the art and science of cinema making to children at a very young age. So film making should be made part of the school and college curriculum from high school onwards as an optional subject. Very importantly, gender should form an integral part of the film making curriculum for school students.

**IV. Submit suggestions for bringing in more women by giving them concessions including scholarships in sectors of technical studies of cinema.**

A huge barrier to few women working in the technical side of cinema is the misconception among men that women cannot be good technicians. Priya Seth, who has shot big-budget films with leading actors like Akshay Kumar and Saif Ali Khan in *Airlift* (2016) and *Chef* (2017) respectively, points out that it is director Raja Krishna Menon, who helped her get her big break (Times of India, dated April 30, 2018). She says, "For

*By, Smt. K.B. Valsalakumari*

women cinematographers, the system doesn't help in getting them their big break. It's somebody who believes in them who gives them the opportunity. For somebody like me, it was Menon who gave me a fair opportunity. When I was going to shoot Airlift, the question that was posed was, 'Will she be able to handle the pressure?' These questions are never asked when a man is involved.'

What Director Raja Krishna Menon has to say is worth quoting here. He says, that "women are far better at organising than men. ...The general perception is that women are better with emotional subjects rather than action-driven content. But I don't endorse this as it's a question of perspective. I like to take advantage of the difference in perspective that one's gender brings about and I don't see it as a drawback. It's a technical field and the camera used to weigh 50 odd kilos until recently. Perhaps, it's the fault of gender stereotyping that many women in the past didn't opt for cinematography. It's also seen as a

*By, Smt. K.B. Valsalakumari*

physically demanding job, as opposed to something like editing. Many producers and directors are men and possibly, they find it harder to work with women technicians because they haven't done it. More women need to come out and shoot films like Airlift and prove them wrong. In fact, I am surprised how often I am asked why I chose to work with a female cinematographer on Airlift. I knew I was going to work with Priya and her gender was something that didn't even cross my mind. Someone like her makes my job easier. In fact, I work with many female crew members on my set. Women are far better at organising than men."

Apart from gender stereotyping, lack of adequate number of trained technicians is also another reason why there are few women technicians. There are currently very few colleges that offer film studies as a course at the graduate level. There is only one college in the state, run directly by Government and that is

K.R.Narayanan National Institute of Visual Science and Arts in Kottayam district. The following is the strength of girls in that college:

**BATCH OF 2014**

Sl. No	Subject	Boys	Girls	Total	Percentage
1	Audio recording	8	1		
2	Cinematography	9	0		
3	Acting	5	0		
4	Script writing & Direction	9	0		
5	Editing	7	0		
6	Animation & Visual Effects	5	0		
	<b>Total</b>	<b>43</b>	<b>1</b>	<b>44</b>	<b>2.27%</b>

*By, Smt. K.B. Valsalakumari*

## BATCH OF 2015

Sl No	Subject	Boys	Girls	Total	%
1	Animation & VFX	7	2		
2	Direction	9	1		
3	Cinematography	9	1		
4	Audiography	7	2		
5	Editing	6	0		
6	Acting	4	0		
	<b>Total</b>	<b>42</b>	<b>6</b>	<b>48</b>	<b>12.5%</b>

## BATCH OF 2016

Sl No	Subject	Boys	Girls	Total	%
1	Animation & VFX	5	0		
2	Direction	8	1		
3	Cinematography	7	1		
4	Audiography	10	0		
5	Editing	4	0		
6	Acting	8	0		
	<b>Total</b>	<b>42</b>	<b>2</b>	<b>44</b>	<b>4.55%</b>

By, Smt. K.B. Valsalakumari



The data sets show that very limited number of girls are studying film, especially in technical side. It is worthy of noting that in editing there is not a single girl for the academic years 2014, 2015 or 2016. The saying "You can't be, if you can't see" is so relevant in this case. There are very few role models for the younger generation to follow. This is a big gap that has to be filled consciously by Government. As far as teaching faculty is concerned there are only 3 women in K.R. Narayanan National Institute out of a total of 18 i.e. 16.7%. These are gaps that need to be filled soon.

One witness stated that the poor representation of women in Film Institutes can be rectified by providing reservation and scholarships. Another witness suggested that if women are given scholarships to study in Film Institutes many girls will join the courses especially in technical side thus the representation of women in technical side will be enhanced and that Government should take action in this matter.

*By, Smt. K.B. Valsalakumari*

Another witness who is a famous male actor of many years' experience was of the view that it will be very good if Government can institute reservation in film institutes and scholarships too for girls. There is a vast difference in the performance of those who come to cinema after studying in film institutes and those who do not. So it will be beneficial to film industry if we encourage women who study in film institutes and then come to the industry.

Another witness was of the view that of late the representation of women in the technical side has increased compared to what it was earlier. In spite of that there are only 2 or 3 women as technicians. But in Bombay many women work as technicians. In the experience of the witness when more women work in a set, work will go on very seriously.

Many witnesses were of the view that giving reservation and also scholarships to women students will bring more women to cinema. One witness thought that giving scholarships will

*By, Smt. K.B. Valsalakumari*

attract more women to film institutes and this will enhance the representation of women specially in technical side and therefore Government should take action in this direction. Another witness felt that if Government gives subsidy to films that engage more women that will also bring more women to cinema.

A witness was of the view that if grass roots organisations like Kudumbashree train their members in handling lighting, camera etc many women are likely to come to the technical side of cinema. That will be an opportunity for employment for women too. Moreover the impression that technical jobs in cinema can be done by only men will also change.

After having considered the statements of all witnesses, the following suggestions are made for bringing in more women in technical studies of cinema:

1. Currently there are, apart from K.R.Narayanan National Institute in the government sector, very few colleges in the private sector that offer courses in film studies. Parents are

*By, Smt. K.B. Valsalakumari*

often reluctant to send their daughters who have just finished schooling to distant places to study. So government has to step in and make necessary arrangements to start film studies as an optional course, to begin with, one in each district in government colleges.

2. In all colleges offering film studies as an optional subject, whether in aided or unaided or government colleges, 50% of seats in technical studies of cinema should be reserved for girl students for a definite period of time and these seats should be filled by giving wide publicity among school students and parents.

3. The interview board selecting teaching faculty in colleges offering film studies should have at least 30% women.

4. A woman cinematographer / a sound engineer/ a graphic designer of a successful movie and the director who gave that opportunity to her/them in his movie could be invited to speak to high school students either personally or

*By, Smt. K.B. Valsalakumari*

through videoconferencing followed by the screening of films made by such women technicians. This will give confidence to at least a small percentage of girl students in high schools to come forward and take up cinematography and other technical courses in college.

5. Another important way in which more girls could be attracted to take up technical studies in cinema is by offering girl students need based concessions, either partial or full, both in their college fees and hostel fees.

6. Bright students who are passionate about joining cinema should be encouraged by giving scholarships.

7. As a positive step towards bringing in more women to the technical side a light unit of women can be formed in the government owned Chitranjali studio and this will have a multiplier effect in other studios as well thus enhancing the participation of women in the technical side of movies.

8. A day may be fixed soon after the end of the final semester for a state level women students' film festival wherein all technically qualified girls including cinematographers, light units, hair stylists, costume designers, make up women, sound engineers, musicians can exhibit their short movies before an audience comprising of reputed directors and producers and bankers who can spot talents for future collaboration. For making short movies girls can collaborate across colleges to form teams sufficiently early in their semester.

9. A digital platform of girl technicians across the colleges offering film studies should be formed right at the beginning of enrolment in colleges so that it could help in sharing of ideas and best practices and will form a support system for the girls while they are studying and thereafter when they enter the real world of cinema. Such a digital

*By, Smt. K.B. Valsalakumari*

platform will help girls to start collaboration sufficiently early so that they have a pool of technical talents to choose from to form teams and collaborate and also time to think through their project for the festival and execute the same.

V. Submit suggestions for helping women in such circumstances where they have to remain away from job due to delivery, child care, physical disabilities

Women discharge a very huge responsibility by giving birth to the next generation and nurturing the babies and caring for them so that humanity continues to exist. This is a great service being rendered for the continued existence of mankind. This is a service the value of which has not been and cannot be quantified. If women refuse to cooperate in this endeavour, humanity itself will cease to exist. Recognising the supreme value of a mother, the state should step in to extend support to women when they are beset with temporary setbacks like delivery, childcare

*By, Smt. K.B. Valsalakumari*

responsibilities etc or physical disabilities. Towards this a Welfare Fund for women should be created, especially for those who are in dire financial need.

Emergency situations can happen without any forewarning and it requires immediate action. The Welfare Fund will benefit those that have at least 3 years of film industry paid employment. This will be a source of compassionate support for women in cinema when they are at their most vulnerable time. This will be a manifestation of the good will of the film community who will be willing to lend a helping hand to a co worker in a moment of crisis.

The following suggestions are placed for consideration:

1. Create a Welfare Fund for women who have to remain away from job due to delivery, child care responsibilities, or physical disability

By, Smt. K.B. Valsalakumari



2. The capital for the Welfare Fund can be raised partially from government sources and partially from the industry itself.

Separate rules should be framed for the administration of the Fund in a transparent and efficient manner.

**VI. Submit suggestions to maintain and encourage gender justice in the content of cinema.**

Gender Justice is equality and equity among men and women, boys and girls in all walks of life. This is accomplished through changes in societal norms, attitudes and behaviour and through changes in laws, policies and programs that discriminate against women and girls.

More than half of the population of Kerala is women. Nevertheless this demographic reality does not get reflected in

*By, Smt. K.B. Valsalakumari*

cinematic content. Studies reveal that only 30.9% of speaking characters are women. Depicting such distorted demography on screen gives the impression to people especially children and youth that women's issues do not matter or are not significant enough to be portrayed on screen.

The way women are represented on screen is also problematic. Their roles are very often tied up with domestic roles. Most of the lead roles are done by very young women who are very thin and in tight and revealing clothes. Repeatedly seeing heroine's external appearance stereotyped as lanky and sexy in several movies reinforces the expectations of ordinary young men about women along the same lines.

Rarely does one see on screen, women depicted in positions of power who transform their communities or societies in which they live. There are hardly any role models on screen for our young women to emulate. What they see is the role of

*By, Smt. K.B. Valsalakumari*

women enslaved by domesticity or carrying the triple burden of domesticity, paid work and caring work (of the sick and disabled) but with no solutions offered on screen.

A study conducted by Stacy L. Smith (2010) of 100 popular films of 2007 found that the percentage of females in films increased by 15.3% when a woman directed a movie. It was also found that if women are at the helm of 33% of all movies, the number of jobs for women actors could have potentially increased by 213.75%. This implies an additional 1068.75 major, minor and inconsequential speaking roles for actresses in the top 100 box office movies in 5 years and 2137.50 across 10 years. In financial terms this would be no mean achievement for women actors and the government.

The study also found that there may be less of nudity on screen when women are involved in production. Witnesses who appeared before our committee have testified how women were

*By, Smt. K.B. Valsalakumari*

asked to expose more of their body parts by male directors quite contrary to the initial understanding, and they left the movie incomplete and without even claiming remuneration for the days of work they put in as they could not bear to bare their body parts any more on screen. This is something serious since exposure of body parts on silver screen will cause "identity harm" (Robinson R.K., 2006) especially to female actors.

Another study of 800 movies (Cerridwen, A., and Simonton, D.K., 2009) showed that nudity is a negative predictor of box office revenue (gross minus production cost) in the U.S.

The content of many Malayalam movies demonstrates how women are being commodified. They are treated as commodities for exhibition. Many item songs are included just to expose the body parts and body contours of women. It does not have any relation with the narrative nor does it in any way take forward

*By, Smt. K.B. Valsalakumari*

the story of the movie.

One of our witnesses cited the example of a movie in which a character by name Sethulakshmi, which is actually the caricature of Smt. K.R. Gowriamma, the revolutionary leader and Minister who successfully piloted the Land Reforms Act in Kerala is portrayed as a failure in front of the wife of an ordinary comrade. Rather than highlighting the great contributions made by Smt. K.R. Gowriamma, she is shown as a nobody in front of an ordinary house wife. Her strength is made to appear as the cause of her failure. Such trivialization of the contributions of a truly great woman goes against the grain of gender justice.

In another movie, a woman IPS officer is told by her male subordinate that she is after all "only a woman". Glorifying such statements of the character inflicts deep gender injustice and helps only to reinforce gender stereotyping. This is a typical

*By, Smt. K.B. Valsalakumari*

example of hegemonic masculinity that denigrates woman as subsidiary however accomplished and powerful she may be. Usually in Malayalam movies, when a strong woman with definite views of her own is portrayed, she ends up finally coming around the man's point of view and subjecting herself to him. The subordination of woman, thus, is glorified in the cinema. This is because of the inherent patriarchy in society which expresses itself through the medium of cinema.

One witness cited an instance of a script writer who happens to be a woman who tried to bring in gender justice into the content of her movie was taken aback when she saw how her script was changed completely by the director by deleting the portions containing gender elements even without the knowledge of the script writer. When the script writer protested no one took her seriously. The final product that emerged was not her story! The script was so mangled that she felt reluctant to

*By, Smt. K.B. Valsalakumari*

announce that she was the script writer.

As one of the content writers deposed before our committee, cinema portrays two categories of women--the 'good women' and the 'bad women'. The 'good women' are women who are obedient, and who have no likes and dislikes of their own. The 'bad women' on the contrary, are women who take independent decisions, who speak loudly, who laugh loudly and express their opinions. The 'good women' are women of men's desires and the 'bad women' are men's fears. The 'good women' are basically women who do not challenge the authority of men. They include the lovers, wives, mothers and sisters of men. 'Bad women' in Malayalam movies are mostly prostitutes, ghosts, and those women who claim equal status in his work place or in his properties. A woman who submits to the authority of the man is portrayed as a good woman whereas a woman who does not is portrayed as bad.

Such portrayal of women as lesser than the male of the

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By, Smt. K.B. Valsalakumari

species and therefore an allocation to a female of a subordinate position to the male sends an alarming message to the younger generation. Viewing several movies with such message adds layer over layer of the same single message that finally sediments in the minds of the youth that women are slaves to the Masters (men). It sends the false message that a woman is not a human being who is capable of thinking for herself and taking decisions for herself and so she needs a Master to take decision on her behalf. Such messages that deny woman her subjectivity, autonomy and agency infantilises woman as someone who needs the Master as a perpetual guardian to make decisions on her behalf. She becomes, in their estimation, a perpetual minor with no autonomy and hardly any enforceable legal rights.

Such messages are diametrically opposed to a gender just society. If gender justice has to be incorporated in the content of movies, content writers have to be made gender sensitive. Not

*By, Smt. K.B. Valsalakumari*



being gender sensitive is not the fault of content writers. They have been socialised for decades into that view by popular culture and a generally prevalent discourse that devalues women's lives and contributions to society and their contributions to the continued existence of humanity. The devaluation of the woman is not something inherently assigned on birth; the genes in her DNA are not coded as secondary and subordinate. It is not biological but is social and cultural. What is not biological but is socially and culturally coded and constructed can definitely be re-coded and reconstructed to bring in justice. It is possible to re-imagine a world where both the male and female of the species have the same opportunities to grow and are treated as equally autonomous; not one under or below the other.

Being born as a female does not make a person gender sensitive. It would have, had our patriarchal society not distorted

Dr. Smt. K.B. Valsalakumari

the person's perspective by brainwashing constantly through discourse, written words and popular culture in general, that the female is of lesser value than the male and hence has to be accorded a subordinate position. So a historical rectification of this view is the need of the hour and this can be accomplished by de-schooling what has been taught so far through written words, images, signs and their significations and teaching people, especially those that are in the visual media (because of its humongous potential to influence minds and hearts) that a world with equity where both men and women are treated equally is possible and that it can be attained if we attempt it consciously.

If gender justice has to be mainstreamed into the content of movies, then the following have to be done in earnestness:

**1. Enhance the visibility of women and girls on screen.**

A study sponsored by Geena Davis Institute on Gender in Media with support from the University

### Character Gender Prevalence by Country

	% of female characters	% of female leads/co-leads	% with balanced casts	Total no of characters
Australia	29.8	40	0	386
Brazil	37.1	20	20	423
China	35.0	40	30	514
France	28.7	0	0	526
Germany	35.2	20	20	443
India	24.9	0	0	493
Japan	26.6	40	0	575
Korea	35.9	50	20	409
Russia	30.3	10	10	522
U.K	37.9	30	20	454
U.S/U.K	23.6	0	0	552
U.S	29.3	30	0	502

of Southern California, the Rockefeller Foundation and UN

Women analyzed gender roles in popular films across 10 most profitable countries internationally as reported by the Motion Picture Association of America (MPAA) in 2012. The table cited is taken from that study. The table shows that India cuts a sorry figure especially from the point of view of female leads and co-leads and balanced casts. Korea, Japan and China are way ahead of us. Content writers have to be encouraged to ensure that the life portrayed on screen is a true reflection of the society she or he is trying to represent on screen. If the representation is about an all male community then certainly women may not figure at all. If on the contrary the portrayal is against back ground of a normal society then one would expect a reflection of reality through depiction of the gender balance in society on screen too.

More than 50% of our population comprises of women and girls yet that gender ratio does not get reflected in cinema.

*By, Smt. K.B. Valsalakumari*

Research shows that globally, only 30.9% speaking or named characters on screen are women, whereas 69.1% of speaking or named characters are men. Further, only 23.3% films had a female lead or co -lead role.

## *2. Characterisation of women occupying positions of power*

Content writers should be encouraged to show the lives of women in positions of power and how they can make a difference. Moving away from gender stereotyping women in diverse roles like politicians, ministers, judges, scientists, business women, I.A.S/ I.P.S officers, Ambassadors, pilots, journalists, sports celebrities etc should be depicted so that young girls see them as role models and aspire and dream and work hard towards fulfilling their dreams breaking traditional gender barriers. Care should be taken to ensure that while representing powerful women they are not represented as subordinated to men or are worthless in comparison with housewives.

*By, Smt. K.B. Valsalakumari*

## 2. Gender Awareness Training Programme:

The content has to challenge the monopoly of power enjoyed by men for centuries, and re imagine and recreate a world in which women are not subordinate to men but where men and women share power equally with mutual respect. For this to be realized, a continuous process of gender awareness training should be imparted to everybody in the movie making enterprise like the producer, director, content writer, associate directors, assistant director, exhibitors, marketing people, actors, technicians, junior artists, light boys, drivers, make up man, hair stylists etc. Gender training has to be made mandatory for all people engaged in movie making before the production starts, and certainly much before starting the script. Online training materials in Malayalam and English may be prepared and given to those involved in movie making. Without the certification of having undergone that training no person should be permitted to engage in movie making.

*By, Smt. K.B. Valsalakumari*

### 3. Redefining masculinity and femininity:

Very often violence against women and girls is shown on screen as expression of masculinity. We have to re-imagine a new masculinity (in place of hegemonic masculinity) that is not equated with aggressiveness and violence but with justice, democracy, compassion and caring. We need to break the prevailing gender norms as depicted on screen that consider masculinity as synonymous with violence, aggressiveness and brutality and femininity with passiveness and suffering in silence. A new genre of movies depicting masculinity as compassion for the suffering and standing for justice including gender justice and speaking for the disempowered and voiceless whether within homes or within communities needs to emerge in Malayalam. Building coalitions across genders to show the futility of violence and aggressiveness off screen and on screen is a good beginning. Stories of men who

*By, Smt. K.B. Valsalakumari*

have lost wives, sisters, daughters, and mothers to violence abound in real life. These real stories can be sensitively portrayed on screen to show how violence is not the answer to problems.

#### 4. Certification of gender justice:

Just as every cinema in which animals are used has to display a certificate to the effect that no harm has been caused to the animal, in all movies a certificate to the effect that no dialogue or situation glorifying gender injustice has been used in the movie should be mandatorily displayed.

#### VII. Submit suggestions on the actions to be taken to encourage cinemas wherein 30% women are engaged in production activities

1. Financial support by way of easy loan with easy repayment schedule.

Government should take the lead role in facilitating easy loans to qualified groups of women who intend to make

By, Smt. K.B. Valsalakumari



movies with women constituting at least 30% of production team. The procedure for obtaining loan should not be overwhelming to deter women from applying for loans. A single window system for processing loans will go a long way in simplifying application process and enabling qualified women to come forward to make movies.

2. Theater facilities to exhibit such movies:

Government should earmark either directly or indirectly through tie ups, at least one theatre per taluk for at least a week for exhibiting movies with 30% women in production. This concession should be extended to movies made by women producers, and directors and also movies made by men or women which deal with the topic of gender justice.

3. Prominent public spaces in urban and local bodies to put up hoardings of such movies.

By, *Smt. K.B. Valsalakumari*

Advertisement is an important way of drawing people to movies. So at important places like the market places, maidans, near bus stands and train stations and airports, other places under the jurisdiction of local self governments, where people gather, spaces could be earmarked for putting up advertisement of movies which have 30% women in production. Time for advertising such movies should be given at reduced rates in government owned theatres and theatres with government tie ups.

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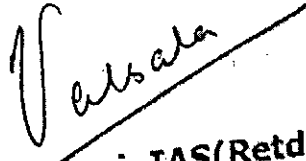
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*By, Smt. K.B. Valsalakumari*

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Dated this, the day of 31<sup>st</sup> of December 2019

  
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