

BEFORE THE HONOURABLE HIGH COURT OF KERALA, ERNAKULAM

I.A.no: /2022

In

W.P. (C) 34273/2018

Kerala Women's Commission
Represented : Petitioner/Person sought to be
impleaded : by it Director

Vs

Women in Cinema Collective : Respondents/Petitioners &
And others : respondents in writ petition.

AFFIDAVIT

I, SHAJI SUGUNAN, aged 53 years, S/o M K SUGUNAN presently Director, Kerala Women's Commission, Pattom Palace, PMG, Thiruvananthapuram-695 004 do hereby solemnly affirm and state as follows:

1. I am the authorized signatory of the Kerala Women's Commission. The Commission was constituted under the Kerala women's commission Act, 1990 in order to improve the status of women in the State of Kerala and to enquire into unfair practices affecting women and for matters connected therewith or incidental thereto. As per Sec 2 (i) of the Kerala Women's Commission Act, "***unfair practice' means any distinction, exclusion or restriction made on the basis of sex for the purpose of or which has the effect of impairing or nullifying the recognition, enjoyment or exercise by women of fundamental constitutional rights, or of human rights, or of fundamental freedom in the political, economic, social, cultural, civil or any***

other field or the infringement of any right or benefit conferred on women by or under the provisions of any law for the time being in force or the mental or physical torture or sexual excess on women”.

2. Petitioner herein had approached the Hon'ble Chief Minister of Kerala with a representation in the wake of an actor subjected to gruesome sexual abuse in Kochi in early 2017. In the said representation they had specifically sought for constituting a grievance redressal mechanism in terms with the Vishakha guidelines as well as the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ("POSH Act"). The said representation was forwarded to the First respondent herein. The Department of Cultural Affairs forwarded the said representation to the Kerala State Development Corporation, Trivandrum, Kerala State Chalachitra Academy, Trivandrum and also Kerala State Cultural Pravarthak Kshemanidhi Board for their opinion how to redress the grievance of the petitioner herein. The first respondent thereafter vide GO (M.S) no: 12/2017/of DCA dated 19-6-2017 appointed an expert committee headed by Hon'ble Justice Hema (Former Judge, High Court of Kerala) to submit a report after studying the problems faced by women in film industry and then working culture and circumstances. Smt. Sarada, senior cine artist and Smt. Valsala Kumari, IAS (Retd) were the other two members of the Expert Committee. Terms of reference were fixed and the following were the terms of reference.

- 1) To suggest solutions to the various problems faced by women in film industry and their security.

- 2) Suggestions/recommendations regarding their service remuneration.
 - 3) Suggestions/recommendations to see to it that women are made part of all activities in cinema.
 - 4) Suggestions and recommendations as regards technical studies relating to cinema and methods of bringing more women to the technological spheres of Cinema by providing scholarships for such technology based studies.
 - 5) Suggestions as regards how to help women who are constrained to suspend their profession due to ailments and maternity/gestational demands.
 - 6) Suggestions/recommendations to bring about gender based equality in the field of cinema.
 - 7) Suggestions/recommendations to promote cinemas produced with 30% involvement of women.
3. The Expert Committee submitted a report with an array of recommendations. On 5-11-20, the summary of the recommendations were placed before Managing Director, Kerala Film Development Corporation, Trivandrum, Secretary, Kerala State Chalachithra Academy and Kerala State Cultural Pravarthak Kshemanidhi Board for a report from them after analysing the recommendations/suggestions placed by the Expert Committee.
4. About 10 members of the petitioner had personally met the Chairperson of the Kerala women's Commission at the Government guest House, Kozhikode on 16.1.22 and requested for the Commission's effective intervention into the issues of the petitioner.

They had also sent a mail on 16.1.22 in which they had sought for the constitution of a Grievance Redressal Cell as per the Supreme Court guidelines and had also referred to the indifference meted out by the respondents 3 and 4 herein to constitute one inspite of being duty bound to do so. True copy of the mail received by the petitioner herein from the petitioner in the writ petition is produced herewith and may be marked for reference as Exhibit R9 (1), and the English translation of the same may be marked as Exhibit R 9 (1) (a).

5. It is seen that the Kerala State Chalachithra Academy has responded vide their letter dated 9-11-20 to the first respondent herein with their suggestions and opinions regarding steps to be taken for the effective implementation of recommendations of the Expert Committee in which they have specifically sought for constitution of Internal Complaints Committee as envisaged under the POSH Act. True copy of the said communication which has been produced by the petitioner in writ petition before this petitioner along with Ext R 9 (1) is produced herewith and may be marked for reference as Exhibit R 9 (2). Translation of the same is produced herewith and may be marked for reference as Ext R (9) (2) (a)
6. Petitioner herein, Kerala Women's Commission invoking its power under Section 16 (1)(iii) (a),(b), Sec 16 (1) (v) and Sec 16 (1)(vi) of the Kerala Women's Commission Act has made a request to the first respondent herein regarding the absolute necessity to constitute Internal complains committee as per Vishakha guidelines formulated

by the Supreme Court of India as well as the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 ("POSH Act"). True copy of the said representation is produced herewith and may be marked for reference as **Exhibit R 9 (3)**. In Ext R9 (3), the petitioner has interalia also sought for including enactment of a beneficial legislation for the Cine employers and employees as a whole.

7. It is submitted that considering the preamble and objectives of the statute based on which the petitioner herein has been constituted, it is just and necessary that the petitioner herein be impleaded in the present writ petition as Additional Respondent no: 9. This petitioner is functioning exclusively for the benefit and welfare of women of this State and therefore genuinely prays to this Honourable Court to allow this petition to implead the Kerala Women's Commission as additional 9th respondent in the above writ petition. A separate petition is being filed herewith for the said relief.

All the facts stated above are true to the best of my knowledge, faith and belief.

Dated this the 27th day of January, 2022.

KERALA WOMEN'S COMMISSION
THIRUVANANTHAPURAM

Solemnly affirmed and signed before me by the deponent, whom I know on this the 27th day of January, 2022 at the Office of the Kerala Women's Commission, Thiruvananthapuram.