

VERDICTUM.IN

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR
&
THE HONOURABLE MRS. JUSTICE C.S. SUDHA

Thursday, the 3rd day of October 2024 / 11th Aswina, 1946
WP(C) NO. 31205 OF 2024

PETITIONERS:

1. JANNATH A, AGED 23 YEARS, D/O. ABDUL JALAL, BAITHUL JNS, D S ROAD, KAPPALANDIMUKK, ERNAKULAM, PIN - 682002
2. AMRUTHA PREMJIITH, AGED 25 YEARS, D/O. PREMJIITHLAL, THERATTIL HOUSE, KUNNAPILLY P.O, MELUR, CHALAKUDI, THRISSUR, PIN - 680311

RESPONDENTS:

1. STATE OF KERALA, REP. BY ITS CHIEF SECRETARY, SECRETARIAT, THIRUVANANTHAPURAM, PIN-695001
2. THE CENTRAL BUREAU OF INVESTIGATION REPRESENTED BY ITS DIRECTOR, PLOT NO.5-B, CGO COMPLEX, LODHI ROAD, NEW DELHI, PIN - 110003
3. THE DIRECTOR GENERAL OF POLICE (DGP), STATE POLICE HEAD QUARTERS, VELLAYAMBALAM CITY, THIRUVANANTHAPURAM, PIN - 695010

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to direct the 1st respondent to send the redacted pages to the 2nd respondent for further investigation, after judicial reading, if this hon'ble court deems fit and necessary in the interest of justice.

This petition again coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and this court's order dated 10.09.2024 and upon hearing the arguments of M/S. DEEPA R MENON, DEENA JOSEPH, SONA MARIA PAULOSE & RADHIKA IYER, Advocates for the petitioners, GOVERNMENT PLEADER, SRI. K. GOPALAKRISHNA KURUP (ADVOCATE GENERAL), SHRI. V. MANU (SENIOR G.P), for R1 & R3, the court passed the following:

DR. A.K.JAYASANKARAN NAMBIAR, J.
&
C.S. SUDHA, J.

W.P.(C).NOS.29846, 31639, 31205 & 31332 OF 2024
&
W.A.NO.1248 OF 2024

Dated this the 3rd day of October, 2024

ORDER

Dr. A.K. Jayasankaran Nambiar, J.

When these matters were taken up today, we went through the preliminary counter affidavit filed on behalf of the 1st respondent, the Joint Secretary, Cultural Affairs Department, Government of Kerala, which *inter alia* details the steps taken by the Government on the basis of the recommendations in the report of the Justice Hema Committee. The details of the steps taken are as follows:

- (i) The Kerala State Chalachithra Academy and the Kerala State Film Development Corporation (KSFDC) have been instructed to take effective measures by preparing plans and programs to increase awareness on participation and safety of women in the film industry.
- (ii) In order to create awareness about gender equality/gender justice in the film industry regarding the recommendation of online training, the Chalachithra Academy and the KSFDC have been directed to organize online and offline awareness programs on gender equality / gender justice as a social education process.
- (iii) Care is being taken to include progressive women's perspectives in films produced with Government assistance. Some of these films have already been released. More movies are getting ready for release. Under this scheme, films like Nishidho, Divorce, B32 to 44 and Nila have been released by women directors. The film Churul was released on 30.08.2024 under the scheme which provides financial support to films by SC/ST directors for the first time in India.
- (iv) A major recommendation of the committee is to formulate a Film Policy for the State of Kerala. Government constituted a committee chaired by Sri.Shaji N Karun for preparing a draft approach

paper for Film policy, as per GO(Rt) 357/2023/CLAD dated 15.07.2023. It is also ordered to include suitable suggestions after examining the recommendation of the Justice K Hema Committee. A Film Conclave is being scheduled for consolidating the suggestions of representatives from the various fields in film. Government will formulate an appropriate film policy after taking into account the suggestions from the film world.

(v) Rupees 3 Crores is being allocated annually for the scheme of films produced by women which is implemented through KSFDC. Many film projects are being implemented under the said scheme. Efforts will be made to allocate more funds as per the requirement in subsequent years.

(vi) A special award for women and transgender categories for excellence in any field of cinema is included in the state film awards. Singer Smt. Nanchiamma and Director Smt. Shruti Saranyam received awards in this category.

(vii) The Kerala State Chalachithra Academy has started a vocational training program for women who want to work in the technical fields of cinema, in the fields of production management, camera and lighting, art design, costume, make-up, post-production supervision, marketing and publicity. The training will lead to employment in professional film production companies.

(viii) At present, various benefits are being provided to the artists and workers who are the members of the Kerala Cultural Worker's Welfare Fund Board. The Government will consider more welfare schemes.

(ix) In the camps and film study programs of the State Chalachithra Academy etc., special attention is being paid to portray women in films in a positive manner. This approach is followed while selecting films in the women film production project implemented through KSFDC.

(x) Internal Complaint Committee has been made mandatory in cinema locations on the basis of Government's direction to urgently set up statutory internal complaint committees in the cinema sector.

(xi) KSFDC's theatres are providing facilities for screening women's films. Also more theatres are being opened including that of KSFDC's and more facilities will be available to screen women's films. Construction of theaters in Kayamkulam, Vaikom, Alagappa Nagar and Payyannur is nearing completion.

(xii) The Government will take practical steps to ensure more representation and opportunities for women in the film industry and film-related institutions.

2. The learned counsel for the other respondents as also the petitioners in the writ petitions sought time for reverting with their views and suggestions in the above matters so that the steps taken by

the Government can be implemented more effectively. We direct that the responses of the said respondents and petitioners be filed within a week from today so that we will be able to go through the responses before the next date of hearing.

3. It was brought to our notice by Smt.Parvathi Menon A., the learned Standing Counsel appearing on behalf of the Kerala State Women's Commission through I.A.No.3 of 2024 that despite the direction in our order dated 10.09.2024 that required the print, electronic and social media to exercise restraint and adhere to an appropriate code of conduct in the matter of publishing news governing any aspect of the Justice Hema Committee Report and to accord due respect to the privacy rights of persons who are allegedly victims of offences committed against them, as also of persons against whom such allegations/accusations have been made, a program was aired on Reporter TV between 8 am and 9 am on 16.09.2024 revealing that a statement had allegedly been made by a female actor before the Justice Hema Committee accusing a film director and a prominent male actor. It is stated in the said affidavit that the airing of this program on Reporter TV *per se* amounted to a violation of the directions in our order dated 10.09.2024. We are also told that the members of the Special Investigation Team [SIT] were constantly approached by the media for information regarding the progress of the investigation. This is the conduct that we had restrained the media

from resorting to. Taking note of the reported infringement of our direction, we direct the members of the SIT to issue a general warning to media personnel, who approach them for information regarding the progress of the investigation, or for getting details of the persons against whom such investigation is ongoing to desist from the same, and in the event of any continued attempts on the part of the said media personnel, the SIT shall report such instances to this Court, if need be, by producing such evidence as they may feel fit. On our part, we issue a caveat to media personnel that reporting any information in relation to the Justice Hema Committee report, that might lead viewers to believe that a statement aired in the program was the statement actually given by the victim before the SIT or the Justice Hema Committee, will be viewed very seriously by this Court by deeming the same to be an unnecessary interference with the administration of justice.

Post on 14.10.2024.

Sd/-
DR. A.K.JAYASANKARAN NAMBIAR
JUDGE

Sd/-
C.S. SUDHA
JUDGE