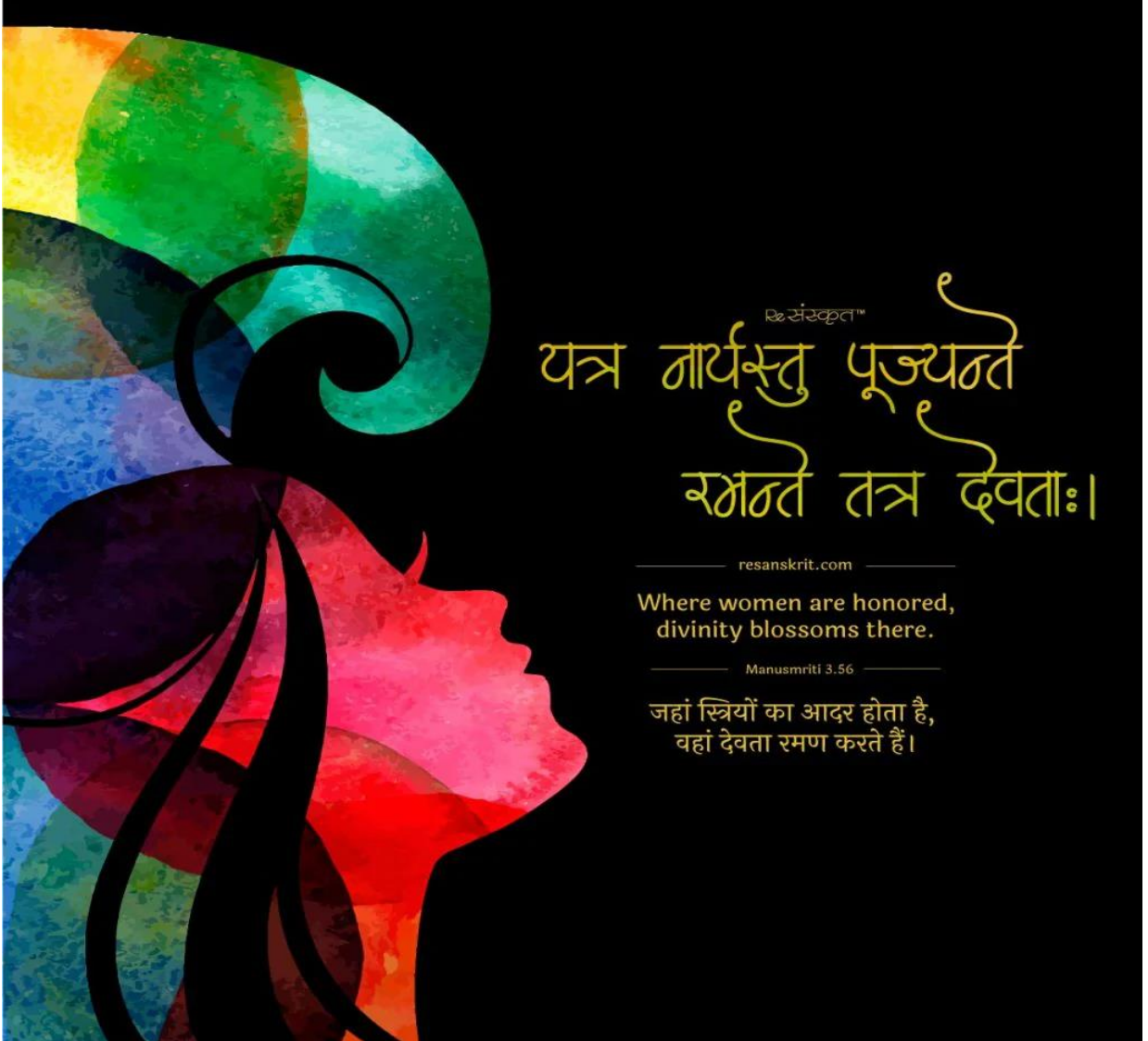


Women Safety at Workplace -Hema Committee Report & Kolkata Issue



Malala Yousafzai: We cannot all succeed when half of us are held back.

Michelle Obama: There is no limit to what we, as women, can accomplish.

Context:

- The **Kerala High Court on September 5, 2024** constituted a Special Bench consisting of **Justice A.K. Jayasankaran Nambiar and Justice C.S. Sudha** for hearing public interest litigations (PIL) filed following the publication of the **Hema Committee report** on the issues faced by women working in the **Malayalam film industry**.
- The Bench had earlier directed the **Kerala government to produce the entire report of the Hema Committee before the court.**

1. What is the Historical Context of Women's Safety at Workplaces in India?

The historical context of women's safety at workplaces in India is rooted in the broader socio-economic and cultural landscape.

1. Traditional gender roles:

- **Indian society** has traditionally placed **women in domestic roles**, limiting their access to the workforce.
- However, with **economic modernization and globalization**, women's participation in the workforce has increased, **bringing issues of workplace safety to the forefront**.

2. Patriarchal structures:

- **Historical gender norms and patriarchal structures** have created an environment where women are at a disadvantage in the workplace.

3. Legal restrictions:

- **Labor laws** have imposed **restrictions on women**, which have put them at a **competitive disadvantage** and made them **vulnerable to harassment**.

4. Sectoral differences:

- The **services, construction materials, metals, and mining sectors** have the **highest number** of complaints of **sexual harassment in the workplace.**

2. Enlist forms of sexual harassment at workplace?

Forms	Analysis
Quid Pro Quo:	<ul style="list-style-type: none"> • Quid Pro Quo is a Latin phrase that means a favor for a favor or this for that. • However, the expression varies in different contexts. • But in the context of sexual harassment, the term means seeking sexual favors in exchange for any work benefits, promotions, salary increments, or fulfillment of any asked favors.
Hostile Work Environment:	<ul style="list-style-type: none"> • A hostile work environment is a general form of sexual harassment. • It is an influence or behavior targeted towards women, making it hard for them to work in a workplace. • According to several surveys, the most prominent hostile work environment actions are: • Derogatory remarks on female workers. • Gender discrimination. • Unpleasant complements, body shaming, stroking, or grabbing without consent. • Sharing pornographic materials through notes or emails.

- **Spreading rumors about personal life.**
- **Rape or attempted rape.**

Examples of Different Types of Sexual Harassment in the Workplace

In many cases, the conduct that leads to a finding of sexual harassment may not fit neatly under the label of quid pro quo or hostile work environment. There are also cases where physical, visual, and verbal conduct overlap to create sexual harassment.

Sexual harassment in the workplace can take several forms:



- 01 Unwanted sexual advances
- 02 Verbal harassment
- 03 Displaying sexually explicit materials
- 04 Sexual jokes or teasing
- 05 Sexual comments about appearance
- 06 Unwanted touching or brushing against someone's body
- 07 Cyber harassment
- 08 Retaliation for rejecting advances
- 09 Sexual intimidation or threats

3. Enlist key findings of Justice Hema Committee Report?

ISSUES FACED BY WOMEN IN MOLLYWOOD

<p>➤ The Hema commission was constituted in the wake of the abduction and sexual assault of an actress in 2017</p>	<p>➤ On Feb 24, 2022, minister Saji Cherian told the assembly that the report was not published because it contained the personal testimonies of some women complainants</p>	<p>“ While providing the attested copies of the report, the state public information officer should ensure that the materials do not lead to the identification of individuals referenced in the said report and compromise their privacy — STATE INFORMATION COMMISSION</p>
<p>➤ The commission, led by retired Justice K Hema with veteran actor Sarada and former IAS officer K B Valsala Kumari as its members, delved deep into the issues faced by women in the Malayalam film industry</p>	<p>➤ Some of the recommendations of the commission, according to Cherian, were to penalise those engaged in attacks against women, establish internal complaint committees to prevent sexual abuse, provide safe rooms for dress change and ensure pay parity</p>	
<p>➤ The report was submitted to the CM on Dec 31, 2019</p>		

- **Justice Hema Committee** was formed in response to a petition submitted by the **Women in Cinema Collective (WCC)** to the Chief Minister of Kerala, Sri Pinarayi Vijayan.
- **The Justice Hema Committee**, which was constituted in the wake of **sexual assault of actress Bhavana** who was brutally abducted and raped in a moving vehicle, a heinous crime orchestrated by six men allegedly under the directive of a powerful actor in the industry.
- The **Justice Hema Committee submitted its report to the State Government in December 2019**, however, it was released on 19th August 2024.
- The committee comprised three distinguished members:
 - **Justice K. Hema (Chairperson) - Former Judge, High Court of Kerala**
 - **Smt. T. Sarada - One Artist**
 - **Smt. K.B. Valsalakumari - Principal Secretary (Retd), Government of Kerala**

Key issues in Malayalam Industry	Analysis
Sexual Harassment and Abuse	<ul style="list-style-type: none"> • The report exposes a troubling culture of sexual exploitation where women are often pressured into offering sexual favors to secure roles or avoid being blacklisted. • The report revealed that online harassment and cyber-attacks against women are prevalent in the industry. • It also noted that men, too, have faced significant challenges, with some prominent male artists being unauthorizedly banned from the industry for extended periods due to conflicts with powerful lobbies.
Widespread Gender Disparities	<ul style="list-style-type: none"> • The committee found that women in the industry face significant gender disparities, particularly in terms of remuneration and basic workplace safeguards, such as internal complaints committees (ICC), which exist more in name than in practice.
Workplace Environment and Safety	<ul style="list-style-type: none"> • The report highlighted violation of human rights by failing to provide basic facilities like toilets and changing rooms on sets. • Women working in the industry often face a lack of safety and security, both in their accommodation and during transportation.
Power Dynamics	<ul style="list-style-type: none"> • The report highlighted that the Malayalam

<p>and Discrimination</p>	<p>film industry is under the control of certain producers, directors, and actors—all male.</p> <ul style="list-style-type: none"> • They control the whole Malayalam film industry and they dominate other persons working in cinema. • The threat of being blacklisted or banned from work looms over many, silencing them from speaking out about these issues.
<p>Professional Challenges</p>	<ul style="list-style-type: none"> • The report highlighted gross indiscipline in the cinema industry, including the consumption of alcohol, drug use, and disorderly conduct. • Contracts between employers and women employees are often not formalized in writing, leading to inconsistencies in agreed-upon remuneration. • Women fear retaliation and are often coerced into not filing complaints.
<p>Resistance to Addressing Issues</p>	<ul style="list-style-type: none"> • In response to these alarming findings, the committee reported that some in the industry, including a prominent actor, suggested that women have long been working in cinema without complaint, adapting to the circumstances. • Regarding the lack of basic amenities, some actors downplayed the issue, suggesting that women could use nearby houses or convenient locations for changing clothes or using the restroom.

<p>Legal and Awareness Issues</p>	<ul style="list-style-type: none"> • The report also noted that the establishment of an ICC, as mandated by the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act of 2013, exists only in name. • The committee found that forming an ICC within the industry might not be effective due to the power dynamics and potential for intimidation. • There is absence of any legally constituted authority to redress grievances. • The Association of Malayalam Movie Artists (AMMA) argued that it is not an employer and, therefore, not obligated to form an ICC.
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ICC ONLY IN NAME; REMUNERATION GAP BETWEEN MEN AND WOMEN REMAINS HUGE

THE COMMITTEE	WHAT IT SUGGESTED
<p>> The Justice Hema Committee was constituted following the abduction and sexual assault of a popular actress in 2017</p> <p>> The committee, formed in response to a demand from the Women in Cinema Collective, was led by retired Justice K Hema, with veteran actor Sarada and former IAS officer K B Valsala Kumari as its members</p> <p>> The report was submitted to the CM on Dec 31, 2019, but it was kept under wraps for nearly five years; 65 pages were redacted to protect the privacy of individuals when the report was finally released</p>	<p>> Enact a new statute with multiple provisions to prevent and protect women and to deter perpetrators from committing offences against them, given the limitations of PoSH Act in film industry</p> <p>> One of the main provisions to be included in the statute is the constitution of a tribunal and the appointment of a retired district judge, preferably a woman with a minimum of five years of trial experience, to lead the tribunal</p> <p>> Avoid hiring individuals with criminal backgrounds as drivers; ban alcohol and drugs at film sets; prevent the abuse of women through fan clubs</p> <p>> Exclude individuals accused of serious crimes from the industry for a substantial period; prohibit banning individuals within the industry; Mandate the provision of toilets at film sets</p> <p>> Culture minister Saji Cheriaan announced plans to organise a cinema conclave within "two months" to discuss all issues raised in the report</p>
<p>VINDICATED: A file picture of Women in Cinema Collective members, who were instrumental in getting the govt to appoint the committee. WCC has welcomed the publication of Hema Committee report and urged the govt to take all necessary steps to study and act upon its recommendations</p>	<p style="background-color: #f08080; text-align: center; font-weight: bold;">WHAT IT FLAGGED</p> <p>> Besides widespread sexual exploitation of women, it cites lack of safety and security for women in the industry, including inadequate accommodation and transportation</p> <p>> Basic safeguards, like the Internal Complaints Committee (ICC), existed only in name while women's rights were violated by not providing basic amenities such as toilets and changing rooms on film sets</p> <p>> There is a huge disparity in remuneration between male and female artists; individuals working in various categories within the cinema industry are often silenced under the threat of being banned from work</p> <p>> Contracts between employers and female employees are not executed in writing, leaving room for individual exploitation; there is a failure to pay even the agreed remuneration</p>

4. What is the status of women in the workforce?

- According to the **Periodic Labour Force Survey (PLFS) 2022-2023**, the female labor force participation rate in India increased to **37.0% in 2023**, which is a **significant jump from 23.3% in 2017-18**.
- This is **attributed to the government's initiatives to empower women** through policies and legislations that focus on their **long-term socio-economic and political development**.

J&K TOPS IN FEMALE UNEMPLOYMENT

States with the **highest unemployment rates in 15-29 years age group in Jan-Mar 2024**



States with **lowest unemployment rates**



(Jan-Mar 2024)

High female unemployment rate

J& K	48.6
Kerala	46.6
Uttarakhand	39.4
Telangana	38.4
Himachal Pradesh	35.9

High male unemployment rate

Kerala	24.3
Bihar	21.2
Odisha	20.6
Rajasthan	20.6
Chhattisgarh	19.6

Low female unemployment rate

Delhi	5.7
Gujarat	10.9
Madhya Pradesh	13.5
Haryana	13.9
Karnataka	15

Low male unemployment rates

Delhi	2.5
Gujarat	8.5
Karnataka	10.1
Himachal Pradesh	10.2
Madhya Pradesh	11.7

More Rural Women Return to Workforce than Urban Females

Female labour force participation in rural India recovered swiftly in the past five years; gradual increase for urban areas



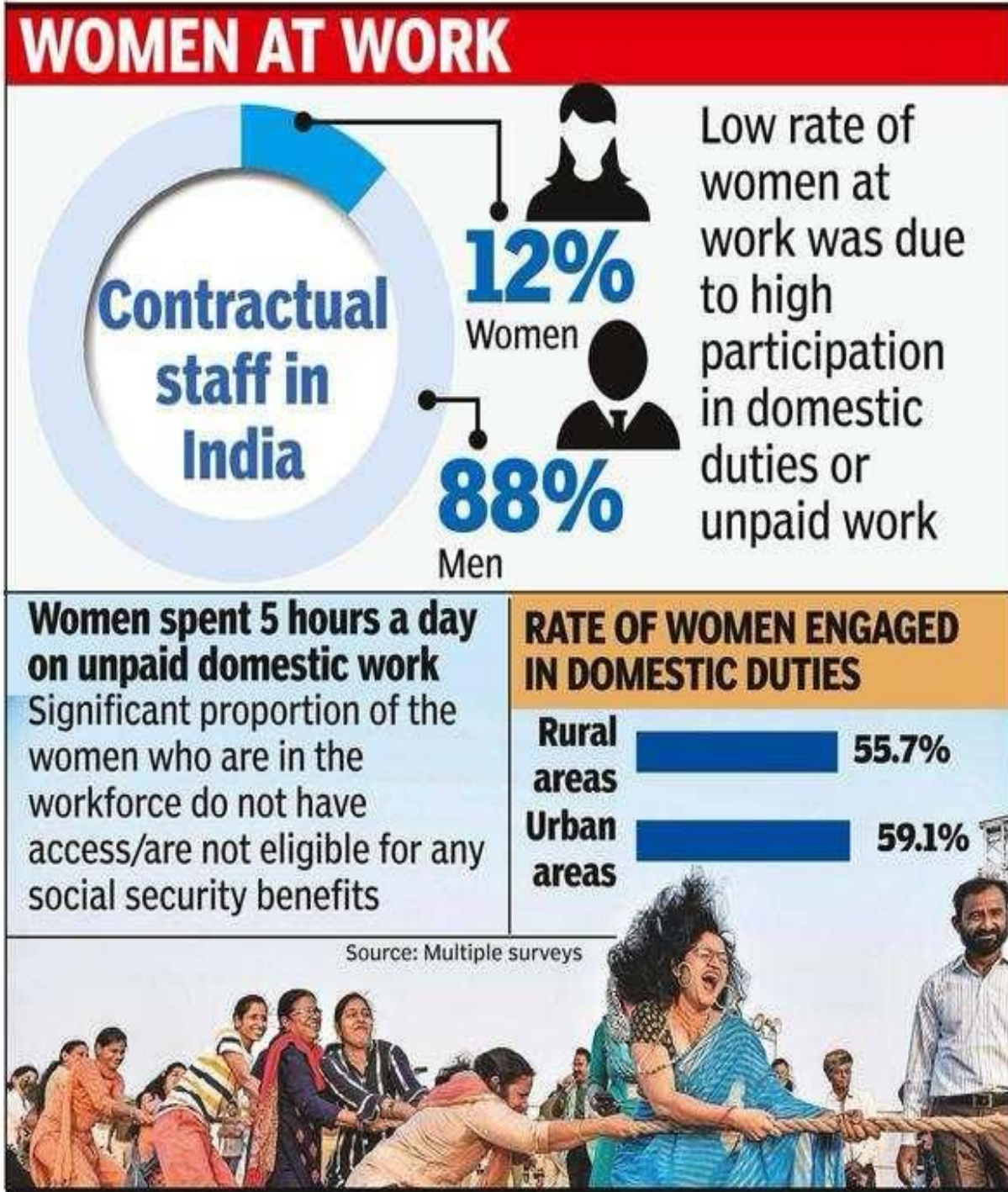
 Rural  Urban

Labour Force Participation Rate



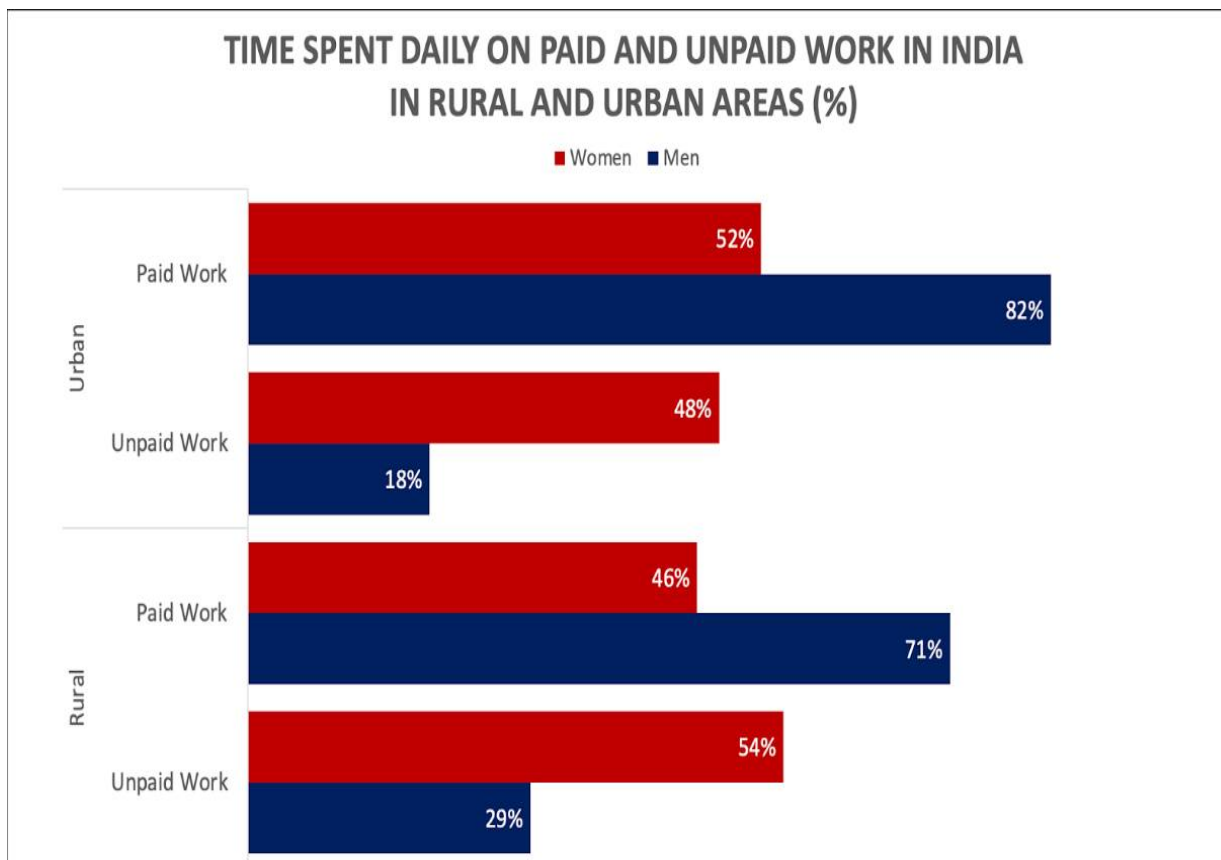
Steady fall in unemployment rate since FY 2018





- According to the **State Bank of India's** latest report, **if all the ladies doing their household chores for their family are paid for their job, then the amount paid to them would be equivalent to about 7.5 per cent of India's GDP.**

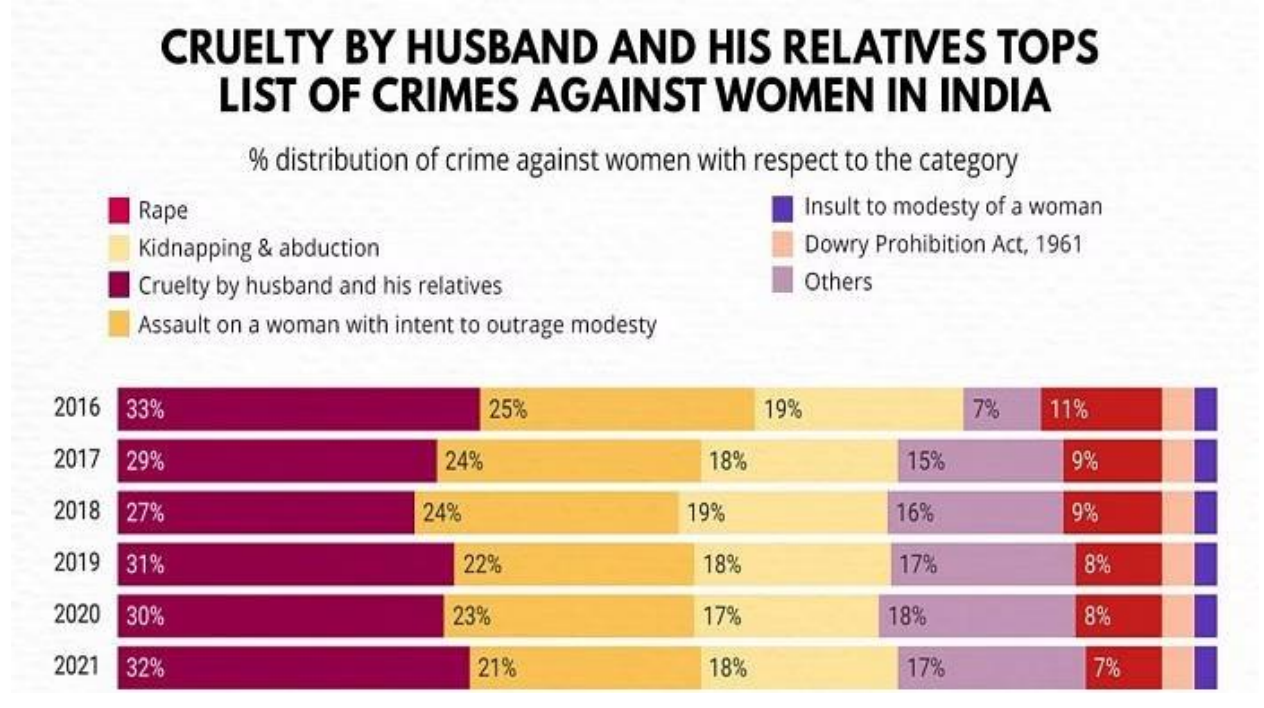
Contribution of Unpaid Women in GDP			
		Rural	Urban
Unpaid domestic work by women	Minutes	432	431
	Hour	7.2	7.2
Total Women (18-60 years)	in crore	28.7	13.2
Working age women		1.4	4.0
Unpaid women		27.3	9.3
Per day per hour wage*	in Rs	21	33
Total unpaid contribution	in Rs lakh crore	14.7	8.0
Total Rural + Urban Contribution (in Rs lakh crore)		22.7	
Total Rural + Urban Contribution (% of GDP)		7.5%	



- A 2018 report by Mckinsey Global Institute showed that women’s contribution to India’s economy is very low at 18 per cent, while it is 41 per cent in China, 40 per cent in Vietnam, 33 per cent in Japan, and 29 per cent in Sri Lanka.
- According to the National Institute of Rural Development and Panchayati Raj it is estimated that the GDP of India would increase by 43 per cent if women had the same work participation rate as men.

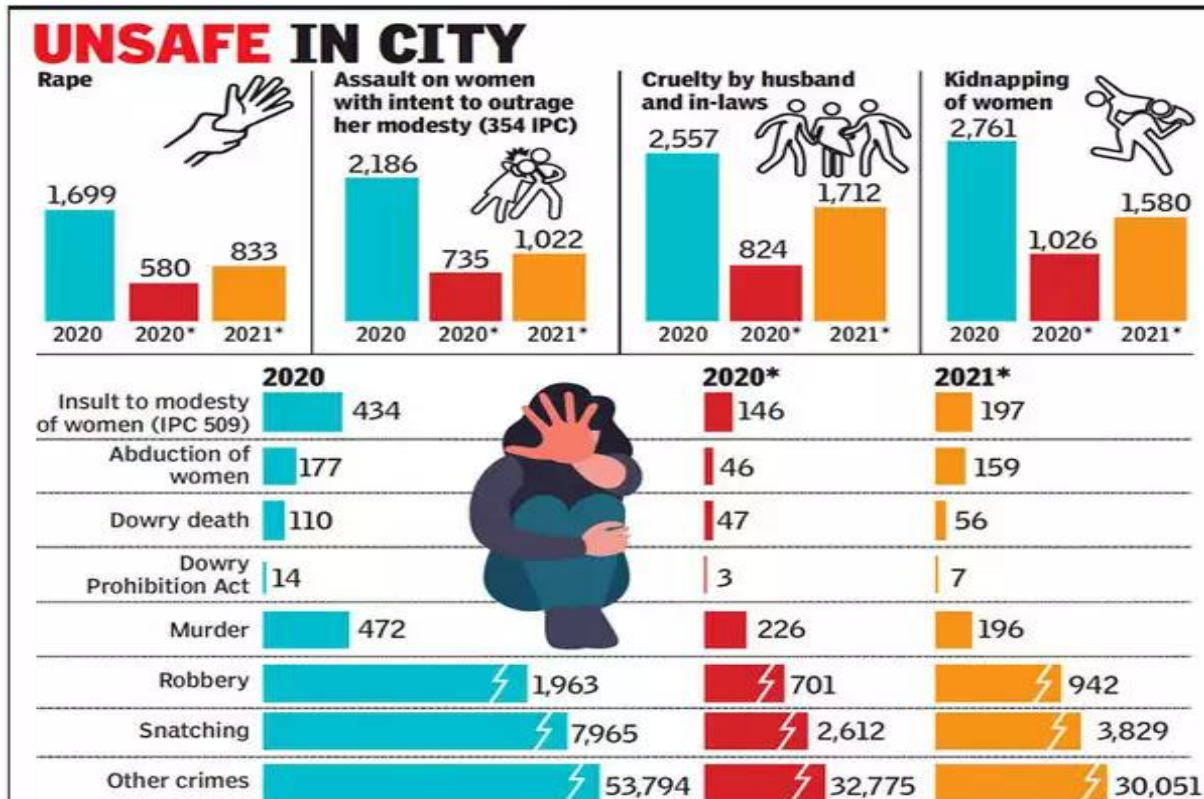
5. What is the magnitude of crime against women?

- India recorded 22.8 lakh crimes against women between 2016 to 2021, of which about 7 lakh, or 30 per cent, were under Section 498A of IPC, as per the MoSPI’s ‘Women and Men in India 2022’ report released in 2023.



- The Women and Men in India 2023 report shows a rise from 359,849 cases in 2017 to over 445,000 in 2022, averaging 1,220 cases daily, averaging 51 First Information Report (FIRs) per hour.

- The National Family Health Survey-5 found that nearly one-third of women aged 15-49 in India have experienced some form of violence.



6. Enlist few reasons for increasing rape in India?

1. Few female police:

- Studies show that women are more likely to report sex crimes if female police officers are available.
- India has **historically had a much lower percentage of female police officers than other Asian countries.**

2. Accepting domestic violence:

- Indian society sees **domestic violence** to be something deserving. UNICEF, in one of its reports, found that **57% of Indian boys and 53% of girls think that the beating of a wife is justified.**

3. Discouragement of rape victims to compromise:

- **Families in Indian society** are not ready to accept the fact that **someone in their family has been raped** and they often **advise the victims to stay away** from the haphazard caused after rape in the police station.
- This is the **sole reason why most of the rapes are not even registered in India.**

7. Enlist ways for ensuring women safety at the workplace?

Women's Safety at Work
A safe work environment boosts confidence, productivity, and company reputation, while retaining talent and enhancing job satisfaction.

Key Aspects

- Safe Workspaces**
Secure and clean.
- Training**
Regular awareness.
- Flexible Options**
Remote work.
- Harassment Policies**
Clear rules.
- Support Systems**
Counseling and help lines.

EAP Support for Women's Workplace Safety
EAPs provide confidential counseling, crisis support, mental health resources, and legal advice, helping all employees, including women, with personal and work-life issues.

Creating a Safe Environment

- Open Communication**
Foster an atmosphere where employees feel comfortable voicing concerns.
- Clear Procedures**
Implement straightforward methods for reporting issues.
- Respect and Inclusivity**
Promote a culture of kindness and acceptance.
- Emergency Preparedness**
Ensure effective response plans are in place for crises.

Ways	Analysis
<p>Sexual Harassment Policy</p>	<ul style="list-style-type: none"> • Any big/small organizations must have a Sexual Harassment Policy which defines: <ul style="list-style-type: none"> ▪ Sexual harassment and its forms ▪ Explain the zero-tolerance approach ▪ Educate on inappropriate conduct ▪ Outline consequences
<p>Create awareness among the employees</p>	<ul style="list-style-type: none"> • It's sad that many organizations and people, in general, are still not aware of women's safety in the workplace. • Creating awareness among the employees on women's safety and their health is vital. • There is a need to use all possible techniques and ideas to spread awareness. • Workshops, open group discussions, or activities can help create awareness of women's safety in the workplace. • Wellness programs are a must when it comes to the physical and psychological health of your workers.
<p>Encourage women to express</p>	<ul style="list-style-type: none"> • Generally, women facing sexual harassment don't speak up. • We as a society are responsible for this as often we teach our girl child to behave and act in a particular way. • Since childhood, girls are given a set of do's and don't. • This conditioning later stops women from expressing themselves. • They feel shame and fear consequences. Other reasons are low self-esteem and lack of information.

<p>Role of an HR</p>	<ul style="list-style-type: none"> ● HR needs to explain to the employees about the safe work environment. ● It is HR’s role to bring notice of any unwelcome behavior faced by the employees to higher authorities. ● Ex: Richard Lobo, Executive Vice President and Head of Human Resources at Infosys Ltd, said that whenever people join their organization, especially at the entry-level, they undergo training sessions where they receive case studies of what is okay and what is not okay in the workplace.
<p>Flexible Work Options:</p>	<ul style="list-style-type: none"> ● Offering flexible work arrangements like remote work or adjustable hours can help women balance their professional and personal lives, especially if they face concerns about traveling during off-hours.
<p>Internal Complaints Committee (ICC) on women’s safety</p>	<ul style="list-style-type: none"> ● The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (“POSH Act”) has made ICC compulsory for both the private and non-private for women’s safety on sexual harassment. ● A woman who is harassed can make the complaint within 90 days of the incident. ● If the woman is not comfortable expressing herself near ICC, in that case, her co-worker, friend, or relative can complain with written consent from the victim. ● The inquiry should take place within 90 days and once completed, a report has to be issued within ten days.

8. What is the relevance of the topic for UPSC CSE?

For Prelims: Crime Against Women, Gender Equality, National Crime Records Bureau's Annual Reports, Sexual Harassment At Work, Child Marriage, Dowry System, Vishakha Guideline, Supreme Court, Domestic Violence, Acid Attacks On Women, Pre-Natal Diagnostic Techniques Act 1994, Article 21, One Stop Centres, Mahila Police Volunteers, Investigation Tracking System For Sexual Offences, Justice Verma Committee, Representation of Women in Law Enforcement and the Judiciary.

For Mains: Significance of Government Policies & Interventions in Addressing Issues Related to Women, Reservation for women, Nirbhaya Fund, Fast track courts.

Some previous years prelims questions.

Q1. Consider the following statements regarding 'Nari Shakti Vandan Adhiniyam' :**(2024)**

1. Provisions will come into effect from 18th Lok Sabha.
2. This will be in force for 15 years after becoming an Act.
3. There are provisions for the reservation of seats for Scheduled Castes Women within the quota reserved for the Scheduled Castes.

Which of the statements given above are correct?

- (a) 1, 2 and 3
- (b) 1 and 2 only
- (c) 2 and 3 only
- (d) 1 and 3 only

Ans: (c)

Q2. Two of the schemes launched by the Government of India for Women's development are Swadhar and Swayam Siddha. As regards the difference between them, consider the following statements: (2010)

1. Swayam Siddha is meant for those in difficult circumstances such as women survivors of natural disasters or terrorism, women prisoners released from jails, mentally challenged women etc., whereas Swadhar is meant for holistic empowerment of women through Self Help Groups.
2. Swayam Siddha is implemented through Local Self Government bodies or reputed Voluntary Organizations whereas Swadhar is implemented through the ICDS units set up in the states.

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

Ans: (d)

Some previous years mains questions.

- Q1. Is the National Commission for Women able to strategize and tackle the problems that women face at both public and private spheres? Give reasons in support of your answer. (2017)
- Q2. Discuss the positive and negative effects of globalization on women in India. (2015)
- Q3. We are witnessing increasing instances of sexual violence against women in the country. Despite existing legal provisions against it, the number of such incidences is on the rise. Suggest some innovative measures to tackle this menace. (2014)

Some questions from this year and previous years interview transcripts.

Board Sanjay Verma sir:

- What do you mean by Women empowerment?
- How crimes against women differ in rural and urban areas.

Board Dinesh Dasa sir:

- What is the status of crime against women ?
- What is the government doing about it?

Board Dinesh Dasa sir:

- What are the things that can be included in the education system for the safety of women in Rajasthan as crime rates against women are high?

Board BB Swain sir:

- Comment on the Women reservation bill and its importance considering the issue of Sarpanch Pati.

Board Sheel Vardhan Sir:

- What is your opinion on the women reservation bill passed recently? Do you think it will make a difference?

Board Dinesh Dasa sir:

- Have you read some books that were recently written by women in STEM? (DAF)
- Can you name some women in STEM fields and what were their contributions?
- Would you call Vandana Shiva a scientist or an activist?
- How necessary is science in activism?

Board Lt. Gen. Raj Shukla:

- Does gender equality mean that women should be ahead of men?
- Why are women equated with goddesses in India and should they be?

Some questions for POLL.

Q1. Do you think that women's safety at the workplace increased post nirbhaya case 2012?

- (a) YES
- (b) NO
- (c) Can't say.

Q2. Can capital punishment help in reducing rape?

- (a) YES
- (b) NO
- (c) Can't say.

