



CHILD RIGHTS IN THE ENTERTAINMENT INDUSTRY

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ABSTRACT

The last few years of the twentieth century have seen the sudden boom of economic liberalisation on Indian cinema and Television. The enormous growth of the industry has attracted children to participate and use this platform to showcase their unique artistic talent. With the trend child artists participating in reality shows and on big screen has raised a number of issues. The current paper aims at discussing topic of the child labour Vis-a- Vis child artist, fundamental and other rights violated due to participation of children in audio-visual media and the various other impacts on them. The paper discusses the role of parents and the media houses, outlines the prevalent laws and also suggests certain recommendations to legal framework.

1. INTRODUCTION

The entertainment and media sector is rapidly growing in the country. The various segments such as films, television, advertising, print media and music, among others have experienced phenomenal growth and this trend is expected to continue.¹ It ranges from taking part in reality shows, serials, drama serials, advertisements to performing as anchors. With the growing number of child

¹ According to a report jointly published by the Federation of Indian Chambers of Commerce and Industry (FICCI) and KPMG, the media and entertainment industry in India is likely to grow 12.5

artists participating in reality shows and on big screen has raised a number of issues related to their rights, the ethics of using children to boost ratings, the physiological impact on children, the debate of child artist with respect to child labour, the need to frame strict rules and regulations that govern the employment to secure various rights of these children. Hence, there are numerous issues faced by the child participants in growing and varying forms of television media which needs to be fervently acknowledged and addressed taking into consideration their vulnerability because of their tender age.

2. CHILD LABOUR VIS-À-VIS CHILD ARTIST

Art 24 of Indian Constitution states that 'the No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment. 'It does not prohibit the working of children in the audio-visual media.

The Child Labour (Prohibition and Regulation) Act, 1986 does not define the term "child labour". The Act does not prohibit the employment of the children in Entertainment Industry. The Part III said Act regulates the working of the children where they are not prohibited from working.

The International Labour Organization defines the term "child labour" is as "the work that deprives children of their childhood, their potential and their dignity and that is harmful to their physical and mental development."

It refers to the work that:

per cent per annum over the next five years and touch US\$ 20.09 billion by 2013—quoted by Brand Equity Foundation, March 2009



- Is mentally, physically, socially or morally dangerous and harmful to children
- Interferes with their schooling by:
- Depriving them of the opportunity to attend school;
- Obliging them to leave school prematurely; or
- Requiring them to attempt to combine school attendance with excessively long and heavy work.²

There is excessive interference of busy work schedules in the daily life of child artist which restrains them from the opportunity to attend regular school and also make them work excessively for long hours and heavy works after school. The child actors are often exploited when it comes to the number of hours worked per day causing disturbance in their education. Hence, even though Indian Laws do not categorise child artist as child labour nor prohibit the working of child artist, according to the international definition of “child labour” given by ILO child artists are termed under the definition of child labour.

The ILO in its Article 3 (d) of ILO Convention no. 182 has also defined the work which by its nature or circumstances in which it is carried out is likely to harm the health, safety and morals of the children are said to be the worst form of child labour³.

The participation of the children in the adult oriented industry leaves them to get exposed to various unsuitable, anxiety inducing situations. Many of these problems are inherent and generic to the industry but the children of tender age unlike their adult counterparts are exposed to

handle excessive emotional and physical stress. Also, at times the children are exploited due to dangerous operational hazards, short changes in the safety provisions and conditions. The glamorous industry is very likely to induce children to compromise their morals. Hence, the excessive and undesirable physical, mental stress and effect on moral wellbeing of the child, unpredictably suffices the conditions laid down by ILO in its definition of hazardous work.

3. VIOLATION OF FUNDAMENTAL RIGHTS OF CHILDREN

1. RIGHT TO EDUCATION

Article 21A of the Indian Constitution, 1950 provides that Right to Education is a fundamental Right and it makes education mandatory for all children in the age group between 6-14 years. The right to education to be implicit in the right to life because of its inherent fundamental importance⁴The Right to Education Act provides information about when the child is “required to be at school”. Due to the long working hours the children are often deprived to get the basic regular and fundamental education as stated in the Indian Constitution. The children either due to fame, success are possible to quickly neglect their studies as they are made to believe that they can earn from that hobby and talent alone not having to concentrate on their regular studies.

Nirnay started his career with 'Sabse Bada Kalakar'. He and his family moved to Mumbai from their hometown after he was flooded with acting offers. Instead of going to school the five-year-old shot for 9-10 hours a day and took home tuitions. His mother, Deepali, says, “*I do feel that his*

² Definition of ILO – <https://www.ilo.org/ipecc/facts/lang--en/index.htm>

³ ILO Convention no. 182- <https://www.ilo.org/ipecc/facts/lang--en/index.htm>

⁴ Indian Constitutional Law – Prof MP Jain



childhood is being spent on the sets and shooting for TV shows, but I find him very happy. He is young and not mature enough to choose acting as a career. We ensure that he gets rest at regular intervals.” Nirnay stays at Mira Road and travels daily to Naigaon.⁵

Here in this case, the child of 5 years of age is made to compromise the regular school attendance for his TV shootings schedules. The parents may also cite high scores and certificates of academic excellence to argue that their child’s education is not being compromised upon.

A popular Marathi film, *Ha Majha Marg Ekla* (1962), debuted one of the most successful child actors Sachin Pilgaonkar. In an interview with him he put forth his opinion about education taking a major backseat when a child enters the film industry, he stated that *“However best you try to talk to the film-maker, if you have to meet a deadline, you have to shoot with them. The attitude is, ‘never mind, let him miss school, we’ll do something about it. It is very difficult for the child to catch up with the position he has lost out on.”⁶*

2. RIGHT TO HEALTH

The excessive working hours can take heavy toll on the health of the children. Also, managing academics with shootings could lead to unnecessary pressure on the child showing extreme repercussions on his/her health. Certain reality shows ask children to do barbaric and inhuman stunts which can source permanent disablement or even death

⁵<https://timesofindia.indiatimes.com/tv/news/hindi/ar-e-tvs-child-actors-being-pushed-into-the-rat-race-early-on-in-their-lives/articleshow/63867618.cms>

⁶<https://www.cry.org/blog/child-artists-position-indian-film-industry>

by suicide or mishap if it goes wrong only for the purpose of garnering more views and TRP’s. A child may also be unfit if they are exposed to a contagious medical complaint and not ready to perform certain physical tasks. This is violative of Right to Health provided Article 21 of the children.

i. EMOTIONAL AND PHYSIOLOGICAL IMPACT ON THE MINDS OF CHILD ARTISTS

The instance of a young girl who participated in a dance competition on a TV channel was a case in point and widely reported in the media. She was rebuked by the judges of the show during the shooting on 19 May 2009. The teenager was severely affected by the incident, and it was reported that the shock of being publicly chided led to her going into depression and having to be hospitalized.⁷

Mentally stable child contestants too are susceptible, especially when the pressures of competition and the public eye to prove successful. They may perhaps get demotivated at the criticism of the media and the public and public failure. Also, the attention garnered at the beginning of their career would put them under the pressure throughout their childhood. You have to be sensitive to them afterwards after they are out or lose. Also, these shows are tremendously competitive for the child participants who at a tender age have to deal with many unbearable emotions like failure, jealousy and rejection. Such extreme emotional state

⁷ Guidelines to Regulate Child Participation in TV Serials, Reality Shows and Advertisements- 2010 – 2011



might prompt them to take extreme steps like suicide or running away from their home.

Children may happenstance sudden popularity or also alienation in schools from their peers. Every child will not be able to cope and multitask his school education along with the regressive shooting hours. The success rate of children becoming adult actors and maintain their fame and fortune is very less.

Taking into consideration the vulnerability of children in-depth understanding of the child's emotional capacity and physiological stability is often ignored. Their development which is of the primary consideration would get stagnant at the hands of the extreme competitiveness.

ii. RIGHT TO PRIVACY

It cannot be denied that children do not join the entertainment industry out of their own volition. The TV reality shows to garner heavy trps renounce the children's privacy easily and expose their lives, personal details etc. Also, innocent children personally perhaps being unaware of the intensity of the invasion of privacy and the rapid pace of their childhood exposed at the hands of the TV reality shows and enormous audience are ignorant about the violation of their fundamental Right to Privacy

iii. DIRECTIVE PRINCIPLES OF STATE POLICY

The Constitutional provisions indicate that the constitution-makers were very anxious to protect and safeguard the interests of the children.

Art 45: The State shall endeavour to provide, within a period of ten years from the commencement of this Constitution, for free and compulsory education for all children until they complete the age of fourteen years

Art 41: The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want

In Unnikrishnan ⁸ the Supreme Court had implied the right to education from the right to life and personal liberty guaranteed by Art 21. As the fundamental Right and Directive Principles are complementary to each other, the contents and parameters of this right are to be deduced in the lights of Art 41, 45.

Article 39(e): The State shall, in particular, direct its policy towards securing that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength.

Article 39(f): The State shall, in particular, direct its policy towards securing that the children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity" and that the childhood and youth are protected against exploitation and against moral and material abandonment.

⁸ J.P Unnikrishnan v. Andhra Pradesh AIR 1993 SC 2178



The State must also take care that the employment of the children in entertainment industry should not be against the directive principles of state policy at any condition.

iv. **OTHER NEGATIVE IMPACTS OF WORKING OF CHILD ARTIST:**

i. **COMMERCIALIZATION OF CHILDHOOD, UNDUE PRESSURE ON CHILDREN & RAT RACE**

The initial innocent childhood days of the children are destroyed by making them work hard. The matter might worsen when a child is star struck, and starts enjoying his fame and stardom. Once the limelight is on the kids, they and their parents will further strive to be in limelight, be part of the rat race and be constantly worrisome about future. Sometimes, in fact the shows designed specifically for children are also not child-appropriate.⁹ Since then the innocent children get handcuffed at the concept of continuous rat race, pressure, competition in such cases, not only does the child miss out on his childhood, but also there is the danger that the child in him/her stops existing.

These child artistes are actors of tomorrow and their parents have to understand that there is no point in making them a part of the rat race so early on in their lives.

Sensitizing people about the need to prohibit child actors in reality ("scripted reality")

⁹ UNDERSTANDING CHILD RIGHTS, NCPCR's Handbook for Media Professionals, , 25-02-2018

¹⁰<https://twitter.com/shoojitsircar/status/882070022629318656?lang=en>

shows, director Sujit Sircar, recently tweeted that there is an urgent need to ban child actors from reality shows. He said that "*it's actually destroying them emotionally & their purity.*"¹⁰

ii. **GREEDINESS OF PARENTS**

As stated above majorly the children do not join the show business at their own volition. The hopes of achieving stardom as shown by the parents, the children get often swayed with their parent's dream. Parents who could not pursue their Bollywood dreams horde casting directors' offices in the hoping that they can relive their dreams through their

children. The organic wish of the child to participate in such activities may exist or not. They might be are also forced to participate in these reality shows by their parents often neglecting the feelings of these children. The children shift from their home cities to Mumbai- Bollywood and TV base. The possibilities of such children being exploited increases as their parents are likely to then be tempted by the spotlight or the possibility of augmenting the family income by pushing them into new assignments. This creates pressure on the child to prove himself. Also, if they are successful, they become a gold mine for their parents and if they be unsuccessful, it leads to depression. Certain disagreements between the members of the family will lead to the increase in the family tensions. Yesteryear actress Daisy Irani, who was Bollywood's popular child artiste in the

¹¹<https://timesofindia.indiatimes.com/tv/news/hindi/ar-e-tvs-child-actors-being-pushed-into-the-rat-race-early-on-in-their-lives/articleshow/63867618.cms>



1950s and 1960s, stated about how her mother was determined to make her a star.¹²

iii. **TURMOIL CAUSED TO THE CHILDREN AT THE COST OF INCREASING TRP**

Even in popular entertainment formats like serials, reality shows, and talent shows children are used more for depicting their cuteness and vulnerabilities, to draw audiences.¹³ Reality shows make participants do many things to increase their TRP's without giving any thought about the rights of the children and emotional turmoil caused to them. TV reality shows often garner attention from the public for being outrageous and arbitrary to good taste and morality. The TV programme has always courted controversies about child participants by pitting children of different age groups and backgrounds against each other for their own personal gain. In current media reality TV Shows characters/people are manipulated into a range of confrontational behaviour for the benefit of media profit.

There is deliberate attempt to create situations order to make things interesting. Thus, conflict, drama, tragedy, sleaze and humour are added as per TRP. Producers may not have screen potential contestants through psychological testing before they were casted. Nevertheless, the several incidents ultimately hamper their mental health.

iv. **BAD IMPACT ON VIEWERS AND SOCIETY AT LARGE**

*The Social Cognitive Theory*¹⁴ is developed out of stimulus-response psychology. According to this theory people learn behaviour by observing others performing those behaviours and consequently imitating them. This process takes place when the media actors become the source of observational learning. Taking into consideration this theory the conclusion can be made regarding the psychological and mental well-being of children and how they are affected physiologically by observing their co-participants and inculcating the negative influence from them. Similar consonance can also draw by the children who are watching this celebrity kids on their TVs of their home.

The parents might force their children to participate into the show business and give attempts to several production houses after seeing another child getting famous through movies, serial or any TV shows.

POSSIBLE BENEFITS OF CHILD ARTIST TO PARTICIPANTS, VIEWERS, AND SOCIETY ETC.

1. **CHILDREN'S RIGHT OF FREEDOM OF SPEECH AND EXPRESSION**

The freedom of speech and expression is a fundamental right as provided in Part III of the constitution

As stated in the case of Maneka Gandhi V Union of India¹⁵ the right to paint, sing or dance or write poetry or literature is also covered by the term 'speech and expression'.

¹²<https://timesofindia.indiatimes.com/tv/news/hindi/ar-e-tvs-child-actors-being-pushed-into-the-rat-race-early-on-in-their-lives/articleshow/63867618.cms>

¹³ UNDERSTANDING CHILD RIGHTS, NCPDR's Handbook for Media Professionals,, 25-02-2018

¹⁴<http://shodhganga.inflibnet.ac.in/bitstream/10603/124559/1/thesis.pdf>

¹⁵ Maneka Gandhi V Union of India AIR 1978 SC 579



As provided in the case of *Indraprastha People & Anr. V Union of India & others*¹⁶ “reality TV is a non-fictional programme, in which the central characters, or subjects are real people which is to say that they are not professional actors and do not have any script”.

In the case of *Life Insurance Corporation of India v. Professor Manubhai D. Shah*¹⁷ the freedom of speech and expression was broadly construed to include the freedom to circulate one's views by words of mouth or in writing or through audio-visual instrumentalities. It, therefore, includes the right to propagate one's views through the print media i.e., periodicals, magazines or journals or through any other communication channel e.g. the radio and the television.

The freedom of expression thus includes the right to seek, receive and impart information and ideas, either orally, in writing or in print, in the form of art, or through any other media of one's choice. It propagates the expression of one's ideas in any visible representation such as through the media, television, cinema etc.

The Fundamental Right of Speech and Expression which are inherent in every human being include children. The acting of children thus also helps the children in propagating their talent through such TV shows or films are able to express themselves through the medium of such shows. This helps the children in gaining a sense of fulfilment.

2. ECONOMIC GROWTH

¹⁶ *Indraprastha People & Anr. V Union of India & others* WP (C) No.1200/2011, (Del. HC)

¹⁷ *Life Insurance Corporation of India v. Professor Manubhai D. Shah* (1992) 3 SCR 595

The Indian Media & Entertainment (M&E) sector has seen a 13% growth in the last year to reach Rs 1.5 trillion¹⁸. The report mentions that the media and entertainment (M&E) sector thus continues to grow at faster rate than the GDP growth rate, reflecting the growing disposable income led by stable economic growth and changing demographics. The participation of children will help to generate more revenue. This will in turn act as a huge boost to the Indian economy.

3. PLATFORM FOR SHOWCASING TALENT

The media houses by giving the chance to the children through serials, reality shows are a ray of hope for the ordinary people. It acts as a medium for the children to not only pursue their hobby/passion but it also helps in the overall growth and development of the child actor/participant. They give equal opportunity to the children from the different strata of the society. They also serve many other purposes like give platform to the common people to showcase their talent to a larger audience and not only give them the courage to dream but also the guidance to turn their dreams into reality. Such shows provide them with lifetime opportunity. They help in developing a healthy competitive spirit amongst the participants since their childhood.

Many celebrities like Amir Khan, Sachin Pilgaonkar, Shri Devi, Neetu Singh, Kamal Hassan started their career as child actors.

¹⁸ *Re-imagining India's M&E sector* | FICCI-EY report 2018



4. ACKNOWLEDGEMENT OF ACHIEVEMENT/TALENT-

The television becomes a platform to the ordinary children to present their skills and talents. Viewers come to know about them and appreciate their performance, which consequently help them in receiving praise and applaud from the masses. Participants get encouraged and self-satisfied by contributing to the entertainment community. The children by given them the opportunities are able to get their talent acknowledged which in turn provides them with a sense of self-fulfilment.

5. START OF THE SUCCESSFUL CAREER:

The TV shows, films, reality shows have given many celebrities the chance to become big stars because of their own talent. Unlike the past they are given a huge platform to reach at the zenith of their careers. For example, Sunidhi Chauhan won the singing reality show “Meri Awaz Suno” and today is a successful singer in Indian film Industry. In today’s competitive world the child participants are able secure their career.

6. AWARDS AND PRIZES-

The money earned through the reality shows which give prize money help the participants in their future endeavours and to secure their future. This is beneficial to the children especially from a weak economic background. The achievements titles and recognition also further boost confidence in the child actors, give them more opportunities’ and establish their roots in the industry

7. SOCIAL ISSUES

One of the most positive effects of the reality TV shows is that they address numerous

social issues. They introduce and develop a sense of respect, awareness regarding the ills plaguing in the society. With active inclusion of children on the TV forums the reality shows have made people more aware of what is happening in their vicinity.

vi. LAW RELATING TO THE WORKING OF CHILD ARTISTS THE CHILD LABOUR (PROHIBITION AND REGULATION) ACT, 1986.

The Section 3 of the principal Child labour (prohibition and regulation) Act of 1986 prohibited the employment of any children set forth in Part A of the Schedule or in any workshop wherein any of the processes in Part B of the Schedule were carried out. The Schedule did not include employment in the audio-media entertainment industry.

The Part III of the Principal Act regulated the employment of the children where they were not prohibited to work under Sec 3. Hence the employment of the children in the entertainment industry was regulated under Part III

• THE CHILD LABOUR (PROHIBITION AND REGULATION) AMENDMENT ACT, 2016.

The Child Labour (Prohibition and Regulation) Amendment Act, 2016 substituted Section 3 of the Principal Act with new Section 3.

Section 3(2) (b) of the The Child Labour (Prohibition and Regulation) Amendment Act, 2016 states as: Nothing in sub-section (1) shall apply where the child works as an artist in an audio-visual entertainment industry, including advertisement, films, television serials or any such other



entertainment or sports activities except the circus, subject to such conditions and safety measures, as may be prescribed:

The Amendment Act, 2016 defined “artist” means a child who performs or practices any work as a hobby or profession directly involving him as an actor, singer, sports person or in such other activity as may be prescribed relating to the entertainment or sports activities falling under clause (b) of sub-section (2) of Section 3. It further stated as ‘Provided that no such work under this clause shall effect the school education of the child.’

Here, the expression “such other activity”¹⁹ is defined as:

- (i) Any activity where the child himself is participating in a sports competition or event or training for such sports competition or event;
- (ii) Cinema and documentary shows on television including reality shows, quiz shows, talent shows; radio and any programme in or on other media;
- (iii) Drama serials;
- (iv) Participation as anchor of a show or events; and
- (v) Any other artistic performances which the Central Government permits in individual cases, which shall not include street performance for monetary gain.

- **ESTABLISHMENT OF CHILD AND ADOLESCENT LABOUR REHABILITATION FUND**

The Child Labour (Prohibition and Regulation) Amendment Act, 2016 established a ‘Child and Adolescent Labour Rehabilitation Fund’. It regulates it as follows-

Section 14B (1): The appropriate Government shall constitute a Fund in every district or for two or more districts to be called the Child and Adolescent Labour Rehabilitation Fund to which the amount of the fine realized from the employer of the child and adolescent, within the jurisdiction of such district or districts, shall be credited.

(2) The appropriate Government shall credit an amount of fifteen thousand rupees to the Fund for each child or adolescent for whom the fine amount has been credited under sub-section (1).

(3) The amount credited to the Fund under sub-sections (1) and (2) shall be deposited in such banks or invested in such manner, as the appropriate Government may decide.

(4) The amount deposited or invested, as the case may be under sub-section (3), and the interest accrued on it, shall be paid to the child or adolescent in whose favour such amount is credited, in such manner as may be prescribed.

Hence, the money earned by any child artist is to be regulated as above.

- **CHILD LABOUR (PROHIBITION AND REGULATION) AMENDMENT RULES, 2017**

The Child Labour (Prohibition and Regulation) Amendment Rules, 2017 states as follows:

Rule 2C- Child to work as an artist:

¹⁹ Child Labour (Prohibition and Regulation) Amendment Rules, 2017



(1) Subject to the provisions of section 3, a child may be allowed to work as an artist subject to the following conditions, namely:

–
(a) NFO child shall be allowed to work for more than five hours in a day, and for not more than three hours without rest;

(b) any producer of any audio –visual media production or any commercial event involving the participation of a child, shall involve a child in participation only after obtaining the permission from the District Magistrate of the district where the activity is to be performed, and shall furnish to the District Magistrate before starting the activity an undertaking in Form C and the list of child participants, consent of parents or guardian, as the case may be, name of the individual from the production or event who shall be responsible for the safety and security of the child, and ensure that all screening of his films and television programmes shall be made with a disclaimer specifying that if any child has been engaged in the shooting, then, all the measures were taken to ensure that there has been no abuse, neglect or exploitation of such child during the entire process of the shooting;

(c) the undertaking referred to in clause (b) shall be valid for six months and shall clearly state the provisions for education, safety, security and reporting of child abuse in consonance with the guidelines and protection policies issued by the Central Government from time to time for such purpose including –

- (i) Ensuring facilities for physical and mental health of the child;
- (ii) Timely nutritional diet of the child;
- (iii) Safe, clean shelter with sufficient provisions for daily necessities; and
- (iv) Compliance to all laws applicable for the time being in force for the protection of

children, including their right to education, care and protection, and against sexual offences;

(d) appropriate facilities for education of the child to be arranged so as to ensure that there is no discontinuity from his lessons in school and no child shall be allowed to work consecutively for more than twenty-seven days;

(e) one responsible person be appointed for maximum of five children for the production or event, so as to ensure the protection, care and best interest of the child;

(f) at least twenty per cent, of the income earned by the child from the production or event to be directly deposited in a fixed deposit account in a nationalised bank in the name of the child which may be credited to the child on attaining majority; and

(g) no child shall be made to participate in any audio visual and sports activity including informal entertainment activity against his will and consent.

The Child Labour (Prohibition and Regulation) Amendment Rules, 2017 introduced the following rules to regulate the money earned by Child Artist as follows through Child and Adolescent Labour Rehabilitation Fund as follows-

Rule 16A- Payment of amount to child or adolescent from and out of Child and Adolescent Labour Rehabilitation Fund:

(1) The amount credited, deposited or invested, as the case may be, under sub-section (3) of section 14B to the Child and Adolescent Labour Rehabilitation Fund and the interest accrued on it, shall be paid to the child or adolescent in whose favour such amount is credited in the following manner, namely: -



(i) the Inspector or the nodal officer having jurisdiction shall, under his supervision, ensure that an account of such child or adolescent is opened in a nationalised bank and inform the bank in which the amount of the Fund is deposited or, as the case may be, to the officer responsible to invest the amount of the Fund under sub-section (3) of section 14B;

(ii) the interest accrued on the proportionate amount of the Fund in favour of the child or adolescent shall be transferred every six months to the account of the child or adolescent, as the case may be, by the bank or officer responsible to invest the amount under information to the Inspector;

(iii) when the concerned child or adolescent completes the age of eighteen years, then, as soon as may be possible forthwith or within a period of three months, the total amount credited, deposited or invested in favour of the child along with interest accrued thereon remaining in the bank or remaining so invested under sub-section (3) of section 14B, shall be transferred to the said bank account of child or adolescent, as the case may be; and

(iv) the Inspector shall prepare a report of the amount transferred under clause (ii) and clause (iii) with particulars of the concerned child or adolescent sufficient to identify him and send a copy of the report annually to the Central Government for information.

(2) Any amount recovered by way of fine or for composition of offences in pursuance of an order or judgement of a Court in favour of a child or adolescent for the contravention of the provisions of the Act, shall also be deposited in the Fund and shall be spent in accordance with such order or judgement.

vii. GUIDELINES ISSUED BY NCPCR (2010-11)

A Working Group was set up under the National Commission for the Protection of Child Rights in January 2008 for the purpose of safeguarding the rights of children participating in Television serials, Advertisements, Reality Shows etc. The Committee under the Chair of Smt. Sandhya Bajaj (Member, NCPCR) including representatives of the Government, broadcasting channels, producers, child psychologists and non-government organizations came up with the information regarding child rights in audio-visual media called as 'Guidelines to Regulate Child Participation in TV Serials, Reality Shows and Advertisements- 2010 – 2011'

The committee concluded that the priority issues that are as under:

- 1) Child protection policy
- 2) Content of Programmes Involving Children
- 3) Defining Age-related Norms for the Participation of Children in TV/Reality Shows
- 4) Child Protection and Supervision
- 5) Convention concerning Minimum Age for Admission to Employment Ensuring the Physical Conditions and Safety of Children
- 6) Terms and Conditions for Parental/Guardian Consent
- 7) Setting up of Regulatory and Monitoring Mechanisms
- 8) Payment for Children
- 9) Anonymity/Confidentiality of Children

viii. ROLE OF GUARDIAN

The parents being the inherent caretaker of the children are endowed with the responsibility to not only take care of their children but give them adequate opportunities of development. It is the duty of



every citizen of India who is a parent or guardian to provide opportunities for education to his child or, as the case may be, ward between the age of six and fourteen years under 51A(k) of The Fundamental Duties. The glamour industry however sways the parents and causes impediment for the parents to obey their duty.

As a cultural practice the children are always told to obey elders without questioning. Also, the Child artists are often bound to the production houses once the contract is signed/agreed by the parents of the children. The ignorant children are indebted to the management of the production houses and are unable to break away from the contract even if they are discontented with their lives in the media industry. In such cases the feelings of the tender-aged children are often neglected which often results in hurt feelings and damage to the child's personality. Many poor parents are lured into by the production houses by promising high salaries, luxurious lives for them and their children, etc.

The acts of parents thus have major role to play with the participation of children in such shows. The Parents before engaging in nasty contracts should have the in-depth understanding of the concept of the shows and should have honest communications with the children to avoid repercussions on the minds of children.

ix. LIABILITY OF THE PRODUCTION HOUSE/ MEDIA HOUSES

Along with the need to establish the liability of the parents, it is also the liability of the production houses for the wellbeing of the

child artist in need. It is significant that the child artists are not mistreated as commodities to garner higher ratings and should not involve stringent norms regarding the participation of children. The Cine and TV Artistes' Association (CINTAA) the association of media professionals from Television and private channels having association of over 9,000 members have laid down certain the aims and objectives and rules concerning Child artiste.²⁰

x. LIMITATIONS OF LEGISLATION AND CURRENT POLICY

The current act does not address the following issues:

- 1) It fails to take into consideration compensation for the psychological damage done to a child due to the deprivation of her basic rights, loss of dignity and freedom arising at any situation.
- 2) Currently, there is no provision for the authority to check nor has a mechanism been devised to ensure that these permitted activities are not hindering the education of children.
- 3) The amendment does not provide for any steps/measures to sensitize the media houses, parents and society to ensure accountability in case there are violations. Nor there is any provision to educate children about their rights who are engaged in the industry.

xi. PROPOSED SOLUTIONS-RECOMMENDATION TO THE LEGAL FRAMEWORK

1. The feelings of the children should be given utmost importance. They should not be forcibly made to enter into avocations against their own will.

²⁰ <http://cintaa.net/constitution/>



2. The government should ask legislature to enforce strict rules for the advantage of the child artistes, but a complete blanket ban on the child artiste in audio-visual media will not serve any purpose. Such a move will also take away extensive and intensive platform for gifted children. However, for the mental and physiological vulnerability of tender aged children, there is a need for special safeguards of them, appropriate legal protection of children is unarguable when they participate in the entertainment industry.
3. There should be employment of the committee to look after their well-being, education and working hours of the children on the sets of the visual industries.
4. The media houses should strike balance between the desires of the viewers, the producers and the children.
5. The broadcasters as their moral duty should take care to ensure the physical and emotional comfort of the children, and maintain the dignity of the children, all in a manner that is suitable under the specific circumstances
6. The current prevailing social norm justifying the working of children under the guise of 'passion or extra-curricular activity is required to change.
7. The counselling of parents, children and employers should be carried out. The parents and media houses should be sensitized and children should be given adequate and enough knowledge about their rights.
8. To raise public interest and far-reaching awareness on this issue, there is a need for an extensive and intensive awareness generation campaigns to be launched over a period of time across various media houses.

The working of Children in the media industry can be found as a new form of child labour and which continues to grow. The parents must realize the repercussions of the participation of the children is such shows which afflict their physical, mental and moral well-being and thus making them vulnerable in the hands of the competition, commercial activities and the production houses. Their fundamental rights i.e. right to education should not be subjugated at any conditions. They must be in schools so that they can inculcate confidence to take healthy decisions, live in the world as enlightened citizens, explore, discover, question and most importantly acquire knowledge. The children should not be burdened with excessive work and deprived of their normal childhood. The legislature is making continuous efforts to address the issue of child artist being exploited. The question that arises is how promptly and seriously the provisions will be implemented and also what actions will be taken against the exploiters and defaulters.

xii. CONCLUSION