



CRITICALLY ANALYZING INDIAN LAWS WITH RESPECT TO CHILD LABOUR IN MASS MEDIA – CHILD ARTISTS IN T.V. SERIALS AND REALITY SHOWS

Mrs. Jayshree R. Dongre
Assistant Professor
V.E.S College Of Law, Mumbai

Children are the future of a nation. They need to be protected and nurtured well. It is number of times said that “the children are the citizen of tomorrow”, “the child is the father of a man” and today’s children are the nation builders of tomorrow” etc. But in reality the story is totally different. In all over the world, the conditions of child labour are alarming and unsatisfactory. A glance at child labour in India convinces that child labour is one of the cruel acts where they were underpaid, physically and mentally exploited.

The term ‘Child labour’ refers to the employment of children in any work that deprive children of their childhood, interferes with the ability to attend regular school and that is mentally, physically and socially harmful. Child labour is the practice where children engage in economic activity, on part-time or full-time basis. In India, the Child Labour (Prohibition and Regulation) Act of 1986, was enacted with major aim to prohibit the employment of children below the age of 14 years and section 3 of the Act, prohibit employment of children in certain occupations and processes, “No child shall be employed or permitted to work in any of the occupatswions set forth in Part A of the Schedule or in any workshop wherein any of the processes set forth in Part B of the Schedule”.

The child labour in mass media, specially referred to child artist, is a newly emerging problem. If we see period before last two decade, the demand for the child artist is not as such. “Child artist as a child labour” a most neglected part of society. In today’s society Entertainment sector plays a very important role. The production houses come up with more and more T.V. serials & reality shows which includes child artist in huge numbers resulting increase in the demand of child artist. This increase of demand of child artist has given birth to a new type of child labour.

The law enacted in India to control the child labour does not cover the rules and regulation for the working of child artist. The basic question is whether child artist will be considered as child labour or just artist. If we see the Indian cinema history working of child artist is totally different, there is a time when the son of famous actor Raj Kapoor was acting in films and a very good example is the famous child actor Master Sachin who later on become the star in Marathi movies and there are many more. But at that time no one raise the issue child artist as a child labour. Then why in today’s society this issue has highlighted too much? The answer to this question is very simple that with the growth some insightments have been developed which made people alert about their human rights aspects and therefore time and again this issue is being debated.



The media especially T.V. industry is expanded so rapidly that there is rat race between the different channels. After the year 1990, as the channels increased there is an increase in demand for the child artist. The production houses employ new techniques to attract the viewers and to engage child artists so all kind of viewers may get attracted. Again the child artist is easily available low paid artist as compared to the other actors. In today's society, everyone after their tiredly day enjoys T.V. serial and Reality shows but no one thinks about the children to whom they watch daily on the blue screen. Are these children going to school regularly? If we watch them daily on the screen, how much time they spend on set? How much they are paid by the production houses? If they are paid for their work, can we call it as child labour? They don't get a single hour to play in between their shooting schedules.

The problems faced by these children remain unframed in the light of blue screen. The small prince and princesses from well to do families as well as poor families are made to work for 12hrs even more and are made to wait for long hours for the shooting which may result in mental trauma. Production units want child artists to skip their schools and other important academic programs, which can be considered as the violation of their fundamental rights. As per the Constitutional mandate the child below the age of 14 years is entitled for free and compulsory education and it becomes the duty of the parents to enroll their wards names in the schools. But that does not mean that by mere enrollment of child's name in the school the child will get every knowledge while he has to work continuously for the more than 12 hours at the shooting place. For attaining knowledge every child has to go for regular education by attending regular classes in the school. Again, at the shooting sites most of the time there are no proper facilities available for the child artist. Children who are working as junior artists are brutally exploited physically and mentally. They are left on roads and passage for long time as no separate room or vanity is provided to them. No one pays heed to them. Single co-coordinator gets around many children. Most of the junior artists/ children belong to slum which is badly in need of money but they are being paid very less amount.

LEGISLATIVE PROVISIONS FOR THE PROTECTION OF CHILDREN IN INDIA:

In India, to control child labour activity, the Government of India have come up with various statutes and also forms different committees who is responsible to frame rules and regulation related to this subject. Again the provisions also made in mother of all laws The Constitution of India, through its various articles enshrined in the Fundamental Rights and the Directive Principles of State Policy lays down that:

The Constitutional Provisions:

Art- 21(A)

Right to Education.

The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine.

**Art- 23:****Prohibition of traffic in human beings and forced labour.**

Traffic in human beings and beggars and others similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.

Art- 24:**Prohibition of employment of children in factories etc.**

No child below the age of 14 years shall be employed to work in any factory or mine or engaged in any other hazardous employment.

Article-39(e) and (f):**Directive principles of the state policy**

The state shall, in particular, direct its policy, securing:

(e) 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 avocation unsuited to their age or strength.

(f) That children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.

Article- 45:**Provision for free and compulsory education for children**

The state shall endeavor 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.

Special Legislations:

The Child labour is a matter which is listed in concurrent list where both the Union Government and state governments can legislate. Both the Center and State Government have taken initiatives to legislate on this burning issue. The major national legislative include the following:

1. **The Right of Children to Free and Compulsory Education Act, 2009:** Provides for free and compulsory education to all children aged 6 to 14 years.
2. **The Juvenile Justice (Care and Protection) of Children Act, 2000:** This Act was last amended in 2002 in conformity with the UN Convention on the Rights of the Child covers young persons below 18 years of age. Section 26 of this Act deals with the Exploitation of a Juvenile or Child Employee, and provides in relevant part, that whoever procures a juvenile or the child for the purpose of any hazardous employment and keeps



him in bondage and withholds his earnings or uses such earning for his own purposes shall be punishable with imprisonment for a term which may extend to three years and shall also be liable for fine.

3. **The Child Labour (Prohibition and Regulation) Act, 1986:** The Act prohibits the employment of children below the age of 14 years in 16 occupations and 65 processes that are hazardous to the children's lives and health. These occupations and processes are listed in the Schedule to the Act. In October 2006, the Government has included children working in the domestic sector as well as roadside eateries and motels under the prohibited list of hazardous occupations. In September 2008 diving as well as process involving excessive heat (e.g. working near a furnace) and cold; mechanical fishing; food processing; beverage industry; timber handling and loading; mechanical lumbering; warehousing; and processes involving exposure to free silica such as slate, pencil industry, stone grinding, slate stone mining, stone quarries as well as the agate industry were added to the list of prohibited occupations and processes;
4. **The Mines Act, 1952:** The Act prohibits the employment of children below 18 years of age in a mine. Further, it states that apprentices above 16 may be allowed to work under proper supervision in a mine.
5. **The Factories Act, 1948:** The Act prohibits the employment of children below the age of 14 years. An adolescent aged between 15 and 18 years can be employed in a factory only if he obtains a certificate of fitness from an authorized medical doctor.
6. **The Minimum Wages Act, 1948:** Prescribes minimum wages for all employees in all establishments or to those working at home in certain sectors specified in the schedule of the Act.

But none of this Act has touched the issue relating to the working of children as child artist. The issue of child artist is not considered as child labour under The Child Labour (Protection and Regulation) Act. Therefore these situations are not attended and handled with proper care.

The Government of India, in the year 2008 through the National Commission for Protection of Child Rights constituted a committee who is responsible to draft guidelines related to child participation in TV serials, Reality shows and Advertisements.

THE NATIONAL COMMISSION FOR PROTECTION OF CHILD RIGHTS:–

The National Commission for the Protection of Child Rights under order no. NCPDR/Admn/WG-Teleserials/2008-09/2666 dated 14 January 2008 for the purpose of safeguarding the rights of children participating in Tele serials, Advertisements, etc. The Committee includes representatives of the government, broadcasting channels, producers, child psychologists and non-government organizations.



The scope of these guidelines covers television programs including reality shows, serials, and non-news based programs, advertising and any other programs on television that involve a child or children. It would be applicable to the relevant company, organization/s, or individual/s involved in the production and broadcasting of such material. And ‘**Child**’ means, “A child is any person in the age group of 0–18 years’.

GUIDELINES – KEY ISSUES AND RECOMMENDATIONS

1. Content of Programs Involving Children:

The guideline suggests that the child should be dressed properly and should not be put into embarrassment situations. Again the child should not be shown as consuming any of the tobacco items. The guidelines further directed to the reality shows to handle the issue of competitions between students and subject of child abuse more sensitively.

2. Defining Age-related Norms for the Participation of Children in TV/Reality Shows:

As per the committee there should be age-appropriate regulation. The hours of child shoot need to be determined depending upon the age of child. The child should not participated more than one production at a time and for schooling of child not to be affected the shooting should at the weekends or holidays.

3. Child Protection and Supervision:

The committee suggests that the parents or known person should be present with the child at the time shooting. The committee also gave the ratio of supervisor to be present with the children’s at the shoot.

4. Ensuring the Physical Conditions and Safety of Children:

The committee suggests that the production environment should be safe for children as well as all the production unit frame guidelines which include the general principles, procedure for seeking consent of parents, good practice, staff protocols for engagement with children and a child protection policy.

The production houses may also ensure that the proper medical and food facilities and producers should ensure that a child psychologist/ counselor are be available on call.

5. Terms and Conditions for Parental/Guardian Consent:

The committee suggests the consent term shall be signed by the parents/guardians before the participation of child in programs and the consent should as per the restriction set by the Right to Education Act. The Child Welfare Committee may monitor production conditions, programme content and other such provisions recommended by NCPCR and keep the Ministry of Women and Child Development as well as the Ministry of Information and Broadcasting informed on issues related to violation. Again there should not be any financial or any other inducement given to the child or parent/guardian for giving consent.

The laws framed in India for the child labour is not reaching to the children working in mass media as a child artist and their issues and problems of working remain unsaid and unframed in the society. As per the available literature and legal provisions it is observed that the child working in Entertainment Industry in India has not been given



proper attended and therefore it is high time to enact a special legislation for the protection of children working in this industry.

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