

# **NCPCR issues guidelines for protection of child artistes**

July 9, 2022

## **Manifest Pedagogy:**

The National Commission for the Protection of Child Rights has come up with draft guidelines to protect child artistes in films, TV, reality shows, social media and OTT platforms from physical and psychological stress. With the boom in the media industry, these guidelines to protect the child artist was the need of the hour. But a careful balance must be struck to ensure over-regulation doesn't curb genuine opportunities for child artists, at the same time protecting them from the occupational hazard associated with the work, for their overall growth and wellbeing.

**In News:** The apex body for child rights, the National Commission for Protection of Child Rights (NCPCR) has issued draft guidelines for the employment of children in the entertainment industry

**Placing it in Syllabus:** Polity and Social Justice.

## **Static dimensions:**

- Constitutional Safeguards for Children
- Legislations related to Child protection
- Institutional Frameworks for Child Welfare

## **Current Dimensions:**

- Recent Guidelines by NCPCR
- Significance of the recent guidelines
- Issues with the new guidelines

## **Content:**

**Recent guidelines by NCPCR-**

- **DM permission:** The draft guidelines require producers to seek permission from the District Magistrate (DM) for engaging children for a programme.
  - The latter will have to issue a permit after the worksite has been inspected, which will be valid for a period of six months.
- **Disclaimer:** Producers will also have to run a disclaimer saying measures were taken to ensure there has been no abuse, neglect or exploitation of children during the entire process of the shooting.
- **Safe Roles:** Producers will also have to ensure that children are not cast in a role where they are exposed to ridicule, insults or harsh comments that could affect their emotional health, and neither should they be shown to consume alcohol, smoke or display nudity.
- **Basic requirements:** Production units will also have to be safe for children and must have staff protocols on how they should engage with children.
  - The producer will have to provide adequate and nutritious food as well recreational material and rest facilities.
- **Time restrictions:** No child should be made to work for more than six hours, during which they should be provided a break every three hours. Neither can they be made to work between 7 p.m. to 8 a.m.
- **Guardian supervision:** At least one parent or legal guardian or a known person has to be present during a shoot, and for infants a registered nurse needs to be present along with the parent or legal guardian.
- **Safety:** A minor, especially below the age of six years, shall not be exposed to harmful lighting, irritating or contaminated cosmetics.
- **Medical fitness:** Every person involved in the production who may be in contact with children will have to submit a medical fitness certificate ensuring that they are not carrying obvious contagious disease and police verification of the staff also needs to be carried out.

- **Special Deposit:** At least 20 percent of the income earned by the child from the production or event shall be directly deposited in a fixed deposit account in a nationalized bank in the name of the child which may be credited to the child on attaining majority.
- **Labour laws:** Content created by the child or his family/guardian shall be treated as children working in a family enterprise as provided under Section 3(2)(a) of the Child Labour and Adolescent Labour Act, 1986 and shall also follow a specific procedure as laid down in this Chapter.
- **Education:** It is the duty of the producer that the education of children is not affected because of their engagement during shoots, and it will have to be ensured that such children are provided with private tutors while they are missing school.
- **Coverage:** These guidelines also apply to over-the-top platforms such as Netflix and Amazon, as well as engagement of children for creating content on social media platforms such as Instagram.
- **Stringent Punishments:** The commission has further included stringent penal provisions for violating the guidelines, including imprisonment, and has mandated that child artists and children being used in entertainment need to be registered with DM.

### **Significance of the recent guidelines-**

- The growing influence and scope of the internet, as well as the increased usage of children in social media videos and OTT platform material, necessitated updating the existing norms.
- It will ensure a healthy work environment for them with minimal physical and psychological stress.
- Children working in this profession run a serious risk of being exploited if there is no oversight system in place because they have no legal claim to the money they

make, no safe working conditions, no proper labor laws to protect them, etc. These guidelines will fill the existing gap.

- It will ensure parents cannot force children into work for the want of money.
- Children who work in a sector that caters to adults are frequently exposed to inappropriate, stressful, and occasionally dangerous operational hazards and situations. This can be avoided.
- The children are also vulnerable to a variety of additional crimes including sexual exploitation, child trafficking, bonded labour, etc., in addition to the risks associated with the industry. Thus child artists will be protected from these social evils.

### **Issues with the new guidelines-**

- Makes it difficult for child artists to work, this may impact their creative talent and opportunities they will get in future.
- It assumes that parents don't know what is good for their child and these rules act like a big brother.
- It will hurt job creation in the industry as many people are dependent on the work of child artists. Eg Reality singing show little superstars.
- It is also a form of learning a skill, and many may opt for the same industry as a future career. Guidelines seek to emphasize more on conventional education over this.

### **Constitutional Safeguards for Children-**

- **Article-15 & 15(1):** The State shall prohibit discrimination against any citizen on the grounds of religion, race, caste, sex. Nothing in this article prevents the State from making any special provision for women and children.
- **Article -21 A:** The State shall provide free and

compulsory education to all children of the age 6-14 years in such manner as the State may, by law determine.

- **Article-24:** 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(f):** The State to ensure that 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.
- **Article-45:** The State shall endeavor to provide early childhood care and education for all children until they complete the age of six years.
- **Article 51A** mentions that it shall be the fundamental duty of the parent and guardian to provide opportunities for education to his child or as the case may be, ward between the age of six and fourteen.
- **Article 243G** read with Schedule 11 – provide for institutionalization of child care by seeking to entrust programmes of Women and Child Development to Panchayat (item 25 of Schedule 11), apart from education (item 17), family welfare (item 25), health and sanitation (item 23) and other items with a bearing on the welfare of children.

### ***Legislations related to Child protection-***

- **The Hindu Adoptions and Maintenance Act, 1956** codifies laws for adoption and maintenance of both boys and girls and declares that the sons and daughters are treated equally in the matter of succession.
- **Child Marriage Restraint Act, 1929** (Amended in 1979): It restrains child marriage until the minimum age, i.e. 21 for male and 18 for female, has been attained by them. It applies to the people of all the religions.
- **Immoral Traffic (Prevention) Act (Amended in 1986),**

1956: This act with respect to children deals with person(s) who procure or attempt to procure any child for prostitution or person(s) who are found with a child in a brothel (it is presumed child has been detained for the purpose of prostitution) and punishes them. It also provides for the due care of rescued children.

- **The Child Labour (Prohibition and Regulation) Act, 1986** prohibits the engagement of children in certain employments and regulates the conditions of work of children in certain other employments.
- **Bonded Labor System (Abolition) Act, 1976:** The act aims at eradicating the bonded labor system in India which exploits the weaker sections of society, especially children.
- **The Pre-Conception and Prenatal Diagnostic Techniques Act, 1994** regulates the use of pre-natal sex determination techniques.
  - Though it permits the use of prenatal sex determination techniques for detecting chromosomal or sex linked disorders only by the registered institutions but strictly prohibits determination of sex of foetus and killing of female child in the mother's womb not only by the medical practitioners, gynecologists or pediatricians' but also by any genetic laboratory, counseling centre or clinic.
- **Juvenile Justice (Care and Protection of Children) Act, 2000:** This act is one of the important acts in India for the children in need of care and protection and also children in conflict with the law.
  - It requires that the state provides free legal support to the juveniles, and proper care and protection is provided to those in need. It also calls for a child-friendly approach in adjudication and disposition of matters involving children.
- **The Pre-Natal Diagnostic Techniques (Regulation and**

**Prevention of Misuse) Amendment Act, 2000:** The main objective of the Act is to regulate and prevent the pre-natal sex determination in order to prevent female foeticide.

- **Protection of Children from Sexual Offences Act, 2012:** The act aims at punishing the offenders who are guilty of sexual offences against children below the age of 18 years of age.
  - It also lays down procedures for the trial, such as, the name of child victim shall not be disclosed, proceedings of the case are to be conducted in court with cameras recording the trial, accused is not to be kept in-front of the child victim during examination or cross examination.
- **Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.**

### ***Institutional Frameworks for Child Welfare-***

- **The National Commission for Protection of Child Rights (NCPCR)** was set up as a statutory body under the Ministry of Women and Child Development in 2007 under the Commission for Protection of Child Rights (NCPCR) Act 2005 to protect, promote and defend child rights in the country.
- **The Central Adoption Resource Authority (CARA)** is an autonomous body under the Ministry of Women and Child Development, Government of India. CARA which primarily deals with adoption of orphan, abandoned and surrendered children through recognized agencies.
  - As per the provisions of **Hague Convention** on Intercountry Adoptions, 1993, CARA is designated as the Central Authority to deal with in-country and inter-country adoption of children.

### ***Way Forward-***

- Children are very fragile and the media industry is ruthless, which calls for due care and protection. These guidelines are in the right spirit and must be strictly implemented.
- Parents must be responsible and not be lured by greed. They must keep child wellbeing and safety at top priority.
- Recruiters of child artists must take all the necessary care and provide adequate protection while working.

### **Mould your thought-**

1. Examine the recent guidelines issued by NCPCR regarding the protection of children working as child artists. (250 words)

### **Approach to the answer-**

- Discuss about the guidelines
- State the significance of guidelines
- Issues with the guidelines
- Way forward and Conclusion