



Draft Guidelines to Regulate Child Participation in the Entertainment Industry

For Prelims: Guidelines to Regulate Child Protection within the Entertainment Industry, Child and Adolescent Labour Act, 1986, Protection of Children from Sexual Offences Act, 2012, and the Juvenile Justice (Care and Protection of Children) Act, 2015

For Mains: Issues Relating to Children

Why in News?

The [National Commission for the Protection of Child Rights \(NCPCR\)](#) has published draft Guidelines to Regulate Child Protection within the Entertainment Industry.

- The “Guidelines to Regulate Child Participation in the Entertainment Industry” were **issued by the Commission in 2011. The new draft increases the scope of the guidelines to cover social media and [Over the Top \(OTT\)](#) platforms** for the first time.

What are the Key Highlights of the New Guidelines?

- **Permission of the District Magistrate:**
 - Any producer of any audio-visual media production or any commercial event involving the participation of a child will now need to obtain the permission of the District Magistrate where the activity is to be performed.
 - 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.
- **Stringent Penal Provisions:**
 - 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 District Magistrates.
- **Provisions of Various Acts:**
 - Parents who are using children to make money have to be held accountable. There are different Acts protecting children — the provisions of these Acts have now been included in the guidelines.
 - Provisions under **the Juvenile Justice Act, 2015, Child Labour Amendment Act, 2016, Protection of Children from Sexual Offences Act, 2012, [Information Technology \(Intermediary Guidelines and Digital Media Ethics Code\) Rules, 2021, etc.](#)**, have been included in the guidelines.
 - Various penalties for offences have been prescribed under different acts including **[Child and Adolescent Labour Act, 1986](#), [Protection of Children from Sexual Offences Act, 2012](#), and the [Juvenile Justice \(Care and Protection of Children\) Act, 2015](#).**
- **Scope:**
 - The scope of the new guidelines will **cover TV programmes including but not limited to reality shows, serials, news and informative media, movies, content on OTT**

platforms, content on social media, performing arts, advertising and any other kind of involvement of children in commercial entertainment activities.

- **Prohibited Roles:**
 - The guidelines **prohibit** children being **cast in roles or situations that are inappropriate**,
 - Consideration has to be given to the child's age, maturity, emotional or psychological development and sensitivity, a child **cannot be exposed to ridicule, insult or discouragement, harsh comments or any behaviour** that could affect his/her emotional health.
 - **Children cannot be shown imbibing alcohol**, smoking or using any other substance or shown to be indulging in any sort of antisocial activity and delinquent behaviour.
 - No child can be engaged in any situation **involving nudity**.
- **Presence of Guardian:**
 - 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.
- **Prohibited Harmful Lighting, Contaminated Cosmetics:**
 - A minor, especially below the age of six years, shall not be exposed to harmful lighting, irritating or contaminated cosmetics.
- **Medical Fitness Certificate:**
 - **Every person involved in 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.
- **Ensure Child's Education:**
 - The producer also needs to ensure the child's education under **the [Right to Education \(RTE\) Act, 2009](#)** to ensure no discontinuity from school or lessons as well as adequate and nutritious food, water for the children during the process of production and medical facilities.
- **One Shift per Day:**
 - A child shall only participate in one shift per day, with a break after every three hours.
- **Income of the Child Deposited in a Fixed Deposit:**
 - At least **20% of the income earned by the child** from the production or event shall 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.
- **Content Created by the Child or his Family/Guardian:**
 - 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](#)**.

What are the Constitutional Provisions Related to Children?

- The Constitution guarantees to every **child the right to live with dignity (Article 21), the right to personal liberty (Article 21), the right to privacy (Article 21), the right to equality (Article 14) and/or the right against discrimination (Article 15), the right against exploitation (Article 23 & 24)**.
 - **Right to free and compulsory elementary education** for all children in the 6-14-year age group (Article 21 A)
- **The Directive Principles of State Policy**, and in particular **Article 39(f)**, cast an **obligation on 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 childhood and youth are protected against exploitation and against moral and material abandonment.

UPSC Civil Services Examination, Previous Year Question (PYQ)

Q. Which of the following are envisaged by the Right against Exploitation in the Constitution of India? (2017)

1. Prohibition of traffic in human beings and forced labour
2. Abolition of untouchability

3. Protection of the interests of minorities
4. Prohibition of employment of children in factories and mines

Select the correct answer using the code given below:

- (a) 1, 2 and 4 only
- (b) 2, 3 and 4 only
- (c) 1 and 4 only
- (d) 1, 2, 3 and 4

Ans: (c)

Exp:

- Articles 23 and 24 under Part III (Fundamental Rights) of the Constitution deal with the Right against exploitation.
- **Article 23 provides for the prohibition of traffic in human beings and forced labour.** It states that traffic in human beings and begar and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law. Hence, 1 is correct.
- **Article 24 provides for the prohibition of employment of children in factories, etc.** It states that **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.** Hence, 4 is correct.
- **Therefore, option (c) is the correct answer**

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