

CHILD LABOUR IN TELEVISION INDUSTRY IN INDIA

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Historical Background

2.1 Origin of Child Participation in Media

Early Beginnings Globally

Children have been involved in media since the early 20th century, especially in theater and film. Children were frequently employed in silent film because of their worldwide appeal, which included their relatability to audiences from all ethnic backgrounds, emotional expressiveness, and innocence.

Jackie Coogan, who costarred with Charlie Chaplin in *The Kid* (1921), was one of the first and most famous child actors in the world. Audiences were enthralled with Coogan's performance, which also proved how highly valuable young performers are to the economy. But Coogan's subsequent legal disputes about mishandled profits also brought to light the more sinister aspects of children's media use, which prompted the United States to enact protective laws like the Coogan Act (California Child Actor's Bill).

Hollywood frequently used young performers in comedies, musicals, and family-oriented films from the early to mid-1900s. The idea that youthful innocence may be commodified for entertainment was further solidified by the rise to fame of celebrities like Shirley Temple. Behind the glitz, however, there were mounting worries about teenage performers' psychological health, overwork, and exploitation.

2.2 Child Participation in Indian Media

Although there is little documentation from this era, the origins of children's media participation in India can also be found in the silent film era. Due to social taboos, male performers even played female and kid characters in Dadasaheb Phalke's *Raja Harishchandra* (1913), which marked the beginning of Indian cinema in the 1910s.

Dedicated young actors, however, started to become well-known by the 1930s and 1940s. Known as India's "Shirley Temple," Baby Saroja rose to fame in Tamil cinema thanks to her parts in movies like 1937's *Balayogini*. In a similar vein, Master Raju became well-known in Hindi cinema in the 1970s because to his charming roles.

The popularity of mythological films, which frequently portrayed tales from the Ramayana, Mahabharata, and other religious epics, was a major feature of Indian cinema at this time. Young versions of deities such as Hanuman, Rama, or Krishna were often portrayed by child actors. These positions were seen as respected, even spiritual, endeavors rather than merely business dealings, and they had cultural significance.

Children were involved in early Indian cinema, although there were hardly any regulations to protect their interests. Informal employment existed, and factors like pay, working conditions, or education were rarely given priority.

2.3 Growth of Television in the 1980s: Doordarshan Era

An important turning point in the history of children's media engagement was the introduction of television broadcasting in India, particularly with the 1980s launch of Doordarshan as the country's main

broadcaster.

Based on R.K. Narayan's writings, television serials such as *Malgudi Days* (1986) frequently starred young performers and offered a reasonably supportive setting. A combination of teaching and amusement was also introduced by children's educational programs like *Turning Point* and *Mungeri Lal Ke Haseen Sapne*. The involvement of youngsters also extended to commercials. In the 1980s, popular advertising campaigns started to use young people to promote a variety of goods, from food to soap.

Child actors had significant awareness due to the comparatively small number of television channels, which prevented them from experiencing the intense competition and media frenzy that would eventually develop. However, official safeguards remained inadequate, and the welfare of children was still heavily reliant on the moral decisions made by parents and producers.

2.4 Transition with Commercialisation: Post-Liberalisation Era (1991 onwards)

The 1991 economic liberalization of India led to a boom in the advertising and entertainment sectors. The desire for diverse material surged as private companies like Zee TV, Star Plus, and Sony Entertainment Television entered the market.

During this time, reality television, singing contests, dance competitions, and talent hunt shows all began to appear, many of which focused on kids. Young dancers appeared on shows like *Boogie Woogie* (which debuted in 1996), one of the first dance reality shows in India. Later, child performances became a mainstay of popular entertainment thanks to shows like *Sa Re Ga Ma Pa L'il Champs* and *India's Best Dramebaaz*.

There was an active push to the commercialization of child performances. Having kids on screens has become a profitable commercial strategy for production companies, advertising, and broadcasters. Aspirations for financial gain and celebrity also fueled parents'

encouragement of their kids to get involved in media endeavors.

Another important outlet became advertisements. Companies saw how emotionally appealing it was to have children in their ads, so they started creating ads with themes of trust, family, and innocence. Advertising tales have centered on children, from toys and ice cream to financial services and automobiles.

2.5 Key Observations: Changing Nature of Child Work

Over the years, there has been a significant shift in the nature of children's work in the media industry:

- Previous Era:
 - o Mainly concentrated on scripted acting in movies and educational shows.
 - o There were not many projects, and most of them were based on mythological or moral tales.
- Modern Era:
 - o More focus on competitive performances, such as acting, dancing, and singing in reality show formats.
 - o A rise in the number of ads that demand lengthy hours and performances at a professional level.
 - o Children are frequently encouraged to mimic adult behavior for amusement, which blurs the boundaries between childhood and adulthood. Children's rights, education, mental health, and protection from exploitation have all become more problematic as a result of the transition from infrequent, culturally meaningful performances to intense, ongoing commercial engagements.

2.6 Evolution of Laws on Child Labour in India

Prior to Independence Law - 1938's Employment of Children Act:

The first central law in India to combat child labor was the Employment of Children Act of 1938. The Act, which was introduced during British colonial authority, was an attempt to restrict child labor in specific industries but did

not seek to eradicate it.
Important clauses:

- Applicable to kids younger than 15 years old.
- Prohibited them from working in some dangerous jobs, like:
 - o Railroad passenger, freight, or mail transportation.
 - o Work involves the handling of hazardous materials, such as explosives.

- Made it possible for the government to notify people about new occupations that were added to the list of illegal ones.

Limitations:

- The law only addressed a small number of dangerous industries, and it did not forbid child labor in general or take into account children's welfare, education, or general development.
- No rules governing the regulation of working hours were in place (Work conditions).
Children who worked had limited access to schooling, and enforcement measures were generally ineffectual in reducing the prevalence of child labor in the informal economy, home-based industries, and agriculture.
- Though its narrow focus mirrored the colonial government's economic priorities rather than a child-centric welfare approach, this Act laid the foundation for later legal advancements.

Changes After Independence

After 1947, there was a significant change in the Indian legal system for protecting children. Following its independence, India enacted a Constitution that placed a high priority on social justice, children's rights, and the value of universal access to healthcare and education.

Article 24 of the Indian Constitution (1950):

Fundamental Rights

- It is clearly stated in this article that "no child under the age of fourteen shall be employed to work in any factory or mine or engaged in any other hazardous employment."

Significance:

- It establishes a minimum age and limits child labor in dangerous settings;
- It is a fundamental right that the courts can enforce;
- It offers a clear constitutional ban, guaranteeing that child labor is handled as a matter of human rights.

Articles 39(e) and 39(f) are Directive Principles of State Policy; despite not being subject to the courts, they serve as a direction for the state when formulating laws that promote the welfare of children. According to Article 39(e), the state is required to make sure that children are not coerced into careers that are inappropriate for their age or strength out of financial need.

2.7 The Child Labour (Prohibition and Regulation) Act, 1986

The first comprehensive law to explicitly address child labor after independence was the Child Labour (Prohibition and Regulation) Act, 1986, which was passed in response to India's growing recognition of the problem as a major one.

Important attributes:

1. Prohibition Clause:

- o Forbade the employment of minors under the age of 14 in jobs and activities specified in the Schedule (such as mining, match factories, carpet weaving, and bidi making).
- o Risky and exploitative work settings were on the list.

2. Regulation Clause:

- The Act regulated working conditions for children in businesses not classified as hazardous:

- Working hours are restricted to three hours at a time, with a one-hour break.
- There are no night shifts from 7 PM to 8 AM.
- Weekly vacations were required.
- Employers are required to adhere to health and safety regulations.

3. Emphasis on Enforcement:

- Permitted the hiring of inspectors to keep an eye on adherence.
- Violations resulted in fines and/or incarceration as penalties.

Limitations:

- It only prohibited child labor in certain industries, not all of them; children who assisted their parents or worked in family businesses were exempt, meaning that many children were not protected by the law.
- Children working in the entertainment, domestic, or unorganized sectors are not subject to any regulations, and the education and rehabilitation of working children are not fully handled.
- Therefore, despite the Act's importance, it contained flaws that permitted child labor to continue, particularly in unorganized and family-run businesses.

2.8 Amendments and New Rules

Child Labour (Prohibition and Regulation) Amendment Act, 2016

The 2016 Amendment was a major overhaul of the 1986 Act. It aimed to bring Indian law in line with ILO Conventions 138 and 182, which India ratified in 2017.

Important Modifications Made:
1. Complete Prohibition of Children Under 14:

- Children under the age of 14 were prohibited from working in all vocations, not just dangerous ones.
- This signaled the change from partial to almost total ban.

2. Overview of "Adolescents":

- Adolescents were defined as individuals between the ages of 14 and 18.
- Prohibited them from working in dangerous jobs or activities, such as mining, making explosives, or producing chemicals.

3. Exception Clauses:
○ Children under 14 may work in the entertainment industry (movies, TV shows, ads), as long as their education is unhindered;
○ Family businesses, as long as work is done after school hours.

4. Penalties:

- Higher penalties and sanctions for employers who break the law.
- Unless they consistently broke the rules, parents or guardians were not subject to penalty.

Criticisms:

- The "family business" exception was challenged as a loophole, particularly in places where home-based labor is prevalent (such as weaving and embroidery).
- The entertainment sector clause had little protections at first and was ambiguous.

Child Labour (Prohibition and Regulation) Amendment Rules, 2017

The 2017 Amendment Rules for the Prohibition and Regulation of Child Labor
The government released comprehensive regulations in 2017 to operationalize the 2016 Amendment, resolving any unclear areas, especially those pertaining to young artists.

Particular Guidelines for Young Artists:

1. Working Hours: o No night work (7 PM–8 AM) and only 5 hours per day. Children must not be forced to take part in any situation that could negatively impact their physical or emotional well-being.

2. Education Must Not Be Restricted:

o To guarantee that education continues, a tutor must be present on set at all times.
o The work schedule needs to be planned around the school day.

3. Health and Safety:

o A youngster must have a medical examination before to starting work. The youngster must be accompanied by a suitable guardian.
o On-set emergency medical facilities must be accessible.

4. Monitoring:

o Producers need to get the District Magistrate's preapproval.
o Task Forces and Child Welfare Committees (CWCs) at the district level have the authority to investigate and address infractions.

These rules aimed to strike a balance between allowing children to work in media while preventing exploitation.

2.9 Additional Laws That Are Relevant to Child Labor

1. Act of 2015 on Juvenile Justice (Care and Protection of Children)

- Considers child labor to be a type of child exploitation and abuse.
- Children who are discovered working under abusive circumstances may be considered to be in need of protection and care.
- Offers assistance for their recovery, recovery, and reintegration.

2. Act of 2012 to Protect Children from Sexual Offenses (POCSO)

- Extremely pertinent in fields where youngsters are susceptible to sexual exploitation, such as entertainment and domestic service.
- Prohibits any kind of sexual contact, even with

consent, with minors under the age of 18.

- Requires prompt trials, mandatory reporting by employers, and child-friendly legal processes.

2.10 Interventions by Judges

Guidelines for the Regulation of Child Artists, Delhi High Court, 2018

The Delhi High Court issued important directives in response to growing concerns about the exploitation of juvenile artists in digital media, television, and ads:

- Encouraged the government to establish a specific monitoring mechanism for productions involving kids;
- Suggested required counseling, education tracking, and psychiatric evaluation if necessary;
- Directed the Ministry of Labor and the Ministry of I&B to develop detailed rules for child artists.

Observations of the Supreme Court

The Indian Supreme Court has considered child labor in a number of significant cases:

1. State of Tamil Nadu v. M.C. Mehta (1996):
o Oversaw the removal of kids from dangerous jobs.

o Directed that Child Labor Rehabilitation Welfare Funds be established in each district.

- Required that a portion of the penalties paid by the negligent employers go toward the welfare of the child.

2. Cases of Bandhua Mukti Morcha:
• Addressed child labor enslavement and underlined the obligation of the state to provide education and rehabilitation.

3. Current Findings:

- Stressed the necessity of regulating the unorganized sectors, such as agriculture, street vending, and domestic assistance.

o Draw attention to the connection between child labor, poverty, and illiteracy, calling for more proactive government initiatives.

2.11 Societal Views on Child Performers in India: A Historical and Contemporary Perspective

Cultural customs, shifting economic circumstances, media influences, and growing awareness of children's rights have all influenced India's complicated and dynamic relationship with child performers. Over time, public perceptions have changed, moving from admiration for young masters of classical arts to worries about exploitation in commercial entertainment. In addition to influencing policy, these sociocultural perspectives also capture the ethical and psychological conflicts in India related to labor, talent, and children.

2.12 Early Views: Cultural Celebration of Child Performers

Child performers were frequently held in high regard in traditional Indian society, particularly when they performed religious and classical arts. In cultural manifestations that were intricately linked to religious fervor and familial status, children played important roles.

Religious Theater and Classical Arts
In fields including as Kathak, Carnatic music, and Bharatanatyam, it was typical for kids to start training early and perform in public by their early teens. Ram Leelas, temple dances, and hamlet theater frequently featured children portraying mythological figures like Lord Krishna or a youthful Rama. Families and communities supported these roles because they were seen as spiritually uplifting. In these settings, kid performances were not viewed as labor but rather as cultural obligation, religious service, and artistic initiation.

Social Acceptance and Pride

- Families felt joy in children performing on stage, especially if it meant increased social status or recognition.
- Often, these performances were unpaid or symbolic in compensation, and parents covered the cost of training, considering it a good investment in cultural capital.

This conventional acceptance was based on the notion that, particularly in wealthy or culturally conservative households, childhood was a period for discipline, education, and dedication in addition to play.

2.13 Changing Perceptions: 1990s–2000s

The media boom that accompanied the liberalization of the Indian economy in the early 1990s included a proliferation of television channels, reality TV, and talent shows. Children have taken center stage in popular commercial entertainment as well as religious and cultural contexts.

Development of Reality Shows Focused on Children

Programs like India's Best Dramebaaz, Boogie Woogie, and Sa Re Ga Ma Pa Lil Champs became well-known. These events glamorized youthful talent by having kids compete in acting, comedy, dancing, and singing—often in adult-style presentations. The kids dressed and behaved like tiny adults.

2.14 Fears of Exploitation

A change in public opinion started to take shape by the early 2000s, propelled by child rights groups, psychologists, and media reports:

- Concerns over children's physical and emotional stress were becoming more prevalent.
- The phenomenon of "forced ambition" came under scrutiny, where parents pushed their children to achieve fame, sometimes at the expense of education, sleep, or well-being; long shooting hours; constant competition; and public criticism on live television exposed children to pressure and anxiety beyond their years.

There was a growing debate in the media over whether these events were real venues for talent or just opportunities for commercial exploitation.

2.15 Current Awareness and Public Conversation
Public awareness of the possible risks of incorporating children in the entertainment

business, especially in the absence of protections, has increased in recent years. Developmental and Mental Health Issues

- Some child performers have later talked about depression, anxiety, or a sense of lost childhood—where they felt robbed of play, friendships, and education in their formative years.
- Child psychologists and educators have observed an increase in performance-related stress, identity confusion, and early burnout among child artists.

2.16 Public Outrage and Regulatory Push

- Public outcry has been sparked by a number of high-profile instances of child exploitation or overwork in reality shows.
- Cases where minors were:
 - o Forced to perform in hazardous environments have been made public by the media and civic society.
 - o Received degrading criticism.
 - In order to meet shooting schedules, the school was pulled out: Child participation in TV and movies should be strictly regulated, according to groups like Bachpan Bachao Andolan and HAQ: Centre for Child Rights.
 - Required access to tutors, psychiatric treatment, and work-hour restrictions.
 - Explicit consent procedures that differentiate between forced and voluntary participation

2.17 Cultural contradictions: Celebration and Denial

The way society perceives kid performers is still culturally contradictory, despite growing awareness:

- Exaltation of Achievement
- Society still honors young people who become well-known and renowned, frequently portraying them as prodigies or role models.
- Neglect of Behind-the-Scenes Realities
- Children who win TV series or talent contests

get media attention, endorsement deals, and social media celebrity, which inspires other parents to give their kids more attention. Ignorance of Reality Behind the Scenes

- Children from lower socioeconomic backgrounds are often more vulnerable because their labor may be motivated by financial need rather than personal interest.
- The public applauds on-screen talent, but there is little concern for the backstage struggles—long rehearsals, exploitation by agents, loss of school life, and emotional breakdowns.

Blurring of Lines:

Reality television frequently perpetuates the idea that kids are "voluntarily participating" and "enjoying the experience," but it ignores the power disparity that exists between parents, kids, and production companies. Because of this blurring of boundaries, it is challenging to distinguish between economic pressure and true devotion.

A complex interaction between ingrained cultural values, ever stricter regulatory frameworks, and changing society attitudes can be seen in the historical development of children's involvement in Indian media. Traditional performances used to represent spiritual involvement and family pride, but as commercial entertainment has grown, child artists are now more vulnerable to psychological stress and exploitation. Despite significant progress in legal reforms, the protection of child performers—especially in the television and reality show industries—remains an issue due to enduring gaps and uneven enforcement. The next chapters seek to critically explore the pressing need for a thorough legal examination, which is highlighted by these outstanding issues.

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