

India's child actors lack sufficient legal protection

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Of late, show business has been providing a lot of opportunities to young talent as a result of which there has been a sudden spurt in the growth of child actors both on television and in movies. These child actors start their careers at a very young age, sometimes too young to understand “showbiz” and the issues related to it. While there are established unions of producers, actors, junior artists and even supporting crew, which work towards the betterment and protection from exploitation of the respective community, no union of child actors exists.

India has no independent law for the protection of child actors or regulation of their work. As the chance that child actors may be exploited, overworked or swindled during their careers is usually high, special efforts should be made to provide child actors with safe working environments, ample time for education and a guarantee that their earnings will be protected.

The money game

California's Coogan Law is named after child actor Jackie Coogan. His earnings, according to the law at the time, belonged to his parents. By the time he was 21, Coogan's career was over and he sued his mother in an effort to claim some of his hard-earned money. As a result California revised and amended its law such that now money earned by minors working on entertainment projects belongs solely to the children as opposed to their parents, guardians or business representatives.

In India, while section 26 of the Juvenile Justice (Care and Protection of Children) Act, 2000, makes withholding a child's salary punishable, there is no strict protection for that salary at first hand. Although most big banner

production houses comply with the law for the sake of their goodwill and pay child actors well, the “low budget” movie side is hidden.

Working hours

Most states in the US require a child actor to secure an entertainment work permit before accepting any paid performing work. Set time usually includes school time and child actors and their teachers must be provided with a comfortable area conducive to studying.

In India under section 7 of the Child Labour (Prohibition and Regulation) Act, 1986, a child cannot be made to work for more than three hours without an interval, and the total working hours of a day (inclusive of the rest period) cannot exceed six. A child can also not be made to work between 7 pm and 8 am. However, there is no provision under any law in India for education while working.

From this brief comparison of Indian and US laws on child actors, it is evident that Indian law is lacking in this field. India's child labour laws, including those mentioned above, are generic in nature and offer little protection for child actors. While these laws provide a lot of penalties for punishing offenders, protective regulations are lacking. A number of Indian laws and bodies have been set up for the protection of child rights and though provisions that protect child actors are to be found hidden somewhere in the laws, “specific-ness” is lacking.

Protection in principle

Article 39 of India's constitution provides that: “The State shall, in particular, direct its policy towards 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 avocations 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”.

The National Commission for Protection of Child Rights has issued Guidelines to Regulate Child Participation in TV Serials, Reality Shows and Advertisements. Strangely, these guidelines do not cover children acting in movies. The guidelines state that production units must have child protection policies in place and these should be shared with all stakeholders.

Broadly speaking, the guidelines recommend that: payment should be made into fixed deposits or bonds; parental consent must be obtained; care should be taken that babies are not exposed to harmful lighting, irritating or contaminated cosmetics and persons with contagious medical conditions; proper rest facilities and dressing rooms should be provided; a child psychologist or counsellor should be available on call; producers should ensure that the child's education is not affected; producers should provide adequate and nutritious food, water and nutritious drinks; there should be separate toilets for girls.

Though a good beginning the guidelines are in no way adequate and more importantly they aren't codified law. Children are the future and for the sake of tomorrow children need to be protected. The increasing number of child actors in the media industry makes the legislation of independent regulations for child actors the need of the hour.

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