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Negative Impact of Stardom on Child Artists in the Entertainment Sector³

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Abstract

The last decades of the 20th century saw a dramatic expansion of economic liberalisation in Indian film and television industry. The stellar rise of the business has enticed the youth to engage and utilise this platform to exhibit their creative ability. The rise of young artists appearing on reality television and in feature films has sparked a variety of concerns. The article aims at discussing issue of the negative impacts of stardom on child performers in the entertainment industry, focusing specifically on the violation of their fundamental and other rights because of the nature of the employment in the film and television industry.

Keywords: child artists, entertainment industry, film and television, negative impacts.

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Negatywny wpływ gwiazdorstwa na dziecięcych artystów w branży rozrywkowej⁴

Streszczenie

W ostatnich dekadach XX w. nastąpiła radykalna ekspansja liberalizacji ekonomicznej w indyjskim przemyśle filmowym i telewizyjnym. Doskonały rozwój branży zachęcił młodzież do uczestnictwa w nim i korzystania z tej platformy, aby pokazać swoją kreatywność. Nadejście młodych artystów pojawiających się w programach telewizyjnych typu *reality show* oraz w filmach fabularnych wzbudziło wiele zastrzeżeń. Celem artykułu jest omówienie kwestii negatywnego wpływu gwiazdorstwa na dziecięcych artystów w przemyśle rozrywkowym. Szczególny nacisk położono na problem łamania ich podstawowych praw oraz innych przysługujących im praw z powodu funkcjonującego w branży filmowo-telewizyjnej charakteru zatrudnienia.

Słowa kluczowe: artyści dziecięcy, przemysł rozrywkowy, film i telewizja, negatywny wpływ.

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Introduction

The country's entertainment and media industries are expanding significantly. Films, television newspapers and electronic media, music and advertising amongst many others, have enjoyed extraordinary development, which is anticipated to continue.⁵ This includes participation in reality programs, serials, drama serials, ads, and acting as anchors.

Hobbs, McKechnie and Lavallette (1999)⁶ have described a different category of child labourers involved in the entertainment sectors, such as films, modelling, the circus and sports. These children get involved in these industries as a result of parental pressure for status, popularity, and media exposure. Children are employed in the entertainment business as singers, dancers, musicians, stage artists, and film and television professionals. They also note that kids under this type of employment have gained access to alcoholic drinks, tobacco (mostly cigarettes) and narcotics at a young age. Children have long worked in the film industry and entertained audiences.

These scholars noted that children are employed in the modelling, broadcasting, and advertising industries, as well as in sports. They present themselves as mere objects. Girls are frequently used in advertising for sexually provocative poses. This impacts their collective and emotional growth significantly. Such children are additionally exposed to industrial health concerns, including psychological and developmental issues. They are also victims of sexual and moral assault. They lack access to typical childhood joys.⁷

Due to the position of their parents, kids in the entertainment sector cannot be deemed as child labourers at the first glance. They introduce their children to the working world at a very young age for the purpose of parental prestige and esteem. These kids are mistreated and pressured by not only their parents, but also by their bosses. Various regulations and laws govern the employment of children in the entertainment business.

⁵ According to a report jointly published by the Federation of Indian Chambers of Commerce and Industry (FICCI) and KPMG, the media and entertainment industry in India is likely to grow 12.5 per cent per annum over the next five years and touch US\$ 20.09 billion by 2013 – quoted by Brand Equity Foundation, March 2009.

⁶ S. Hobbs, J. McKechnie et al., *Child Labor: A World History Companion*, Santa Barbara, CA 1999.

⁷ *Ibidem*.

International legal framework for protection of child rights

The Un Declaration on the Rights of the Child, 1959

The Declaration, commonly known as the Geneva Declaration on the Rights of the Child, is one of the oldest instruments of international law. This falls under the heading of human rights in the international law. It is based on a 1924 recommendation of the United Nations, and its parts are elaborated upon in numerous other agreements of the United Nations, most notably the Convention on the Rights of the Child,⁸ also known as the CRC, held in the year 1989. The document outlines some fundamental rights for children. The following passages emphasise the importance of protecting and educating children. The document also emphasises the responsibility of the parents towards the children and the need of putting the children's best interests first in all circumstances. It even specifies basic criteria for youngsters who may be present in the workplace.

- (a) **Principle 2 states:** 'The child shall enjoy special protection, and shall be given opportunities and facilities, by law and by other means, to enable him to develop physically, mentally, morally, spiritually, and socially in a healthy and normal manner and in conditions of freedom and dignity. In the enactment of laws for this purpose, the best interests of the child shall be the paramount consideration.'
- (b) **Principle 7 states:** 'The child is entitled to receive education, which shall be free and compulsory, at least in the elementary stages. (...) The best interests of the child shall be the guiding principle of those responsible for his education and guidance; that responsibility lies in the first place with his parents.'
- (c) **Principle 9 states:** 'The child shall not be admitted to employment before an appropriate minimum age; he shall in no case be caused or permitted to engage in any occupation or employment which would prejudice his health or education, or interfere with his physical, mental, or moral development.'

The heart and soul of the Geneva Declaration of 1959 have been elaborated in the 1989 CRC. The CRC is the earliest lawfully enforceable document to encompass the whole spectrum of children's social rights along with political, cultural, and

⁸ UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, Vol. 1577, p. 3, <https://www.refworld.org/docid/3ae6b38f0.html> (access: 9.06.2022).

civil rights. As far as child labour is concerned, the CRC⁹ acknowledges that these professionals may assist in the ancestral company or job provided it is safe and age appropriate. It is necessary for the government to guarantee that all national regulations are properly implemented to control the working circumstances of the children, with a special focus on the methods to safeguard these working children from dangerous and harmful forms of labour that may be detrimental to their health and development. Children's labour should not compromise their additional rights, such as the right to education or the right to rest and play.¹⁰

These ideas of specific precautions and childcare with adequate legal support are crucial and irrefutable basic rules; yet these protections are not uniformly applicable to youngsters working in the adult-oriented milieu of entertainment creation. Sand emphasised the significance of education as a key prerequisite in developing working circumstances suitable for children, but in practice it may be possible that is not always be a priority for working children and their employers.¹¹ It is fascinating to notice the degree to which these concepts have been implemented in the workplaces for the children.

International Labour Organization minimum age convention

According to the International Labour Organization's (hereinafter referred to as the ILO) definition, a *child* can be known as a person who is under 14 years of age, and a *young person* can be described as a person under 16 years of age. According to an ILO fact sheet, children are most probably inclined to engage in light labour performed in their own household, such as in mass internships, entertainment and government-aided projects. *Child labour* is defined by the 1973 ILO Minimum Age Convention (C138) as 'any job performed by children under the age of 12, non-light work performed by children aged 12 to 14, and dangerous work performed by children aged 15 to 17'. ILO identifies *light labour* as 'any employment that does not affect a child's health and development and does not prevent him or her from attending school'. 135 nations have ratified this treaty.

Child artists consist of young entertainers, athletes, dancers, actors, singers, among others. As exceptions to the 1973 ILO Convention regarding Minimum Age for Admission to Employment, these kids may be compensated for the work done

⁹ Article 32 states: 'States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development (...).'

¹⁰ Available at: https://www.ohchr.org/en/ohchr_homepage (access: 9.06.2022).

¹¹ Early Childhood Education, https://ddceutkal.ac.in/Syllabus/MA_Education/Paper_19.pdf (access: 9.06.2022).

by them only when permits are available that 'limit the number of hours during which employment or work is permitted and prescribe the conditions under which employment or work is permitted'.

The core idea of this exceptionally prominent and vital tripartite Convention, now ratified by 174 countries (ILO, 13 May 2022),¹² is as follows: 'to lead governments towards the elimination of child employment for children under 15 or having completed compulsory schooling, or 14 in developing countries as a transitional measure, and to gradually raise the minimum age at which children may be employed in various sectors'. This is a broad tool addressing the fundamentals of child labour. According to the Convention, its application refers to a number of highly specific workplace areas, such as the fishing, mining, agricultural, and industries. It must be read in conjunction with different ILO Conventions pertaining to occupational welfare in the relevant industries and child labour protection.

ILO Convention No. 138¹³ mandates that each and every ILO member nation must establish a minimum age for access to the workplace and prohibit the children's employment under that age. The lowest age proposed in same Convention¹⁴ is 15 years old following completion of compulsory education. Despite this, Article 2(4) of the Convention recognises that, for economic reasons, children as young as 14 may begin working.¹⁵

Laws relating to the working of child artists in India

The Child Labour (Prohibition and Regulation) Act, 1986

Section 3 of the principal Child Labour (Prohibition and Regulation) Act of 1986 banned the employment of minors listed under Part A of the Schedule or in workshops where any of the procedures listed under Part B of the Schedule were performed. Employment in the audio-visual entertainment business was not included on the Schedule.

¹² International Labour Organization, https://www.ilo.org/dyn/normlex/en/f?p=NORMLEX-PUB:11300:0::NO::P11300_INSTRUMENT_ID:312283 (access: 9.06.2022).

¹³ Article 2 states: 'Each Member which ratifies this Convention shall specify, in a declaration appended to its ratification, a minimum age for admission to employment or work within its territory and on means of transport registered in its territory; subject to Articles 4 to 8 of this Convention, no one under that age shall be admitted to employment or work in any occupation (...).'

¹⁴ Article 2(3) states: 'The minimum age specified in pursuance of paragraph 1 of this Article shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years.'

¹⁵ International Labour Organization, https://www.ilo.org/dyn/normlex/en/f?p=normlex-pub:12100:0::no::P12100_ilo_code:C138 (access: 9.06.2022).

Part III of the Act governed the employment of adolescents who were not forbidden from doing so by Section 3. Part III thus governed the employment of children in the entertainment business.

The Child Labour (Prohibition and Regulation) Amendment Act, 2016

The Child Labour (Prohibition and Regulation) Amendment Act of 2016¹⁶ amended Section 3 of the Act by inserting a new Section 3.

The Child Labour (Prohibition and Regulation) Amendment Act of 2016,¹⁷ section 3(2)(b) reads as follows: 'Nothing in sub-section (1) shall apply where the child (...) works as an artist in the audio-visual entertainment industry, including advertisement, films, television serials or any such other entertainment or sports activities except the circus, subject to such conditions and safety measures as may be prescribed (...).'

The 2016 Amendment Act¹⁸ defined an *artist* as 'a child who performs or practices any work as a hobby or profession directly involving him as an actor, singer, sportsperson, or in such other activity as may be prescribed relating to entertainment or sports activities falling under clause (b) of subsection (2)'. It further noted, 'Provided that no such work under this clause shall effect the school education of the child.'

Here, the expression 'such other activity' is defined as:

- (i) any activity where the child himself is participating in a sports competition or event or training for such sports competition or event;
- (ii) cinema and documentary shows on television including reality shows, quiz shows, talent shows; radio and any programme in or any other media;
- (iii) drama serials;
- (iv) participation as anchor of a show or events; and
- (v) any other artistic performances which the Central Government permits in individual cases, which shall not include street performance for monetary gain.

¹⁶ The Child Labour (Prohibition and Regulation) Act, 2016 (Act 35 of 2016).

¹⁷ Ibidem.

¹⁸ Ibidem.

Establishment of Child and Adolescent Labour Rehabilitation Fund

The Child and Adolescent Labour Rehabilitation Fund¹⁹ was created by the Child Labour (Prohibition and Regulation) Amendment Act, 2016.²⁰ This act is governed as follows:

[Section] 14B:

- (1) The appropriate Government shall constitute a Fund in every district or for two or more districts to be called the Child and Adolescent Labour Rehabilitation Fund to which the amount of the fine realized from the employer of the child and adolescent, within the jurisdiction of such district or districts, shall be credited.
- (2) The appropriate Government shall credit an amount of fifteen thousand rupees to the Fund for each child or adolescent for whom the fine amount has been credited under sub-section (1).
- (3) The amount credited to the Fund under sub-sections (1) and (2) shall be deposited in such banks or invested in such manner, as the appropriate Government may decide.
- (4) The amount deposited or invested, as the case may be under sub-section (3), and the interest accrued on it, shall be paid to the child or adolescent in whose favour such amount is credited, in such manner as may be prescribed.²¹

Therefore, the earnings of any juvenile artist must be governed as described above.

Possible violation of fundamental rights of children

Right to education

Article 21A of the Constitution of India 1950 establishes the right to education as a basic right and mandates education for all the children between the age of 6 to 14 years. This right to education should be implicit in the right to life due to its intrinsic significance.²² When a kid is 'obliged to be in school', it is specified under

¹⁹ The Child and Adolescent (Protection and Regulation) Act, 1986 (Act 61 of 1986), s. 14B.

²⁰ Supra note 12 at 6.

²¹ https://labour.gov.in/sites/default/files/THE%20CHILD%20LABOUR%20%28PROHIBITION%20AND%20REGULATION%29%20AMENDMENT%20ACT%2C%202016_0.pdf (access: 10.04.2022).

²² M.P. Jain, *Indian Constitutional Law*, 5th ed., Calcutta 1998.

the Right to Education Act. According to the Indian Constitution, children are frequently deprived of a regular and basic education due to extended working hours. Children may rapidly ignore their academics if they are led to think that they may make a living from their passion or skill without having to focus on their normal education owing to their popularity or success.

Nirnay began his career with the film *Sabse Bada Kalakar*. After receiving several acting opportunities, he and his family relocated to Mumbai from their birthplace. Instead of attending school, the five-year-old shot for nine to ten hours each day and received home tutoring. His mother, Deepali, adds, 'I do feel that his childhood is being spent on sets and shooting for TV shows, but I find him very happy. He is young and not mature enough to pursue a career in acting. We guarantee that he receives rest at regular intervals.' Nirnay resides on Mira Road and travels to Naigaon every day.²³

In this instance, a five-year-old youngster is required to forego normal school attendance in order to appear on television. In arguing that their child's education is not being compromised, the parents may also cite high test scores and academic excellence certificates.

Ha Majha Marg Ekla (1962), a renowned Marathi film, marked the debut of a very prominent and successful child performers, Sachin Pilgaonkar. During an interview, he expressed his viewpoint that education takes a back seat when a youngster joins the film business, stating that no matter how well you attempt to communicate with the director, if you have to reach a deadline, you must shoot with them. The attitude is 'do not worry, let him skip school; we will deal with it.' It is quite difficult for the youngster to catch up with the material he missed.²⁴

Right to health

Children's health might be negatively affected by excessive work hours. In addition, juggling schoolwork and shootings might place an unreasonable amount of stress on the youngster, which could have severe health consequences.²⁵ Certain reality programmes push youngsters to do cruel and inhuman actions that might result

²³ T. Trivedi, *Are TV's Child Actors Being Pushed into the Rat Race Early on in Their Lives?*, "Entertainment Times" 23.04.2018, <https://timesofindia.indiatimes.com/tv/news/hindi/are-tvs-child-actors-being-pushed-into-the-rat-race-early-on-in-their-lives/articleshow/63867618.cms> (access: 9.06.2022).

²⁴ R. Koo, *10 Reasons Not to Go to Film School and Is Film School Worth It?*, "No Film School" 5.08.2015, <https://nofilmschool.com/2014/11/10-reasons-not-to-go-film-school-practical-guide-impractical-decision-jason-b-kohl> (access: 9.06.2022).

²⁵ *Guidelines to Regulate Child Participation in TV Serials, Reality Shows and Advertisements – 2010–2011, India*, <https://www.childlineindia.org/pdf/Guidelines-to-Regulate-Child-Participation-inTV-Serials-Reality-Showsand-Advertisements.pdf> (access: 9.06.2022).

in severe disabilities or even death by suicide or accident if anything goes wrong, all for the sake of gaining more viewers and TRPs. A youngster may also be deemed unsuitable if they are exposed to a contagious medical condition and are not physically capable of doing specific chores. This is in violation of the children's right to health guaranteed by Article 21.

Right to privacy

It is indisputable that youngsters do not join the entertainment business of their own. To attract large audiences, reality television programs often sacrifice the children's privacy and reveal their life, personal information etc. In addition, innocent children may be oblivious of the severity of the invasion of private and the quick speed of their youth as a result of their exposure to television reality programs and a vast audience, which violates their basic right to privacy.²⁶

Negative impacts of child artists' work

Commercialisation of childhood, pressure and the rat race

Children's earliest days of joy are shattered by their forced labour. When a youngster becomes enamoured with his fame and celebrity, the situation may deteriorate. Once the spotlight is on the children, they and their parents will seek to be in the spotlight, participate in the rat race, and be perpetually concerned about the future. Occasionally, shows produced expressly for children are also inappropriate for youngsters.²⁷ Since then, innocent children have been shackled by the notion of a never-ending rat race, pressure and competitiveness. In such instances, not only does the kid lose out on his childhood, but there is also the risk that the child inside him or her ceases to exist.

These little performers are tomorrow's actors, and their parents must realise that there is no purpose in forcing them into the rat race at such a young age.

The very famous director and producer Sujit Sircar recently stated that it is the need of the hour to ban child performers from reality (or 'scripted reality') programmes in order to raise awareness of the issue. He said that 'it's actually destroying them emotionally & their purity.'²⁸

²⁶ A.V. Kharade, *Child Rights in the Entertainment Industry* "Supremo Amicus" 2019, 14(4).

²⁷ Supra note 20 at 7.

²⁸ Available at: <https://twitter.com/shoojitsircar/status/882070022629318656?lang=en> (access: 9.06.2022).

Greediness of parents

As noted before, children seldom enter the entertainment industry of their own. Children are often influenced by their parents' aspirations for celebrity status. Parents who were unable to follow their Bollywood ambitions swarm casting directors' offices in the hope that their children may fulfil their aspirations.

The child's natural desire to engage in such activities may or may not exist. They may even be pushed to participate in these reality programmes by their parents who frequently disregard their children's sentiments. The youngsters relocate from their hometowns to the Bollywood and television hub of Mumbai. The likelihood of such youngsters being exploited rises when their parents are enticed by the lime-light or the opportunity to improve the family's income by pressuring them to accept new tasks. This puts the youngster under pressure to prove himself. In addition, if they are successful, they become a money mine for their parents, but if the children fail, it leads to sadness. Certain arguments between family members will result in an increase in family tensions. Daisy Irani, who was the most famous child performer in Bollywood throughout the 1950s and 1960s, revealed that her mother was anxious to make her a celebrity.²⁹

Turmoil caused to the children at the cost of increasing TRP

Even in mainstream entertainment genres like as serials, reality programmes and talent shows, children's sweetness and vulnerability are emphasized to attract viewers.³⁰ Without regard for the rights of the children and mental distress caused to them, reality programmes force contestants to engage in a variety of activities to raise their TRPs. The public's attention is often drawn to reality television programmes that violate good taste and morals. The television show has long courted controversy by putting youngsters of disparate ages and backgrounds against one another for their own personal benefit. In contemporary media reality TV shows, characters/people are persuaded into a variety of antagonistic behaviours for the sake of media profit.

There is a concerted effort to generate circumstances that are entertaining. Thus, according to TRP, conflict, drama, tragedy, sleaze and humour are added. Before casting, producers may not have subjected prospective participants to psychological testing. Despite this, the many instances have a negative effect on their mental health.

²⁹ Supra note 11 at 4.

³⁰ Supra note 15 at 6.

Bad impact on viewers and society at large

The social cognitive theory³¹ is derived from the psychology of stimulus–response. According to this hypothesis, individuals acquire behaviours through watching others and then mimicking those behaviours. When media actors become the source of observational learning, this process occurs. Taking into account this idea, one may draw conclusions about the psychological and mental health of youngsters and how they are physically influenced by witnessing their peers and absorbing their negative influence. Children that see these famous youngsters on their own television sets may also hear consonances of a similar kind.

After watching another kid become famous via films, series or television programmes, parents may push their children to enter the entertainment industry and try out for many production companies.

Conclusion

The employment of children in the media business is a new and expanding kind of child labour. The parents must be aware of the ramifications of their children's involvement in such performances, which endanger their physical, mental and moral well-being, while making them susceptible to competition, commercial activities and production companies. Their basic rights, including the right to education, should not be compromised under any circumstances. They must attend school in order to develop the self-assurance necessary to make healthy choices, live as informed global citizens, explore, discover, question and, most crucially, gain information. The youngsters should not be overburdened with labour and robbed of a typical childhood. The legislation is making ongoing efforts to combat the exploitation of juvenile artists. The concern is how quickly and seriously the requirements will be enforced and what measures will be taken against exploiters and defaulters.

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³¹ M. Raman, *A Critical Analysis of the Media Practices in India for Television Reality Shows: An Audience Driven Approach*, Shodhganga.

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