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# A first: norms to protect rights of kids working on OTT platforms

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Written by [Esha Roy](#) | New Delhi |

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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.

The National Commission for the Protection of Child Rights (NCPCR) has today published draft guidelines to regulate child protection within the entertainment industry. While the “Guidelines to Regulate Child Participation in the Entertainment Industry” were issued by the Commission in 2011, today’s draft increases the scope of the guidelines to cover social media and OTT platforms for the first time.

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.

“Children are now being used in videos across social media and in content on OTT platforms which had not been covered by the existing guidelines and this increasing influence and scope of the internet needed to be covered. 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,” said NCPCR Chairperson Priyank Kannongo.

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.

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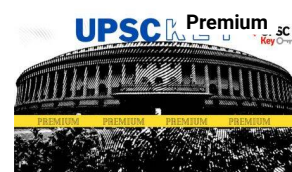
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“Now, with the boom of technology and social media, children are increasingly being used by parents/guardians for content creation generating large numbers of viewers and followers,” says the draft, adding that it is being brought in “to ensure a healthy work environment for them with minimal physical and psychological stress”.

“In the absence of any monitoring mechanism, the children in the industry are at grave risk of exploitation because they lack the legal right to the earnings they generate, or safe working conditions and adequate protections via labour laws, etc. Participating in an adult-oriented industry, children are often exposed to unsuitable, anxiety inducing, and at times, dangerous operational hazards and situations... Apart from the industry-specific risks, the children are also susceptible to a plethora of other crimes against children such as sexual exploitation, child trafficking, bonded labour, etc,” says the draft.

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. They will be applicable to “any relevant institution comprising but not limited to companies, organisations, or individuals involved in the production and broadcasting of such material along with the central and state government concerned”.

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.

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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 and 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.

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.

“A minor, especially below the age of six years, shall not be exposed to harmful lighting, irritating or contaminated cosmetics,” says the draft.

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.

The producer also needs to ensure the child's education under the RTE Act, to ensure no discontinuity from school or lessons as well as adequate and nutritious food, water to the children during the process of production and medical facilities.

A child shall only participate in one shift per day, with a break after every three hours.

At least 20 per cent 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 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, in addition to other provisions of the Regulations, if applicable,” says the draft.

Various penalties to 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.