

Guidelines to Regulate Child Participation in TV Serials, Reality Shows and Advertisements

2010 – 2011





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National Commission for Protection
of Child Rights (NCPCR)

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1. The entertainment and media sector is seen as one of the fastest growing in the country. Its various segments – films, television, advertising, print media and music, among others – have witnessed phenomenal growth in the last few years and this trend is expected to continue.¹ Children are increasingly becoming more involved in these productions.
2. Participating in an adult-oriented industry, children are often exposed to unsuitable, anxiety inducing, and at times, dangerous operational hazards and situations. Many of these problems may be inherent and generic to the industry, but children, unlike their adult counterparts, should not be expected to handle the emotional and physical stress. It needs to be remembered that, by and large, children do not join the industry of their own volition. There is always an adult involved – a parent, or caretaker – who takes the decision for them. In the absence of any monitoring mechanism, there is every likelihood of child actors being exploited when it comes to the number of hours worked per day, and short-changed in terms of educational and safety provisions.
3. While children have been acting in films for a long time – which poses its own problems – the specific challenges posited by children’s participation in the growing and different forms of television media need to be acknowledged and addressed.
4. Participation of children in TV shows is relatively recent. It ranges from taking part in reality shows and serials to performing as anchors and in advertisements.
 - 4.1 **Reality Shows:** These shows range from quiz shows to talent shows to tests of endurance, both physical and mental. There are shows or programmes where participants face a group of judges who evaluate their performances. The need to keep viewers engaged in these shows, and the prime focus being commercial gains in terms of ratings, has led to anchors, judges and the participants indulging in theatrics and sensationalisation. This puts tremendous pressure on children participating and competing in these shows in front of a studio audience and millions of television viewers at home. They face elimination rounds and the judges often use adverse comments in the guise of honesty. There are situations where children are left hapless spectators as their parents argue with the judges. It is not unusual to see children weeping as they are eliminated in the rounds. Sometimes these can have disastrous results. The instance of a young girl who participated in a dance competition on a TV channel was a case in point and widely reported in the media. She was rebuked by the judges of the show during the shooting on 19 May 2009. The teenager was severely affected by the incident, and it was reported that the shock of being publicly chided led to her going into depression and having to be hospitalized.

¹ 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

- 4.2 **Drama Serials:** Children participating in drama serials are often made to dress up in an adult like manner and mouth dialogues inappropriate for their age. Recent shows that are topping ratings and supposedly focusing harmful traditional practices have children acting in the role of child brides and child widows. The serials involve children's participation on a daily basis.
- 4.3 **Anchors & Advertisements:** Children are also anchoring shows, are part of the television audience, and are seen frequently in advertisements selling all kinds of products.
5. During the course of their short careers, some children may get exposed to sudden wealth and fame. The possibilities of such children being exploited increases as their parents are likely to then be tempted by the spotlight or the possibility of augmenting the family income by pushing them into new assignments. Since the contracts and/or dealings are carried out by the adults (the parent/caretaker), there is currently no way of ensuring that the income is protected and set aside for the child.
6. The emotional and psychological effect on children that may accompany their foray into this media where fame and adulation could be transient also needs to be considered. Children may encounter sudden popularity or even alienation in schools from their peers. Very few children manage a successful transition to adult actors and maintain the fame and fortune. The effect that such actions can have on their emotional and psychological stability has been well researched and acknowledged by professional psychologists.
7. Given this background, and taking into consideration the vulnerability of children, the need for special safeguards and care for children and appropriate legal protection while participating in the entertainment industry is important and unarguable. Child performers need to be treated with respect and their rights, needs and development must be of primary consideration.

NCPCR – Review of Conditions for Participation by Children in TV Shows

8. A working Group was set up under the National Commission for the Protection of Child Rights under order no. NCPCR/Admn/WG-Teleserials/2008-09/2666 dated 14 January 2008 for the purpose of safeguarding the rights of children participating in Teleserials, Advertisements, etc. The Committee under the Chair of Smt. Sandhya Bajaj (Member, NCPCR) included representatives of the government, broadcasting channels, producers, child psychologists and non-government organizations.
9. The terms of reference for the group were i) to carry out on-the-spot inspections of studios/green room; ii) formulate guidelines for hours and conditions of participation, educational, psychological and recreational appropriate measures; and iii) recommend any other measures that may be useful in addressing the concerns regarding the protection of child rights in teleserials/reality shows/advertisements.
10. The Committee appraised itself of the report in the form of draft 'Self-regulation Guidelines for the Broadcasting Sector (2008)'. The report and set of recommendations has been developed by a committee set up by the Ministry of Information and Broadcasting for reviewing the Programme and Advertising Code (Content Code) prescribed under the Cable Television Networks (Regulation) Act, 1995 and rules framed thereunder.
 - 10.1 As part of this exercise, the Committee also examined and reviewed guidelines developed and used in other countries for the protection of children in the entertainment business.
11. The Committee has not extended the scope of the word 'television/media' to include 'films' so as to make recommendations that could be applicable to the entire audio-visual industry. These are currently outside the scope of the terms of reference of the Committee.

12. The scope of these guidelines covers television programmes including reality shows, serials, and non-news based programmes, advertising and any other programme on television that involve a child or children. It would be applicable to the relevant company, organization/s, or individual/s involved in the production and broadcasting of such material.

12.1 **‘Child’:** A child is any person in the age group of 0–18 years.

12.2 **‘Best Interest of the Child’:** the term “best interests” broadly describes the well-being of a child. In terms of the best interest of the child, the United Nations Convention on the Rights of the Child (Article 32) explicitly indicates that there is a need to recognize the right of the child to be protected from economic exploitation and from performing or participating in any programme that interferes with the child’s right to education, or is harmful to the child’s health or physical, mental, spiritual, moral or social development. This would include a child’s participation in television programmes. The Right to Free and Compulsory Education Act, 2009, enacted recently by the Parliament, allows children aged between 6 to 14 years to avail free and compulsory education as a fundamental right. The Act explains compulsory education as obligation of appropriate government to ensure compulsory admission, attendance and completion of elementary schools by every child of the age 6 to 14.

Guidelines – Key Issues and Recommendations

13. Based on the above, the priority issues that need to be addressed are as under:

- (i) Content of programmes involving children
- (ii) Defining age-related norms for the participation of children in TV/Reality shows
- (iii) Child protection and supervision
- (iv) Ensuring the physical, mental and emotional conditions and safety of children
- (v) Terms and Conditions for Parental/Guardian Consent
- (vi) Ensuring education of child participants
- (vii) Payment for children
- (viii) Setting up of regulatory and monitoring mechanisms

14. Production units must have a **child protection policy** in place that should be shared with all stakeholders.

15. Content of Programmes Involving Children

- 15.1 No child should be cast in a role or situation that is inappropriate to the child or that may distress him/her or put him/her in embarrassing situations. Consideration has to be given to the child's age, maturity, emotional or psychological development and sensitivity.
- 15.2 No child should be shown to be imbibing alcohol, smoking or using any other substance or shown to be indulging in any sort of antisocial activity and delinquent behaviour.
- 15.3 No child should be engaged in any situation involving nudity (either of the child or another person).
- 15.4 No child should be put in distressing situations to obtain a more realistic depiction of an emotional reaction.
- 15.5 In programmes based on victims of child abuse, the content should be sensitively handled and the way children are projected should not harm or risk their welfare.
- 15.6 No child should be made to perform or enact scenes or mouth dialogues that are inappropriate for his/her age or those that may cause him/her distress.
- 15.7 Participation of children in scenes depicting violence – whether verbal or physical – should be avoided.
- 15.8 The reality shows should not be competition based. No child should be exposed to ridicule, insult or discouragement, harsh comments or any behaviour that could affect his/her emotional health.
- 15.9 The remarks by the judges on reality shows/talent hunt shows should be encouraging. A child's sensitivity should be borne in mind while evaluating his/her performance in reality shows.

- 15.10 It should be ensured that the children are not caused anxiety or distress by their involvement in such programmes or by their broadcast.
- 15.11 The nature of the programme should be made clear in writing. Copy of Bond/Agreement/Contract between the Film Producer/Television Serial Producer/Reality Show Producer and child should be mandatory.

16. Defining Age-related Norms for the Participation of Children in TV/Reality Shows

- 16.1 There should be age-appropriate regulation on the number of hours a child can shoot in a day. The number of hours a child should be present in the studio needs to be determined depending on the age of the child, with younger children spending less time in the studio.
- 16.2 No child should be made to participate in more than one production show at a time. The participation of children in recorded/live entertainment programmes may be done preferably on holidays so that the child does not miss school. This principle is relevant in the context of the Right to Education Act, recently enacted by Government.
- 16.3 A child shall only participate in one shift per day, with a break after every hour.
- 16.4 It is inadvisable for infants below the age of 3 months to participate in shows except in programmes on promotion of breast feeding or immunization.
- 16.5 Between the ages of 3 and 6 months, when the baby is totally dependent on the milk feeds, it should be mandatory for the mother to be present at the time of shooting to ensure breast feeding during the breaks.

17. Child Protection and Supervision

- 17.1 Children are to be directly supervised by at least one parent or a known person² and by a person with specified child-care qualifications.
- 17.2 A baby may only be allowed to participate in a programme if one of the baby's parents or a known person is present at all times. In addition, where a baby is allowed to participate for more than one hour on a single day, a registered nurse or midwife must be present at all times. A baby is defined as a child **under one year** of age.
- 17.3 Children **under 6 years** may be supervised at all times by at least one parent or a known person as well as by a registered nurse, a midwife or a person with an early childhood or child-care qualification. The qualification degree or diploma should be recognized by Government of India.
- 17.4 Children **6 years or over** may be supervised by at least one parent or a known person.
- 17.5 The ratio of supervisors to children is prescribed as follows:
 - (i) One supervisor for up to two children under 3 years.
 - (ii) One supervisor for up to four children who are at least 3 years old but less than 8 years.
 - (iii) One supervisor for up to six children who are at least 8 years but less than 14 years.
 - (iv) One supervisor for up to 10 children who are at least 14 years but less than 18 years.

² A known person is one who has authorized written mandate from the parents.

17.5.1 For example, in calculating the number of supervisors needed, if a channel engages three children less than 3 years of age, at least two supervisors would be required.

17.5.2 It should be noted that for a child to be directly supervised, their supervisor must not be given other duties by the employer.

18. Ensuring the Physical Conditions and Safety of Children

18.1 It is necessary to ensure that the production environment is safe for children. All production units should develop guidelines with respect to children. The guidelines should include general principles, procedures for seeking consent of parents, good practices, staff protocols for engagement with children and a child protection policy. The guidelines of BBCW attached in Annexure I may be used for reference.

18.2 A baby should **NOT** be exposed to harmful lighting; irritating or contaminated cosmetics; and persons with a contagious medical condition. There should be a provision for submitting medical fitness certificates and certificate for not carrying obvious contagious disease by the unit members before shooting with children.

18.3 The producer should ascertain from the parents that the baby was born in good health; the baby has not had a post-natal problem; the baby is feeding successfully; and the baby's weight gain from birth has been satisfactory.

18.4 The producer is required to provide appropriate and nutritious food, water and other suitable drinks to the children during the process of production. The producer is required to make the food available at reasonable times, which would include during meal breaks and breaks for morning and afternoon tea.

18.5 Recreational material and rest facilities should be available on the production set. Facilities should be appropriate to the age and needs of each child who is to use them (listen to children).

18.6 Children should not be made to share dressing spaces/rooms with adults especially of the opposite sex. The employer should ensure there are facilities for the child to dress and undress in a private space – there should be separate toilets for girls.

18.7 Presence of parent/guardian during shooting should be ensured to provide emotional and psychological support to the child. However, parents should be also counselled against showing disappointment if the child loses or performs poorly.

18.8 For all programmes, TV shows with subject matter (abuse, violence, death etc.) where a child can come under stress or where there are child actors, producers should ensure that a child psychologist/counsellor is be available on call.

18.9 Travel arrangements should be made for the child and no child should be allowed to travel without his/her parent or another person authorized in writing by the parent of the concerned child.

- 18.10 An assessment of the production set should be done keeping in mind the presence of young children and their physical as well as mental capacities. The assessment should cover the child's safety both against physical harm and any form of abuse, including mental and emotional.
- 18.11 All reality shows involving children should employ a child psychologist/counsellor who should be available on the sets through the course of the entire show.
- 18.12 In addition to the standard obligations on the part of the producer regarding contacting parents in the case of illness or injury (these are explained under the relevant heading), specific provisions have been developed for school-age and young children engaged in the entertainment industry. These include the provision that the producer should not permit these children to participate if they are unfit due to illness or injury or if they are carrying or have been exposed to a contagious medical condition that may risk the health of another person.

19. Terms and Conditions for Parental/Guardian Consent

- 18.13 The Child Welfare Committee may monitor production conditions, programme content and other such provisions recommended by NCPCR and keep the Ministry of Women and Child Development as well as the Ministry of Information and Broadcasting informed on issues related to violation.
- 19.1 Parental/guardian's consent should be obtained by the producer before the child participates in a programme. In the case of orphan children, the head of the institution can sign the consent under the supervision of CWC.
- 19.2 A parent/guardian gives consent to their child participating within the restrictions set by the Right to Education Act and provides information about when the child is 'required to be at school'. After completion, the form shall be given to the producers of the programme, who shall keep the form and ensure that the child is not required or permitted to participate during the hours when the child is required to attend school.
- 19.3 The form should contain the following details:
 - 19.3.1 Child's name; Child's Sex; Child's date of birth; Health status of the child; Prospective producer's name and address; Day(s)/date(s) the child participates in a programme; Parent's/guardian's name (both mother and father); Occupation of the parents; Child's school name; Child's class; Hours the child is 'required to be at school'; The hours the child is required to attend school; include any hours the child is required to participate in an external programme. An external programme includes being tutored on set, at home or through a distance education programme. Also included is any informal arrangement entered into between the child and the school the child attends.

- 19.3.2 Statement that the parent/guardian consents to the child performing/participating in a programme.
- 19.3.3 Signature of a parent/guardian (if child has mother and father, signature of both of the parents is compulsory).
- 19.4 There should not be any financial or any other inducement given to the child or parent/guardian for giving consent.
- 19.5 Any reasonably foreseeable consequences of the child's participation are to be made clear, for example, the possibility of bullying.
- 19.6 The information that mandatorily needs to be shared with the parents is about the consequences – physical, mental and psychological – that such a production could have on infants and young children involved.

20. Ensuring Education of Child Participants

- 20.1 It is agreed that participation in sports and cultural activities help in the overall development of the child. At the same time education is a fundamental right. The Right to Education Act, 2009 makes education mandatory for all children in the age group 6-14 years.
- 20.2 In this context it is the responsibility of the parents and the production unit to ensure that the school attendance of child performers is not affected due to their acting obligations.
- 20.3 In production, as far as possible, the child's acting schedule should be worked around holidays and school vacations.

21. Setting up of Regulatory and Monitoring Mechanisms

- 21.1 There is a need for self-regulation, failing which, regulatory mechanisms are required to monitor that children are protected and not exploited in TV shows.
- 21.2 There is a need for research on the impact of participation in TV shows on children who are at an impressionable age.
- 21.3 The Ministry of Women and Child Development, the Ministry of Labour and Employment and the Ministry of Information and Broadcasting should periodically review the rights of children in TV shows.
- 21.4 It is recommended that the guidelines suggested by NCPCR be included in the current draft Self Regulation Guidelines for the Broadcasting Sector (2008) for a child that is being developed by the Ministry of Information and Broadcasting.

22. Payment for Children

- 22.1 Children below the age of 18 years are legally not allowed to operate bank accounts or sign legal documents such as contracts. Therefore, the payment made towards their participation should be in the form of fixed deposit or bonds.
- 22.2 A minimum of 50% of the payment must be set aside for children in fixed deposits or bonds that mature when they reach the age of 18 years. Out of the 50% given to the parents/guardians the balance payment of school fee for that particular academic year should be cleared thus ensuring continuation in the school and indirectly assisting the parents. The child's parents would naturally be the formal guardians unless a case is made that it would be against the best interests of the child.

23. Anonymity/Confidentiality

- 23.1 Any proposal to reveal a child's personal information, for example, suspect child abuse, to a third party without consent, must be referred to legal advice and senior management of the broadcaster.

Annexure

BBCW Editorial Guidelines with Respect to Children to be Followed by BBCPL

General Principles

We must ensure that the physical and emotional welfare and the dignity of people under the age of 18, and in particular, children under 18, are protected during the making and broadcast of programmes and online content, irrespective of any consent given by them or by a parent, guardian or other person *in loco parentis*.

- We must ensure that children and young people are not caused unnecessary anxiety or distress by their involvement in programmes or by their broadcast. Their involvement must be clearly editorially justified and support should be given to them where necessary.
- We must balance our responsibility to protect children and young people from unsuitable content with their rights to freedom of expression and freedom to receive information.

Children and Consent

We should normally seek the consent of parents or legal guardians, or other person of 18 or over *in loco parentis* before interviewing children or young people, or otherwise involving them in our output. The younger and more vulnerable the child, and the more sensitive the subject matter, the more likely it is that consent is essential. In particular children should not be asked for views on matters likely to be beyond their capacity to answer properly without consent.

Content producers who are featuring children and young people in their output must:

- Ensure that the child and, when necessary, the parent/guardian, or other person age 18 or over *in loco parentis* understand the nature of the programme and are able to give informed consent.
- Obtain the consent of the child or young person and respect any refusal to take part. In deciding whether a child can give consent, the stage of development and degree of understanding as well as their age should be taken into account.
- Normally obtain the consent of the parents/guardians/other person *in loco parentis* to the child's participation or contribution.
- Ensure that any reasonably foreseeable consequences of the child's participation are made clear, for example, the possibility of bullying.

BBCW Child Protection Policy

Principles

- The welfare of the child or young person is the paramount consideration.
- All children and young people, regardless of age, disability, gender, racial or ethnic origin, religious belief and sexual identity have a right to protection from harm or abuse.

It is everyone at the BBC's responsibility to promote the protection of children and young people. In following the policy staff are always expected to maintain a sense of proportion, apply common sense to situations and protect the child's welfare as priority.

It is also the BBC's duty to ensure that staff are never placed in situations where abuse might be alleged. It is not intended that the policy should restrict staff from normal ways of working, but staff always need to consider how an action or activity may be perceived as opposed to how it is intended.

Principles of Good Practice

The BBC undertakes to:

- Treat children and young people with care, respect and dignity
- Recognize that those working for the BBC will be perceived by children and young people as trusted representatives of the BBC
- Ensure communication with children and young people is open and clear
- Assess the risks to children of its activities
- Ensure staff avoids physical contact with children and young people except for reasons of health and safety, or under supervision
- When children are being transported on behalf of the BBC they should be accompanied by a parent, guardian, chaperone or teacher.

Filming with Children

If you have followed the Good Practice Guide, you will have done the following

- All permissions and consents will have been collected
- The location/studio will have been visited, checked out and deemed child friendly, if at all possible
- Self declaration forms would have been signed
- Both crew and contributors will have been informed of the recording schedule and ideally read the BBC's Child Protection policy to know how to act around children
- A Risk Assessment must have been completed and signed by the responsible member of production.

Guidelines for Filming

- Familiarise yourself with all the health and safety issues e.g. fire exits and fire lines in the studio so that you can pass this on to the contributors/chaperones as soon as they arrive. Even if they have worked in television before, they may not have been at this studio/location before.
- Check where the toilets are. Ideally make sure that a parent or chaperone takes them but if you have to go, wait outside.

- Try to keep a check on where the contributors are, especially if it is a “live” transmission where time is of the essence. This could be a chaperone’s or member of production’s responsibility.
- Make sure that there are necessary refreshments available. It may seem obvious but ‘E’ numbers are to be avoided if you don’t want seriously hyper active kids. Also, check to make sure that none of them have any allergies and take the necessary precautions if someone has.
- If possible, make sure that there is an area away from the filming where parents and children can sit while they are waiting. If at TV studio, a monitor in this area is a good way of keeping adults involved with what is going on without them actually being on the studio floor. So long as they are in the vicinity, they still have responsibility for their children.
- Set boundaries. Explain exactly what you expect from them – IN DETAIL. Children will not know what’s okay and what’s not unless we tell them. Don’t forget, what we take for granted, they won’t know about and if you use jargon, explain it!
- Do what you say you’re going to do. If a child swears or misbehaves then act immediately and do exactly what you have promised you would do in those circumstances. Make sure the responsible adult who is with them is aware of what is going on!
- Never humiliate a child, however badly they behave, but make them aware that if they do anything to disrupt the recording e.g. swearing, hassling another child or a guest or generally misbehaving, then they will not take part in the recording or be in the programme.
- Brief the kids about anything they will be involved with. You will no doubt have spoken to them in advance but it is important to keep them engaged.
- Make sure you have gone through each sequence fully and that the contributors know exactly what is expected of them. If pre-recording, remind them that there may be editing so everything that is filmed may not appear on the final programme. Whatever they do, if they are natural, they will be great.
- Remain with your guests. While they are being recorded, they are your responsibility. If you have to go somewhere, either with or without your guests, you must make sure that someone knows where you have gone, how long you might be and how you can be contacted if necessary.

Dealing with Difficult Situations

- On all such occasions make sure that the adult who is with the child is informed as soon as possible. But if it comes down to excluding a child from filming, the final responsibility will come down to the senior production person.
- Obviously, should a child be taken ill during recording, the first thing to do is to make sure that they are OK. If they are under eight, a First Aider has to be present but it is always advisable to have someone who is First Aid trained as part of the production team.
- In any First Aid situation, the well-being of the child is the primary concern.



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