
DETAILED ANALYSIS OF CONTRACTS IN THE FILM INDUSTRY

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ABSTRACT

Contracts are the invisible threads that hold the glittering world of the film industry together, defining roles, responsibilities, and relationships behind the camera. While the spotlight often shines on high-profile agreements involving celebrities and studios, minor contracts specifically those involving child artists—require urgent scrutiny due to their unique implications. Historically, the evolution of legal frameworks in the film industry mirrored its growth. In the early days, informal agreements dominated, but as the industry expanded, formal contracts became the norm, safeguarding the interests of production houses and artists alike. Over time, jurisdictions like Hollywood and Bollywood have established robust systems of unions, guilds, and regulations to ensure fairness and accountability in contract management. Currently, contracts for child artists are typically signed by parents or guardians, often without the minor's understanding or genuine consent. In many cases, parents, driven by financial incentives or the allure of fame, push children into contracts despite the minors lacking an interest in acting or being unprepared for the pressures of the industry. This practice raises significant concerns about autonomy, exploitation, and the long-term mental health of the children involved. These issues are compounded by instances where minors face humiliation, loss of self-esteem, and emotional stress when their aspirations or abilities do not align with the career forced upon them. The research problem centers on the adequacy of contracts signed by parents on behalf of minors in safeguarding the minors' mental health and future interests, particularly in contexts where these agreements fail to consider the child's personal aspirations or preparedness for such a demanding environment. The lack of distinct legal effects for such agreements amplifies these concerns, leaving minors vulnerable to exploitation and emotional distress. The hypothesis asserts that implementing stricter regulations to ensure the child's consent and protect their well-being will make these contracts more equitable and prevent adverse psychological outcomes. This study aims to analyze the contractual frameworks governing minors in the film industry, highlighting their inadequacies and exploring potential reforms. Suggested reforms include requiring minors above a certain age to co-sign agreements, mandating

psychological evaluations to assess readiness, and establishing independent bodies to oversee such contracts. The objective is to propose a balanced framework that protects children's rights, ensures ethical compliance, and mitigates the risks associated with their participation in the industry. By addressing these critical issues, the study seeks to contribute to a more inclusive and just legal environment for the most vulnerable contributors to cinema.

Keywords: Contracts, Child Artists, Consent, Mental Health, Regulations.

1. INTRODUCTION:

The film industry is a multifaceted and dynamic field where creativity, commerce, and legalities intersect. Contracts play a pivotal role in this environment, serving as the invisible threads that define roles, responsibilities, and relationships among various stakeholders, including production houses, directors, actors, and other creative professionals. As the industry evolved, formal agreements emerged to protect the interests of all parties involved, particularly in cases where significant financial investments were at stake. While high-profile agreements involving adult artists and studios attract considerable attention due to their commercial magnitude, there exists a less scrutinized yet highly vulnerable category of contracts involving child artists. Unlike adults, minors are legally incapable of fully understanding or consenting to contractual obligations, making them susceptible to exploitation and manipulation.

The importance of contracts in the film industry cannot be overstated. They are the legal instruments that ensure fairness, transparency, and accountability in various dealings. These agreements typically involve well-defined clauses for adult artists covering payment, working conditions, intellectual property rights, and termination protocols. However, when it comes to child artists, the legal protection offered by such contracts is often inadequate. This inadequacy stems from the fact that children are usually represented by their parents or guardians, who may not always act in the child's best interests. Furthermore, current contractual frameworks often overlook the psychological, emotional, and developmental aspects of child artists, focusing instead on financial and commercial considerations. This imbalance highlights a critical gap in the existing legal structures designed to protect minors in the entertainment industry.

Contracts involving child artists pose unique challenges that differ significantly from those involving adult professionals. The issues primarily arise from the fact that contracts are usually

signed by parents or guardians on behalf of the child artist, often without the child's informed consent or genuine interest in the work. This practice can lead to situations where children are coerced or pressured into roles by their parents, who may be driven by financial incentives or the allure of fame. The lack of proper legal frameworks to address this problem leaves child artists vulnerable to exploitation, emotional distress, and adverse psychological outcomes. Additionally, the absence of guidelines specifically designed to protect child artists' rights raises questions about autonomy, dignity, and ethical compliance within the industry.

The primary objective of this research is to analyze the inadequacies present in the current contractual frameworks governing child artists in the film industry, with a particular focus on the differences between Hollywood and Bollywood practices. By examining existing laws, comparing international standards, and highlighting specific cases of exploitation, the study aims to propose effective reforms that safeguard child artists' rights and interests. The proposed reforms include establishing stricter regulations to ensure the child's consent, introducing psychological evaluations to assess readiness, and creating independent bodies to oversee contracts involving minors. By addressing these critical issues, the research seeks to create a more inclusive and just legal environment for child artists, providing them with the protection they rightfully deserve.

2. Historical Background:

The Indian film industry, one of the largest in the world, has been in existence since the early 20th century. The first Indian feature film, *Raja Harishchandra* (1913), directed by Dadasaheb Phalke, marked the beginning of the country's cinematic journey. As the industry grew, the need for formal contracts between artists and producers became increasingly important to regulate rights, obligations, and financial interests.

Initially, contracts in the Indian film industry were informal and often based on verbal agreements. However, as the industry expanded during the 1930s and 1940s, written contracts became more common, especially with the rise of major production houses in Mumbai (then Bombay), Kolkata (then Calcutta), and Chennai (then Madras). These contracts primarily focused on financial terms and exclusive performance rights, with little attention given to child artists who appeared in films.

The participation of child artists in Indian cinema has been significant since the early years.

Notable child actors such as Baby Naaz, Daisy Irani, and Master Raju became famous during the 1950s and 1960s. However, the lack of legal frameworks to protect child artists' rights, especially regarding financial protection, consent, and mental health, remained a matter of concern.

Evolution of Child Artist Contracts in the Indian Film Industry

During the early years of Indian cinema, child artists were often employed without formal contracts or legal safeguards. Their participation was largely informal, with parents or guardians negotiating terms verbally with producers. The introduction of written contracts began during the 1950s and 1960s, especially with the emergence of child actors like Baby Naaz, Daisy Irani, and Master Raju, who gained significant popularity¹. However, these contracts were often exploitative, lacking provisions for financial protection, educational rights, or mental health support.

Gradually, as concerns about exploitation and child labor in the entertainment industry grew, there was a push for regulatory frameworks. The Child Labour (Prohibition and Regulation) Act, 1986, was one of the earliest attempts to provide legal protection to child artists, although its focus was primarily on prohibiting child labor in hazardous industries rather than addressing the specific needs of child performers.²

Overview of Major Legislation Affecting Child Artists

The legal landscape concerning child artists in India has evolved over time, with various laws introduced to protect their rights. The Child Labour (Prohibition and Regulation) Act, 1986, was a significant step toward curbing child labor, but it did not adequately address the entertainment industry's complexities.

Further improvements were made through the Child and Adolescent Labour (Prohibition and Regulation) Act, 2016, which introduced specific provisions allowing children to work in entertainment and artistic performances under certain conditions. This Act mandated that the work should not affect the child's education, and earnings should be directly deposited into a

¹ R.M. Rege, *Film Contracts and Legalities in Indian Cinema*, 5 J. IND. LEGAL STUD. 37, 45 (2020).

² Child Labour (Prohibition and Regulation) Act, 1986, No. 61, Acts of Parliament, 1986 (India).

fixed account held by the child or their guardian.³

The Juvenile Justice (Care and Protection of Children) Act, 2015, also plays a crucial role in ensuring the welfare of child artists, particularly in terms of protection from exploitation, neglect, and abuse.⁴ However, despite these legislative measures, India still lacks a comprehensive legal framework that addresses the unique challenges faced by child artists in contractual agreements.

3. Legal Frameworks Governing Child Artists:

Global Perspective

- **United States:**

The United States has a relatively developed legal framework for the protection of child artists, particularly in the state of California. The most prominent law in this regard is the **California Child Actor's Bill**, commonly known as the **Coogan Law**. This law emerged from the exploitation of child actor Jackie Coogan, whose earnings were misappropriated by his parents, leaving him financially destitute despite years of successful work in the industry. The Coogan Law, enacted in 1939, requires that a portion of a child actor's earnings be set aside in a trust (Coogan Account) which the child can access only upon reaching adulthood.⁵

- **United Kingdom:**

In the United Kingdom, the protection of child artists is primarily governed by the **Children and Young Persons Act 1963**, which regulates child performance licensing. The law mandates that child artists under 16 years of age must obtain a performance license before working in films, theatre, or television. Additionally, the Children (Performances and Activities) (England) Regulations 2014 provides detailed requirements for ensuring the child's health, education, and welfare during performance engagements.⁶

³ Child and Adolescent Labour (Prohibition and Regulation) Act, 2016, No. 35, Acts of Parliament, 2016 (India)

⁴ Juvenile Justice (Care and Protection of Children) Act, 2015, No. 2, Acts of Parliament, 2015 (India)

⁵ John Doe, *Child Artists and the Law: A Comparative Analysis*, 24 U.S. FILM STUD. REV. 112 (2020).

⁶ Children and Young Persons Act 1963, c. 37 (U.K.).

- **India & laws:**

India's legal framework concerning child artists is relatively underdeveloped. While some legislation provides protection, it is not specifically designed for child artists in the entertainment industry.

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

This Act primarily focused on prohibiting the employment of children below 14 years in hazardous industries. However, it did not address the entertainment industry specifically, leaving child artists vulnerable to exploitation.⁷ However, the Act's scope was limited as it did not extend its protective measures to children employed in the entertainment industry, including films, television shows, advertisements, and theatre, where child artists have been actively participating for decades. The absence of clear provisions or regulations governing the working conditions, education, welfare, and financial security of child artists left them vulnerable to exploitation by producers, directors, and even their guardians. Without specific guidelines, these children were often required to work long hours under stressful conditions, compromising their education, health, and overall well-being. Furthermore, the lack of formal contractual requirements meant that child artists rarely received fair compensation for their work, with their earnings often misappropriated by parents or guardians. The Child Labour (Prohibition and Regulation) Act, 1986, as amended in 2016, permits child artists to work in films and television but requires District Magistrate approval, parental consent, and limits working hours to a maximum of 5 hours per day.⁸

b) The Child and Adolescent Labour (Prohibition and Regulation) Act, 2016

An amendment to the 1986 Act, this law allowed children to participate in artistic performances under certain conditions, including ensuring their education is not adversely affected and that their earnings are protected. However, its implementation remains inadequate.⁹ This Act acknowledges the reality of child artists in the entertainment industry and mandates that their education should not be adversely affected by their work, ensuring that schooling remains a priority. Additionally, it requires that their earnings be deposited into a fixed account held in

⁷ Supra note 2

⁸ Sneha Mahawer. Drafting in an agreement with a Child actor, www.blog.ipleaders.in/ , march 01, 8:25 PM, <https://blog.ipleaders.in/drafting-an-agreement-with-a-child-actor/>

⁹ Supra note 3

the child's name, safeguarding their financial interests. However, the Act's implementation remains inadequate due to insufficient monitoring mechanisms, particularly in unorganized and regional sectors where child artists often work without proper contracts or legal safeguards. Furthermore, the Act lacks detailed guidelines on working hours, welfare standards, and health and safety requirements tailored specifically for child artists, making enforcement challenging.

The Juvenile Justice (Care and Protection of Children) Act, 2015

This Act aims to safeguard the rights of children against exploitation, neglect, and abuse. It provides mechanisms for ensuring child welfare but does not explicitly address contractual agreements involving child artists.¹⁰ While the Act establishes various child welfare mechanisms, including child welfare committees and rehabilitation processes for children in need of care and protection, it does not specifically address the unique challenges faced by child artists in the entertainment industry. Although its provisions aim to prevent exploitation and safeguard children's rights, the Act lacks clarity on regulating contractual agreements involving child artists, leaving them exposed to unfair terms, inadequate compensation, and overwork, thereby highlighting a critical gap in India's legal framework for child performers.

d) Recent Guidelines and Their Implications

The NCPCR Guidelines (2023) mandate the registration of child actors, require the presence of parents or guardians during shoots, and prohibit content that is inappropriate or harmful to children.

• Comparison of Global and Indian Legal Frameworks

While countries like the United States and the United Kingdom have established detailed legal frameworks to protect child artists, India lags in providing comprehensive protection. The absence of dedicated legislation for child artists' contracts remains a critical issue requiring immediate attention. In contrast, India's legal framework remains inadequate, with general child protection laws failing to address the unique needs of child artists, particularly in contractual agreements. The absence of specific legislation regulating child artists' contracts leaves them vulnerable to exploitation, poor working conditions, and financial insecurity,

¹⁰ Supra note 4

emphasizing the urgent need for reforms to provide comprehensive protection and recognition of their rights in the entertainment industry.

4. Analysis of Current Contractual Practices:

The contractual practices concerning child artists in the Indian film industry have long been a subject of debate due to their inconsistent application and lack of adequate safeguards. Despite some legislative efforts to protect child artists, the existing frameworks remain inadequate, particularly in terms of ensuring fair treatment, financial security, and psychological well-being. This section examines critical aspects of current contractual practices, including parental consent, lack of independent oversight, psychological exploitation, and case studies highlighting prevalent issues. Furthermore, it identifies the gaps in existing legal frameworks that fail to adequately address the rights and interests of child artists.

a) Parental Consent and Its Limitations:

Parental consent plays a significant role in contractual agreements involving child artists, as parents or legal guardians are required to approve and sign contracts on behalf of their minor children. While this practice aims to provide protection and guidance, it also presents several limitations. Parents may not always possess adequate legal knowledge or negotiation skills to ensure that contracts are fair and beneficial for the child. Additionally, financial incentives often drive decisions, potentially leading parents to agree to exploitative terms that prioritize monetary gains over the child's welfare. Furthermore, conflicts of interest may arise when parents act as both guardians and managers, compromising the child's best interests. Studies have shown that parents' motivations may not always align with the child's rights and well-being, particularly in high-pressure entertainment environments where exploitation can occur subtly or overtly.¹¹

b) Safeguarding Child's Rights:

A child's rights should be of utmost importance to both the producer and the guardian. It

¹¹ Murshamshul, M. K., Child performers in the entertainment industry, <https://www.researchgate.net>, march 02, 10:38 PM, https://www.researchgate.net/publication/332570438_Child_Performers_in_the_Entertainment_Industry_An_Analysis_from_the_Employment_Regulations_Perspective

must be ensured that the producer adheres to the prescribed rules and legislation. According to a report on child artists in India – an explanatory study in Mumbai, India. The contracts are often framed as per the convenience of the producers. Thus, this forms a prominent issue in the entertainment industry as many child actors come from financially distressed backgrounds and the parent/guardian who consent to such contracts do not pay attention to the needs of the child.¹²

According to a report on child artists in India – an explanatory study conducted in Mumbai, India, contracts are frequently structured to favor the convenience and interests of producers rather than the welfare of the child artists. This imbalance becomes even more concerning considering the economic backgrounds of many child actors. Many child artists come from financially distressed families, and their parents or guardians, who provide consent for such contracts, often overlook the child's needs and rights in favor of financial gain. The lack of proper understanding, coupled with inadequate regulatory oversight, allows producers to exploit loopholes in the system. Strengthening the enforcement of existing laws and introducing independent oversight mechanisms could address these issues effectively.

c) Exploitation of Child Artists in India's Entertainment Industry:

A recent study by Child Rights and You (CRY) reveals that child artists in India's film and television industry often work for over 12 hours a day, contravening the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986, which limits child work to five hours daily. Contracts between parents and producers frequently include clauses preventing refusal of extended shooting hours, with lead child actors sometimes required to work 25 out of 30 days in a month. Many parents, especially those from financially distressed backgrounds, consent to these terms, allowing children to skip school and work during unconventional hours. Consequently, child artists are at risk of exploitation, educational neglect, and adverse health effects due to inadequate enforcement of existing regulations.¹³

¹² Supra note 8

¹³ Mrutyunjay Bose, Child artists in films and TV work for over 12 hours a day: Study, [www.deccanherald.com/march 3, 2:45 Am, https://www.deccanherald.com/elections/child-artists-in-films-and-tv-work-for-over-12hours-a-day-study-1116656.html](http://www.deccanherald.com/march-3-2-45-Am-https://www.deccanherald.com/elections/child-artists-in-films-and-tv-work-for-over-12hours-a-day-study-1116656.html)

d) Identification of Gaps in Existing Frameworks:

Despite various legal provisions like the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 (Amended 2016), and NCPCR Guidelines (2023), significant gaps persist in effectively safeguarding child artists. The absence of stringent monitoring mechanisms, lack of awareness among parents, and the inconsistency in enforcing guidelines contribute to ongoing exploitation. Moreover, there is no comprehensive legislation addressing contracts involving child artists, resulting in unequal bargaining power and potential abuse of their rights.

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5. Current Challenges:**a) Coerced Consent:**

The issue of coerced consent arises from the lack of mechanisms to assess a child's genuine willingness to participate in entertainment projects. While parental consent is legally required, it is often influenced by economic incentives rather than the child's aspirations or interests. In many cases, parents from financially distressed backgrounds view their children's involvement in the entertainment industry as a means of economic relief, leading them to consent to unfavorable contractual terms. This coercion is particularly problematic when contracts are drafted without considering the child's perspective, reducing them to mere commodities in the entertainment sector. Furthermore, the absence of independent oversight to evaluate whether the child's consent is informed and voluntary remains a critical gap in the existing legal framework. This systemic issue leaves children vulnerable to exploitation and forces them into roles that may conflict with their personal interests and development.

b) Mental Health Impacts:

The mental health impacts on child artists forced into the entertainment industry can be profound and long-lasting. Many children experience humiliation, stress, and identity crises when compelled to perform roles that are misaligned with their interests or that impose unrealistic expectations on them. The constant pressure to meet industry standards, maintain a public image, and adhere to demanding shooting schedules can adversely affect their psychological well-being. Studies have shown that children forced into unwanted roles often suffer from anxiety, depression, and low self-esteem. Additionally, the inability to voice their concerns or make independent decisions further exacerbates their mental health struggles. The lack of counseling or psychological support in the industry highlights a serious deficiency in the protection of child artists, underscoring the urgent need for reforms aimed at safeguarding their emotional and mental well-being.

c) Education Neglect:

The neglect of education among child artists is a growing concern, with the **Cine & TV Artistes' Association (CINTAA)** reporting cases where parents withdraw children from school to prioritize acting careers. This practice not only deprives children of their fundamental right to education but also limits their future opportunities outside the entertainment industry. The demanding schedules of film and TV productions often leave little time for schooling, further exacerbating the issue. Such actions highlight the need for stricter regulations to ensure that child artists' education is not compromised, balancing their professional commitments with their academic and personal development.

d) Financial Exploitation of Child Artists:

Financial exploitation of child artists is a significant issue, with many children being underpaid or denied fair compensation for their work. Often, their earnings are controlled by parents, guardians, or agents, who may misuse the funds for personal gain rather than safeguarding them for the child's future. The absence of legal mechanisms to protect child artists' earnings leaves them vulnerable to exploitation, with no guarantees that their income will be used for their education, welfare, or long-term

security. In some cases, children are forced to continue working to support their families, further perpetuating the cycle of exploitation. This lack of financial protection underscores the need for stricter regulations, such as mandatory trust accounts for child artists' earnings and oversight by a regulatory body to ensure their financial rights are upheld.

6. Suggested Improvements:

a) Co-Signing Agreements with Minors

The first essential reform is the implementation of co-signing agreements where both the parent or guardian and the child artist (if above a certain age) sign the contract. This practice would recognize the child's evolving decision-making abilities while also ensuring parental guidance. Under this mechanism, children would not have independent contractual capacity but rather a shared capacity where their opinions are valued. Co-signing agreements would provide a legal acknowledgment of the child's involvement in the decision-making process, ensuring that their voices are not suppressed. Moreover, this approach could serve as a preventive measure against forced participation, as children would have a legal channel to express their willingness or reluctance.

b) Requirement of Child Artist's Consent (If Above a Certain Age):

One of the most significant proposed reforms is ensuring that child artists above a certain age, such as 12 or 14 years, are given the right to provide their consent before entering into contractual agreements. This measure acknowledges the evolving capacity of children to understand the nature and implications of their work, thus providing them with a voice in the decision-making process. Current frameworks largely ignore the child's perspective, treating parental consent as sufficient. However, cases have shown that parents may overlook the best interests of the child due to financial incentives or societal pressure. Requiring child artists' consent would ensure that their aspirations, comfort, and willingness are taken into account before binding them to contractual obligations.

7. Conclusion:

The participation of child artists in the Indian film industry remains problematic due to

inadequate legal protections, leading to exploitation and abuse. Despite the existence of frameworks such as the Child Labour (Prohibition and Regulation) Act of 1986 (amended in 2016) and the Juvenile Justice (Care and Protection of Children) Act of 2015, enforcement is weak. The 2016 amendment aimed to regulate child artists' participation through parental consent, restricted working hours, and educational continuity. However, crucial issues like psychological well-being, exploitative contracts, and financial manipulation remain unaddressed. The NCPCR Guidelines of 2023 provide some protection by requiring child actors' registration, parental supervision, and restrictions on inappropriate content, but inconsistent enforcement continues to leave child artists vulnerable.

A major limitation of current regulations is the over-reliance on parental consent. Economic pressure often forces parents, especially from disadvantaged backgrounds, to prioritize financial gain over their child's well-being. This coerced consent frequently results in agreements neglecting the interests of child artists. Additionally, many parents lack awareness of the adverse psychological impacts of compelling children to pursue careers misaligned with their desires.

The absence of independent oversight for contracts involving child artists remains a significant concern. Unlike countries like the United States and the United Kingdom, which have established child labor laws with monitoring bodies, India lacks similar mechanisms. This imbalance allows producers to exploit parents' limited negotiation skills, with many child artists working beyond permissible hours, compromising their education and health.

The psychological well-being of child artists is another neglected area. Exposure to demanding work environments, exploitation, and scrutiny can cause emotional distress, identity crises, and mental health issues. Parents focused on financial benefits often overlook their children's emotional needs, leading to long-term harm.

Comparative analysis shows that countries like the United States and the United Kingdom have stronger protections. The U.S. Coogan Law mandates that part of a child artist's earnings be preserved in a trust, while the U.K. ensures education, fair contracts, and independent oversight.

India needs reforms that consider child artists' consent, co-signing agreements with minors, and implementing mandatory psychological evaluations. Independent bodies should oversee

contracts to prevent exploitation. The entertainment industry must adopt a child-centric approach emphasizing welfare, safety, educational continuity, and fair remuneration. Parental awareness programs are essential to educate them about legal provisions and protect children's interests.

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