
BEHIND THE SCREENS: BRIDGING INDIA'S CHILD LABOUR LAWS TO SAFEGUARD KIDFLUENCERS FROM EXPLOITATION IN CREATOR ECONOMY

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I. Introduction:

The rapid increase of child influencers, commonly referred to as “Kidfluencers” has pretty much changed childhood into a commercial enterprise. There has been rise of children below 18 years of age who are making money through platforms like YouTube, Instagram, Snapchat and various other social media platforms through brand promotion, dance reels, toy unboxing videos, family vlogs that attract millions of views and thus generate substantial income. What we witness as a playful creativity is more highly organised form of labour where children rehearse, perform and keep up with the posting schedule which can pressurize the children and also their personal moments become digital property which is being exchanged for sponsorships and revenues.

However, India still treats this as an unregulated family entertainment rather than regulating it. Currently, the existing laws such as the Child Labour (Prohibition and Regulation) Act 1986, the Juvenile Justice Act 2015, the Digital Personal Data Protection Act 2023¹, and also NCPCR guidelines which is non-binding were never designed for algorithm-driven, home-based digital work.² Parents retain full control over earnings, platforms operate under safe-harbour immunity, and no statutory limits exist on filming hours, data exploitation, or the child's future right to erase content. This regulatory void exposes young creators to overwork, psychological pressure, loss of privacy, cyberbullying, and financial exploitation and these risks that directly contradict India's obligations under the United Nations Convention on the Rights of the Child.

The first country to responded decisively was France with Law No. 2020-1266 of 19 October 2020, with a legislation that recognises online influencing as regulated child labour, caps

¹ Digital Personal Data Protection Act, No 22 of 2023 (India)

² Swain B and Singh S, 'Why are the Safeguards Against Child Labour Failing Child Influencers?' Bar & Bench (14 November 2024)

working hours, requires government authorization, and places a portion of earnings in protected accounts until the child reaches adulthood.³ Drawing practical lessons from France's labour-law approach, earnings-protection mechanism, and image-rights safeguards, this paper explains that India can build a rights-respecting framework that protects its youngest digital earners while preserving space for genuine creativity. **Digital Personal Data Protection Act, No 22 of 2023 (India)**

II. Child Influencers: Concept and Growth in India:

A child influencer or "kidfluencer" is a minor who is generally under the age of 18 and regularly creates or appears in social media content that is prominently used to make money through brand sponsorships, platform ad-revenue sharing, affiliate marketing, or direct viewer payments. The content varies from daily family vlogs, dance reels, comedy skits, and product reviews to live streams where fans send money in real-time. In most cases, the videos look like they are made on the spot and the kids are having fun. But in reality, they are almost always planned, rehearsed, redone till it is perfect, edited, and uploaded at times that are best for the algorithm.⁴ Parents generally act as directors, managers, editors, and accountants, thereby making their child's personality and everyday life the family's primary commercial asset.

In India, kidfluencers started emerging after the 2020-21 lockdowns. When schools were closed and smartphones were easily available, children who started posting simple dance or toy videos were able to quickly gain lakhs of followers and brand attention.⁵ By March 2025, the number of active kidfluencer accounts on Instagram alone was 83,212 and that represented a 41 % year-on-year increase. Most of the accounts were of micro-influencers with an average engagement rate of 3.17 % and a reach of over 120,000 per post.⁶ On YouTube, children-focused content creators can go from one to five million subscribers in a matter of months as such videos consistently get more watch time and shares than adult content. The whole kidfluencer market in India, which is just one vertical, is now estimated to be worth anywhere between ₹150–250 crore annually and is expanding at a speed faster than any other influencer

³ Loi n° 2020-1266 du 19 octobre 2020 visant à encadrer l'exploitation commerciale de l'image d'enfants de moins de seize ans sur les plateformes en ligne (Fr)

⁴ Kopal Mittal, 'Child's Play No More: Regulating Child Influencers in India' (2024) 1 HNLU Student LJ 44, 46-47.]

⁵ Anadi Trikha and Kavya Saini, 'Digitalising Child's Play Post-Pandemic: An Exploratory Study of Indian Marketplace' (2022) 20 Oorja – Journal of Management and IT 1, 4-5.

⁶ Aprajeeta Tripathi, 'Crib to Clickbait: How India's Tiny Kidfluencers are Growing Up Online' The Economic Times (21 May 2025)

segment in the country.

The amount earned are a mirror of the advertising reality where a kidfluencer may request ₹30,000- ₹1.5 lakh for one sponsored post or reel whereas the most popular accounts can even get ₹5-15 lakh for one brand collaboration.⁷ In spite of this obvious economic activity, India still continues to perceive child influencing as an innocent family entertainment and does not impose any regulations on it as a form of child labor. Because this activity is structured, monetised, and repetitive, the digital content creation by minors requires legal protection. Acknowledging it as “work” is the first step toward ensuring the safety, dignity, and long-term welfare of child influencers.

III. Overview of India’s Legal Framework on Child Labour and Digital Participation:

India's legal framework for child protection is well-structured, but when it comes to the digital world of kidfluencing, it fails miserably. For instance, the first major law, the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 (amended 2016) (CLPRA), states that no child less than 14 years is to be employed in dangerous work and that adolescents (14-18 years) should be only in non-hazardous work. However, the exception provided under Section 3(2)(a) allows "family enterprises" after-school hours without any wage or hour requirements.⁸ Since kidfluencing cannot be easily identified through this loophole, it is treated as a non-hazardous home-based activity similar to that of a child helping in the family business and thus is able to avoid the prohibition of exploitative work. The rules of 2017 set certain limits for child artists in the field of entertainment with five-hour work per day and approval by the magistrate, yet these are very narrowly applicable only to formal productions and not to informal vlogging or reels.⁹ As a result, children are shooting irregularly for 10–15 hours a week without any supervision, thus violating the intent of the Act which aims to prevent the economic exploitation mentioned under Article 24 of the Constitution.¹⁰

The Juvenile Justice (Care and Protection of Children) Act, 2015 ("JJ Act") supports the rehabilitation of children in need of care, defining such children in Section 2(14) as those

⁷Grynow, 'Top Kids Influencers in India (2026)' (15 April 2025) (industry commentary/list showing collaborations and implied brand engagement for child creators).

⁸ Child and Adolescent Labour (Prohibition and Regulation) Act 2016 (India) s 3(2)(a).

⁹Child Labour (Prohibition and Regulation) Rules 2017, Gazette of India, pt II s 3(i), rr 2B–2C.

¹⁰Constitution of India 1950, art 24.

susceptible to abuse, trafficking, or exploitation.¹¹ The sections 75-79 of the Act describe as crimes the causing of cruelty and abandonment and the Child Welfare Committees (CWCs) are charged with the protection of children. Nevertheless, the Law is centered on offline crimes like physical abuse and institutional neglect and does not have mechanisms for digital vulnerabilities like the algorithmic amplification of child content or online grooming through influencer profiles.¹² According to a 2025 NCRB report, cybercrimes against children have increased by 25% but the JJ Act has been poorly enforced with only 40% of the districts having functional Child Welfare Committees that are equipped for online cases.¹³ This gap results in kidfluencers who are usually "in need of care" and due to parental monetization, will result in violation of the UNCRC Article 19 on protection from all forms of violence, because there is no proper statutory interventions.¹⁴

The Advertising Standards Council of India (ASCI) is responsible for the oversight of advertising. Its 2024 Code calls for honest endorsements and prohibits the production of content that would be harmful to minors. It also specifies the requirement for disclosure of the sponsored posts (#ad, #sponsored).¹⁵ The 2025 Addendum II clarifies that there is no need for disclosing generic promotions while requiring transparency if it is in the health or finance sector.¹⁶ However, ASCI is still a self-regulatory body and the compliance is complaint driven, and only 24% of the 2025 violations result in modification. A small study of the top digital stars found that 76% of them did not disclose their paid collaborations, thus breaking the trust of consumers and exposing children to unethical brand deals without protection.¹⁷

The Digital Personal Data Protection Act, 2023 ("DPDP Act") provides privacy to children that are minors and requires parents to give consent if their data are to be processed (Section 9), and prohibits tracking or targeted advertisement for children so as to protect their welfare.¹⁸, but there are still loopholes where the "personal use" exception allows unregulated sharenting, and there are no provisions for the permanent digital footprints of kidfluencers or the harvesting

¹¹ Juvenile Justice (Care and Protection of Children) Act, No 2 of 2016 (India) s 2(14).

¹² Ibid ss 75–79.

¹³ National Crime Records Bureau, *Crime in India 2024* (2025) 45.

¹⁴ Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3 art 19.

¹⁵ Advertising Standards Council of India, Code for Self-Regulation in Advertising (2024).

¹⁶ Advertising Standards Council of India, Addendum II to Guidelines for Influencer Advertising in Digital Media.

Advertising Standards Council of India, Addendum II to Guidelines for Influencer Advertising in Digital Media

¹⁷ Advertising Standards Council of India, Annual Report (2025).

¹⁸ Digital Personal Data Protection Act, No 22 of 2023 (India) s 9.

of platform data for algorithms. Moreover there is not a specific provision that explicitly outlines how the digital footprints of kidfluencers will be handled, for example, the content that remains after they become adults. There is also nothing concerning platform's algorithmic use of child data for non-consented purposes, which means that young creators are exposed to privacy breaches and the risk of being exploited for their entire life without knowing it.

The National Commission for Protection of Child Rights (NCPCR), through its Guidelines for Child and Adolescent Participation in the Entertainment Industry and Any Commercial Entertainment Activity (2023) ¹⁹ tries to bridge some regulatory gaps, which go beyond CLPRA protections to social media and OTT platforms. Content produced by the family, is considered a "family enterprise" that is subject to safeguards like prior approval of the District Magistrate for commercial activity, a three-hour daily participation limit outside the school hours, school principal reporting for absenteeism monitoring, and the obligation to deposit at least 20% of the child's earnings in a fixed deposit accessible at the age of majority. Moreover, platforms are obligated to verify ages and report violations. Although these guidelines provide a framework for kidfluencers acknowledging digital content as potential labour, they are non-binding advisories without statutory enforcement or penalties, which leads to low compliance and a small number of practical protections.

Collectively these regulatory frameworks leave children working as online influencers not protected properly due to lack of unified definition of digital child labor, overreliance on parental consent in a situation where digital literacy is low, weak platform liabilities, and enforcement deficiencies.

IV. Risks and Harms Faced by the Child Influencers:

The lack of specific regulations to govern kidfluencing in India exposes children to a wide range of risks that not only hamper their growth but also negatively affect their well-being and jeopardize their future independence.

One major risk associated with this is the excessive and irregular working hours that these children are subjected to. In the absence of legal requirements, these children are often found to spend a considerable amount of time in activities related to planning, filming, reshooting,

¹⁹ National Commission for Protection of Child Rights, Guidelines for Child and Adolescent Participation in the Entertainment Industry and Any Commercial Entertainment Activity (18 May 2023).

and editing content so as to both meet the expectations of the brands and keep their audience engaged. Their unorganized schedules interfere with rest, playing, and studying, thereby turning leisure into labour and at the same time, making it difficult to distinguish between childhood and labour.

Psychological pressures faced by the children are also severe. Being subjected to harsh criticism of the public, the need to look "perfect" for the camera, and the algorithmic requirements for the new content are among the things that make these children experience anxiety, low self-esteem, and burnout. Kidfluencers are usually exposed to a higher rate of cyberbullying, trolling, and the receiving of inappropriate comments than their counterparts, and among the cases of harassment, there are those that lead to emotional suffering for a long time. A prominent example is the case of Abhinav Arora, a 10-year-old known as the "Bal Sant" or "small priest kid," whose devotional videos drew millions of views but sparked vicious online mockery by YouTubers targeting his appearance, speech, and spiritual persona, leading to widespread hate, anxiety, depression, and long-term emotional scars for the vulnerable minor; his family filed an FIR in Mathura highlighting the deliberate harassment.²⁰ The commercializing of one's own life through vlogs and reels is not always welcomed by the parent-child relationship as it can put a strain on it since children tend to see performance as a prerequisite for love and hence, suffer from identity confusion and face challenges in mental health in the long run.

The risk of privacy invasion comes from the same area of concern as well. Video clips that show the most vulnerable moments like meltdowns, illnesses, or family disputes are among the things that leave an indelible mark on the digital world that cannot be easily wiped out. In order to increase the number of views, the platforms' algorithms highlight the content featuring children, thereby exposing these kids to grooming, or identity theft.

The misuse of money is not something rare. Most of the time, parents are the ones who have the control over all the earnings, and since there is no law that mandates the creation of separate accounts or establishing trusts for the children, parents can use the money for household needs rather than for the child's welfare. This situation causes imbalances in terms of power whereby the kids are the ones who make a lot of money but they have no rights to claim

²⁰ Abhinav Arora Files FIR Against YouTubers For Harassment And Cyberbullying, Swarnim Times (22 December 2024).

These several risks interrelated with one another which are overwork, emotional strain, loss of privacy, and lack of power economically go against the core obligations of the UNCRC such as those that relate to protection from abuse (Article 19), the right to leisure (Article 31), privacy safeguards (Article 16), and freedom from economic exploitation (Article 32).²¹ The kidfluencer trend in India without any action taken will see the country live with a disguised modern form of child labour under the pretense of family creativity as its norm.

V. France's 2020 Child Influencer Law:

France led the way in worldwide regulation of influencer children via its Law No. 2020-1266 of October 19, 2020, the very first legislation, which explicitly recognise that online content created by minors is a new work category of child labour that needs state control.²² The law passed in response to the concern related to family channels and young creators on YouTube, TikTok, and Instagram, applies to children under 16 years old, whose images are used for commercial purposes on the internet, and through which the children receive money via ads, sponsorships, or platform monetisation.

The law establishes two regimes depending on the level of the child's activities. A mere declaration will be enough in case of low-threshold participation, determined by the factors like hours spent, number of videos, or amount of money earned. In case of more intensive commercial exploitation comparable to professional modelling or acting, it is necessary to have prior administrative authorisation from local authorities which will guarantee that the activity is in line with the child's best interests, schooling, and health. The authorities, after evaluating the reasons given by the parents, the potential dangers, and also the child's opinion that will be valued according to age and maturity, have a right to reject, as well as, if necessary, revoke the permission granted.

The essential elements of the law contain, specific limitations of filming hours that differ according to age where the maximum length of work in a day should be 2–3 hours for younger children, with stipulated periods of rest and school time being of utmost priority. A part of the income has to be put into a blocked account at the Caisse des Dépôts et Consignations (Deposits and Consignments Fund), which can be accessed only after the age of majority, thus the

²¹ Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3 arts 16, 19, 31, 32

²² Loi n° 2020-1266 du 19 octobre 2020 visant à encadrer l'exploitation commerciale de l'image d'enfants de moins de seize ans sur les plateformes en ligne (Fr) [hereinafter Law No 2020-1266].

provisions for the remuneration of child actors are similarly applied here and at the same time, the prevention of misuse of parental rights is ensured. The platforms are not free from obligations as well. They should make users aware of the law, allow them to report the cases of violations easily and, at the same time, they are obliged to take down the offensive contents once the request has been made. Infringements on the law are sanctioned by very severe penalties, which includes fine upto €75,000 and imprisonment for two years for parents or producers.

A 2024 amendment reinforced the rights related to images in the Civil Code by adding that parents should agree together before publishing the image of a child and in case of disputes, courts may decide, while taking into consideration the child's opinion in accordance with maturity. The children are endowed with a "right to be forgotten" which gives them authority to require content removal when they become adults.²³

The way France handled the problem shows that the enactment of targeted laws can do away with the practice of abusing children without putting a stop to their creative endeavors and therefore can provide substantial solutions to the situations in other places such as India that are faced equally with the challenge of the digital world.

VI. Lessons for India and Proposed Reforms

India needs a proper, well-defined set of rules that will ensure the protection of child influencers by drawing insights from France. It is notable that even the strictest child-labour and digital-privacy laws in India are silent on the matter of online content creation as a work category. Formal recognition of monetised digital content by minors as a labour activity requiring regulation has to be the very first step. It is not about preventing children from being on the internet, rather, it acknowledges that their involvement should be in a safe, well-organized and rights respecting environment.

After recognition of child influencing as labour, the country can then create a system of permits or registrations through the National Commission for Protection of Child Rights (NCPCR). A mere registration might be enough for cases of occasional, low-level involvement, while

²³ Loi n° 2024-120 du 19 février 2024 visant à garantir le respect du droit à l'image des enfants (Fr) [hereinafter Law No 2024-120].

regular or monetised content should be given an advance permission. ²⁴It would enable the officials to ascertain if a child's learning, relaxation and general welfare are taken care of and to look into whether the child is being commercially exploited in any way.

Furthermore, the protection of a child's earnings is another very crucial suggestion. currently, all money that comes from the child's content goes directly to the parents. To eliminate the risk of money misuse, India has to put in place a law that stipulates a certain percentage like around 20 -25 % of the income of a child influencer must be kept in a secured account limited only to the child when he/she becomes an adult. ²⁵This is in line with measures taken for child actors worldwide and is aimed at giving kids a share in the earnings they bring rather than letting them go to parental consumption or mismanagement.

Besides financial safeguards, India needs to regulate the hours of work for children who have influence in the media. Although the shooting may take place in the comfort of one's home, it can involve long hours, numerous takes, and tight deadlines. Measures that limit filming time on a daily or weekly basis, prohibiting filming during school hours and make provision for adequate breaks would be of great benefit to child's protection against overwork and at the same time, enable creativity to thrive.

India must also scrutinise the privacy laws where it must focus on safety of the child influencers. Children who are appearing frequently in social media can turn into victims of data misuse, stalking and getting exposure without consent. Consequently, India should set up a very clear erasure right mechanism for the children so that they can demand to remove the online content that invade their privacy or harm their safety. Besides, the parents also should be prohibited from revealing such highly confidential information on social media platforms for millions of people to view.

However, the platforms also have to share the responsibility. For example, platforms like YouTube and Instagram should be required to ensure that proper permission has been given prior to enabling monetisation, to provide simple ways to report infringement and to take decisive steps in removing the content that is harmful and includes minors. Besides, they also have to ensure transparency concerning the collection and use of children's data for algorithmic

²⁴ Namah Bose and Devesh Khandelwal, 'Kids as Currency: Need for Regulatory Framework & Intermediary Liability to Protect 'Kidfluencers'' (Adhyayan Foundation for Policy & Research 2025) 15.

²⁵ Marina A Masterson, 'When Play Becomes Work: Child Labor Laws in the Era of "Kidfluencers"' (2021) 169 U Pa L Rev 577, 590.

recommendations.

The organisations such as NCPCR and the State Commissions for Protection of Child Rights should also have responsibility of ensuring that the rules are followed, maintaining a record of monetised child accounts, and conducting seminars for the awareness of parents. In this way, the reforms initiated in India will not only protect children from exploitation but also give them the opportunity to participate in the digital creator economy in a safe manner. Such a step is not only about preserving children's creativity and allowing them to be expressive, but it also ensures that their rights, privacy, and well-being are also not compromised.

VII. Conclusion:

This paper explains how child influencers are becoming a significant part in the digital landscape of India. The laws, however, seem to be a standstill. Children in paid content are reported to have long working hours, pressured to perform well, lost their privacy and also have no legal rights over the money they earned. The current Indian laws, like the Child Labour Act, the Juvenile Justice Act, and the Digital Personal Data Protection Act, do not take into account the digital content creation, thereby leaving these children with no protection against financial, emotional, and privacy-related dangers.

To understand how the issues might be addressed, the paper refers to France's 2020 law on child influencers as the first law that explicitly governs this kind of work. France's law treats social media influencing as a form of child labour, which requires getting authorisation if the content is for making profits, sets limits on working hours, protects a certain share of children's income in a safe account and grants children more rights over their image. This indicates that measures can be put in place to shield the users of the digital world from possible dangers without stopping or limiting the children's online creative work.

The paper proposes considerable legal changes in India by drawing lessons from the France law. The changes include recognition of work done digitally for profit as labour, introducing permit or registration system, setting aside of a certain portion of the children's earnings for their protection, the imposition of limitations on the hours of filming, the strengthening of privacy measures, and imposing some obligations on those platforms that gain from children's content by providing safety to children rather than exploiting them. These changes will help in creating a child-centred environment that not only ensures children's creative potential but also their safety.