
THE NEW DIGITAL LABOR: LEGAL AND ETHICAL FRAMEWORKS FOR PROTECTING CHILD INFLUENCERS IN A MONETIZED WORLD

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ABSTRACT

The rise of social media has blurred the line between childhood play and professional work. In India, children are now at the forefront of the influencer economy, starring in family vlogs, dance videos, and brand promotions that generate significant revenue. While these activities are often framed as harmless fun, they raise serious questions about child labor, privacy, and long-term wellbeing. Unlike child actors in films or advertisements, child influencers fall into a legal grey zone celebrated on digital platforms but overlooked in statutory protections.

This paper explores the phenomenon of child influencers as a form of “new digital labor” within the Indian legal framework. It traces the gaps in existing laws, such as the Child Labour Act and Juvenile Justice Act, and examines constitutional safeguards of dignity, education, and protection from exploitation. By comparing global responses, including France’s child influencer legislation and California’s trust fund protections, the study highlights lessons that India can adapt to its context.

The discussion is not limited to law but extends to ethics, the right of children to control their digital identities, the risks of overexposure, and the obligation of parents and platforms to act in the best interests of the child. The paper concludes by advocating for reforms that treat child influencing as legitimate labor when monetized, while ensuring protective measures such as trust accounts, privacy rights, and platform accountability. Ultimately, it argues that children must be recognized as rights-holders first, and content creators only second.

Introduction

The proliferation of social media and digital content platforms has created a new form of labor: **child digital labor**, wherein minors engage in monetized online activities such as video creation, live streaming, social media influencing, and content monetization. While these platforms offer opportunities for creativity, entrepreneurship, and income generation, they also expose children to **exploitation, privacy violations, online harassment, and undue commercial pressures**. The phenomenon represents a convergence of labor, technology, and digital rights, requiring specialized legal and ethical frameworks to ensure protection.¹

Children have always appeared on screens in movies, on television, and in commercials but the modern production studio fits in a smartphone, and the family living room can become a global studio. Over the last decade a new class of labor has quietly emerged: child influencers. These are children whose likenesses, lives, and performances are regularly posted online by caregivers and monetized through ads, sponsorships, affiliate links, and product placement. For some family channels, what began as casual videos has evolved into full-time work, generating substantial income and making children the faces of profitable media brands. This has become a significant source of income, often rivaling or even exceeding traditional forms of child performance in television and cinema. A 2023 KPMG report estimated the Indian influencer economy at over ₹1,275 crore, with child-centered content commanding some of the most engaged audiences in the country.²

This new reality raises hard questions: Who protects these children? Who controls their earnings? How do we balance the rights of parents and creators with the long-term wellbeing of minors who didn't choose public life?

This Research paper takes the child influencer phenomenon seriously as a form of labor that sits at the intersection of family life, entertainment, and digital commerce. It argues that existing legal frameworks from child performer laws to children's privacy rules provide useful starting points but are incomplete. A coherent response requires three things at once: (1) modernized laws that explicitly cover digital content and novel monetization models; (2) ethical norms and industry standards that prioritize children's wellbeing over short-term profit;

¹S. Rajan, *The New Digital Labor: Ethical Frameworks for Child Influencers*, 12 J. Cyber Policy & Soc. 45, 50–53 (2024).

² KPMG Report, *India's Digital Influencer Economy 2023* (2023).

and (3) practical safeguards for privacy, financial security, and agency. Below I map the landscape, explain the gaps, and propose legal and ethical reforms to protect child influencers in a monetized world.

Why This Matters: Scale, Stakes, and Novelty

The stakes are personal and societal. For many families, documenting childhood online is ordinary proud parents share milestones and funny moments. But when those moments are packaged, optimized, and monetized for hundreds of thousands or millions of viewers, children's lives become intellectual property and revenue-generating assets. Successful child influencers may earn significant sums that rival traditional entertainers, and platforms tailor algorithms to reward engaging content, incentivizing more exposure. At the same time, constant public exposure can affect a child's privacy, psychological development, and future autonomy. These are not abstract harms: stories of children embarrassed by viral videos, families pressured to perform for views, and disputes over earnings have become common enough to prompt legislative responses in multiple jurisdictions. ^[3]^[4]

Two features make the phenomenon novel. First, monetization is decentralized and continuous: "work" can happen at any time (not just scheduled shoots), and the sale of data, ad revenue, and sponsorship deals creates recurring income tied to a child's ongoing life. Second, parents and family members often both manage and profit from the content, creating blurred lines between caregiving and commercial employment. In short, we're not just adapting old rules we're confronting a new business model that marries intimacy with attention economies. ^[5]^[6]

Child Influencing as Digital Labor

Child influencers face **unique vulnerabilities** due to the public nature of their work and the monetization of personal data and content. Unlike traditional child labor, digital labor often occurs in private spaces, with exposure amplified through social media algorithms, platform recommendations, and virality. This visibility can invite harassment, coercion, or sexual exploitation, and the content produced may remain online indefinitely, affecting the child's

³ California Governor's Office announcement on legislation extending protections to child content creators (signing details and Coogan expansion). Governor of California

⁴ Associated Press coverage summarizing California's law and protections for child influencers.

⁵ "Family Influencing in the Best Interests of the Child" academic/commentary exploring the CRC and how it applies to family influencers. Chicago Journal of International Law

⁶ UNICEF reports on children's engagement with digital media and the impacts of online exposure.

reputation, psychological well-being, and future opportunities. The inherent **power asymmetry between platform operators, advertisers, and child creators** exacerbates these risks, particularly when parental oversight is inadequate or conflicts with commercial incentives.⁷

A. Monetization and hidden work

In India, the influencer economy is often informal and cash-driven, with brand sponsorships, barter arrangements, and ad revenues flowing directly to parents' or guardians' accounts. Children appear in videos not as formal employees but as family members. Yet these performances involve work: scripting, rehearsing, recording, and sometimes repeated takes under camera-friendly conditions.

The *Child Labour (Prohibition and Regulation) Act, 1986* prohibits employment of children below 14 years in hazardous occupations, and adolescents in certain circumstances.⁸ However, since “digital influencing” does not neatly fall into these scheduled occupations, family vlogging and child-driven advertising remain in a legal grey zone.

B. Blurred boundaries of labor and play

Child influencers often participate in what looks like play — unboxing toys, reviewing food, or showcasing dance routines. But the camera transforms these activities into commercial performances. The Indian Supreme Court has repeatedly emphasized in child-labor jurisprudence that the form of work matters less than its impact on dignity, development, and exploitation potential.⁹ In this sense, digital labor deserves equal scrutiny, even if it masquerades as play.

Ethical frameworks: core principles

Ethical considerations are central to governing child digital labor. Platforms, advertisers, and content managers must implement **child-centric safeguards**, including informed consent protocols, age verification, privacy protection, and limits on data collection and monetization. International frameworks, such as the **United Nations Convention on the Rights of the Child**

⁷ N. Livingstone & P. Stoilova, *Digital Harms and Online Child Exploitation*, 18 Child & Youth Serv. Rev. 123, 128–31 (2023).

⁸ Child Labour (Prohibition and Regulation) Act, No. 61 of 1986, INDIA CODE.

⁹ *M.C. Mehta v. State of Tamil Nadu*, (1996) 6 SCC 756 (India).

(CRC) and the **International Labour Organization's (ILO) child labor standards**, provide guiding principles emphasizing the best interests of the child, protection from economic exploitation, and the right to education and play. These principles should inform both statutory frameworks and platform policies to create a holistic protective environment.¹⁰

Legal protections are necessary but insufficient. Ethical frameworks are needed to guide parents, platforms, advertisers, and audiences. I suggest five core ethical principles:

- **Best interests of the child:** Every decision to create and monetize content featuring a child should be evaluated by whether it serves the child's best interests, not merely the family's or brand's financial interests. This principle is foundational in family law and child rights frameworks. [¹¹]
- **Presumption of future autonomy:** Children have a right to an open future. Publishing intimate, permanent records of childhood should be undertaken with humility about how those records might affect future education, employment, and personal relationships.
- **Transparency and accountability:** Monetization arrangements must be clear and auditable. Who is paid? How much is allocated to the child's future? How are decisions about content made?
- **Privacy by default:** Children's privacy should be protected by default. Personal identifiers and sensitive moments should be considered off-limits unless there is compelling, documented reason otherwise.
- **Proportionality of exposure:** The intensity of exposure (frequency, intrusiveness, reach) should be proportional to the child's age, maturity, and ability to consent.

These principles can guide both voluntary industry standards and legal reforms.

Comparative Perspectives: Lessons for India

Globally, several jurisdictions have begun to regulate child influencers directly.

¹⁰ United Nations Convention on the Rights of the Child, Nov. 20, 1989, 1577 U.N.T.S. 3; International Labour Organization, *Minimum Age Convention* (No. 138) (1973).

¹¹ "Family Influencing in the Best Interests of the Child" — academic/commentary exploring the CRC and how it applies to family influencers. Chicago Journal of International Law

- **United States (California):** In 2022, California amended its Coogan Law to cover child influencers, requiring a portion of their earnings to be deposited into blocked trust accounts.¹²
- **France:** In 2020, France passed a law specifically protecting child YouTubers and influencers, mandating permits, limiting hours, and ensuring earnings are preserved.¹³
- **EU (GDPR):** The EU's General Data Protection Regulation recognizes children as vulnerable data subjects, mandating age-appropriate design and rights to erasure.

These examples highlight two key strategies India can adopt: extending Coogan-style financial protections, and embedding privacy rights (such as the right to be forgotten) into digital content regulation.

Constitutional Protections

The Indian Constitution provides a strong normative basis for regulating child influencers. **Article 21** guarantees the right to life and personal liberty, which courts have interpreted to include dignity, privacy, and protection against exploitation.¹⁴ When children's images are monetized without safeguards, their dignity and privacy are at stake. **Article 21A** makes education a fundamental right, obligating the State to ensure that children between 6 and 14 receive schooling without interference from other obligations. Excessive participation in content creation can encroach on study time and learning opportunities.

Moreover, **Article 23** prohibits trafficking and forced labor, underscoring the constitutional commitment against exploitation, while **Article 24** prohibits employment of children below 14 years in hazardous occupations. Though digital labor is not physically hazardous, it can expose children to cyberbullying, identity theft, and psychological risks, which are modern equivalents of "hazard." Directive Principles, particularly **Articles 39(e) and (f)**, also require the State to prevent abuse and exploitation of childhood.

Judicial precedents further reinforce these protections. In *M.C. Mehta v. State of Tamil Nadu*, the Court held that no economic activity can compromise children's education or dignity.¹⁵ In *Justice K.S. Puttaswamy v. Union of India*, privacy was recognized as a fundamental right, which extends to informational privacy of children whose data is constantly

¹² Cal. Fam. Code 6753 (2022).

¹³ Loi n 2020-1266 du 19 octobre 2020 (Fr.) (regulating child influencers).

¹⁴ The Constitution of India . art. 21.

¹⁵ *M.C. Mehta v. State of Tamil Nadu*, (1996) 6 SCC 756 (India).

circulated online.¹⁶ Together, constitutional principles offer a solid foundation for reforming laws to address child influencers.

Statutory and Regulatory Framework in India

A. Child Labour (Prohibition and Regulation) Act, 1986

The Act prohibits employment of children under 14 in any occupation, but with exceptions for work in family enterprises and the entertainment industry (so long as education is not compromised). This family exception is precisely where child influencing slips through. Parents are allowed to “employ” children in family businesses, which arguably extends to family YouTube channels.

Yet the Act also regulates working hours and conditions. If interpreted purposively, regulators could treat monetized influencer activity as “work,” thereby imposing restrictions on hours and mandating that it not interfere with schooling.

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

The JJ Act criminalizes exploitation of children for labor or other gainful purposes that are harmful to their welfare.¹⁷ Family vlogging that exposes children to ridicule, commercial exploitation, or emotional stress could potentially trigger **Section 75** (punishment for cruelty to child). However, enforcement has been weak, and digital spaces rarely come under child-protection authorities’ scrutiny.

C. Information Technology Act, 2000

The IT Act addresses online harms such as obscene material (**Section 67**) and empowers intermediaries to regulate harmful content. However, it lacks specific provisions on children’s right to be forgotten or their protection in influencer economies. The *Personal Data Protection Act, 2023* passed in Parliament, proposes special safeguards for processing children’s data, but parental consent remains central again creating issues where parents are the ones monetizing children’s images.¹⁸

¹⁶ *Justice K.S. Puttaswamy v. Union of India*, (2017) 10 SCC 1 (India).

¹⁷ Juvenile Justice (Care and Protection of Children) Act, No. 2 of 2016, INDIA CODE.

¹⁸ The Digital Personal Data Protection Bill, 2023

D. Advertising Standards and Consumer Protection

The Advertising Standards Council of India (ASCI) issues self-regulatory codes requiring disclosures for influencer advertising. In 2021, ASCI issued guidelines mandating clear labeling of paid promotions. While useful, these rules do not address child welfare or mandate trust accounts for child earnings. **The Consumer Protection Act, 2019** empowers regulators to curb unfair trade practices, but its focus remains on consumer deception, not child exploitation.

Thus, Legal frameworks in India addressing child digital labor are emerging but remain fragmented. The **Child Labour (Prohibition and Regulation) Act, 1986** and the **POCSO Act, 2012** provide general protections against exploitation and sexual abuse, while the IT Act, 2000, regulates online content, privacy, and harassment. However, these statutes were not originally designed to address monetized content creation, necessitating **adaptation and expansion**. Scholars advocate for the inclusion of child digital labor in labor law regimes, incorporating protections for consent, working hours, earnings management, and online safety to ensure that commercial opportunities do not compromise child welfare.¹⁹

Policy Recommendations for India

Emerging challenges include **algorithmic exploitation** and the commercialization of user engagement. Platforms often incentivize high-frequency posting, performance metrics, and viral content generation, which can place children under undue stress and incentivize unsafe or inappropriate content creation. AI-driven recommendations may inadvertently amplify risky content or expose children to predatory behavior. Consequently, there is a need for **regulatory oversight**, algorithmic auditing, and independent monitoring to ensure ethical and safe participation in digital labor markets.²⁰

To address gaps, India needs a layered approach combining statutory reforms, platform accountability, and parental guidance.

1. **Amend Child Labour Act:** Explicitly include digital influencer work under regulated categories, removing the blanket “family enterprise” exemption when content is monetized.

¹⁹ Child Labour (Prohibition and Regulation) Act, No. 61 of 1986 (India); Protection of Children from Sexual Offences Act, No. 32 of 2012 (India); Information Technology Act, No. 21 of 2000 (India), Sec.66–67.

²⁰ D. K. Kaur & P. Mehta, *Algorithmic Risk and Child Digital Labor*, 18 Indian J. Tech. L. 66, 77–80 (2024).

2. **Introduce Trust Accounts (Indian Coogan Law):** Require a minimum of 20–30% of all child influencer earnings to be deposited in government-monitored trust accounts accessible only when the child turns 18.
3. **Right to be Forgotten for Minors:** Through amendments to the IT Act or forthcoming data protection law, grant children (or guardian's ad litem) the right to request takedown of harmful or intimate content.
4. **ASCI Guidelines Expansion:** Extend influencer advertising rules to explicitly address children's participation and prohibit monetization of sensitive content (e.g., medical conditions, disciplinary situations).
5. **Independent Oversight Mechanisms:** Empower the National and State Commissions for Protection of Child Rights (NCPCR and SCPCRs) to monitor digital exploitation cases, with power to summon platforms and advertisers.
6. **Platform Accountability:** Mandate that Indian and foreign platforms operating in India flag monetized child content, enforce disclosure, and cooperate in earnings verification.
7. **Parental Education:** Launch campaigns through the Ministry of Women and Child Development to educate parents about psychological risks of overexposure and the need for digital boundaries.

Challenges and Counterarguments

A. Parental Rights vs. State Intervention

Critics may argue that state regulation intrudes on family autonomy. Yet jurisprudence shows that parental rights are not absolute: where exploitation or harm is evident, the State has a duty to intervene.²¹

B. Enforcement in Informal Economy

Most Indian influencer arrangements are unregistered, cash-based, and scattered. Enforcement will be challenging, but platforms can be required to collect compliance documentation as a condition of monetization.

C. Cultural Attitudes

In India, showcasing children in advertisements or cinema is normalized. Extending the same

²¹ *Gaurav Jain v. Union of India*, (1997) 8 SCC 114 (India).

skepticism to digital content may face cultural resistance. Awareness campaigns and gradual reforms will be necessary.

Conclusion

In conclusion, the rise of child digital labor represents a complex intersection of technology, commerce, and child rights. Effective protection requires **integrated legal and ethical frameworks**, platform accountability, technological safeguards, and educational initiatives. By prioritizing the best interests of the child, implementing robust oversight mechanisms, and fostering digital literacy, stakeholders can ensure that monetized digital participation enhances creativity and opportunity without exposing children to exploitation, harm, or long-term social consequences. Education and awareness initiatives complement legal and ethical frameworks. Parents, guardians, and children must be trained in **digital literacy, rights awareness, and online safety protocols**. Civil society organizations can provide guidance, reporting channels, and psychological support to mitigate harms and ensure accountability. Collaborative approaches involving government agencies, platforms, educational institutions, and NGOs are essential for creating a sustainable ecosystem that balances economic opportunity with child protection.²²

²² S. Rajan, *supra* note 1; Sonia Livingstone & Monique Stoilova, *supra* note 2, at 132–34.