

Decoding data on Implementation of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986

Trends & Insights from eCourts data & judgments

[Assam, Bihar, Jharkhand, Maharashtra, Tamil Nadu and Uttar Pradesh]



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[Assam Bihar Jharkhand Maharashtra Tamil Nadu Uttar Pradesh]

by **Enfold Proactive Health Trust**



June 2024

*Technical
Assistance from*



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Support from*



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Design and Cover Illustration by: *that studios*

Cite as: Enfold Proactive Health Trust, Decoding data on *Implementation of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986* (2024)

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Acknowledgements

This report has been made possible due to the combined efforts of many individuals and we would like to extend our deepest gratitude to all those who contributed in their different capacities to this report from its conception till completion.

Foremost, we thank the Patrick J. McGovern Foundation for their generous support through the *Data to Safeguard Human Rights Accelerator Program*, that enabled us to embark upon this exploratory study and ascertain the potential of using advanced data tools in understanding judicial trends.

This study was conceptualised by Swagata Raha and Shruthi Ramakrishnan of Enfold Proactive Health Trust, with inputs from Apoorv Anand and Gaurav Godhwani of CivicDataLab, with a view to explore the use of AI data tools and expand the evidence on the implementation of child protection laws.

We are grateful to the CivicDataLab team comprising Apoorv Anand (Data Lead), Manjunath Hegde (Data Engineer), and Sai Krishna (Data Engineer) for their able technical assistance in data scraping and curation of metadata for analysis. This made it possible to access a wealth of court data. Their support also made it possible for researchers at Enfold to test the efficacy of data annotation tools in the process of judgment analysis. We also thank the CDL team for reviewing the final figures in our findings in Part A, ensuring its accuracy and clarity.

The core research team at Enfold Proactive Health Trust, comprising Shruthi Ramakrishnan, Shivangi Puri, Anindita Pattanayak, Gopika Nangia and Vibha Angre were responsible for data cleaning, data analysis, data validation, and data visualisation.

In respect of Part A of the report, Anindita Pattanayak and Shruthi Ramakrishnan undertook an extensive exercise of cleaning the metadata of 10,800 cases under CALPRA. Following this, re-categorisation of the data variables to establish a framework for analysis, analysis of metadata, and the first draft was done by Shivangi Puri, Shruthi Ramakrishnan and Anindita Pattanayak. Further analysis, writing, and a comprehensive review of the draft were done by Swagata Raha, who also provided critical insights, and helped interpret and contextualise the data. The final version of Part A of the report was written by Shivangi Puri, Shruthi Ramakrishnan, Swagata Raha, and Anindita Pattanayak.

In respect of Part B of the report, Vibha Angre carried out a comprehensive vetting of judgments that was required to aid in state selection. Identification of variables for judgment analysis was undertaken by Swagata Raha, Shruthi Ramakrishnan, Gopika Nangia, and Vibha Angre. Ranu Tiwari aided in the review of the judgments. The data entry, preliminary data analysis of judgments, and writing of the first draft was undertaken by Gopika Nangia. Shruthi Ramakrishnan undertook a preliminary review of the report. Further analysis, writing, and comprehensive review of the draft was done by Swagata Raha. The final version of Part B of the report was written by Swagata Raha and Gopika Nangia.

Invaluable insights and guidance provided by our external reviewers, Bharti Ali, Co-Founder and Former Executive Director of HAQ: Centre for Child Rights, and Mahesh Menon, Doctoral Candidate at the Faculty of Law, Lund University, and Assistant Professor of Law at the School of Law, Sai University, helped shape the final report.

We also acknowledge the support of the following student interns in extraction of data from judgments and review of data entry: Amritansh Sharma, Ayush Kumar, and Dev Mittal, from the West Bengal National University of Juridical Sciences (NUJS) and Aakriti Rikhi, Dhikhshitha K, Khushi Patidar, Medha Sinha, Nishu Rani, and Sunidhi Das, from National Law School of India University, Bengaluru (NLSIU).

We also wish to acknowledge Ravi K. and Aishwarya T. from *that studios* for designing the report and bringing it to life with data visualisation.

We would also like to express our gratitude to the administrative and finance team at Enfold comprising Geetha Nair, Bhavana D, Bharath H.M, and Amrutha M.

Abbreviations

AHTU	Anti-Human Trafficking Unit
BNS	Bharatiya Nyaya Sanhita, 2023
BNSS	Bharatiya Nagarik Suraksha Sanhita, 2023
CALPRA	Child and Adolescent Labour (Prohibition and Regulation) Act, 1986
CJM	Chief Judicial Magistrate
CNR	Case Number Record
CPOLA	Children (Pledging of Labour) Act, 1933
CrPC	Code of Criminal Procedure, 1973
CCI	Child Care Institution
CWC	Child Welfare Committee
FIR	First Information Report
IPC	Indian Penal Code, 1860
ITPA	Immoral Traffic (Prevention) Act, 1956
JJ Act, 2000	Juvenile Justice (Care and Protection of Children) Act, 2000
JJ Act, 2015	Juvenile Justice (Care and Protection of Children) Act, 2015
JJB	Juvenile Justice Board
JMFC	Judicial Magistrate of the First Class
JMSC	Judicial Magistrate of the Second Class
NCRB	National Crime Records Bureau
PJMF	Patrick J. McGovern Foundation
POCSO	Protection of Children from Sexual Offences Act, 2012
SC/ST Act	Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989
UNCRC	United Nations Convention on the Rights of the Child

Introduction

India's Constitution expressly recognises the right of children between six and 14 years to free and compulsory education, and the need for protection of children from economic exploitation.¹ Article 24 of the Constitution obligates the State to ensure that children below 14 years are not engaged in hazardous employment. The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 as amended in 2016 (CALPRA)², reflects the legislative translation of this obligation.³ It replaced the Employment of Children Act, 1938 and prohibits the employment of children who have not completed 14 years of age in all occupations, and prohibits the engagement of adolescents i.e., persons who have completed 14 years of age but not 18 years, in hazardous work. The CALPRA establishes authorities for enforcement and inspections, and prescribes punishment for breach of the provisions.

In addition to the CALPRA, provisions under the Indian Penal Code, 1860 (IPC)/Bhartiya Nyaya Sanhita 2023 (BNS) and the Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act, 2015), among others, are also applicable in cases of child labour. Refer to [Annexure A: Offences related to Child Labour](#).

In 1992, India acceded to the United Nations Convention on the Rights of the Child (UNCRC), which obligates States Parties to protect children from economic exploitation, and from performing any work that is likely to be hazardous to their health or interfere with their education or development.⁴ Additionally, it requires a minimum age for admission into employment and prescribes conditions and hours of employment.⁵ Following the amendments to the CALPRA in 2016, India also ratified the ILO Conventions No. 138 (Minimum Age Convention, 1973) and No. 182 (Worst Forms of Child Labour Convention, 1999) on 13 June 2017, thus signifying its firm commitment to “prohibit and place severe restrictions on the employment and work of children.”⁶

Although nearly four decades have elapsed since the passing of the CALPRA, comprehensive analysis of judicial data on child labour prosecutions has been limited. Crime data on child labour available does not provide a full picture of the cases under the CALPRA and their outcome or reflect the magnitude of child labour in India. Sources indicate that the number of cases reported to the police constitutes only a small percentage of the number of children actually involved in child labour in India as seen in the Census and National Sample Survey Office (NSSO) data.

1 Constitution of India, 1950, Articles 21A, 24, and 39.

2 Enacted as the Child Labour (Prohibition and Regulation) Act, 1986. The title was subsequently changed to “Child and Adolescent Labour (Regulation and Prohibition) Act, 1986” by way of an amendment in 2016.

3 The 2016 amendment was proposed mainly to prohibit the employment of children below 14 years of age to: a. Facilitate their education in line with Right of Children to Free and Compulsory Education Act, 2009 and b. 'to regulate the conditions of service of adolescents in line with the ILO Convention No. 138 (Minimum Age Convention) and Convention No. 182 (Worst Forms of Child Labour Convention)'. See Fifteenth Lok Sabha, Standing Committee Report on Labour, 'The Child Labour (Prohibition and Regulation) Amendment Bill, 2012' (PRS, 13 December 2013) p. 9, <https://prsindia.org/files/bills_acts/bills_parliament/2012/Standing%20Committee%20Report_8.pdf> accessed 30 April 2024.

4 UNCRC, Article 32(1).

5 UNCRC, Article 32(2).

6 Ministry of Labour & Employment, 'Annual Report, 2022-23', para 12.7, p. 120.

<https://labour.gov.in/sites/default/files/ar_2022_23_english.pdf> accessed 30 April 2024.

Source	Time Period	Geographical area	Number of cases	Unit of cases measured
Crime in India by National Crime Record Bureau (NCRB) ⁷	2015 to 2022	India	3,991	Number of incidences reported under the CALPRA.
Platform for Effective Enforcement for No Child Labour (PENCiL) Portal, Open Government Data (OGD) Platform India ⁸	26 September 2017 to 3 May 2024 ⁹	India	4,606	Number of cases of child labour reported.
Census of India ¹⁰	2011	India	1,01,28,663	Children aged between 5 to 14 years were involved in child labour as main and marginal workers.
National Sample Survey Office (NSSO) ¹¹	2009 to 2010	21 Major Indian states	49,83,871	Children between 5 to 14 years were estimated to be working as child labour in all major Indian States.

Notably, *Crime in India* data is limited as NCRB follows the ‘Principal Offence Rule’, and reflects the case under only the offence which attracts the highest punishment. Cases in which the CALPRA was applied will not be counted under the CALPRA if the incident also entailed other offences attracting more severe punishment. Thus, the figures in *Crime in India* do not reflect the exact number of cases registered under the CALPRA. The lack of public data with accurate figures on the number of registered child labour cases presents a challenge as the government also relies on NCRB’s *Crime in India* data to understand effectiveness of implementation of the CALPRA law and the prevalence of child labour.¹² In addition the *Crime in India* data is limited to State-wise number of cases reported under the CALPRA, and the manner of disposal of cases by the police and courts at the national level. Granular data on the specific offences, time taken by the courts to dispose of cases, nature of victims’ testimony, number of effective hearings, how courts appreciate evidence and determine the age of the child, and factors responsible for conviction and acquittal in such cases is not available. There is also a gap in data on how this law is being utilised in conjunction with other legislative provisions related to child labour, the nature of cases entering the criminal justice system, and the profile of informants, accused persons, and victims in these cases.

7 National Crime Records Bureau, *Crime in India* 2015-2022 Vol.1.

8 Platform for Effective Enforcement for No Child Labour (PEE-NCL), ‘Dashboard - National Child Labour Project’ <<https://pencil.gov.in/DashboardNCLP?argtype=comp>> accessed 3 May 2024.

9 Data before 26-09-2017 was not available in the Pencil Portal.

10 Government of India, Ministry of Labour and Employment, ‘2001 Census, State-wise Distribution of Working Children according to 2001 Census in the age group 5-14 years’ (*Labour*, 2001) <<https://labour.gov.in/childlabour/census-data-child-labour>> accessed 30 April 2024.

11 Government of India, Ministry of Labour and Employment, ‘NSSO (66th round of Survey) on Child Labour in Major Indian States, 2009-10’ (*Labour*, 2010) <<https://labour.gov.in/sites/default/files/NSSOEstimateofChildLabourinMajorIndianStates.pdf>> accessed 30 April 2024.

12 Ministry of Labour and Employment, Lok Sabha, Unstarred Question No. 2339 (to be answered on 18.12.2023) (*Sansad*). <<https://sansad.in/getFile/loksabhaquestions/annex/1714/AU2339.pdf?source=pqals>> accessed 30 April 2024.

Data on the CALPRA from <i>Crime in India</i> , National Crime Records Bureau								
	2015	2016	2017	2018	2019	2020	2021	2022
Number of reported cases¹³	251	204	462	464	770	476	613	751
Conviction Rate¹⁴	50%	47.1%	69.7%	43.6%	47.3%	74.8%	77%	60.3%
Pendency Rate¹⁵	94.3%	95.6%	89%	92.7%	88.7%	94.4%	91.8%	87.5%

The National Child Labour Policy, 1987 places significant emphasis on a legislative action plan.¹⁶ This paired with the reported increase in the instances of child labour owing to school closures during COVID pandemic,¹⁷ makes the detailed analysis of trends under the CALPRA relevant. There is a compelling need for evidence on how the CALPRA is being applied by the judiciary to understand trends in adjudication of cases, to identify gaps in investigation and prosecution, and the areas for potential intervention. This evidence can strengthen the enforcement of the CALPRA and identify specific aspects that can be addressed through capacity-building programs with law enforcement agencies, prosecutors, judges, lawyers, and civil society organisations. Further, with the development of web-based court registries and advancement of annotation tools, this data source can be tapped into to analyse the high volumes of court metadata and extract judgments, both of which can aid the analysis of the implementation of the law with respect to child labour.

It is with this objective that Enfold Proactive Health Trust in collaboration with CivicDataLab and supported by Patrick J. McGovern Foundation undertook an exploratory study to examine the potential of court registry metadata in identifying key insights on the implementation of the CALPRA. Data tools have been utilised in scraping metadata from eCourts, analysing select queries, downloading judgments, and analysing select variables from judgment texts. The report is organised in two parts:

13 National Crime Records Bureau, *Crime in India* 2019 Vol.1, Table 4A.2(ii), p. 315, & *Crime in India* 2020 Vol.1, Table 4A.2(ii), p. 319; National Crime Records Bureau, *Crime in India* 2021 Table 4A.2(ii), p. 335; National Crime Records Bureau, *Crime in India* 2022 Table 4A.2(ii), p. 335.

14 National Crime Records Bureau, *Crime in India* 2019 Vol.1, Table 4A.5, p. 337 & *Crime in India* 2020 Vol.1, Table 4A.5, p. 341; National Crime Records Bureau, *Crime in India* 2021 Table 4A.5, p. 357; National Crime Records Bureau, *Crime in India* 2022 Table 4A.5, p. 357.

15 *ibid.*

16 Ministry of Labour & Employment, Annual Report, 2022-23, para 12.2, p.119 (Labour, 2001)
<https://labour.gov.in/sites/default/files/ar_2022_23_english.pdf> accessed 30 April 2024.

17 Child labour rises to 160 million – first increase in two decades (UNICEF, 2021)

<<https://www.unicef.org/india/press-releases/child-labour-rises-160-million-first-increase-two-decades>> accessed 3 May 2024.

PART A

Part A of the report examines metadata from 10,800 cases from the eCourts portal from the states of Assam, Bihar, Jharkhand, Maharashtra, Tamil Nadu, and Uttar Pradesh. This section examines the number of cases registered under eCourts, the nature of these cases, the charges applied, the judicial forum adjudicating the cases, the disposal status, the nature of outcomes, the duration of pendency and the time taken for disposal.

PART B

Part B is based on an analysis of 142 judgments from Assam, Maharashtra, and Tamil Nadu under the CALPRA and provides valuable contextual insights such as the profile of informants, profile of accused persons, sites of work, nature of evidence before the court, nature of victims' testimony, and factors influencing the outcome.

Summary of Key Findings

Part A: Findings on the CALPRA based on Metadata Analysis

Profile of cases

- Of the 10,800 the cases, the majority, i.e. 9,193 cases (85.1%) constituted criminal trials followed by 1,036 cases (9.6%) of bail and anticipatory bail. As *Crime in India* does not provide an aggregate of all cases registered under the CALPRA, the extraction and analysis of the metadata has rendered it possible to gauge the total number of prosecutions under the CALPRA.
- Uttar Pradesh had the highest number of criminal trials under the CALPRA (4,309 cases), followed by Bihar (2,700 cases). These numbers were significantly higher than NCRB *Crime in India* data, which reported only 52 incidents in Uttar Pradesh and 46 in Bihar from 2015 to 2021.

Charges in the CALPRA cases dataset

- 8,435 cases (78.1%) comprised charges exclusively under the CALPRA and 2,365 cases (21.9%) had charges under other legislations, primarily the IPC and the JJ Act, 2015.
- Section 14(1), pertaining to the employment of a child for labour in contravention of the CALPRA, was the most invoked provision. Section 370, IPC (trafficking), Section 374, IPC (unlawful compulsory labour), Section 79, JJ Act (exploitation of a child employee), and Section 75, JJ Act (cruelty to child), were commonly added along with the CALPRA.

Forum for adjudication

- A majority of the cases were filed before a Chief Judicial Magistrates, i.e. 6,361 cases (58.9%) followed by a Judicial Magistrate of the First Class or a judge of equivalent power in 2,570 cases (23.8%). 1,134 cases (10.5%) were filed before a Sessions Judge or judges with equivalent powers. Trials by Children's Courts were rare.

Disposal Status

- Over half the CALPRA cases (53.8%) were pending as of early 2023¹⁸ with criminal trials showing the highest pendency rate (61.6%).
- A significant proportion of criminal trials were disposed of within a year of their registration, but thereafter the disposal time increased, with a lower number of cases being disposed every passing year.
- Bihar and Maharashtra had the highest pendency rate at 75.9% and 70.3%, respectively. Tamil Nadu had the lowest pendency rate at 25.7%.
- Majority of cases, i.e. 3,114 out of 4,643 cases (67.1%) were pending at the stage of "Appearances, Summons & Warrants".

Nature of Outcomes

- Convictions appear to be the norm and were recorded in 926 cases (72.4%) of the 1,278 cases that ended in conviction, acquittals, or discharge. While using these figures and rates, errors and gaps in data entry have to be factored. The actual conviction and acquittal rate may therefore be different and can only be ascertained with improved and standardised data-entry practices.

¹⁸ As data was scraped over a two-month period, the end-date for data collection was different for each selected State. Data scraping from eCourts was initiated on 9 January 2023 and completed by 8 March 2023 for all States and Union Territories.

- Uttar Pradesh showed an exceedingly high conviction rate of 99.1% followed by 91.7% in Tamil Nadu calling for a deeper examination of the factors leading to convictions in these cases.
- Cases were settled through Lok Adalats in 21.1% cases, with Uttar Pradesh and Bihar settling cases through Lok Adalats in 27.4% of criminal trials each, followed by 12.2% cases in Jharkhand. While Lok Adalats may result in speedy disposal, whether it is in the best interest of the child needs evaluation.
- Bail was granted in a majority of cases (53.2% cases) and anticipatory bail was granted in 38.9% cases. State-wide trends indicated disparity in grant of bail and anticipatory bail with only 36.4% being granted bail in Jharkhand as compared to 77.4% in Maharashtra.

Duration of Disposals

- The average time taken to dispose of a criminal trial was 1 year 6 months and 21 days and the median time was 9 months 22 days.
- The median disposal time for convictions was 161 days whereas that for acquittals was 905 days. This is possibly due to the accused potentially accepting a guilty plea and thus significantly reducing the time that would be taken to examine witnesses and consider evidence. The significant time taken in cases that end in acquittal also demand consideration of the extent to which systemic delays and lack of adequate support impact victim's participation in trial and the outcome.
- Tamil Nadu had the lowest median time for disposal of criminal trials (84 days), followed by Uttar Pradesh (183 days), while Bihar had the highest (736 days) and was followed by Maharashtra (647 days).
- Uttar Pradesh had the lowest median time of just one day for disposal of bail and anticipatory bail applications, whereas Bihar had the highest median time (21 days).
- In bail and anticipatory bail matters, bail rejection overall took longer than granting of bail. Where bail was granted the median time was short at nine days in comparison to cases where bail was rejected which took a median time of 20 days.
- Amongst the different forums adjudicating the CALPRA cases, the median number of days taken to dispose of a criminal trial was the shortest in matters adjudicated by a CJM (212 days) and the longest in matters adjudicated by Judicial Magistrates (661 days). State-wise trends for different forums were disparate and did not always follow the overall trend.
- Criminal trials had the highest number of hearings with an average of 10.7 hearings per case whereas miscellaneous cases had the lowest average of four hearings per case. The maximum number of hearings, i.e. 14,875 (40 %) were during the "Appearances, Summons & Warrants" stage hinting at challenges in ensuring timely issues of summons, multiple adjournments, and the failure of witnesses to appear in court when summoned.
- In respect of the average number of days between hearings in criminal trials, Maharashtra stands out with the longest average number of days between hearings (70.1 days). Tamil Nadu had the shortest average number of days between hearings for criminal trials (23 days) and bail and anticipatory bail cases (one day). Bihar had the longest average duration between hearings in bail cases (seven days).

Part B: Analysis of Judgments

Profile of Victims, Accused persons & Informants

- Majority of the victims, i.e. 191 out of 249 victims (76.7%) were male and a small minority were females, i.e. 17 (6.8%) indicating the gendered nature of the reported child labour cases.
- Where information on age was available, a majority of these victims, i.e. 52 (57.8%) fell under the definition of a “child”, i.e. a person who had not completed the 14th year of age, and the remaining 38 (42.2%) were “adolescents”, i.e. a person who had completed 14 years of age but not their 18th year
- In the 142 cases, there were 182 accused persons, of which 178 were employers (97.8%) and 174 were males (95.6%).
- The police and Labour Department officials constituted the largest categories of informants, i.e. in 92 cases (64.8%). Parents and victims themselves were informants in a fraction of cases – a total of 8 cases (5.6%). In these cases, it was not the employment itself that led to the lodging of the FIR, but other factors such as physical assault of the victim, and allegations of non-payment of wages. This points to the complex socio-economic factors surrounding child labour and adolescent work.

Site of Offence

- Factories, hotels/eateries, and domestic work were observed to be the most common site of offences.

Nature of Charges

- All 142 cases had a charge under the CALPRA, predominantly under Section 14 (136 cases) and Section 3 (105 cases).
- Charges under the IPC were added in 80 cases, in addition to the CALPRA and were predominantly under Section 370 – Trafficking of Persons (66 cases) followed by Section 374 - Unlawful Compulsory Labour (19 cases).
- Charges under the JJ Act, 2015 were added in 78 cases, and were predominantly under Section 75 – Punishment for cruelty to child (48 cases) and Section 79- Exploitation of a child employee (47 cases).

Age Determination

- Despite the establishment of age being a crucial component of the CALPRA cases, the age of the victim was determined by the court in only 77 cases (54.2%).¹⁹ In 66 of these 77 cases (85.7%), the prosecution could not establish that the victim was a child. The victim’s age was proven in only 11 cases (14.3%).
- Of the 65 cases where the victim's age was not determined, the victim did not appear for evidence in 49 cases, and in 14 cases the victim did not testify against the accused. This may explain why the court did not determine the victim’s age.
- There was no reference to the procedure for age-determination under Section 94, JJ Act 2015. There were scant references to documentary evidence in support of the age of the victim.

¹⁹ For the purpose of this calculation, age determination as per the age brackets mentioned in the CALPRA were considered.

Medical age determination tests were commonly used and a reference to it was found in 59 cases (41.5% cases) concerning 123 victims. Wide variations were observed in the manner in which the age findings based on medical age determination tests were presented, with some results providing for a two-year window and others, a five-year window.

- Factors that contributed to the age of the victims not being established included failure of the police in collecting age-related evidence, and the prosecution's failure to produce documentary evidence on age or examine relevant witnesses.

Nature of Victims' Testimony

- The dominant trend in the CALPRA cases is the non-appearance of the victim, which was seen in 115 cases (81%).
- Of the 25 cases in which the victims appeared in court to testify, in 21 cases (14.8%) they did not incriminate the accused, and in only four cases (2.8%) they testified against the accused.

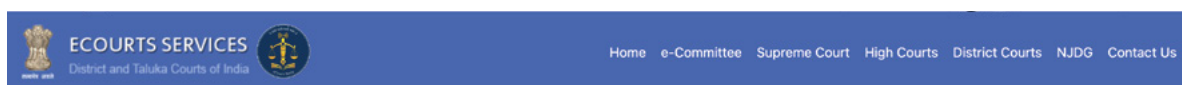
Outcomes and Factors Affecting Outcomes

- Acquittals were recorded in 133 cases (93.7%) and convictions in nine cases (6.3%). The accused had pleaded guilty in four of the nine cases that ended in a conviction. Since the judgment selection criteria excluded very short orders without substantial text to analyse, several orders were excluded, many of which were convictions resulting from the accused pleading guilty. This may explain why the conviction rate in judgment data is significantly lower than the metadata findings which found a conviction rate of 72.4% of all cases resulting in a conviction, acquittal, or discharge.
- Imposition of imprisonment was an exception and the most preferred sentence was a fine.
- In one case, the fine was directed to be paid to the victim through her parents as compensation under Section 357 of CrPC and in three cases it was directed to be deposited in the Child and Adolescent Labour Rehabilitation Fund for the purpose of the welfare of the victim.
- Grant of bail was the norm and in 131 of 142 (92.3%) cases, the accused was granted bail. Data on bail was unavailable in 11 cases (7.7%).
- Out of the nine cases in which the accused was convicted, the victim did not appear in court in any of these cases. Convictions were recorded on the basis of accused persons pleading guilty, successful establishment of the victim's age as a child or adolescent, establishing that the accused was the owner of the establishment, availability of sufficient evidence against the accused, and the testimonies of other witnesses.
- Apart from the non-appearance of the victim or no incriminating testimony by them, gaps during raids and investigations contributed towards acquittals. These gaps included the failure to seize documents pertaining to the accused's ownership of the factory and employment, failure to seize age-related documents of the victim, and lack of independent witnesses.

Part A: Findings on the CALPRA based on Metadata Analysis

What is metadata?

Metadata in this report refers to the court registry data sourced from the national portal “eCourts” webpage page for each case. Metadata includes case-type, charges applied, transfer history, judge designation, registration dates, hearing dates, disposal dates, and disposal type.



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CJM establishment Case Status

Case Type	PRC - POLICE REPORT CASES		
Filing Number	5380/2022	Filing Date	14-12-2022
Registration Number	2023/2022	Registration Date:	14-12-2022
CNR Number	ASLK030053962022	(Note the CNR number for future reference)	View QR Code/Cause Title

Case Status

First Hearing Date	06th February 2023
Next Hearing Date	31st May 2024
Nature of Disposal	Uncontested–ACQUITTED
Case Stage	Evidence
Court Number and Judge	6-Sub Divisional Judicial Magistrate

Petitioner and Advocate

1) SMTI BICHITRA DUTTA

Respondent and Advocate

1) NISHANT RAJKAKOTI
2) SMTI SARITA RAI

Acts

Under Act(s)	Under Section(s)
Child Labour (Prohibition and Regulation) Act	14
Juvenile Justice (Care and Protection of Children) Act	75

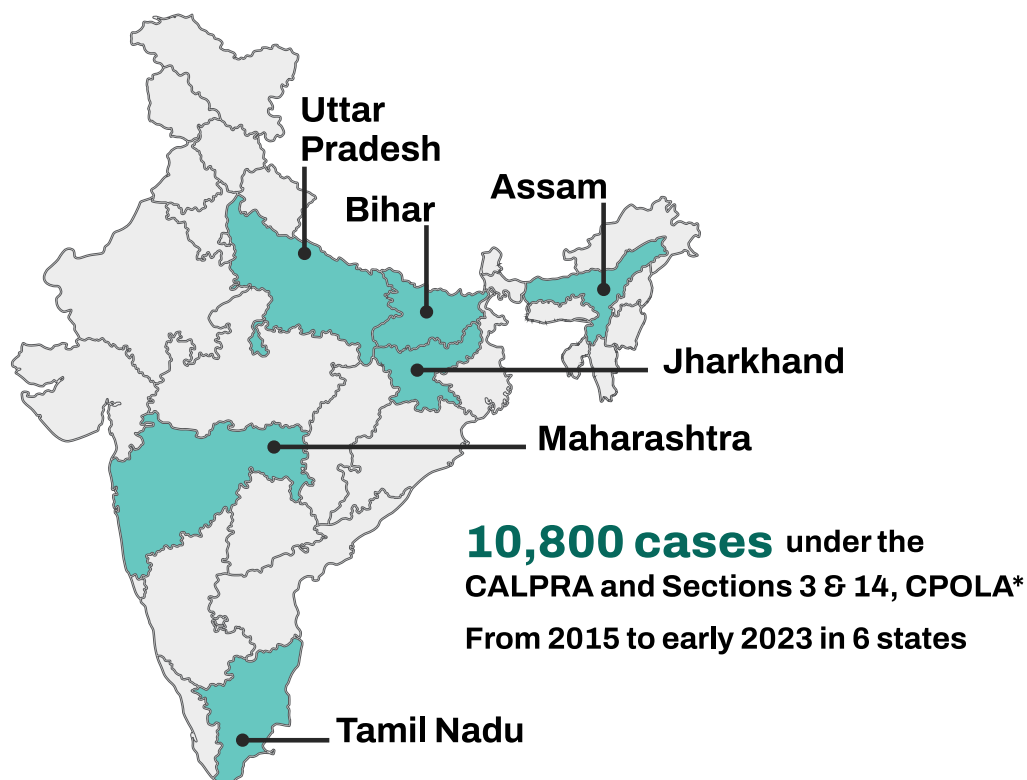
FIR Details

Police Station	NORTH LAKHIMPUR
FIR Number	148
Year	2021

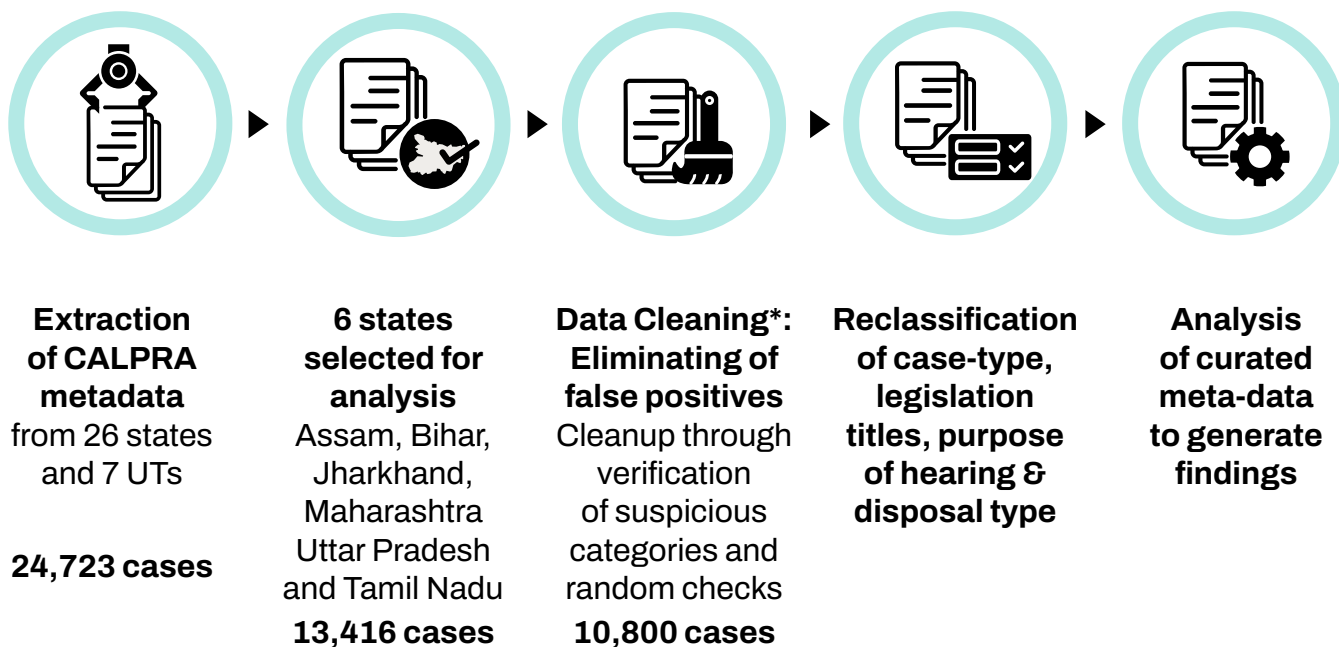
Case History

Judge	Business on Date	Hearing Date	Purpose of Hearing
Sub Divisional Judicial Magistrate	06-02-2023	18-04-2023	Appearance

About the CALPRA dataset



Methodology



*Cases that did not reference the CALPRA but referenced Child Pledging of Labour Act, 1933 (CPOLA) and mentioned relevant sections corresponding to the CALPRA (Section 3, 3A and 14) were retained.

Categorisation of non-standardised entries in eCourts

The entries into eCourts under many fields are entered as free text which makes data analysis tedious, time consuming, and for some variables limiting. As some data fields had multiple unique entries and different ways in which information was entered, a comprehensive re-classification exercise had to be undertaken for entries under case-type, disposal type, outcome, purpose of hearing, and legislation name. For access to the complete dataset of metadata, judgments, and reclassified variables, please scan the QR code or visit <https://justicehub.in/dataset/analysis-calpra-2015-2023>. An explanation of the categories for case-type, judge designation and purpose of hearing can be found in [Annexure B](#). An overview is represented in the table below.



Metadata Fields analysed						
Case type	Legislations "Under Acts"	Judge designation	Nature of Disposal		Purpose of Hearing	
			Criminal Trials	Bails and Anticipatory Bails	Disposed Criminal Trials	Pending Criminal Trials
294 uniques Case types	161 unique entries	1249 unique designations	165 unique outcomes	41 unique outcomes	302 unique purpose of hearing	207 unique latest purpose of hearing
4 Categories	88 standardised legislations names	6 Categories	7 Categories	3 Categories	7 Categories	
Criminal Trials Appeals and Revisions Criminal Misc Unclear/ unknown	For e.g. all variations of POCSO Act were standardised to 'Protection of Children from Sexual Offences Act, 2012"	Judicial Magistrate of the Second class Judicial Magistrate of the First Class Chief Judicial Magistrate Sessions Judge (including Additional Sessions Judge) Assistant Sessions Judge Civil Judge	Acquittal Conviction Committal Conciliation/ Compromise Pending Transfer Others (Abated, Absconded, Allowed, Discharged, Dismissal, Disposed, Miscellaneous, Sec.258 Cr.P.C., Stopped, Untraced)	Bail Granted Bail Rejected Others (Dismissal, Withdrawn, Disposed, Contested, Transfer, absolute)	Preliminary Trial Procedures Appearances, Summons and Warrants Statement of Accused and Evidence Arguments Others Orders/Judgment Not Clear/Not Available	

Challenges & Limitations

1. Several errors in data entry across variables were noticed resulting in the possibility of erroneous data within the datasets for analysis.
2. During data cleaning to eliminate false positives (i.e., not an actual CALPRA case), several cases with the CALPRA indicated under the “Act” field on eCourts were found to not be CALPRA cases when verified against the judgment copy. While attempts were made to identify and eliminate erroneous cases, it is possible that the dataset contains false positives.
3. It is also possible that there are more cases under the CALPRA, within the selected time period for the said states that have not featured in the dataset. This could be because of gaps in data entry where the metadata does not reflect the CALPRA.
4. Lack of uniformity in data-entry: Though the main fields (case-type, Act, Section, court name, judge name, purpose of hearing, etc) are the same across the country and fixed in the eCourts pages, the entries for these fields are in free form and vary across and within States and across court complexes. Certain entries had local connotations, or were abbreviations or incomplete entries making data unclear. For instance, there were incomprehensible case-types like “C-7”, “C.t. ”, “C.g. ”, and “C2(cia)”. The non-standardised entries resulted in the need for carrying out a comprehensive data cleaning exercise to re-classify the entries, and in respect of indecipherable entries, resulted in data gaps.
5. Multiple CNRs for a single matter: When cases are transferred from one court to another, a fresh CNR is assigned to the case in the new forum without linking it to the previous proceeding. In the previous forum, eCourts records consider the case disposed of even while it continues in the next forum. Therefore, the total number of cases extracted from the metadata cannot be interpreted to mean that each case represents a unique complaint of a violation of child labour laws. The possibility of multiple CNRs arising from one complaint exists.

1. Profile of Cases

Where in eCourts is this data taken from?

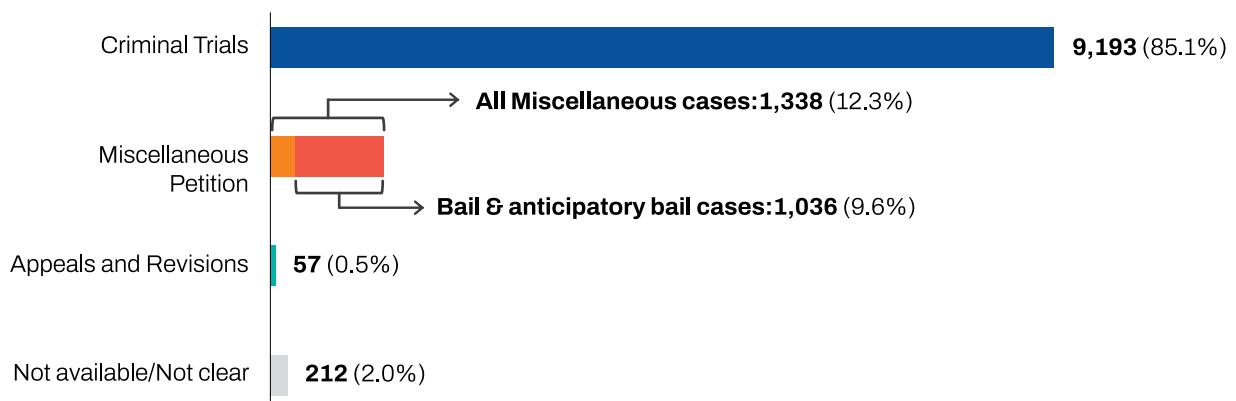
CJM establishment Case Status

Case Type	PRC - POLICE REPORT CASES		
Filing Number	5380/2022	Filing Date	14-12-2022
Registration Number	2023/2022	Registration Date:	14-12-2022
CNR Number	ASLK030053962022	(Note the CNR number for future reference)	View QR Code/Cause Title

1.1. Profile of cases by case-type

Considering that *Crime in India* does not provide an aggregate of all cases registered under the CALPRA,²⁰ the extraction and analysis of the metadata has rendered it possible to gauge the total number of prosecutions under the CALPRA, and the disaggregation of cases under case-types. Of the 10,800 case records under the CALPRA, the majority, i.e., 9,193 cases (85.1%) constituted criminal trials, followed by 1,036 cases (9.6%) of bail and anticipatory bail. The total number of criminal trials serve as a key indicator of the use of the CALPRA to address child labour. [See Annexure B for “Categories for Case-Type”](#).

Profile of cases by case-type



Data on the CALPRA cases/incidences for 6 states between 2015 and 2022

NCRB	Court Registry Metadata ²¹	
1,329 incidences under the CALPRA	9,193 - Criminal Trials in metadata which mention the CALPRA.	7,792 Criminal Trials in metadata which mention <i>only</i> the CALPRA and no other legislation.

There is a vast difference between the “number of incidences/cases” as per NCRB and the number of court cases registered in the same time period. The principle offence rule, as per which only the most severe offence is counted under the NCRB, partially explains the variation between the NCRB data and the court registry metadata. However, the number of criminal trials where *only* the CALPRA was applied in the court registry metadata was 7,792, which is significantly higher than the 1,329 incidents reported as per NCRB

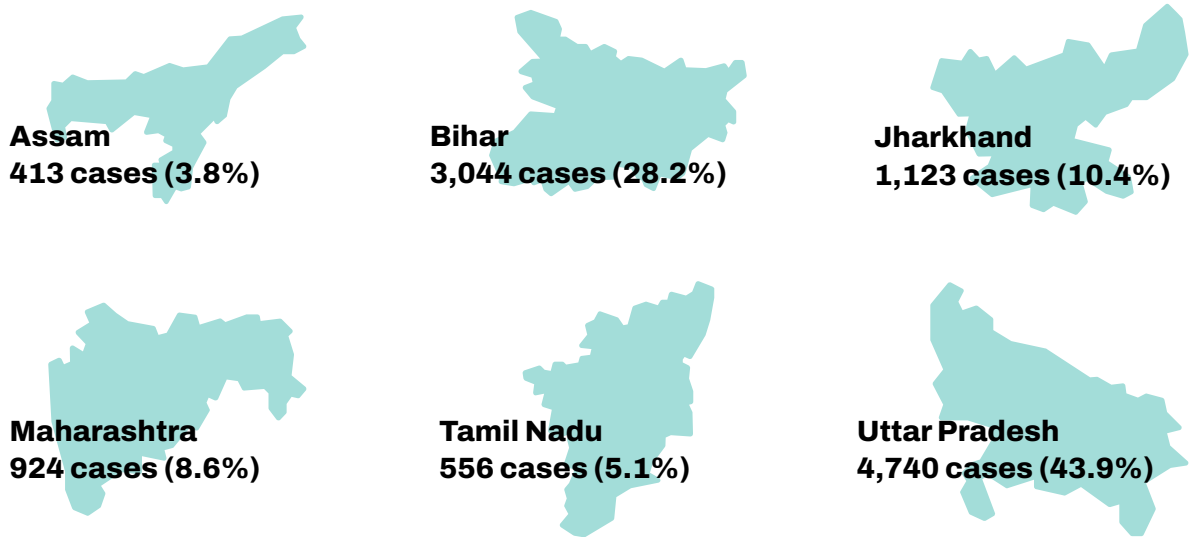
²⁰ This is due to NCRB following the “Principal Offence Rule” which dictates that if a criminal incident involves several offences, only the crime with the most severe punishment is counted for official statistics.

²¹ In the metadata, more than one case in court can arise out of a single incidence reported in NCRB statistics if the criminal trial is transferred from one court to the other in some cases.

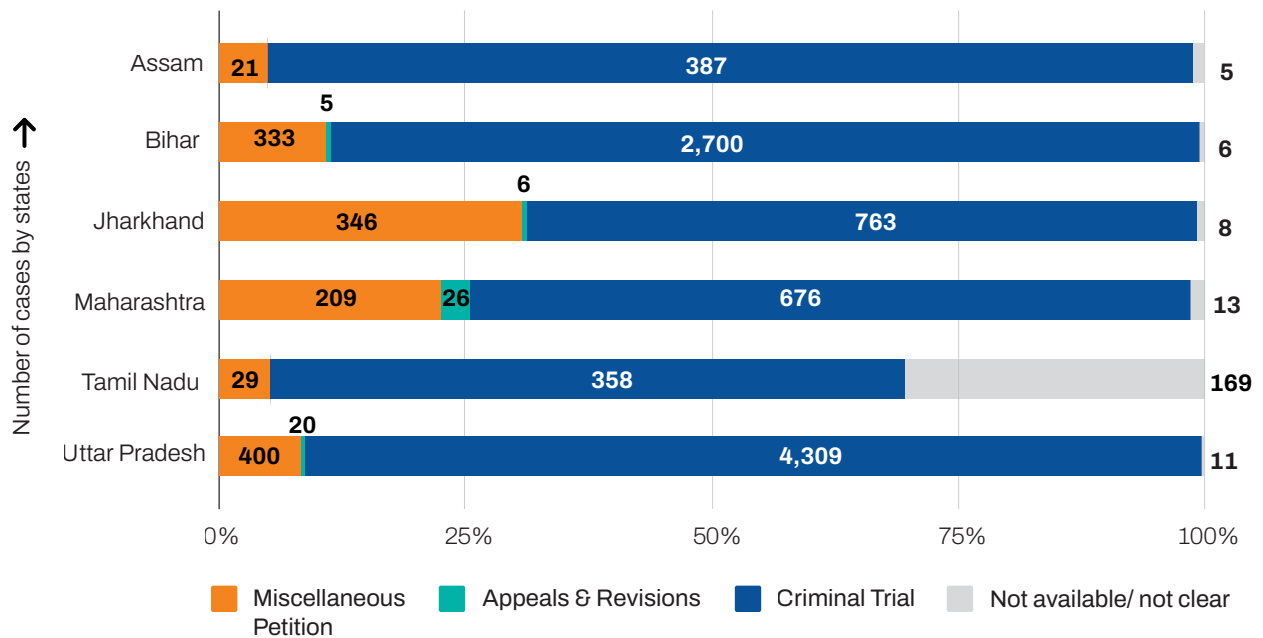
for the same time period. Since the principal offence rule applies only to cases with more than one offence and/or legislation, it is not evident why the number of criminal trials with *only* provisions under the CALPRA is not reflected in the NCRB data.

1.2. State & District wise distribution of cases

Cases disaggregated by States

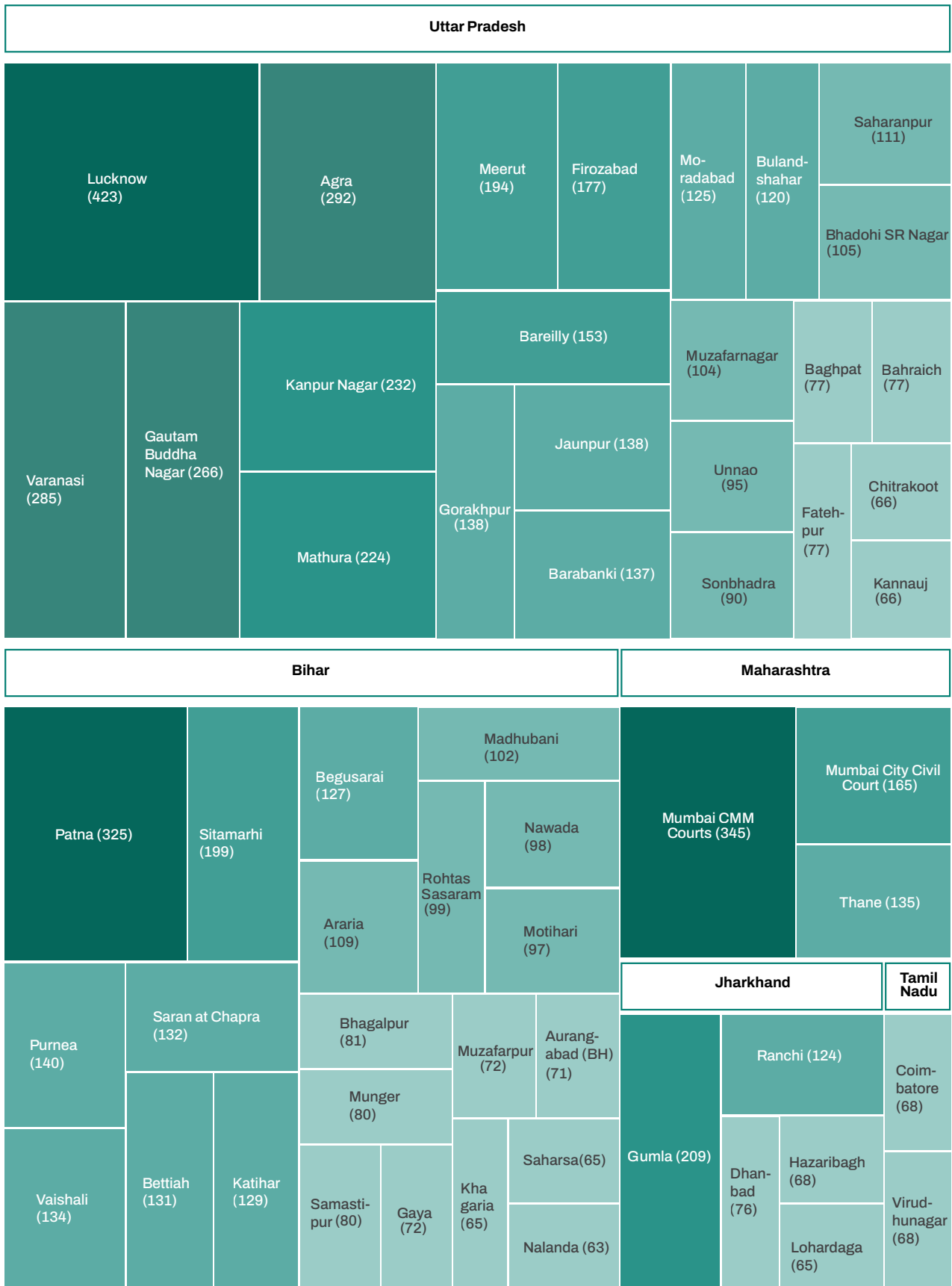


Cases disaggregated by States and case-type



As per the metadata, Uttar Pradesh had the highest number of criminal trials under the CALPRA, i.e., 4,309 cases followed by Bihar which had 2,700 cases. These numbers were significantly higher than NCRB *Crime in India* data which reported only 52 incidents in Uttar Pradesh and 46 in Bihar between 2015 and 2021.

Districts contributing to top 70% of the caseload in the 6 states



Metadata has the potential to facilitate intra-state and inter-state comparisons and aid the identification of districts with high caseloads as is evident from the chart above that maps the district-wise distribution of the top 70% of districts with highest number of cases. The districts have been spatially represented based on the magnitude of the number of cases.

2. Charges

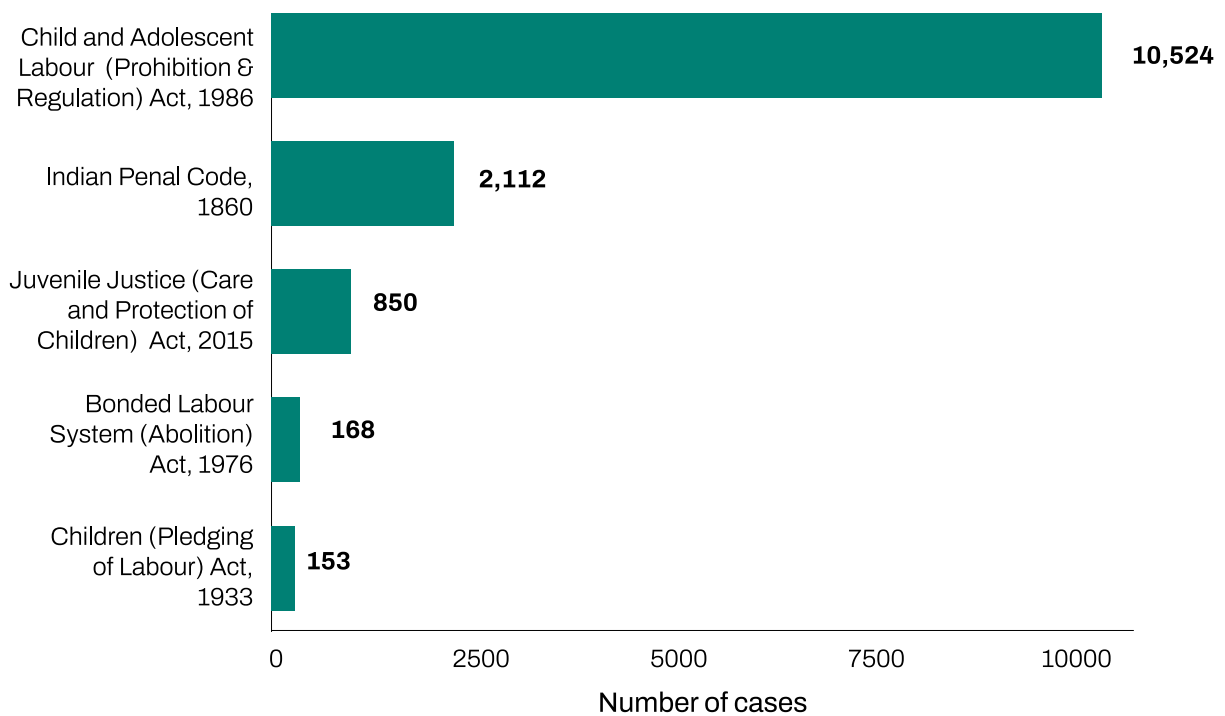
Where in eCourts is this data taken from?

Acts	
Under Act(s)	Under Section(s)
Child Labour (Prohibition and Regulation) Act	14
Juvenile Justice (Care and Protection of Children) Act	75

Metadata provides disaggregated data on offences that are applied in CALPRA cases. An analysis of the charges was undertaken to identify the specific provisions under the CALPRA that were invoked and their interplay with other legislations.

2.1. Interplay of the CALPRA with other Legislations

Top 5 legislations invoked



**Note that several cases have charges under multiple legislations*

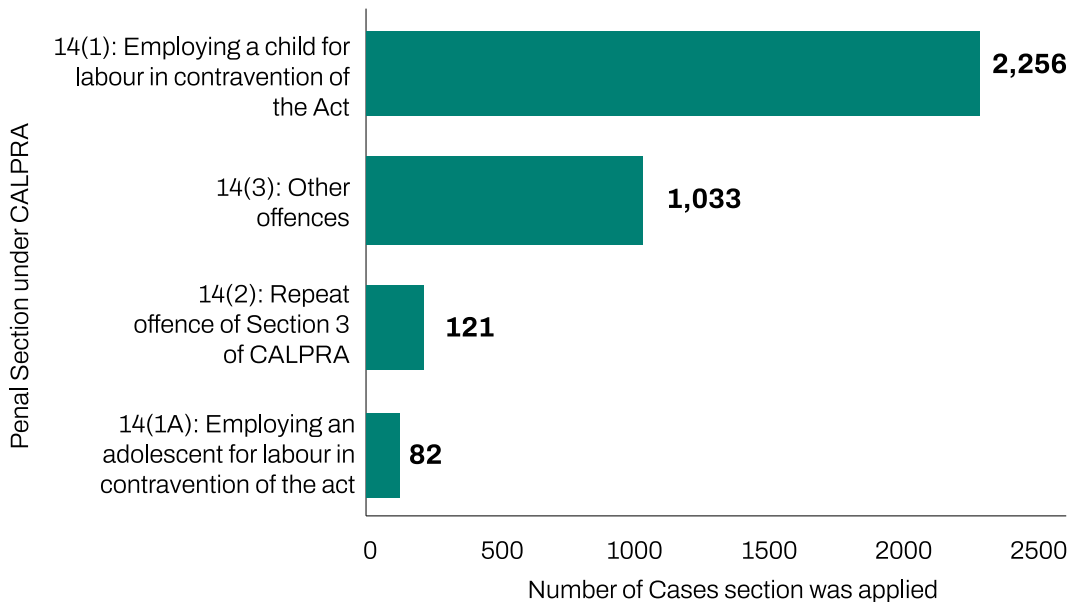
Of the 10,800 cases, 8,435 cases had charges exclusively under the CALPRA and in 2,365 cases, there were charges under other legislations as well. While the IPC and the JJ Act, 2015 were the most predominantly used legislations in combination with the CALPRA, a number of other legislations were also invoked. In some cases, no logical connection could be drawn between child labour and the additional legislations such as the Indian Christian Marriage Act, 1872, the Unlawful Activities (Prevention) Act, 1967, the Dowry Prohibition Act, 1961, the Epidemic Diseases Act, 1897, the Indian Forest Act, 1927, and the Information Technology Act, 2000. This requires further examination and these entries hint towards the possibility of erroneous data entry.

Other relevant legislations included the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 in 91 cases, the Protection of Children from Sexual Offences Act, 2012 in 42 cases, the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 in 42 cases and the Immoral Traffic (Prevention) Act, 1956 in 27 cases.

References were also found to the Child (Pledging of Labour) Act, 1933 (CPOLA), which was repealed in 2016. It had references to Sections 3, 3A, and 14A, provisions that are not relevant to offences under CPOLA or non-existent, in CPOLA but which correspond to offences under CALPRA. This points to a strong possibility that these cases were under CALPRA, but were mistakenly tagged under CPOLA.

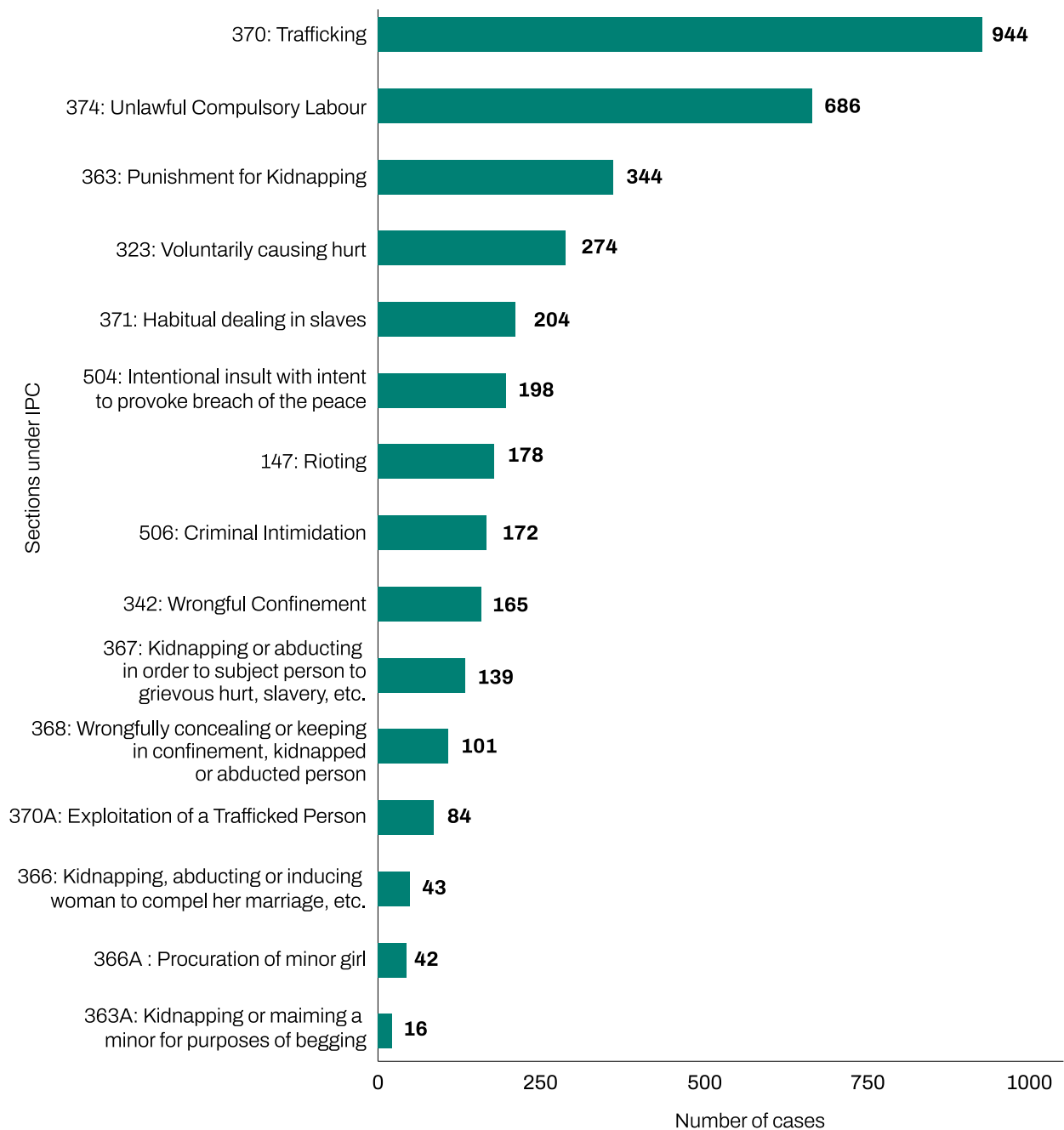
2.2. Disaggregated data on offences under the CALPRA and other legislations

Provisions invoked under the CALPRA



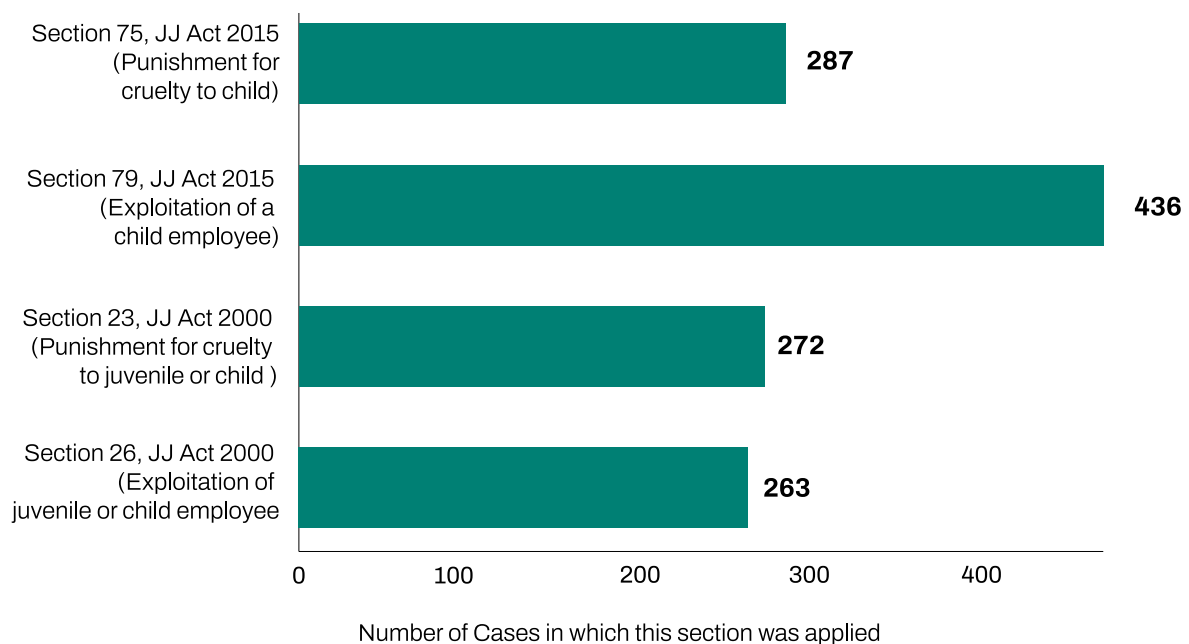
**There were 224 variations in how subsections under the CALPRA were written under Section 14 (e.g., Section 14(1) of the CALPRA as “14-1”, “14(1)”, “14 1”, etc.). Due to constraints imposed by the manner in which data was presented on the eCourts platform, only the top 96-98 percentile of data (ranked by occurrence frequency) were categorised under specific subsections. For e.g. since the variation “14{1}” was mentioned in only two cases in the dataset, those cases were excluded from the analysis as there were multiple such variations which was not feasible to clean.*

Provisions invoked under the CALPRA: Section 14(1) pertaining to the employment of a child for labour in contravention of the CALPRA was the most invoked provision followed by Section 14(3) which relates to contravention of other provisions of the Act. Section 14(1A) relating to the employment of an adolescent in violation of the CALPRA was applied in only 82 cases. Please see [Annexure A for more details](#).

Provisions invoked under the IPC

The use of Section 370 and Section 370A of the IPC indicates child labour cases arising from trafficking of minors for labour. Movement of children for labour is also made out from the presence of provisions pertaining to kidnapping or abducting in order to subject a person to grievous hurt, slavery, etc.

Provisions invoked under the JJ Act, 2015 and the JJ Act, 2000



3. Forum

Where in eCourts is this data taken from?

Case Status	
First Hearing Date	06th February 2023
Next Hearing Date	31st May 2024
Nature of Disposal	Uncontested-ACQUITTED
Case Stage	Evidence
Court Number and Judge	6-Sub Divisional Judicial Magistrate

Courts that try offences under the CALPRA

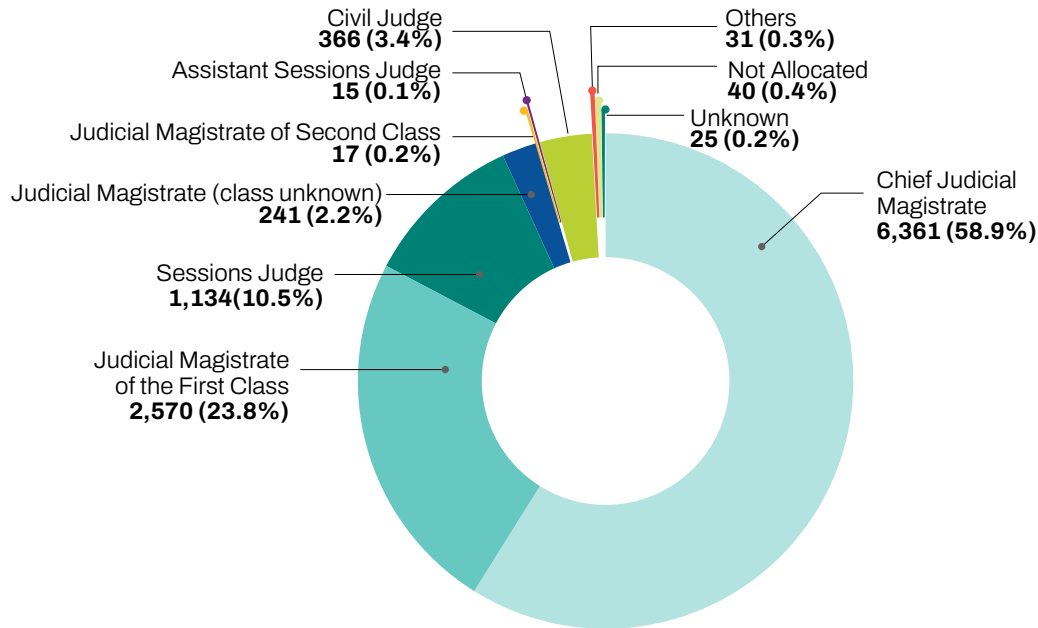
Section 16(3) of the CALPRA, provides: “No court inferior to that of a Metropolitan Magistrate or a Magistrate of the first class shall try any offence under this Act.” Further, Section 25 of the Commissions for Protection of Child Rights Act, 2005 (CPCR Act) envisages the designation of a Court of Session in each district as a Children’s Court for speedy trial of offences against children or of violation of child rights.

However, cases can include charges under other legislations along with the CALPRA. Offences under the IPC can be tried by different courts, depending on the punishment prescribed. Where the accused is charged under multiple laws, the jurisdiction will be determined by the offence carrying the highest punishment under the applicable law. For instance, where an accused person is charged under both the CALPRA and the POCSO Act, in accordance with Section 28(1) of the POCSO Act, the case will be tried by a Sessions Court designated as a Special Court or notified as a Children’s Court.²² If the IPC provisions are added along with the CALPRA, the forum for the trial will be based on Schedule I, Code of Criminal Procedure, 1973.²³

Thus, offences under the CALPRA can be tried by a Metropolitan Magistrate or Magistrate of the First Class, a Sessions Court designated as ‘Children’s Courts’ under the CPCR Act, or a Special Court under the POCSO Act, depending upon the charges present in each case.

²² See Section 28 of the Protection of Children from Sexual Offences Act, 2012.

²³ This is now replaced by Schedule I of the Bharatiya Nagarik Suraksha Sanhita, 2023

Designation of the Judge adjudicating cases of Child Labour (n=10,800)

- **Majority of the cases were before a Chief Judicial Magistrate, i.e., 6,361 cases (58.9%).**
- 2,570 cases (**23.8%**) were heard by a **Judicial Magistrate of the First Class** or a judge of equivalent power such as a Metropolitan Magistrate and a Sub-divisional Judicial Magistrate. These judges constitute the lowest court having powers to hear a case under the CALPRA.
- 1,134 cases (10.5%) were filed before Sessions Judges or Judges with equivalent powers.²⁴
 - Of these, 45 are appeals implying that the trial itself was in a lower forum.
 - Of the remaining, 413 constituted criminal trials. 281 cases (68%) had charges under other legislations in addition to the CALPRA charges. This may explain why these matters were being heard by a Sessions Judge instead of a Judicial Magistrate. For the remaining 132 criminal trials metadata did not indicate any charges other than the CALPRA, and no reason was discernible as to why these were heard by Sessions Judges.
 - 618 cases constituted bail (regular and anticipatory), 41 were miscellaneous applications and in 17 cases, the case-type was unclear.
 - Trials by Children's Courts were rare and seen in only eight cases from Saran in Chapra district of Bihar. It is possible that the Sessions Courts mentioned above may be functioning as Children's Courts, but this is not captured in the metadata.
- The metadata indicated that a small number of cases were being heard by civil judges. These entries suggest errors in data entry or incomplete designations being entered onto the eCourts platform.
- A small number of cases (17 cases) were being heard by a Judicial Magistrate Second Class (JMSC) in contravention of Section 16(3) of the Act. A perusal of some of the cases suggest a misallocation as a few of them were initially assigned to a superior judge but later transferred to a JMSC.

For a list of categories of judges and their powers, refer to [Annexure B: Explanations of Categories](#).

²⁴ These judges included Additional Sessions Judges, Designated District and Sessions Judges including Additional District and Sessions Judges, Sessions Judges designated as Special Judges under special laws or as Children's Courts under the Commissions for Protection of Child Rights Act, 2005, Fast Track Courts, Mahila Courts, Fast Track Mahila Courts and Fast Track Special Courts. Sessions Judges can pass any sentence and fine prescribed under law. A death sentence passed by these judges is required to be confirmed by a High Court. See Code of Criminal Procedure 1973, s. 28(2).

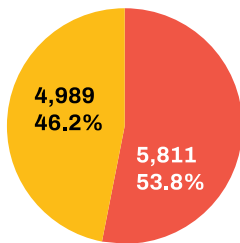
4. Case Status & Duration of Pendency

Where in eCourts is this data taken from?

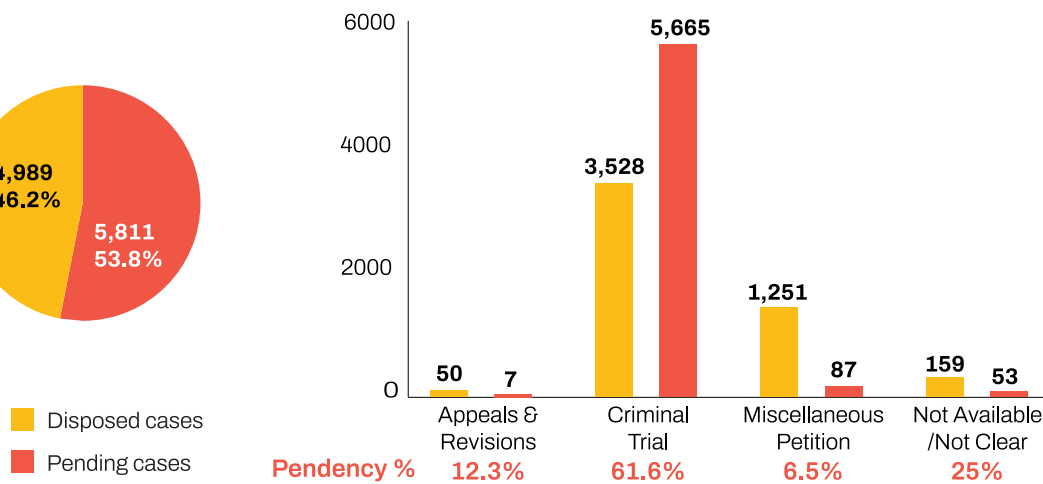
Case Status	
First Hearing Date	09th February 2022
Decision Date	09th September 2022
Case Status	Case disposed
Nature of Disposal	Uncontested--TRANSFERED
Court Number and Judge	4-Judicial Magistrate First Class I

4.1. Case Status of the CALPRA Cases

Overall disposal status



Disposal status by Case-type

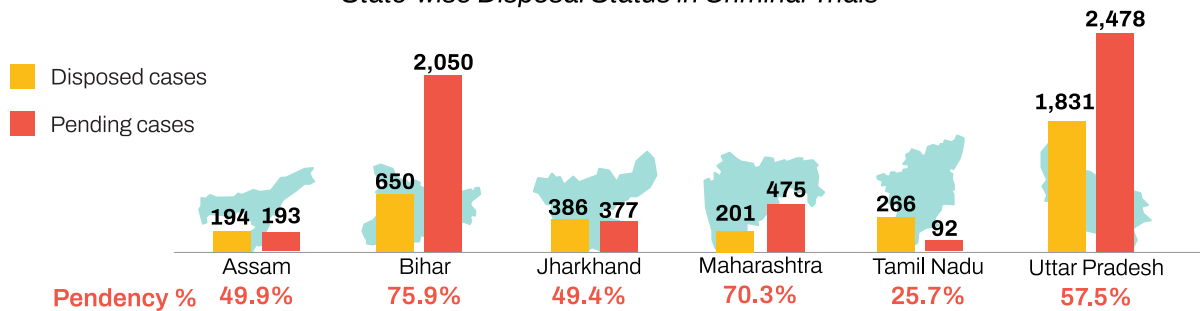


Over half the CALPRA cases in the dataset were pending as of early 2023. The proportion of pending cases (pendency rate) was highest in criminal trials while the proportion of pending cases was lower in miscellaneous cases and appeals. This is expected considering that criminal trials entail framing of charges and recording of evidence, among other procedural steps, and thus take longer for disposal.

4.2. State-wise pendency of Criminal Trials under the CALPRA

The term “pendency” in this report refers to the number of pending cases.

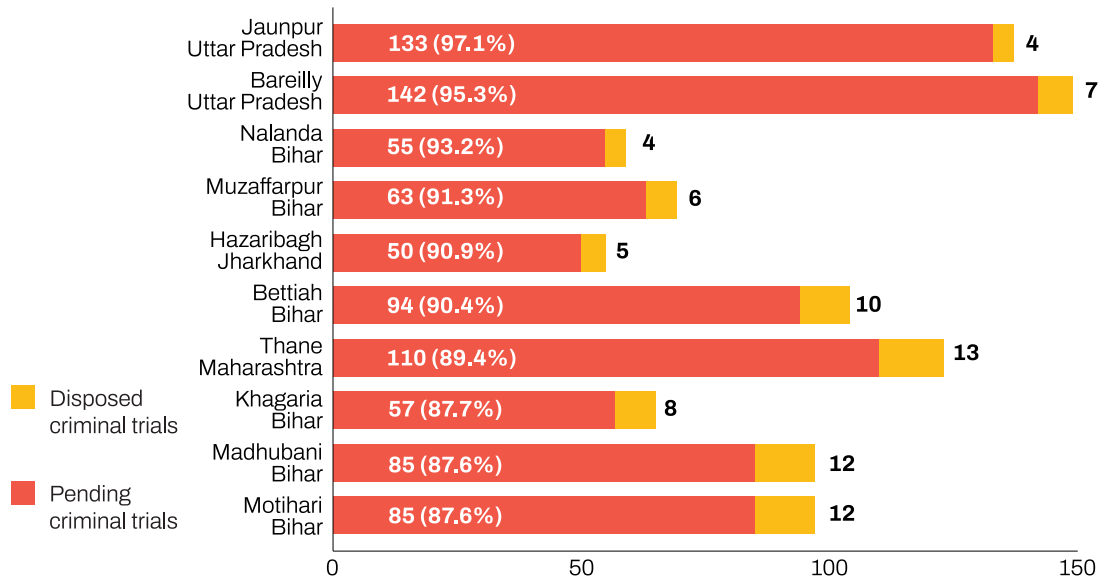
State-wise Disposal Status in Criminal Trials



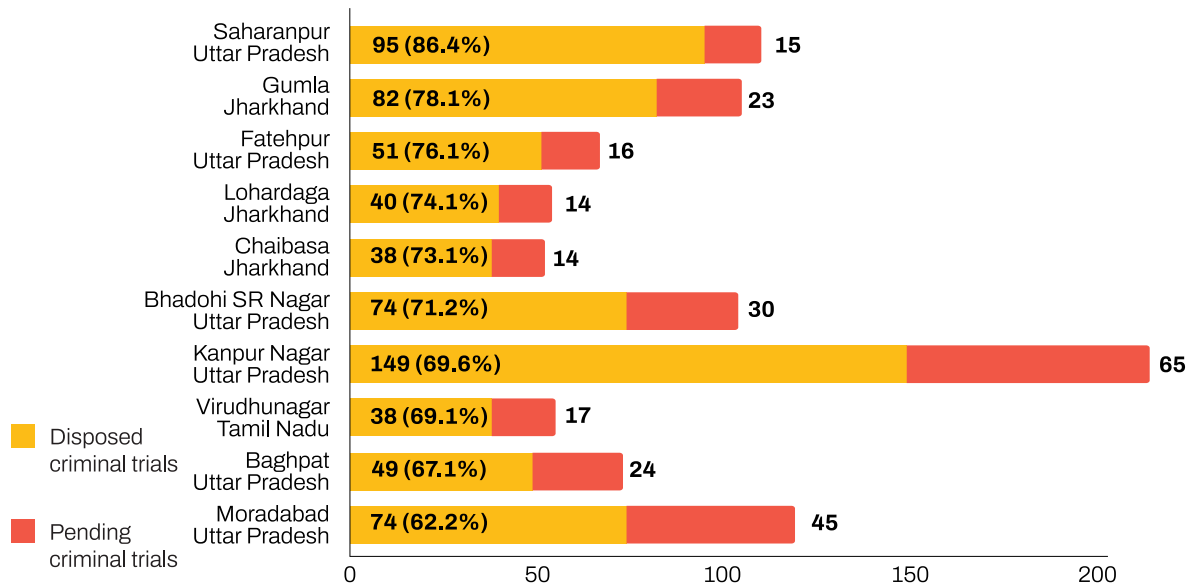
The number of pending cases in Jharkhand, Maharashtra, Bihar, and Uttar Pradesh were higher than the number of disposed cases. In Bihar, the number of pending cases was three times more than the number of disposed cases.

Metadata analysis has helped track the trends in state and district-wise disposal and pendency. This can further aid in identifying regions with high bottlenecks and enable re-assessment of case allocations, and available resources. This data can supplement qualitative inquiries into factors in child labour cases that contribute towards pendency in particular states and districts so as to enable targeted interventions.

Districts with High Pendency in Criminal Trials



Districts with High Disposal in Criminal Trials

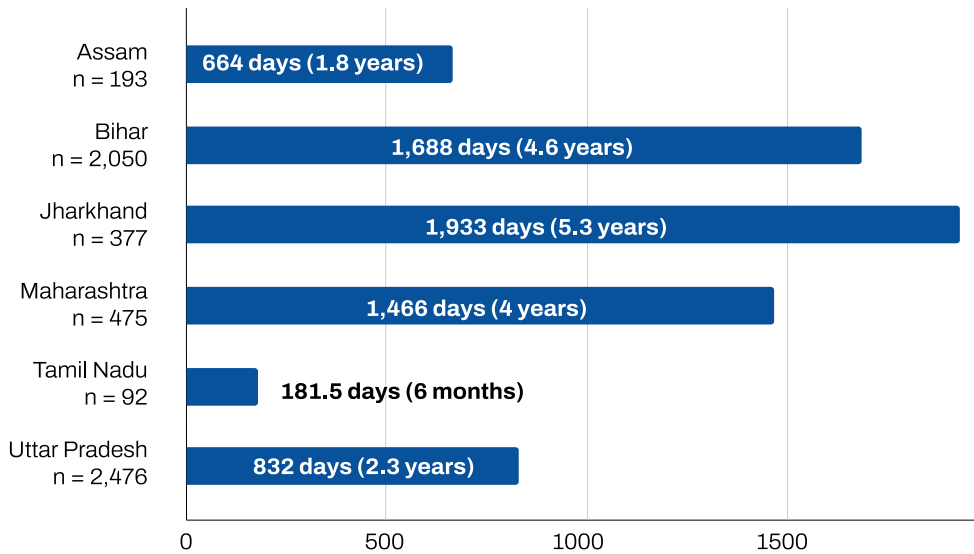


**To ensure fair comparison and avoid skewing the results due to districts with lower caseloads, only districts with more than 50 CALPRA cases filed during the select time period were considered.*

Six districts in Bihar feature in the list of districts with high pendency rate.

4.3. Duration of Pendency

State-wise Median duration of Pendency in Criminal Trials



The duration between the date of registration and the last date of data-scraping was calculated to arrive at the duration of pendency. **The pending cases were predominantly criminal trials and constituted 97.4% of all pending cases.**

Assam and Tamil Nadu have cases pending for comparatively lesser time, perhaps owing to the lower number of cases overall. Although Uttar Pradesh had the highest number of cases overall, including pending cases, the median duration of time was lower compared to Bihar, Jharkhand, and Maharashtra.

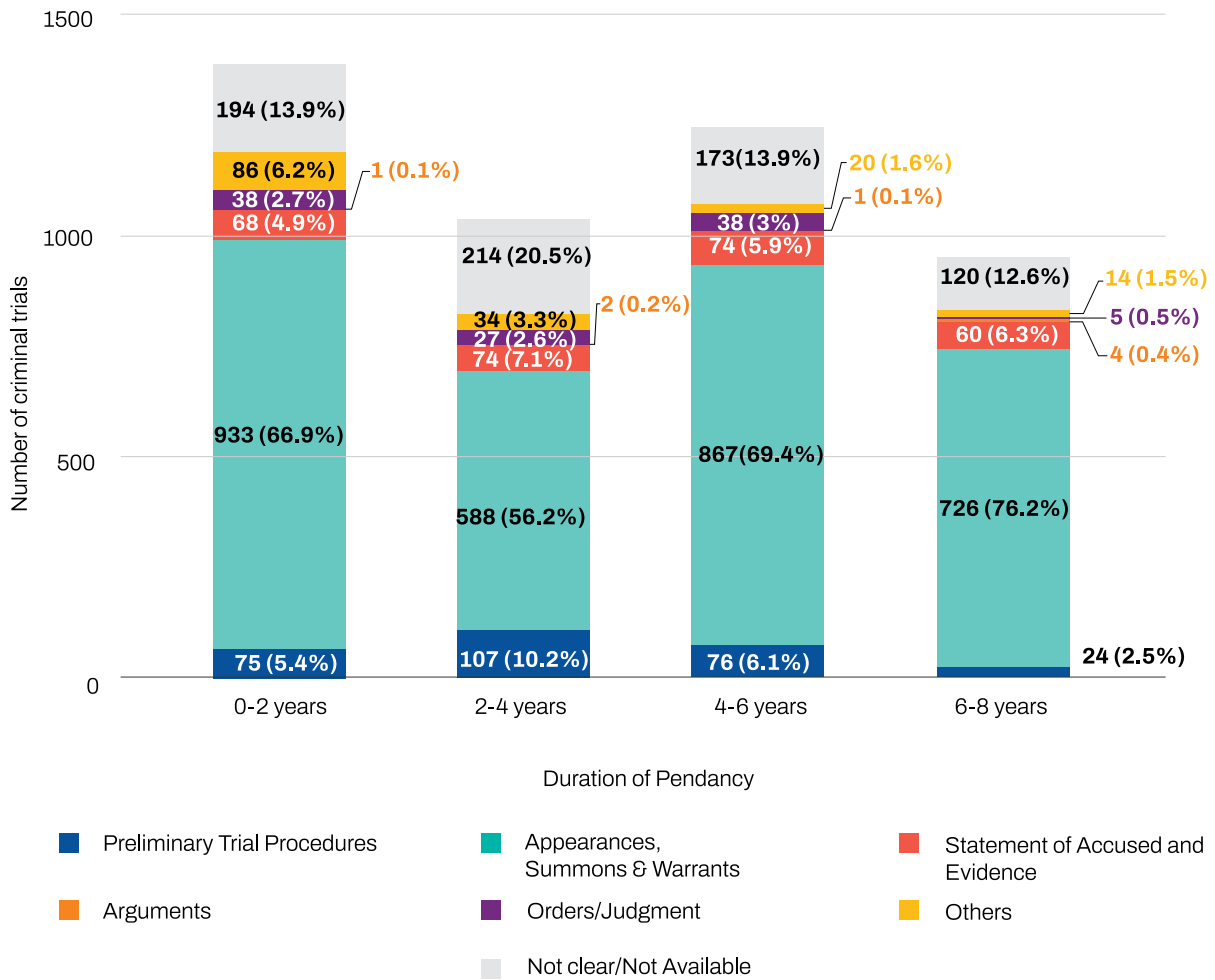
4.4. Pending Criminal Trials based on last “purpose of hearing”

Where in eCourts is this data taken from?

Case History

Judge	Business on Date	Hearing Date	Purpose of Hearing
Sub Divisional Judicial Magistrate	06-02-2023	18-04-2023	Appearance
Sub Divisional Judicial Magistrate	18-04-2023	11-07-2023	Appearance
Sub Divisional Judicial Magistrate	11-07-2023	27-09-2023	Appearance
Sub Divisional Judicial Magistrate	27-09-2023	25-10-2023	Appearance
Sub Divisional Judicial Magistrate	25-10-2023	29-12-2023	Copy
Sub Divisional Judicial Magistrate	29-12-2023	03-02-2024	Copy
Sub Divisional Judicial Magistrate	03-02-2024	22-02-2024	Consideration of Charge (C.C)
Sub Divisional Judicial Magistrate	22-02-2024	02-03-2024	Consideration of Charge (C.C)
Sub Divisional Judicial Magistrate	02-03-2024	12-04-2024	Evidence
Sub Divisional Judicial Magistrate	12-04-2024	31-05-2024	Evidence

Pending Criminal Trial Cases Disaggregated by Last Purpose of Hearing



Data on the last purpose of hearing and duration of pendency was available in respect of 4643 pending cases. The majority of cases, i.e., 3,114 (67.1%) were pending at the stage of “Appearances, Summons & Warrants”. This trend is also seen in criminal trials that were disposed of, where a majority of hearings, i.e. 40% of hearings were for “Appearances, Summons & Warrants”. Refer to [Section 6.6 “Number and purpose of hearings in disposed cases”](#) and [Annexure B for “Classifications for Purpose of Hearing”](#).

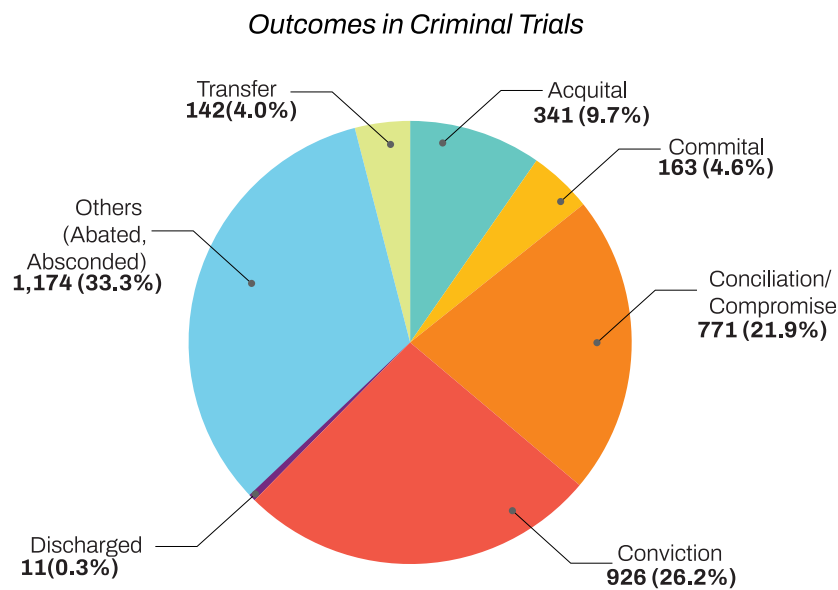
There were 207 cases still pending at the Preliminary Trial stage even after more than two years had passed since the registration of the case.

5. Nature of Outcomes

Where in eCourts is this data taken from?

Case Status	
First Hearing Date	23rd February 2015
Decision Date	08th November 2019
Case Status	Case disposed
Nature of Disposal	Uncontested--ACQUITTED
Court Number and Judge	29-Sub Judge-I-cum-ACJM-I

5.1. Outcomes in Criminal Trials



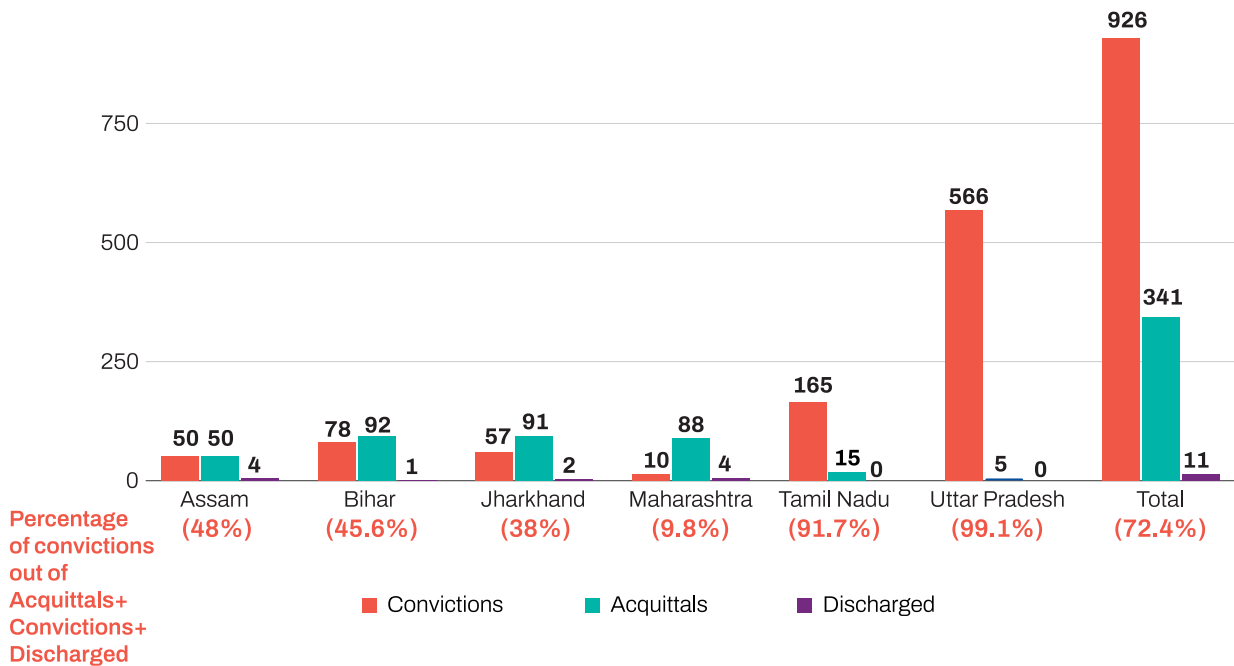
** “Others” includes entries indicating that the case has been abated, disposed, allowed, and several indecipherable entries; and “Conciliation/Compromise” includes settlement through Lok Adalat.*

While the above pie chart reflects the range of outcomes recorded in the metadata, to arrive at the rate of conviction in CALPRA cases, the total number of convictions was divided by the sum total of cases ending in convictions, acquittals, and discharges and multiplied by 100.²⁵ Based on this, convictions appear to be the norm and were recorded in 926 cases (72.4%) of the 1,278 cases that ended in conviction, acquittals, or discharge. While using these figures and rates, errors and gaps in data entry have to be factored in. For instance, in certain cases, a conviction or acquittal was recorded by the metadata entry as merely “disposed”. The actual conviction and acquittal rate may therefore be different and can only be ascertained with improved and standardised data-entry practices.

Data on sentencing was not available in the metadata fields. However, in the field “nature of outcome”, in 445 cases out of the 926 cases (48.1%) in which the accused was convicted, there was an express reference to the accused being fined. Additionally, in 116 cases (12.5%), there was an express reference to the accused pleading guilty. Other cases resulting in conviction could have involved the accused pleading guilty or the accused being fined, but the metadata does not expressly indicate this.

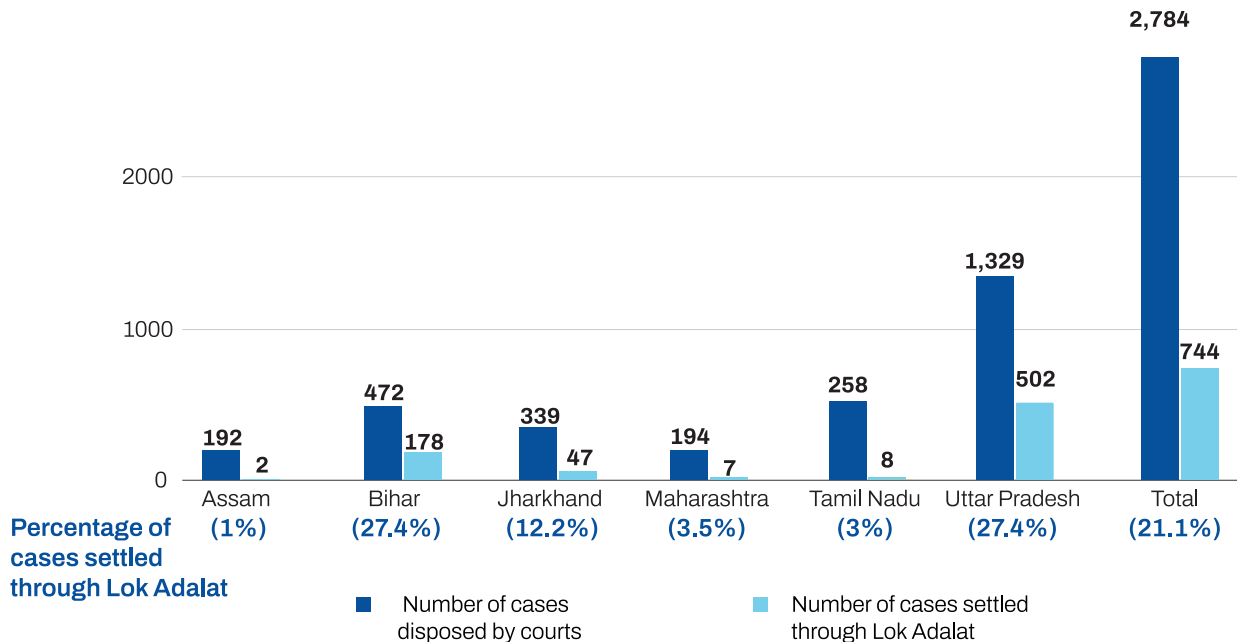
²⁵ This formula is also used by the NCRB to arrive at a conviction rate.

State-wise trends in Conviction in Criminal Trials



Uttar Pradesh showed an exceedingly high conviction rate of 99.1%, followed by 91.7% in Tamil Nadu. This calls for a deeper examination of the factors leading to convictions in these cases, such as victims' testimony, the proportion of cases in which the accused pleaded guilty, and legal representation in criminal trials.

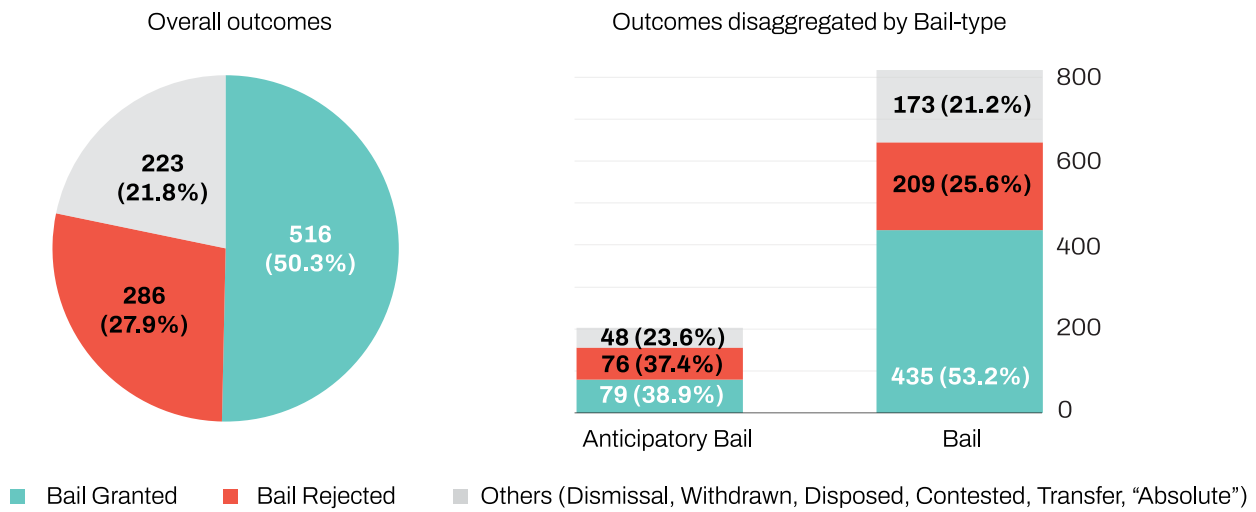
State-wise disposal of criminal trials under the CALPRA through Lok Adalat



A significant finding was the use of Lok Adalats for reaching settlements in the CALPRA cases, which was observed in 21.1% cases. However, the use of Lok Adalats was disparate across states. Uttar Pradesh and Bihar settled cases through Lok Adalats in 27.4% of criminal trials, followed by 12.2% cases in Jharkhand. In the remaining three States, this did not appear to be a preferred mode of settlement of child labour cases. While Lok Adalats may result in speedy disposal, it needs to be evaluated whether this mode of resolution is in the best interest of children and advances their rights.

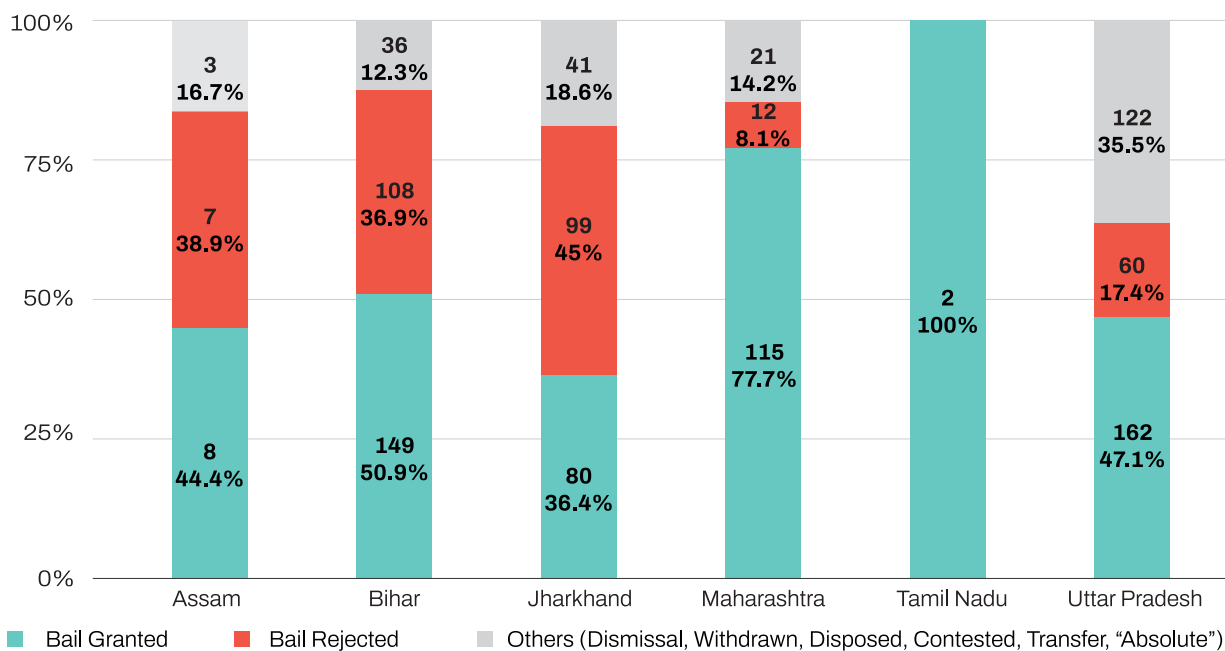
5.2 Outcomes in Bails & Anticipatory Bail cases

Outcomes in Bail and Anticipatory Bail cases



Bail was granted in 53.2% cases and anticipatory bail in 38.9% cases. The principle of “bail is the rule, jail is the exception”²⁶ appears to be followed to a moderate extent.²⁷ The grant of anticipatory bail was lower than regular bail

State-wise outcomes in Cases of Bail and Anticipatory Bail



State-wide trends indicated disparity, with only 36.4% of cases being granted bail in Jharkhand as compared to 77.4% of cases in Maharashtra. The Mumbai City Civil Court granted bail in 95 out of 104 (91.3%) applications. Factors such as socio-economic conditions and the prevalence of trafficking for labour could contribute to these disparities. Only two bail proceedings were found in Tamil Nadu in total, making it hard to discern trends in the state.

²⁶ This principle was evolved by the Supreme Court since the object of bail is neither punitive nor preventative, and therefore grant of bail in bailable offences is routine. This was stated by the Supreme Court in *State of Rajasthan, Jaipur v Balchand @ Baliay AIR [1977] SC 2447* and reiterated several times, for example in *Sanjay Chandra v CBI [2012] 1 SCC 40* and *Satendra Kumar Antil v CBI and another [2021] 10 SCC 773*.

²⁷ In 173 cases, the outcome is neither rejection nor grant of bail; or the outcome is unknown from the metadata.

6. Disposal Duration

Where in eCourts is this data taken from?

Case Status

Case Type	COMPLAINT CASEC.R. - COMPLAINT CASE C.R.		
Filing Number	158/2016	Filing Date	20-01-2016
Registration Number	153/2016	Registration Date:	20-01-2016
CNR Number	AS01060003782016	(Note the CNR number for future reference)	View QR Code/Cause Title

Case Status

First Hearing Date	21st January 2016
Decision Date	23rd December 2016
Case Status	Case disposed
Nature of Disposal	Uncontested--LOKADALAT
Court Number and Judge	5-S.D.J.M S 1

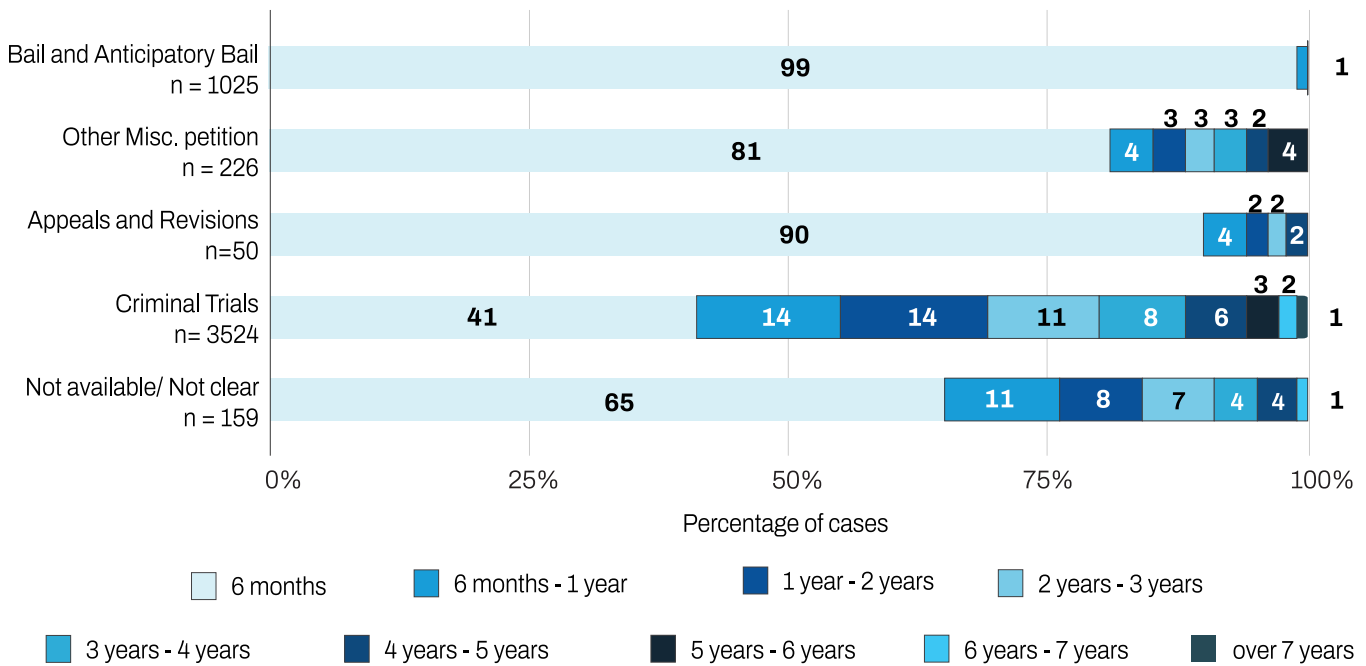
6.1. Case-type wise time taken for disposal

Case-type	Appeals & Revisions	Miscellaneous Petition		Criminal Trials	Not Available / Not Clear
		Bail and Anticipatory Bail	Other		
Total number of disposed cases for which data on time taken was available	n=50	n=1025	n=226	n= 3524	n=159
Average time taken	3 months 14 days	22 days	7 months 11 days	1 year 6 months 21 days	9 months 14 days
Standard deviation	9.7 months	39.4 days	17 months	1.7 years	15 months
Median time taken	18.5 days	11 days	1 day	9 months 22 days	2 months 18 days

Note : While average and median provide important insights about the duration of disposal, an important caveat is that the average and median aggregate all types of disposals, including transfer cases that might take comparatively less time to be disposed, thereby skewing the dataset in favour of faster disposals.

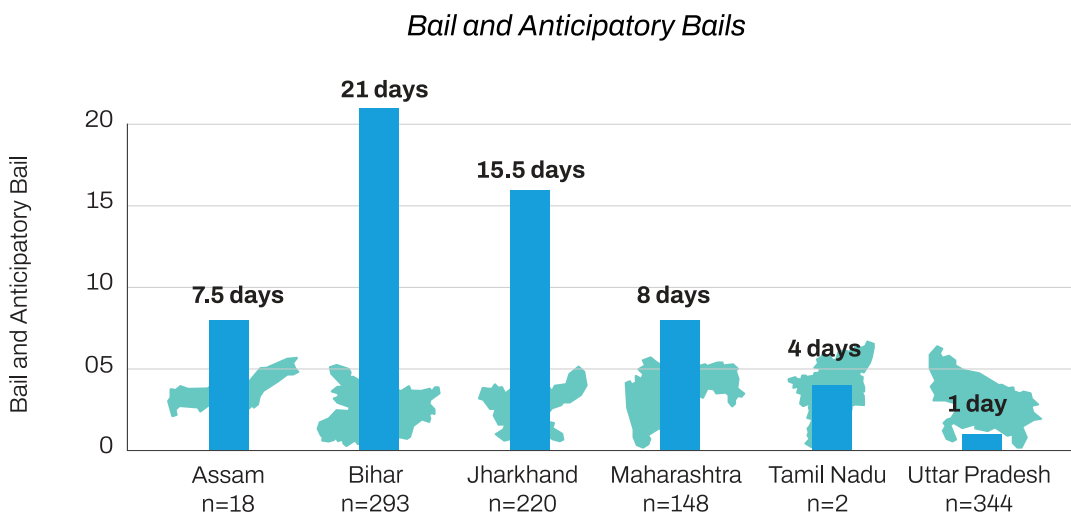
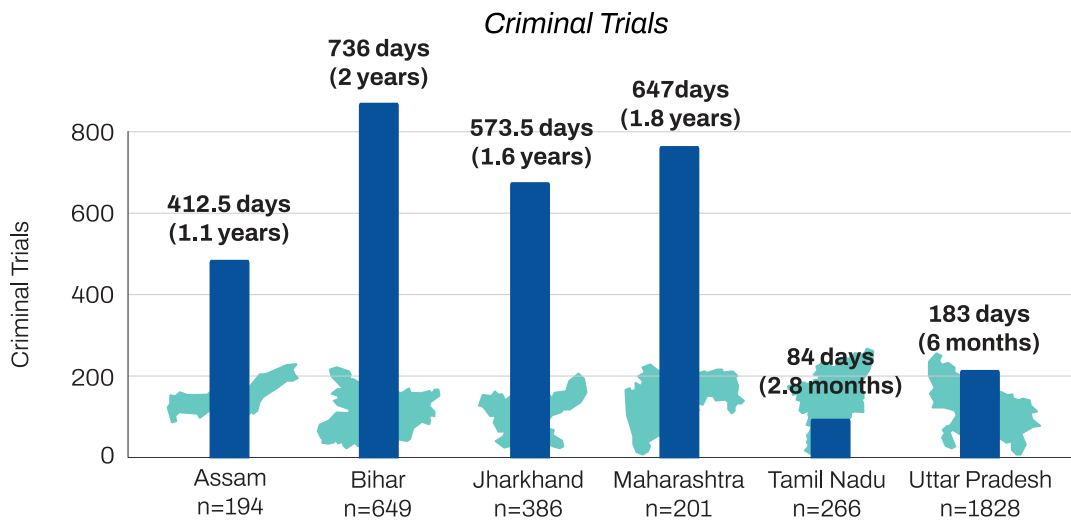
The table above provides average and median duration of disposal for each case-type. Note that the datasets' average is skewed by a few high extreme values, i.e. a few cases took very long to be disposed of. The average is seen to be higher than the median because of these extreme values, thus the median time is used as a measure for comparison through the report.

Case-type wise Time taken to Dispose of the case from Registration



Note: All values have been rounded off in this graph.

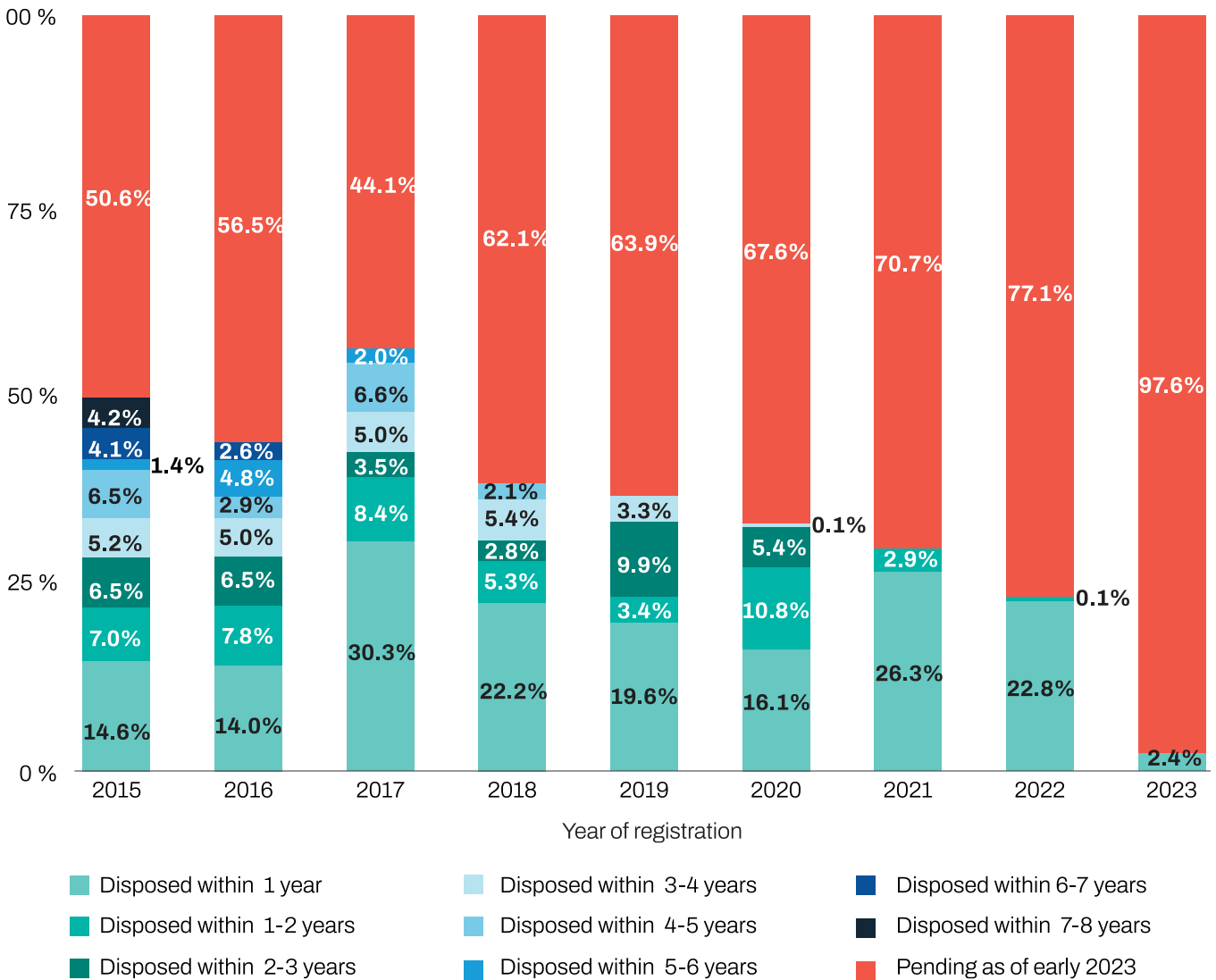
6.2. State-wise median time taken for disposal in criminal trials and bail matters



Tamil Nadu had the lowest median in time taken for the disposal of criminal trials. It is notable that Uttar Pradesh also had a low median duration of 183 days for criminal trials despite having the highest caseload. Tamil Nadu and Uttar Pradesh are also the top two states with the highest proportion of convictions. Further information is required to understand this trend, including the possible practice of pleading guilty for a reduced sentence and swifter disposal.

In matters of bail and anticipatory bail, Uttar Pradesh had the lowest median of just one day for the disposal, whereas Bihar had the highest median time for bail and anticipatory bail cases as well as criminal trials.

6.3. Duration for disposal time and pendency rate in criminal trials based on Registration Year

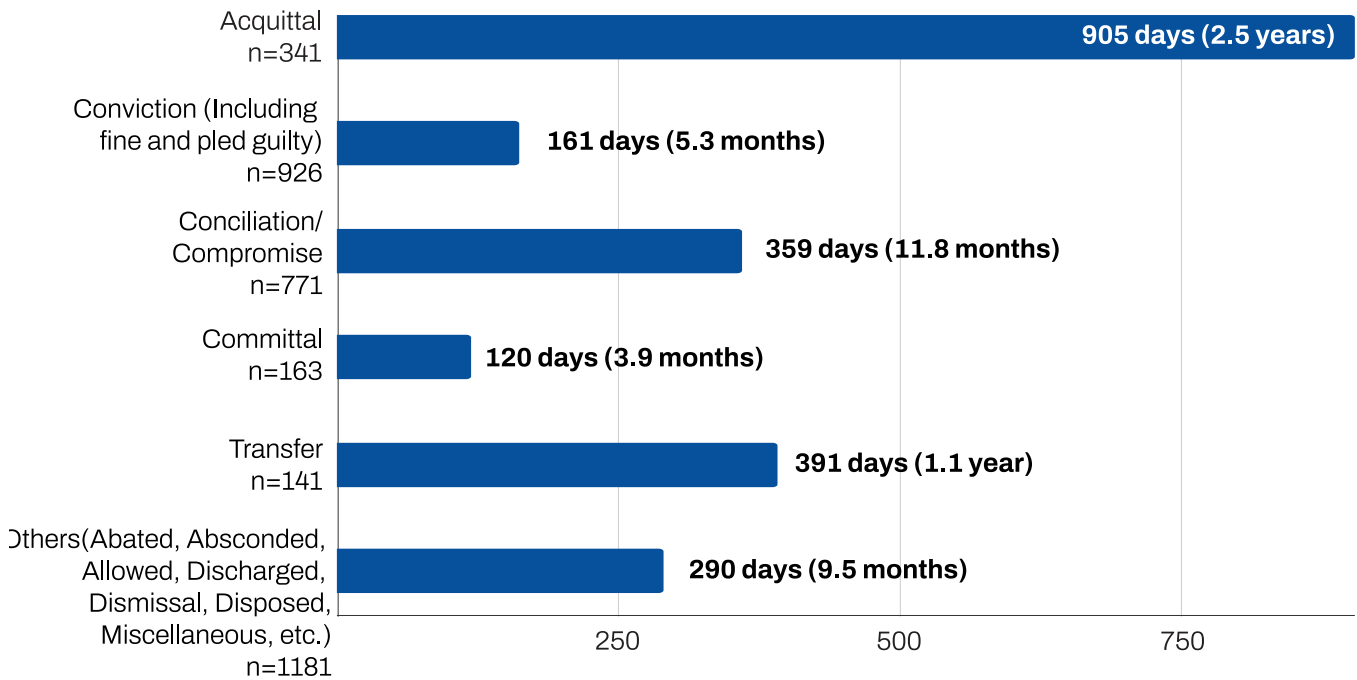


Note: The above graph is the status of cases as of early 2023, based on cases registered in the years specified in the x axis. Since the point of reference is early 2023, the pendency rates in the last few years are significantly higher.

A significant proportion were disposed within a year of their registration, but thereafter the disposal time increased, with a low number of cases being disposed of every passing year. For instance, 14.6% of cases registered in 2015 were disposed within one year, while in subsequent years only a small fraction of cases were disposed, and 50.6% of cases were pending even after seven years. Trends in the disposal of cases and cases pending beyond 4-5 years warrant a deeper inquiry into the factors responsible for such delays.

6.4 Time taken for disposal based on outcomes

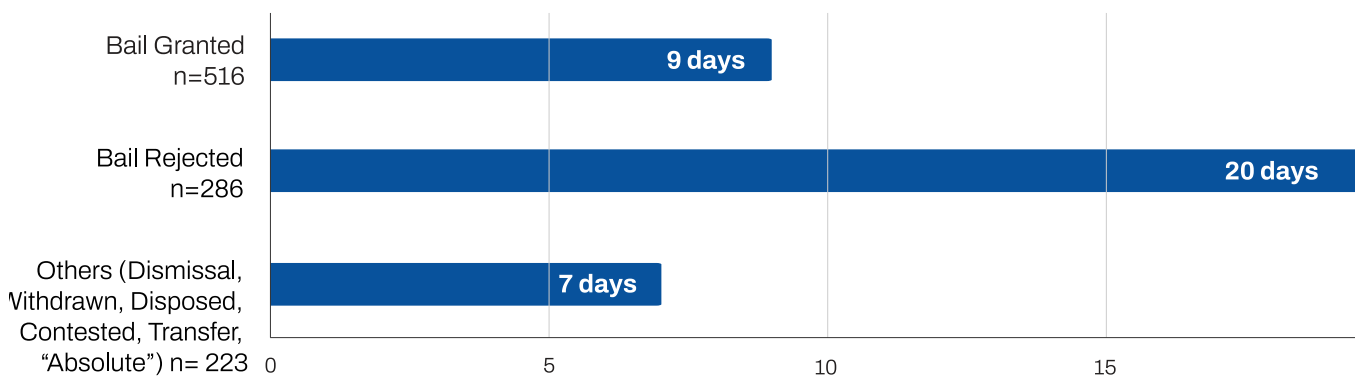
Median disposal time for Criminal Trials by Outcomes



Convictions had a significantly shorter median time than acquittals. This is possibly due to the accused pleading guilty and thus significantly reducing the time that will be taken to examine witnesses and consider evidence.

The prolonged disposal duration for acquittals prompts inquiry into the factors leading to delays as well as the impact of systemic delays on trial outcomes and the victim’s participation in the trial. In the absence of support systems and the lack of effective linkages to the child protection system, victims of child labour may be more vulnerable to pressure from the accused. Thus, securing victim testimony becomes challenging, which is also exacerbated by the migrant nature of labour, which leads to many children returning to their home state after the registration of the case. It is also likely that efforts to trace victims and secure their presence for recording of testimony delay disposals and may explain why a large number of hearings in the cases pertain to “Appearances and Summons”. Refer to [Section 6.6 “Number and Purpose of Hearings”](#).

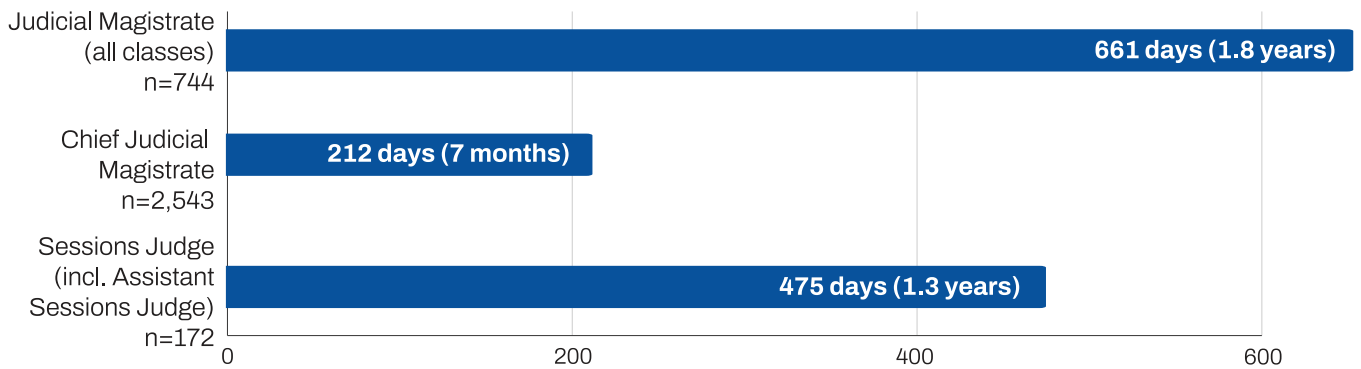
Median disposal time for Bail and Anticipatory bail by Outcomes



Where bail was granted, the median time was short at nine days in comparison to cases where bail was rejected, which took a median time of 20 days. This trend suggests that the court takes more time to consider a bail matter before rejecting it. This could perhaps be because of the complexity of cases, the serious nature of allegations, or other considerations before the court in rejecting a bail application.

6.5. Time taken for disposal based on Judge Designation

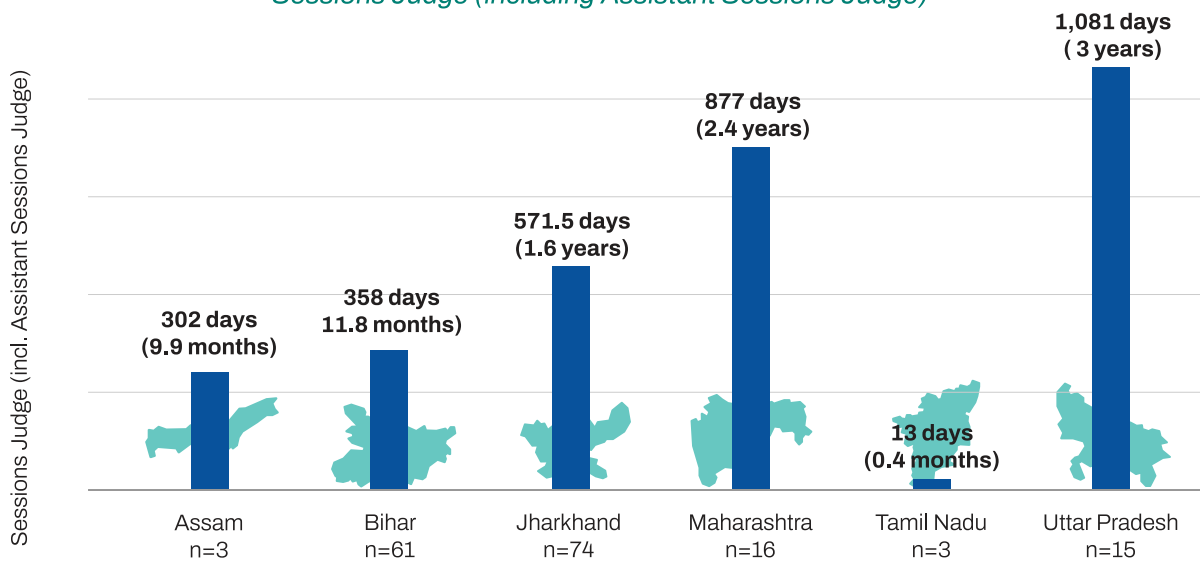
Median disposal time for Criminal Trials based on Judge Designation



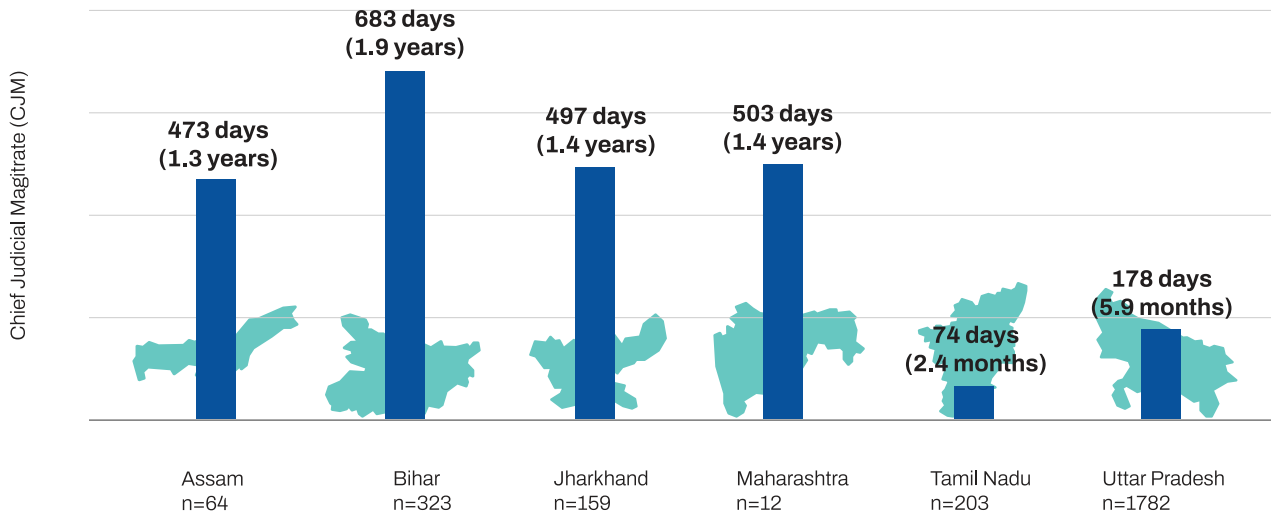
- The median number of days taken to dispose of a criminal trial was the shortest in matters adjudicated by a CJM and the longest in matters adjudicated by Judicial Magistrates, with a significant difference of 449 days. It should be noted that amongst the disposed cases analysed, the largest number of cases were adjudicated by a CJM. This data has to also be appreciated keeping in mind the wide disparity in state trends and calls for a closer examination of factors that affect the overall efficiency of the courts and the relative complexity of cases before them, among other factors.

State-wise median duration of Criminal Trials disaggregated by Judge designation

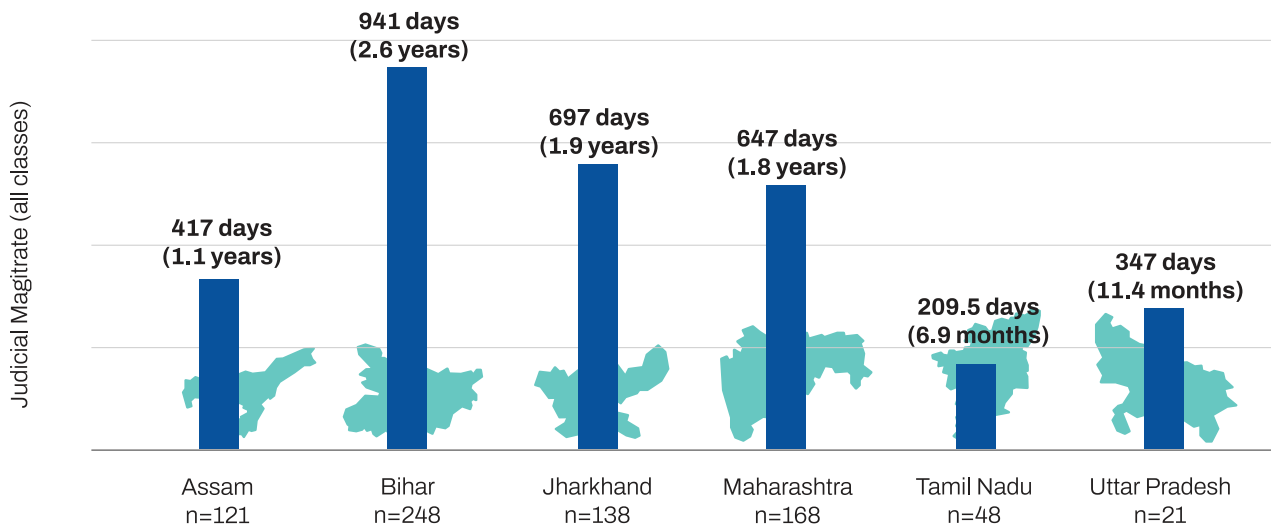
Sessions Judge (including Assistant Sessions Judge)



Chief Judicial Magistrate (CJM)



Judicial Magistrate (all classes)



- Tamil Nadu and Assam stand out for lower median durations across all judge categories. Notably, Bihar has long median durations across all categories of judges except Sessions Judges.

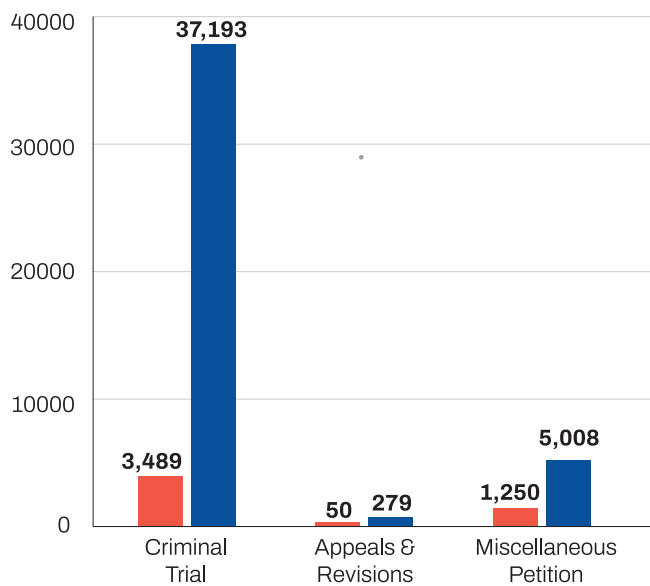
6.6. Number and purpose of hearings in disposed cases

Where in eCourts is this data taken from?

Case History

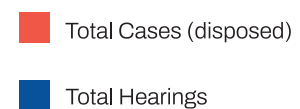
Judge	Business on Date	Hearing Date	Purpose of Hearing
	19-01-2016		Case disposed
S.D.J.M. S1	21-01-2016	04-03-2016	Necessary Order
S.D.J.M. S1	04-03-2016	04-05-2016	Necessary Order
S.D.J.M. S1	04-05-2016	20-06-2016	Necessary Order
S.D.J.M. S1	20-06-2018	01-08-2016	Necessary Order
S.D.J.M. S1	01-08-2016	27-09-2016	Necessary Order
S.D.J.M. S1	27-10-2016	06-10-2016	Necessary Order
S.D.J.M. S1	06-10-2016	07-11-2016	Necessary Order
S.D.J.M. S1	07-11-2016	33-12-2016	Necessary Order
S.D.J.M. S1	23-12-2016		Disposed

Number of hearings in disposed cases by case- type



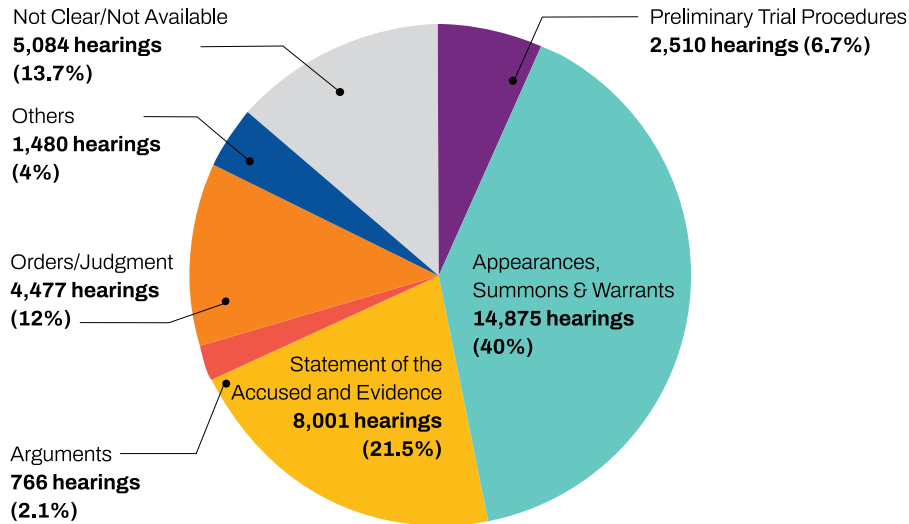
Average number of hearings by case type

Case type	Average Number of Hearings
Criminal Trial	10.7
Appeals & Revisions	5.6
Miscellaneous Petition	4.0



Information on the purpose of hearing was available with respect to 4789 disposed cases. Criminal trials had the highest number of hearings, with an average of 10.7 hearings per case, whereas miscellaneous cases had the lowest average of four hearings per case. This is expected, as criminal trials are more extensive compared to other criminal proceedings.

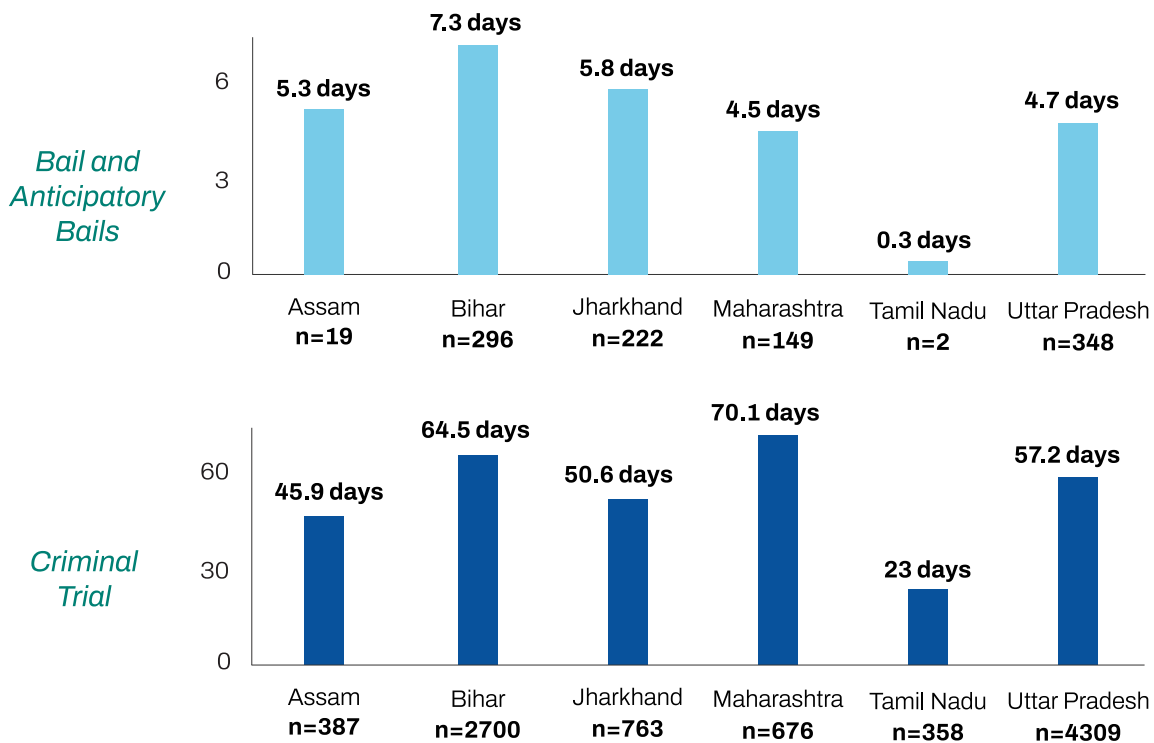
Purpose of hearings in disposed criminal trials
n=37193 hearings (in 3489 cases)



Stage-wise analysis of hearings in disposed criminal trials: The ‘purpose of hearing’ in disposed criminal trials was analysed to quantify the number of hearings for different stages of the trial. The maximum number of hearings, i.e. 14,875 (40%), were during the “Appearances, Summons & Warrants” stage, hinting at challenges in ensuring timely issues of summons, multiple adjournments, and the lack of timely appearance of witnesses in court. This trend is also seen in criminal trials that were pending, where a majority of cases, i.e. 67.1% of criminal trials were last pending at the stage of “Appearances, Summons & Warrants”. See [Section 4.4 \(Pending Criminal Trials based on last “Purpose of Hearing”\)](#). See [Annexure B for “Classifications for Purpose of Hearing”](#).

6.7. Time taken between hearings in pending and disposed cases

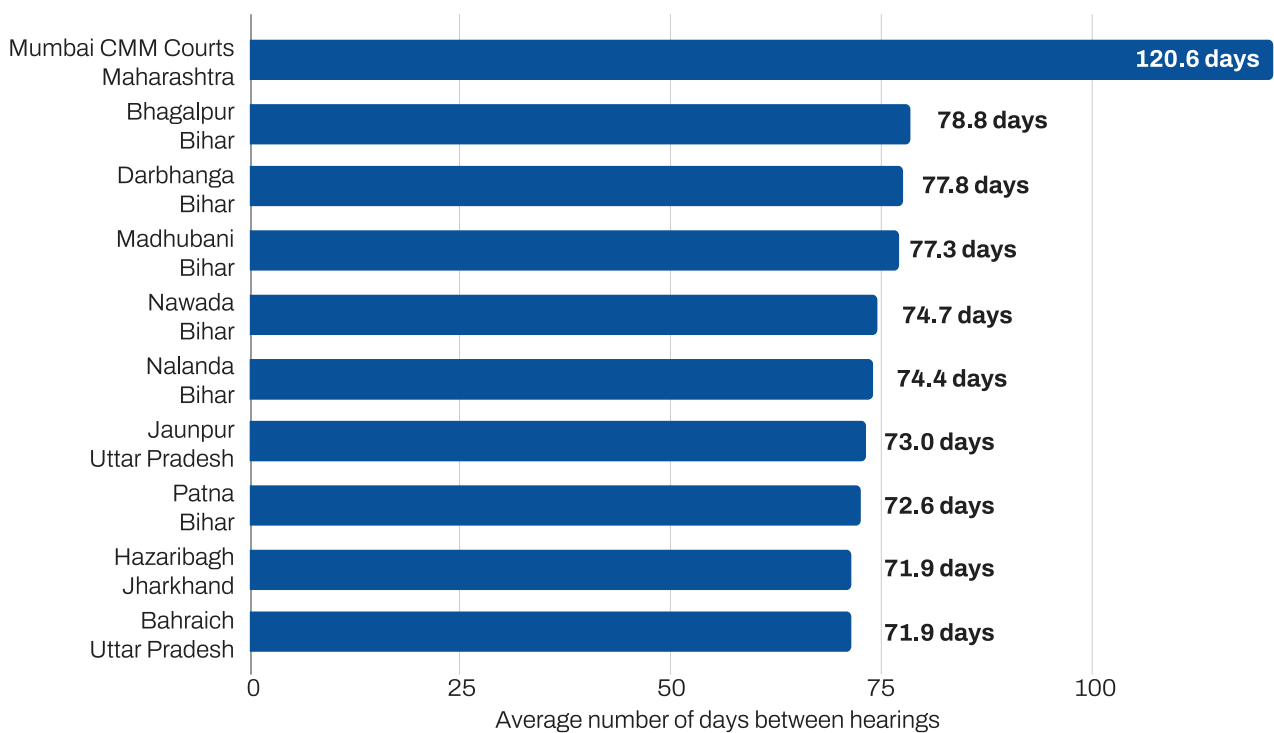
Average number of days between hearings



Note: The average was arrived at by dividing the total number of days between hearings by the total number of hearings for that category. Cases that were resolved in one hearing were also included in the graph above and the days between hearings in these cases was considered 0.

- Maharashtra stands out with the longest average number of days between hearings, particularly in criminal trial cases, where the gap was 70.1 days. Tamil Nadu had the shortest average number of days between hearings in criminal trials, i.e. 23 days.
- Bihar had the longest average duration between hearings (seven days) in bail and anticipatory bail cases.
- The trends in the average number of days between hearings and the corresponding disposal time for criminal trials across different states provide valuable insights about their case management systems. Maharashtra, Bihar, and Jharkhand exhibited similar trends, with the highest median disposal time for criminal trials as well as the highest average number of days between hearings, thus indicating a consistent pattern of longer trials.
- Although Uttar Pradesh had a lower median disposal time compared to the other states, the average number of days between hearings was higher than in Jharkhand. This suggests that while cases in Uttar Pradesh may be disposed of more quickly on average, there might be longer intervals between hearings during the adjudication process as well as a lower average number of hearings per case.

Top 10 Districts with the highest average number of days between hearings in Criminal Trials



** To be able to identify a trend with sufficient accuracy, districts with more than 50 cases were considered.*

Six districts of Bihar feature in the top ten districts with the highest average number of days between hearing in criminal trials.

The metadata offers an opportunity to understand district and state-specific variations that can help identify areas for improvement and targeted interventions to streamline case processing. Further analysis is warranted to explore the underlying factors contributing to these differences and assess their implications for the effective implementation of laws aimed at addressing child labour.

7. Conclusion and Recommendations

The metadata available on eCourts holds immense potential for gaining insights into the prevalence and dynamics of child labour cases across states and can be used to track disposal status and the nature of outcomes over a period of time. As demonstrated through this exploratory study, it can enable inter-state comparisons and aid the understanding of trends and patterns in disposal time, pendency, use of Lok Adalats, and various legal outcomes. Identification of high-caseload districts can aid in the prioritisation of review of case management systems and intervention efforts in specific districts. Combined with qualitative studies and consultations with relevant stakeholders to understand ground-level challenges, resource constraints, and bottlenecks, this data can inform targeted interventions and policy reforms. Tailored initiatives can be considered by states to improve case management and also review the rehabilitation initiatives being undertaken in districts with high conviction rates and speedy disposal.

Notwithstanding the data errors, the metadata analysis has enabled the identification of data gaps in the implementation of the CALPRA and highlighted trends that helped identify further lines of inquiry. Some key examples are:

- The extent to which offences such as trafficking and kidnapping under the IPC and exploitation of a child employee and cruelty under the JJ Act, 2015, are being used in conjunction with the CALPRA provides an indication of the exploitative nature of child labour. Such analysis is not currently possible based on the manner in which data is presented in *Crime in India*.
- Tracking trends in disposal and pendency within each state, exposing a higher caseload of child labour in particular districts, can be used to plan for focused intervention or support. Further, the stages at which matters are pending serve as a useful datapoint while identifying strategies to address pendency. Data suggests that the summons and appearances stage accounts for a significant delay in proceedings. The reasons for this need to be explored while considering initiatives to improve case management.
- It emerged that compromise and settlement through Lok Adalats are a significant mechanism to dispose of the CALPRA cases in some states. It needs to be critically examined whether resolution through such means advances the rights of children and if steps are taken to ensure the care, protection, and rehabilitation of the affected child or adolescent and facilitate their linkages to the Child Welfare Committee, District Child Protection Unit, and relevant government schemes.
- Data on the different forums dealing with criminal trials in child labour matters is now available, and along with the data on disposal rates and pendency, it can guide policy decisions on whether such cases need to be adjudicated by Magistrates or by Children's Courts.

Overall, leveraging court registry data for metadata analysis can enhance the evidence on the implementation of laws related to child labour and guide policy and programmatic responses.

Part B: Highlights based on Analysis of Judgments under the CALPRA

This section is based on an analysis of 142 judgments under the CALPRA from Maharashtra, Tamil Nadu, and Assam, registered and disposed between 1 January 2015 and early 2023. These states were selected based on availability of judgments as per the selection criteria listed below. This analysis offers insights on the nature of cases that are entering the justice system, the type of work children are being engaged in, the profile of persons reporting cases of child labour, the victim’s demographics, and the circumstances surrounding the lodging of FIRs. While metadata and NCRB reports provide data on the conviction rate under the CALPRA, this report offers insights on the nature of evidence before the court, the age-determination process adopted by courts, the nature of victims’ testimony, and factors influencing the outcomes.

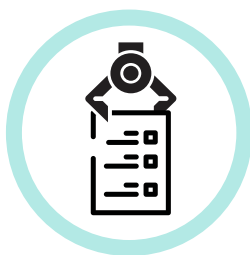


Methodology

Criteria

- Judgments available in English
- Pertaining to a Criminal trial proceeding, and not bail or appeal, etc.
- From geographical representative states
- Ease of computerised extraction of data from judgments
- Detailed judgments with substantial quantity of text to analyse

Maharashtra, Assam, and Tamil Nadu were selected and a total of 142 judgments were available from these states that were ‘Criminal Trials’

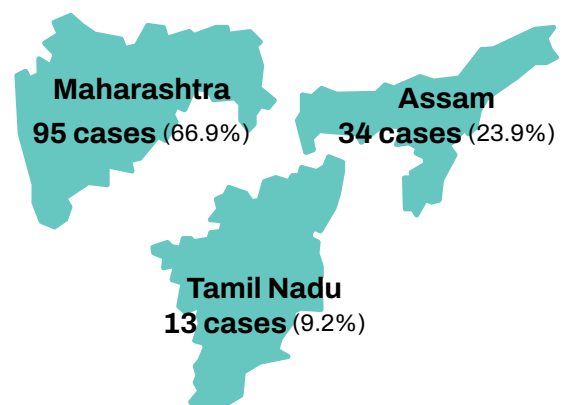


Selection of variables and data extraction:

A total of 114 key variables were identified for analysis.

30 variables were extracted manually and 84 were based on computerised extraction.

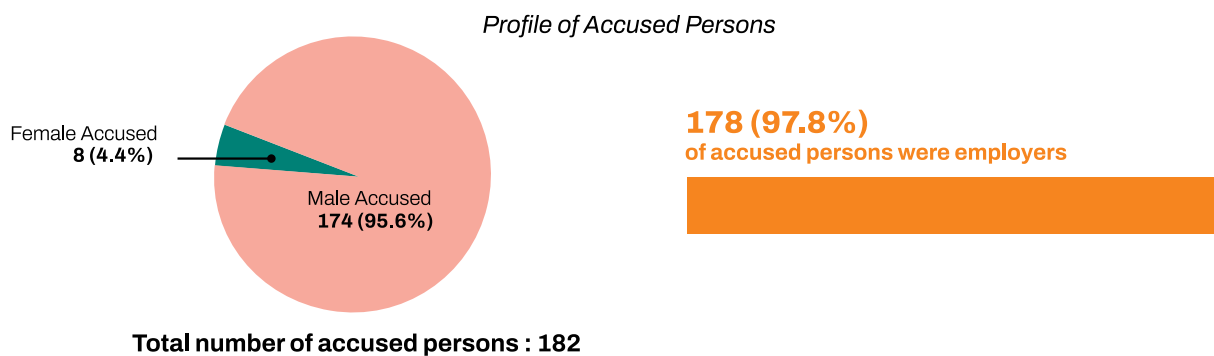
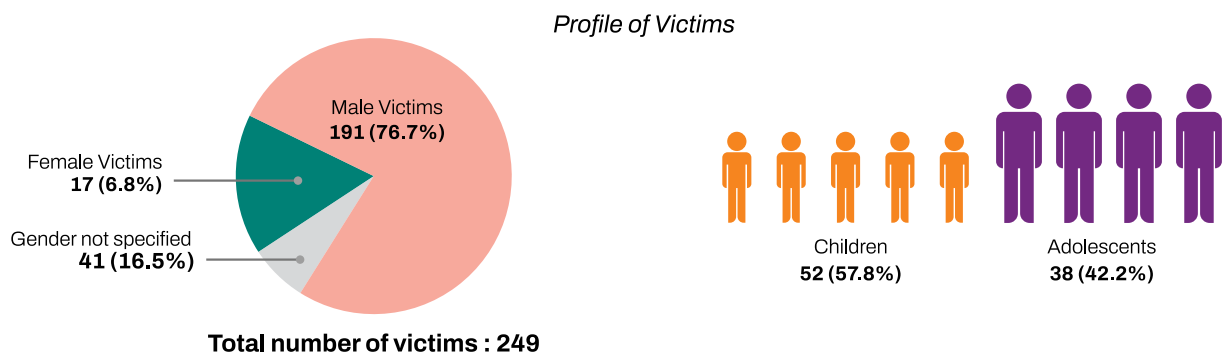
Variables of Judgment Analysis	
Profile of Victims, Accused Persons & Informants	Nature of outcomes & Factors affecting outcomes
Site of Offence	Timelines
Reference to key stakeholders	Nature of victim participation
Nature of Charges	Age Determination
Forum for Adjudication	Medical Evidence



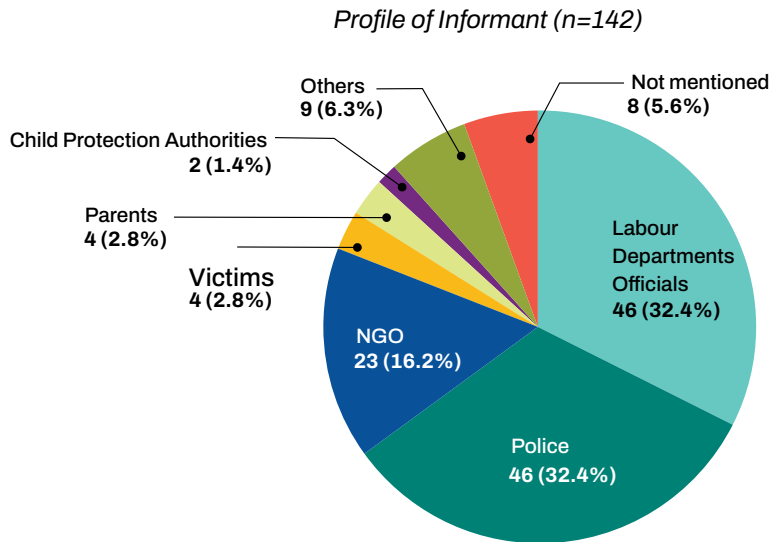
Limitations

1. Manual verification of variables extracted through judgment annotation tools was only done for specific variables for feasibility reasons. There is a possibility that the data extracted by the algorithm had some errors that were not noticed during the manual review process.
2. Judgment texts did not always provide information on all variables leading to some data gaps in sections such as the age of victims, and age-determination.
3. Due to the selection criteria of including judgment texts with substantial text to analyse, several very short orders indicating convictions after the accused plead guilty were excluded. The criteria also excluded judgments in vernacular languages making it challenging to discern state-wide trends.

1. Profile of Victims, Accused & Informants



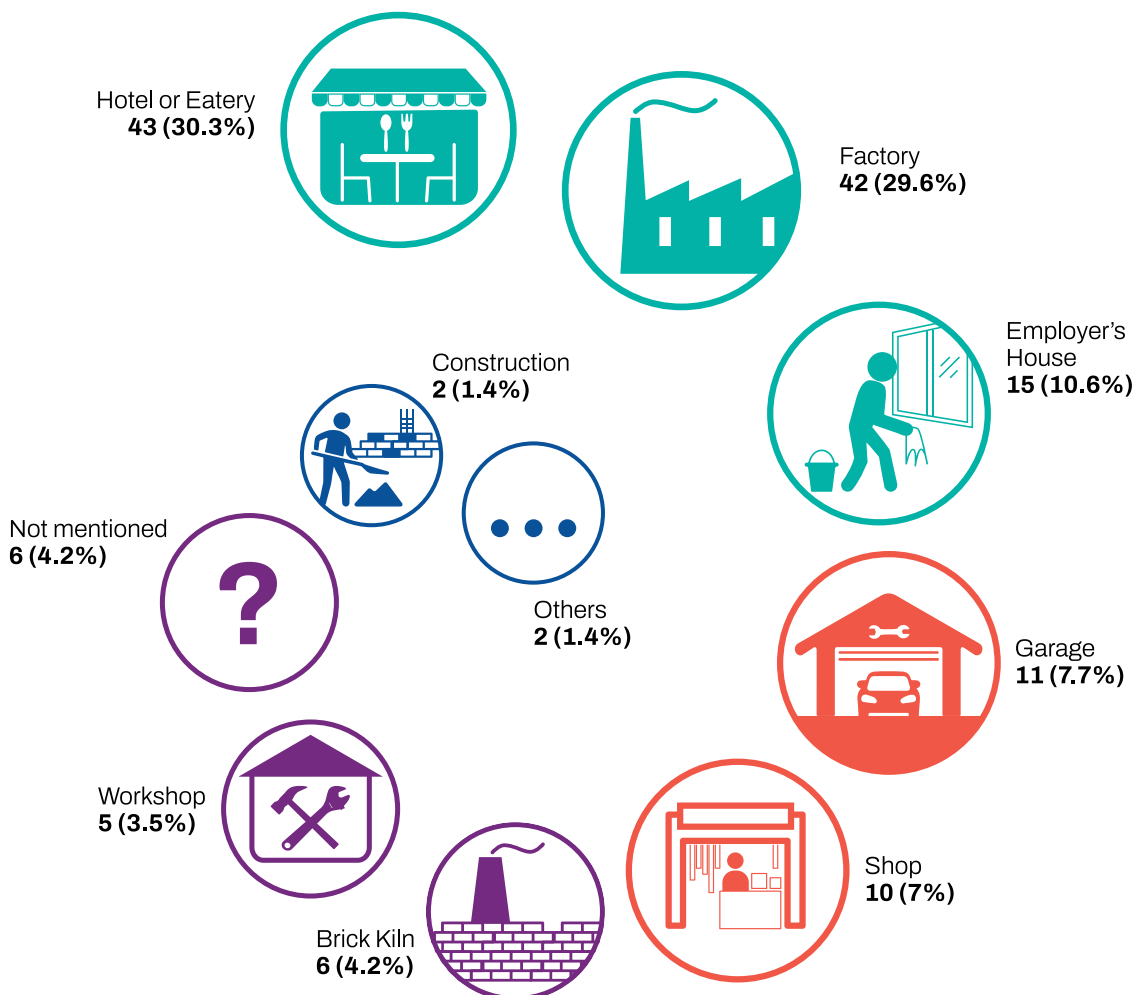
- Majority of the victims, i.e. 191 out of 249 victims (76.7%) were male, and a small minority, i.e. 17 (6.8%), were female, indicating the gendered nature of reported cases of child labour.
- Of the 249 victims, the age of only 90 victims, was stated in the judgment as per the age recorded in the FIR. Majority of these victims, i.e. 52 (57.8%), fell under the definition of a “child”, i.e. a person who had not completed the 14th year of age, and the remaining 38 (42.2%) were “adolescents”, that is, persons who had completed 14 years of age but not their 18th year.
- Officials such as Labour Inspectors, Labour Officers, and Assistant Labour Commissioner, constituted the largest categories of informants, i.e. 92 cases (64.8%). In some cases, while the police or Labour Department officials lodged the FIR, it was based on information obtained from NGOs, parents, or other persons. In 114 cases (80.3%), there was a mention of a raid being conducted by a Labour Inspector, Labour Officer, or police.
- Parents and victims themselves were informants in a fraction of cases — in a total of 8 cases (5.6 %). In these cases, **it was not the employment itself that led to the lodging of the FIR, but other factors such as physical assault of the victim and allegations of non-payment of wages.** This points to the complex socio-economic factors surrounding child labour and adolescent work.
- In two cases, the informant was a child protection functionary, namely a Child Protection Officer, and a Chairperson of a Child Welfare Committee (CWC).



Reference to AHTU, Childline, and CWC

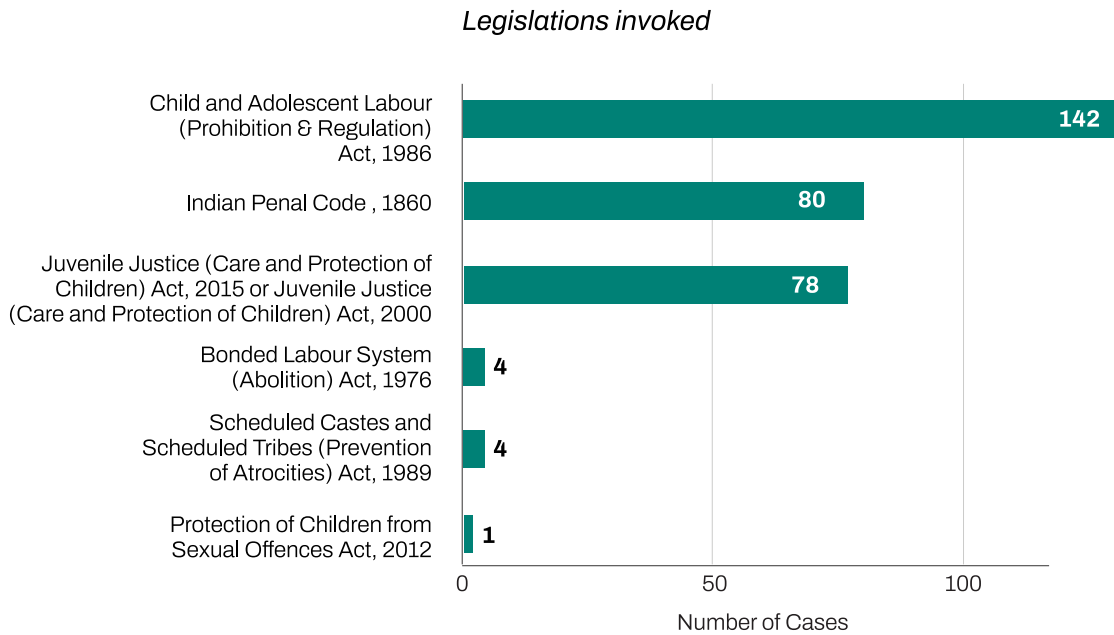
There were references to the Anti-Human Trafficking Unit (AHTU) in two cases (1.4%), to Childline in 17 cases (12%), and to Labour Department Officials in 69 cases (48.6%). While in some cases these stakeholders were the informants, in others they were a part of the team conducting the raid/rescue. There was a reference to the Child Welfare Committee (CWC) in 22 cases (15.5%), mainly in the context of the rescued children being produced before them.

2. Site of the Offence

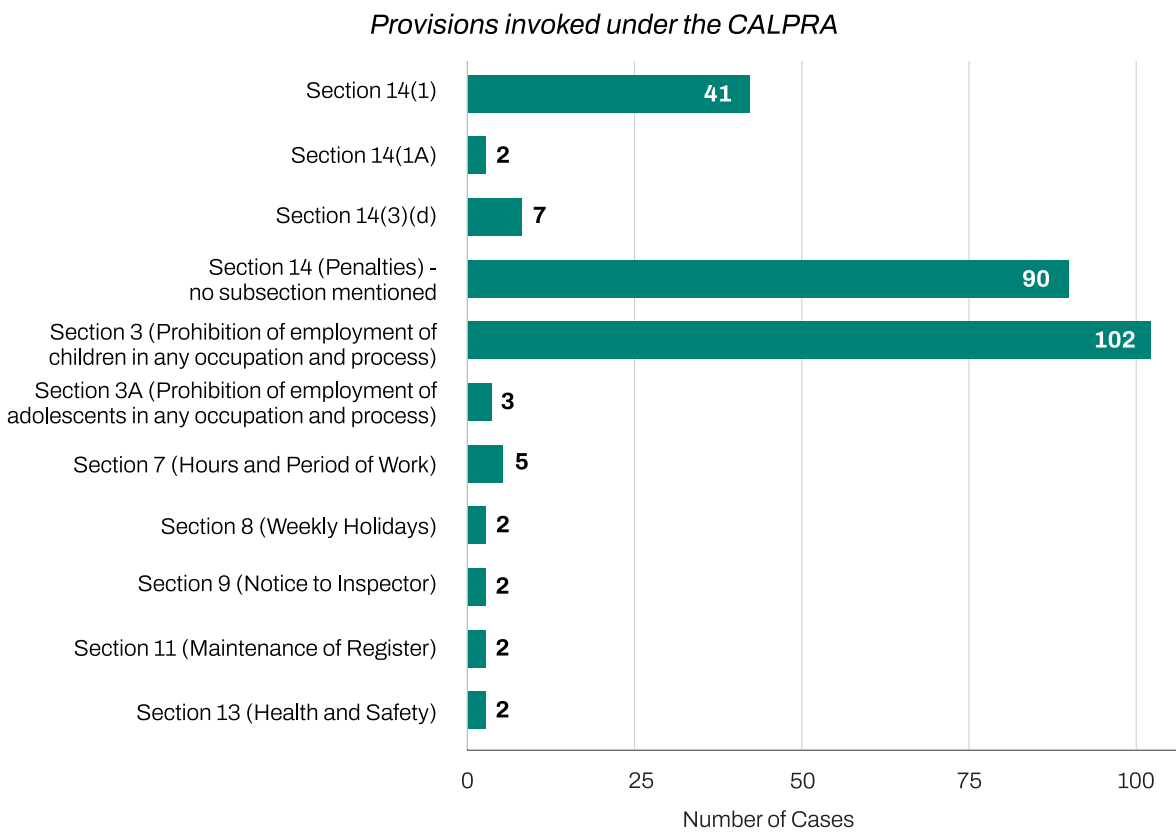


Factories, hotels/eateries, and domestic work were observed to be the most common site of offences. Though the CALPRA lists certain occupations and processes as being hazardous, the information mentioned in the judgment about the site of offence was not detailed and it was unclear whether the occupations and processes the victims were engaged in were hazardous.

3. Nature of Charges



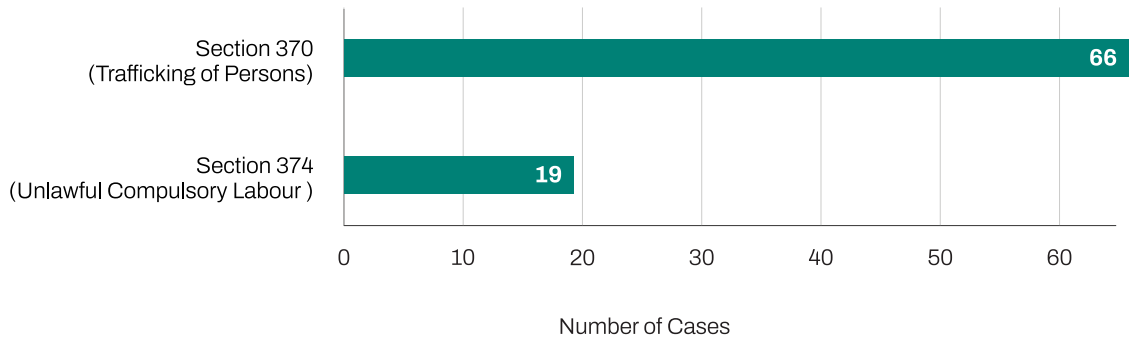
**Note that several cases had charges under multiple legislations*



**Note that several cases had multiple charges under CALPRA*

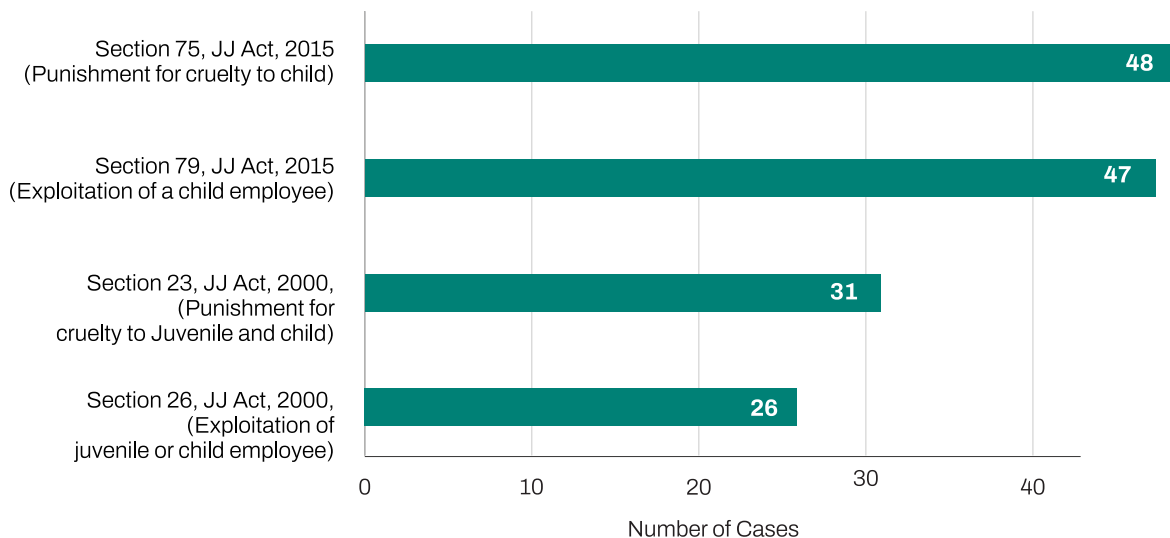
- Charges under the CALPRA:** All 142 cases had a charge under the CALPRA, predominantly under Section 14 (136 cases) and Section 3 (105 cases). In 90 cases, the sub-section under Section 14 was not specified. Charges under other provisions of the CALPRA were uncommon—only five cases with a charge under Section 7, and two cases each that had charges under Sections 8, 9, 11, and 13. Some cases had references to erroneous sections which either did not exist or did not relate to an offence under the CALPRA such as Section 5, which pertains to the Technical Advisory Committee.

Provisions invoked under the IPC



**Note that several cases had charges under the IPC*

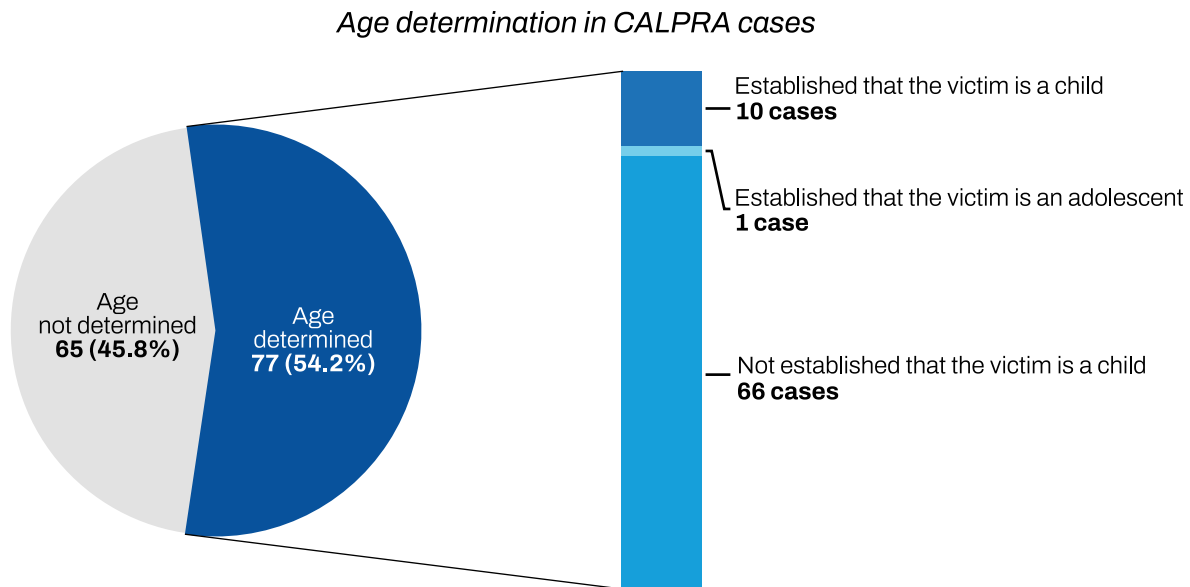
Provisions invoked under the JJ Act, 2015 and JJ Act, 2000



**Note: For cases under JJ Act, 2000, in all cases except two, the incident occurred before the JJ Act, 2015 came into force.*

4. Age Determination

4.1: Outcome of Age-Determination:



The CALPRA prohibits all children under 18 years from working in certain hazardous occupations but permits the employment of adolescents aged between 14 and 18 years in specific non-hazardous settings.

The age of the child or adolescent forms a critical component under the CALPRA, and to establish an offence under the Act, the prosecution will have to prove that the victim is a child or an adolescent, in addition to the other ingredients of the offence. **The age of the victim, however, was determined in only 77 cases (54.2%).²⁸ In 66 of these 77 cases (85.7%), the prosecution could not establish that the victim was a child. The victim's age was proven in only 11 cases (14.3%).** No reason was evident from the text of the judgments as to why the age of the victim was not determined in a large number of cases. A possible explanation could be the high number of victims who did not appear before court to give evidence or victims who appeared but did not support the prosecution version of events. Of the 65 cases where the victim's age was not determined, in 49 cases the victim did not appear for evidence, and of the cases where the victim did appear in court, in 14 cases the victim did not testify against the accused.

4.2 Basis of age-determination by courts:

- Although the procedure for age-determination outlined under Section 94 of the JJ Act, 2015,²⁹ has been applied by trial courts while determining the age of a victim under the POCSO Act,³⁰ no reference to this provision was found in the context of child labour cases.

²⁸ For the purpose of this calculation, age determination as per the age brackets mentioned in the CALPRA Act were considered.

²⁹ Section 94, JJ Act 2015: (1) Where, it is obvious to the Committee or the Board, based on the appearance of the person brought before it under any of the provisions of this Act (other than for the purpose of giving evidence) that the said person is a child, the Committee or the Board shall record such observation stating the age of the child as nearly as may be and proceed with the inquiry under section 14 or section 36, as the case may be, without waiting for further confirmation of the age.

(2) In case, the Committee or the Board has reasonable grounds for doubt regarding whether the person brought before it is a child or not, the Committee or the Board, as the case may be, shall undertake the process of age determination, by seeking evidence by obtaining—

(i) the date of birth certificate from the school, or the matriculation or equivalent certificate from the concerned examination Board, if available; and in the absence thereof;

(ii) the birth certificate given by a corporation or a municipal authority or a panchayat;

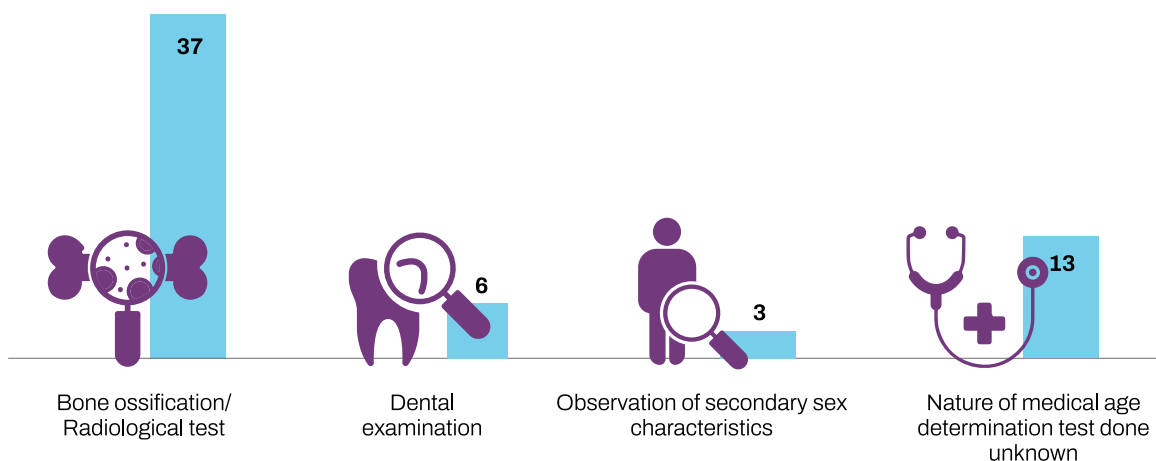
(iii) and only in the absence of (i) and (ii) above, age shall be determined by an ossification test or any other latest medical age determination test conducted on the orders of the Committee or the Board:

Provided such an age determination test conducted on the order of the Committee or the Board shall be completed within fifteen days from the date of such order.

³⁰ *Jarnail Singh v State of Haryana* [2013] (3) SCC (Criminal) 302 (Supreme Court of India). *P. Yuvaprakash v State*, AIR 2023 SC 3525 (Supreme Court of India).

- There were only scant references to documentary evidence in support of the age of the victim, with birth certificate and school certificate being mentioned in eight cases each, and an Aadhar Card in ten cases. In some cases, multiple forms of documentary evidence were produced.
- Medical age determination tests appear to be commonly used in the CALPRA cases and a reference to it was found in 59 cases (41.5% cases) concerning 123 victims. Wide variations were observed in the manner in which the age findings based on medical age determination tests were presented, with some results presented as a two-year window and others as a five-year window.

Nature of medical age determination tests done

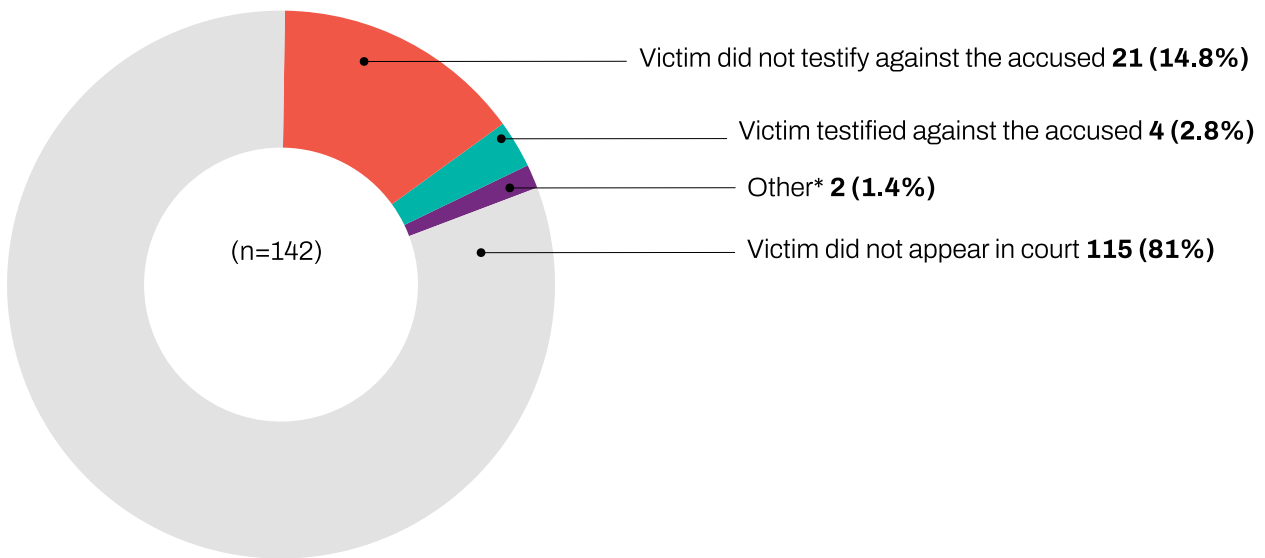


- In ten cases (7%), where the court concluded that the victim was a child under 14 years, reliance was placed on documentary evidence, a medical age determination test, oral testimonies, or a combination of these.
 - In three cases, the court relied on documentary evidence to conclude that the victim was a child.
 - In six cases, the court relied on the medical age determination test to establish that the victim was a child.
 - In one case, the court relied on both the birth certificate and medical age determination test to determine that the victim was a child.
 - In the one case, where it was established that the victim was an adolescent, the judgment merely states that “the age of the adolescent boy is admitted”³¹ and the basis on which it was established was not discussed.
- Factors that contributed to the age of the victims not being established in 66 cases included the failure of the police in collecting age-related evidence, and the prosecution’s failure to produce documentary evidence on age, or examine relevant witnesses. In several cases, courts stated that as the medical age determination test has a margin of error, it cannot be conclusively relied upon to conclude that the victim was a child at the time of the offence. Courts generally applied a margin of error of two years while considering opinion as per age determination tests.

31 *State of Tamil Nadu v. Tr. Abdulla*, STC. 205/2022, decided by the Court of the Additional Chief Judicial Magistrate, Madurai on 30.09.2022

5. Nature of Victims' Testimony

Nature of testimony of the Victim

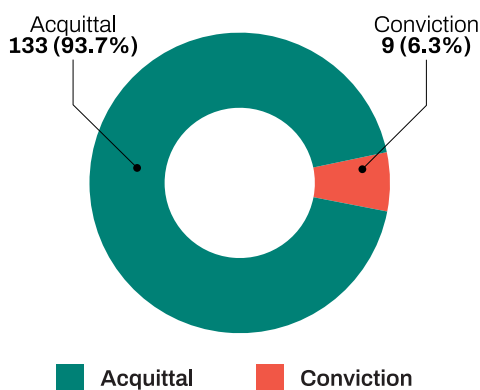


**In two cases with multiple victims, some victims did not appear in court for evidence while others appeared.*

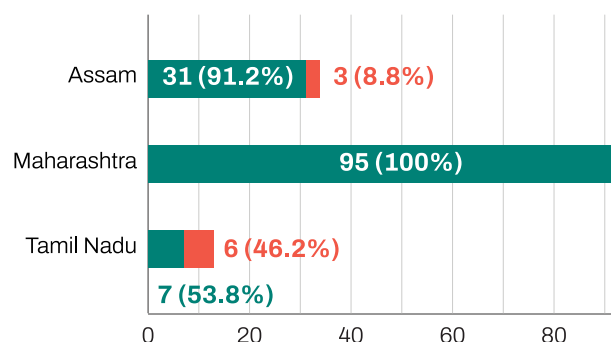
- **The dominant trend in the CALPRA cases is the non-appearance of the victim, which was seen in 115 cases (81%).** While no reason was discernible with regard to the low participation of victims in the CALPRA trials, a possible explanation could be the migration of children to their home state or district pursuant to the registration of the case. This warrants further inquiry to understand barriers and identify support measures that can enable the effective participation of child and adolescent victims in the trial.
- In 25 cases, victims appeared in court to testify of which **in 21 cases (14.8%) they did not incriminate the accused, and in only four cases (2.8%) they testified against the accused.** The victim was expressly declared hostile in three cases.

6. Outcomes and Factors Affecting Outcomes

Outcomes in cases under CALPRA

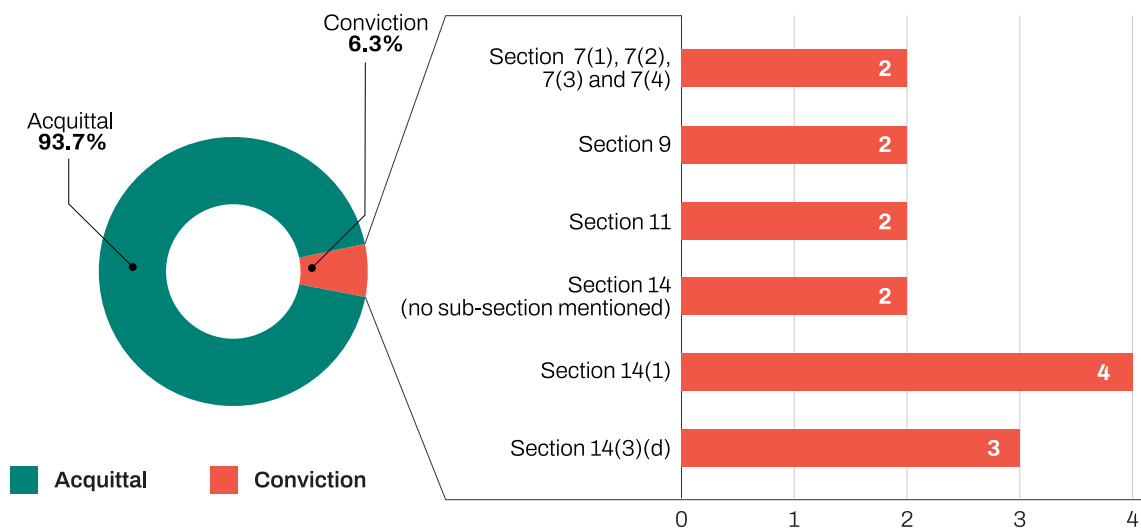


State-wise outcomes in cases under CALPRA



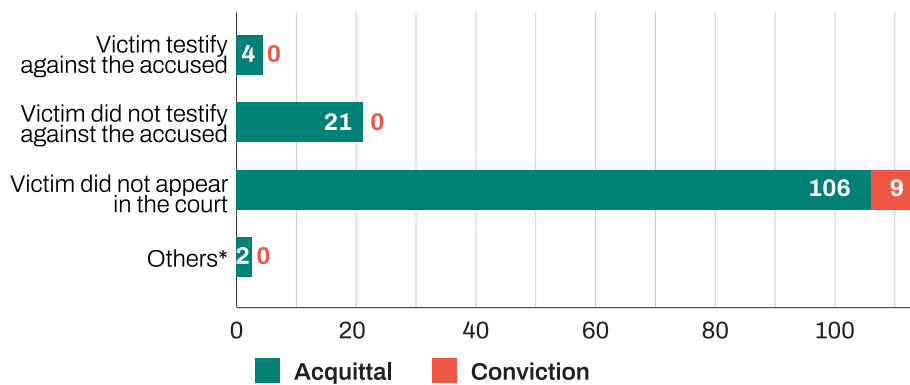
**Note that "Conviction" is restricted to conviction under CALPRA and excludes conviction under other laws, where there has been an acquittal under CALPRA.*

***Note that since the judgment selection criteria excluded very short orders without substantial text to analyse, several orders were excluded, many of which were convictions resulting from the accused pleading guilty.*

Number of Convictions under CALPRA

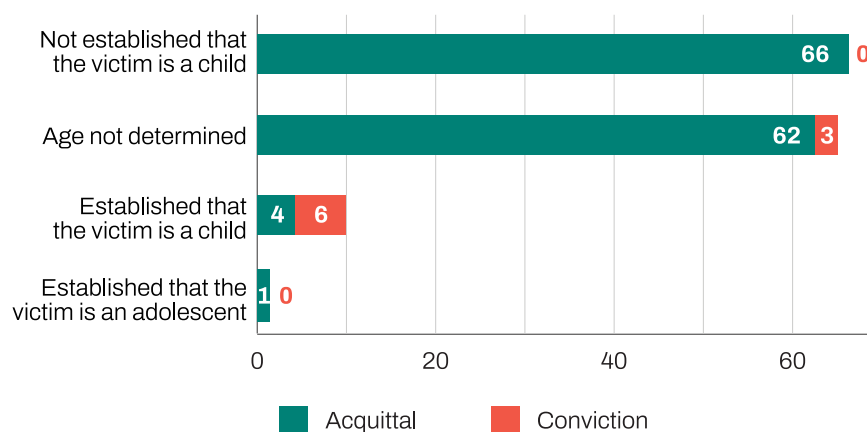
**The numbers in this chart are not exclusive and some cases have convictions under multiple sections of the CALPRA*

- **Nature of Outcomes:** Acquittal was the norm in the CALPRA cases, with 133 cases (93.7%) resulting in an acquittal, and convictions in only nine cases (6.3%). Note that since the judgment selection criteria excluded very short orders without substantial text to analyse, several orders were excluded, many of which were convictions resulting from the accused pleading guilty. This may explain why the conviction rate in judgment data is significantly lower than the metadata findings which found a conviction rate of 72.4% of all cases resulting in a conviction, acquittal, or discharge.
- In one case, the accused was convicted under Section 323 of the IPC (voluntarily causing hurt) but acquitted under the CALPRA as the employment of the child could not be established.
- **Sentencing and Fine:** The imposition of imprisonment was an exception, and the most preferred sentence was a fine. In all nine convictions, the accused was fined, and in three cases, the accused was sentenced to imprisonment in addition to the fine amount. In two cases, the accused was sentenced to six months of simple imprisonment, and in one case, it was simple imprisonment for two years. Fine amounts ranged from Rs. 10,000 to Rs. 50,000.
- **Accused pleading guilty:** In four of the nine convictions, the accused pleaded guilty. In these cases, a fine was imposed. The accused was directed to pay a fine of Rs. 15,000 in two cases, Rs. 20,000 in one case, and Rs. 25,000 in one case.
- **Victim Compensation:** In one case, the fine was directed to be paid to the victim through her parents as compensation under Section 357 of CrPC and in three cases it was directed to be deposited in the Child and Adolescent Labour Rehabilitation Fund for the purpose of the welfare of the victim.
- **Bail status:** Grant of bail was the norm, and in 131 of 142 (92.3%) cases, the accused was granted bail. Data on bail was unavailable in 11 cases (7.7%).

Link between testimony of the victim and outcomes

**In two cases with multiple victims, some victims did not appear in court for evidence while others appeared.*

- **Link between testimony of the victim and outcomes:** Out of the nine cases in which the accused was convicted, the victim did not appear in court in any case. While in four cases the accused pleaded guilty, in the remaining five cases, the court relied upon the testimonies of other witnesses and other evidence to convict the accused. Of the 133 cases where the accused was acquitted, in 106 cases (79.7%), the victim did not appear in court; in four cases, the victim testified against the accused; and in 21 cases, the victim did not testify against the accused. While the link between testimony and acquittals is clear, it is not evident in the context of convictions from this size of the sample.

Link between age-determination and outcomes

- **Link between age-determination and outcomes:** Of the 133 cases where the accused was acquitted, the age of the victim was not determined in 62 cases, and in 66 cases, it was not established that the victim was a child. In contrast, out of the nine cases where the accused was convicted, it was established that the child was under 14 years of age in six cases, and in three cases, the court did not enter into a discussion on age as the accused had pleaded guilty.
- **Factors influencing acquittals:** Apart from the non-appearance of the victim or no incriminating testimony given by them against the accused, gaps during raids and investigations also contributed towards acquittals. These gaps included the failure to seize documents pertaining to the accused's ownership of the factory and employment, the failure to seize age-related documents of the victim, and the lack of independent witnesses. Such oversights weakened the prosecution's case and contributed to acquittals in these cases. This is consistent with the findings of a study on 46 child labour cases in Rajasthan under the JJ Act, the IPC, and the CALPRA.³²

³² Swagata Raha and others, *Response to Violence, Abuse and Exploitation of Children in Rajasthan: An Analysis*, (Enfold Proactive Health Trust, 2022), 54.

- **Factors influencing convictions:** While the convictions under the CALPRA were extremely scarce, conviction of the accused was based on factors such as the successful establishment of the victim's age as a child or adolescent, the accused pleading guilty, establishing that the accused was the owner of the establishment, and the availability of sufficient evidence. Failure to respond to show cause notice or deny the allegations in charges also led to a conviction.

7. Concluding Observations & Recommendations

The gendered nature of the reported offences is depicted in the dataset where more child labourers are reported to be boys. The notable phenomenon that Labour Department officials and third parties undertake rescues and report violations rather than children and families themselves, underscores the need to address structural inequalities and socio-economic vulnerabilities. They also point to an environment where children and adolescents are more vulnerable to exploitation and less likely to advocate for their own rights. This is also evident from the large number of children not appearing in court to give evidence, as for many children and their families, the immediate concerns of survival and livelihood often take precedence over seeking justice.

There remains a data gap on how victims of child labour are rehabilitated and their access to the amounts deposited in Child and Adolescent Labour Rehabilitation Fund.

The action points that may be considered are as follows:

1. Better convergence is needed between the criminal justice system and the child protection system to ensure effective support and rehabilitation of children and adolescents in CALPRA cases. This can be achieved through collaborations between the nodal departments dealing with labour, education, child protection, State Legal Services Authority, District Legal Services Authority, District Judges, and the High Court Committees of Juvenile Justice.
2. Consistent support for children and families in the form of a Support Person, similar to what is available under the POCSO Act and Rules for child victims of sexual offences, may be introduced in the Model JJ Rules and the respective State Juvenile Justice (Care and Protection of Children) Rules. A Support Person can then be made available by the CWC to children and adolescent victims working in contravention of labour laws.
3. CWCs and DCPUs need to proactively ensure the linkage of children and families to relevant schemes and programs. Further, linkages need to be strengthened with CWCs and DCPUs of the district to which a child may have been restored so as to ensure regular follow-up and enable the recording of the child's testimony through video conferencing.
4. Comprehensive training modules should be offered by the Police Training Academy and Directorate of Prosecutions on relevant legislations related to child labour, procedural requirements under the CALPRA, the conduct of effective rescue operations, the collection of evidence, age-determination, etc.
5. Courts must consider awarding compensation to victims of child and adolescent labour, and directing fines collected to be deposited in the Child and Adolescent Labour Rehabilitation Fund to support victim rehabilitation.

Annexure A:

Offences Related to Child Labour

Offences under the CALPRA	Imprisonment	Fine
Offences and Punishment under the CALPRA		
Section 3 prohibits the employment of children in any occupation and process. Parents or guardians should not be punished unless they permit the employment of the child for commercial purposes and cannot be punished in case of first offence.	Minimum of 6 months which may extend to 2 years u/s 14(1)	And/Or Minimum of Rs. 20,000 which may extend to Rs. 50,000
Section 3A prohibits the employment of adolescents in certain hazardous occupations and processes. Parents or guardians should not be punished unless they permit the adolescent to work in contravention of this provision and cannot be punished in case of first offence.	Minimum of 6 months which may extend to 2 years u/s 14(1A)	And/Or Minimum of Rs. 20,000 which may extend to Rs. 50,000 u/s 14(1A)
Repetition of offence under Section 3 or Section 3A	Minimum of 1 year which may extend to 3 years u/s 14(2)	
Repetition of offence by parent or guardian after conviction under Sections 3 or 3A.		Up to Rs. 10,000 u/s 14(2A)
Failure to comply with or contravention of provisions of the CALPRA & any Rules made under the CALPRA.	Up to one month u/s 14(3)	And/Or Up to Rs. 10,000
Related Offences under Juvenile Justice (Care and Protection of Children) Act, 2015		
Section 76 punishes the person having the actual charge of or control over a child for assaulting, abandoning, abusing, exposing or willfully neglecting the child or causing or procuring the child to be assaulted, abandoned, abused, exposed or neglected in a manner likely to cause the child unnecessary mental or physical suffering	Up to 3 years	And/Or Rs. 1 lakh
Section 76(1) punishes the employment or use of any child for the purpose of begging or causing any child to beg.	Up to 5 years rigorous imprisonment	And Rs. 1 lakh
Section 76(2) punishes the amputation or maiming of a child for the purpose of begging	Rigorous imprisonment for a minimum of 7 years which can extend to 10 years	And Rs. 5 lakh
Section 79 punishes the exploitation of a child employee, i.e. ostensible engagement of a child and keeping the child in bondage for the purpose of employment or withholding of earnings or using such earning for their own purposes.	Up to 5 years rigorous imprisonment	And Rs. 1 lakh
Related Offences under the Indian Penal Code, 1860		
Section 370(4) ³³ punishes the trafficking of a minor	Rigorous imprisonment for a minimum of 10 years which may extend to life imprisonment	And fine
Section 374 ³⁴ punishes the unlawful compulsion of any person to labour against their will	Up to 1 year	And/or fine

³³ Bharatiya Nyaya Sanhita, 2023, s 141(4).

³⁴ Bharatiya Nyaya Sanhita, 2023, s 144.

Annexure B :

Explanations of Categories

Categories for Case-type		
Sl. No.	Classification head	Description
1.	Criminal Trials	These include all case proceedings related to criminal trials of accused persons including summary criminal trials and trials by Special Courts. It must be noted here that some of these cases were eventually committed to other courts for trial or transferred, so not all proceedings categorised under "criminal trials" resulted in a trial process in that particular proceeding
2.	Appeals and Revisions	All proceedings related to appeals and revisions.
3.	Criminal Miscellaneous	Criminal miscellaneous proceedings including bail and anticipatory bail.
4.	Unclear/Unknown	Cases where the entries were unclear as to the nature of proceedings or left blank.

Categories for Judge Designation		
Sl. No.	Classification head	Description
1.	Judicial Magistrate of the Second Class	They can pass a sentence of imprisonment of up to one year and a fine up to Rs. 5,000. ³⁵
2.	Judicial Magistrate of the First Class (including Metropolitan Magistrate and Sub-divisional Judicial Magistrate)	They can pass a sentence of imprisonment of up to three years and a fine up to Rs. 10,000. ³⁶
3.	Chief Judicial Magistrate (including Chief Metropolitan Magistrate, Additional Chief Judicial Magistrate, and Additional Chief Metropolitan Magistrate)	They can pass sentences with a maximum imprisonment of seven years and any amount of fine as prescribed by law. ³⁷
4.	Sessions Judge (including Additional Sessions Judge)	They can pass any sentence and fine prescribed under law. ³⁸
5.	Assistant Sessions Judge	They can pass any sentence and fine prescribed under law except a sentence of death, imprisonment for life, or imprisonment for a term exceeding ten years. ³⁹
6.	Civil Judge	Judges with civil powers only and cannot hear criminal matters.

³⁵ Code of Criminal Procedure 1973, s 29(3).

³⁶ Code of Criminal Procedure 1973, s 29(2).

³⁷ Code of Criminal Procedure 1973, ss 29(1), 29(4), 12(2), and 17(2).

³⁸ Code of Criminal Procedure 1973, s 28(2).

³⁹ Code of Criminal Procedure 1973, s 28(3).

Classifications for Purpose of Hearing		
Sl. No.	Classification head	Description
1.	Preliminary Trial Procedures	Hearings related to framing of charges, committal proceedings, explaining charges to accused, hearings on final report, supplying of police reports, etc
2.	Statement of Accused and Evidence	Hearings during the trial such as prosecution evidence, defence evidence, statement of the accused person under Section 313 of the CrPC.
3.	Appearances, Summons, and Warrants	Hearings on issuing and verification of delivery of summons to parties, issuing warrants, awaiting appearance, or delivery of notice.
4.	Arguments	Final arguments, arguments on exhibits, defence statements, etc.
5.	Others	Miscellaneous category for hearings for other purposes such as compliance, reference to Lok Adalat, furnishing surety, and sentencing.
6.	Orders/Judgment	Hearings scheduled for passing of orders and judgments
7.	Not Clear/ Not Available	The metadata on purpose does not give sufficient indication on the purpose of the hearing to categorise it. Entries such as "STEPS", "PART HEARD CASES", "Put Up", and "NOT HEARD AT 2.45 P.M." were classified under this head.



About Enfold

Enfold Proactive Health Trust is a non-profit based in Bengaluru founded in 2001, and is working towards building safer, rights affirmative, inclusive spaces and justice systems for children and communities.

For more information, visit www.enfoldindia.org

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About CivicDataLab

We work to strengthen access to public information, evidence-based decision-making and citizen participation in governance. CivicDataLab harnesses the potential of open knowledge movements to strengthen the data-for-public-good ecosystem and enable citizens to engage in matters of policy reform.

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