

# Implementation of the Prohibition of Child Marriage Act, 2006

An analysis of E-courts data and judgments (January 2015 - January 2023)

| Assam Maharashtra Tamil Nadu |

## *Final Insights Report - PCMA*



Prepared by Enfold Proactive Health Trust & CivicDataLab

March 2024

## Table of Contents

<b>Introduction.....</b>	<b>3</b>
Objective.....	6
<b>Part A - Findings from Judgment Analysis.....</b>	<b>8</b>
Methodology.....	8
I. Profile of Victims.....	12
II. Profile of Accused Persons and the Alleged Husbands.....	13
III. Profile of Child Marriages.....	16
IV. Profile of Informants and circumstances that led to the reporting of the case.....	18
VI. Nature of Charges.....	23
VII. Nature of Victim Testimony.....	26
VII. Age Determination.....	28
VIII. Availability of Medical Evidence.....	31
IX. Outcomes and Factors Affecting Outcomes.....	32
X. Trends in Sentencing, Victim Compensation and Bail.....	40
<b>Part B - Evaluation of quality of data regarding PCMA cases on eCourts.....</b>	<b>43</b>
Introduction.....	43
Methodology.....	44
Limitations.....	47
I. Comparison of Dates of Decision, Registration, and Disposal.....	47
II. Comparison of Sections under PCMA, POCSO and IPC.....	48
III. Comparison of Outcomes.....	53
<b>Conclusion &amp; Recommendations.....</b>	<b>54</b>
<b>Compilation of Annexures.....</b>	<b>56</b>
<b>Annexure A1.....</b>	<b>56</b>
<b>Annexure B1.....</b>	<b>62</b>

## Abbreviations

CCI	Child Care Institution
CMRA	Child Marriage Restraint Act, 1929
CNR	Case Number
CrPC	Code of Criminal Procedure, 1973
CWC	Child Welfare Committee
JJ Act, 2015:	Juvenile Justice (Care and Protection of Children) Act, 2015
IPC	Indian Penal Code, 1860
NCRB	National Crime Records Bureau
PCMA	Prohibition of Child Marriage Act, 2006
POCSO	Protection of Children from Sexual Offences, 2012
SC/ST Act	Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989

## Introduction

The Prohibition of Child Marriage Act, 2006 [hereinafter the “PCMA” or “the Act”] was enacted in 2006,<sup>1</sup> replacing the Child Marriage Restraint Act<sup>2</sup>. The PCMA seeks to prohibit “the solemnization of child marriages” where the Act defines a child as “a person who, if a male, has not completed twenty-one years of age, and if a female, has not completed eighteen years of age”.<sup>3</sup> It prescribes penalties for persons conducting child marriages and adult males marrying underage girls. The Act also seeks to provide civil reliefs to victims of child marriage. It gives the party who was a child at the time of the marriage to nullify the marriage within two years of attaining majority and maintenance and residence reliefs for female victims of child marriage.

Description of PCMA Offences and Punishments provided	
Description of Offences under PCMA	Punishment
Section 9 prohibits male adults above eighteen years of age from marrying a female below 18 years.	Rigorous imprisonment which may extend to two years and fine which may extend up to one lakh rupees.
Section 10 prohibits the performing, conducting, directing or abetting of any child marriage	Rigorous imprisonment which may extend to two years and fine which may extend up to one lakh rupees.
Section 11 of the PCMA prohibits any person having charge of the child, whether as parent or guardian, from promoting the marriage of the child or permitting it to be solemnised, or negligently failing to prevent it from being solemnised, including by attending or participating in a child marriage.	Rigorous imprisonment which may extend to two years and fine which may extend up to one lakh rupees. However, no woman shall be punishable with imprisonment.
Under Section 13, a judicial magistrate may issue an injunction against any person to prohibits a child marriage that is arranged or is about to be solemnised. Section 13 (10) punishes the disobedience of any injunction passed by the magistrate under this section.	Rigorous imprisonment which may extend to two years and fine which may extend up to one lakh rupees. However, no woman shall be punishable with imprisonment.

However, there are other penal provisions that may become applicable to cases of child marriage. Some examples are provided below:

- **Sexual offences:** All sexual acts with a child attracts charges under the Indian Penal Code, 1860 and the Protection of Children from Sexual Offences Act, 2012. Consummation of a child marriage attracts charges of rape for the male party. Penetration, including digital

<sup>1</sup> It came into effect on 1st November, 2007 vide Notification F. No. 10-5/2007-CM, dated 30th October 2007, in Gazette of India (Extraordinary).

<sup>2</sup> Section 21, PCMA

<sup>3</sup> Section 2(a), PCMA.

penetration of a woman or girl when she is under the age of 18 is rape under the IPC.<sup>4</sup> The severity of the punishment increases if the girl is below 16<sup>5</sup> and further increases if she is below 12.<sup>6</sup> There is an exception in the IPC that declares that sexual intercourse by a man with his wife is not rape if she is above 15 years of age. However, the Supreme Court<sup>7</sup> clarified that this exception is unconstitutional and sexual intercourse between a man and his wife below 18 years of age is rape. In addition, the Protection of Children from Sexual Offences Act, 2012 (POCSO) contains provisions that declare sexual activity with any child (of any gender) below 18 years of age as an offence.<sup>8</sup> Under these provisions, charges can be brought against both the male and female party. Consummation of a child marriage where either party is below 18 attracts charges of penetrative sexual assault under POCSO.<sup>9</sup>

- **Kidnapping** - In several cases of child marriage, charges of kidnapping are attracted in cases where the child is reported missing and the accused faces charges of both kidnapping under IPC and child marriage under PCMA. Kidnapping a male minor under 16 years of age or a female minor less than 18 years of age out of the keeping of their lawful guardian are both offences under Section 361 of the Indian Penal Code, 1860 (“IPC”).<sup>10</sup> A more specific offence under Section 366 is abducting or inducing a woman (a “woman” in the IPC means a female human being of any age<sup>11</sup>) to compel her to marry a person against her will.

These criminal provisions are only indicative and are not exhaustive. Other charges such as those of trafficking under the IPC<sup>12</sup> or charges under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, may be applicable based on the circumstances of each case.

According to National Family Health Survey (NFHS) data, among women of the ages 20-24 surveyed in India, the percentage who were married before the age of 18 was 47.4% in NFHS-3 (2004-2005)<sup>13</sup>, which declined to 26.8% in NFHS-4 (2015-2016)<sup>14</sup>, and further declined to 23.3% in NFHS-5(2019-2021)<sup>15</sup>. Data on number of cases reported under the PCMA is available in *Crime in India* reports of the National Crime Records Bureau (NCRB). Given that NFHS estimates (see table below), the number of child marriages reported under PCMA as per NCRB are fairly low, indicating

---

<sup>4</sup> Section 375 sixthly r/w S.376, IPC. This offence is punishable with rigorous imprisonment for a minimum of 10 years and can extend up to 14 years.

<sup>5</sup> Section 376 (3), IPC. This offence is punishable with rigorous imprisonment for a minimum of 20 years and can extend up to the remainder of the life of the accused.

<sup>6</sup> Section 376 AB, IPC. This offence is punishable with rigorous imprisonment for a minimum of 20 years and can attract the death penalty.

<sup>7</sup> *Independent Thought v Union of India*, (2017) 10 SCC 800

<sup>8</sup> Section 3-12, POCSO Act.

<sup>9</sup> For example, in *Khaledur Rahman v. State of Kerala & Anr.* 2022 SCC OnLine Ker, the Kerala High Court in held that even if the child marriage is valid, offences under POCSO will apply if it is consummated. See also *Aleem Pasha v. State of Karnataka* 2022 SCC OnLine Kar 1588; *Rahul v. State of Karnataka* 2021 SCC OnLine Kar 12728.

<sup>10</sup> Section 361 r/w 363, IPC

<sup>11</sup> Section 10, IPC

<sup>12</sup> For examples of cases where children are trafficked for the purpose of child marriage, see pg 6, Handbook on PCMA, available at

[https://web.archive.org/web/20141021064048/http://www.unicef.org/india/Child\\_Marriage\\_handbook.pdf](https://web.archive.org/web/20141021064048/http://www.unicef.org/india/Child_Marriage_handbook.pdf);

<https://slic.org.in/uploads/2019/01/child-marriage-and-the-law.pdf>, pg 37

<sup>13</sup> National Family Health Survey. (2015-2016), Ministry of Health and Welfare, India Fact Sheet: India Key indicators (p. 3). <https://rchiips.org/nfhs/pdf/NFHS4/India.pdf>

<sup>14</sup> *Ibid.*

<sup>15</sup> National Family Health Survey(2019-2021), Ministry of Health and Welfare, India Fact Sheet, India Key indicators, p.3, [https://main.mohfw.gov.in/sites/default/files/NFHS-5\\_Phase-II\\_0.pdf](https://main.mohfw.gov.in/sites/default/files/NFHS-5_Phase-II_0.pdf)

that the criminal law is not preferred or used to address child marriage. It must also be borne in mind that the NCRB adopts the principle offence rule. According to this rule, among many offences registered in a single FIR, the offence attracting the maximum punishment is considered as the counting unit. For instance, it is possible that provisions under the POCSO Act may have been used in a case of child marriage, alongwith PCMA. Such a case will not be reflected in the count of cases under the PCMA as the punishment under the POCSO Act is much higher.

<b>Data on the PCMA from <i>Crime in India</i>, National Crime Records Bureau</b>				
	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
<b>Number of reported cases<sup>16</sup></b>	525	785	1050	1002
<b>Conviction Rate<sup>17</sup></b>	12%	16.7%	9.7%	11%
<b>Pendency Rate<sup>18</sup></b>	93.5%	98.3%	96.4%	94.4%

The *Crime in India* data available in the public domain is limited to State-wise number of cases reported under the PCMA and the manner of disposal of cases under the PCMA by the police and courts at the national level only. Granular data on the specific offences, what other offences are applied, how victims testify, how courts appreciate evidence and determine the age of the child, and factors responsible for the conviction and acquittal of such cases, is not available. There is also a gap in data on how this law is being utilised, and the nature of cases entering the criminal justice system, and the profile of informants, accused persons and victims in these cases. There is thus a compelling need for evidence on how the PCMA is being applied by the judiciary to understand trends in adjudication of cases, identify gaps in investigation and prosecution and the areas for potential intervention.

Partners for Law in Development, in their 2021 study, *Child Marriage Prosecutions in India: Case Law Analysis of Actors, Motives and Outcomes 2008-2017*, studied 83 cases from India [56 decided by the High Courts and 27 by District Courts] decided between 2008 and 2017.<sup>19</sup> It aimed at understanding the child marriage law usage in the country and make recommendations that help reduce the unintended harm of the law on young persons.<sup>20</sup> Of the 83 cases, 71 cases had details on the girl's age. In majority of the cases, the girls were aged between 15-17 years (55 cases). In 42 cases, the husband's age was mentioned. The largest group here were husbands aged 21-25 (26 cases).

<sup>16</sup> 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.

<sup>17</sup> 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.

<sup>18</sup> Ibid.

<sup>19</sup> Partners for Law in Development, *Child Marriage Prosecutions in India: Case Law Analysis of Actors, Motives and Outcomes 2008-2017* (2021) 5.

<sup>20</sup> Partners for Law in Development, *Child Marriage Prosecutions in India: Case Law Analysis of Actors, Motives and Outcomes 2008-2017* (2021), 2 and <https://pldindia.org/research/publications/gender-and-sexuality/>.

The informant profile revealed that parents have the greatest and the girls have the least access to the law.<sup>21</sup> The girls were informants in 15 cases, parents in 19 cases, husbands in 35 cases and 14 by others (four were initiated by the child marriage prohibition officer, three by an unknown complainant, two by the girl and a single case by one of the girl's parents against the other parent).<sup>22</sup> Elopement was found to be the primary cause for legal action (54 cases; 65%) while 29 cases (35%) pertained to arranged (25 cases) and forced marriages (4 cases).<sup>23</sup> Within elopement cases, different nature of cases included parents prosecuting the husbands or seeking custody of their daughter as well, husband or the couple sought protection, cohabitation, bail or quashing of criminal charges.<sup>24</sup> Legal action from arranged marriage cases came about largely because of breakdown of the marriage due to domestic abuse, disagreements or incompatibility and thus an annulment was sought.<sup>25</sup> It was also found that most of the marriages (based on limited indicators in all judgements) arose in resource-poor contexts<sup>26</sup> and that there was a “disproportionate burden of criminality and stigma on husbands in self-arranged marriages”<sup>27</sup>. Of the elopement cases, 86% were decided in favour of the girl and her husband (49 out of 57 cases).<sup>28</sup> The judicial outcomes showed mostly the non-application of age-based usage of the law and found consideration of factors such as family acceptance, birth of a child, interests of the girl, circumstances, personal laws, etc.<sup>29</sup> The study recommended making underage marriages voidable (and not void) as it allows for judicial discretion to address particular circumstances of each case.<sup>30</sup> It also suggested for void underage marriages under circumstances and situations such as “coercion, deceit, fraud and exploitation” and forced arranged marriages.<sup>31</sup> Further, it noted that the number of years within which a girl can seek nullity of underage marriage can be increased with the safeguard of condonation of delay and that the court should differentiate between enticement cases and the cases where girls “exercise intelligent preference to marry”.<sup>32</sup> Other recommendations made were decriminalization of adolescent sexuality by lowering age of consent, the minimum age of marriage to not exceed 18 (the age of majority) and strengthening the role of Child Marriage Prohibition Officer.<sup>33</sup>

## Objective

The present study seeks to examine criminal proceedings under child marriage law closely to understand the manner in which cases arise before the justice system and the trends in these cases including the nature of victim testimony, age determination, outcomes, sentencing, etc. In addition, there is a paucity of child marriage data to understand larger judicial trends. For instance, no reliable data exists on the nature of cases filed under the PCMA, the proportion of cases filed for nullity and other civil reliefs, the outcomes in these cases, etc. With the development of web based court registries, there is untapped potential data sources that have not been utilised to understand

---

<sup>21</sup> Partners for Law in Development, *Child Marriage Prosecutions in India: Case Law Analysis of Actors, Motives and Outcomes 2008-2017* (2021), P. 57.

<sup>22</sup> Id. at P. 56 and P. 47.

<sup>23</sup> Id. at P. 56.

<sup>24</sup> Id. at P. 56.

<sup>25</sup> Id. at P. 57.

<sup>26</sup> Id. at P. 56.

<sup>27</sup> Id. at P. 58.

<sup>28</sup> Id. at P. 59.

<sup>29</sup> Id. at P. 59.

<sup>30</sup> Id. at P. 63.

<sup>31</sup> Id. at P. 63.

<sup>32</sup> Id. at P. 64 and 65.

<sup>33</sup> Id. at P. 65-67.

implementation of the law with respect to child marriage. This wealth of data, available in court registry metadata holds the promise of offering a broad perspective across states and over time. Metadata analysis could allow for the inclusion of cases still pending or those that have judgement in a vernacular language. The analysis could facilitates inter-state comparisons, identification of districts with high caseloads, and the revelation of hotspots, pendency issues, or prolonged durations within a state. It could also be helpful to see the districts where there are long gaps between hearings pointing to systemic challenges or lack of resource allocation. These insights could offer valuable and actionable insights for resource allocation. The nature of disposal in cases could provide information on conviction rate and corresponding district and state wise trends. However, the e-Courts portal which provides court registry data in India is riddled with errors, and lack of uniformity which has hindered analysis.<sup>34</sup> This project intends to understand the extent of reliability of meta-data by comparing certain key variables to the judgments under the PCMA.

This evidence generated is intended to strengthen the enforcement of the PCMA and identify specific aspects that can be addressed during capacity-building programs with law enforcement agencies, prosecutors, judges, lawyers, and civil society organisations. In addition to analysing the implementation of the PCMA through publicly available data, the project also intends to demonstrate the errors and gaps in the eCourts data pertaining to PCMA cases. This report also demonstrates some potential benefits of using data tools to extract and analyse quantitative and qualitative aspects of judicial data. Data tools have been utilised in scraping metadata from e-Courts, analysing select queries, downloading judgments and analysing select variables from judgment texts.

### Outline of the Report

This report is categorised into two distinct parts based on the nature of data analysed.

- a. **Part A - Analysis of judgments under the PCMA:** Part A of this report outlines the methodology and key findings of the analysis of judgment texts in disposed cases under the PCMA downloaded from e-Courts.
- b. **Part B - Evaluation of quality of data regarding cases under the PCMA on eCourts:** Part B of this report compares key data points of the cases analysed under Part A with the data available as Metadata from the eCourts portal to evaluate the accuracy and extent of information that can be gleaned from Metadata.

---

<sup>34</sup> Devendra Damle and Tushar Anand, Problems with the e-Courts data, No 314, National Institute of Public Finance and Policy (29 July 2020), available at [https://www.nipfp.org.in/media/medialibrary/2020/07/WP\\_314\\_\\_2020.pdf](https://www.nipfp.org.in/media/medialibrary/2020/07/WP_314__2020.pdf)



## Part A - Findings from Judgment Analysis

### Methodology

For the purposes of judgment analysis, an upper limit of 150 judgments pertaining to criminal trials under the PCMA from three states was considered. Civil cases such as petitions for annulment of marriage, maintenance, and custody were excluded. Judgment texts which did not contain the full final judgment and only had a final order copy or were not a criminal trial such as bail petition, appeals, and interim orders, were excluded.

For the selection of three states, the following factors were considered:

- Extent of child marriage cases in the State based on National Family Health Survey and National Crime Records Bureau data, as well as e-courts data
- Availability of judgments relating to criminal trials in English language
- Geographical diversity

*Crime in India* reports published by the National Crime Records Bureau [NCRB] were considered to understand the state-wise number of cases registered under the PCMA. However, due to the primary offence rule<sup>35</sup> followed by the NCRB, the number of cases under PCMA were fairly low. In order to gauge the extent of child marriage cases before courts, data scraping tools were used on the e-Courts platform to quantify the number of cases with reference to “child marriage”. It must be noted, however, that multiple proceedings before courts may arise from a single incident of child marriage, as the accused may apply for bail in the matter, or the victim may petition for other reliefs. The National Family Health Survey [NFHS] served as an indicator of the prevalence of child marriage.

The top 5 states with the highest aggregate of cases registered under the e-Courts portal are indicated below along with the corresponding figures from NCRB crime data and NFHS, and the explanation for the selection of Tamil Nadu, Maharashtra, and Assam..

Sl. No.	State	No. of cases on e-Courts (2015-January 2023)	No. of cases reported under PCMA as per <i>Crime in India</i> , NCRB (2015 - 2021) <sup>36</sup>	NFHS-5 (2019-2021_ Women age 20-24 years married before age 18 years	Reasons for Selection/Exclusion
1	Tamil Nadu	5228	546	12.8%	Although prevalence of child marriage is low as per NFHS, Tamil Nadu topped the chart in number of cases under the PCMA before the

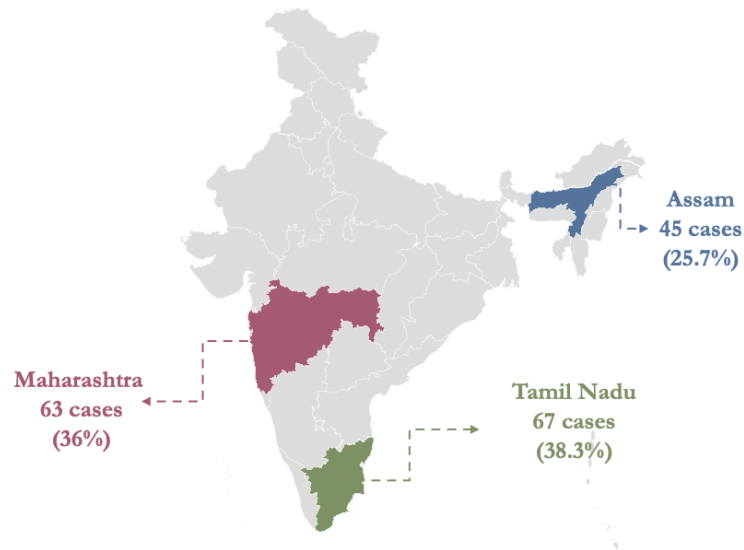
<sup>35</sup> *Crime in India* adheres to the “Principle Offence Rule” by which where there is an FIR involving several offences, “only the most heinous crime (with the highest punishment) is considered as the counting unit.” Due to this “there is a possibility of some cases under the Indian Penal Code (IPC) or Special and Local Laws (SLL) being underreported, as they are concealed within more serious IPC crimes.” See National Crime Records Bureau, *Crime in India* 2021, Vol-1, “Limitations”.

<sup>36</sup> *Crime in India* data for the year 2022 had not been released at the time of conception of the study.

					courts. It was thus selected to understand the correlation (if any) between the use of PCMA and incidence of child marriage.
2	Karnataka	3213	792	21.3%	Excluded as judgments were not available in English
3	<b>Maharashtra</b>	1858	225	21.9%	Third-largest number of cases on e-Courts and highest in West region, prevalence of child marriage was close to the national average of 23.3% and the judgments were available in English. This state was selected.
4	West Bengal	1149	473	41.6%	Fourth largest number of cases on e-courts and highest in East region, prevalence of child marriage is highest, judgments are available in English, but was rejected due to the limitations of time and resources.
5	Assam	1040	591	31.8%	Fifth largest number of cases on e-courts and highest in North-East region, high prevalence of child marriage, with also a high number of cases registered under PCMA. Judgments were available in English. It was selected in light of the recent spate of mass arrests and prosecutions under PCMA. <sup>37</sup>

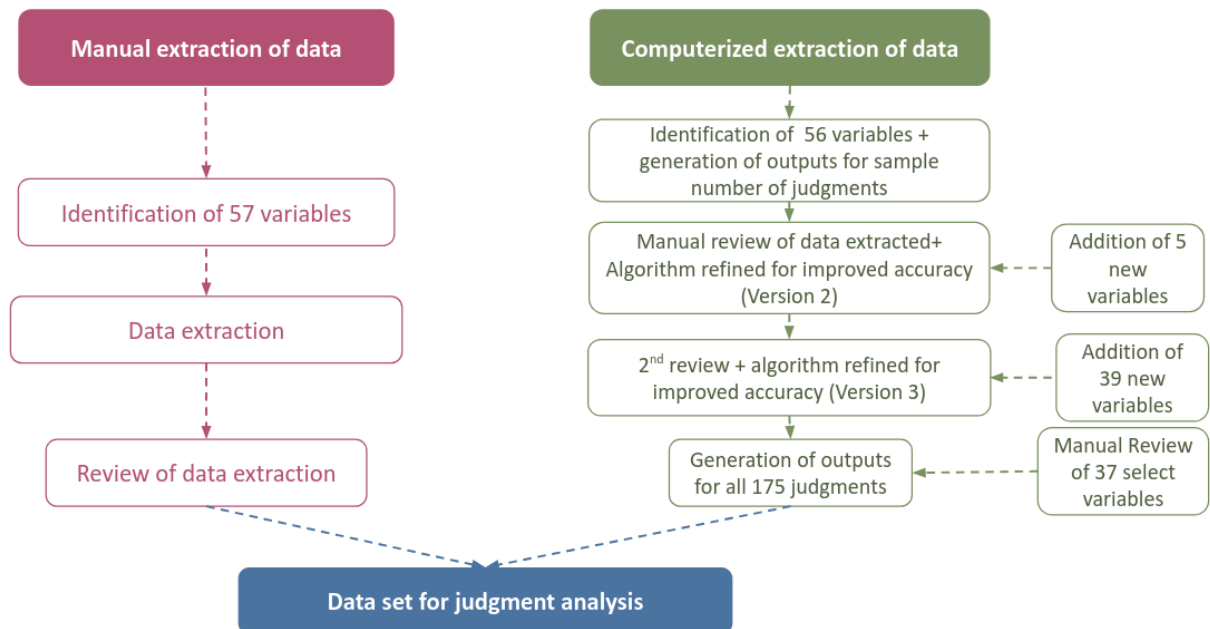
<sup>37</sup> "Over 1,000 Arrested in Fresh Crackdown Against Child Marriages in Assam." Times of India, TNN, 3 Oct. 2023, <http://timesofindia.indiatimes.com/articleshow/104121970.cms>; "1,039 People Arrested as Part of Crackdown on Child Marriages in Assam." Hindustan Times, 3 Oct. 2023, <https://www.hindustantimes.com/cities/others/1039-people-arrested-as-part-of-crackdown-on-child-marriages-in-assam-101696322785041.html>; Zoya Mateen, "Assam: India Child Brides Desperate After Mass Arrests." BBC News, Delhi, 10 February 2023, <https://www.bbc.com/news/world-asia-india-64564861>.

## Number of cases for judgment analysis



### *b. Selection of variables & data extraction*

#### Methodology for Judgment Analysis



Variables from Judgments were identified based on the availability of data within judgment and the nature of data required to assess trends with respect to the following areas:

- Profile of victims under the PCMA
- Profile of accused persons under the PCMA

- Profile of Informants under the PCMA
- Circumstances that led to the case entering the criminal justice system
- Nature of child marriages
- Nature of charges against accused persons
- Nature of victims testimony
- Age determination of victims
- Nature of outcomes
- Nature of sentencing
- Trends in grant of bail
- Provision of compensation to victims

For the purpose of data extraction, both manual and automated tools were utilised. 57 variables that required understanding of the context and application of the law such as the testimony of victims, relationship between the parties, nature of child marriage, and age-determination procedure followed by the courts, were extracted manually. Simpler variables such as final outcomes, number of accused persons, charges, compensation, and the like were extracted using automated tools.

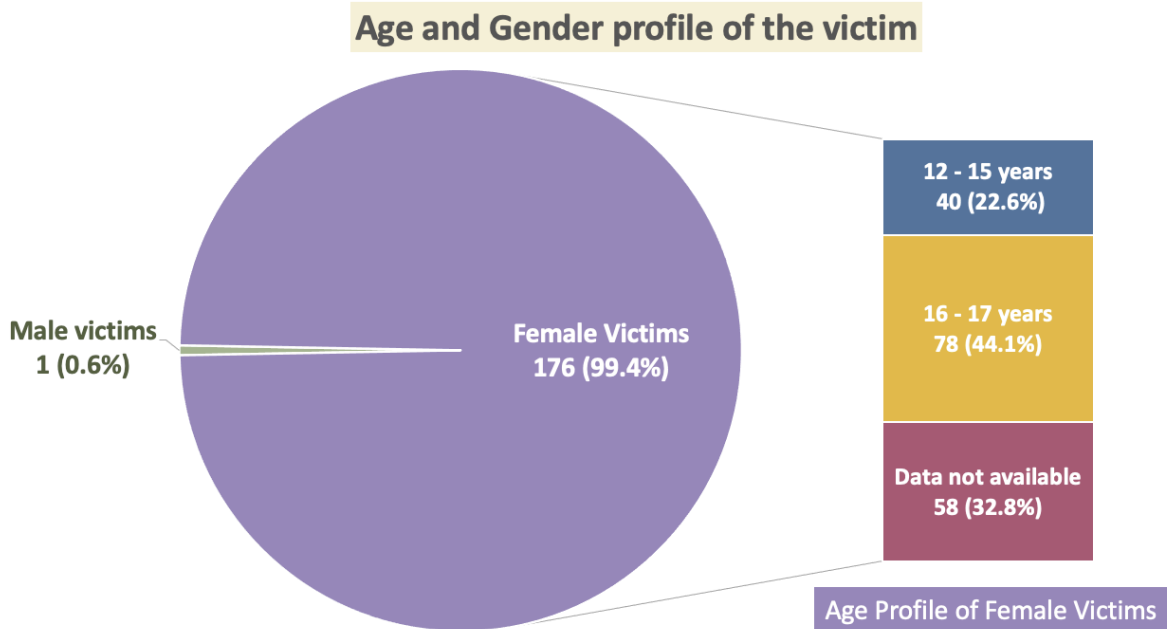
To test the accuracy, computerised outputs were generated for 56 selected variables for judgments from Assam. These included the name of the district, court, relevant dates, charges, references to certain keywords, trial outcome and quantum of sentence. A manual review was undertaken of the results, which helped improve the algorithm for enhanced accuracy. Five variables were added in Version 2. Variables were then extracted, including sentences referencing them, to discern positive and negative contexts, resulting in a higher accuracy rate in version 3 with an additional 39 variables being added. Outputs were generated for all 100 variables for the 175 judgments from Assam, Maharashtra and Tamil Nadu. However, 37 variables, such as number of accused, occupation of accused persons, place of marriage, and charges, continued to generate a high error rate and had to be reviewed and corrected manually.

**A detailed list of variables and the extraction method can be found in Table A1 in the Annexure.**

***Limitations:***

1. Manual verification of data extracted through automated tools was undertaken only for 37 variables with a high error rate. It could not be undertaken comprehensively for the remaining 20 variables due to feasibility constraints.
2. The possibility of unnoticed errors in the algorithm-extracted data during the manual review process exists.
3. Judgments were at times not detailed and lacked information desired leading to data gaps.
4. Judgments from Tamil Nadu were found to have extracts of evidence in Tamil language which could not be analysed.

## I. Profile of Victims

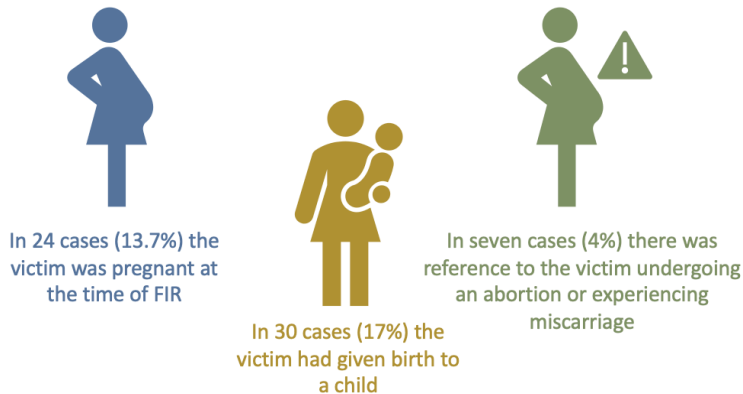


1. **Child marriage is a gendered phenomenon and this is evident from the gender profile of victims, based on which, 176 of 177 victims<sup>38</sup> (99.4%) were female and only one victim was (0.6%) male.**
2. **It is significant to note that in 21 cases, the male party to the marriage was below 21 years, i.e., below the legal age of marriage for men and in four cases, the boy was below 18 years. However, in only one of the cases was the boy also treated as a victim of child marriage.**
3. The data points towards a **trend of child marriages being more amongst older adolescents than younger children. Girls aged 16 - 17 years constituted 44.1% of victims.** Of the 176 female victims, the age of victims in nearly a third of the cases i.e., in 58 cases (32.8%) were not mentioned in the judgment. It is notable that there were no cases of victims below the age of 12 years.
4. **References to the death of the victim, pregnancy, and domestic violence gave an insight on the implications of the marriage on the physical and mental health and well-being of the girls.**
5. In five cases (2.8%) the female victim had died, of which in four cases the death took place after the FIR was lodged. In three cases the victim died by suicide.<sup>39</sup>

<sup>38</sup> In three cases, there were two victims each - one male victim and one female victim in two cases and two female victims in one case.

<sup>39</sup> *State of Assam v. Hazrat Ali Sheikh and Ors.*, G.R. Case No. 232/18, decided by the Court of Addl. Chief Judicial Magistrate, Kokrajhar on 20.12.2018 and *State v. Dineshmathi*, Special Sessions Case No. 21 of 2018, decided by Special Court under POCSO Act, Nagapattinam on 22.04.2022 (Tamil Nadu).

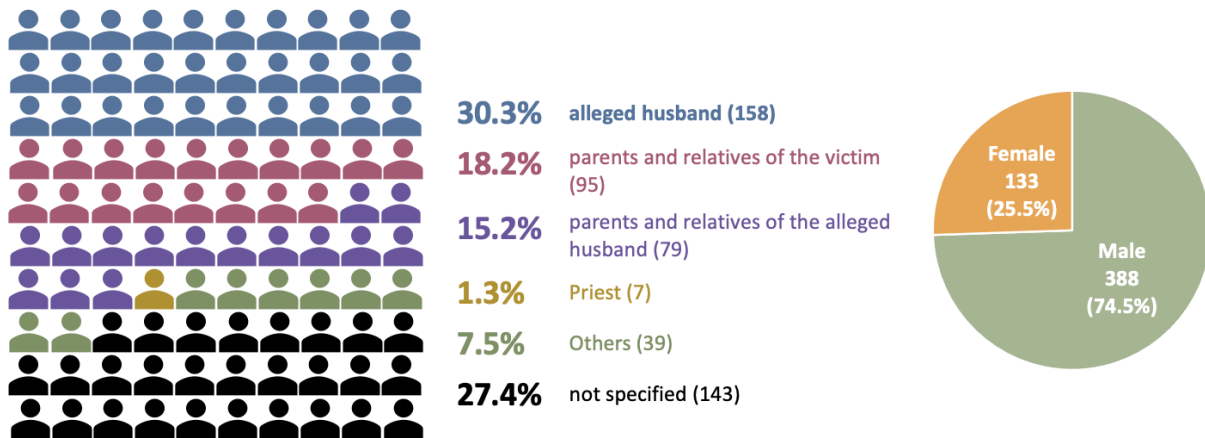
## Pregnancy, Childbirth, & Abortions



6. **Of the 24 cases (13.7%), in which the victim was pregnant at the time of FIR**, in 15 cases the pregnancy led to the registration of the case. In nine of the 15 cases, the informant was the doctor/hospital staff where the victim sought medical treatment.
7. **In 30 cases (17%), there was a reference to the victim already having a child with the alleged husband. In seven cases, a reference to an abortion by the victim was found in the judgement.** In three cases, the abortion was performed due to urgent medical reasons such as fetal deformities, excessive bleeding and fall. In one case, the abortion was performed forcefully by the accused. Apart from drawing attention to the risks of early pregnancy associated with child marriage, these findings also indicate a link between accessing reproductive health care and triggering of the criminal justice system and low awareness about and use of birth control among adolescent girls. In the long-term, the implications of reporting by doctors on the maternal and mental health of the girls needs to be evaluated. See Section IV for more details on circumstances that lead to the reporting of cases under the PCMA.
8. Information pertaining to the educational enrolment status of the children was available in only 91 cases. **In 64 cases, the victim was enrolled in a school at the time of the offence and in nine cases the victim had secured a pass certificate.** In 16 cases the victim had already dropped out and in one case the victim had never enrolled in school. No information could be gleaned from the judgment as to whether the victims who were enrolled continued with their education.

## II. Profile of Accused Persons and the Alleged Husbands

### Profile of accused persons in PCMA cases



1. There were a total of 521 accused persons in the 175 cases. On an average, each case had three accused persons. **74.5% of accused persons were male and only a quarter of them were female.** Male accused persons were predominantly the victim's alleged husband followed by the father or male relatives of the victim or the alleged husband who organised or abetted the commission of the alleged child marriage. Female accused persons were primarily the victim's mother, victim's mother-in-law and other female relatives of the victim or the alleged husband.
2. The information on the victim's relationship with the accused was available for 378 accused persons. **Nearly a third of all accused persons, i.e. 158 persons (30.3%) were the alleged husbands.** In three cases the alleged husband was a minor and could not be named as an accused as the PCMA only criminalises an adult man for marrying a minor girl.<sup>40</sup>
3. **174 (33.4%) of the accused persons were parents and relatives of the victim and the alleged husband.**
4. 39 accused persons (7.5%) constituted external entities like villagers, acquaintances, friends of the alleged husband, neighbours, etc.
5. In a small number of cases i.e. seven cases (1.3%) the priest was named as an accused person for solemnising a child marriage in contravention of the PCMA.

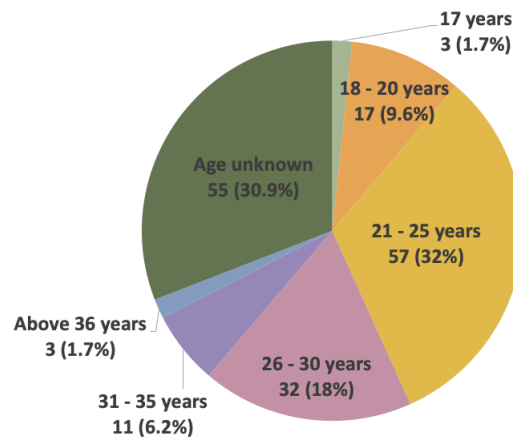
#### *Profile of alleged husbands*

1. **While 176 minor girls in 175 cases were alleged to have been given in child marriage in the dataset, it is pertinent to note that in 20 cases, the alleged husband of the minor victim was not enjoined as an accused.** Not all cases explained why they were not charged. In four cases, it was observed that the alleged husband was not charged as the husband was also a minor below the age of 18 years and Section 9, PCMA only punishes an adult man for marrying a minor girl child. However, in one of these cases the minor boy was expressly referred to as a "juvenile in conflict with the law" and charged with offences under the POCSO Act.

<sup>40</sup> Prohibition of Child Marriage Act, 2006, Section 9.

2. **Age of alleged husbands:** Based on the age of the accused available in Maharashtra and Tamil Nadu, a majority of the alleged husbands i.e. 77 (44.3%) were below the age of 26 years of which three were minors,<sup>41</sup> i.e., below the age of 18 years. In one case the husband was stated to be a minor but his specific age was not mentioned. The oldest alleged husband was 42 years. Of the 178<sup>42</sup> alleged husbands of the victim girl, the age of 55 of them (31.3%) were not known. It must be noted that the age data provided above does not necessarily indicate age at the time of the alleged child marriage. In majority of the cases from Tamil Nadu and Maharashtra, it is based on the age on the date of registration of the case, and therefore the age of the alleged husband would presumably be lower at the time of the alleged child marriage. This information was not available in the Assam judgments.

#### Age profile of the alleged husband



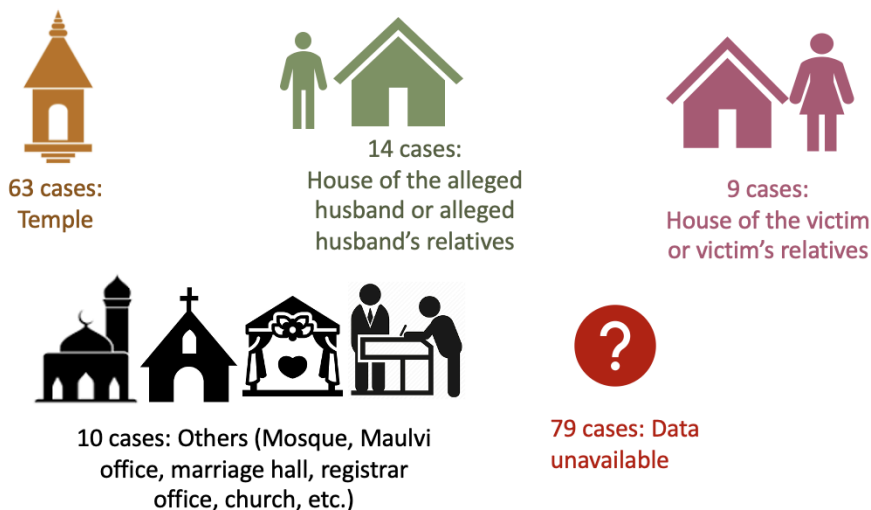
<sup>41</sup> *State of Assam v. Md. Antaz Ali*, P.R.C Case No. 318/2019, decided by the Court of Additional Chief Judicial Magistrate, Kokrajhar on 23.09.2022; *State of Assam v. Mukut Bhuyan*, GR Case No. 2496/2017 decided by Additional Chief Judicial Magistrate, Kamrup (Metro) on 29.11.2021 and *State of Assam v. Md. Rabom Ali and Ors.*, GR Case No: 1145/2017, decided by the Court of Additional Chief Judicial Magistrate, Kokrajhar on 9.09.2019.

<sup>42</sup> Of the 175 cases, there were 176 minor girl victims. In one case, the minor girl was married off three times making the total count of alleged husbands 178.



### III. Profile of Child Marriages

#### Place of Marriage in PCMA cases



1. **Place of Marriage:** Of the 175 cases, the details on the place of marriage was mentioned only in 93 cases. A high number of child marriages i.e, 66, took place in temples, followed by 23 cases where it took place at the residence of the victim, the alleged husband or either party's relatives. In ten cases, the marriages were stated to have taken place in marriage halls, mosques, churches and at registrar offices.
2. **Marriage Ceremonies:** In several cases, the judgment mentioned that the alleged husband tied a "thali" or "yellow thread" on the victim girl to marry her. In one case the victim mentions that the alleged husband tied a thali while they were traveling in a bus.<sup>43</sup> It is to be noted that the act of tying the thread, although a popular part of Hindu marriage traditions, would not by-itself constitute a valid legal marriage under the Hindu Marriage Act, 1955. According to Section 7 of the HMA Act, "[a] Hindu marriage may be solemnized in accordance with the customary rites and ceremonies of either party thereto." Thus unless the parties can prove that tying of the yellow thread by itself is sufficient under either party's custom the marriage would not be valid.

#### *Nature of Child Marriages*

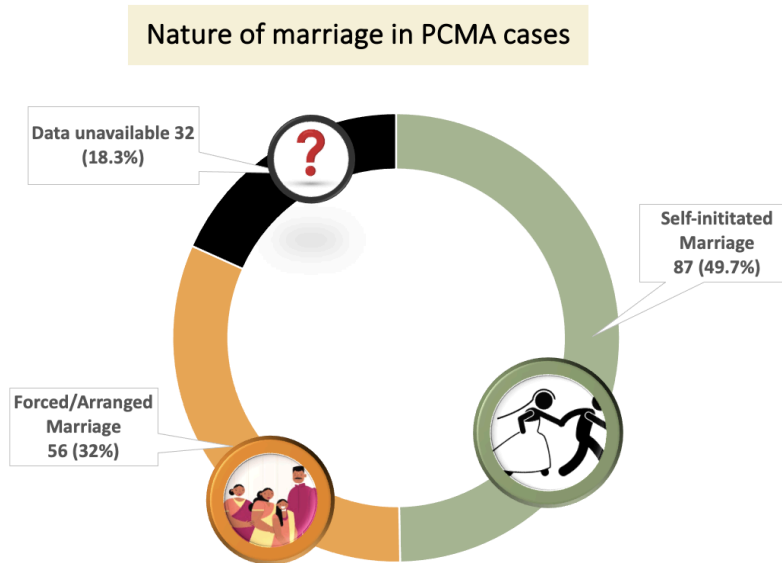
##### Type of Child Marriages

- a. **Self-initiated marriage:** "Self-initiated" marriages refer to child marriages that were characterized by the victims and their alleged husbands getting married voluntarily without the

<sup>43</sup> *State of Tamil Nadu v. Lingeswaran*, Special Sessions Case No.109/2021, decided by Sessions Judge, Fast Track Mahila Court, Dindigul on 28.06.2022.

marriage being arranged by parents, relatives or other persons.<sup>44</sup> Not all judgments expressly mentioned whether the alleged child marriage was self-initiated. While in some cases the victim girls expressly mention that they were in love with the alleged husband and willingly left to marry him, not all cases have these express references. Thus, in order to compute the number of self-initiated marriages, the facts of the case have been used to conclude if the marriage is self-initiated.

- b. **Forced/Arranged Marriage**<sup>45</sup>: Marriages were categorised as “forced” where the victim alleged that the marriage was performed under coercion or threat from any person including her family, the alleged husband, family of the alleged husband or other persons. Marriages were categorised as “arranged” where the marriage was planned, and initiated by the family of the victim or of the alleged husband or other persons such as Associations or village groups.

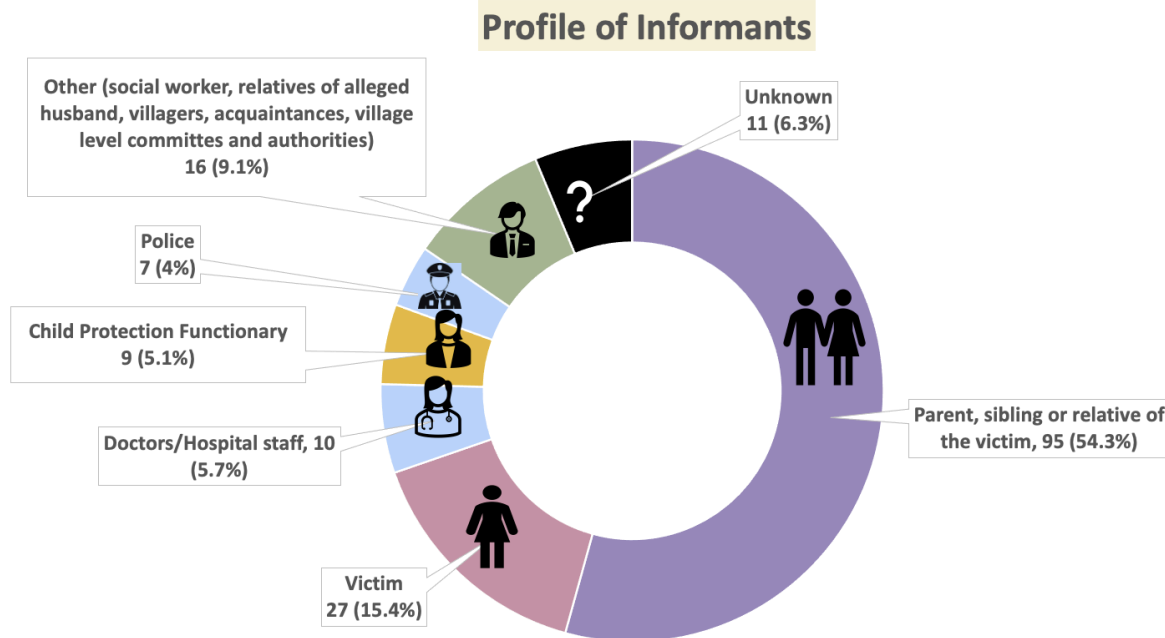


<sup>44</sup> UNICEF and UNFPA have defined “self-initiated” marriages as “when young people decide to marry, elope or cohabit in order to have a sexual or “love relationship”. See UNICEF & UNFPA, Beyond Marriage and Motherhood: Empowering girls by addressing adolescent pregnancies, child marriages and early unions – Tailoring Programme Interventions for Southeast Asia and the Pacific. UNICEF East Asia and Pacific Regional Office, Bangkok, 2022. The Global Programme to End Child Marriage explains “self-initiated” marriages as when “both spouses choose to marry each other. Self-initiated marriage is sometimes used to escape abusive circumstances or forced marriage. It also provides a way for young people to be sexually active in contexts where sex is accepted only within the socially sanctioned institution of marriage, or to ‘legitimize’ a pregnancy. Marriage is also a way for adolescents to declare independence (linked to adolescent brain development and the desire for peer affiliation and independence) by establishing a separate family unit and/or household.” See UNFPA, The Global Programme to End Child Marriage, Phase II Program Document [2020 - 2023]

<sup>45</sup> UNICEF and UNFPA explain that “Arranged marriages” are where “The bride and groom are selected by individuals other than the couple themselves, particularly by family members such as parents. Arranged marriages may be non-consensual or consent may be limited, pressured or forced.” Forced marriage is defined as “a marriage in which one and/or both parties have not personally expressed their full and free consent to the union.” See UNICEF & UNFPA, Beyond Marriage and Motherhood: Empowering girls by addressing adolescent pregnancies, child marriages and early unions – Tailoring Programme Interventions for Southeast Asia and the Pacific. UNICEF East Asia and Pacific Regional Office, Bangkok, 2022. Global Programme to End Child Marriage defines “forced marriage” as “one in which one or both spouses do not give full, free, informed, prior consent, regardless of age.” See UNFPA, The Global Programme to End Child Marriage, Phase II Program Document [2020 - 2023].

3. **Nature of Marriage:** The judgments were studied closely to understand what led to the alleged child marriages taking place and in particular to understand the extent of self-initiated marriages, forced marriages and family-arranged marriages.
  - **Self-initiated marriage:** A majority of child marriage in PCMA cases were observed to be self-initiated and constituted 49.7% of the cases (87 cases). Self-initiated marriages were typically characterized by elopements, or the victim leaving home (in 76 cases) to get married to the person of her choice. In 68 self-initiated marriages there was an express reference to a pre-existing romantic relationship between the victim and the alleged husband and in these cases, the victim, or the victim’s parents expressly admitted to the existence of a romantic relationship between the parties, or the court concluded that there was a romantic relationship between the parties. In four self-initiated marriages, the family organised the marriage for the parties after the discovery of a “romantic” relationship between them.
  - **Forced/Arranged marriage:** In 56 cases (32%), the alleged child marriage was a forced marriage or an arranged marriage. Of these in 20 cases the victim expressly stated to have been forced, coerced or threatened into marriage with the alleged husband. Many judgments did not reveal data regarding the consent of the minor victim girl to family-arranged marriages leading to a gap in understanding how many of these marriages were performed against the will of the victim.
  - **Data Unavailable:** In 32 cases (18.3%), there was no data available to discern the manner in which the marriage was initiated.

#### IV. Profile of Informants and circumstances that led to the reporting of the case

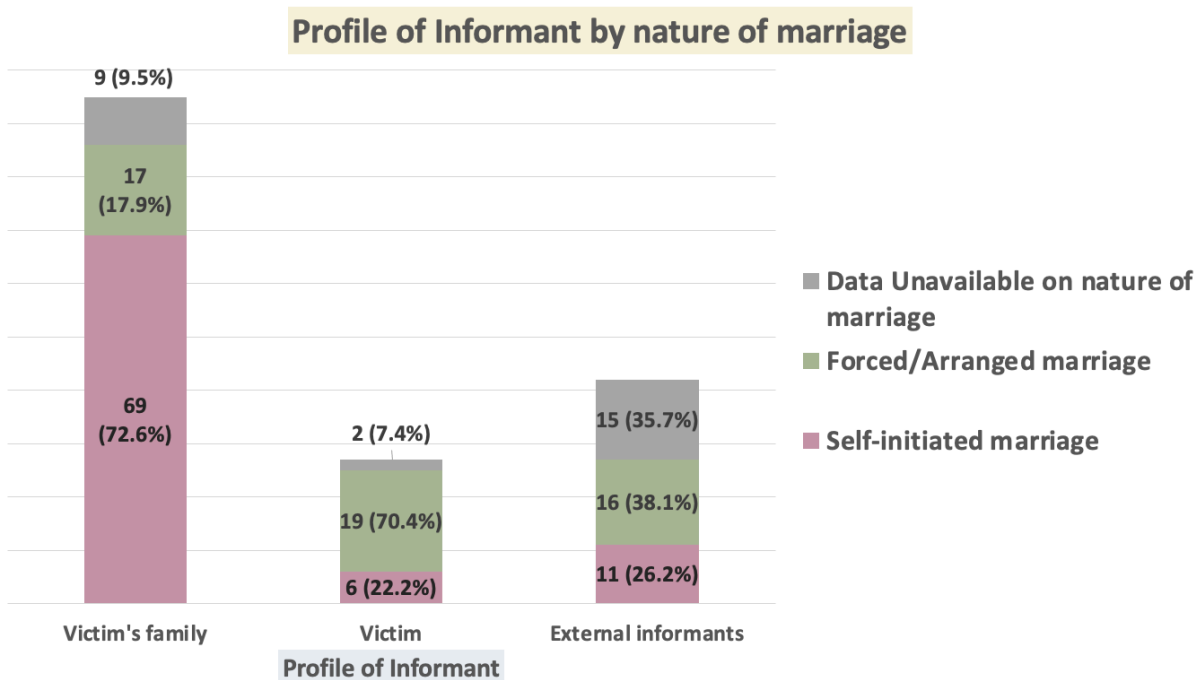


#### *Profile of Informants*

1. Informants in PCMA cases primarily constituted the victim’s parents, sibling, and relatives in 95 cases (54.3%).
2. The victims themselves approached the police in 27 cases (15.4%).

- The remaining informants constituted functionaries such as the police (seven cases); child protection functionaries like the DCPU, Chairperson of the CPCR, Childline functionaries, and CWC(nine cases); doctors/hospital staff (10 cases); and others such as social workers, village level authorities, and villagers (16 cases).

**Circumstances leading to the filing of FIR:**



**a. Cases filed by parents & family of the victim**

- Cases filed by parents were predominantly triggered by the victim leaving home, and was seen in 80 of the 95 cases where the parents were the informant.** In 69 cases, the marriage was self-initiated and in 54 cases there was an express reference to a romantic relationship between the victim and alleged husband. In these cases, a missing complaint was filed after the family realised that the victim was not at home, or had not returned from school, market or the workplace. In some cases, families added that they suspected the girl to have been kidnapped or lured by the alleged husband for the purposes of marriage. In these cases, charges under Section 9, PCMA and Sections 4 or 6, POCSO Act were added after the couple was traced and found to have been married and residing together. **Similar to the findings of a study undertaken by Partners for Law & Development,<sup>46</sup> [PLD study] this study also indicates that the law is being used by parents of adolescent girls to regulate their expressions of choice. Similar to the current findings, the PLD study also found that “Elopement is the primary cause for legal action”<sup>47</sup>**

<sup>46</sup> Partners for Law in Development, *Child Marriage Prosecutions in India: Case Law Analysis of Actors, Motives and Outcomes 2008-2017* (2021), p.56.

<sup>47</sup> Partners for Law in Development, *Child Marriage Prosecutions in India: Case Law Analysis of Actors, Motives and Outcomes 2008-2017* (2021).

2. **In 17 cases, the marriage was forced or arranged. In these cases the parents or family members filed the complaint after they discovered that the victim was given in child marriage by another family member or forced into marriage by the alleged husband or other persons.** For instance, in one case<sup>48</sup> the victim's mother filed a case after she discovered that the victim's father, from whom she had separated, had solemnized their minor daughter's marriage. In another case,<sup>49</sup> the victim's aunt filed a police complaint alleging that her minor niece was being married off by her family. In a few cases, a complaint was filed after the victim revealed that she was forcefully kidnapped or threatened into a marriage by the alleged husband and his family.
3. In one case the family filed a case after their married minor daughter eloped with her boyfriend after being forcefully married off by her family. In this case <sup>50</sup> the girl's father lodged a missing complaint after she eloped with her boyfriend, and it later emerged that the family had forcibly married her to her maternal uncle. As per the victim's 164 statement, she had been married by her parents forcefully to her maternal uncle. As she did not like her husband she came back to her natal home. Out of fear that she would be sent back to her matrimonial home, she asked her boyfriend (also her cousin brother) to elope with her. A missing complaint was thereafter lodged. During investigation, the fact of victim's child marriage emerged. The victim's father, mother (both under PCMA), boyfriend (under IPC and POCSO Act) and husband (under PCMA) were charged.
4. **Other reasons for families to file PCMA complaints include the discovery of the victim's pregnancy and other grievances such as violence and ill treatment of the victim by her alleged husband and in-laws, and abandonment of the victim by her alleged husband.** In some cases it was observed that the family filed cases long after the child marriage had taken place due to other grievances. *State of Maharashtra v Ashokkumar @ Sonu Ramashray Gaud and Ors*,<sup>51</sup> is an example of the resort to a child marriage as a compromise after gangrape by the accused persons came to light when the 12-year-old victim's pregnancy was discovered by her parents. The victim was drugged and gangraped by the accused persons on three occasions and was 8-months pregnant. The parents and the accused persons jointly decided that one of the accused persons would marry the 12-year-old victim. Nikah was performed, but the victim continued residing with her father. After the delivery of the baby, the accused person left for Dubai without taking care of the victim. The victim's father approached the CWC with the help of a Social Worker, and thereafter lodged a police complaint with the support of an NGO.

***b. Cases filed by victims:***

1. Victims were the informants in 27 cases. Of these 19 cases were forced/arranged and six cases were self-arranged marriages. In two cases the nature of marriage was unknown.
2. Victims filed complaints upon being triggered by sexual assault by the **alleged husband (13 cases), domestic violence and ill-treatment the matrimonial home by husband**

---

<sup>48</sup> *State of Assam v. Salam Sheikh @ Salamuddin & Ors.*, Special (POCSO) Case No. 13 of 2021, decided by the Court of Special Judge, Chirang at Kajalgaon, on 16.11.2022.

<sup>49</sup> *State of Maharashtra v. Shivaji S/o Bansi Khiste*, SCC No. 1207/2017, decided by the Court of Judicial Magistrate First Class, Court No. 6 Parbhani, on 20.02.2018.

<sup>50</sup> *State of Tamil Nadu v. Sankar*, Spl.S.C. No.26/2021, decided by Sessions Judge, Special Court under POCSO Act, Nagapattinam on 23.04.2022.

<sup>51</sup> *State of Maharashtra v. Ashokkumar @ Sonu Ramashray Gaud and Ors* POCSO Special Case No. 430 of 2014, decided by Special Judge under POCSO Act, Gr. Mumbai on 11.11.2021.

**and/or in-laws (7 cases), and forced child marriage and wanting a way out of the marriage (5 cases).** In some of the cases extreme violence was alleged by the victim and in a few cases the victim is stated to have attempted or committed suicide. In *State of Maharashtra v Dnyandeo Nana Khavale*,<sup>52</sup> the 15 year old victim was forcefully married to the accused. The accused-husband raped the victim on multiple occasions. He, along with his parents, would also beat her. Due to this, the victim left her matrimonial home under the guise of pregnancy and went to her grandmother's house. However, her mother insisted she go back to her matrimonial house which resulted in the victim approaching her friend for support. It was here that she contacted the ChildLine through 1098 and was assisted by them with the lodging of a formal complaint against all the accused persons.

3. Other reasons included disputes and quarrels with husband and/or in-laws, being abandoned or thrown out of the matrimonial home, and sexual harassment from the separated husband. In one case the victim filed a complaint after the alleged husband had an affair with her mother.<sup>53</sup> In this case the victim died by suicide during the pendency of the case.
4. In two cases elements of trafficking led the victim to file a complaint - of which in one case the victim was sold by her own mother into marriage<sup>54</sup> and in another case was sold by husband and in-laws into prostitution.<sup>55</sup> In one case, a hospital visit prompted the filing of the FIR. In this case, an ASHA worker visited the house of the 17-year old victim after suspecting her to be pregnant. She was taken to the hospital where it was revealed that she was eight months pregnant, leading to the victim's statement being recorded at the hospital itself and the lodging of an FIR. After two days, the victim was given in marriage to the boyfriend she stated to having had an affair with, prompting the addition of PCMA charges in addition to charges under the POCSO Act and IPC against the alleged husband.

***c. Cases filed by external parties:***

1. External parties such as functionaries, doctors, social workers, village-level organisations or associations, villagers, etc. filed the complaint in 42 cases. 16 of these cases were forced/arranged, 11 cases were self-initiated marriages; and in 15 cases the nature of marriage was unknown.
2. **In these cases filing of a police complaint or filing information to police was prompted by the discovery of the pregnancy of a minor girl (10 cases), and discovery of a child marriage being solemnised in contravention of the PCMA (29 cases).** For instance, in *State of Assam v Pradip Bhattacharjee and Ors*<sup>56</sup>, the Chairperson of the CWC was the informant and alleged that the 15-year-old minor victim was being married off to the accused in a temple and "the said marriage was performed by the President and Secretary of the Temple Committee without verifying the proper age of the victim girl." The case was registered against the alleged husband, victim's mother and the President and Secretary of the Temple Committee and they were charged under Sections 9 and 10, PCMA.

---

<sup>52</sup> Special Case No. 548/2020, decided by the Court of Judge, Special Court, (POCSO Act), Ahmednagar on 12.12.2022.

<sup>53</sup> *The State of Tamil Nadu v Raju and Ors*, Special Sessions Case No: 22/2018, decided by the Court of Sessions Judge, Fast Track Mahila Court, Ariyalur on 31.12.2019.

<sup>54</sup> *State of Maharashtra v. Vaishali Bharat Rahangdale*, Special Case (Child Protection) No. 36 of 2017, decided by Sessions Judge, (Special Judge, POCSO), Bhandara on 11.10.2022.

<sup>55</sup> *State of Maharashtra v Karimon Bayjit Shaikh*, Special Case (POCSO) No. 199 Of 2016, decided by the Court of Sessions, Thane on 19.12.2018.

<sup>56</sup> G.R. Case No: 228/16 decided by the Court of Additional Chief Judicial Magistrate, Kokrajhar on 07.12.2018.

3. In 11 cases, although the marriage was self-initiated, the victim filed a complaint due to quarrels and conflict that arose after the marriage. For instance, in *State of Maharashtra v Rabul Sunil Thombe and ors.*,<sup>57</sup> the victim registered an FIR against her alleging that her husband committed rape and that her in-laws threatened and abused her. She mentioned that she performed a love marriage with the accused but when she wanted to abort her pregnancy to pursue further education, her husband and in-laws opposed the same, leading her to file the case.
4. **In ten cases, the informant was a doctor or hospital staff and a case was filed after the minor victim approached a health facility for pregnancy related treatment or for treatment of injuries.** In all these cases except one, the complaint was filed due to the minor victim's pregnancy and subsequently a PCMA case was also added when it was revealed that the minor girl was also married. Since the POCSO Act provides for mandatory reporting under Section 19(1) and prescribes punishment for failure to report the commission of a sexual offence. The fear of prosecution may have resulted in doctors and other functionaries reporting to the police. In one case, the matter was reported due to suicide of the victim.<sup>58</sup> The doctor informed the police when the victim was brought for treatment in this case.
5. **In three cases the relatives of the accused person filed a complaint.** These cases were usually prompted by family disputes. In one case,<sup>59</sup> the brother of the victim's alleged husband reported the child marriage after a dispute with his brother over the family house. In this case, the informant (victim's brother-in-law) inadvertently incriminated himself and was accused of participating in the child marriage and charged under Section 10, PCMA. In *State of Maharashtra v Bhagwan Dnyanoba Kute and ors.*,<sup>60</sup> the informant was the first wife of the alleged husband. She alleged that he performed marriage with a minor after which a child was conceived by the minor victim. The baby was born premature and was advised to be taken to a pediatrician. But this was not done which resulted in the newborn's death and it was buried in the minor victim's parental house. The informant made a complaint against the parents of the minor victim, her husband, and her in-laws leading to the accused persons being charged for offenses under Sections 304, 201 r/w 34, IPC and under Sections 5, 6, 7, 8 and 9 of Child Marriage Restraint Act, 1929.

#### **Role of Functionaries**

In a total of 10 cases (5.7%) among the 175 cases, was there a mention of the Child Welfare Committee playing an active role in the case. A total of 11 cases (6.2%) had a reference to Childline. In only one case (1.6%) in Maharashtra among the total 175 cases, was there a reference to an Accredited Social Health Activist worker.

The Child Marriage Prohibition Officer per Section 19(3)(a) of the PCMA Act, has the duty to prevent solemnisation of child marriages by taking such action as he may deem fit. However, it is seen that data does not evince their role in response to child marriages.

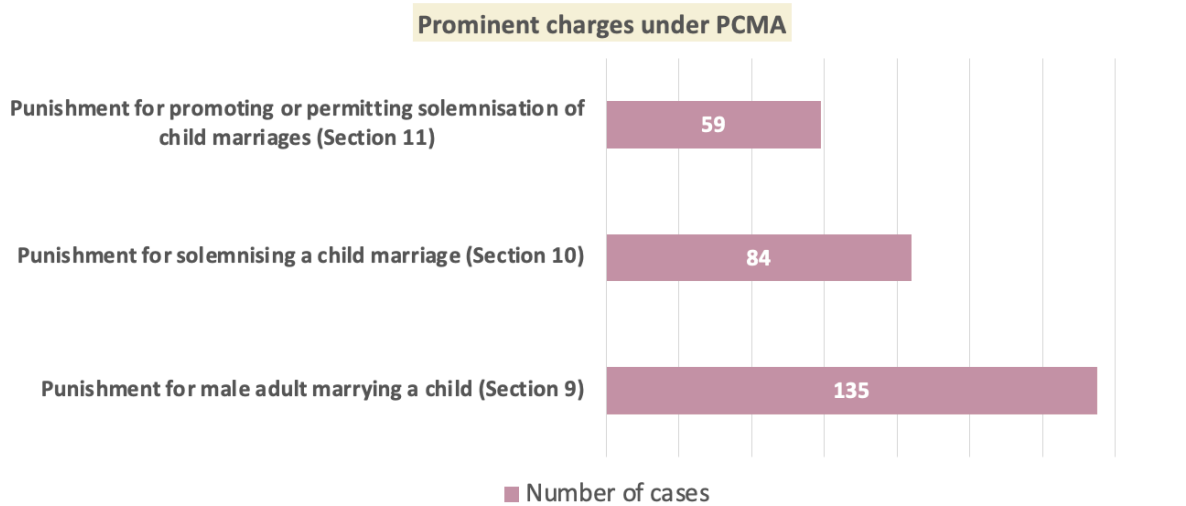
<sup>57</sup> Special Case No. 201 of 2021, decided by Special Court Under POCSO Act, 2012 on 4.01.2023.

<sup>58</sup> *State v. Dineshmathi*, Special Sessions Case No. 21 of 2018, decided by Special Court under POCSO Act, Nagapattinam on 22.04.2022 (Tamil Nadu).

<sup>59</sup> *State of Tamil Nadu v Elayaperumal and Ors*, Special Sessions Case No: 43/2018, decided by the Court of Sessions Judge, Fast Track Mahila Court, Ariyalur on 27.11.2020.

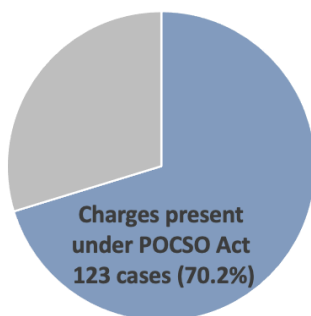
<sup>60</sup> Session Case No. 113 of 2019, decided by Additional Sessions Judge, Shrigonda on 16.10.2019.

## VI. Nature of Charges

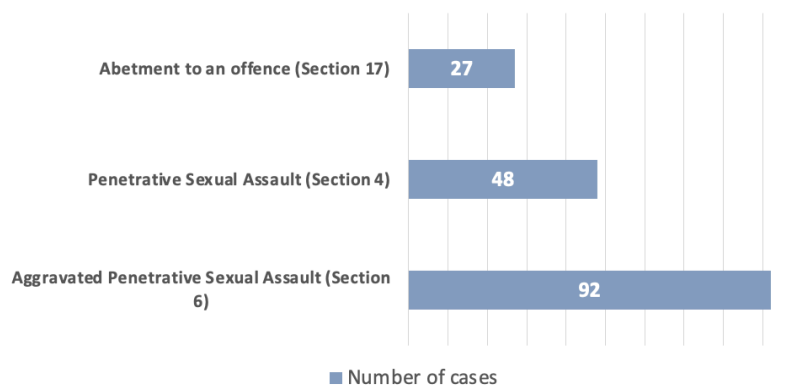


1. **Charges relating to child marriage were primarily framed under the Prohibition of Child Marriage Act, 2006 (PCMA).** Charges under Section 9 (Punishment for male adult marrying a child) were framed in 135 cases, under Section 10 (Punishment for solemnising a child marriage) in 84 cases, and under Section 11 (Punishment for promoting or permitting solemnisation of child marriages) in 59 cases.
2. **Majority of cases had charges under the IPC and POCSO Act.**
3. In 123 of 175 (70.2%) cases, the accused were charged under the POCSO Act. A significant number of cases had charges under aggravated penetrative sexual assault which *inter alia* covers sexual intercourse with minor wife, repeated penetrative sexual assault upon a minor and penetrative sexual assault resulting in pregnancy. As the POCSO Act prohibits all forms of sexual activity with any person under the age of 18 years including consensual sexual activity and sexual intercourse with minor wife, it is not surprising to find that POCSO cases are present in many of the PCMA cases.

**Presence of charges under POCSO in PCMA cases**



**Prominent charges under POCSO in PCMA cases**

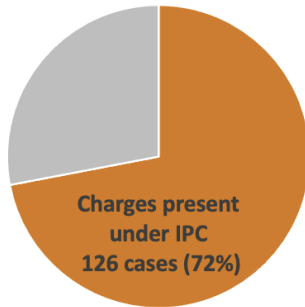


4. In 126 cases (72%) the accused faced charges under the IPC in addition to PCMA, predominantly under kidnapping related provisions such as Sections 363, 365, 366,

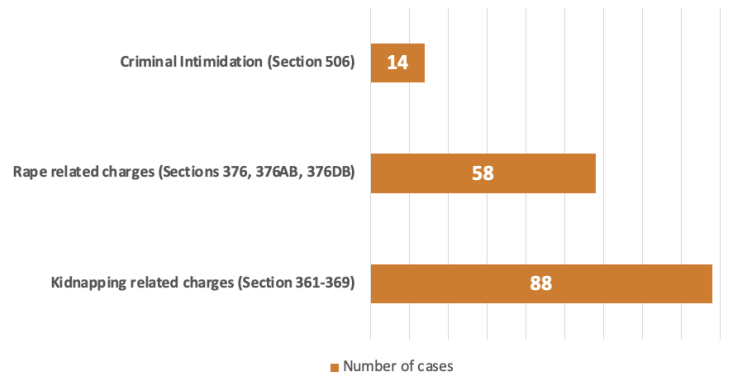


**366A, and 368 (89 cases) and rape related provisions such as Sections 376, and 376D (58 cases).** Kidnapping charges were often observed to have been added in cases of self-initiated marriages particularly where the victim girl left home to marry and be with her alleged husband. **Kidnapping charges were present in 62 of the 74 self-initiated marriages.**

**Presence of charges under IPC in PCMA cases**



**Prominent charges under IPC in PCMA cases**



5. In seven cases, charges were filed under other Acts with two cases each under the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (“SC/ST Act”), Information Technology Act, 2000 (“IT Act”) and the The Immoral Traffic (Prevention) Act, 1956 (“ITPA”); one case each under the Juvenile Justice (Care and Protection of Children) Act, 2000 (“JJ Act”), Dowry Prohibition Act, 1961 (“DP Act”), Tamil Nadu Prohibition of Harassment of Women Act, 1998, Epidemic Diseases Act, 1897 and Disaster Management Act, 2005 in addition to other charges.
6. **In some cases an erroneous name of the legislation or the erstwhile Child Marriage Restrain Act, 1929 was found.** For instance, in 25 cases the Child Marriage Restrain Act, 1929 (CMRA) was referred to despite the fact that it was repealed in 2006 and the cases analysed arose between 2016-2022. In most of these cases, the year of CMRA was referred to as “2006” or “2007” or “2016” and the provisions mentioned corresponded to the offences under PCMA. Further, in some cases the PCMA was referred to but the corresponding offence provisions of the CMRA and the year the CMRA was passed i.e., 1929, was mentioned. For instance, the offences related to child marriages are contained in Sections 9, 10, and 11, in a few judgments, the reference was to Sections 3, 4, 5 and 6 of PCMA, which pertain to civil reliefs such as nullification of the marriage, custody, maintenance, and legitimacy of children. In these cases, it was evident that the court was referring to the penal provisions under Sections 3-6 of the CMRA<sup>61</sup> instead of the PCMA. offences under Further, many cases also referred to the PCMA as “Prevention of Child Marriage Act”, “Children Marriage Act”, etc.

<sup>61</sup> Section 3 (Punishment for male adult below twenty one years of age marrying a child), Section 4 (Punishment for male adult above twenty one years of age marrying a child), Section 5 (Punishment for solemnising a child marriage), and Section 6 (Punishment for parent or guardian concerned in a child marriage).

## Screenshots of incorrect references to the Prohibition of Child Marriage Act, 2006

1. A case referring to the PCMA with the year in which the Child Marriage Restraint Act, 1929 was passed along with provisions relevant to the CMRA

04. My learned predecessor framed the charge against accused vide Exhibit No. 51 for the offences punishable under section 5 and 6 of the Prohibition of Child Marriage Act 1929. The contents of charge were read over and explained to accused in vernacular to which they pleaded not guilty and claimed to be tried.

2. A case referring to the PCMA as the “Children Marriage Act” instead of “Prohibition of Child Marriage Act”

Case of the Prosecution : The accused committed the offence u/s. 363 of IPC, 5(1), 6(1) of POCSO Amendment Act 2019, 9 of Children Marriage Act.

3. A case referring to the now repealed Child Marriage Restraint Act but with the year in which the PCMA was passed along with provisions relating to offences under the PCMA

Charges framed against the accused :	under section 366 of IPC and section 9 read with 10 of child marriage restraint Act, 2006 and section 5(l) read with 6 of POCSO Act, 2012.
--------------------------------------	--

## Unique Instances of References to Other Laws in Child Marriage Cases

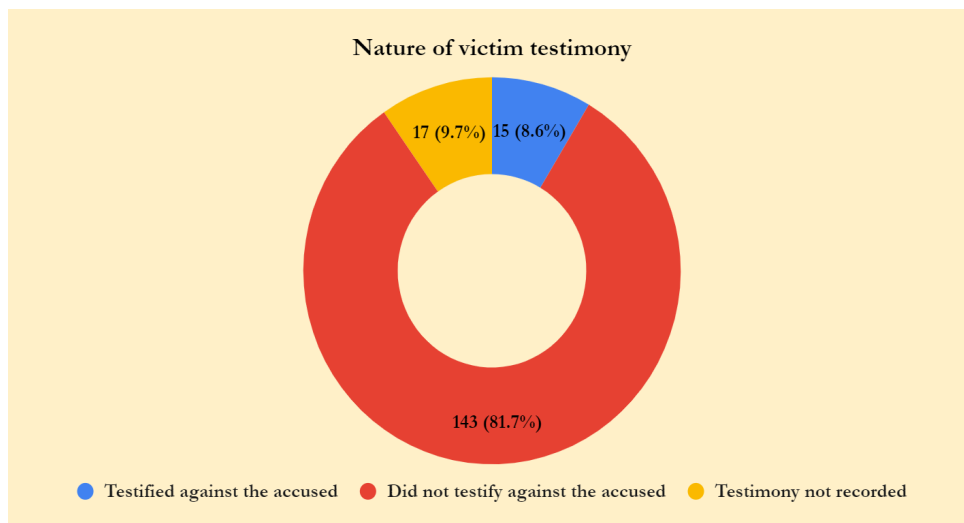
In *State of Tamil Nadu v. Ramesh and Ors.*,<sup>62</sup> the victim alleged that she had a love relationship with the CICL husband for two years. However, this relationship started only after the CICL threatened to commit suicide and therefore compelled her to be in a romantic relationship with him. The couple eloped and married each other. The FIR stated that the CICL committed aggravated penetrative sexual assault on the victim multiple times. After some time, the victim had a quarrel with her parents about leading an independent life with the CICL. Due to this, she even consumed poison. Finally, she was beaten and driven out of her matrimonial home by the parents-in-law. An FIR was lodged by the victim's mother after this. The parents of the CICL were

<sup>62</sup> Special Sessions Case No. 9/2018, decided by Sessions Judge, Fast Track Mahila Court, Ariyalur on 23.12.2020.

charged under Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 1998<sup>63</sup> in addition to other charges. As the fact of the marriage was not proved and the victim turned hostile, the accused persons were acquitted.

In *State of Maharashtra v. Manisha Narayan Udage*,<sup>64</sup> charges under Epidemic Diseases Act, 1897 and Disaster Management Act, 2005 were also applied as the marriage took place during COVID. The victim alleged that her uncle asked her to perform a *pooja* due to her father's death. She performed some religious ceremony as directed by her uncle, which she later found was her engagement ceremony. The accused persons performed her haldi ceremony and her marriage with another man when she was 12 years old. The accused husband raped her after some days and thereafter, the victim filed an FIR. The accused persons were charged under Section 376(2)(i), IPC, Sections 9, 10, 11 of the PCMA, Section 4, POCSO Act. Charges were also framed under Sections 2, 3, 4 of Epidemic Diseases Act, 1897 and Section 51(b) of Disaster Management Act, 2005. A reference was also made to the "Section 11 of COVID Act, 2020", which is presumably para 11, Maharashtra COVID-19 Regulations, 2020,<sup>65</sup> As the victim and her mother turned hostile and due to absence of any proof of marriage, the accused persons were acquitted.

## VII. Nature of Victim Testimony



<sup>63</sup> Section 4, Tamil Nadu Prohibition of Harassment of Women Act, 1998: Penalty for harassment of woman. - Whoever commits or participates in or abets harassment of woman in or within the precincts of any educational institution, temple or other place of worship, bus stop, road, railway station, cinema theater, park, beach, place of festival, public service vehicle or vessel or any other place shall be punished with imprisonment for a term which may extend to three years and with fine which shall not be less than ten thousand rupees.

<sup>64</sup> Special Case No.719 of 2020, decided by Addl. Sessions Judge, Ahmednagar on 15.10.2022.

<sup>65</sup> The Court wrongly mentioned COVID Act, 2020 instead of the Maharashtra COVID-19 Regulations, 2020.

Para 11 of the Regulations state: Any person/Institution/Organization found violating any provisions of these Regulations shall be deemed to have committed an offense punishable under Section 188 of Indian Penal Code (45 of 1860). Empowered officers may penalize any person/institution/organization found violating provisions of these Regulations or any further orders issued by Government under these Regulations.

Available at- <https://arogya.maharashtra.gov.in/pdf/30.pdf>.

1. **Victims testifying in exceedingly low numbers against accused persons in PCMA cases.** In 143 cases (81.7%), the victim did not testify against the accused persons and in only 15 cases (8.6%), the victim testified against the accused persons. In 17 cases (9.7%), the testimony of the victim was not recorded. The victim was expressly declared hostile in 67 cases (38.2%).
2. **No reason was expressly stated as to why victims in such a large number of cases did not testify against the accused persons. Even of the 27 cases where the victim was the informant, in only five cases did the victim proceed to testify against the accused.** In one case, the victim admitted in her testimony that though the alleged incident was true she would not testify against the accused persons. In *State of Maharashtra v. Rabul Kalyan Bongane and Ors.*,<sup>66</sup> the 15-year old complainant victim alleged that the accused husband used to be her Facebook friend whom she used to meet often. It was alleged that on one occasion, the accused raped the victim, made a video of the act and threatened the victim that he would circulate the video. Despite the fact that he was already married, the accused and his family forcibly got the victim married to the accused and demanded a dowry of Rs. 7 lakhs. They kept her in confinement and threatened her. In her testimony, the victim denied all the allegations against the accused persons and stated that the matter had been resolved. The Prosecutor directed the court's attention to the fact that the victim had also admitted the alleged incident had taken place. The judgment in this regard reads:
 

“He [referring to the Additional Public Prosecutor] has further argued that victim (PW2) has categorically admitted that she feels that if she deposed against all accused, they will state about the said incident to her husband and, hence, even though the incident in question took place, she has stated that the same has not taken place and for savings all accused she has deposed falsely in respect of the incident in question”.<sup>67</sup>

However, due to lack of cogent evidence, the court acquitted the accused persons.
3. In one case, the judge expressed his disappointment with victims and their family not supporting the prosecution and state:
 

“It is common experience of the court that, whenever the prosecution under Act is underway, by hook or crook either the victim or her family inmates are not supporter to the prosecution. Certainly, they set in motion an entire machinery at their whim and wish. When the time comes to bring the accused to the justice, they turned to be hostile and retracted from their maiden stance. The reasons are best known to them.”<sup>68</sup>
4. **Delay in recording evidence was observed as a possible reason for victims not testifying.** In *State of Tamil Nadu v. Vignesh*,<sup>69</sup> the victim and the accused were in a romantic relationship for two years, following which they eloped and got married. The FIR (filed by victim's father) alleged that the accused threatened the victim to marry him. Charges were thus framed against him under Section 366, IPC, Section 6 r/w 5(l), POCSO Act and Section 9, PCMA. The victim and other prosecution witnesses including her parents testified against the accused in chief-examination but resiled from their statements in the cross-examination. Importantly, in her cross-examination, the victim stated that she was tutored by the police and had no complaint against the accused. All the prosecution

<sup>66</sup> Spl.Case (Child Prot.) No. 30/2019, decided by Special Judge (POCSO Act), Aurangabad on 27.06.2022.

<sup>67</sup> Spl.Case (Child Prot.) No. 30/2019, decided by Special Judge (POCSO Act), Aurangabad on 27.06.2022.

<sup>68</sup> *State of Maharashtra v. Navnath Ramchandra Kalake*, Special Case No.05/2018 decided by Special Judge, Karad on 26.11.2019.

<sup>69</sup> Special Sessions Case No. 28 of 2018, decided by Sessions Judge, Special Court under POCSO Act, Nagapattinam on 31.03.2022.

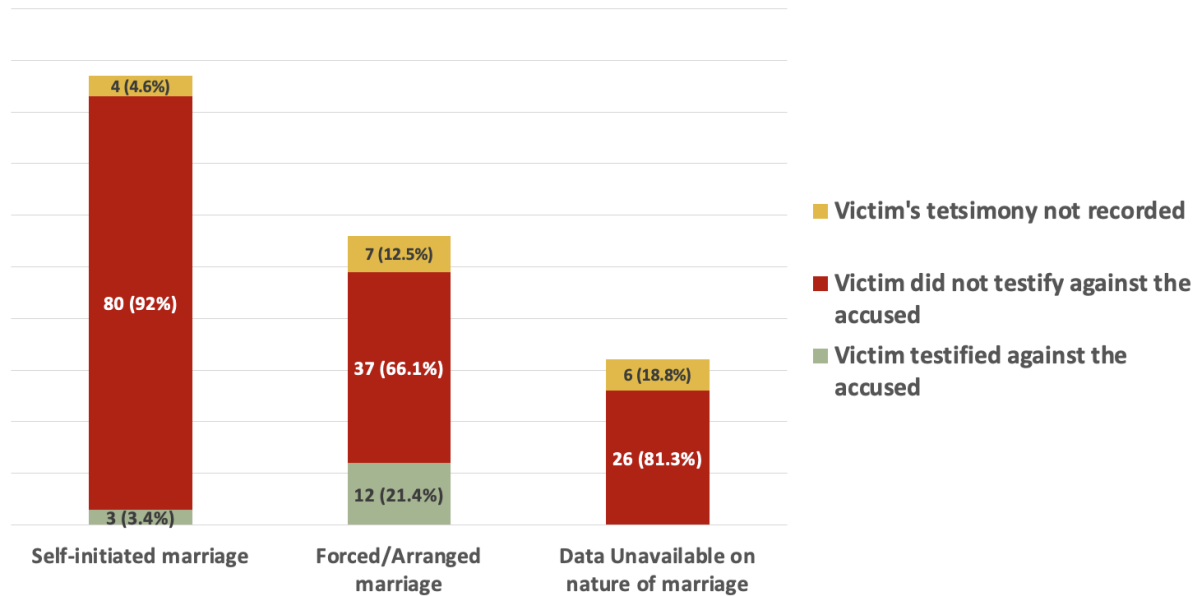
witnesses (excluding the IO) were declared hostile by the Prosecution. It is pertinent to note that there was a delay of a year between the chief and cross-examination of the victim and her mother. The court noted that the victim and her mother were “gained over by the accused” and that:

“PW3 has clearly spoken about the same in her chief-examination. Whereas, during her subsequent cross-examination on 24.03.2022, she has failed to support the prosecution case, as she was gained over by the accused”.

Due to the lack of evidence, the court acquitted the accused.

5. **Although victim testimony was overall extremely low, the highest proportion of victims testifying against accused persons was seen in cases of forced/arranged marriages where victims testified in 21.4% of cases (12 cases). In comparison, in self-initiated marriages, victims testified only in 3.4% cases (3 cases).**

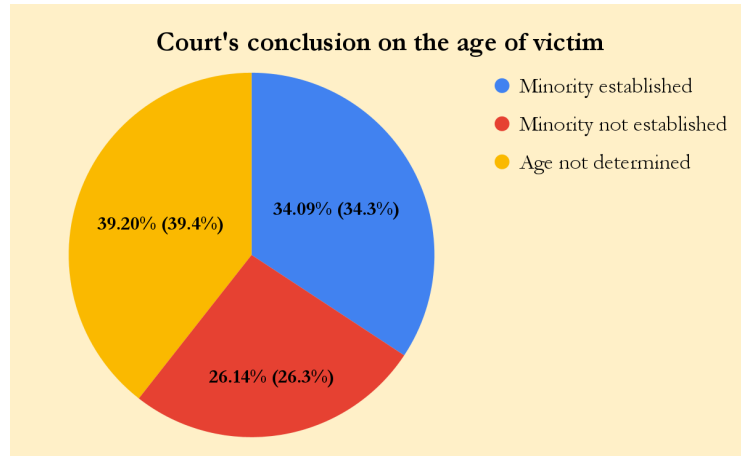
**Break-up of nature of child marriage by victim testimony**



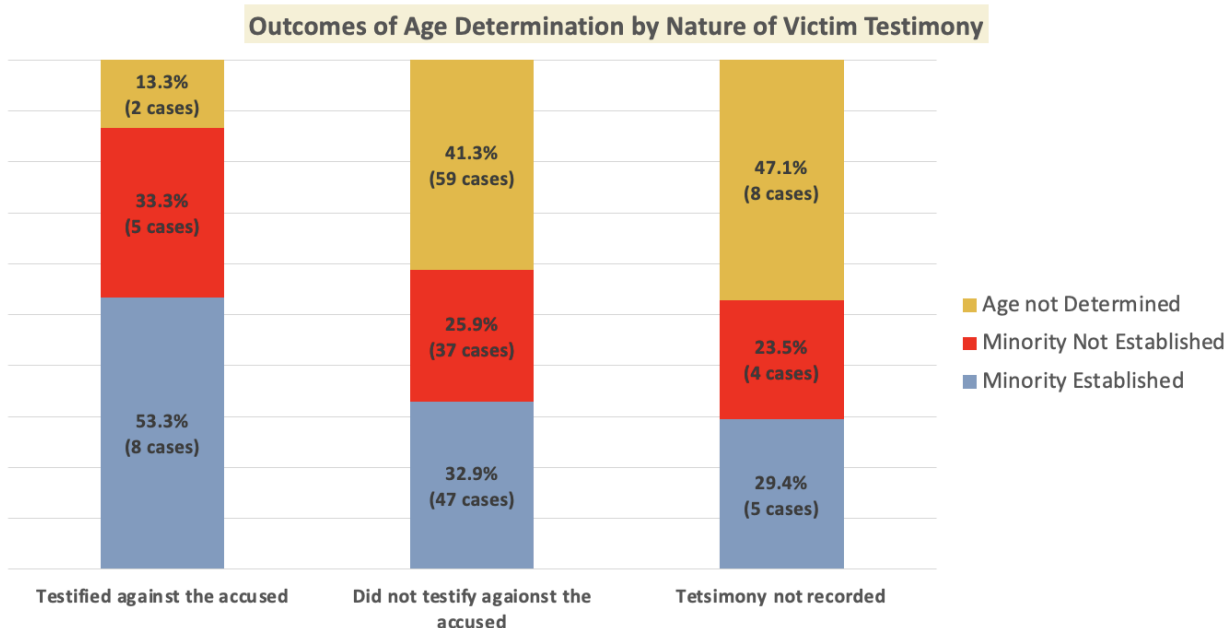
## VII. Age Determination

The below section examines the manner in which the age of the victims in PCMA cases were determined and the outcomes.

### *Outcomes of age-determination:*



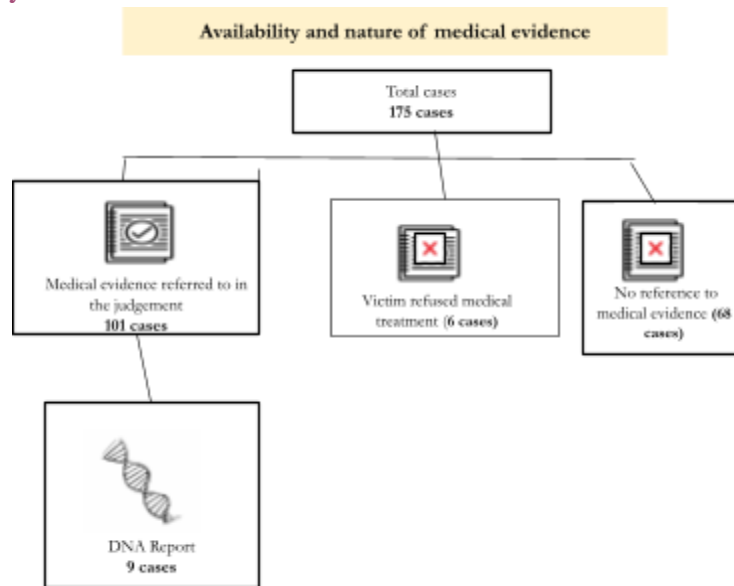
1. **Although in order to attract the provisions of the PCMA Act, it is essential that the victim be a minor at the time of marriage, in 69 cases (39.4%), there was no reference to the court determining the minority of the victim. Assam had the highest rate for the age of victim not being determined where out of 45 cases, in 35 cases (77.7%) the age of the victim was not determined. This was followed by Tamil Nadu where out of 67 cases, in 18 cases (28.5%) the age of the victim was not determined and Maharashtra where out of 63 cases, the age of the victim was not determined in 16 cases (25.3%)**
2. In 60 cases (34.3%), the prosecution was successful in establishing the minority of the victim and in 46 cases (26.3%), the minority was not established.
3. **While no reason was attributed for courts not determining age, it was observed that courts predominantly did not proceed to determine age of the victim in cases where the victim did not testify against the accused and cases where the victim's testimony was not recorded.** The Court did not determine the victim's age in 47.8% of cases where the victim's testimony was not recorded as compared to only 14.8% cases where the victim testified against the accused.



### *Nature of available evidence on age*

1. **In order to prove the age of the victim, the prosecution adduced documentary and oral evidence.** In some cases, school officials were produced before court to support school documents on the age of the victim. Medical age determination was only used sparingly.
2. **Documentary proof predominantly composed of birth certificates and school certificates.** The production of a birth certificate to prove the age of the victim was mentioned in 55 cases (31.4%), and reference to a school certificate was seen in 85 cases (48.6%). Aadhar card was mentioned in 18 cases (10.3%). In some cases multiple forms of documentary evidence were produced. While in 85 cases (48.6%) a school certificate was produced to support the age of the victim, in only 41 cases (23.4%) a school official testified to substantiate the age mentioned in the school certificate.
3. **The use of medical age determination tests appear to be scant in PCMA cases and were mentioned in only 14 cases (8%).** Age findings based on medical age determination tests varied widely with some age ranges of the victim presented as a two-year window and others as a six-month to one-year window. For example the age range submitted was between 14-16 years and sometimes the medical professional would submit that the age is 15 years with a margin of 6 months for error. **The use of medical age determination tests resulted in successfully proving the minority of the victim in only half the number of cases.** Of the 14 cases where medical age determination test was conducted, in seven cases court held that minority was established. In six cases the court held that minority was not established and in one case the court did not determine age.

## VIII. Availability of Medical Evidence



1. In 101 cases (57.7%) there was a reference to the victims being sent for medical examination. The number of cases where the consent of the victim to medical examination was obtained in an informed manner was not available.
2. **Only six cases (3.4%) have a reference to a refusal by the victim to undergo medical examination.** The reason for refusal was not explicitly mentioned in the judgements. In the *State of Assam v. Abdul Rashid Bepari*,<sup>70</sup> the informant, the victim's brother, alleged that his minor sister was kidnapped by the accused. However, upon investigation, it was discovered that the minor victim and the accused were married and living together as husband and wife. The victim, in her testimony, stated that she had declined to undergo medical examination, asserting that the accused had not engaged in penetrative sex with her. The Court subsequently acquitted the accused due to the lack of evidence.
3. **There was reference to DNA examination in nine judgments (5.1%). In two of these cases, the accused persons were convicted.**<sup>71</sup> In five cases<sup>72</sup> (2.8%) the minority of the victim and child marriage could not be proved as the victim did not testify against the accused and stated that the marriage with the accused took place after her attaining the age of 18. In one case<sup>73</sup> (0.5%) the minority of the victim was established, but there was no proof of marriage as even though the photographs of the marriage was submitted in

<sup>70</sup> Special Case No. 19 Of 2019, decided by the Court Of The Special Judge, Dhubri, decided on 22.03.2021.

<sup>71</sup> *State of Maharashtra v. Prakash Dhansing Chavan and ors.* Special (POCSO) Case No. 02/2015 decided by Special Judge & Additional Sessions Judge, (Link Court), Mehkar on 27.10.2016 and *State of Maharashtra v. Ashokkumar @ Sonu Ramashray Gaud and Ors.*, POCSO Special Case No. 430 of 2014, decided by Special Judge under POCSO Act, Gr. Mumbai on 11.11.2021.

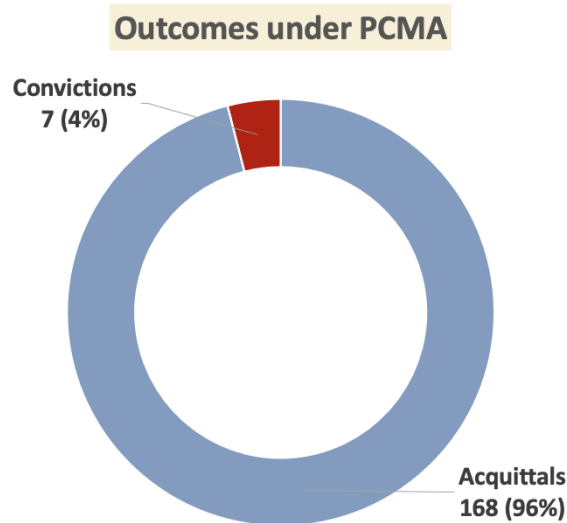
<sup>72</sup> *State of Maharashtra v Bhagwan Dnyanoba Kute and Ors.* Session Case No. 113 of 2019, decided by the Court of Additional Sessions Judge, at Shrigonda, on 16.10.2019; *State of Maharashtra v Laxman s/o Satish Kale and Ors.*, Special (Pocso) Case No.15/2016, decided by the Court of the Special Judge, at Latur on 23.05.2019; *State of Maharashtra v Sambhaji Damaji Kamble*, Special Case No. 79/2018, decided by the Court of Special Judge, at Kolhapur, on 23.05.2019; *State of Maharashtra v Rafiq Chand Nadaf and Ors.*, Special Case No. 100/2019, decided by the Court of Additional Sessions Judge at Solapur, on 05.08.2022; *State of Maharashtra v Avinash Vijay Jadbar*, Special Case No. 41/2021, decided by the Court of Extra Joint Additional Sessions Judge at Karad, on 06.10.2022

<sup>73</sup> *State of Maharashtra v Rampal Shesharam Moraya and Ors.*, Special Case No.10/2021, decided by the Court of Extra Joint Additional Sessions Judge at Karad, on 01.08.2022.



evidence, the Court deemed that without knowing the source of the photographs, it cannot be relied upon. In the remaining one case<sup>74</sup> (0.5%) the Court stated that as the DNA samples were only sent for examination after one and half months, the truthfulness of the sample is in question and cannot be relied upon. In said case, the minority of the victim was also not established.

## IX. Outcomes and Factors Affecting Outcomes

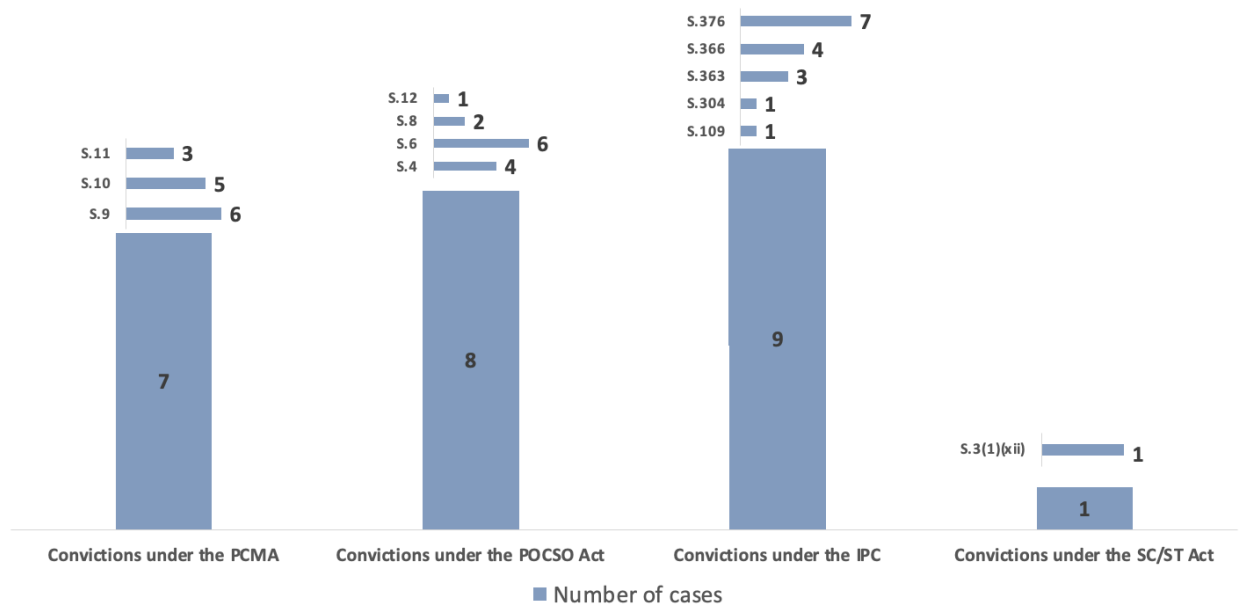


1. **Acquittals were the norm and were recorded in 168 cases (96%). Convictions were recorded exceedingly sparingly and only in seven cases (4%).** Tamil Nadu had the highest acquittal rate with all 67 cases (100%) ending in acquittals, followed by Assam with 43 out of 45 cases (95.55%) and Maharashtra with 58 out of 63 cases (92%).
2. **Nature of convictions:** Of the seven convictions under the PCMA, the accused was convicted under Section 9 (an adult male marrying a child) in six cases, Section 10 (solemnizing a child marriage) in five cases and Section 11 in three cases.
3. In five cases convictions were recorded in respect of charges under other statutes but not the PCMA. In these cases, although the prosecution was able to establish other charges, the PCMA charges failed primarily due to lack of evidence of the performance of a child marriage having taken place. For example, in one case,<sup>75</sup> the court convicted the accused persons for wrongful confinement (under Section 344, IPC) and for attempt to murder (Section 307) but acquitted them under PCMA as the minority of the victim was not established.
4. Overall, convictions under the POCSO Act took place in eight cases and under the IPC in nine cases. The accused was convicted under Section 3(1)(xi), SC/ST Act in one case.

<sup>74</sup> *State of Maharashtra v Dalaram Kondaram Chippa and Ors.*, Special POCSO Case No. 253/2019, decided by the Extra Jt. District Judge & Additional Sessions Judge, Spl. Court No.2 (Pocso), Nagpur, on 29.11.2022

<sup>75</sup> *State of Maharashtra v. Sanjay Virendrakumar Agrawal & Ors*, Spl. Case Child Prot.No.41/2016, decided by the Court of Additional Sessions Judge11 At Aurangabad, decided on 20.04.2019.

### Nature of Convictions under different laws



\* In some cases convictions were recorded under multiple provisions

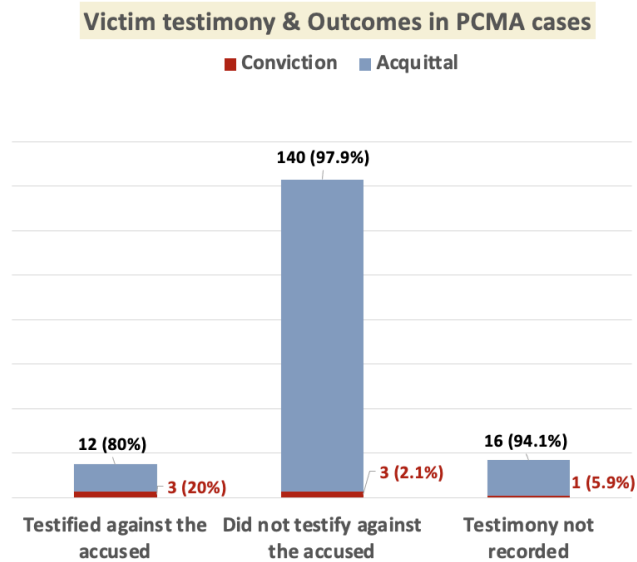
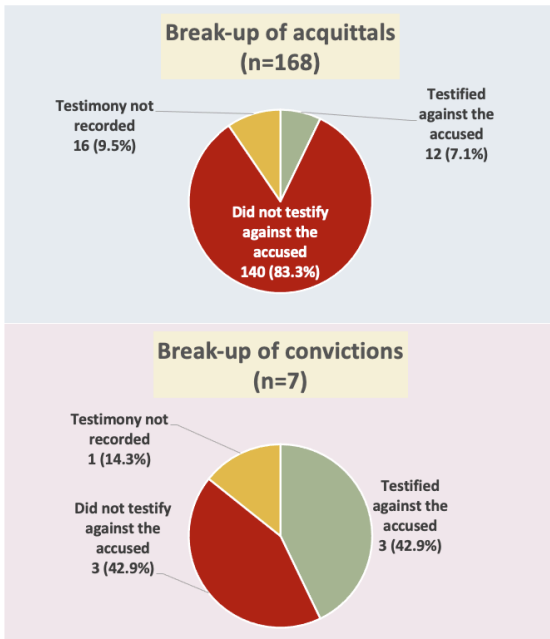
### Factors affecting outcomes

1. Courts in deciding the cases relied on victim testimony, testimony of other prosecution witnesses, age-proof, medical evidence and other corroborative evidence.
2. As establishing the minority of the victim is an essential component of PCMA cases, age determination formed a critical component in a successful prosecution of a PCMA case. Courts also accorded high value to the testimony of the victim and several cases where there was corroborative evidence, and documentary evidence on solemnization of child marriage still resulted in an acquittal where the victim did not testify against the accused. In only a few cases did the court proceed to testify based on other evidence where the victim either did not testify against the accused or her testimony was not recorded.
3. **Convictions under the PCMA were primarily characterized by the clear and consistent testimony of the victim supported by documentary and corroborative evidence.** For instance, in *State of Maharashtra v. Rameshwarlal Hemram Jat and Ors.*,<sup>76</sup> the 15-year-old victim was forcefully married to the accused husband by her parents and one acquaintance. After marriage, the victim's husband established sexual relations with her forcefully. In order to rescue herself, she lodged a complaint against the accused persons which included her husband, her mother, father, priest, two neighbors, tenant and an acquaintance. The husband was charged for offences under Sections 376(2)(i)(n), IPC, Sections 3, 4 & 12 of POCSO Act, Sections 9 & 10, PCMA and Section 3(1)(xii) of SC/ST Act. The other accused persons were charged for offenses under Section 376 (2)(i)(n), IPC and Section 10, PCMA (Punishment for solemnising a child marriage). The prosecution proved that the victim was 15-years-old at the time of marriage by relying on the ossification

<sup>76</sup> Spl. POCSO Case No.62 of 2015, decided by Session Courts, Chandrapur on 31.05.2018.

test done by the medical officer and the testimony of the victim and one prosecution witness. The Medical test opined that “her overall findings were consistent with sexual intercourse/assault”. After considering the victim’s testimony, and the corroborating medical and other evidence, such as confirmation of her caste through caste certificate, age verification, failure of the accused husband to discharge his burden under Section 29, POCSO Act, etc. the court found all the accused persons guilty.

**Victim testimony & outcomes**



1. **Victim testimony was seen as a critical factor impacting outcomes and the low number of victims supporting the prosecution in their evidence explains the extremely low conviction rate in PCMA cases.** In cases where the victim testified against the accused, the case had a higher chance (but not a certainty) of conviction.
2. Of the 168 acquittals, in 140 cases the victim either did not testify against the accused and in 16 cases, the victim’s testimony was not recorded. In 12 cases despite the victim testifying against the accused, the case resulted in an acquittal due to reasons such as non-establishment of the victim’s minority, lack of evidence on solemnization of marriage, victim’s testimony considered unreliable and medical evidence not supporting sexual violence claims.
3. Of the seven convictions, in three cases the victim testified against the accused. In four cases, a conviction was recorded despite the victim not testifying against the accused (three cases) or the testimony of the victim not being recorded (one case) through the presence of documentary evidence proving the factum of marriage, establishment of victim’s minority, reliance on victim’s complaint and medical evidence. For instance, In the *State of Maharashtra v Babu Yeshwantrao Jagtap*,<sup>77</sup> the FIR was filed by the victim alleging that her parents forcefully married her to the accused husband who beat, harassed and raped her. In her deposition, the victim denied the contents of the complaint. The court found the victim to be 15-years-old

<sup>77</sup> Spl. Case (POCSO) No.199/2019, decided by the Court Of The Special Judge (POCSO Act) At Aurangabad, decided on 26.07.2022.

on the basis of her birth certificate. The court noted that as the accused persons were the victim's husband and parents, she is trying to save them - "So any girl in this situation will try to support them and to save them from any kind of punishment. So it is general tendency of any person". However, as the victim was found underage and the PCMA allegations were found to be proven by the court based on the victim's statement in her complaint, the court convicted the alleged husband under Section 9, PCMA, Section 376, IPC and Section 4, 6 and 8 of the POCSO Act. The victim's parents were convicted under Section 10, PCMA.

4. **In several cases, the victim and complainant made contrary statements before the police and in Court.** For instance, in *State of Tamil Nadu v. Marimuthu*,<sup>78</sup> where both the complainant (the mother of the victim) and the 17 year old victim herself denied their statements made to the police and were declared hostile. In this case, the informant filed an FIR against the accused for kidnapping, forcefully marrying and sexual assaulting the victim. In their testimonies, the victim and the informant stated that the victim had a conflict with her mother and had run away to her uncle's house. Based on this contradiction in the testimonies and the FIR, the court acquitted the accused.
5. **In four cases (2.2%), the Court considered the evidence of the victim unreliable and acquitted the accused.** In *State of Assam v. Md. Antaz Ali and Ors.*,<sup>79</sup> the FIR came to be registered after the victim's father reported the kidnapping of the victim by the accused persons. The police came to know that a child marriage was taking place in the village and found the victim. The victim testified that the accused persons threatened her and took her away to the house of the accused husband where he married her. She stated that she stayed at this house for three months and was not allowed to step out. The informant also testified against the accused on similar lines. The court, however, acquitted the accused persons because the 164 statement of the victim was not produced, no document to prove the marriage was brought on record, the court noted the importance of registration of kabi-nama in a Muslim marriage, failure to produce documents to prove the age of the victim such as a birth certificate, and finally, the court found the victim's testimony unreliable as she was unable to tell "*the amount of 'mehr' fixed at her alleged marriage and who stood as her guardian during alleged execution of kabi-nama*". It also noted that she did not make kidnapping and forceful marriage allegations earlier and also refuted those during her testimony. The evidence of other prosecution witnesses was considered as hearsay. In another case,<sup>80</sup> the court deemed the victim's testimony unreliable due to the lack of other evidence on record. In this case, the father filed a complaint that his daughter was missing from home. Upon being traced and rescued by the police, the victim gave her statement alleging that one person had sexually assaulted her, and he along with the other accused persons had forcefully gotten her married to another person who after the marriage had forced sexual intercourse with her. The victim testified against the accused persons in her testimony and stated that on 19.02.2016 her marriage was performed at a Mahalaxmi temple where the relatives of the accused person and as well as relatives of the alleged husband were present. The Court stated that the victim did have a chance to escape and did not deem her conduct as "not natural". The Court also stated that while the parents of the victim supported the story of the prosecution, it was based on what the victim

---

<sup>78</sup> Spl. S.C.No. 20/2019, decided by Court of the Sessions Judge, Mahila Court, Pudukkottai on 30.09.2020.

<sup>79</sup> P.R.C Case No. 318/2019, decided by the Court Of Additional Chief Judicial Magistrate, Kokrajhar, decided on 23.09.2022.

<sup>80</sup> *State of Maharashtra v Laxman and Ors.*, Special (POCSO) Case No.15/2016, decided by the Court Of The Special Judge, Latur, on 23.05.2019

stated and was therefore only hearsay. The Court also deemed the testimony of the victim unreliable as the allegation of rape could not be corroborated with medical evidence. “In case of rape, corroborative evidence is not necessary. The sole testimony of the victim is sufficient to convict the accused, but her evidence must be reliable. The evidence of the victim is not trustworthy.” It was also stated that the victim being Muslim had stated that her marriage was performed per Hindu rites and the Court questioned this with no supporting evidence. The lack of medical evidence, lack of evidence of ornaments of the wedding, and only the existence of the victim’s testimony led to the Court acquitting all accused persons.

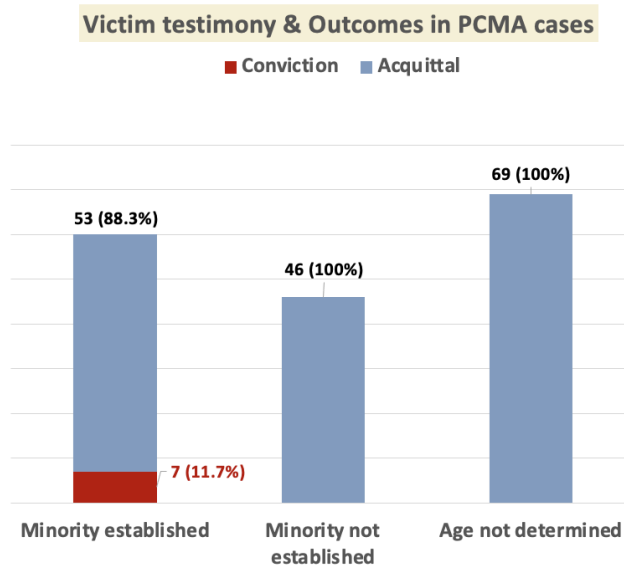
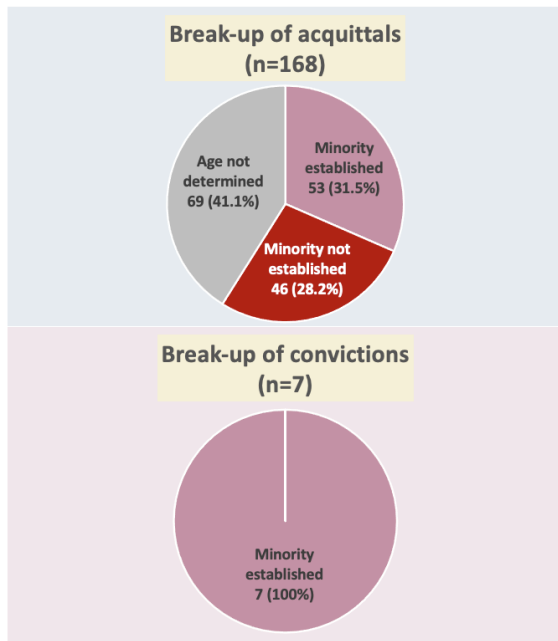
6. **In one case, the court refused to convict despite the presence of evidence, due to the failure to summon a main witness.** In *State of Maharashtra v. Shivaji*,<sup>81</sup> the minor victim’s aunt reported to the police that the victim's marriage was being performed by her parents. The police came to the spot and found that a marriage was performed and the victim was 14-15 years old as per the family members. They took the accused persons to the police station and registered an FIR. Wedding photographs were obtained as well. The victim did not appear in the court. The court concluded that the accused persons conducted the victim’s child marriage based on the testimonies of the witnesses and documentary proof, the wedding photographs. But the court refused to convict the accused persons as the main witness, the victim’s aunt was not examined by the prosecution:

“14. Considering all these fact, I am of the view that evidence of informant, Pungale(PW3) and Awad (PW4) are cogent and materially corroborate with each other. The documents are also support the version of witnesses. Therefore, there is no reason to disbelieve them. But the prosecution failed to examined Alka Renge who is the main witness in the present matter. Police failed to record her statement. Prosecution is also failed to call her as witness. All the three witnesses are police personnel. Hence, it would be not proper to held guilty to accused only relying on the evidence of these witnesses.”

### *Age Determination & Outcomes*

---

<sup>81</sup> SCC No. 1207/2017, decided by Judicial Magistrate, First Class, (Court No.6), Parbhani on 20.02.2018.



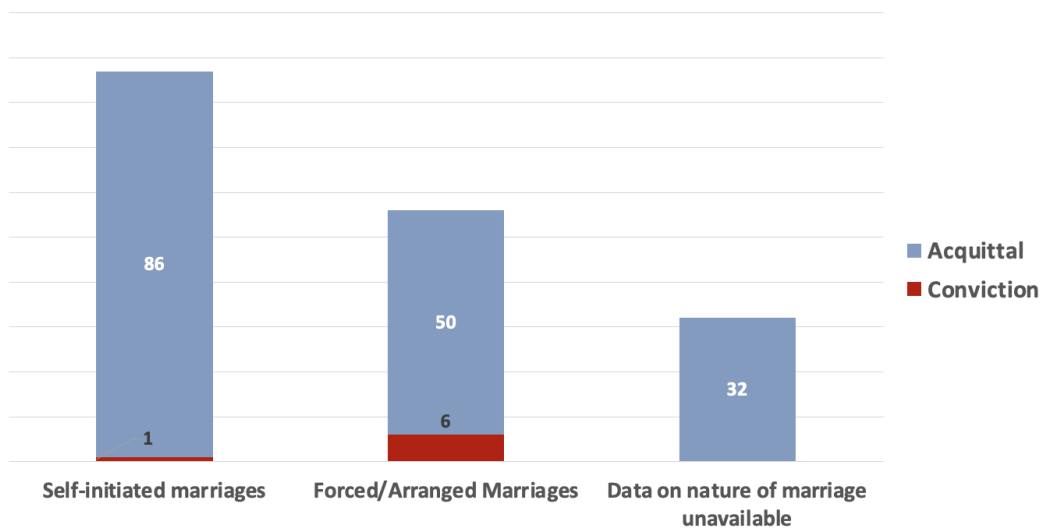
1. **Of the seven cases where the cases resulted in a conviction under the PCMA Act, the victim's minority was established in all cases.**
2. Of the 168 acquittals, in 69 cases (41.1%) the age of the victim was not determined by the court, and in 46 cases (28.2%), the victim's minority was not established. In 53 cases (31.5%), although the minority was established it resulted in an acquittal. This can be partially reasoned by the fact that in many of the cases (44 cases) the victim did not testify against the accused and in four cases the victim's testimony was not recorded. In five cases despite the victim testifying against the accused and minority being established the case resulted in an acquittal due to the court finding an absence of sufficient evidence.
3. In *State of Assam v. Shab Alom Ali Khan and Ors.*,<sup>82</sup> the informant lodged the FIR on insistence of some villagers who informed him that a child marriage was taking place in the village. In his testimony, he informed that he could not remember the names of the persons who asked him to lodge the FIR. The victim testified that she had a love affair with the accused, she married him when she was 19 and is happily living with him. In her cross-examination as well, she reiterated that she was not forced to enter the marriage with the accused and that she was tutored by villagers to give her 164 statement. The court noted the requirement of proving the minority of the victim to bring a charge under Section 9, PCMA. The prosecution produced no other evidence on the age of the victim. The court thus relied on the victim and the informant's testimony to acquit the accused persons. Similarly, in the *State of Assam v. Sri Lalit Karmakar*,<sup>83</sup> the victim testified that she was above 18 when she was married to the accused, she had no allegations against her husband and that she was staying happily with him. Other prosecution witnesses also did not testify against the accused. Due to the absence of evidence about the victim's minority, the court acquitted the accused.

### *Nature of marriage & Evidence on solemnization of marriage*

<sup>82</sup> Spl. POCSO Case No. 111/2018, decided by the Court of Addl. Dist. & Sessions Judge-cum-Special Judge for Trial of POCSO Cases, Baksa, Mushalpur, decided on 15.11.2021.

<sup>83</sup> G.R Case No. 2077/18, decided by The Court of Chief Judicial Magistrate, Dibrugarh on 19.02.2020.

### Outcomes vis-à-vis nature of marriage



1. While overall conviction rate was extremely low in respect of PCMA charges, a majority of convictions took place in forced/arranged marriages (in six cases) whilst only one conviction took place in respect of self-arranged marriages.
2. In many cases it was seen that the prosecution was unable to establish that a marriage was solemnized leading to an acquittal.
3. In some cases, accused persons argued that only preparations or pre-wedding ceremonies were performed and no marriage took place. In the absence of evidence on the solemnization of the marriage, the court acquitted the accused persons. For instance, In *State of Tamil Nadu v. Ravikumar*,<sup>84</sup> the Village Administrative Officer complained to the police that the 15-year-old victim and the accused were in love with each other and the accused enticed the victim girl to elope. The accused also tied yellow thread on her neck in a temple and performed child marriage. Charges were framed under Section 366, IPC and Section 9, PCMA against the accused. The victim testified that she is not married to anyone and she and the accused plan to marry after turning 18. The victim's mother testified similarly. It was noted that a preliminary function for conducting marriage ("flower laying ceremony") had been conducted and not an actual marriage. The PCMA charges therefore failed. The kidnapping charges also failed as the victim and her mother did not testify with respect to it. The accused person was thus acquitted.
4. In some of these cases it was noted by the court that the police failed to collect the material documents necessary to prove marriage. For instance, in the *State of Assam v. Sattar Ali and Ors.*<sup>85</sup>, the police received information of a child marriage, went to the site of offense and rescued the minor victim girl. The accused persons, parents of the victim and the alleged husband, denied being present on the site of the incident. A prosecution witness, a co-villager, testified that the victim had an affair with a minor boy and had threatened to commit suicide if she did not get married to him. The victim testified that she had a love affair with the accused husband and forced her parents to get her married to him. However,

<sup>84</sup> Special Calendar Case No. 48/2021, decided by The Court of The Sessions Judge, Magalir Neethimandram, (FTMC), Udthagamandalam At Nilgiris On 28.11.2022.

<sup>85</sup> GR. Case No.314/2018, decided by the Court of Addl. C.J.M., Kokrajhar, decided on 23.12.2019.

her marriage was stopped by the police as she was 17 years old. The court did not incriminate the accused as there was failure to “seize any article of the child marriage, like invitation card, list of stridhans, details/name of kazi etc. to establish the fact that the accused persons were preparing for performing the child marriage”. The court also noted that the accused persons were not apprehended or arrested from the place of occurrence. Similarly, in *State of Assam v. Md. Rabom Ali and Ors.*<sup>86</sup>, the informant (police official) lodged an FIR after receiving information that a child marriage was taking place in the village. He rescued the minor girl and the boy who were getting married. Except the informant, none of the prosecution witnesses including the victim, supported the case. They stated that only talks of marriage were going on. The court acquitted the accused persons and noted that the informant and the IO “did not seize any article or items from the place of occurrence to show the fact that the marriage was solemnizing or the accused persons were arranging the marriage or participated in the marriage on the date of occurrence”.

5. **In one case, it was observed that despite photographic evidence of a marriage being solemnized and the minority of the victim being established the court did not record a conviction.** In *State of Tamil Nadu v. Elayaperumal and Ors.*,<sup>87</sup> a dispute arose with regard to the demand of the matrimonial house by alleged husband from his brother, for leading an independent life with his wife. Therefore, victim’s brother-in-law informed the police that his brother had solemnised a child marriage leading to a case was registered. During the course of investigation, it was revealed that the child marriage of the victim girl was conducted in the presence of the complainant, therefore making the brother-in-law/complainant accused in the case filed. During the examination in chief, the victim turned hostile and did not support the case of the prosecution, however, she did admit to a picture exhibited to her of her in bridal make-up sitting alongside the alleged husband taken at a temple. The Special Public Prosecutor stated that the marriage solemnization of the victim with the alleged husband has been amply corroborated with the photos of marriage placed in the exhibit as well as the 164 statement of the victim. The Court stated that “Generally, photographs are admissible only if the photograph has been properly verified on oath by a person able to speak to its accuracy.” Therefore, the lack of the photographer being examined, the lack of photograph negatives, amounted to the Court holding that the prosecution was unable to prove beyond reasonable doubt that a child marriage between the victim and alleged husband took place.
6. **Apart from testimony of witnesses, courts relied upon documentary evidence including photographs, and videographs to establish whether a marriage was solemnised.** In *State of Maharashtra v. Vinayak Ganesh @ Mukesh Kamble*<sup>88</sup>, the FIR was filed by the police after receiving a letter from CWC which had recorded the 15-year-old victim’s statement in which she had alleged that she was sold to her father-in-law (he was also her maternal uncle) by her father to pay debt and later forced to marry his son. Her husband, who was also her cousin, raped her on several instances. She shared her ordeal with her mother who informed the Women Assistance Cell, Kurla. A Social Worker at the Cell sent her to CWC. The fact of the marriage was proved due to documentary evidence such as wedding photographs and DVD and victim’s testimony. The Court convicted the victim’s parents and her parents in law under Section 10, 11, PCMA and her husband under Section

---

<sup>86</sup> G.R. Case No. 1145/2017, decided by the Court Of Addl. Chief Judicial Magistrate, Kokrajhar on 09.09.2019.

<sup>87</sup> Special Sessions Case No: 43/2018, decided by the Court of Sessions Judge, Fast Track Mahila Court, Ariyalur on 27.11.2020.

<sup>88</sup> POCSO Case No. 466 Of 2016, decided by the Special Court For Protection Of Children From Sexual Offences Act, 2012 At Fort, Gr. Bombay, decided on 16.05.2018.



9, PCMA. The husband was however acquitted of charges under Section 376(2)(i)(n), IPC and Section 6, POCSO Act based on Exception 2 to Section 375, IPC. As per the Court, *Independent Thought v. Union of India and Anr.*,<sup>89</sup> would have a prospective effect and since this case was registered and chargesheeted in 2016, it would not apply.

7. In a few cases, the person who solemnised the marriage testified. In *State of Maharashtra v. Juber Shaik Naim Shaik and others*<sup>90</sup>, the victim's father lodged a complaint against the accused persons for kidnapping his daughter. Upon investigation, it was found that the accused person had married the victim. To prove the marriage, the Kazi who had conducted the marriage was examined. He stated that the marriage was performed and the Nikah was entered into the register and a copy of the certificate was given to both the accused and the victim. The Kazi also stated that the Nikah was only performed after verifying the age of the victim. However, as per the prosecution the Aadhar card of the victim was falsified with the incorrect age of the victim. Although the victim was declared hostile, the Court held that the prosecution was successful in proving the child marriage of the victim based on the registry and testimony of the Kazi. The court also relied on medical evidence. The doctor (PW) testified that the victim had informed her about anal intercourse with the alleged husband and she had old hymenal tears which were healed. She opined "there were signs of use of force, however, sexual intercourse cannot be ruled out". The victim's minority was also established by the prosecution. The accused persons were convicted under Sections 363, 366A, 376(2), IPC; Section 4, POCSO Act and Section 9, PCMA. The reference to the registry of the Kazi and the statement that the same was registered was used as reference to validate that the marriage was registered.

## X. Trends in Sentencing, Victim Compensation and Bail

### *Sentencing*

1. 25 accused persons in seven cases were convicted under the PCMA. Of these, 16 were male and nine were female. It is to be noted that Section 11, PCMA prohibits awarding imprisonment to women when convicted by the court.
2. The sentences in the seven convictions under the PCMA did not reveal any uniform or prominent trends. Sentencing was decided based on the facts of the case and punishment imposed varied from no imprisonment at all to imposition of the maximum sentence which is two years for the offences under Section 9, 10 and 11 under the PCMA.
3. Fines were imposed in six of the seven cases in which convictions took place. In two cases,<sup>91</sup> the fine amount was directed to be paid to the victim as compensation.
4. For the offence under Section 9, in two cases no imprisonment was imposed; in two cases the maximum sentence of two years was imposed; and in the remaining two cases a sentence less than maximum imprisonment was imposed. The fine imposed ranged from Rs. 4000 to Rs. 25000.

---

<sup>89</sup> (2017) 10 SCC 800.

<sup>90</sup> Spl. Case (POCSO) No.196/2020, decided by the Court of the Special Judge (POCSO Act) at Aurangabad on 05.07.2022.

<sup>91</sup> *State of Maharashtra v. Ashokkumar @ Sonu Ramashray Gaud and Ors*, POCSO Special Case No. 430 of 2014, decided by Special Judge under POCSO Act, Gr. Mumbai on 11.11.2021 and *State of Tamil Nadu v. Vadivelan and Mohanraj*, Special Sessions Case No. 28/2016 decided by Sessions Judge, Magalir Neethi Mandram, (Fast Track Mahila Court), Vellore on 31.01.2018.

5. For the offence under Section 10 the maximum sentence of two years imprisonment was imposed in two cases, and a sentence less than maximum imprisonment was imposed in three cases. The fine imposed ranged from Rs. 1000 to Rs. 20,000.
6. For the offence under Section 11, no imprisonment was imposed for two cases, and the maximum sentence of two years imprisonment was imposed in two cases. In one case two accused persons were sentenced under Section 11 and while one accused was sentenced to the maximum imprisonment, the other was sentenced only to fine. The fine imposed ranged from Rs. 500 to Rs. 10,000. In one case the accused did not receive imprisonment or fine and was instead provided admonishment as per Section 3 Probation of Offender Act, 1958.

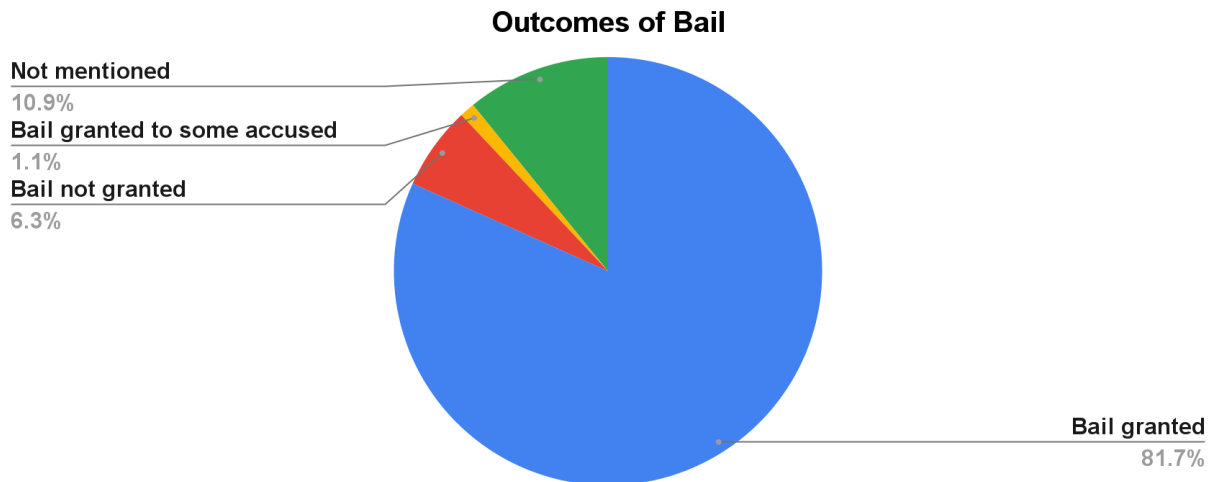
Nature of sentence imposed in cases resulting in a conviction (7 cases)		
Sl.No.	Conviction under	Term of Imprisonment & Fine Imposed along with imprisonment in default of fine
1.	Section 9 PCMA	No imprisonment; Rs. 4,000 fine (in default 1 month SI)
	Section 10 PCMA	1 month RI; 4,000 fine (in default 1 month SI)
2.	Section 11 PCMA	Admonished as per Section 3 Probation of Offender Act, 1958
3.	Section 9, PCMA	2 years RI; Rs. 25,000 fine (in default 6 month RI)
	Section 10 PCMA (for seven accused persons)	2 years RI; 10,000 fine (in default 3 month RI)
4.	Section 9, PCMA	6 months RI; 10,000 (in default 2 month SI)
	Section 10 PCMA (for 2 accused persons)	3 months RI; 10,000 (in default 1 month SI)
5.	Section 9 PCMA	2 years RI; 5,000 (in default 2 month RI)
	Section 10 PCMA	2 years RI; 10,000 (in default 2 month RI)
	Section 11 PCMA	2 years RI; 10,000 (in default 2 month RI)
6.	Section 11, PCMA	2 years RI; 5,000 (in default 2 month)
	Section 11 PCMA	No imprisonment; Rs. 500 (in default 7 days)
	Section 9 PCMA	No imprisonment; 1,000 (in default 7 days)
7.	Section 9 PCMA	1 year RI; 10,000 (in default 2 month SI)
	Section 10 PCMA	1 year RI; 20,000 (in default 2 month SI)
Note: SI: Simple Imprisonment RI: Rigorous Imprisonment		

### ***Victim compensation***

1. In only four cases<sup>92</sup> (2.8%), the court ordered victim compensation and decided the amount (15,000 out fine and as per Victim Compensation Scheme; 10,00,000 in two cases; 50,000 each to two victims in one case). Three of these cases were from Tamil Nadu and one from Maharashtra. All these cases had a conviction under the POCSO Act as well.

***Bail status:***

1. **Grant of bail was the norm.**
2. In 143 of the 175 cases (81.7%), the accused was granted bail. In 11 cases (6.3%), bail was not granted to the accused. In two cases
3. In 20 cases (11.4%), information regarding grant of bail is not mentioned.
4. Assam had the highest grant of bails in PCMA cases with bail granted in 44 out of 45 cases (97.8%), followed by Maharashtra with 50 out of 63 cases (79.4%) and 49 out of 67 cases (73.1%).



<sup>92</sup> *State of Maharashtra v. Ashokkumar @ Sonu Ramashray Gaud and Ors.*, POCSO Special Case No. 430 of 2014, decided by Special Judge under POCSO Act, Gr. Mumbai on 11.11.2021; *State of Tamil Nadu v. Balamurugan*, Special Sessions Case No. 18/2018 decided by Sessions Judge, Special Court for POCSO Act, Virudhunagar District (at) Srivilliputtur on 08.12.2021; *State of Tamil Nadu v. Maruthupandiyar*, Special Sessions Case No. 40 of 2019 decided by Sessions Judge, Special Court for POCSO Act, Virudhunagar District, (at) Srivilliputtur on 10.02.2022; *State of Tamil Nadu v. Vadivelan and Mohanraj*, Special Sessions Case No.28/2016 decided by Sessions Judge, Magalir Neethi Mandram, (Fast Track Mahila Court), Vellore on 31.01.2018.

## Part B - Evaluation of quality of data regarding PCMA cases on eCourts

### Introduction

The Supreme Court initiated the National Policy and Action Plan for Implementation of Information and Communication Technology in the Indian Judiciary<sup>93</sup> in 2005 to digitise court records and systems (“eCourts Project”) to promote transparency and citizen centric justice delivery.<sup>94</sup> Under this project, case records have been digitised to some extent and information regarding these cases at the Supreme Court, High Court and district court level, has been made accessible to the public through the eCourts platform.<sup>95</sup> While this is designed to help lawyers and litigants find details of their cases online and monitor them, the platform has made it possible to view court data at an aggregate level, enabling analysis of laws, their implementation and the functioning of courts, in an unprecedented manner.<sup>96</sup>

Consequently, there have been attempts to analyse trends in the implementation of specific laws and statutes using the data from eCourts.<sup>97</sup> However, analysis of this nature is severely limited by:

- (a) Suboptimal manner in which data is presented on the eCourts platform<sup>98</sup>
- (b) Missing information<sup>99</sup>, including the failure to upload judgments and orders such that crucial information like the number of effective hearings for effective disposal, nature of evidence

---

<sup>93</sup> eCommittee, Supreme Court of India, National Policy and Action Plan for Implementation of Information and Communication Technology in the Indian Judiciary (1st August 2005), available at <https://main.sci.gov.in/pdf/ecommittee/action-plan-ecourt.pdf>

<sup>94</sup> Transparency is one of the core values of the eCourts Project. See eCommittee, Supreme Court of India, Digital Courts Vision & Roadmap e-Courts Project Phase III (2022), available at <https://cdnbbsr.s3waas.gov.in/s388ef51f0bf911e452e8dbb1d807a81ab/uploads/2023/04/2023042088.pdf>; See also Pg 4, National Policy and Action Plan for Implementation of Information and Communication Technology in the Indian Judiciary (1st August 2005).

<sup>95</sup> E-courts, available at [https://ecourts.gov.in/ecourts\\_home/](https://ecourts.gov.in/ecourts_home/)

<sup>96</sup> For an example of how court data from individual cases is aggregated for policy and implementation, see <https://www.dakshindia.org/deciphering-judicial-data-daksha-database/>

<sup>97</sup> HAQ, Implementation of the POCSO Act, (November, 2017), available at <https://www.haqrc.org/publication/implementation-pocso-act/> (HAQ report); CDL, Registration of cases under section 66A of the IT Act, available at [https://civildatalab.in/judiciary\\_experiments/case\\_studies/66a\\_explorer.html](https://civildatalab.in/judiciary_experiments/case_studies/66a_explorer.html); Vidhi, A Decade of POCSO: Developments, Challenges and Insights from Judicial Data (2022), available at <https://vidhilegalpolicy.in/research/a-decade-of-pocso-developments-challenges-and-insights-from-judicial-data/>; Damle and others analyse the operation of the Negotiable Instruments Act, 1881 in <https://ssrn.com/abstract=4082939>; DAKSH studied the Land Acquisition Act in Maharashtra and Karnataka - <https://www.dakshindia.org/a-study-of-land-acquisition-litigation/> See also, [https://manaswinirao.com/files/rao\\_courts.pdf](https://manaswinirao.com/files/rao_courts.pdf) and <https://www.dakshindia.org/litigation-landscape-bengaluru-rural/> for how eCourts data helps identify and quantify issues in the functioning of courts (such as unfilled judicial posts) that hinder policy objectives of laws.

<sup>98</sup> For example, a report by HAQ-CDL while analysing POCSO cases from three states found there was a lack of uniformity and standardisation in terminologies, data variables, and entry practices across various states and districts. Such inconsistencies complicated data analysis and comparison. A working paper by Damle and Anand on the problems with eCourts data noted that identification of cases by statute was marred by inconsistencies, including conflation of case types with the names of statutes, Devendra Damle and Tushar Anand, Problems with the e-Courts data, No 314, National Institute of Public Finance and Policy (29 July 2020), available at [https://www.nipfp.org.in/media/medialibrary/2020/07/WP\\_314\\_2020.pdf](https://www.nipfp.org.in/media/medialibrary/2020/07/WP_314_2020.pdf)

<sup>99</sup> The HAQ-CDL report found that key aspects, including FIR year, case type, judge designation, Acts and sections, and nature of disposal, often contained missing or invalid data, diminishing the accuracy and reliability of the information and affected the potential for comprehensive research. Damle and Anand noted that the statute name field often lacked entries or contained procedural names, while the section number field had missing or malformed values. Final orders, essential date fields, and related matters were frequently found to be unavailable.

and testimony and their link to the outcome, is missing, preventing comprehensive analysis for law and policy reform.

(c) Inaccuracy of the data entered into the eCourts platform.<sup>100</sup>

In our analysis of another legislation Child and Adolescent Labour (Prohibition and Regulation) Act, 1986, we tried to identify trends in the volume of cases, case types, other charges attracted in cases of child labour, outcomes, pendency and types judges, including the link between these factors and we faced limitations due to the shortcomings in the quality of eCourts data.<sup>101</sup> Other studies and research endeavours have similarly found this an obstacle in the goal of transparent and citizen centric solutions envisioned by the eCourts project.<sup>102</sup>

In response to these challenges, a different approach to metadata from eCourts is taken in this report on the PCMA. Judgements on cases under the PCMA are more heavily relied on to draw observations on the implementation of the PCMA. The eCourts metadata from the PCMA is not used to draw inferences on the PCMA and, instead, the judgements are used as reference with which to quantify and demonstrate the shortcomings of the metadata corresponding to these judgements. This report compares select data points of the 175 cases analysed under Part A with the data available as metadata of the corresponding cases from the eCourts portal to evaluate the accuracy of information that can be gleaned from metadata.

## Methodology

### a. Metadata extraction

Metadata was sourced from the court registry data available on the national portal “e-courts”, which functions as a web-based repository on cases registered in Indian courts. The portal provides a variety of information on each case which can be accessed through certain search criteria including “Case-type” search, “Act-type” search, etc. The landing page provides information on the case type, history of transfer, judge designation, dates of registration, hearings and disposal and disposal type, etc (“metadata”). In addition, the landing page also provides links to the judgment text, a record of the business on hearing dates, and interim orders (if any). A screenshot of a typical landing page on e-Courts for a specific case is provided below.

---

<sup>100</sup> Devendra Damle and Tushar Anand, Problems with the e-Courts data, No 314, National Institute of Public Finance and Policy (29 July 2020), available at [https://www.nipfp.org.in/media/medialibrary/2020/07/WP\\_314\\_\\_2020.pdf](https://www.nipfp.org.in/media/medialibrary/2020/07/WP_314__2020.pdf)

<sup>101</sup> For a more detailed explanation of how these shortcomings affected our analysis, see Enfold and CDL, Implementation of the Child and Adolescent Labour (Regulation and Prohibition) Act, 1986 (January 2024).

<sup>102</sup> See the letter by the Internet Freedom Foundation to the Supreme Court on the eCourts platform at <https://internetfreedom.in/we-write-to-the-supreme-court-e-committee-with-cdl-to-improve-the-ecourts-platform/>; *Kishore Mandyam*, “Reaping the Benefits of the e-Courts System”, State of the Indian Judiciary, DAKSH available at [https://www.dakshindia.org/state-of-the-indian-judiciary/13\\_chapter\\_03.html#\\_idTextAnchor067](https://www.dakshindia.org/state-of-the-indian-judiciary/13_chapter_03.html#_idTextAnchor067)

## An illustration of a landing page on the e-Courts portal

### District and Sessions Judge

#### Case Details

Case Type	PRC CASE - POLICE REPORT CASE		
Filing Number	407/2022	Filing Date	29-06-2022
Registration Number	113/2022	Registration Date:	13-07-2022
CNR Number	<b>ASSV010006332022</b> (Note the CNR number for future reference)		<a href="#">View QR Code / Cause Title</a>

#### Case Status

First Hearing Date	18th July 2022
Decision Date	10th January 2023
Case Status	Case disposed
Nature of Disposal	Contested--ACQUITTED
Case Transferred from Establishment	cjmcomplex
Transfer Date	29-06-2022
Court Number and Judge	1-Dist and Sessions cum special Judge cum member MACT cum President(DCDFR), Sivasagar

#### Petitioner and Advocate

1) State Of Assam  
Advocate- APP

#### Respondent and Advocate

1) Biswajit Chutia

#### Acts

Under Act(s)	Under Section(s)
INDIAN PENAL CODE	366,342,
Prohibition of Child Marriage Act	9,10,11,

#### FIR Details

Police Station	AMGURI
FIR Number	56
Year	2022

#### Case History

Judge	Business on Date	Hearing Date	Purpose of Hearing
Dist and Sessions cum special Judge cum member MACT cum President(DCDFR), Sivasagar	<a href="#">18-07-2022</a>	10-08-2022	Consideration of Charge(C,C)
Dist and Sessions cum special Judge cum member MACT cum President(DCDFR), Sivasagar	<a href="#">10-08-2022</a>	12-09-2022	Consideration of Charge(C,C)
Dist and Sessions cum special Judge cum member MACT cum President(DCDFR), Sivasagar	<a href="#">12-09-2022</a>	18-11-2022	Evidence
Dist and Sessions cum special Judge cum member MACT cum President(DCDFR), Sivasagar	<a href="#">18-11-2022</a>	10-01-2023	Evidence
Dist and Sessions cum special Judge cum member MACT cum President(DCDFR), Sivasagar	<a href="#">10-01-2023</a>		Disposed

#### Final Orders / Judgements

Order Number	Order Date	Order Details
1	10-01-2023	<a href="#">Order</a>
2	10-01-2023	<a href="#">Judgment</a>

Metadata was scraped in respect of all cases registered under the PCMA between 1 January 2015 to early 2023. Data scraping from e-Courts was initiated on 9 January 2023 and completed by 8 March 2023 for all States and Union Territories. Cases registered under the PCMA were identified within the e-Courts portal using “Act type” search on the eCourts portal. This data was scraped using a web-scraping framework of Python - “Scrapy”.

### Points of comparison

For the purpose of comparison of the metadata with the data in the judgment, analysis was limited to select data points in common. From the judgements, the date of registration and decision, applicable acts and sections were extracted using algorithms from the introductory paragraphs of the judgment while the outcome was extracted from the concluding paragraphs. All data extracted through algorithms were also manually reviewed for accuracy.

The following four data points were prioritised due to their relevance in understanding the implementation of the PCMA:

Data Point(s)	Relevance to understanding implementation of the PCMA <sup>103</sup>
Date of registration	Calculation of the time taken to dispose cases with charges under the PCMA
Date of disposal	
Charges under the PCMA, POCSO, IPC and other legislations	<ul style="list-style-type: none"><li>• The selection of cases for a dataset curated for a legislation is done based on the charges mentioned in the “Under Acts” column. This extent of errors in the charges affects the datasets curated to understand the implementation of that particular act.</li><li>• The extent to which other penal provisions such as provisions under POCSO and kidnapping under IPC are used in cases of child marriage is relevant to understand the nature of criminal action against child marriages and the interaction of these legislations.</li></ul>
Outcomes	Calculation of conviction and acquittal rate provides an insight into the overall nature of disposal of such cases.

#### b. Data cleaning for comparison between metadata and judgments

Data points extracted from the judgment were compared with the corresponding entries from the Metadata. The dates formats were standardised for easy comparison. Information regarding charges had several variations in spelling and format. For example, the extracted charges from judgments included text such as “section 9/10/11 &&& prevention of child marriage act, 2006” and “sec. 9 &&& child marriage act, 2006”. Similarly, the manner in which charges were displayed in Metadata is illustrated below :

<sup>103</sup> The explanations highlighted in the table are only indicative. These data points have the potential to reveal various other facets of implementation of the PCMA.

Acts	
Under Act(s)	Under Section(s)
INDIAN PENAL CODE	363,376(2)(J),468,471
CHILD MARRIAGE RESTRAINT ACT	6
The Protection of Children from Sexual Offence Act, 2012	4,5

## Limitations

- Accuracy checks have focused on specific data points, potentially overlooking errors in other Metadata fields like forum names, hearing dates, nature of hearings, and case types. Date of hearings and nature of hearings were not verifiable as this was unavailable in judgments. Forum and case type were not included as they were not readily extractable and available from the Judgement.
- This analysis does not include cases where the metadata erroneously refers to PCMA, but the actual judgment does not mention PCMA. These cases were not included in the pool because the 175 judgments related to PCMA served as the basis for verifying the accuracy of the metadata.

## I. Comparison of Dates of Decision, Registration, and Disposal

1. **There was a high rate of accuracy with respect to the date of decision as in** 171 out of 175 cases (97.7 %) the metadata reflected the same date as the judgment. In four cases the disposal date was entered incorrectly in the metadata where 3 cases had a discrepancy of under 5 days and 1 case had a discrepancy of 28 days.
2. **Date of registration** was mentioned in 60 judgments, all from Maharashtra, of which there in 45 cases (75%) the registration date in the metadata matched the judgement, and there were discrepancies in 15 cases (25%).<sup>104</sup> In 10 out of the 15 cases, the registration date in the metadata was within a 5-day range of the Judgement registration date. In two cases, this range extended to 20 days, while in three cases, the registration dates were significantly further from the judgment date, spanning 54, 155, and 1815 days respectively. In 14 cases the registration date in the metadata was after the date of registration mentioned in the judgment while in one case it was before. The most significant difference was in a case from Ahmednagar, with the judgement having the registration date as 4 August 2014 while the metadata had it as 24 July 2019 (nearly five years later (1815 days)). This could possibly be due to the case being transferred from another court,<sup>105</sup> capturing only the date it appeared before the new forum in the metadata. This suggests a potential explanation for the disparity in metadata, rather than a data entry error. **From this small sample, it is not possible to draw any definite conclusions about the accuracy rate with respect to the date of registration. However, what emerges is that the metadata on date of registration may**

<sup>104</sup> These 15 cases were from across districts in Maharashtra, namely, Solapur, Pune, Ahmednagar, Kolhapur, Ratnagiri, Mumbai City Civil Courts, Satara, Thane, Aurangabad, Buldhana and Amravati.

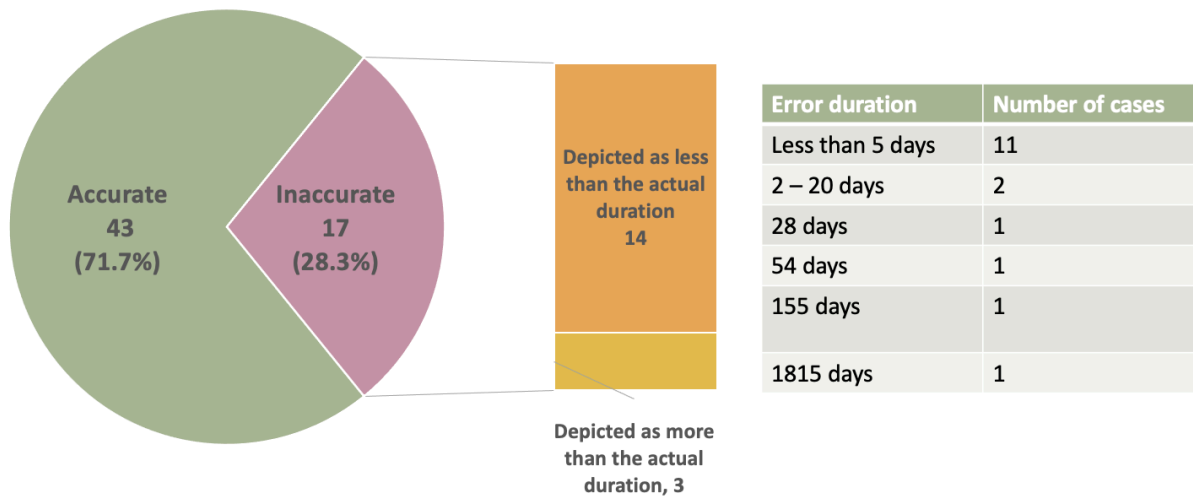
<sup>105</sup> The judgment refers to an “Old Session Case No” from 2014. See *State of Maharashtra v. Bhagvan Dnyanoba Kute* and others, Session Case No. 113 of 2019 before additional sessions judge at Shrigonda, available at [https://app.ecourts.gov.in/ecourt\\_mobile\\_encrypted\\_DC/display\\_pdf.php?filename=pxUy%2BVx7DHHJlgNB7Mg%2BAo1w6b1FiFYX1M%2FvGiEB%2BnZ1uFatSOIbqh9fizkzQf2o&caseno=VhC%2FR67c8NMguCnQurWZ0tkz2%2FwxDrgr0Ezw8x2vyFk%3D&cCode=YWjjgu7CkJwYtWi9m%2B2l0A%3D%3D&appFlag=&state\\_cd=XqU1OIe0uH0otXIBdH98KA%3D%3D&dist\\_cd=YWjjgu7CkJwYtWi9m%2B2l0A%3D%3D&court\\_code=YWjjgu7CkJwYtWi9m%2B2l0A%3D%3D&bilingual\\_flag=0](https://app.ecourts.gov.in/ecourt_mobile_encrypted_DC/display_pdf.php?filename=pxUy%2BVx7DHHJlgNB7Mg%2BAo1w6b1FiFYX1M%2FvGiEB%2BnZ1uFatSOIbqh9fizkzQf2o&caseno=VhC%2FR67c8NMguCnQurWZ0tkz2%2FwxDrgr0Ezw8x2vyFk%3D&cCode=YWjjgu7CkJwYtWi9m%2B2l0A%3D%3D&appFlag=&state_cd=XqU1OIe0uH0otXIBdH98KA%3D%3D&dist_cd=YWjjgu7CkJwYtWi9m%2B2l0A%3D%3D&court_code=YWjjgu7CkJwYtWi9m%2B2l0A%3D%3D&bilingual_flag=0)



not accurately reflect the age of a case by taking into account transfer of the case from one court to another. While it can indicate the duration taken by a particular court to dispose of the matter, it does not necessarily indicate the time taken for the disposal of a case initiated under PCMA.

3. A comparison of the disposal time of the 60 cases from Maharashtra (for which data was available to compare) revealed that in 17 cases (28.3%), there was an inaccuracy. In 14 of the 17 cases, the disposal time based on Metadata was less than the actual time taken for disposal as per the judgement. Errors such as these skew calculations on disposal time and indicate a lower time taken for disposal than the actual disposal time.

### Extent of errors in disposal duration calculated using Metadata verified based on Judgment data



## II. Comparison of Sections under PCMA, POCSO and IPC

Metadata mentions the applicable provisions in the case. It is unclear whether the applicable sections of the criminal legislations in the Metadata are from the chargesheet or are the charges framed by the court. Nonetheless, to check the accuracy of these entries, sections of the following Acts were compared with sections of the same Acts mentioned in the judgement:

1. PCMA
2. POCSO
3. IPC

Subsections of a particular section were ignored for the purpose of comparison.<sup>106</sup> For example, under POCSO Act, Section 5(m) was considered as Section 5 and correspondingly compared to the section mentioned in the judgment. Based on the extent of accuracy and type of error, the compared instances were categorised as follows:

<sup>106</sup> There were multiple variations of subsections in the Metadata with combinations of spaces, brackets and special characters which made the cleaning of data for comparison of subsections extremely difficult. Given time and budget constraints, this comparison is limited to main sections only.

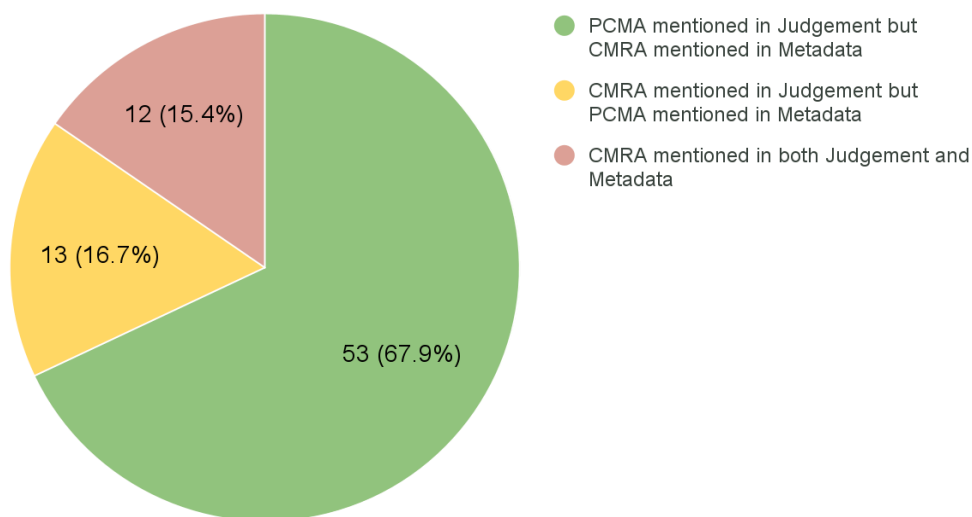
Category	Explanation	Example of sections for POCSO (illustration)	
		Judgment	Metadata
Accurate	All the relevant provisions that are mentioned in the judgment are also mentioned in the Metadata	3,4,5,6	3,4,5,6
Partially Accurate	The Metadata captures some of the sections mentioned in the judgment.	3,4,5,6	3,4
	The Metadata captures some of the sections mentioned in the judgment but also contains sections that are not mentioned in the judgment.	3,4,5,6	3,4,9,10
Inaccurate	There are no sections that are common to the Metadata and the judgment.	3,4,5,6	9,10,11
Legislation not captured in the Metadata		POCSO	No mention of POCSO
Additional legislation in the Metadata which is not mentioned in the Judgment		No mention of POCSO	POCSO

### Comparison of charges under PCMA

The judgements and Metadata, both, contained references to the repealed statute - Child Marriage Restraint Act, 1929 (CMRA) with spelling variations. To see all variations of the way in which CMRA and PCMA were observed, please see [annexure 1](#).

In **78 of the 175 cases (44.6%)**, the repealed statute CMRA was mentioned either in the judgement or in the Metadata or both. References to the repealed CMRA were as follows:

**Number of Cases in which CMRA is mentioned in Metadata or judgment**



Amongst these 78 cases, in 53 cases (67.9%) the Metadata erroneously referred to the repealed CMRA as the applicable statute instead of the PCMA. In these cases, comparison of section numbers cited in the judgement and the Metadata does not serve the purpose of assessing accuracy. For instance, the applicable section in the case of an adult male marrying a child is Section 9 of the PCMA and Section 3 of the CMRA. In cases where the Metadata mentions CMRA, if the Metadata mentions Section 9 of CMRA, it is inaccurate even though the section number matches with the judgement. If the Metadata mentions Section 3 of CMRA, it would indicate the offence of an adult marrying a child but the section numbers would not match the judgement. Thus, the charges section in the Metadata of all 53 cases where the CMRA is mentioned instead of PCMA, are considered inaccurate.

In 25 cases, the judgement itself erroneously mentions the CMRA instead of the PCMA. In these 25 cases, the judgement no longer serves as a reliable standard to test the accuracy of the Metadata against. Therefore, in these cases, the section numbers mentioned in the Metadata have not been compared to the section numbers quoted in the judgement. Instead, the section numbers mentioned in the Metadata have been compared to the facts of the case to assess whether the Metadata accurately reflects the offences allegedly committed. For example, if the facts of the case indicate that the alleged offence is an adult male marrying a child, the Metadata should contain Section 9 of the PCMA to be considered accurate. As shown in the table above, extra provisions that are not applicable to the fact scenario or missing out some applicable provisions will be considered partially accurate. In the context of these 25 cases:

- The Metadata in 13 cases correctly captured the applicable statute as the PCMA though the judge in the corresponding judgement erroneously referred to the repealed CMRA. In 6 of these cases the section numbers were fully accurate and the remaining 7 the section numbers were partially accurate.
- The Metadata in 12 cases incorrectly captured the applicable statute as CMRA. In two of these cases, the section numbers mentioned (section 3 and 4 of the CMRA) correctly indicated the nature of the offence in the facts. However, as the CMRA is repealed and inapplicable, these references are considered inaccurate.

#### **Erroneous mentions of the repealed CMRA in judgement**

In 25 judgments, the judges themselves erroneously referred to the repealed CMRA which was inapplicable to the case. 14 of these were from Tamil Nadu (10 being from the district Virudhnagar), 10 were from Maharashtra and 1 was from Assam.

In the 14 judgments from Tamil Nadu, from the facts in these cases it is clear that the section numbers stated (9 or 10 or 11 or a combination) are those of the PCMA dealing with criminal offences even though the judge made an error in naming the statute. Similarly, the judgement from Assam refers to applicable sections from the PCMA though it names the statute erroneously as CMRA.

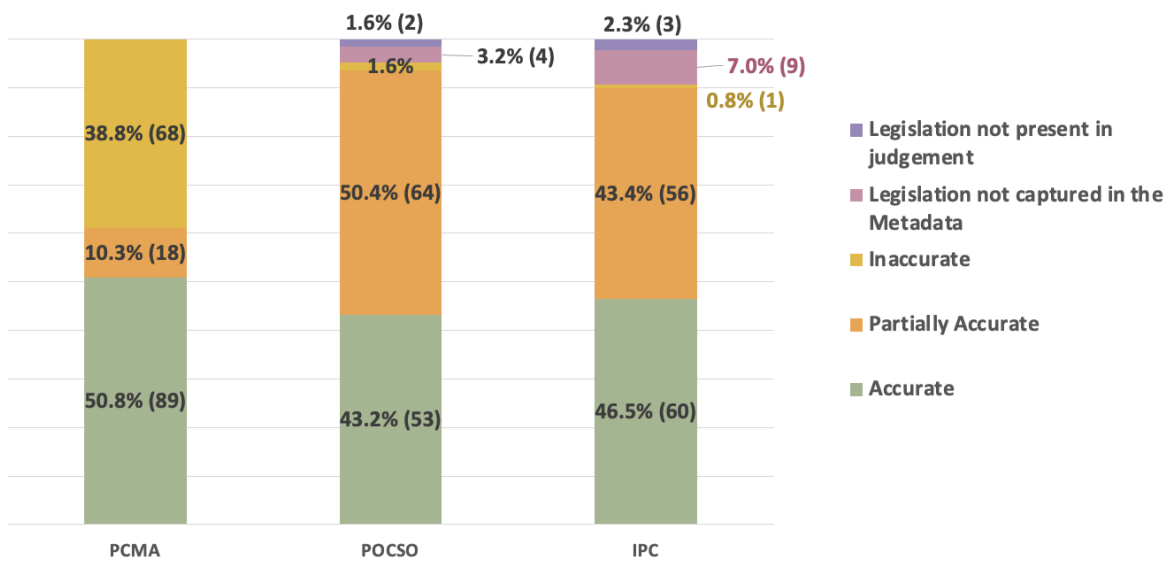
In Maharashtra, four judgments similarly referred to section numbers that correspond to charging sections in the PCMA. However, five judgements applied Section 3, 4 or 6 or a combination of the CMRA (dealing with criminal offences in the CMRA), making it clear that it was not merely an error in the name of the statute but the wrong statute as a whole was applied to the case. In the remaining judgement from Maharashtra section 5, 6, 7, 8 and 9 were applied - charging sections of both the CMRA and PCMA.

Though Metadata can be entered into the eCourts portal before the judgement is passed, it is clear that errors in naming the statute and section numbers occurs at many levels within the judicial administration, contributing to the overall inaccuracies reflected on eCourts.

Out of the total of 175 cases, 97 cases (55.4%) correctly identify the legislation as PCMA in both the judgement and the Metadata. In these cases, accuracy in section numbers mentioned in the Metadata is determined by comparison with the section numbers mentioned in the judgements . In this set of cases, there was a high level of accuracy (82 out of 97, 84.5%), with only three being inaccurate and the remaining 11 being partially accurate.

With all 175 cases, the accuracy in PCMA charges mentioned in the metadata is depicted below:

**Extent of errors in provisions in Metadata under PCMA, POCSO & IPC**



### Comparison of charges under POCSO and IPC

- The metadata predominantly captures the application of key legislations such as the POCSO and IPC in cases of child marriage and inaccuracies are fairly low. However, the metadata is not an entirely reliable measure for the exact provisions applied under a given Act. For instance, out of the 123 cases in which the accused was charged under the POCSO Act, the

metadata includes a reference to the POCSO Act in 119 cases, and also the exact provisions under the POCSO Act in 53 cases (42.4%). However, in more than half i.e., 64 cases (51.2%) it only partially captures the exact provisions of the POCSO Act with which the accused was charged. Similarly, the metadata correctly mentions that the accused was charged under the IPC in 117 out of 126 cases, and the correct provisions in 60 cases (46.5%). However, it partially captures the exact provisions under the IPC in 56 cases (43.4%). Thus, in a sizeable number of cases, the metadata either captured a few sections, and/or sections that were not present in the judgment. **Based on the sample, it appears that the metadata can be relied upon to understand the interaction of various penal laws in cases of child marriage. However, the rate of error, especially with respect to the partially accurate references to the POCSO Act and IPC, has to be factored while drawing conclusions about the nature of offences with which accused are charged in cases of child marriage.**

- There were some cases where the legislation was mentioned in the metadata but the judgement made no reference to the legislation and vice versa. These errors would lead to both false positives and false negatives, while curating cases pertaining to a particular legislation for analysis i.e. exclusion of cases actually under the act and inclusion of cases not under the legislation.
- It is unclear whether charges appearing in the metadata reflect the charges in the chargesheet or the charges framed by the court. The metadata could have charges as per the chargesheet, if they were entered at the registration of the case and not updated after framing of charges by the court. This could explain some discrepancies in charges. For instance in one case where both the charges in the chargesheet and charges framed were given in the judgement, the charges in the metadata matched those mentioned in the chargesheet. They are represented below.

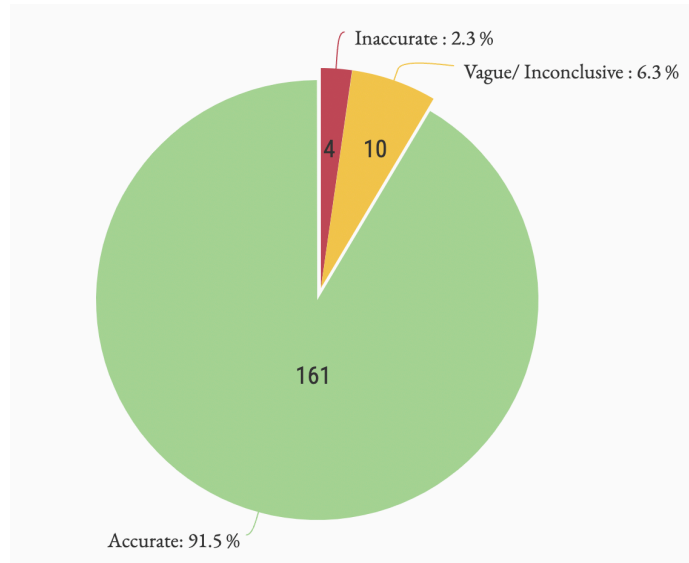
Charges in chargesheet	366/376AB of IPC, Sec. 6 of POCSO Act and Sec. 9 of Prohibition of Child Marriage Act
Charges framed by court	Charges u/s. 4 of POCSO Act and u/s. 9 of Prohibition of Child Marriage Act
Charges in metadata	366,376AB Indian Penal Code S. 6 POCSO Act S. 9 Prohibition of Child Marriage Act

### III. Comparison of Outcomes

Out of the 175 cases analysed, the Metadata on outcome matched the outcome in the judgment in 161 cases (92%) and was inaccurate in four cases (2.2%). In the remaining 10 cases (6.3%), the entry merely recorded that the case was transferred to a different forum or had vague information from which it was not possible to conclude the outcome of the trial. In these cases, while the judgement mentions an acquittal or conviction the corresponding metadata had entries like “judgment”, “Judgement Delivered”, “Disposed off on contest”, “allowed/granted after full hearing”.

	Judgment	Metadata
Number of convictions	12	11
Number of Acquittals	163	152
Number of discharge	0	2
Number of Vague entries in metadata	9 acquittals + 1 conviction	10 vague entries such as “judgment”, “Judgement Delivered”, “Disposed off on contest”, “allowed/granted after full hearing”

#### Accuracy of Metadata on outcomes of the trial on the PCMA charges



- **While the metadata largely captures the outcomes accurately, it does not offer a clear insight on convictions under specific legislations and provisions.** For instance, as seen in Part A, in five cases, the accused were acquitted under the PCMA, but convicted under IPC, POCSO, and SC/ST Act. The metadata, however, shows 11 convictions, but does not indicate the specific Acts and provisions under which the conviction was recorded.
- **Errors in recording the outcome of cases were low, but there is some loss of data through vague and inconclusive entries.** The conviction rate is calculated by the

National Crime Report Bureau as the percentage of convictions out of the total number of cases resulting in acquittal, convictions and discharge of the accused. The difference in conviction rate as calculated from data in judgments and metadata was negligible and is provided below :

	Conviction	Acquittal	Discharged	Conviction + Acquittal + Discharged	Conviction rate
Data from Judgments	12	163	0	175	6.8%
Metadata	11	152	2	165*	6.6%
Difference	1	11	2	10	0.2%
* 10 cases has entires had the outcomes - “judgment”, “Judgement Delivered”, “Disposed off on contest”, “allowed/granted after full hearing” which were not included while calculating Conviction Rate.					

### Summary of Findings

Overall, general errors were spread across states and districts. This indicates a widespread issue of human errors in data entry into the eCourts portal rather than being an issue in a particular area.

1. **Date of Decision:** In 97.7% of cases, the Metadata accurately reflected the date of judgment while in four cases had disposal date inaccuracies, pointing to a generally accurate date.
2. **Date of Registration:** Registration dates were available for 60 cases from Maharashtra and 75% had accurate metadata, while 25% showed discrepancies, mainly within a 5-day range. Cases with a higher discrepancy could be possibly due to a transfer of the case and non linking of related matters.
3. **Duration of Disposal:** In 28.3% of cases, disposal durations based on Metadata differed from judgments and in out of those 82.3% of these instances, Metadata indicated a shorter disposal time than the judgement.
4. **Charges:**
  - While overall inaccuracies in metadata entries for sections were infrequent, a considerable number of cases demonstrated only partial accuracy.
  - There were also discrepancies in legislation mentioned in metadata and judgment which posed a risk of incorrect conclusions when analyzing specific legislation. These discrepancies introduce the risk of false positives and false negatives when analyzing cases related to specific legislation.
5. **Outcomes:** Metadata accurately matched judgment outcomes in 92% of cases while in 6.3% of cases, vague entries made outcome interpretation challenging. Metadata also does not provide the charges under which the conviction takes place.
6. **Impact on Conviction Rate:** There is negligible difference in conviction rate calculated from judgments and Metadata. The errors in recording outcomes and vague entries in the metadata could impact conviction rate calculations.

### Conclusion & Recommendations

Metadata presents the possibility of gleaning the application of the PCMA with other legislations in cases of child marriage, as well as the outcome in these cases with a high degree of accuracy. Its reliability with respect to the specific provisions applied needs to be strengthened and discrepancies in registration dates and disposal dates needs to be addressed so that granular and accurate data becomes available for ascertaining application of specific provisions and disposal time.

The following recommendations may be considered by the E-courts Committee:

1. Consider indicating the provision and legislation(s) under which convictions were recorded on the landing page, as well as the provisions and legislation(s) under which the accused was acquitted. This will help ascertain the exact number of convictions and acquittals per legislation as multiple Acts are applied in any given case of a criminal offence.
2. Review the different references for the same legislation in use on e-courts and standardise the reference to enable easy retrieval and analysis of data. Entries in free form should be minimised and drop down menu options with standardised references to legislations and provisions should be considered. Also consider devising an automated system as per which repealed laws should not appear as an option if the offence occurred after the date of repeal.
3. Cases that are transferred are difficult to trace once they are transferred to another forum and have a different CNR upon transfer to another forum. The eCourts platform should display the proceedings subsequent to transfer on the same landing page so that the entire duration and outcome of the case is visible. While there is a field for “sub matters” on the landing page this field is seen to not be populated in many cases.
4. A guide on the source for the data being entered on e-courts will enable accuracy in research and conclusions that are drawn based on the data available. It is unclear whether the charges mentioned on the landing page reflect provisions mentioned in the chargesheet or those framed by the court. It is important to ascertain the exact provisions and legislation under which a person is eventually tried, and it may be considered if the landing page can offer updated information on charges quashed, and charges framed by the court, distinct from those mentioned in the chargesheet. This can serve as a valuable data point on gaps in framing chargesheet and identifying trends in the use and combination of certain penal provisions to address specific crimes.



## Compilation of Annexures

### Annexure A1

Description of the variables	Computerised extraction		Extracted Manually
		Reviewed Manually	
Which State the case is registered in	✓		
CNR number of the case	✓		
Case number	✓		
Whether the case was a criminal trial case	✓	✓	
Link to the judgment	✓		
District name	✓		
Forum where the case was tried	✓		
Date of receipt of case	✓	✓	
Date of registration of case	✓	✓	
Date of Evidence	✓	✓	
Date of decision of case	✓	✓	
Name of the judge who tried the case	✓	✓	
Designation of the Judge	✓	✓	
Reasons why the FIR was lodged			✓
Profile of the Informant who lodged the complaint			✓
Number of Victims			✓
Sex of the Victims			✓
Whether the first party was “state” or “not state”	✓	✓	
Whether the first part was the prosecution or complainant	✓	✓	
Whether the second party was state or not state	✓	✓	
Whether second party was respondent or accused	✓	✓	
The number of accused persons	✓	✓	
The age of accused persons	✓	✓	
The occupation of the accused persons	✓	✓	
The nature of the relationship between the victim and the accused			✓
The gender of the accused			✓

Name of the first accused person			✓
Age of the alleged husband			✓
Occupation of the alleged husband			✓
Whether the alleged husband was related to the victim			✓
PCMA charges mentioned in the beginning of the case	✓	✓	
PCMA charges mentioned at the end of the case	✓		
POCSO charges mentioned in the beginning of the case	✓	✓	
POCSO charges mentioned at the end of the case	✓		
IPC charges mentioned in the preamble of the case	✓	✓	
IPC charges mentioned at the end of the case	✓		
Whether rape-related provisions was added under the IPC			✓
Whether a kidnapping provisions was added under the IPC			✓
Charges under other act mentioned in the preamble of the case	✓	✓	
Charges under other acts mentioned at the end of the case	✓		
Date of lodging of FIR	✓	✓	
Date of filing of chargesheet	✓	✓	
Date of framing of the charges	✓	✓	
Place where the marriage took place	✓	✓	
The sentence in which the above appeared	✓		
Date of alleged child marriage	✓	✓	
Whether there was reference to any marriage ceremony			✓
Whether marriage was solemnised	✓	✓	
The sentence in which the above appeared	✓		
Whether the marriage was part of a mass marriage	✓		
The sentence in which the above appeared	✓		✓
Whether there was reference to forced marriage	✓	✓	
The sentence in which the above appeared	✓		
Whether the victim was in a romantic relationship with the accused	✓	✓	
The sentence in which the above appeared			✓
Whether there was any reference to family violence	✓	✓	
The sentence in which the above appeared	✓		

Whether any dowry was given	✓		
The sentence in which the above appeared	✓		
Whether the victim was trafficked	✓		
The sentence in which the above appeared	✓		
Whether an injunction to the marriage was asked for	✓		
The sentence in which the above appeared	✓		
Whether the marriage was consummated	✓		
The sentence in which the above appeared	✓		
Whether the marriage was registered	✓	✓	
The sentence in which the above appeared	✓		
Whether the complaint was filed because the victim left home or was found to be missing			✓
Whether the complaint was filed because the pregnancy of the victim was discovered			✓
Whether the complaint was filed because the victim's child marriage was discovered			✓
Whether the complaint filed because the marriage of the victim was forced			✓
Whether the complaint filed due to other reasons			✓
Whether the marriage was self-initiated or arranged by parents			✓
Who arranged the marriage (irrespective of the nature of marriage)			✓
Whether victim testified to forced sex			✓
Whether the alleged husband was in a position of power or authority			✓
Description of the above sentence			✓
Whether there was threat and violence against the victim			✓
Description of the above sentence			✓
Who stated that the relationship was romantic			✓
Whether there were any problematic factors in the case			✓
Description of the above sentence			✓
Whether the CWC played a role in the case	✓		
The sentence in which the above appeared	✓		
Whether Childline played a role in the case	✓		
The sentence in which the above appeared	✓		

Whether a Child Marriage Prohibition Officer played a role in the case	✓		
The sentence in which the above appeared	✓		
Whether the victim died	✓		
The sentence in which the above appeared	✓		
Whether the victim had a disability	✓		
The sentence in which the above appeared	✓		
Whether the victim was ever enrolled in school			✓
The highest grade till which the victim studied			✓
Any sentences that refer to the victim's education	✓		
Whether the victim was pregnant at the time of FIR	✓		
The sentence in which the above appeared	✓		
Sentences referring to the victim being pregnant at anytime	✓	✓	
Whether the victim had an abortion	✓		
The sentence in which the above appeared	✓		
Whether the victim had a child with the accused/husband at any stage of the trial			✓
Whether there was a reference to an ASHA worker	✓		
The sentence in which the above appeared	✓		
Where the victim was residing	✓	✓	
The sentence in which the above appeared	✓		
Reasons for which the victim did not appear in court			✓
If the victim testified against the accused			✓
If the victim retracted their testimony during cross-examination			✓
A brief description of what the victim said in their examination-in-chief and their cross-examination and whether it was different from their 164 or 161 statement under the Cr.P.C			✓
Whether the victim testified against the accused and their testimony was considered unreliable			✓
Whether the victim was declared hostile	✓		
The sentence in which the above appeared	✓		
Whether statement of the victim under S.164 of the Cr.P.C was recorded	✓	✓	
The sentence in which the above appeared	✓		

Whether the victim underwent medical examination	✓	✓	
Whether the victim refused medical examination	✓		
The sentence in which the text referencing medical exam appeared	✓		
Whether a reference to DNA sample was made	✓		
The sentence in which the above appeared	✓		
Brif description of the results of the medical examination			✓
How the Court interpreted the results of the medical examination			✓
What the age of the victim at the time of offence was	✓	✓	
Whether a birth certificate was produced to prove the age of the victim			✓
Whether a school certificate was produced to prove the age of the victim			✓
Whether a medical age determination test was conducted to determine the age of the victim	✓	✓	
The sentence in which the above appeared	✓		
The type of the medical age determination test conducted			✓
What was the age range of the victim as the per medical age determination test?			✓
What was the age of the victim as per the FIR?			✓
What was the age of the victim as per documentary evidence?			✓
Did the court conclude that the minority of the victim was established or not established was age not determined?			✓
Describe how the Court reached the conclusion on age determination			✓
Whether a school official was examined before the court	✓	✓	
The sentence in which the above appeared	✓		
Whether the victim's aadhar card was produced before the court	✓		
The sentence in which the above appeared	✓		
Whether was a reference to Section 94 of the JJ Act	✓		
Whether there was a reference to the evidence being unchallenged	✓		
The sentence in which the above appeared	✓		
Whether the accused was acquitted or convicted	✓	✓	

The charges the accused was acquitted or convicted of	✓		
Whether the accused was convicted under a PCMA charge			✓
Whether accused was granted probation	✓		
The sentence in which the above appeared	✓		
The sentence in which the word "bail " appears	✓		
Was bail granted to the primary accused?			✓
If the accused was convicted, the quantum of sentence given	✓		
If the accused was convicted, the date of sentencing			✓
Whether compensation was granted to the victim	✓	✓	
The sentence in which the above appeared	✓		
The quantum of compensation awarded			✓
Whether a fine imposed on the accused is directed to be paid to the victim as compensation?			✓
The quantum quantum of fine imposed			✓
Reasons the Court gave for giving/not giving compensation			✓
Any additional comments on the case			✓
<b>Total</b>	<b>100</b>	<b>37</b>	<b>57</b>

**Annexure B1**

<b>Variations of CMRA are</b>	<b>Variations of PCMA are</b>
<p>Child Marriage Restraint Act  Child marriage restraint Act 2006  Child Marriage Restraint Act, 2007  Child Marriage Restraint Act, 1929</p>	<p>Child Marriage Act  Child Marriage Act, 2006  Child marriage Prohibition Act 2006  Indian Child marriage Act  Prevention of Child Marriage Act  Prevention of Child Marriage Act 2006  Prohibition of Child Marriage Act  Prohibition of Child Marriage Act 1929  Prohibition of Child Marriage Act 2006  Prohibition of Child Marriage Act 2012  Prohibition of Child Marriage Act, 2016  Prohibition of Child Marriage Act,2006  Prohibition of Child Marriage, 2006  Protection of Child Marriage Act, 2006  Protection of Child Marriage Act,2006  The Prohibition of Child Marriage Act  The Prohibition of Child Marriage Act 2006.  The Protection of child Marriage Act</p>