

Crying Out For Legislative Attention: The Inadequate Child Marriage Laws of India

Dr. Prashant Bhadu

*Assistant Professor, School of Law,
Mody University, Laxmangargh, Sikar, Rajasthan.*

ABSTRACT

The paper will first briefly discuss the history of child marriage laws in India, their efficiency as well as criticisms. For this the emphasis will be on the Prohibition of Child Marriage Act of 2005 and its implementation. The focus of the bill will then turn towards the Prohibition of Child Marriage Amendment Bill and analyze the proposed amendments in the Proposed Bill. In this Section, the paper will discuss the consequences as well as the rationale behind the amendment. An in depth analysis will be done about the increasing of age of marriage to 21 for females as well as increasing the time period of making the marriage void from 2 years to 4 years. Consequently, the paper will discuss how this amend ment could prove to be a stepping stone towards a Uniform Civil Code, mentioned in the Directive Principles of State Policy, mentioned in the constitution. This will be followed by a critique of the bill and will discuss the concepts of "Agency of Women" and the Scientific age of majority, as well as the UNICEF directives for minimum age of marriage. The final section of the paper will draw the conclusion and observe whether the new Amendment bill is a step forward or backward for curbing the menace of child marriages, or whether it maintains a status quo.

I. INTRODUCTION

In 1978, the Child Marriage Restraint Act was revised, raising the legal age of marriage for girls from 15 to 18 years and for boys from 18 to 21 years. To ensure that child marriage is abolished from society, the Indian government adopted the Prohibition of Child Marriage Act of 2006, which replaced the old legislation of the Child Marriage Restraint Act, 1929. The Prohibition of Child Marriage Act is examined in depth in this article.

The Act's main goal is to make it illegal to marry children under the age of 18. This Act contains provisions that make it easier to prevent child weddings, offer relief to victims, and strengthen penalties for anyone who aid, promote, or solemnize such unions. According to the act, the legal age of marriage for boys is 21, and for girls it is 18, and any marriage between people under these ages is regarded a child marriage, which is illegal, a crime, and punishable by law.

The aims of this act are listed below.

- The Act declares child marriage null and void.
- The Act also provides for the girl's upkeep and housing until she remarries the male contractual party or his parents.
- In comparison to the 1929 Act, all of the punishments intended by the Act have been greatly increased.

The Act's Applicability

The following aspects are covered by this Act:

- It pertains to all citizens of India, regardless of faith, and it extends beyond India.
- The state of Jammu and Kashmir, as well as renunciants in the Union territory of Pondicherry, are exempt from this Act.

The Act's Implementation

Prevention

The law aims to prevent child weddings by making certain activities unlawful and designating particular authorities to oversee the prohibition and prevention of child marriages. These individuals are in charge of ensuring that the Act is carried out. Every state will designate Child Marriage Prohibition Officers (CMPOs) to prevent child weddings, protect victims, and prosecute perpetrators. Those who solemnize child weddings face penalties under the Act.

Section 11 of the Prohibition of Child Marriage Act imposes penalties on those who permit and promote child marriages.

Protection

After a kid is rescued, the legislation offers all necessary support and assistance, including medical, legal, counselling, and rehabilitation. It provides all children born from child marriages legal status and creates arrangements for their custody and upkeep. It covers the female contractual party's living expenses and maintenance.

Offenders are prosecuted.

The law makes it illegal for a man over the age of 18 to marry a minor. The Child Marriage Prohibition Officer has been given the authority to provide necessary and legal assistance to victims of child marriage, as well as to present children in need of care and protection before the Child Welfare Committee or, in the absence of a Child Welfare Committee, a First Class Judicial Magistrate.

Officers in Charge of Child Marriage Prohibition

In this statute, a child marriage prohibition officer is considered a public servant. The Child Marriage Prohibition Officer (CMPO), who is in charge of ensuring that no child marriage occurs in their area, approaches the courts for the following reasons:

- The prohibition of juvenile marriages
- Gathering evidence for the prosecution
- Raising public awareness of the problem and the Act
- Counseling and advising people against getting married too soon.
- Raising awareness in the community
- Keeping and disseminating statistics

Marriages between minors are to be declared null and void.

1. At the decision of the contracting party who was a child at the time of the marriage, any child marriage, whether solemnised before or after the beginning of this Act, shall be voidable.¹
2. Within two years after the child who was a party to the marriage reached the age of majority, the annulment of the marriage can be sought.
3. A petition for voidability or annulment of marriage can only be filed by the offspring of the marriage. If the petitioner is a minor, the petition can be filed with the Child Marriage Prohibition Officer by a guardian or the married child's next best friend (who must be an adult of 18 years or older) (CMPO).
4. The District Court has the authority to declare a marriage null and void. The Family Court, the Principal Civil Court of Original Jurisdiction, and any other civil court designated by the State Government are all part of the District Court.

¹ “*Prohibition of Child Marriage Act*”, 2006.

Petition to Declare Child Marriage Null and Void

Only the girl or boy who was under the age of 18 at the time of the marriage can file a petition in court to annul the marriage. If the kid is still a minor, a guardian and the Child Marriage Prohibition Officer (CMPO) can file an annulment petition on their behalf.

Child marriages can be declared null and void by the courts under certain circumstances. These are some of them:

- Where a marriage has been solemnised despite a Section 13 injunction prohibiting the child marriage from taking place.²
- When a kid is stolen from their legal guardian by force or deception, this is also a valid legal reason to annul the marriage.
- When a child is trafficked or sold for the purpose of marriage, it is allowed to annul the marriage.

Anyone can report a child marriage, either before or after it has been solemnised. A complaint can be made to the authorities.

There is a police station nearby, Metropolitan Magistrate or First-Class Judicial Magistrate, District Magistrate/ChildLine or Committee for the Welfare of Children

Penalties imposed by the law:

Child marriage is a crime that carries a penalty of either hard labour or a monetary fine, or both.

Injunctions preventing the solemnization of child weddings can be issued by the courts. The Act's offences are both cognizable and non-bailable. The following are examples of people who can be prosecuted under the law:

- Anyone who arranges, directs, or aids a child marriage.
- A child's father is a male adult over the age of 18 who marries a youngster.
- Any person in charge of the child, such as a parent or guardian, or a member of the organisation, who promotes, permits, participates in, or fails to prevent a child marriage.

II. Analysis of the Child Marriage Amendment Bill

This law, the Child Marriage Amendment Bill, was introduced in the Lok Sabha on the 20th of December in the year 2021. The principal goal of this law is to raise the legal marriage age for females in India from 18 to 21 years old, which is currently at 18. The basis for this modification is the implementation of the Constitutional mandate of gender equality, which is important given that the legal marriage age for males in India is twenty-one years.

The following significant revisions have been made to the Child Marriage Prohibition Act since its inception:

According to Section 2 of the Child Marriage Act, a child is defined as any male or female who has not reached the age of 21 years, notwithstanding any legislation or customary practise that is in conflict with this amendment.

Changing the order of the words Section 3(3) of the act, which deals with a child filing a petition for the annulment of a child marriage, replaces the previous two-year period with a five-year period. Following the passage of this amendment, a kid may file such a petition only if he or she has not reached the age of majority for five years.

The addition of Section 14A to the act indicates that these proposed modifications will take precedence over any existing laws or practises that may be in conflict with the amendments in the event that they are implemented.

² Id

Other personal and marriage laws, such as the Hindu Marriage Act, the Hindu Minority and Guardianship Act, and the Foreign Marriage Act, as well as the Indian Christian Marriage Act, the Parsi Marriage and Divorce Act, the Muslim Personal Law (Shariat) Application Act, and the Special Marriage Act, will be amended in accordance with the new provisions.

❖ Rationale behind the Law

Smriti Irani, the Union Minister for Women and Child Development, proposed this law, asserting that it will be applicable to all castes and religions in the country. In and of itself, this act maintains the values of the fundamental right to equality by ensuring that the marriage age for both male and female citizens remains at 21 years old. After marriage, women will have more time to pursue educational and vocational opportunities because they will have more free time to pursue education or engage in work-related activities, which are typical benefits that are denied to a huge number of women before marriage. In such cases, men become the sole breadwinners of the family, and their wives are compelled to rely on their husbands' earnings for financial support.

Another bill sought to empower women by raising their nutritional levels and lowering the risk of maternal mortality, among other things. According to a demographic study conducted by the National Library of Medicine, maternal mortality will account for 23,800 fatalities in the year 2020 alone. Rural areas accounted for 63 percent of all fatalities. Women over the age of 18 are found to be healthier and better nourished, according to research conducted by Ann Blanc, and this naturally lowers the likelihood of maternal death, according to other research.

As noted in the Policy Brief published by the Centre for Law and Research, the stipulations of the current law place an encumbrance on the child's ability to annul the child marriage within a specified time period. Furthermore, when a kid seeks an annulment, he or she typically encounters a number of roadblocks, including a lack of parental support, cultural pressure, the danger of violence, and financial restraints. Children are frequently deterred from contacting non-governmental organisations (NGOs) or Child Marriage Prohibition authorities due to a lack of information about their rights.

It also has a negative impact on the schooling and professional development of these young women. Child marriages also result in the sexual abuse of children and the birth of children too soon, posing major health hazards to both the mother and the child. According to the National Family Health Survey conducted in 2016, the under-five mortality rate among mothers who gave birth before the age of 20 years was 59.2 percent. In the year 2021 alone, government officials have intervened in more than 5584 cases of child marriage. Respected former judges M.B. Lokur and Deepak Gupta have observed that child weddings in India are unlawful but not void, which they believe is unusual.

Recent Judicial Developments in Child Marriage law:

On 26th April 2017, the Prohibition of Child Marriage (Karnataka Amendment) Act, 2016 was approved, rendering child marriages null and void in law. This was the culmination of state-level initiatives, which included a particular proposal of the Justice Shivaraj Patil Committee (2011), which was established to assess the state of child marriage in Karnataka.

Child marriage is recognised as lawful under the central Prohibition of Child Marriage Act of 2006 ("PCMA"), but is "voidable" at the minor contracting party's request (Section 3, PCMA of 2006). Recognizing child marriage as 'voidable' entails all of the repercussions of a legitimate marriage, including conjugal access, and perpetuates the practice's impunity. The reality is that few women exercise their right to petition the court for a judgement of nullity to annul their marriage once it has been consummated. Additionally, courts have been hesitant to declare child marriage void unless the facts of the case definitely fall within the parameters specified in Section 12 of the Act (Jitender Kumar Sharma; and Association for Social Justice & Research v. Union Of India and Ors.). This aversion to discussing "voidability" pervades the entire legislative and policy discourse on child marriage.

This legislation was lauded by the 2017 Supreme Court judgement, *Independent Thought vs Union of India*, which is also relied on by the Centre to modify the Prohibition of Child Marriage Act, 2006 (PCMA) to increase the marriage age of women from 18 to 21 made key observations about the statute not declaring child marriages 'void' (without legal standing), but 'voidable' (something legal, but which can be annulled later by one party of a contract).

Both justices wrote separate but concurring opinions in which they stated that the PCMA "requires significant review" to ensure its "effective implementation" as a disincentive to "avoid or minimise child marriages."

When it read down Exception 2 of Section 375 (rape) of the Indian Penal Code, the court conveyed its thoughts on the PCMA's flaws. A man cannot be prosecuted with rape if he has sexual relations with a girl between the ages of 15 and 18 if she is his wife. According to the 2017 rape law verdict, it is now illegal to have sexual relations with a wife who is under the age of 18.

On the PCMA, the court observed: "Ironically, despite the fact that child marriages are solely voidable, Parliament has criminalised child marriage and imposed penalties for contracting a child marriage."

The Punjab and Haryana High Court's division bench has held that a marriage contracted with a juvenile girl is legally valid if the child does not declare it void upon reaching the age of 18. The top court determined that such a marriage is voidable, not void.

It would become lawful if the 'kid' did not take efforts to declare the marriage null and void upon reaching majority, the high court said. *Yogesh Kumar vs Priya*³ was a case involving a couple who married in February 2009 and petitioned the high court to set aside a family court verdict in Ludhiana. By mutual accord, the couple had petitioned the Ludhiana court for divorce.

The Punjab and Haryana High Court relied on a 2012 Delhi High Court decision in which a girl married a boy with whom she had eloped. The Delhi High Court had previously declared that a marriage committed with a bride under the age of 18 or a bridegroom under the age of 21 was not void, but voidable, and would become valid if no efforts were made to declare the marriage void.

Accordingly, the Punjab and Haryana High Court decided that the couple's petition for divorce by mutual consent should have been granted on the basis that their marriage was legal in all material respects. The bench then granted the parties divorce.

The Ludhiana court had dismissed their divorce petition on the grounds that their marriage was invalid because the wife was under the age of 18 at the time of the marriage in 2009.

The high court bench of Justices Ritu Bahri and Arun Monga concluded that the Ludhiana court erred in dismissing the petition because the wife had turned 18 in 2010 and the couple continued to live together till August 2017.

On 26th April 2017, the Prohibition of Child Marriage (Karnataka Amendment) Act, 2016 was approved, rendering child marriages null and void in law. This was the culmination of state-

level initiatives, which included a particular proposal of the Justice Shivaraj Patil Committee (2011), which was established to assess the state of child marriage in Karnataka.

Child marriage is recognised as lawful under the central Prohibition of Child Marriage Act of 2006 ("PCMA"), but is "voidable" at the minor contracting party's request (Section 3, PCMA of 2006). Recognizing child marriage as 'voidable' entails all of the repercussions of a legitimate marriage, including conjugal access, and perpetuates the practice's impunity. The reality is that few women exercise their right to petition the court for a judgement of nullity to annul their marriage once it has been consummated (Pallavi Gupta, Economic & Political Weekly). Additionally, courts have been hesitant to declare child marriage void unless the facts of the case definitely fall within the parameters specified in Section 12 of the Act (Jitender Kumar Sharma; and Association for Social Justice & Research v. Union Of India and Ors.). This aversion to discussing "voidability" pervades the entire legislative and policy discourse on child marriage.

III. Drawbacks in the Bill

There are some negative aspects of this act, however, that cannot be ignored or overlooked. Due to the fact that this bill possesses overriding characteristics, it will fully negate the provisions of the different personal and marriage laws that pertain to the legal age of marriage. The Hindu Marriage Act, 1955, for example, specifies that the marriageable age for girls is 18 years and for males it is 21 years under Section 5(iii). The new amendment act would negate this specific clause and dictate that both males and females must be at least 21 years old before they can marry. When taking

a deeper look at the overall picture, it can be seen that this bill is another step forward for the BJP on the road to achieving the Uniform Civil Code, or UCC.³

While the notion of uniform civil procedure (UCC) is a good one, as uniformity in legal standards can lead to faster trials and greater clarity in the law, its adoption in India is not feasible due to the country's immense diversity as well as its long history of traditions. Ram Madhav, a member of the RSS national executive, told The Print that the UCC is beneficial to the country and that there are a variety of opinions on whether it is necessary. Contrary to this, according to the Law Commission's 2018 study on the viability of UCC and reform of family law, which was proposed by the BJP in 2016, discriminatory personal laws may be repealed or altered, but UCC in India is neither essential nor desirable at this point in time.

Consequently, such reforms in personal laws could have major legal ramifications and cause widespread unrest as a result of a conflict between the legitimacy of the pre-existing personal laws and the validity of the newly formed uniform law that has been established.

The subject of Muslim Personal Law is the most crucial one to consider. It is extremely difficult to achieve harmony between the new amendment and the terms of this law when it comes to the marriage age, because Muslim law specifies that a girl can be married once she reaches puberty, which makes establishing harmony impossible. This age is typically considered to be 15 years old. Since Islamic personal law is a codification of Islamic law, the extent to which legislative and judicial authorities have authority over divine or religious rules is a legitimate subject to consider. However, while the Supreme Court has ruled that all personal laws must adhere to the principles and rules of the Constitution, other high courts have expressed differing views on the subject.

That there were no revisions to the legislation regarding child marriage is the most noteworthy aspect of this legislation. The Prohibition of Child Marriage Amendment Act, 2021, does not contain any provisions that would render child marriages void under the law. Child marriage is voidable at the request of the underage party to the marriage within two years after gaining adulthood, according to current legal standards, as stated in Section 3(1).

❖ *Factual Analysis*

A cursory examination of the Bill's statement of objects and reasons demonstrates unequivocally that this Bill is only a convenient way for the Government to avoid tackling the issues impeding women's overall development. The immediate Bill's objectives and justifications are as follows:

"The Constitution protects gender equality as a component of fundamental rights and also prohibits discrimination on the basis of sexual orientation. Existing regulations fall short of ensuring gender equality in marriageable age between men and women, as required by the Constitution. Women frequently face disadvantages in higher education, vocational training, acquisition of psychological maturity and skill sets, and so forth. Entering the labour force and becoming self-sufficient prior to girls marrying is crucial."

The present moment Bill makes no attempt to explain how raising the marriage age would address the pervasive problem of gender discrimination in our culture. For instance, when it comes to higher education, the primary, if not the only, reason parents do not give it for their daughters is poverty.⁵ The other cause is illiteracy, which is closely followed by fear of insecurity. Implementing sufficient safety measures is critical in a country where a girl is raped every 15 minutes. [1] Similarly, only education can address the issue of gender bias. Until the current biases and taboos associated with our society's patriarchal structure are addressed by education and awareness campaigns, families will continue to deny women the possibility of "joining the labour force and contributing to the workforce."

It is not unnecessary to remind out that the constitutional imperative violated by this Bill is the freedom of adult women to marry of their own free decision. The Supreme Court declared in *Ashok Kumar Todi v. Kiswhwar Jahan*⁶ that where a boy and a girl marry on their own volition and are of legal age, and the marriage is officially registered with the notified body. Police officers have no participation in their conjugal affairs, and law enforcement officials have no right to meddle with their marital lives; in fact, they are obligated to prevent others from interfering."

³ Singh, D., "Amendment to Child Marriage Act could usher in social change.", Times of India, 2022.

"These disadvantages exacerbate women's reliance on men. There are also compelling reasons to reduce maternal and infant mortality rates, as well as to improve nutrition levels and the sex ratio at birth, as these measures would promote opportunities for responsible parenthood for both father and mother, equipping them to provide better care for their children. It is also critical to reduce the prevalence of teenage pregnancies, which are detrimental to women's overall health and result in an increased number of miscarriages and stillbirths."

In light of the claim that this Bill will help reduce maternal and infant mortality rates, consideration should be given to the Memorandum to the Task Force on Age of Motherhood and Related Issues[2] sent by more than 40 non-governmental organisations and activists working on women's rights, in which it was stated that "Poverty, not early marriage, is the primary cause of ill health for mothers and their children."

When links between increased health risks for mother and child are discovered at earlier ages of marriage, this must be carefully interpreted. To begin, the age of 18 has been scientifically

⁵ Naveli, R.,. "The Prohibition Of Child Marriage Amendment Bill, 2021: A Critical Analysis."

⁶ 2011 3 SCC 758

established as the point at which the majority of women's reproductive systems are fully formed. Healthy women of this age who receive sufficient prenatal care should expect to deliver healthy infants.⁴ However, countries such as India are extremely unequal, with widespread female malnutrition and limited access to health care in numerous regions. Early marriage is more prevalent in impoverished and marginalised areas, whereas women from affluent backgrounds marry later in life. Thus, statistically speaking, if one simply considers age at marriage in relation to maternal and child health indices, one overlooks the fact that poorer women are overrepresented at earlier ages. When NFHS data is disaggregated (by age, poverty, educational attainment, and so on), it is obvious that poverty has a far greater impact on the health of mothers (even at older ages of marriage, such as 21 years) than does simple age. Age is the least significant influence, while poverty is the most significant."⁵

Rather than raising the marriageable age, which would very certainly create further barriers for consenting adults wishing to marry, the government should prioritise education for women and knowledge of gender equality among males. Poverty and illiteracy continue to be the primary drivers of underage marriages, female foeticide, dowry deaths, and other issues of gender inequality. What the women of this country need require is for the government to adopt welfare schemes and policies such as Kishori Shakti Yojana and Sabala that focus on teenage girls' nutrition, health and development, skill development, and vocational opportunities.

"Discrimination against women also obstructs the achievement of sustainable development goals and violates the principles enshrined in the Convention on the Elimination of All Forms of Discrimination Against Women, to which India is a party. It is critical to address gender inequality and discrimination and to put in place necessary measures to ensure the health, welfare, and empowerment of our women and girls, as well as to ensure that they have the same status and opportunities as men."

It is widely accepted that the age of marriageability for both men and women is 18. Even the Convention on the Elimination of All Forms of Discrimination Against Women establishes an

⁴ Snehat, V., "Child Rights and the Constitution.", Livelaw.in 2022

⁵ "Child Marriage Facts and Figures. International Center for Research on Women." N.p., n.d. Web. 21 Apr. 2016

18- year-old marriage age. The discrimination against women that this Bill seeks to remedy will scarcely be solved by raising the marriage age.⁶

The 2006 Prohibition of Underage Marriage Act sought to prevent the solemnisation of child marriages. Despite the statute, India is estimated to have more than 24 million child brides.⁷

India has the 14th highest rate of child marriage in the world, according to the International Centre for Research on Women.

Additionally, according to the National Family Health Survey-5, child marriages have increased in Manipur (16.3 percent in 2016 compared to 13.7 percent in 2015-16), Tripura (40.1 percent in 2016 compared to 33.1 percent in 2015-16), and Assam (31.8 percent from 30.8 percent in 2015-16).⁸

Thus, plainly, establishing a minimum legal age for marriage does not deter child marriage, which can only be addressed by expanding women's access to free and obligatory education and employment prospects.

❖ *Self-Contradictory:*

A significant consequence of raising the marriageable age of women from 18 to 21 years is that it erodes both males and women's decision-making capacity in marriage. The 2008 Law Commission study recommended that men's marriageable ages be reduced to 18 years in order to achieve parity between men's and women's legal marriageable ages.

When a person reaches the age of 18, she is called a "adult." This means that she is legally capable of voting, purchasing property, and entering into contracts, among other things. Why is it necessary to restrict this freedom when it comes to deciding when she should marry? Isn't the fact that a woman is an adult capable of exercising her right to vote sufficient evidence that she possesses the required judgement and prudence to determine when she want to marry?

❖ *Disrespect for women's agency:*

Finally, in a society still coping with issues of female foeticide and child marriage, one societal idea becomes crystal obvious — a daughter is parayadhan and a liability that must be relinquished as quickly as possible. With this in mind, the most fundamental step in overcoming the problems of gender inequality is to build a value system that values women and views them as, at the very least, equals. The precondition for this value system to exist would be the recognition and acceptance of women's agency.

It is not uncommon for women's freedom of choice to be significantly curtailed as a result of societal constraints. For example, the most challenging activity for young adults in our society is picking a mate due to caste, religion, and language barriers. These constraints are so rigorous that their breach frequently leads in the murder of their own daughter by her family, a practise paradoxically dubbed "honour killing." Rather than safeguarding women's agency by allowing them the freedom and space to choose a life partner, state governments are busy enacting anti- love-jihad legislation, thereby prohibiting inter-religious weddings.

There are numerous examples of families exploiting laws to simply cancel weddings between different castes or religions. The laws exploited in this manner include requesting nullification under the Prohibition of Child Marriage Act, falsely alleging kidnapping and rape under the Protection of Children from Sexual Offences Act, and the Indian Penal Code. The current Bill will also be vulnerable to similar patterns of abuse by parents and family members who are dissatisfied with their daughter's relationship selection.

The Bill appears to be more of a showpiece than a genuine attempt to solve significant concerns such as gender discrimination, underage marriages, female foeticide, maternal mortality, and women's safety.⁹ To solve these

⁶ Naveli, R., "The Prohibition Of Child Marriage Amendment Bill, 2021: A Critical Analysis."

⁷ Id.

⁸ "Child Marriage Facts and Figures. International Center for Research on Women." N.p., n.d. Web. 21 Apr. 2016

⁹ Singh, Rashmi., "*Flipside of Increasing the Age of Marriage*", Legal Services India 2022.

challenges, the government must take proactive measures to develop women-centered welfare programmes, offer easy access to education, and raise social awareness about the evils of patriarchy, which are deeply ingrained in our society.

In conclusion, it is prudent to remember that the state's interference in personal decisions regarding food, drink, marriage, and worship must be kept to a minimum, much more so in a liberal and democratic country that vows to respect and preserve its citizens' basic fundamental rights.

IV. Conclusion

When it comes to women's empowerment, the desired progressive purpose of this amendment must be represented in the primary rationale for the creation of this Child Marriage legislation. Although this modification to raise the marriage age to 21 years is extremely beneficial in theory, since it allows for better educational opportunities for women as well as improved nutrition levels, it will have only a minor influence on society in practise.

Women who are most likely to gain from higher education and professional prospects are those who come from well-off households that encourage them to pursue their goals. Women from rural areas or low castes, on the other hand, would be less likely to be able to take advantage of this benefit because of a lack of information about their rights and a lack of legal or family support.

Awareness-raising activities, particularly in rural areas, are required if significant change is to be achieved. As a result, rather than focusing on legislation to promote true women empowerment, the emphasis should be placed on stricter enforcement of laws because structural changes within the government system and society are required.

Additionally, the problem with the previous law was not in the content, but its implementation. On the face of it, it doesn't seem like the new proposed Bill seeks to improve on its predecessor in this regard. As discussed above, data indicates that the law has not been completely successful in eradicating the social evil of child marriage. Therefore, the new law may not be the solution to India's Child Marriage problem if it cannot improve on the front of implementation.

Abbreviations:

- UCC: Uniform Civil Code,
- SC: Supreme Court,
- IPC: Indian Penal Code,
- POCSO: Protection of Children Against Sexual Offences,
- CMPO: Child Marriage Prohibition Officers.