

A step forward

The Supreme Court's criminalizing sex between a man and his underage wife on Wednesday must be welcomed. Legally, the Indian Penal Code exception that allows for it creates two classes of female citizens: those protected by laws prohibiting sex with minors and those not protected. This is constitutionally untenable. Medically, underage motherhood contributes significantly to the health burden of maternal and infant mortality, and stunted children. Economically, underage motherhood constrains girls' economic choices. In sum, it is ethically deplorable.

The centre's argument that criminalization will negatively impact the institution of marriage—the same argument Parliament made against the criminalization of marital rape in general, incidentally—is regressive, prioritizing illiberal social mores over individual rights.

But the centre is correct in saying that enforcing this ruling would be difficult, just as enforcing child marriage laws has been difficult. Legislation and court rulings are only one part of the puzzle.

END

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