



## A CRITICAL STUDY ON RAISING THE MARRIAGEABLE AGE FOR GIRLS UP TO 21 YEARS

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### KEYWORDS

Raising the marriageable age, Age given under different personal laws, Impact on the society

### ABSTRACT

In many traditional societies, there is a certain law that gives a gateway to the marriage of girls and boys legally. The main object of this Research Paper is to provide why women's marriageable age has to be increased. Many data have been given with reason but still, the major proportion of women's marriages is still taking place who are below the 18 years. Also, this paper describes the unfavorable health issues to young mothers and to their newly born children due to the early age of marriage which include undernourishment and high mortality rates. In this paper, it has also been highlighted the complicated issues of marriage age, educational attainment, and low social status of women, and all of these can lead to major health impacts on young women. In this the empirical research methodology has been used since the data has been collected through experiences or observations. I have conducted broader research through Google by searching the legislation. We also searched some papers by using keywords like early marriages, child marriage etc.

### Introduction

India is considered to be a patriarchal oppression society in nature since ancient. This is because the biological difference is considered to be the main reason of women oppression in India. The main oppression of women took place during medieval period like Sati Pratha, Pardah system, Child marriage etc. During this period the dowry taken was considered to be the great potential aspect. Even in modern era, many laws regarding dowry have been made but this tradition is being followed in our Indian society.

UNICEF defines the marriage of child below the age of 18 years is considered to be violative of their human rights. Child marriage is a very hard issue in our society. As per 2001 census, there are about 1.5 million of girls who are married below 15 years of age. To ensure the elimination of child marriage from society Prohibition of child marriage act 2006 was passed by the government by replacing the child marriage restraint act 1929. In 2006 act the provision of age of female is 21 years and for male is 18 years.

The Indian Government has introduced the Prohibition of child marriage (amendment) bill 2021 in Lok Sabha with a motive to raise the legal age of marriage of women from 18 years to 21 years to bring at par with male. This bill proposes to make amendment in the above said act.

This act provides marriageable age of both boys and girls and by amending this act and raising the age of women will bring parity in their marriageable age.

For this in June 2020, Union ministry of woman and child development had established a 10 members committee headed by former Samata Party chief Jaya Jaitley for examination of matters which pertains to age of motherhood, improvement in nutritional value levels, and other related issues. Exponents on increasing the marriageable age of women assert that at current scenario, several girls are insisted to drop their education for the purpose of marriage, and by increasing the minimum legal age as required to marry would give them time to continue their studies and make their future bright and also offer an opportunity to pursue higher education as well.<sup>1</sup>

**The following are the recommendations made by the above said committee**

- The committee has suggested increasing the legal age of marriage

to 21 years on the basis of the suggestions which have taken from some of the universities.

- It recommended the government to look into accessibility to schools and colleges for girls, including their transportation facilities to these institutes/universities.
- The recommendations have also been given with regard to skill and business training which will be very helpful for the youngsters especially the girls.
- It pressurised that these deliveries of recommendations must come first since the only law will not be as effective as required.<sup>2</sup>

**United Nations has made 17 SDGs which have to be achieved by 2030**

- The goal 5 of SDG which asks nation states to formulate policies to achieve gender equality and empower all women and girls. According to National Family Health Survey (2019-2021) 23.3% of women aged 20-24 years married before the age of 18 years despite a law forbidding it.
- India has also ratified the Convention on the Elimination of All Forms of Discrimination Against Women in 1993. Article 16 of the convention forbids child marriage and ask government to enforce minimum age of marriage.

**There are several current laws which give certain ages to get marry legally which are as follows**

1. For Hindus, the bride's minimum age for marriage is 18 years and groom's minimum age for marriage is 21 years.<sup>3</sup>
2. In Muslims, the girl who has attained puberty i.e., 15 years for marriage is considered to be valid marriage under their personal laws.
3. The Prohibition of child marriage act 2006 also fixed minimum age of marriage 18 and 21 years for women and men respectively.<sup>4</sup>
4. Any person who has attained the age of majority. i.e., 18 years according to Indian Majority Act, 1875.<sup>5</sup>

**Justification for Increasing Legal Marriageable Age from 18 years to 21 years**

- We all know that India has equal voting rights for both men and women, therefore they should have equal right to enter into a contract consensually then why not to bring equality in the

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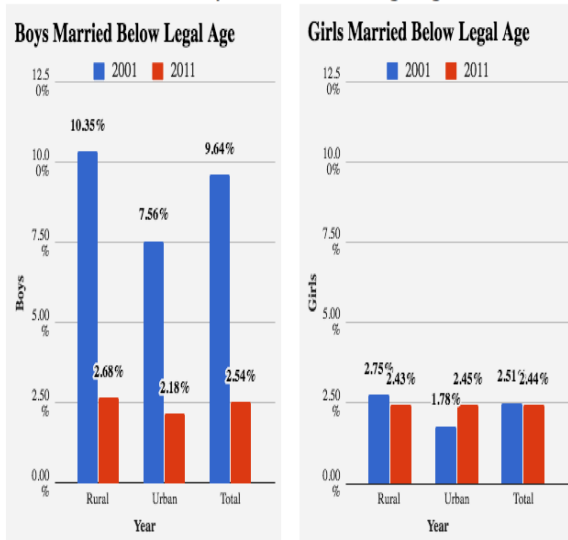
matter of marriageable age.

- Equality is considered to be the source from equal laws, so changes in law will bring social transformation in a progressive society.
- Another most favouring argument will be that it will facilitate women empowerment. There will be great indication towards the growth of taking education in a serious manner and also it will make them aware towards taking admissions or enrolment in higher education.
- Moreover, the women have considered being the largest beneficiaries section towards the government made schemes like Ujjawala, Mudra Yojana and Pradhan Mantri Jan Dhan yojana.
- By these women empowerment will get a push towards the equality in marriage age.<sup>6</sup>

**Facts and figures with regard to prevalence of child marriage in India**

1. Prevalence of child marriage in rural areas: Child marriages are majorly active in rural areas (48 percent) as compared to urban cities (29 percent).

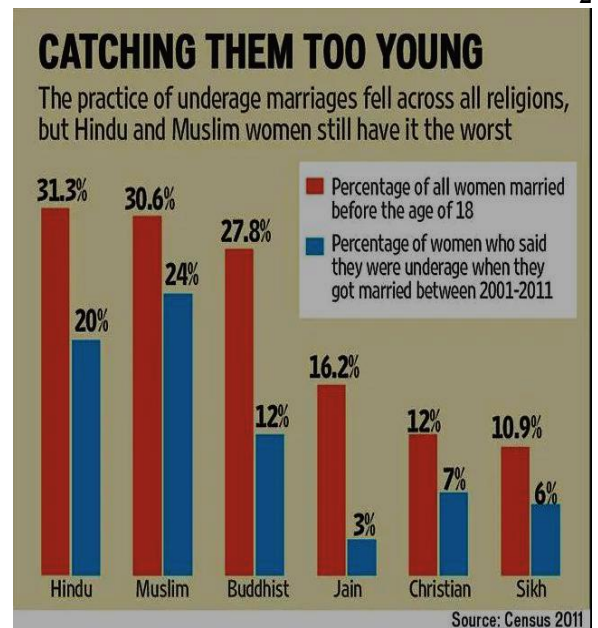
**Girls & Boys Married Below Legal Age**



Source: Census 2011

2. Role of Education: Girl’s education is 6 times lower than that of male and it is the greatest probability of being impelled for marriage before attaining the age of 18 years.
3. **International Centre for Research on Women:** India ranked 14th in case of child marriages in the world and for about 39,000 approx. minor girls are being married per day in India.<sup>7</sup>

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Source: Census 2011

**Conclusion**

The approach for rising the legal age for marriage for girls is considered good move. But a mere changing in legislation cannot bring change in society but widespread awareness through various programs on the importance of girl’s education and increasing the legal age for marriage should be organised. The government should increase its funds on education by providing accessibility and also healthcare. It is better to change in conditions that improve existing employment conditions for women and create more employment opportunities for young generations, so that the women can have an alternate to marriage to lead meaningful lives and to grow in society.

**References:**

- <sup>1</sup> The government of India has proposed raising the minimum legal age of marriage: <https://theleaflet.in/minimum-legal-age-of-marriage-for-women-being-raised-to-21-years-pros-and-cons/> Last log on: 05th May 2022
- <sup>2</sup> Andhra Pradesh suffers from Child Marriages: Posted on: 18th Dec. 2021 <https://livemcq.com/2021/12/18/jaya-jaitly-committee-protect-indian-girls-from-early-marriage/> Last log on: 10th May 2022
- <sup>3</sup> Section 5(iii) of Hindu Marriage Act 1955.
- <sup>4</sup> Section 4(c) Special marriage act 1954.
- <sup>5</sup> Section 3 of the Indian Majority act 1875.
- <sup>6</sup> Raising legal age of marriage for women: Posted on: 18th Dec. 2021. <https://www.insightsonindia.com/2021/12/18/raising-legal-age-of-marriage-for-women/> Last log on: 10th May 2022
- <sup>7</sup> Sagnik Chowdhury: 30% women married under age 18: Posted on 31 May 2016, New Delhi, <https://indianexpress.com/article/explained/child-marriage-women-india-census-data-2011-2826398/> log on 05<sup>th</sup> May 2022.