Raising Legal Age of Marriage for Women

Why in news?

The Union Cabinet has took a decision to raise the legal age of marriage for women from 18 to 21 year bringing the age of marriage for both men and women at par.

What does the law prescribe on minimum age of marriage?

- Personal laws of various religions that deal with marriage have their own standards, often reflecting custom.
- For Hindus, **The Hindu Marriage Act, 1955** sets 18 years as the minimum age for the bride and 21 years as the minimum age for the groom.
- The **Special Marriage Act, 1954** and **the Prohibition of Child Marriage Act, 2006** also prescribe 18 and 21 years as the minimum age of consent for marriage for women and men, respectively.
- In Islam, the marriage of a minor who has attained puberty is considered valid.

Women's age of marriage was increased from 15 years to 18 years in 1978, by amending the erstwhile Sharda Act of 1929.

What is the need for increasing the minimum age of marriage for women?

- **Health**- An early age of marriage, and early pregnancies have impacts on nutritional levels of mothers and their children, and their overall health and mental wellbeing.
- It also has an impact on Infant Mortality Rate and Maternal Mortality Rate.
- **Women empowerment**- The move widens the scope for women to pursue higher education and careers.

- It also promotes financial independence among women.
- **Gender-neutrality**- This measure would also contribute to the gender-neutrality reforms undertaken by the government.
- **Further reduction of child marriage**- The NFHS-5 revealed that child marriage has come down marginally from 27% in 2015-16 to 23% in 2019-20 in the country and the government has been pushing to bring this down further.

What is the Jaya Jaitly committee?

- In June 2020, the Ministry for Women and Child Development set up a task force headed by Jaya Jaitly along with other members- NITI Aayog member (Health) Dr V K Paul and secretaries of several ministries.
- The committee was to look at the feasibility of increasing the age of marriage and its implication on women and child health, as well as how to increase access to education for women.
- The committee has to recommend a timeline by which the government could roll out the implementation of the policy, as well as the amendments that would need to be made in existing laws.
- The committee received the feedback from young adults from 16 universities across the country.
- Over 15 NGOs were also engaged to reach out to young adults in far-flung areas and marginalised communities.
- **Recommendations**
    - Increase the age of marriage to 21 years
    - Government has to look into increasing access to schools and colleges for girls, including their transportation
    - Skill and business training to girls
    - Sex education in schools
    - Awareness campaign to be undertaken on a massive scale d to encourage social acceptance of the new legislation

What have critics said about raising the age of marriage?

- There have been concerns that such legislation would push a large portion of the population into illegal marriages.
- Some have contended that child marriages continue in India and a decrease in such marriages has not been because of the existing law but because of increase in girl's education and employment opportunities.
- The law might end up being coercive, negatively impacting the marginalised communities, such as the Scheduled Caste and Scheduled

Tribes, making them law-breakers.

References

1. https://indianexpress.com/article/explained/raising-legal-age-for-marriage-for-women-law-reasons-criticism-7675447/

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