



Raising Legal Age of Marriage for Women

For Prelims: Raising Legal Age of Marriage for Women, Child Marriage, Jaya Jaitly task Force, Women's Empowerment And Gender Parity.

For Mains: It discusses the pros and cons of the Union Cabinet clearing a proposal to bring uniformity in the marriageable age of men and women.

Why in News

Recently, the Union Cabinet cleared a proposal to bring [uniformity in the marriageable age of men and women](#).

- By amending the **Prohibition of Child Marriage Act (PCMA), 2006 and other personal law**, the legal age of marriage of women will be **raised from 18 to 21 years**.
- The decision is based on the recommendation of a four-member task force led **by former Samata Party chief Jaya Jaitly**.

Note:

- The task force was set up to **re-examine the age of marriage and its correlation to health and social indices** such as infant mortality, maternal mortality, and nutrition levels among mothers and children.

Key Points

- **About Legal Framework of Minimum Age for Marriage:**
 - **Background:**
 - In India, the minimum age of marriage was prescribed for the first time by the law known as the Sarda Act, 1929. It was later renamed as the **Child Marriage Restraint Act (CMRA), 1929**.
 - In 1978, the law was amended to raise the minimum age of marriage to 18 years for girls and 21 years for boys.
 - This position remains the same even in the new law called the **Prohibition of Child Marriages Act (PCMA), 2006**, which replaced the CMRA, 1929.
 - **Marriage Minimum Age For Different Religion:**
 - 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.
 - In **Islam**, the marriage of a **minor who has attained puberty** is considered valid.
 - 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.

- For the new age of marriage to be implemented, these laws are expected to be amended.

- **Pros of Raising Minimum Age for Marriage For Women:**

- **Women and Child Welfare:** The poverty of the mother plays the greatest role of all by far — both in relation to her undernourishment and that of her child.
 - An early age of marriage, and consequent early pregnancies, also **have impacts on nutritional levels of mothers and their children**, and their overall health and mental wellbeing.
- **Women's Empowerment And Gender Parity:** The mother's age at childbearing affects educational level, living conditions, health conditions, decision-making power of women.
- **Tackling Child Marriage:** India is home to the largest number of underage marriages in the world. The law will help to curb the menace of Child Marriage.

- **Cons of raising Minimum Age for Marriage For Women**

- **Difficulty in Fighting Child Marriage:** The implementation of the child marriage law is difficult.
 - The evidence suggests that when the law is used, it is mostly to penalise young adults for self-arranged marriages.
 - The law to prevent child marriage does not work very well.
 - While child marriage has declined, it has been marginal: from 27% in 2015-16 to 23% in 2019-20, according to [National Family Health Survey \(NFHS\) 5](#).
 - 70% of early marriages take place in deprived communities such as [Scheduled Castes](#) and [Scheduled Tribes](#), and the law will simply push these marriages underground instead of preventing them.
- **Criminalisation of a Large Number of Marriages:** The change will leave the vast majority of Indian women who marry before they are 21 without the legal protections that the institution of marriage otherwise provides, and make their families criminalisable.
- **Lack of Education is a Bigger Problem:** According to the [State of the World Report 2020 by UNFPA](#), in India, 51% of young women with no education and 47% of those with only a primary education had married by age 18.
 - Further, a study by the **International Centre for Research on Women** has found that girls out of school are 3.4 times more likely to be married or have their marriage already fixed than girls who are still in school.

Way Forward

- **Boosting Education:** Activists say the answer to delaying child marriages lies in **ensuring access to education** since the practice is a social and economic issue.
 - Skill & business training and sex education in schools, will also help.
- **Increasing Accessibility to Schools:** The government **needs to look into increasing access to schools and colleges for girls**, including their transportation to these institutes from far-flung areas.
- **Mass Awareness Program:** An **awareness campaign is required on a massive scale** on the increase in age of marriage, and to encourage social acceptance of the new legislation, which they have said would be far more effective than coercive measures.

[Source: IE](#)