



## Mains Marathon

**Day 31:** "Recently there has been increasing talk for raising the marriageable age for girls in India". In light of the given statement, discuss the rationale for increasing the age of marriage for girls? (250 Words)

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### Approach / Explanation / Answer

- Start your answer by giving an overview of the current laws which prescribe the minimum age for marriage.
- Discuss the Advantages of increasing the Marriageable age for girls.
- Discuss the Disadvantages/issues of increasing the Marriageable age for girls.
- Conclude your answer by giving a way forward.

### Answer:

The Current Laws for Hindus, the Hindu Marriage Act, 1955, sets 18 years as the minimum age of marriage 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.

India's Efforts for Reducing Gender Gap: **India had ratified the Convention on the Elimination of All Forms of Discrimination Against Women in 1993.**

### Arguments for Increasing Legal Marriageable Age-

**Protection of Basic Rights:** Protection of women against early and child marriage is a protection of their basic rights and this monumental step will lead to changes in related legislative frameworks to provide a comprehensive rights-based framework for the half population.

**Bringing Gender Parity:** Section 2(a) of the Special Marriage Act declares legal marriageable age women as 18 while for men this age is 21; the difference seems to have no justifiable logic.

The age of voting can be equal for men and women, the age to consensually, wilfully, and validly enter into a contract is the same for men and women, then why not instill equality in the age requirements for marriage.

**Equal Laws Emanate Equality:** Equality emanates from equal laws and social transformations are both the precursors of laws and a consequence of them.

A change in law is also more likely to bring changes in social perceptions in progressive societies.

**Facilitating Women Empowerment:** There are various indicators of growth in women specially in enrolment of female students in higher education.

Moreover, schemes like UJJAWALA, Mudra Yojana and Pradhan Mantri Jan-Dhan Yojana have shown women as the largest section of beneficiaries of government schemes.

Women's empowerment will get a further fillip with equality in marriage age.

## **Arguments Against Increasing Legal Marriageable Age**

**Unlikely to Benefit Financially Dependent Women:** Though the objective looks good on paper, merely raising the age of marriage without creating social awareness and improving access to health care is unlikely to benefit the community it wants to serve: young women not yet financially independent, who are unable to exercise their rights and freedoms while still under the yoke of familial and societal pressures.

**High Prevalence of Child Marriage Despite Stringent Laws:** The law prohibiting marriage below the age of 18 has been in effect in some form since the 1900s, yet child marriage has persisted virtually undeterred until 2005 when almost half of all women aged 20-24 had married below the legal minimum age.

**No Criminal Records for Early Marriages:** Even though more than one in five marriages took place below age 18, hardly any violations of the Act appear in the criminal records of the country.

**No Assurance for Eliminating Child Marriages:** Incapability to eliminate marriages of women before 18 provides no evidence that it would be eliminated by increasing this age to 21.

**Misuse of Laws by Parents:** Women's rights activists point out that parents often use this Act to punish their daughters who marry against their wishes or elope to evade forced marriages, domestic abuse, and lack of education facilities.

Hence, within a patriarchal setting, it is more likely that the change in the age limit will increase parents' authority over young adults.

## **Way Forward**

**Ensuring Objective Equality:** Any justification — biological, social, or data and research-based — cannot justify the inequality in age between men and women to enter into a valid marriage. India decided in 1954 with the Special Marriage Act that age must be one of the basic requisites of a valid marriage. The only flaw was not having equality in this regard which is now being corrected by amending the Prohibition of Child Marriage Act (PCMA), 2006.

**Empowering Disadvantaged Women:** What is required to empower disadvantaged women is to respect their reproductive rights and in ensuring more investments in reversing the fundamental structural disadvantages that women who marry early face.

**Increasing Awareness among Women:** A good, but not easy, way to achieve the stated objective is to take steps to counsel girls on early pregnancies, and provide them the network to improve their health.