



Raising Minimum Marriageable Age for Muslim Women

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

For Mains: Issues with Minimum Marriage Ages

Why in News?

Recently, the [Supreme Court](#) asked the government to respond to a plea filed by the [National Commission for Women \(NCW\)](#) to raise the minimum age of marriage for Muslim women to be on par with persons belonging to other faiths.

What is the 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 CMRA 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.

▪ Current:

- 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.
 - In 2021, the Union Cabinet proposed to raise the legal age of marriage for women from 18 to 21 years.

What are the Issues with Underage Marriages of Women?

- **Human Rights Violation:** Child marriage **violates girls' human rights** and makes them almost invisible to policy.
 - Some of the basic rights that they get devoid of, include the [Right to Education](#), Right to Rest and Leisure, Right to Protection from Mental or Physical Abuse including Rape and Sexual Exploitation.
- **Disempowerment of Women:** Since child brides are not able to complete their education, they **remain dependent and underpowered** which acts as a big hurdle towards achieving gender equality.
- **Associated Health Issues:** The costs of child marriage include [teenage pregnancy and child](#)

stunting, population growth, poor learning outcomes for children and the loss of **women's participation in the workforce**.

- The low domestic status of teenage wives typically condemns them to long hours of domestic labour, poor nutrition and **anaemia**, social isolation, **domestic violence** and lesser decision-making powers within the home.
- Poor education, **malnutrition**, and early pregnancy also lead to low birth weight of babies, perpetuating the intergenerational cycle of malnutrition.

Conclusion

- The current laws on marriage are **age-centric and make no exception for children of any particular religion** and the classification merely on the basis of 'puberty' has no scientific backing nor any reasonable nexus with the capacity to get married.
- A person who has attained puberty may be biologically capable of reproduction, however, the same does not imply that the said person is mentally or physiologically mature enough to engage in sexual acts and consequently, to bear children.

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