



Mains Practice Question

Q. “Although increasing the legal age for marriage of women is a progressive step in achieving gender equality, it is more important to focus on the effective implementation of the existing policy frameworks and laws”. Discuss.

23 Feb, 2022 GS Paper 2 Social Justice

Approach

- Start with the decision of increasing the legal age for marriage of women.
- Discuss the advantages and challenges associated with this move.
- Discuss a way forward.

Introduction

The Union Cabinet's Proposal for bringing uniformity in the marriageable age of men and women is certainly a progressive step to realise Goal 5 of the SDGs which asks nation-states to formulate policies to achieve gender equality.

The Special Marriage Act, 1954 and the Prohibition of Child Marriage Act, 2006 prescribe 18 and 21 years as the minimum age of consent for marriage for women and men respectively.

Body

Pros/arguments in favour of the decision-

- **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 aadhi aabadi.
- **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.

Challenges associated with the decision

- **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 Assurance for Eliminating Child Marriages:** The magnitude of the population of women of marriageable age who will be affected is immense, with over 60% marrying before 21.
 - Incapability to eliminate marriages of women before 18 provides no evidence that it would be eliminated by increasing this age to 21.

Conclusion

- **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.
- **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.

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