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Minimum Marital Age for Women

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This editorial analysis is based on the article **“Increasing age of marriage will be exercise of carceral power by state which will disproportionately affect Dalit, Adivasi women”** which was published in the Indian Express on 22nd of August 2020. It analyses the Independence day announcement of the Prime Minister regarding increasing the marital age of women.

Prime Minister Narendra Modi during his **Independence day** speech has said that the central government has set up a committee to reconsider the minimum age of marriage for women. The move has ignited a debate as it may have a disproportionate impact on marginalised rural communities. The minimum age of marriage, especially for women, has always been a contentious issue. The law has evolved after huge resistance from religious and social conservatives.

The Current Law

- 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.
- However, child marriages are not illegal even though they can be declared void at the request of the minor in the marriage.
- 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.

Reasons behind the minimum age

- The law prescribes a minimum age of marriage to essentially outlaw child marriages and prevent the abuse of minors.
- To reduce the risks of early pregnancy among women.
- Early pregnancy is associated with increased child mortality rates and affects the health of the mother.

Indian Scenario

- In India, an analysis of child marriage data show that among girls who were married by the age 18, 46 per cent were also in the lowest income bracket.
- UNICEF estimates suggest that each year, at least 1.5 million girls under the age of 18 are married in India, which makes the country home to the largest number of child brides in the world accounting for a third of the global total.
- Nearly 16 per cent adolescent girls aged 15-19 are currently married.

Reason Behind Relooking of the Minimum Age Criteria.

- To bring gender-neutrality and to reduce the risks of early pregnancy among women.
- Early pregnancy is associated with increased child mortality and maternal mortality rates.
- The Law Commission consultation paper has argued that having different legal standards contributes to the stereotype that wives must be younger than their husbands.
- Women's rights activists have argued that the law also perpetuates the stereotype that women are more mature than men of the same age and, therefore, can be allowed to marry sooner.
- The international treaty Committee on the Elimination of Discrimination against Women (CEDAW), also calls for the abolition of laws that assume women have a different physical or intellectual rate of growth than men.

Committee to Reconsider The Minimum Age of Marriage for Women

- On June 2, the Union Ministry for Women and Child Development set up a task force to examine matters pertaining to age of motherhood, imperatives of lowering Maternal Mortality Ratio and the improvement of nutritional levels among women.
- The task force will examine the correlation of age of marriage and motherhood with health, medical well-being, and nutritional status of the mother and child, during pregnancy, birth and thereafter.
- It will also look at key parameters like Infant Mortality Rate (IMR), Maternal Mortality Rate (MMR), Total Fertility Rate (TFR), Sex Ratio at Birth (SRB) and Child Sex Ratio (CSR), and will examine the possibility of increasing the age of marriage for women from the present 18 years to 21 years.

Issues With the Proposal

- It will end up criminalising and exacerbating the existing vulnerabilities of Dalit and Adivasi girls in rural India, because they as a matter of practice are married at a very young age.

- Sexual intercourse with a minor is rape, and the ‘consent’ of a minor is regarded as invalid since she is deemed incapable of giving consent at that age.
- Several studies have also shown how parents often misuse the minimum age law to punish couples marrying without their approval, especially in cases of inter-caste marriages. The above-18 boys in such cases are liable to even face a life term.
- The National Family Health Survey (NFHS-4) data 2015-16 states that rural women are likely to marry earlier than their urban counterparts due to customary practices and the lack of education and career for women.
- Marriage has also a link with the education of the girl and hence it would create class divides.
- The poorest who are most likely to marry off their girls early out of socio-economic necessities, have 45 per cent of the Scheduled Tribe (ST) and 25.9 percent Scheduled Caste (SC) households, as compared to only 9 percent of the general “Others” category.

Way Forward

- The National Family Health Survey (NFHS-4) data 2015-16 establishes a direct causal link between education levels and delayed age of marriage as educated women tend to marry late. So there is a need to provide quality education to even the most vulnerable and backward societies.
- There is a need to address the gendered and caste-based disparities instead of blanket laws which will have several ill impacts on the marginalised sections of the societies.
- The 18th Law Commission report (2008) asked for uniformity in the age of marriage at 18 years for both men and women and lowering the age of consent to 16 years.

The Justice Verma Committee recommended the same as above.

- Efforts to address child marriage in India should be in consonance with the socio-economic realities that demand investment in education, welfare, and opportunities for women.

Question for mains

Do you agree with the suggestions that the marital age for the girls should be raised? Critically analyse.



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https://youtu.be/olDNZQlJ_AM

This editorial is based on **“Less taxing: On National Recruitment Agency”** which was published in The Hindu on August 21st, 2020. No1w watch this on our Youtube channel.
