



Uniform Minimum Age for Marriage

Why in News

Recently, the [Supreme Court](#) (SC) decided to examine a plea to transfer to itself cases pending in the Delhi and Rajasthan High Courts to declare a “**uniform minimum age**” for marriage.

- The [Union government has also set up a committee](#) to reconsider the minimum age of marriage for women, which is currently 18.

Key Points

▪ About:

- A Bench led by [Chief Justice of India \(CJI\)](#) issued notice to the government on a plea, which was filed to “**secure gender justice, gender equality, and dignity of women**”.
 - The plea sought a direction to the Union government to remove the anomalies in the minimum age of marriage and make it ‘**gender-neutral, religion-neutral and uniform for all citizens**’.
 - Various laws state that the minimum age to get married should be **18 for women and 21 for men**.
- The **SC has power under Article 139A to transfer to itself**, cases involving the same or substantially the same questions of law pending before two or more high courts.
 - It has been argued that the different ages for marriage **violated the fundamental rights of equality (Article 14), protection against discrimination (Article 15), and dignity of life (Article 21)** of citizens and **went against India’s commitment under the convention on elimination of all forms of discrimination against women (CEDAW)**.

▪ Current Laws Related to Marriage in India:

- 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.

▪ Pros of Increasing Marriageable Age for Girls and Making it Uniform:

- **Socio-economic Fronts:** Increasing the legal age for the marriage of women has enormous benefits on social and economic fronts including:
 - Lowering the [Maternal Mortality Ratio \(MMR\)](#).

- Improvement of nutrition levels.
- **On the financial front, opportunities will be opened up** for women to pursue higher education and careers and become financially empowered, thus resulting in a more egalitarian society.
- **More female labour force participation:** Increasing the marriage age will push the mean marriage age higher and will lead to more females doing graduation and hence **improving the female labour force participation ratio.**
 - The percentage of **females doing graduation will increase by at least 5-7 percentage points** from the **current level of 9.8%.**
- **The benefit for both:** Both men and women will gain economically and socially by marrying when they are more than the legal age, but added that the urge of the women is much higher as they always get a higher payoff by becoming financially empowered to take decisions.
- **Cons of Increasing Marriageable Age for Girls and Making it Uniform:**
 - **Minimum is not mandatory:** Minimum age of marriage **does not mean mandatory age.**
 - It only signifies that below that age there could be criminal prosecution under the child marriage law.
 - **Rights of the girls are threatened:** Increasing the age of marriage to 21 years would mean that **girls will have no say in their personal matters until they are 21.**
 - The elementary right that the Convention of the Right of Children of the **United Nation** bestows upon minors — the right to be heard, the right for their views to be considered — will be denied to girls right up till 21, beyond adulthood.
 - **Exploitation of law by parents:** The child marriage law has been used by parents against eloping daughters. **It has become a tool for parental control and for punishment of boys or men whom girls choose as their husbands.**
 - Most cases that are taken to court are self-arranged marriages.
 - And only one-third of the cases relate to arranged marriages, which are sometimes brought by parents or husbands to dissolve or to nullify marriages that have broken down because of domestic violence, dowry or compatibility issues.
 - **Social validity of marriages:** Even if the law declares a marriage before the specified age as void, in the eyes of the community, arranged marriages will have social validity.
 - This **worsens the condition of the girls who are widowed** even before reaching the new legal age for marriage.
 - **Increased female infanticide:** Moreover, raising the female marriage age in the countries that have **high son preference** and high poverty may have the unintended consequence of **increasing the prevalence of female infanticide and sex-selective abortion.**

Way forward

- **Altering the thinking:**
 - Any ground-level change will only happen when the psyche of people will alter. **No law is effective if change does not occur from within.**
- **Erasing the stereotype:**
 - Increasing the legal age for marriage is a must, even legally as it should **get us out of the stereotype mindset that women are more mature than men of the same age** and therefore can be allowed to marry sooner.

