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Analysis of Increase in Age of Women for Marriage in India

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Introduction

Recently, the Union Cabinet has decided to increase the minimum marriage age for women from earlier 18 years to now 21. Now for both males and females the minimum age of marriage is equal. Some people appreciated this decision while some are criticizing it. The reason behind increasing the age is to eradicate the problems of malnutrition in women and children, infant mortality rate, etc. However, this decision has received a lot of criticism also, some people think that this decision will increase the number of child marriages, only increasing the legal age of marriage for women will not work, along with these measures should be taken to empower them and make them independent. This step of government will further help to empower women. To implement this law, there are chances of amendments in the personal laws such as The Hindu Marriage act or Muslim personal laws. Child marriages have a very serious impact on the lives of the girls, they are completely cut off from society and education and this affects them mentally as well further when she is married at an early age she gets the responsibility of the whole family on her little shoulders, and the early pregnancies make her physically weak. Child marriages have drastically declined the mental and physical health of the girl.

The need to increase the marriage age for women:

The main reason behind this is to eradicate the problem of child marriages in India. India has the largest number of child marriages in the World. Child marriages further give rise to many problems such as health-related problems in women, early pregnancies, infant and maternal mortality, and many more, let us discuss a few of them in detail:-

1. **Women Empowerment:** This decision would help the aspiring women to be independent and to be self-reliant, this will give them more time to focus on their career and studies. And also, this has made the marriage age equal for both men and women and hence both will get equal

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opportunities to build a career as per their choice. Women don't get proper education and get married at an early age which hampers the overall mental and physical growth of the girl.

2. **End of Child Marriages:** Child marriages are the social problem that we have had in our society for a very long time, but still, the situation is not as we expected it to be. After so much growth in society still, India is reporting the crimes of child marriages. This is the core of every other problem, just because of early marriages women are left uneducated and also faces so many health issues. The main cause of this is the lack of awareness regarding the education of women. People still think that women are supposed to do the house chores and they should not be allowed to work outside.
3. **Early Pregnancies:** It is one of the problems which is caused by Child marriages. After marriage at an early age, women also face the problem of early pregnancies which carries extra health issues for both, the mother and the baby. In this manner, women are supposed to devote their lives to the child and family at such an early age.
4. **Infant or Maternal Mortality:** Early pregnancy sometimes can also become the cause of death of the mother or the infant. Severe health problems after or during the pregnancy can become the cause of their death but in the recent reports of the [sample registration system \(SRS\)](#) by the Registrar General of India we have seen a decline in the maternal mortality rate, this happened due to increased awareness regarding the issues of early marriage, pregnancy and their result as the mortality rate of women and infant

All the above-mentioned problems are interlinked to each other, which have the same root cause which is Child marriages, very often they give birth to several other problems. Child marriages can cause early pregnancies, which further can cause pregnancy complications which can result in the overall decline of the mental and physical health of women, and in the end these all problems increase the infant and maternal mortality rate. So, decisions like these are the need of the hour and this should be done with the proper implementation program.

Critiques Viewpoint

This decision of the government has received appreciation so far but as we know that every coin has two sides similarly this decision is also having both, criticism and appreciation. Some people suggest that this decision, instead of decreasing the problem of child marriage will increase the cases of illegal marriages. The Government should work on finding the core reason for such problems, which are

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lack of education, lack of employment, and poverty. Even some of the women-centric organizations and NGOs are opposing this move of the government.

Firstly, the government should understand the basic reasons as to why such cases are increasing, the lack of awareness among the people relating to the problems caused by early marriage needs to be addressed. To eradicate the problem of child marriages we should focus on providing proper education and opportunities to girls and we should focus more to empower them and make them self-reliant so that they can live their life on their terms. Understanding the problem with the ground level will help the policymakers to better frame the policies, most of the girls in rural areas drop out of school, just because the schools are situated far away from their homes, we need to focus on providing them easy accessibility of education so that they can at least get the basic education.

There is a famous old African proverb that says that *if you educate a man, you educate an individual, but if you educate a woman, you educate a family (nation)*. So, a better understanding and analysis should be done at the ground level for a better understanding of the problems of common people and then policies should be framed according to it. An educated woman can make the future of the whole country and this will automatically end the problems like child marriages.

Role of Jaya Jaitley Committee

Jaya Jaitley Committee was set up in June 2020 by the Ministry for [Women and Child Development](#) to understand the relation between the age of marriage and the issue of nutrition in women and other such health issues, this committee was headed by the former president of the Samata Party, Jaya Jaitley. The committee after fully researching the issue gave the following recommendations to improve the health level of women and children.:

- It was the recommendation of this committee to raise the legal marriage age for women to 21 years.
- They also suggested the government provide access to school and college for girls and also the transportation facilities if the institutions are far away from their homes.
- Awareness should be created among the common people regarding the law and understanding the need and the benefits of this legislation so that they do not create a panic situation and the law should be implemented with the proper planning.

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- Skill-based training should be promoted at the school level and also sex education.
- The committee suggested that before implementing the actual legislation the above-mentioned recommendations should be followed, making sure that people are getting a proper chance to settle well with the new law.
- The committee also found out that at least the girl needs to be of 21 years of age to carry her first pregnancy.

What amendments will be done to the personal laws?

In India, due to its religious diversity, many personal law boards of religion tackle the issues of marriages, property inheritance, adoption, etc. By this New decision of the government, there may be a change in the personal laws in India. In The Hindu Marriage Act, 1955 the minimum age to marry for women was 18 years and in men was 21 years, and it was similar for the Christians under the Indian Christian Marriage Act, 1872 and The Special Marriage Act. But for Muslims marriage can be done anytime once the male and female have attained puberty. These laws can be amended according to the new law, therefore also the law is gaining much more controversies, as it making the personal laws to make a change.

How the age of marriage has changed throughout the time:

The child marriage restraint act, 1929 which was popularly known as the [Sharda Act](#) was passed in legislation on 28 September 1929 which aims to set the legal marriage age for men and women. This act set the minimum age of marriage for girls as 14 years and boys as 18 years and after the independence in the year 1949 the law was amended and it set the marriageable age for girls as 15 years. And finally, in the year 1978, the age was amended as 18 years for girls and 21 years for boys. The laws have seen changes from time to time and now when women are leading in every field the need to change the laws has aroused to give women equal time and opportunities as men to fulfill their aspirations in life. The right to equality has been guaranteed to every citizen of India under Article 14 of the constitution. By making the marriage age equal for both boys and girls we have successfully provided equal rights and opportunities for everyone.

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Author's Opinion

Earlier in India, the marriage age for women was 18 years and for men, it was 21 years, but the new decision of the government has made the marriage age equal for both men and women. Various reasons behind the decision were discussed in the article, but for the laws to implement all the necessary due care must be taken as proposed by the Jaya Jaitley Committee, only then the law will be successful in attaining its goal to empower women. This is one of the most important decisions of the government because this will help in making the girls self-reliant by providing them equal education and job opportunities as men. And also the awareness program regarding the law should be carried out throughout the country, and mainly in rural and backward areas because the backward classes and areas often have more cases of Child marriages. But we can eradicate this problem by giving them the education and various business and skill-based training, so that they'll be aware of their rights and can identify what is wrong or right on their own. Special attention while implementing the laws should be given to the backward areas of various communities.

Conclusion

As the times are changing so are the laws too, because the laws and regulations are made for humans and according to the necessities of the humans. Back in the ancient times when people are not that much aware and they were blindly following their religious laws, then they used to do the things prescribed in their religious laws, but as the times have changed the earlier laws are now being replaced by the new laws based on the current needs of the humans. Women were not educated or self-reliant at that time and they used to follow the rules made for them without even questioning and now the women are leading in every field and they are making the laws according to their own. And this decision, if implemented well, will open the doors of opportunities for women from every section of society, and when the woman is educated then her family of her will also grow. And we are now understanding the basic problem behind the backwardness of people, which is poverty, lack of education, etc. Hence the government now has made the legislations according to the needs of people, various programs are run by the government to promote education for women by providing them scholarships, etc.