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## **ANTHROPOLOGY SNIPPET-513**

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## Why raise legal age of marriage for women, or why not

**What is the rationale in raising the legal age of marriage for women to 21? Why are experts opposing this? Who will be affected by this decision?**

The Cabinet's decision to **raise the legal age of marriage** for women is based on the recommendation of a panel led by Jaya Jaitly.

### The rationale

The task force was set up by the WCD Ministry to re-examine age of marriage and its correlation to health and social indices such as infant mortality, maternal mortality, and nutrition levels among mothers and children. Jaitly has said the recommendation is not based on the rationale of population control (India's total fertility rate is already declining) but more with women's empowerment and gender parity. The committee has said access to education and livelihood must be enhanced simultaneously for the law to be effective.

### The opposition

[Experts have been opposing](#) a raised age of marriage on two broad counts. First, the law to prevent child marriages does not work. While child marriage has declined, it has been marginal: from 27% in 2015-16 to 23% in 2019-20, according to National Family Health Survey (NFHS) 5. The decrease was, however, dramatic in NFHS 4, from 47% in NFHS 3.

**The marriage age at 18 was set in 1978, but child marriage started to decline only in the 1990s, when the government stressed primary education of the girl child and took measures to reduce poverty. The experts said girls being taken out of school to be married off is a reasoning blown out of proportion; often the girl child drops out after primary school simply because she has no access to higher education, and is then married off.**

The second objection being raised is the criminalisation of a large number of marriages that will take place once the law comes into effect. While 23% of marriages involve brides under age 18, far more marriages take place under age 21. The median age at first marriage for women aged 20-49 increased to 19 years in 2015-16 from 17.2 years in 2005-06, but remained under 21 years.

### Who will be affected?

Experts noted that 70% of early marriages take place in deprived communities such as SCs and STs, and said the law will simply push these marriages underground instead of preventing them. According to NFHS 4 (2015-16), the median age at first

marriage for women aged 25-49 is higher among the social categories of Others (19.5 years), OBC (18.5), ST (18.4) and SC (18.1).

The experts said rural women will be affected more than urban women. According to NFHS 4, the median age at first marriage (age 25-49) for urban women (19.8) is 1.7 years more than that for rural women (18.1).

A study by the International Centre for Research on Women has found that girls out of school are 3.4 times more likely to be married or have their marriage already fixed than girls who are still in school.

According to the State of the World Report 2020 by UNFPA, in India, 51% of young women with no education and 47% of those with only a primary education had married by age 18, compared to 29% of young women with a secondary education and 4% with post-secondary education.

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