

RIGHT AGE FOR A WOMAN TO GET MARRIED IS AT AGE OF 18 OR 21?

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Abstract

Marriages at the age of 18 for a girl are very prevalent in India. It is certainly not wrong for most of the people in the society to marry a girl when is only 18 which becomes a huge hindrance for education which further completely reduces her chances to become independent. This paper aims to answer the question what age is right for a woman to get married analyzing through the negative aspects of getting married early age and also through the effect of child marriages on a girl. The government of India has brought a opinion to change the legal age of marriage of a girl to 21 rather than 18 which received a lot of backlash from the society. Even though most of the people argue that the right age for a woman to get married is 18 and not 21, I am going to argue that the woman should get married at the age of 21 to promote gender equality and empower women as promised under Article 14 of the Indian Constitution.

Keywords – Legal Age, Gender Equality, Child Marriage, Women Empowerment, Child Education.

Introduction:

Marriageable age is legal or minimum age at which two parties are allowed for marriage without the consent of parents which in most of the countries is 18 for girls and 21 for boys. Most of Indian parents consider girl child as a woman once she hits puberty. They are of the thought that she is ready for marriage and to start a family of her own. Generally, the society we are living in is unsafe for girls due to male attention and rooted patriarchal norms. So, they think of marrying their daughters at 18 years as she would be under male protection. The Age of Majority Act, 1875 and 61st Amendment Act, 1988 of Indian Constitution defines 18 years as the majority age to give consent and to vote. This shows that a girl is also ready to choose her partner and get married'. After puberty, girl's bodies are matured enough to have a baby and raise it. In India, minimum age of marriage was first prescribed by a law known as Sarda Act, 1929 as 14 years for girls and 18 years for boys to restraint the solemnization of child marriages. In 1978, it was renamed as Child Marriage Restraint Act, 1929 and amended the legal age for marriage as 18 years for girls and

21 years for boys. Later, it was renamed as Prohibition of Child Marriage Act, 2006. Child marriages are very prevalent in India due to the deeply rooted patriarchal values. Most of the Indian communities are backward and traditional because of which marriage of girls at an early age is very common. One in three of the world's child brides live in India. Of the country's 223 million child brides, 102 million were married before turning 15.³⁸⁷ Child marriages are violation to the girls right to education as a married girl is made to quit her studies and forced to do household chores. In December 2021, Government of India proposed the Prohibition of Child Marriage (Amendment) Bill, 2021 which seeks to raise the legal age of marriage for women from 18 to 21 years.

Health Aspects of Early Marriage:

At the age of 18, generally most of the girls are not mature enough to understand the concept of marriage and childbearing. So, marriage at young age could to psychological and health issues. The concept of marriage is very complex and for it to be successful both the parties in the

³⁸⁷ UNICEF, <https://www.unicef.org/india/media/1176/file/Ending-Child-Marriage.pdf> (Last Accessed on 31st July 2023 – 3.45 pm).

marriage must be mature enough to understand it. In most under-educated rural adolescent girls in India, marriage remains the likely context for sexual intercourse. Girls at young age are naïve about the concept of sex. As even the discussion of sex is considered as taboo in India, they don't know much about the concept of sex because of which they are not mentally or physically prepared for sexual intercourse. They are forced by their husbands for sexual intercourse which affects them physically. Pain and trauma caused due to sexual violence in marriage effects them mentally leading to psychological problems as their young minds can't bear the unwanted sexual pressure. They won't be even able to overcome these problems as they don't receive any support from their families. "A 1997 study among women in Calcutta found that half had been married at or below the age of 15 and that this group were highly vulnerable to sexual violence. In 80 percent of cases where these young wives informed their husbands of their unwillingness to endure sexual violence, they were ignored."³⁸⁸ After marriage, childbearing is the integral part to a women's social status. In many societies, family exerts strong pressure on newly married couple to begin childbearing quickly." Early pregnancy leads to increased risk of premature labor, complications during delivery low birth weight and a higher chance that the newborn will not survive."³⁸⁹ They are many cases where a choose has to be made between the mother and child in which elders want the child to be alive. "In veins of the child is the blood of the husband as not to be a traitor to your own child, choose the child to be alive and kill the mother." (Balika Vadhu ,338)." Pregnancy related deaths are leading cause of mortality for 15 – 19-year-old girls worldwide. Mothers in this age group face a 20 to 200 percent greater chance of dying in pregnancy

³⁸⁸ Sen.P, "A Basket of Resources : Women's Resistance to Domestic Violence in Calcutta" .

³⁸⁹ Senderowitz, J, Adolescent health : Reassessing the passage to adulthood, World Bank, <https://documents.worldbank.org/en/publication/documents-reports/documentdetail/278081468739243027/adolescent-health-reassessing-the-passage-to-adulthood> (Last Accessed on 31st July 2023 – 11-15 am).

than women aged 20 to 24."³⁹⁰ These problems in most cases are left untreated as they are barred from receiving any kind of help from outside by their families.

Educational Aspects of Early Marriage:

Early marriage hinders the higher education of the teenage girls. This effects their financial stability and independence. Early marriage is a huge hindrance to the girl's education level, personal development and contribution of the wellbeing of the family. Girls married at a young age are forced to quit education and are made to learn household chores. From a young age, they are taught to take care of her husband and children needs. They are taught to believe that their only job is to take care of her husband and family. As they dropout of schools, they don't have qualifications to get good jobs and be financially independent. In traditional societies, attitude of many parents towards education is that it is waste of investment, so they simply marry their girl children. The removal from school of a young girl to marry limits her opportunities to develop her intellect which in turn limits her job opportunities. This reduces her chance to be financially independent and she ends up losing the sense to ascertain what's right and wrong for her. Dropping out of school, they also loss the chance of making friends and socializing which minimizes their interaction outside the family. As they don't have independent identity, there will be a lack of self-esteem to oppose unwanted pregnancy. They are wholly dependent on their husbands for their livelihood. If they ever want to dissolve their marriage, they can't be due to the old patriarchal views of their families." The educational attainment levels among women aged 20-24 who married before the age of 18; there were high levels of dropout after completing primary school; 57 percent of women in this age cohort completed primary school did not , completed secondary school . By contrast, among women aged 20 – 24 who

³⁹⁰ "The World's Women 1990", UN Department of Economic and Social Affairs, New York

married aged 20–24 who married after the age of 18, 33 percent had completed secondary school.”³⁹¹ Poverty is another reason because of which parents marry off their girl children as they cannot pay for her education. It is a family survival strategy as they don't need to take care of one more child. Marriage at an early age takes away the freedom from a girl to make her own life decisions and live her life the way she wants to.

Gender Equality:

The legal age for men is 21 and women is 18 for marriage which is not gender neutrality. So, for gender equality the age of marriage for men and women must be equal. According to Indian Majority Act, 1875 and Protection of Children from Sexual Offences Act, 2012 whoever irrespective of gender attains the age of 18 years is a major. A major is old enough to make their own decisions about their life and has the right to vote. Also, the age of consent for boys and girls is 18 years old. But the age of marriage for boys and girls is different. If a boy who is under 21 years is married, it is considered to be illegal which is not the case with a girl. There is no gender parity when it comes to the concept of marriage. A girl's right under Article 14 of the Indian Constitution is violated. There is no valid reason as to why the age of marriage is different for boys and girls. A boy who can cast a vote and give consent for sexual intercourse at 18 years of age is not ready to get married at the same age which makes no logical sense as to why. To promote gender equality in the society it is important for the law to treat boys and girls equally. If the law itself discriminates girls, then we won't be able to achieve gender parity. For the empowerment of the women, it is important for the law to treat women equally as men.

Conclusion:

³⁹¹ Child marriage, adolescent pregnancy and school dropout in South Asia, https://www.unicef.org/rosa/media/3096/file/UNICEF_ROSA_Child_marriage_adolescent_pregnancy_3May2019.pdf (Last Accessed on 31st July 2023 – 1.45 pm).

The right age of marriage for a woman to get married is 21 years as they would be mature enough to understand the complexity of marriage. They would be physically and mentally strong to go through the process of childbearing. They can complete secondary education and maybe even pursue their degrees which will increase their scope of job opportunities. Being financially independent would enable them to make their own decisions without anybody's interference in their life. Having the autonomy would help them to be strong enough to face their problems and resist the societal and family pressures. At 18 years of age, she is still a child to understand marriage and the complications surrounding it. There is a need of research in the field of early marriage and its impacts on the society. It is important to increase the awareness about early marriage and childbirths. There is need of sex class in schools to educate youngsters about sex as they don't get wrong ideas about it. Therefore, it is imperative for the current legislature to raise the legal age of marriage.

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