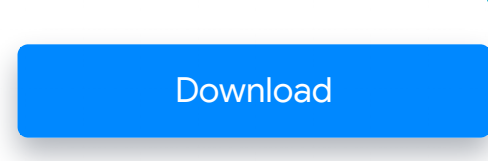


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Is raising legal age of marriage for Indian women the answer?

Merely raising the age is not the solution; educational opportunities for women need to be promoted as well as protected from being denied

By Abhinav Mehrotra and Prajakta Kale | Jan 12, 2022



With the Lok Sabha, the lower house of the Indian Parliament, sending The Prohibition of Child Marriage (Amendment) Bill, 2021 to a Standing Committee for further scrutiny, the debate surrounding its feasibility in terms of its social, physical, economic and educational aspects have gained prominence.

The bill seeks to alter the definition of "child" to "mean a male or female who has not completed 21 years of age" and at the same time amending seven personal laws that include the Hindu Marriage Act, Hindu Minority and Guardianship Act, Foreign Marriage Act, Indian Christian Marriage Act, Parsi Marriage and Divorce Act, Muslim Personal Law (Shariat) Application Act and Special Marriage Act.

The bill is said to be based on the recommendation of NITI Aayog Task Force that was headed by Jaya Jaitley, a former Samata Party president. It comprised of officials from the Health Ministry, Women and Child Development Ministry and the Law Ministry who examined issues pertaining to the age of motherhood, lowering of MMR (Maternal Mortality Rate), improvement of nutritional levels and related issues.



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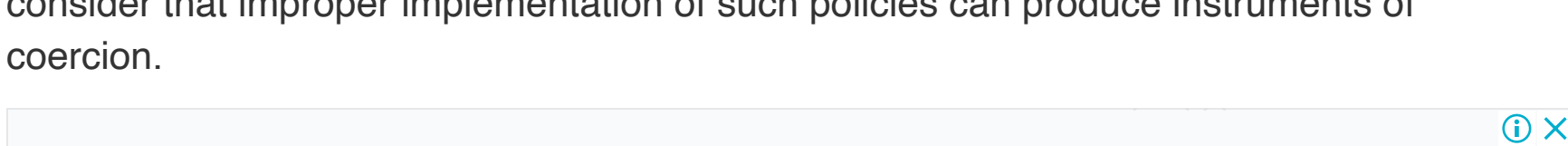
In this light, the impact of the proposed bill on various aspects of a women's life needs to be reflected upon. In the last two decades or so, although there has been increase in educational and economic opportunities, the percentage of married women in the workforce has not increased proportionately.

Review other barriers too

It is vital to understand that the rectification should consider a host of structural, social and financial barriers in addition to simply the increase in age that must be considered. For example, social factors such as gender norms, overemphasis on a girl's virginity and chastity and its co-relation to the family's honour, apprehensions regarding pre-marital sex, marriage transactions (dowry), poverty and the orthodox mindset of obtaining 'just enough' education needs to be considered by the government before bringing in such a change.

In this context, the example of the Prohibition of Child Marriage Act that was enacted in 2006 should be referred to in analyzing the practical suitability of bringing such changes. Despite having an act in place, child marriages continue; accompanying it are the adverse consequences concerning freedom of choice and opportunities and domestic violence.

As a result, the girl child suffers from what is known as Type II trauma -- exposure based on traumatic events, adversities and day-to-day stressors. Thus, the government needs to consider that improper implementation of such policies can produce instruments of coercion.



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Going further, when we talk about the health impact, the physiological impact is of course there. But what needs to be analyzed is the psychological impact it could have. Traditionally considered to be a 'burden', women are rather now a key bread earner for the family.

At very young age, girls start working as domestic help or work in shops as attendants and this happens along with ongoing education at many instances. Early marriages also take place usually due to societal pressure. At times it is also observed that there is a huge age gap between the partners. Increasing the age might give more emotional maturity to bridge this gap which might not be possible at tender age.

Handling multiple dimensions at a young age certainly has a psychological impact. Increasing the age gap will provide a kind of a 'breathing space', a space to stabilize and space to reflect on the future.

Education is key

Shifting the age to 21 will at least allow women to graduate. For any person, the authority to make his or her own decision is a gift. Often, decisions are imposed when it comes to choosing a career or choosing a life partner. This happens even in well-educated and privileged families but the legal compulsion of increasing the marriage age will certainly raise the chance of an authoritative say when it comes to choosing of career or a life partner.

This is major because women will be backed with societal interaction and exposure coming from the education they take. This is of course assuming that educational opportunities are available for women universally. This in itself is a huge psychological booster!

Early marriage may hamper educational prospects, making women financially dependent. Even if they are allowed to work they will have to be satisfied with suboptimal work. Which might not give them work satisfaction which in turn has a psychological impact.

To further analyze the physiological impact, early marriage often brings in unintended pregnancies. At 18, a woman herself is under the learning phase and certainly not that capable of bring a child. She is not able to decide or rather plan about a good healthy lifestyle for herself. It is difficult then to imagine the sound upbringing of the child.

According to a WHO fact sheet, early pregnancies have many complications. Abortions often occur and are unsafe leading to maternal mortality and even the babies of such adolescent mothers have the risk of low birth weight and severe neonatal conditions.

Plus point

Considering this, increasing of legal age of marriage will increase the age of motherhood which gives hope that there will be more awareness about contraception technique, sexually transmitted diseases and infant rearing practices. This knowledge holds significance because women are the pillar of the family unit as well as psychological pillar who weaves a strong bond of affection in the family and with changing times has assumed the role of a financial pillar. Thus, their physical and mental health will impact the family and ultimately the society.

What needs to be understood is that merely raising the age is not the solution; educational opportunities for women need to be promoted as well as protected from being denied. As education is not only a human right but also a powerful tool for women's empowerment. The reason being educated women are likely to be health-conscious and education will also increase their share in the labour market, fertility rate would be lower and these women will provide better healthcare and education to their children compared to women with little or no education.

(The writers are Abhinav Mehrotra, Lecturer, and Prajakta Kale, Assistant Professor, O P Jindal Global University, India. The views expressed are personal.)

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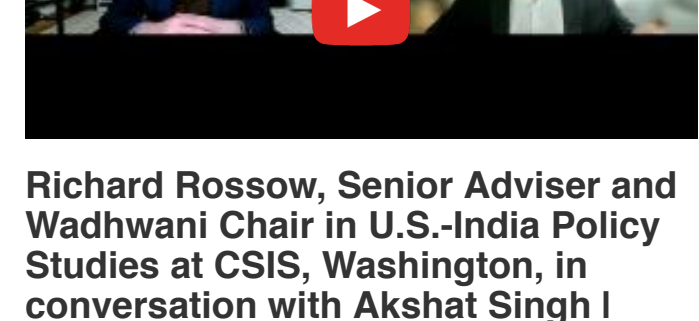
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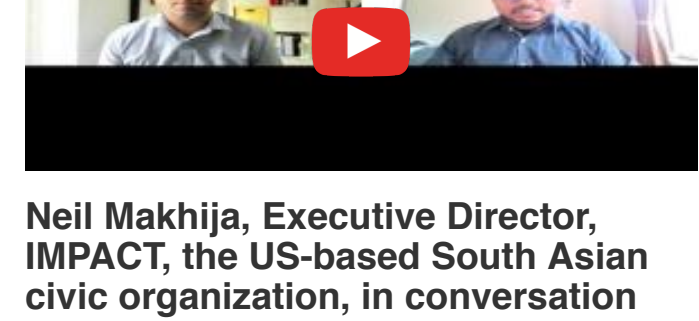
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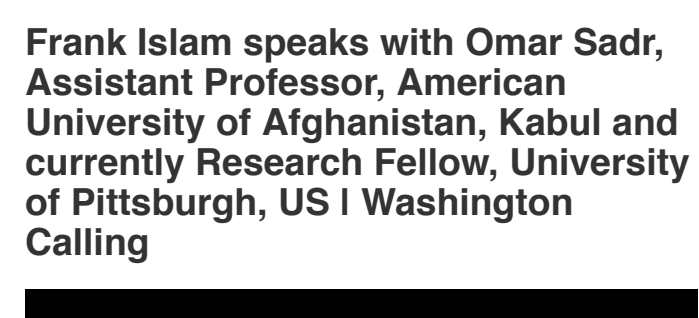
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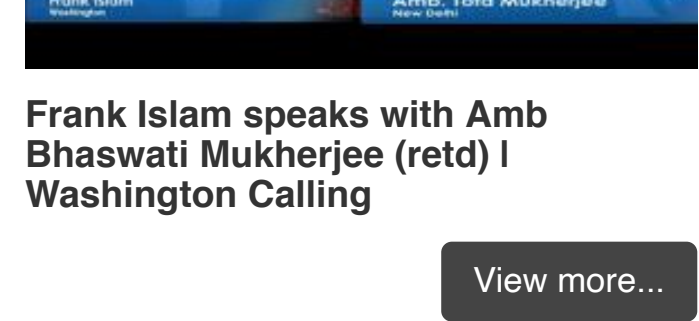
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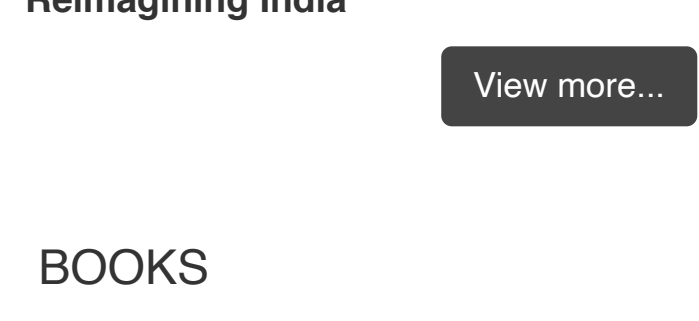
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