



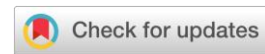
Analysing the Dynamics of Marriages Across Different Ages and Legal Frameworks

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Abstract: *This research paper aims into the various aspects of marriages through different age groups and exploring the related legal frameworks governing such leagues. The study aims to provide a comprehensive analysis of the psychological, social and legal implications associated with marriages at varying stages of life*

A major part of the research is staunch/dedicated to analysing the legal frameworks and policies surrounding marriage age limits in different jurisdictions. It explores the co-relation between marriage ages, socio-economic indicators, such as health education and gender equality

Keywords: Marriages, Age groups, legal frameworks.

Introduction

In India, our “Constitution” guarantees right to equality and right to life under “Article – 14 and 21” to all its citizens irrespective of caste, gender, age, residence etc. still why even today the inequality over the age of marriage exists for male and female. Marriage is a vital social institution, and one significant feature that is managed by laws regulations in the legal age of marriage

In India, marriageable age is a controversial topic from decades, with implications for individual rights, social development and gender equality. Currently the legal marriageable age in India is governed by the Prohibition of Child Marriage Act (PCMA),2006. Which sets the marriageable age for girls 18 years and for boys 21 years

Marriage is a union that binds two persons in a committed relationship, love, promising, companionship and mutual support. In India, there is cultural diversity that is the reason why marriages are governed by both general laws and personal laws in India. Marriage perceived





differently under personal laws for e.g., according to Muslim Law Marriage age is a civil contract but according to Hindu marriage is a sacred bond.

Different aspects of various personal laws: -

Muslim marriages

Muslim Marriage or Nikah is a traditional Muslim marriage ceremony that is governed by “The Muslim Personal Law (Shariat Application Act) 1937. According to Shariat act, a girl can marry after attaining 15 years of age or also known as age of poverty.

Hindu marriages

“The Hindu Marriage Act 1955” governed all Hindu marriages, provides legal frameworks for solemnizing and registering marriages. This act applies to Hindus as well as Buddhist, Sikhs, and Jains. Under this act there are certain conditions for a valid marriage which must be fulfilled. The marriageable age of a female is 18 years, while the age of male must be at least 21 years.

Christian wedding

The Indian Christian Marriage Act. 1872 governed Christian marriages. Often Christian marriages held in churches where Bride and Bridegroom exchange rings and take vows in the presence of a priest. Although, this act doesn’t specify minimum age for marriage it governed according to Indian Majority Act 1875, which sets the age of majority at 18 years.

Parsi wedding

The Parsi Marriage and Divorce Act 1936 governs Parsi marriages in India and this act set the minimum age of marriages. Which is, 18 years for Parsi females and 21 years for Parsi males

Inter-Religious Marriages

These marriages mostly governed by The Special Marriage act, 1954.

Thus, in India there are various personal laws for distinct cultures. But there are similarities among all these laws, is the age inequality among women and men for marriages.





Here a question arises. Why the age group?

Historically

In Ancient times/period various number of religious practices related to marriages were prevalent in India. Out of various marriages child marriage was one of them. It has been a deeply entrenched social evil, rooted in traditional norms and beliefs. Children especially “Girls” were forced to marry at a lower age and forced to hold all household, social responsibilities which arises out of marriage. At that times there were no fixed laws for prevention of child marriages.

Colonial rule

In 1947, India got independence, after that some efforts were made to deal with the child marriages. The legal marriageable age was set to 18 years for female and 21 years for male under the Prohibition of Child Marriage Act (PCMA), 2006 replaced all earlier laws. But times changed during 19th and 20th centuries, efforts were made to outlaw child marriages. The marriage age was set to 14 years for girls and 18 for boys under “The British Indian Penal Code of 1860”. But these laws were not effectively enforced, and the practiced remained same. After a short time, some remarkable changes were brought up by Bombay High Court in 1855 in the case of **Dadaji Bhikaji vs Rukhambai**. After this situation changed. Law requiring a fixed age of marriage for women. “The Child Marriage Restraint Act” came into force in 1929 Popularly known as “Sarda act” and minimum age was fixed to 18 years for males and 14 years for females. After that, in 1949, the age of marriage was increased to 15 years for females. Again in 1978, it was increased for females to 18 years and 21 years for males. In 2008, Indian Parliament introduced a new law PCMA, 2006 and it replaced earlier laws.

Marriage is not just a ritual or ceremony but it binds a person with many liabilities and fixed a many liabilities and fixed a minimum age of marriage ensures such liabilities are not forced on the person who is not ready to hold the liabilities. An 18 years old person is considered to be that he/she is a child and not even economically stable. At this stage a person can't raise a child without any financial means or support. Considering all these facts during the law making process Indian Parliament brought the Prohibition of Child Marriage Restraint Bill of 2021. To increase the marriageable age of females from 18 years to 21 years. But people stand against this amendment and criticized it.



**Essential measures to raise the eligible age for marriage in females: -**

Indian Parliament proposed a bill to raise the marriageable age of girls for their well-being. One major reason behind the push to raise the marriageable age for females is to promote their education and career options. Change in marriageable age for girls can help decrease number of child marriages, which can lead to harmful physical, psychological and social effects on the girls child. When we see as mentioned in Hindu text “Manu smriti” that female should be in custody of her father before marriage. After marriage she should be in custody of her husband, and after death of her husband she should be in custody of her son females have been fighting for their equal rights as of men. To protect females, to give them liberty, equal opportunities in every field. It is necessary to raise females age for marriage.

Advancement of Women’s Rights and Opportunities: -

Dr B.R. Ambedkar in his enlightening words have said “I measure the progress of a community with the degrees of progress women have achieved”.

Empowering women is important for the overall development and upliftment of society, as it leads to a more inclusive and equitable society where every individual can fulfil their potential

Elimination of Gender-Based Discrimination: -

In special marriage act, 1954, section 4(c) defines that “the male has completed the age of 21 years and the female of age 18 years”, there is no logic available why there is difference between marriageable age to men and women. As per 205th Law Commission Report February, 2008 there is no specified reason behind the distinction between the age of marriage of girls and boys. Article-14 of the Indian constitution provides equal rights to men and women. There are some examples in which age of girls and boys are same i.e., voting age, contract age etc. but if we talk about marriage there is a clear distinction between marriageable ages of men and women. A Girl can marry much early as compared to a boy. We should raise marriageable age for women. As per Sheryl Sandberg “we need women at all levels, including the top, to change the dynamics, reshape the conversation, to make sure women’s voices are heard and heeded, not overlooked and ignored”.





Conclusion

This drastic change by increasing marriageable age for girls to 21 is a positive step from government change in marriageable age bringing girls on equal footing as of men marriage at early age leads to various problems and early pregnancies have harmful effects for not only girls but society at large. When we go into depth of the amendment bill it's a very comprehensive step from government as it stops adolescent marriages. This bill also establish a uniform age for marriage for both bride and bridegroom. This is a beneficial step for females as it will help them to achieve their goals with full potential

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