ISSN (Online): 2455-3662
EPRA International Journal of Multidisciplinary Research (IJMR) - Peer Reviewed Journal
Volume: 11| Issue: 6| June 2025|| Journal DOI: 10.36713/epra2013 || SJIF Impact Factor 2025: 8.691 || ISI Value: 1.188

WHY SHOULD THE LEGAL MARRIAGE AGE FOR GIRLS BE RAISED FROM 18 TO 21 IN INDIA?

Divya Khatri[1], Kamal Kumar[2], Antim Bala[3]
[1]*Student of B.A. LL.B. 5th Semester, Chaudhary Devi Lal University, Sirsa (Haryana)*
[2]*Assistant Professor at BRCM Law College, Bahal (Haryana)*
[3]*Student of LL. M. Final Year, Chaudhary Devi Lal University, Sirsa (Haryana)*

ABSTRACT
The legal age of girls for marriage has been a topic of debate in India. Although the legal age for marriage is now 18, there is continuous recommendation to raise it to 21. This research paper tests the requirement for this change from a legal, social, and economic standpoint. The purpose of the study of this topic is to inspect the legal basis governing the marriageable age, evaluate social effect on women's empowerment, assess economic outcomes for individuals and society. The qualitative research approach is embraced, including legislative analysis, case studies, numeric data from government and international reports, personal laws of Hindus and Muslims. The finding reveals that increasing the legal marriage age notably improves women's health, educational feat, and economic engagement. however, obstacles such as weak implementation and opposition of society must be handled.
KEYWORDS; *Women Empowerment, Personal Laws, Marriage, Rights*

INTRODUCTION

Marriage is a vital social institution that form human lives and the basis of society. In India, the legal marriage age for girls is 18 whereas 21 for boys. The problem for increasing girls' marriage age from existing 18 to 21 years has gained the attention when the union minister for women and child development Smriti Irani Introduced the prohibition of child marriage [Amendment] Bill 2021 in the Lok Sabha on December 20, 2021, and it was pending before the standing committee for its approval[1]. but it was opposed on the grounds that marriage is not determined by age, but girls are married when they are matured enough. and government should focus on criminalizing consenting minor couples, eradicating poverty, improving education and employment opportunities[2]. In this research paper we will critically examine the national laws, schemes, policies, and compare the international scenarios for raising the age of girls to 21. By examining the possible benefits and defects, it aims to offer perspective on how this change in policy can assist to women's empowerment and the progress of nation.

SIGNIFICANCE OF THE STUDY

- There is necessity of amendment for the protection of child marriage and enhancing legal protection against child marriage.
- The need of raising girl's legal age from 18 to 21 is demonstrated in the study.
- Comprehending historical and legal advancement.
- The study considers the inadequacies in current laws often suffer from poor implementation.
- The study focuses on Gender Justice and Equality.
- Make use of international comparisons to preface best execution.
- To emphasize the significance of health, delayed pregnancies, and social justice for girls.
- This paper will make suggestions for the solution of the complicated issues.
- Critical analysis of claims for and against the age of marriage guarantees a balanced perspective.

RESEARCH METHODOLOGY

This research paper adopts a theoretical research approach, mainly dependent on secondary sources to inspect the legal, social and economic execution of increasing the legal marriage age for girls. The research is especially qualitative and includes comprehensive review of national laws such as Hindu law , Muslims law prohibition of child marriage act, sarda act, international treaties like CEDAW ,judicial decisions from the supreme court and high court, government reports, schemes and policies, review of research papers, surveys of government, reports of organizations such as NFHS and NITI AYOG to evaluate the socio-economic affect of early marriages, numerical data from world bank, UNICEF and UNESCO to call attention to connection between delayed marriages, education, and economic independence, use of formal government websites such as PRS INDIA and MINISTRY OF WOMEN

[1] ¹Yasmeen, S. (2022). *Increasing legal age of marriage of women in India: Socio-legal issues and concerns – A case study of Aurangabad city. International Journal of Creative Research Thoughts, 10*(6), 347–353. https://ijcrt.org/papers/IJCRT22A6707.pdf

[2]Behan Box. (2020, September 6). *Agency, not age: Concerns on raising the age of marriage*. https://behanbox.com/2020/09/06/agency-not-age-concerns-on-raising-the-age-of-marriage/

ISSN (Online): 2455-3662
EPRA International Journal of Multidisciplinary Research (IJMR) - Peer Reviewed Journal
Volume: 11| Issue: 6| June 2025|| Journal DOI: 10.36713/epra2013 || SJIF Impact Factor 2025: 8.691 || ISI Value: 1.188

AND CHILD DEVELOPMENT, NATIONAL COMMISSIONS FOR WOMEN and UN REPORTS, and articles for collection of data.

HISTORICAL BACKGROUND

- **AGE OF CONSENT ACT, 1891: -**this act raised the age of female from 10 to 12 years for sexual contact which was implemented due to public anger over Phulmoni Dasi, who died due to forced intercourse by her much older husband.
- ***SARDA ACT [THE CHILD MARRIAGE RESTRAINT ACT* 1929]**
- The child marriage restraint act, 1929 increased the legal marriage age to 14 and then after the passage of marriageable age for women act 1978, marriageable age for girls was eventually increased to 18 and 21 years for boys through consecutive amendments.
- **IPC AND POCSO ACT, 20*12***
  Section 375, 376 of IPC and SECTION 4 and 6 of POCSO deal with sexual offences and criminalize any sexual act with a minor even if married.
  INDEPENDENT THOUGHT VS UNION OF INDIA[3]
  The honorable supreme court of India changed the exception in Section 375 of the IPC that permitted the sexual contact with a girl under the age of 15 and raised the age limit to 18.
  These Acts did not directly criminalize the minor marriage but by amending such exceptions it indirectly impose restrictions on child marriage.
- **PROHIBITION OF CHILD MARRIAGE ACT, 2006**
  As per the Prohibition of Child Marriage Act, 2006, marriage will only be legally valid if the girl is eighteen years old and the boy is twenty-one years old, which establishes a constant standard in the community[4].
  LAJJA DEVI VS STATE OF NCT OF DELHI[5]
  It signifies that PCMA is a non-religious law, and it overrides personal laws such as Muslim law in which marriage is allowed at puberty.
- **PERSONAL LAWS**

According to Hindu Marriage Act 1955, the legal marriage age for girls is 18 and 21 for boys[6] whereas the legal age of marriage under Muslim law is when the girl has attended the age of puberty at the age of fifteen years. Due to this age structure, Muslim women are lagging women of other religions. The literacy rate of Muslim women is 68.8%, less than countrywide average of of 70% for women. There are only 21% of Muslim women who received higher or secondary education less than 36% among another religious group[7].There is a need of amendment in the Muslim personal laws for the improvement of Muslim women conditions.

CHILD ADOPTION RIGHT TO SINGLE WOMAN

In India, a single woman has the right to adopt a child and as per the Hindu adoption and maintenance Act 1956, the age of a woman should not be less than 21 years for adoption[8] and as per the juvenile justice Act, the age of a woman should not be less than twenty-five years[9]. If the law does not consider a single woman mature enough to give her the right to adopt a child before twenty-one years, then keeping the legal age of a girl eighteen years for marriage is also not valid. Therefore, the age criteria should be increased to twenty-one, which will ensure gender equality also.

GOVERNMENT SURVEYS AND ORGANISATIONAL REPORTS

National Family Health Survey (NFHS-5, 2019–21)

About 23.3% of women between 20–24 is married before the age of 18, a 26.8% decrease in the NFHS-4.

CHILD MARRIAGE FREE INDIA (CMFI) Report

Approximately 4,442 marriages take place every day but only 3,863 cases are registered over five years[10] therefore there is a need of strong implementation programs in India.

ROLE OF NITI AAYOG IN MARRIAGE AGE REFORM

- **Jaya Jaitly Task Force (2020)**
  This task force recommended that the age of girls should be increased from 18 to 21. This recommendation was based on the opinions of people, which included the youth from 16 universities and 15 NGOs. The cabinet approved it, but it is still pending before the parliamentary standing committee for approval.

THE GLOBAL LEGAL AGE SPECTRUM

The history of India is such that women have been deprived of their rights since ancient times, and their condition was so bad that there was a time when women of lower castes had to give breast tax, the condition of women in a male dominated society has been very pathetic, they did not get rights equal to men and it is true that the government has taken many big steps to

---

[3] *Independent Thought v. Union of India & Ors., AIR 2017 SC 4904. Retrieved from https://privacylibrary.ccgnlud.org/case/independent-thought-vs-union-of-india-and-ors*

[5] *Vishnukant Govind Waghmare & Others v. State of Maharashtra, Writ Petition No. 13045 of 2022, decided on May 3, 2023, Bombay High Court. Available at https://indiankanoon.org/doc/41067986/*

[6] *Hindu Marriage Act, No. 25 of 1955, § 5, India Code (1955), available at https://www.netlawman.co.in/ia/hindu-marriage-act-1955.*

[7] *International Institute for Population Sciences. (2020). Trends and determinants of level of secondary or higher education in young women: A focus on Muslims. https://www.iipsindia.ac.in/*

[8] *The Hindu. (2022, April 15). India's adoption laws: Here's what the rules say. https://www.thehindu.com/news/national/india-adoption-rules-detail/article65317981.ece*

[9] *Law School Notes. (2017, February 19). Law of adoption under Hindu law and adoption regulations made under Juvenile Justice Act. Retrieved from https://lawschoolnotes.wordpress.com/2017/02/19/law-of-adoption-under-hindu-law-and-adoption-regulations-made-under-juvenile-justice-act/*

[10] *¹Times of India. (2024, May 29). 3 girls are forced into child marriage per minute in India: Study. Retrieved May 31, 2025, from https://timesofindia.indiatimes.com/india/3-girls-are-forced-into-child-marriage-per-minute-in-india-study/articleshow/111817490.cms*

ISSN (Online): 2455-3662
EPRA International Journal of Multidisciplinary Research (IJMR) - Peer Reviewed Journal
Volume: 11| Issue: 6| June 2025|| Journal DOI: 10.36713/epra2013 || SJIF Impact Factor 2025: 8.691 || ISI Value: 1.188

improve the condition of women, but still for further development it is necessary to increase the marriage age.
In some of the **USA** states, such as **Mississippi** and **Puerto** Rico [11] , the legal marriage age is twenty-one due to which there has been a considerable decline in child marriage in those states. In the same way if the age is raised to twenty-one in those states in India too where the child marriage ratio is very high such as, **Tripura Rajasthan**, **Bihar**, **West Bengal**, then the position of women can be upgraded to an appreciable extent.
In Argentina[12], the age for marriage is twenty-one for both genders due to which there is strong social acceptance for girls and gender parity in their country, if these steps are adopted in India too, then India can also develop in these matters.

UNICEF AND UNESCO'S OVERVIEW

According to UNICEF report, secondary education will reduce child marriage by 66% and higher education by 80%[13]. Therefore, government should focus on the providing quality secondary and higher education of girls and should make enough investment in the educational sector. According to UNESCO, there should be strict marriage laws without any exceptions[14] which will protect the girl from exploitation.

CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN [CEDAW, adopted by UN GENERAL ASSEMBLY]

Article 16 of the convention on the elimination of all forms of discrimination against women [CEDAW] guarantees fairness regarding family and marriage which opposes sexism.
It explicitly states that: -
legal consequences will result from a child's engagement and marriage, and all required steps, including legislation, will be implemented to establish a minimum age for marriage and make official registration of the union mandatory[15].

SUGGESTIONS

- Awareness programs should be conducted in rural and urban areas so that communities can be educated. Local leaders and religious leaders should also be involved in this so that awareness can be spread to as many people as possible.
- More and more police units should be created so that they can handle such cases. Anonymous reporting system should be implemented like mobile apps [BANDHAN TOD APP IN BIHAR] that provide information about suspected child marriage cases and if any person gives such information, his identity should be kept hidden so that his life is not at risk.
- Marriage registration should be made compulsory and if someone does not follow it, penalties should be imposed on him.
- We should see whether our national laws are compatible with global conventions or not and should adopt the best international practices and work together with international organizations and neighboring countries so that we can share knowledge and resources
- Nationwide surveys should be conducted so that their actions can be understood, and the effectiveness of the programs should be evaluated so that child marriage can be reduced.
- Scholarship schemes should be promoted for girls so that they can get better education
- Such policies should be developed so that women can be given good jobs and women should be given financial assistance to start a business so that encourage their economic empowerment.

CONCLUSION

Increasing the legal marriage age of a girl from 18 to 21 is not only a legal amendment but it is also a big step towards gender equality, social justice and social, economic empowerment. Past legislative attempts such as AGE OF CONSENT ACT, 1891, *SARDA ACT [THE CHILD MARRIAGE RESTRAINT ACT* 1929], IPC AND POCSO ACT, 20*1*2, PROHIBITION OF CHILD MARRIAGE ACT, PERSONAL LAWS of Hindus and Muslims, juvenile justice act, the Hindu adoption and maintenance Act 1956,various government reports, schemes and policies, global overview - signify the country's progressing dedication to protecting minors, particularly girls , from the results of child marriage Just as society keeps changing, similarly the law has also changed, but this change is not enough, there is still such backwardness that women are considered inferior to men, and it is very important to improve the condition of women. On this Ambedkar ji has also said that… the progress of a society is measured by the progress of the women of that society. A girl's legal age should so be increased from 18 to 21 years.

REFERENCES

1. *AGE OF CONSENT ACT, 1891*
2. *THE CHILD MARRIAGE RESTRAINT ACT 1929*
3. *Indian penal code, 1860*
4. *POCSO ACT, 2012,*
5. *PROHIBITION OF CHILD MARRIAGE ACT*
6. *juvenile justice act, 2015*
7. *The Hindu Adoption and Maintenance Act, 1956*

[11] *Wikipedia contributors. (2024, May 30). Marriage age in the United States. Wikipedia. https://en.wikipedia.org/wiki/Marriage_age_in_the_United_States*
[12] *Equality Now. (n.d.). Ending child, early and forced marriages and unions in Argentina: Legal and policy frameworks. Retrieved from https://equalitynow.org/resource/ending-child-early-and-forced-marriages-and-unions-in-argentina-legal-and-policy-frameworks/*
[13] *¹UNICEF. (n.d.). Education: A powerful force against harmful practices. Retrieved May 31, 2025, from https://data.unicef.org/data-for-action/education-a-powerful-force-against-harmful-practices/*
[14] *UNESCO. (2025, March 7). How marriage laws can contribute to protecting every girl's right to education. Retrieved from https://www.unesco.org/en/articles/how-marriage-laws-can-contribute-protecting-every-girls-right-education*
[15] *Indian Kanoon. (n.d.). Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) – Article 16. Retrieved May 31, 2025, from https://indiankanoon.org/doc/188255737/*

ISSN (Online): 2455-3662
EPRA International Journal of Multidisciplinary Research (IJMR) - Peer Reviewed Journal
Volume: 11| Issue: 6| June 2025|| Journal DOI: 10.36713/epra2013 || SJIF Impact Factor 2025: 8.691 || ISI Value: 1.188

8. *Encyclopedia Britannica. (2025, May 29). Age of Consent Act of 1891. https://www.britannica.com/topic/Age-of-Consent-Act-of-1891*
9. *Law Bhoomi. (2025). Child Marriage Restraint Act, 1929 [Sarda Act]. https://lawbhoomi.com/child-marriage-restraint-act/*
10. *OpIndia. (2021, December 16). Union Cabinet clears proposal to raise women's marriage age to 21 years. https://www.opindia.com/2021/12/union-cabinet-clears-proposal-to-raise-womens-marriage-age-to-21-years/*