

GOVERNMENT OF INDIA
MINISTRY OF WOMEN & CHILD DEVELOPMENT

RAJYA SABHA
STARRED QUESTION NO. *165
TO BE ANSWERED ON 15.03.2023

INCREASING THE MINIMUM AGE OF MARRIAGE FOR WOMEN

*165 SHRI DIGVIJAYA SINGH:

Will the Minister of Women and Child Development be pleased to state:

- a. whether Government is planning to increase the age of marriage for women to 21 years;
- b. whether Government is aware that this contradicts the Law Commission's recommendation to have 18 as the minimum age for marriage;
- c. if so, details regarding the recommendations made by the Task Force on age of motherhood and related matters;
- d. whether Government is aware of the prevalence of marriage of girls under 18 and whether it has considered policies to take care of the increased enforcement burden; and
- e. if so, details thereof and if not, reasons therefor?

ANSWER

MINISTER OF WOMEN AND CHILD DEVELOPMENT
(SHRIMATI SMRITI ZUBIN IRANI)

(a) to (e): A statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO PART (a) to (e) OF THE RAJYA SABHA STARRED QUESTION NO. *165 FOR ANSWER ON 15.03.2023 ASKED BY SHRI DIGVIJAYA SINGH REGARDING 'INCREASING THE MINIMUM AGE OF MARRIAGE FOR WOMEN'.

(a) to (e) : The Government has introduced a Bill namely 'the Prohibition of Child Marriage (Amendment) Bill, 2021 in the Parliament on 21.12.2021 for raising the age of marriage of women to 21 years to make it at par with the men. The Bill also has provisions to make consequential amendments in the enactments, inter alia, relating to age of marriage of parties, such as 'The Indian Christian Marriage Act, 1872', 'The Parsi Marriage and Divorce Act, 1936', 'The Muslim Personal Law (Shariat) Application Act, 1937', 'The Special Marriage Act, 1954', 'The Hindu Marriage Act, 1955', and 'The Foreign Marriage Act, 1969'. The aforesaid Bill has been referred to Department Related Parliamentary Standing Committee on Education, Women, Children, Youth and Sports for examination.

Prior to introduction of the aforesaid Bill in the Parliament, the Government had constituted a Task Force to examine the correlation of age of marriage and motherhood and other related aspects. The Task Force held consultations with the stakeholders including relevant Ministries/ Departments, academia, civil society, students etc. on all aspects pertaining to age of marriage and motherhood and submitted its report. In its Report, the Task Force had recommended for raising the age of marriage for women to 21 years at par with men to provide an effective impetus for greater gender equality in society, paving way for a girl to join and complete education, professional training and vocational courses. The Task Force has mentioned that this in turn, would unlock opportunities for employment, earning and financial independence for women. At the same time, it would lead to an optimum timing for the first pregnancy and motherhood resulting in substantial improvements in health, nutrition and well-being of women, and a sizable reduction in the risk of maternal mortality, low birth weight, infant mortality and child under nutrition. Task Force had also recommended that Government may decide either of the two alternatives for the date of implementation of the amendment viz. (i) two years from the date of notification of the amendment; or (ii) staggered schedule raising age at marriage for girls by one year at a time, starting one year after the notification of the amendment.

The National Crime Records Bureau (NCRB) compiles and publishes the data on the number of cases of child marriage registered under 'the Prohibition of Child Marriage Act (PCMA), 2006' in its publication 'Crime in India'. The said report is available upto the year 2021. As per information available with NCRB, the number of cases registered under the Prohibition of Child Marriage Act, 2006 during 2019, 2020 and 2021 are 523, 785 and 1050 respectively. The data shows increase in number of cases registered in the year 2021 over the year 2020. Higher reporting of cases does not necessarily reflect increase in the number of cases of child marriages, but it may be because of increased awareness among citizens to report such incidents due to initiatives by the Government and better enforcement of law by States/ UTs.

The reasons attributable to the practice of Child Marriage in India may be prevailing social customs, tradition, illiteracy, poverty, low status of women in society and lack of awareness.

'Police' and 'Public Order' are State subjects under the Seventh Schedule to the Constitution of India. The responsibilities to maintain law and order, protection of life and property of the citizens, investigation and prosecution of crime against women and children including prohibition of child marriages, rest with the respective State Governments. The State Governments are competent to deal with such offenses under the extant provisions of laws.

Section 16 of Prohibition of Child Marriage Act (PCMA) authorises the State Government to appoint for the whole State, or such part there of as may be specified, an officer or officers to be known as the 'Child Marriage Prohibition Officers (CMPO)' having jurisdiction over the area or areas specified in the notification. This section also specifies the functions to be discharged by CMPOs, which also include preventing solemnisation of child marriages by taking such action as they may deem fit; to collect evidence for the effective prosecution of persons contravening the provisions of the Act; to advise the individuals or counsel the residents of the locality not to indulge in promoting, helping, aiding or allowing the solemnisation of child marriages; to create awareness about the ill effects of child marriages; and to sensitize the community on the issue of child marriages. These authorities function under the respective State Governments/ UT Administrations. As such, implementation of the provisions of the Act lies with them.

The Central Government also undertakes awareness drives, media campaigns and outreach programs and issues advisories to the States/ UTs from time to time to highlight evil effects of this practice. Further, the Ministry of Women and Child Development implements the Beti Bachao Beti Padhao (BBBP) scheme, wherein creation of awareness on matters pertaining to gender equality and discouraging child marriage is an important focus area. The National Commission for Protection of Child Rights (NCPCR) also undertakes awareness programs and consultations with stakeholders from time to time in this regard. In addition, Government of India has introduced CHILDLINE with short code 1098, a 24X7 telephone emergency outreach service for children in crisis which responds with suitable interventions to call for any form of assistance which a child requires, including for prevention of child marriages in coordination with police, CMPOs, District Child Protection Units etc.

All the aspects pertaining to child marriages including the recommendations given by the Task Force in its report were examined by the Government prior to introduction of the Bill and after careful consideration and based on the recommendation of the Task Force, the Government has proposed implementation of the amendments after two years from the date of notification, in order to provide ample time to citizens to prepare for this momentous reform.
