

PERSONAL LAWS IN MARRIAGE



Issue

The bill to increase the age limit of marriage across religions was introduced in Lok Sabha recently.

Background

At present, different religions have different minimum age limit. Hindu girls need to be 18 years old to get married whereas Muslim girls should have attained puberty to get married.

Details

- After apprehensions from opposition, the government has decided to send the bill to a parliamentary standing committee.
- The amendments to the Prohibition of Child Marriage Act, 2006 has raised debate on autonomy about application of personal laws in marriage.

The proposed changes

➤ 1st change

It aims to increase the minimum age of marriage for a woman. The Bill makes the minimum age of marriage same for both men and women at 21 years.

➤ 2nd change

- A window will be provided for an underage to file a petition to declare a child marriage void. Under the law, child marriage can be voided, but not void by default.

- A child marriage can be considered as a void if a petition is filed under Article 3(4) of the 2006 Prohibition of Child Marriage Act by either party.
- Unlike divorce which only signifies broken marriage, void will mean that the marriage has never taken place in the first place.
- Currently, the girl can file petition for declaring marriage void before she turns 20 and for the man before he turns 23. After that, the couple can file for divorce.
- The new bill proposes to extend this window for both the woman and the man to five years after attaining majority.

➤ **3rd change**

The most crucial change would be “notwithstanding” clause which signals that the Prohibition of Child Marriage Act will be applicable across religions, notwithstanding any customs.

Reasons for changes

The government has cited relation between age of marriage and key health indices such as infant mortality, maternal mortality, and nutrition levels among mothers and children.

Opposition

- Increasing age for marriage is seen as a paternalistic approach by the state in personal matters of an individual.
- Application of the law across religious spectrum has started a debate on the limits of personal law.
- Other opposition is regarding criminalizing

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