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**PRESCRIPTION OF DIFFERENT AGES FOR MARRIAGE AND ITS  
CONSTITUTIONAL VALIDITY: A CRITICAL ANALYSIS UNDER THE HINDU  
MARRIAGE ACT, 1955**

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**ABSTRACT**

The Hindu Marriage Act, 1955<sup>2</sup> states that in order to be eligible to get married, a man must be at least 21 years old and a woman must be at least 18. This disparity has sparked debate, raising concerns about gender equality and social standards. The biological, social, and historical justifications for the clause are mostly drawn from accepted theories of marriage and family dynamic. The primary rationale for this disparity has been the belief that women are ready for marriage earlier because they develop emotionally and physically before men. However, because of changing social roles and women's aspirations for education and careers, this notion has been hotly debated in modern times. Critics argue that maintaining unequal age restrictions perpetuates gender inequality and preconceptions about women's roles in society. Court decisions and the Indian legal system have also impacted the conversation on this subject. Views on gender equality and justice are evolving, as seen in recent legal and legislative discussions and proposals to raise the minimum marriage age for women to 21. The legal regulations, historical context, and arguments for and against the various age limits are all examined in this project.

**KEYWORDS:** Marriageable Age, Hindu Marriage Act, Gender Equality, Legal Reform, Legal Disparity, Constitutional Validity, Article 14, Article 15, Article 21.

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<sup>2</sup> Hindu Marriage Act, 1955, Section 5(iii).

## CHAPTER 1:

### INTRODUCTION

Marriage is an essential institution in society, and the laws governing it are vital in establishing people's rights and obligations. Men must be at least 21 years old and women must be at least 18 years old to legally marry under the Hindu Marriage Act, 1955<sup>3</sup>. Discussions concerning gender equality, social standards, and legal explanations have been sparked by this discrepancy.

Historical precedents, societal norms, and biological maturity have all been used to determine different marriageable ages. Some have said that because women mature earlier than men, they are ready for marriage at a younger age. But in the modern world, when women actively pursue independent lifestyles, work, and education, these defences are coming under increasing criticism. Critics argue that maintaining unequal age denies women the same opportunities in life and upholds patriarchal regimes<sup>4</sup>.

The subject has recently gained attention again due to discussions of amending the law to establish a uniform marriage age of both sexes. Raising the marriageable age promote gender justice and assist prevent early marriages and the social consequences. The legal minimum age for marriage in India is different for men and women. Section 5(iii) of Hindu Marriage Act, 1955 states that a female must be at least 18 years old and a male must be at least 21 years old for a marriage to be formally consummated. Section 4(c) of Special Marriage Act, 1954 and Section 2(a) of Prohibition of Child Marriage Act, 2006 also contain similar provisions<sup>5</sup>.

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<sup>3</sup> Supra, note 1.

<sup>4</sup> *Age Disparity in Sexual Relationships*, Wikipedia -The Free Encyclopaedia,  
[https://en.wikipedia.org/wiki/Age\\_disparity\\_in\\_sexual\\_relationships](https://en.wikipedia.org/wiki/Age_disparity_in_sexual_relationships)

<sup>5</sup> Shireen Jejeebhoy, *Should India Raise the Minimum Age of Marriage?*, India Development Review (Sept. 8, 2020),  
<https://idronline.org/should-india-raise-the-minimum-age-of-marriage>.

In the *Hardev Singh v. Harpreet Kaur and Others* (2019)<sup>6</sup> case, the Supreme Court of India observed that a higher minimum age is imposed for men because of prevailing social standards that a boy cannot reach the required level of economic independence and knowledge at the age of 18. This decision was rendered while assessing the legislative intent underlying the age gap.

The Allahabad High Court has addressed the legal discrepancy between the minimum marriage for men and women, highlighting the patriarchal bias embedded in the current statute. The court is concerned that the legal age of female is less than that of male. The court emphasized that historical culture practices that uphold gender inequality and diminish women's autonomy by seeing them through a patriarchal lens are the cause of this age gap.

According to India's Prohibition of Children Marriage Act, a woman must be 18 years old and a man must be 21. Despite being designed to discourage child marriage, the age gap between male and female has always been a point of contention. Notwithstanding the statute's professed objective to safeguard women's rights and health, which the court believes demands rapid review, it inadvertently upholds gender-biased perspective<sup>7</sup>.

This research will look at the causes of the age gap, how it affects society and law, and the grounds for and against changing the law as it stands. By examining policy discussions, court decisions this study seeks to ascertain if the current legal framework aligns with contemporary concepts of gender equality and social progress.

## RESEARCH QUESTIONS

1. Whether the different marriageable age for male and female under Hindu Marriage Act, 1955, have a strong legal and historical basis?
2. Whether the disparity in marriageable age impact gender equality in India?

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<sup>6</sup> *Hardev Singh v. Harpreet Kaur and Others*, 2020, (19) SCC 504.

<sup>7</sup> Nithya Ramani Iyer, *Girls and Boys Legal Age for Marriage in India 2025*, Zolvit (Mar. 7, 2025), <https://vakilsearch.com/blog/legal-age-marriage-india/>.

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3. Whether India should adopt a uniform marriageable age for male and female to promote gender justice?

## RESEARCH OBJECTIVES

1. To analyze the legal framework of marriageable age under the Hindu Marriage Act, 1955.
2. To examine the historical, social, and legal justifications for different marriage age.
3. To assess the impact of this disparity on gender equality and women's rights.
4. To evaluate the need for legal reforms for a uniform marriage age.

## RESEARCH METHODOLOGY

This research adopts a doctrinal research approach, primarily relying on legal texts, case laws, and academic literature to analyze the disparity in marriageable age under the Hindu Marriage Act, 1955. The study is qualitative in nature and follows a descriptive and analytical approach. The research is based on secondary sources, including statutes such as Hindu Marriage Act, 1955, and related provisions, Judicial decisions concerning marriageable age, articles, journals, books, and research paper on gender equality and marriage laws.

## CHAPTERIZATION

Chapter 1: Introduction

Chapter 2: Legal Framework of Marriageable Age in India.

Chapter 3: Historical and Social Justifications for Age Disparity.

Chapter 4: Needs for Legal Reforms for a Uniform Marriage Age.

Chapter 5: Conclusion, Findings and Suggestions

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## REVIEW OF LITERATURE

1. **Annanya Deshpande “The Raised Marriageable Age for Women: An Opportunity or Obstacle”, *Symbiosis Law School Nagpur Journal of Women Law & policy*, 55-59, vol-1 (2021).**

Annanya Deshpande examines the legal, social, and policy ramifications of raising the minimum marriageable age for women in India in her journal article “The Raised Marriageable Age for Women: An Opportunity or Obstacle”. It investigates if this reform causes unforeseen difficulties or advances gender equality and women’s empowerment. The article looks at public views, constitutional disputes, and possible effects on economic and personal liberties.

2. **Paras Ahuja “Younger women, older men: The perpetuation of gender discrimination through minimum legal age for marriage”, *Oxford Human Rights Hub*, (2020).**

The blog “Young Women, older men: The perpetuation of gender discrimination through minimum legal age for marriage” on the Oxford Human Right Hub explores the gender disparity in Indian marriage laws. It questions how the constitutionally guaranteed equality and patriarchal norms are upheld by the legal age of men (21) and women (18). The article explores the socio- legal causes of this disparity and argues for legislation to establish a uniform marriageable age. The worldwide background and the consequences of such discriminatory policies for human rights are also highlighted.

3. **Ankita Kandade “The evolution of marriageable age for women in India: A historic Perspective”, *The Voices, Let’s Break the Silence* (2022).**

The article “The evolution of marriageable age for women in India: The historic Perspective” on Media Lit traces the historical development of legal marriage ages in India. It examines the ways in which colonial- era laws, legal changes, and social values have shaped the contemporary disparity in the marriageable ages of men and women. In examining current proposals to raise the legal age to 21 for both sexes, the article highlights the advantages of gender equality and societal advancement. It also compares India’s

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marriage laws to those of other nations in order to assess the need for additional legislative revisions.

## CHAPTER 2:

### LEGAL FRAMEWORK FOR MARRIAGEABLE AGE IN INDIA

The legal minimum age for marriage is different for both male and female. According to section 5(iii) of Hindu Marriage Act, 1955 a bridegroom should be of 21 years and bride should be of 18 years. Section 4(c) of the Special Marriage Act, 1954 and Section 2(a) of the Prohibition of Child Marriage Act, 2006 contain same clause.

Article 14 of the Indian Constitution guarantees equal treatment under the law. The decision in *National Legal Services Authority (NALSA) v. Union of India* (2014)<sup>8</sup> of India states that the foundation of Article 14 is the notion that all individuals are equal by birth and ought to be treated as such. Since the age difference amounts to unequal treatment, it violates Article 14. In the case of *State of West Bengal v. Anwar Ali Sarkar* (1952)<sup>9</sup>, it was decided that class distinction could be made under Article 14 if they were rationally connected to the purpose of the act.

The primary goal of the Prohibition of Child Marriage Act, 2006 was to protect girls from the solemnization of underage marriage. The gender-based categorization of the minimum marriage age, which allows a girl to marry before she is deemed financially independent or appropriately educated, will hinder rather than advancing this objective. Section 4(c) of the Special Marriage Act aimed to establish a minimum age that would allow for the development of the necessary capacity for marriage. An association between a person's gender and the necessary ability would be implied by a gender- based classification. Since this association is based solely on the conventional interpretation of gender roles, it is without justification.

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<sup>8</sup> National Services Authority (NALSA) v. Union of India AIR 2014 SC 1863.

<sup>9</sup> State of West Bengal v. Anwar Ali Sarkar AIR 1952 SC 75.

In *Anuj Garg v. Union of India* (2007)<sup>10</sup>, a gender- based classification that is based on stereotypes was firmly addressed. The case in this case overturned a law that prohibited women from doing jobs in places where the public consumed alcohol, whereas men over 25 were permitted to do so. In *Joseph Shine v. Union of India* (2018)<sup>11</sup>, it was decided that a husband can file the suit if wife is committing adultery but a wife cannot file the suit if husband commit adultery. As a result, it shows that wife is their husband's property.

Furthermore, Article 15 of the Indian Constitution prohibits discrimination based solely on religion, race, caste, sex, place of birth. This article is violated when age discrepancy is solely based on gender. According to Article 21 of the Indian Constitution, everyone has the fundamental right to life. A component of human dignity is essential to upholding this this right, according to legal interpretation.

According to the Court, when a person or a group feels valuable and is subjected to unfair treatment based on personal characteristics unrelated to their needs, abilities, or qualities, they are said to have human dignity. The existing age gap is solely based on gender differences, which, according to the legislature is incorrect belief, permeate society to establish distinct responsibilities. Such a designation violates women's right to live "with dignity" by implicitly placing them in a position of dependence on men, which diminishes their sense of self- worth.

Advocate Ashwini Kumar Upadhyay filed the petition in the Supreme Court of India in 2020 for equal marriageable age for men and women. The court held that it was in the hand was legislative to make laws not in the hands of judiciary. The Cabinet has approved raising the legal age for women to 21 years old, marking another change to the Indian legal marriage age after 40 years.

The Union Cabinet enacted "The Prohibition of Child Marriage (Amendment) Bill, 2021", a major change, on the recommendation of a high- level working committee headed by Jaya Jaitley. According to Indian government women should be permitted to marry at the same age as of men,

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<sup>10</sup> Anuj Garg v. Union of India 2008 (3) SCC 1.

<sup>11</sup> Joseph Shine v. Union of India 2019 (3) SCC 39.

which is 21 years old. Modifying the current regulations to account for different marital age is the next step. These rules are founded on patriarchal assumptions, such as the notion that “wives must be younger than their husbands” and that “women are more mature than males of the same age”<sup>12</sup>.

There isn't a single, secular state law that governs marriage in India. Section 5(iii) of the Hindu Marriage Act, 1955, Section 4(c) of the Special Marriage Act, 1954, Section 2(a) of the Prohibition of Child Marriage Act, 2006, Section 60(1) of the Indian Christian Marriage Act, 1872, and Section 3(1)(c) of the Parsi Marriage and Divorce Act, 1936 are a few of the important laws that require amendment.

In *National Legal Services Authority v. Union of India* (2014)<sup>13</sup>, Supreme Court decided that the right to live with dignity under Article 21 guaranteed the right not to be viewed as inferior or unequal to other members of society. The present differential bar violates gender justice, equality and women's dignity by discriminating against them. It is against international human rights legislation and breaches Article 14, 15, and 21 of the Indian Constitution.

In *Joseph Shine v. Union of India* (2018)<sup>14</sup>, the Supreme Court noted that a statute that discriminates against women on the basis of gender stereotype directly violates Articles 14 and 21 and demean women's dignity. Furthermore, any law that perpetuates stereotypes that discriminate against a particular class of people also violates Article 14 and 15 of the Indian Constitution.

India is also a party to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)<sup>15</sup>. India's responsibilities under CEDAW Articles 5(a) and 16(1)(a) are violated by the irrational and unscientific age of marriage differentiation. The age requirement for

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<sup>12</sup> Shelal Lodhi Rajput, *Towards Uniformity and Eradicating Gender Disparity: Increase in Legal Age of Marriage for Women*, Oxford Hum. Rights Hub (Jan. 19, 2022), <https://ohrh.law.ox.ac.uk/towards-uniformity-and-eradicating-gender-disparity-increase-in-legal-age-of-marriage-for-women>.

<sup>13</sup> National Legal Services Authority v. Union of India AIR 2014 SC 1863.

<sup>14</sup> Supra, note 14.

<sup>15</sup> CEDAW- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted in 1979 by the UN General Assembly.



marriage is illogical since it lacks any meaningful classification and is purely based on patriarchal prejudices.

In its 205<sup>th</sup> Report, The Law Commission of India (LCI) stated that there is no scientific foundation for this kind of differentiation. The LCI also pointed out in its consultation paper that the differential limit merely contributes to the stereotype that wives should be younger than their husbands.

The disparity in legal marriage age violates women's equality and health rights. In the case of *Consumer Education and Research Centre v. Union of India* (1955)<sup>16</sup>, the Supreme Court ruled that this freedom is a fundamental part of Article 21 of the Indian Constitution. Pregnant women under the age of 20 have increased risks of low birthweight, preterm delivery, and serious neonatal disorders as said by World Health Organization. Thus, early marriage entails a host of issues, beginning with an increased mortality rate, nutritional effects on the child's health, and early pregnancy. Additionally, it might make it more difficult for women to get an education, which would hinder their overall growth.

## CHAPTER 3:

### HISTORICAL AND SOCIAL JUSTIFICATIONS FOR AGE DISPARITY

The primary goal of the British, who dominated India in the early 19<sup>th</sup> century, was to gain more control over companies engaged in military activities. They paid little attention to the social and economic transformations in India. As a result of the social, political, and economic instability of the country, women's position was terrible. They would remain subservient to their fathers and husbands. Women stayed at home because they had limited employment possibilities. After getting married at an early age, they would have to take care of their children and run the household<sup>17</sup>.

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<sup>16</sup> *Consumer Education and Research Centre v. Union of India* 1995 SCC (3) 42.

<sup>17</sup> Ankita Kandade, *The Evolution of Marriageable Age for Women in India: A Historical Perspective*, The Voices Let's Break the Silence (Feb. 15, 2022), <https://medialit.in/thevoices/the-evolution-of-marriageable-age>.

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After independence, measures to prevent child marriage were taken. The Child Marriage Restriction Act, 1929 was modified in 1949, establishing the legal marriageable age for girls at 15. The act underwent another amendment in 1978, recognizing 18 as the legal age for females and 21 as the legal age for males. But the difference was still maintained. Later laws like the Prohibition of Child Marriage Act, 2006, further strengthen the law against child marriage but still did not eliminate the age disparity<sup>18</sup>.

The age difference is a reflection of outdated social standards that maintain gender inequality and undermine women's autonomy by viewing them through patriarchal prism. The Allahabad High Court pointed out that the lower age for female reinforces gender stereotypes by subtly implying that they are less mature than men. The bench maintained that in order to guarantee equal rights and opportunities for men and women, these age restrictions must be analyzed from a gender-neutral standpoint and should be matched. The court ruled that in order to empower women and guarantee gender equality, this disparity must be corrected.

A number of social reasons have been given for having varying marriage age for male and female. One of the most frequently cited reason is that women develop biologically and emotionally faster than men and are thus prepared for marriage at an earlier age. This argument is refused by contemporary psychological and medical studies, which stress that maturity is different in different people and cannot be used as a reason for legal discrimination. The second rationale is from conventional gender roles, in which women have traditionally been required to acquire domestic roles early, and men are supposed to gain economic security prior to marriage.

These ideas have strengthened patriarchal values and restricted women's education and professional development opportunities. Economic considerations have also contributed, particularly in rural settings, with early marriage considered a way of cutting down expenses on

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<sup>18</sup> Supra, note 24.

families. The dowry system has also affected marriageable age, since families tend to feel that brides who are younger need less dowry, thereby subjecting to pressure towards early marriages<sup>19</sup>.

Female's honour and purity are important cultural factors that contribute to early marriage. According to many societies, postponing marriage raises the possibility that women may have extra marital affairs, which could embarrass the family. Historically, this view has resulted in limitations on women's personal freedom, which has strengthened gender inequality.

However, these defences are coming under scrutiny as a result of shifting societal dynamics, rising literacy rates, and heightened knowledge of women's rights. Maintaining different marriage age according to critics goes against the Indian Constitution's gender equality provisions, especially Article 14 and 15, which forbid discrimination based on gender. The drive for a standard marriageable age is a reflection of how women's role is changing in contemporary India, as they actively seek higher education and employment. The necessity for reform has been underlined in a number of court's rulings and political debates, which contend that law should reflect modern socioeconomic realities<sup>20</sup>.

Even while societal and historical forces have influenced current marriage laws, these defences are becoming less and less accepted. A step toward gender justice, the shift to a standard marriageable age guarantees equal rights and opportunities for men and women both during and after marriage. In order to foster a more inclusive and equitable society, it is imperative that these rules be reviewed as India develops.

## **CHAPTER 4:**

### **NEEDS FOR LEGAL REFORMS FOR A UNIFORM MARRIAGE AGE**

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<sup>19</sup> Supra, note 23.

<sup>20</sup> Levronka, *Marriage Age in India: Customs, Traditions, and Societal Norms*, JSTOR Blog (Jan. 21, 2025), <https://jstor.blog/marriage-age-india-customs>

The current discrimination in the age of legal marriage has been a topic of growing debate. Historically rational on social and biological grounds is now increasingly considered to be outdated and discriminatory. Legal reform to determine a common marriageable age is needed to harmonize laws of marriage with constitutional precepts, enhance gender equality, and safeguard the rights of the citizens. The call for reform has gained momentum through court decisions, policy discourse, and societal evolution, all calling for an equitable legal system.

The claim that the existing age gap violates the fundamental right to equality guaranteed by Article 14 and 15 of the Indian Constitution is one of the most compelling justifications for legal reform. The law establishes an arbitrary gender-based classification by establishing separate marriageable age for men and women, which perpetuates patriarchal prejudices. The Supreme Court of India has underlined from time to time how important it is to repeal laws that discriminate against women. The constitutional imperative of gender equality would be strengthened by establishing a uniform marriage age, which would guarantee equal legal treatment for men and women<sup>21</sup>.

Another significant reason for reform is the effect of early marriage on the education and career prospects of women. For many, lower marriage age for female translates into pressure on society for getting married young, which restricts their opportunities for higher studies and professional advancements. Studies indicate that delayed marriage is associated with higher education, enhanced employment opportunities, and overall economic autonomy for women. Increasing the marriageable age for women to 21, as equal to that of men, would assist in shattering time-honoured barriers and towards more active women participation in post-secondary education as well as jobs<sup>22</sup>.

From a public health point of view, early marriage is associated with a number of adverse outcomes such as early pregnancies, increased rates of maternal deaths, and negative health outcomes among

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<sup>21</sup> Arshiya Banu, *Difference in Legal Marriage Age for Men and Women Based on Patriarchal Bias: Allahabad High Court*, LEGALIT (Nov. 11, 2024), <https://legalit.ai/difference-in-legal-marriage-age-for-men-and-women-based-on-patriarchal-bias-allahabad-high-court>.

<sup>22</sup> *Why Is Age of Marriage Different for Men and Women?*, Diligent IAS (Aug. 27, 2019), <https://diligentias.com/why-is-age-of-marriage-different-for-men-and-women>.

mother and child. The world Health Organization (WHO) and other health practitioners have recommended the postponement of marriage and birth to enhance mothers' and child's health indices. A uniform age of marriage would address such issues by eliminating early pregnancies and enhancing women's reproductive health<sup>23</sup>.

Judicial pronouncements have also been instrumental in making the debate on this topic. Several High Courts and the Supreme Court of India itself have criticized the discriminatory character of the existing marriage laws. Legislative proposals to increase the marriageable age for women to 21 years to achieve parity with men have been on the cards in recent times. The Indian government introduced the Prohibition of Child Marriage (Amendment) Bill, 2021, with an aim to amend the current laws to bring in a common marriageable age for both men and women. Nevertheless, this has received criticism from some social and religious communities, indicating the strong cultural and traditional sentiments revolving around marriage in India<sup>24</sup>.

Reform is also necessary, as demonstrated by a comparison with international legal frameworks. Many nations have already recognised that gender- based legal inequalities are discriminatory and have set a uniform marriageable age for female and male, including United States, the United Kingdom, and Canada. As a member to international agreements such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). India is required to guarantee legal equality in marriage laws. India would demonstrate its commitment to gender justice globally if its domestic laws were in line with international human rights<sup>25</sup>.

In spite of these solid arguments, there are still challenges for the implementation of an equal age of marriage. Social and religious traditions still have a strong impact on marriage practices, especially in rural communities where early marriages are still common. Legal reforms thus need to be followed up with information campaigns, education, and economic incentives to change

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<sup>23</sup> Supra, note 33.

<sup>24</sup> Shelal Lodhi Rajput, *Towards Uniformity and Eradicating Gender Disparity: Increase in Legal Age of Marriage for Women*, Oxford Hum. Rights Hub (Jan. 19, 2022), <https://ohrh.law.ox.ac.uk/towards-uniformity-and-eradicating-gender-disparity-increase-in-legal-age-of-marriage-for-women>.

<sup>25</sup> Supra, note 23

societal attitudes. Promoting women's empowerment, providing improved access to education, and enhancing mechanisms of law enforcement will be vital in making a uniform marriageable age law effective.

In conclusion, establishing a consistent marriageable age through legal reform is essential in advancing women's empowerment, attaining gender equality, and enhancing public health outcomes. The current gap is incompatible with both international human rights norms and constitutional foundations. Legislative initiatives have been started, but to guarantee significant and long-lasting change, a comprehensive strategy involving legal, social, and educational measures is necessary. India can make great strides in ending gender-based discrimination in marriage laws and promoting a more just and progressive society by putting these reforms into effect.

## **CHAPTER 5:**

### **CONCLUSION**

The difference in age of marriage according to the Hindu Marriage Act, 1955<sup>26</sup>, Special Marriage Act, 1954<sup>27</sup>, Prohibition of Child Marriage Act, 2006, Indian Christian Marriage Act, 1872, Parsi Marriage and Divorce Act, 1936, has historically been explained on social, historical, and biological grounds. Yet, with changing societal norms and growing acceptance of gender equality, this discrimination is being challenged. The existing law, which provides for a minimum age of 21 years for men and 18 years for women, not only supports patriarchal institutions but also goes against the constitutional doctrine of equality embedded in Article 14<sup>28</sup> and 15.

Although the law was designed to shield young women from child marriage, by assuming that men and women have different levels of maturity and responsibility, it unintentionally reinforces

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<sup>26</sup> Hindu Marriage Act, 1955, Section (iii).

<sup>27</sup> Special Marriage Act, 1954, Section 4 (c).

<sup>28</sup> Article 14 – Right to Equality.

gender- based discrimination. Proposals from the government, international standards, and the judiciary all indicate that reform is necessary. In order to ensure equitable opportunities, advance gender equity, and bring India's legal system into lines with modern socioeconomic realities, a uniform marriageable age must be established<sup>29</sup>.

## FINDINGS

- **Historical and Social Influence-** The differential marriage age is rooted in historical gender role, maturity, and social convention beliefs. Such rationales no longer fit contemporary ideas of women's rights and autonomy.
- **Violation of Constitutional Rights-** The difference is against Article 14 and Article 15 of the Indian Constitution, which provide equality and prevent discrimination on grounds of gender.
- **Impact on Women's Education and Careers-** The low marriage age for females has in the past resulted in early marriage, constraining their access to university education and economic autonomy.
- **Health and Well- being Issues-** Early marriage tends to result in early childbearing, which is detrimental to mental and child health, as attested by WHO and other public health institutions.
- **Judicial and Legislative Trends-** The courts and legal practitioners have complained of discrimination in the law as it currently stands, and marriageable age of 21 for both male and female.
- **International Trends in the law-** Most of the countries have uniform age of marriage already, which means that India has fallen behind global standards of human rights.

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<sup>29</sup> Supra, note 33.

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## SUGGESTIONS

- Legislative Reform: To create a uniform marriageable age of 21 for men and women, the legislation should reform the Hindu Marriage Act, 1955 and other relevant laws.
- Awareness and Sensitization Programs: To inform communities about the advantages of postponing marriage and advancing gender equality, public awareness campaigns are to be carried out.
- Economic and Educational Empowerment: To lessen social pressure for young marriages, policies should support women's financial independence and education.
- Increased Law Enforcement: Law enforcement should make sure that child marriage regulations are strictly followed and take action against individuals who encourage young marriages.
- Adoption of International Best Practices- India must learn from international legal systems that have effectively established a uniform marriageable age.
- Judicial Intervention- Courts need to remain active in dealing with the discriminatory nature of current law and nudge legal reforms.

Lastly, a single marriageable age is a step toward gender justice, women's empowerment, and uniformity in law. India can reaffirm its constitutional promise to equality and social advancement by amending the present system.

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4. Indian Christian Marriage Act, 1872, Section 60(1).
5. Parsi Marriage and Divorce Act, 1936, Section 3(1)(c).
6. Article 14 of Indian Constitution – Right to Equality.
7. Article 15 of Indian Constitution - Prohibits discrimination based solely on religion, race, caste, sex, place of birth.
8. Article 21 of Indian Constitution – Right to Life and Personal Liberty.