

Respected Parliamentarians,

Yesterday in the newspapers of 16th December, we came to know about Cabinet approval to the proposal of increasing the legal minimum age of marriage for girls, from 18 years to 21 years and the probability of this being presented in the current session of Parliament. And all of us, as Girl citizens of this country, felt that once again in our country the unquestioned authority that parents to communities to Governments feel entitled to, towards taking decisions about girls lives, is going to remain unchanged.

We girls and young women oppose this proposal.

And demand from the parliament of this country the fundamental right and safeguards for taking decisions about our own lives in our journey to becoming and being adults.

Last year, we have made a strong representation to the Task Force set up the honorable Prime Minister of India to review the proposed change in legal age of marriage of girl; In spite of the challenges emerging from the covid pandemic, we worked hard and collectively to gather representation of 2500 girls and young people from across the country discussing this comprehensively and submitted a detailed Report to the Task Force, opposing the proposal.

It is common belief that the move to increase the legal minimum age of marriage for girls is a positive step towards their empowerment. But we would like to counter this belief and oppose it. It in fact, further takes away our agency and adds control to our lives.

It is of course true, that many girls among us and our sisters from across the country desire to get married at the age of 21 years or even after that. There are also sisters who desire to get married around 18 years; it is informed by their lived realities and contexts. What is critical for all of us is the right to take this decision ourselves?

We believe, that girls have complete freedom to choose If, when, who and how to marry.

We would like to ask the Honorable Prime Minister of India who brought up this proposal on the Independence Day in 2020. Whether the girls of this country deserve and have this freedom and Independence?

It is true that social norms & practices, poverty, economic pressures, unreasonable expenses, lack of suitable opportunities for education or training for girls, the continued spate of violence against women and girls, the pressures of increasing living costs and migration for poor families residing in rural and urban centers are some of the core driving factors many girls being pushed into marriage while very young. And this is a matter of serious concern for us.

But do you really think a blanket law can address the root causes of this problem? And address the deep-seated inequality built into it?

Will such a law be able to ensure choice of partner, equality in a marital relationship and the marital home or even equality and freedom in our society? We believe that for facilitating such a change, the government needs to work on addressing the secondary status of women. There needs to be investment and progressive thinking in this direction. There needs to be protection of every girl, and woman's constitutional and human rights which also include her right to take decisions for herself based on her evolving capacities while young and totally as an adult.

When you Parliamentarians participate in the discussion on this proposal and cast your vote, we want you to consider some key questions, raised by the girls of your country:

- Will the Governments and the Parliament of this country enable dignity, equality, health, opportunities for education, opportunities for work and participation and representation, elimination of violence for girls and young women? Or instead pat their backs by voting for another Law, that further controls our lives and futures?
- Will you as public representatives, ensure for us the rights as equal citizens, the rights for full control over our bodies, our sexuality, our fertility and our lives, not label and segregate as by caste, religion and regions or will these have to continue to be our very personal and collective struggles as women?

We demand from you to vote against the proposal of increasing, the legal, minimum age of marriage for girls. We seek that, instead, you make a case for, pursue, propose and enable programs and policies for girls' development, equality and freedom.

If the main objective of this proposal is to strengthen the opportunities for higher education for girls, and improve their reproductive health, then deficits in structures and services relating to these need to be addressed and far-reaching improvements need to be made. That is the only way you can truly contribute to our empowerment.

Some facts and observations that we desire to share, that could help you understand our perspective:

1. Studies highlight that **girls are not dropping out of school to get married, rather girls are dropping out of school and getting married**. What girls really need are, accessible, free and qualitative educational opportunities, which support them to seek decent, and respectful employment. A commitment, planning and efforts toward these need to be ensured by the government.
2. Many estimates highlight that **the covid-19 pandemic and its related challenges have thrown out over a crore girls from formal education**. What is the government's plan to address this immense challenge?
3. NFHS 3 & 4 have highlighted that large numbers of young couples are making a choice for smaller families. But the issue of concern that remains is that **girls and young women still face a lot of pressure in marriages to bear children and do not have any agency over maternity and reproduction**. Since the 1994 Cairo conference, India is signatory to a commitment of ensuring full sexual and reproductive health rights to adolescents, young people and women. Yet, multitudes of girls do not have access to proper information, services, or support structures to lead reproductive decisions. Such a deficit cannot

be addressed by just increasing the age of marriage. Rather, it needs to be addressed through local, contextually responsive, women centered health programs and initiatives.

4. Whatever situations of **maternal deaths** we have seen around us, we are able to directly **associate with poverty, malnutrition and the lack of care**; We are sure your observations would be similar to ours, about maternal mortality that you've seen around you. National Health Data and International Research substantiate this. Does such a situation not demand a systemic change? Isn't strengthening maternal health care services the real answer to this critical health concern?
5. Many studies have highlighted in the recent past, that **just changing the legal minimum age of marriage cannot reduce or eliminate child and early marriage, rather, it may criminalize them**. A study of cases registered under PCMA 2006 highlights that this law is mostly used in our country by those parents who desire to access the criminal justice system to stop the self-arranged marriages of their legally minor daughters and sons. This law is very sparingly, used by girls and young people in challenging marriages arranged by their family, even if they are minor. This is primarily because the police and most service providers also carry a patriarchal perspective that marriage is necessary and central for a girl's life and the completion of a significant social responsibility by her parents. These are complex matters. If the legal minimum age of marriage remains at the age of adulthood that is 18 years and the government, and the Parliament actually endeavour for measures that create a sensitive responsive structure, then girls will be able to access it with greater confidence in challenging marriages arranged without their consent.
6. **The sexual reproductive rights of girls and young people need to be recognised and effective steps to ensure the same need to be initiated**: Our country has the highest number of young people as part of its population today, and yet it is a surprise that there is so much silence, and taboo around speaking about sexual and reproductive health and rights of young people. Should not the parliament of a progressive country think and deliberate about this and be concerned that the biggest proportion of its population be able to make sexual and reproductive decisions by choice and with consent in a healthy equal, de stigmatized and violence-free way. We urge you to increase the investments in and the coverage of the Rashtriya Kishor Swasthya Karyakram and advocate for more programs and policies that speak the language of health and rights for young people.
7. **We demand work, incomes, safe and healthy workplaces, equal wages, entitlements and benefits related to maternity and women's health; We demand equal rights in parental and marital family property**: All of you know that the Women's labor force participation rate in, India is 22 percent, which is among the lowest in developing countries in the world. Do you really think this can be addressed through a mere change in the legal minimum age of marriage?
8. **Please take a stand for urgent and comprehensive measures to arrest violence against women**: There may be a small drop in the crime rate against women per the NCRB data of 2020; It was extremely difficult to complain against violence during the strict and restrictive times of lockdown. You all know that one of the biggest hindrances in girls' continuation of education, women's work and employment and girls' participation in public forums, along with the compulsions of early and child marriage, is the prevalence of violence against women and girls. In a country where even Parliamentarians resort to giving regressive suggestions like staying at home or not stepping out in night, for girls to prevent violence, Do you really feel that just increasing the legal minimum age of marriage can improve

education, work and health outcomes for them? It is most essential to initiate, strong effective and progressive steps to challenge violence against women and girls.

We hope that you will think about all these issues. And will take a step to strengthen our rights rather than just support another law that controls the lives of countless girls in the country.

For equality and freedom,

We are

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13	Fathima	Bhima Sangha	Karnataka	8088885781
14	Kajalben Mohan Bhai Bariya	Gujarat Yuva Manch	Gujarat	9328965142
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16	Aarti Sisodia	Azad Jugnu Club	Madhya Pradesh	7354588234
17	Monika	Kishori Yuvati Samooh	Rajasthan	8529090152
18	Heena	-	New Delhi	7838603071
19	Nasreen	-	New Delhi	9267966278
20	Pinki	-	New Delhi	7827337433

21	Anita	-	Rajasthan	8278641077
22	Vaishali	-	Rajasthan	9785936021
23	Aranyani Swami	-	Gurgaon	9667951155
24	Reena Banjara	-	Rajasthan	7023180387
25	Sapna Oad	-	Rajasthan	6377536747
26	Manisha	-	Rajasthan	8890634498
27	Kismat Banu	-	Rajasthan	73573 69996
28	Pushpa Meena	-	Rajasthan	8905813142
29	Roshni Salvi	-	Rajasthan	8854855002

## References:

1. Ongoing study on Education, Work and Marriage in three States by Mary E John, Centre for Women's Development Studies with support from UNFPA and the Ford Foundation. All NFHS data in this memorandum comes from unit level analysis. The study focused on three states – West Bengal, Rajasthan and Telangana. (Child Marriage in an International Frame: A Feminist Review from India by Mary E John, Routledge, in press.)
  - ii Kannabiran, Kalpana, Sujit Kumar Mishra, and S. Surapa Raju. 2017. "Investigating the Causes for Low Female Age at Marriage: The Case of Telangana and Andhra Pradesh." *Economic and Political Weekly* 52 (18): 57-65.
  - iii ICRW forthcoming, No Voice, No Choice: Agency and Aspirations of Adolescent Girls on Marriage in Jharkhand, Baseline findings from UMANG Program; Srinivasan, Padmavathi; Khan, Nizamuddin; Verma, Ravi; Giusti, Dora; Thisis, Joachim & Chakraborty, Supriti. (2015). District-level study on child marriage in India: What do we know about the prevalence, trends and patterns? New Delhi, India: International Center for Research on Women.
2. According to the National Right to Education forum's policy brief, 10 million girls are at risk of dropping out.
3. From NFHS 3 to NFHS 4 the proportion of teenage pregnancies has halved. In over 13 states the fertility rates have dropped to below replacement levels, and this includes states like West Bengal and Telangana which are among the highest prevalence states in India for child marriage. The only state that evinces relatively higher rates of fertility in the country is Bihar (TFR 3.54), and is in the nature of an outlier. In other words, with this exception, all families, even those from poorer backgrounds and who are marrying early are having small families.
4. When analyzed, NFHS 4 data shows quite clearly that once different factors are disaggregated (such as age, poverty, educational attainment and so on) it is poverty that is playing an overwhelming role in the health of mothers (even at higher ages of marriage such as 21 years) and much more so than mere age.
5. Barua, Alka, Katherine Watson, Marina Plesons, [et.al.](#) Adolescent health programming in India: a rapid review. *Reproductive Health BMC* (2020) 'Seen, Not Heard: Youth Led Audit of Sexual and Reproductive Health Services in Lucknow. The YP Foundation (2016)
6. Per the Periodic Labour Force Survey, 2019-20, the female labour force participation rate is observed to be 22.8%.