

## INCREASING THE LEGAL AGE OF WOMEN MARRIAGE: A DOMINANT STRATEGY FOR SOCIETAL GOOD, FINANCIALLY EMPOWERING WOMEN

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India is on the verge of increasing the legal age of marriage of women from 18 years, might be the same as of men. The Hon'ble Prime Minister in his Independence Day speech announced that the Government will soon take a decision on the age of marriage of women and it was recently reiterated signaling at a possibility of the legal age of marriage for women to be raised from 18 soon.

We believe that increase in marriage age has enormous benefits on social and economic fronts for women. On social front, this will lead to social benefits like lowering Maternal Mortality Ratio (MMR) as well as improvement of nutrition levels while on financial front opportunities will be opened up for women to pursue higher education and careers and become financially empowered, thus resulting in a more egalitarian society in thinking. We believe increasing the legal age has the potential to reduce India's MMR significantly from 113 (2018). Further, increase in marriage age will push the mean marriage age higher and will lead to more females doing graduation and hence the abysmal female labour force participation ratio. As per our estimates, the percentage of females doing graduation will increase by at least 5-7 percentage points from the current level of 9.8%. The results of NFHS 4 survey also indicate that well-off woman marries at a later age.

Interestingly, the mean marriage age in India is already above 21 years (i.e. 22.3 years) and any increase in marriage age will be notional in nature. Thus it seems that we require a change in mindset of people regarding female education and marriage. Still 35% of females in India are married before the age of 21 years. The situation is grave in some States. Surprisingly, the situation in West Bengal is the worst across all states with the mean marriage age only 20.9 years and almost 47% of females getting married before the age of 21 years, even worse than Bihar and Rajasthan. It is thus clear that even relatively advanced and progressive states are faced with a daunting task of altering the social and cultural behavior of people which can't be achieved overnight.

Coming to the social impact of early marriage, this has adverse impact on health of mother as well as child. If we look at the data on maternal deaths, it shows that maximum proportion of maternal deaths occur in the lower age bracket. India's maternal mortality ratio has improved to 113 in 2016-18 from 130 in 2014-2016, however it is still far below the UN SDG target of 70 per 1,00,000 live births. State-wise data shows that out of 19 major states, 7 states have maternal mortality rate higher than the national average and the number stands at 6 and 11 respectively in case of infant mortality rate and stillbirth rate. Uttar Pradesh has highest maternal mortality rate, while Madhya Pradesh and Odisha have the worst performance in case of infant mortality rate and still birth rate respectively. When compared globally, in India anemia is present amongst 51.4% of women in reproductive age, as against the world average of 32.8%.

Interestingly, marrying at an age higher than the Legal Age is dominant strategy for both Men and Women. If the Men and Women are both lower than the legal age at the time of marriage the payoff to specifically Women will be significantly negative and much lower than Men, who can still extract a positive payoff as the Men can always inherit ancestral land / properties, even without education. If however, Men are more than the legal age, but Women still lower, the Men will continue to have a higher payoff, but the Women will continue to have a negative payoff as they are still not financially empowered. Hence, Men will have prefer to marry after crossing legal age as a dominant strategy. In a similar vein, Women will surely try to marry at more than the legal age, as this gives them exponentially higher payoff than if they marry at a age lower than legal age. Thus, both of them will gain economically and socially by marrying when they are more than the legal age, but the urge of the Women is much higher as Women always gets a higher payoff by becoming financially empowered to take decisions!

We also firmly believe that increasing the Legal age for marriage is a must even legally as it should get us out of the stereotype mindset that women are more mature than men of the same age and therefore can be allowed to marry sooner. We thus join forces with all for abolition of laws that assume women have a different physical or intellectual rate of growth than men.

### INCREASE IN LEGAL MARRIAGE AGE

- ◆ India's Prime Minister in his Independence Day speech announced that the Government will soon take a decision on the age of marriage of women and again mentioned it recently. Earlier, while presenting the Union Budget 2020-21 in Feb'20, India's finance minister had proposed setting up a task force within six months that would review the minimum age of marriage for women in the country, and study its implications on maternal health. Recently the Women and Child Development Ministry announced that this body has now been set up, signaling at a possibility of the legal age of marriage for women to be raised from 18 to 21 years. If implemented, this is the first time that the Government will have changed the age for women since 1978 when it was increased from 15 to 18 by amending the erstwhile Sharda Act of 1929. Further, with this India will be in league of handful of nations (like China, Singapore, South Africa, etc.) that have legal marriage age of 21 years. Currently almost 65% of nations have legal marriage age of 18 years only.

States	Mean Age at Marriage	% of Females by age at Marriage		
		<18	18-20	21+
J&K	25.6	1.5	12.3	86.2
Punjab	23.8	1.7	21.6	76.8
Delhi	23.7	1.3	21.6	77.1
Himachal Pradesh	23.6	1.7	21.8	76.5
Jharkhand	23.4	2.5	33.1	64.4
Kerala	23.2	0.9	25.1	74.0
Tamil Nadu	23.2	1.9	20.8	77.3
Gujarat	22.6	2.0	30.3	67.7
Karnataka	22.6	1.5	31.9	66.5
Maharashtra	22.6	2.2	29.3	68.5
Haryana	22.4	1.4	29.3	69.3
<b>India</b>	<b>22.3</b>	<b>2.3</b>	<b>33.2</b>	<b>64.5</b>
Uttar Pradesh	22.3	2.1	31.0	66.9
Uttarakhand	22.3	1.7	26.7	71.6
Andhra Pradesh	22.1	2.3	33.8	63.9
Assam	22.1	2.4	35.0	62.6
Chhattisgarh	22.0	2.0	36.4	61.6
Odisha	21.9	2.9	37.4	59.7
Telangana	21.9	1.8	35.6	62.6
Bihar	21.7	3.2	37.4	59.4
Rajasthan	21.7	3.5	37.5	58.9
Madhya Pradesh	21.4	2.5	42.4	55.1
West Bengal	20.9	3.7	47.2	49.1

Source: SRS Statistical Report 2018; SBI Research

- ◆ We believe that increase in marriage age has enormous benefits on social and economic fronts for women. On social front, this will lead to lowering MMR as well as improvement of nutrition levels, while on financial front opportunities will be opened for women to pursue higher education and careers.
- ◆ Interestingly, the mean marriage age in India is already above 21 years (i.e. 22.3 years) and any increase in marriage age will be notional in nature. **What is required is change in mindset of people regarding female education and marriage. However, still 35% of females in India are married before the age of 21 years.**
- ◆ The situation is grave in some States. In West Bengal, mean marriage age is only 20.9 years and almost 51% of females got married before the age of 21 years. If the legal marriage age is increased to 21 years, then the States will be faced with a daunting task of altering the social and cultural behavior of people which can't be achieved overnight.

**DETERMINANTS OF MEDIAN MARRIAGE AGE IN INDIA**

- ◆ **Education Level:** As expected, education plays a vital role in determining the median marriage age in India. According to NFHS 4, women having 12 or more years of schooling marry much later than other women. The median age at first marriage for women age 25-49 increases from 17.2 years for women with no schooling to 22.7 years for women with 12 or more years of schooling.
- ◆ **Religion:** In India, religion is another factor that impacts the median marriage age among women. The median age at first marriage for women age 25-49 is higher among Christian women (21.6 years), Jain women (21.2 years), and Sikh women (20.9 years) than women from all other specific religions (18.0-19.2 years).

**SOCIAL BENEFITS**

**Higher proportion of maternal deaths in lower bracket**

- ◆ Early marriage has an adverse effect on health of mother as well as child. The mother is not mature enough mentally as well physically which in turn affects the child, leading to higher infant mortality as well as maternal mortality.
- ◆ The data on maternal deaths shows that maximum proportion of the maternal deaths occur in the lower bracket. India's maternal mortality ratio has improved to 113 in 2016-18 from 122 in 2015-17 and 130 in 2014-2016, however it is still far below the UNs SDG target of 70 per 1,00,000 live births.

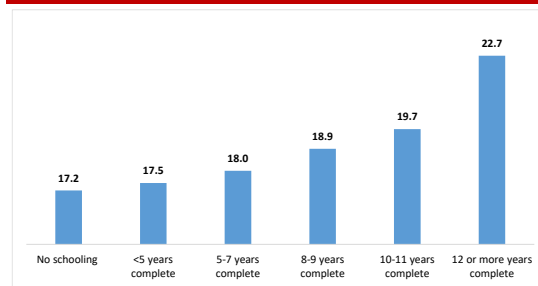
**India fares poorly in case of mother and child nutrition**

- ◆ When compared globally, India has one of the worst performances in mother and child nutrition. As per the FAO report, in India anemia is present amongst 51.4% of women in reproductive age, as against the world average of 32.8%. When we look at children under 5 who are stunted there again India has significantly higher number compared to other developing countries including Bangladesh, Indonesia & Malaysia.
- ◆ Also, the recent report of the UN Inter-agency Group for Child Mortality estimation shows that India along with 5 other countries (China, Democratic Republic of Congo, Pakistan, Nigeria and Ethiopia) account for half of the global stillbirths. Further, the report clearly emphasizes the importance of mother's health and nutrition as well as education in reducing stillbirths.

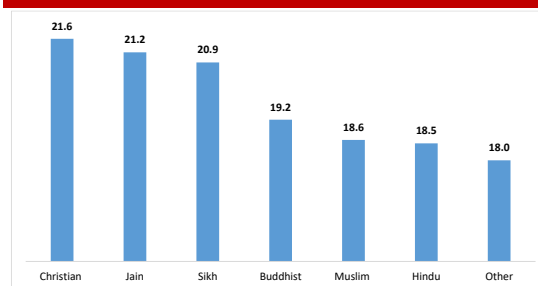
**Increasing the legal age for marriage is a step in the right direction**

- ◆ Infant mortality in India is quite high at 32, with rural India having infant mortality of 36 and urban of 23. Looking at state-wise data we find that out of 19 major states, 7 states have maternal mortality rate higher than the national average and the number stands at 6 and 11 respectively, in case of infant mortality rate and stillbirth rate. Uttar Pradesh has the highest maternal mortality rate, while Madhya Pradesh and Odisha have the worst performance in case of infant mortality rate and still birth rate, respectively.
- ◆ Various indicators of mortality data show that it is more prevalent in rural areas and since child marriage are more common to rural areas, we believe that increasing the legal age of marriage from 18 to 21 is one positive step towards reducing maternal mortality and infant mortality.

**Women's Median Age at First Marriage by Schooling**



**Women's Median Age by Religion**



Source: NFHS 4; SBI Research

Age Group	Age group wise Deaths	
	Maternal Deaths Proportion	Non-maternal Deaths Proportion
15-19	5%	9%
20-24	33%	11%
25-29	32%	12%
30-34	17%	13%
35-39	7%	14%
40-44	4%	18%
45-49	1%	22%

Source: SRS 2018

	Nutrition related Statistics (FAO)			
	%		mn	
	Prevalence of Stunting in Children below 5 years	Prevalence of Anaemia among women of reproductive age	#of Children below 5 years who are stunted	# of women of reproductive age who are anaemic
World	21.3	32.8	144	613.2
India	34.7	51.4	40.3	175.6
Indonesia	30.5	28.8	7.4	20.2
Malaysia	20.7	24.9	0.5	2.1
Bangladesh	30.8	39.9	4.3	18.2

Source: FAO Report -The State of Food Security & Nutrition in the World, 2020

	Mortality Data		
	Rural	Urban	Total
Infant mortality	36	23	32
Neo Natal mortality	27	14	23
Still Birth Rate	4	4	4
MMR			113

Source: SBI Research, SRS 2016-18

- ◆ As per the latest World Bank data for Maternal Mortality Ratio (MMR), the average maternal mortality of countries with 18 years as legal age of marriage (129 deaths per 100000 live births) is higher than average maternal mortality of countries with 21 as the legal age (124 deaths per 100000 live births). We believe that India's MMR too can reduce significantly from 113 (2018) after the legal marriage age is increased to 21. Coupled with this, ensuring proper nutrition to mother and child will help in ensuring a better tomorrow.

**ECONOMIC BENEFITS**

- ◆ Apart from the social benefits, the increase in marriage age will lead to enormous economic benefits for females and empower them further. This is clear from the data which shows that in the states where mean marriage age is more than national average, the percentage of females doing graduation and above are almost 5 percentage points higher than the states where mean marriage age is less than the national average. Also, the working age population increases with high marriage age.
- ◆ We believe that increase in marriage age will further push the mean marriage age and will lead to more females doing graduation and hence coming into labour force. As per our estimates, the percentage of females doing graduation will increase by atleast 5-7 percentage points from the current level of 9.8%. The results of NFHS 4 survey also indicate that well-off woman marries at a later age. The difference in median marriage age between the lowest and highest wealth quantile is 3.4 years.

**WOMEN WILL BECOME FINANCIALLY EMPOWERED AND HAVE HIGHER PAYOFFS BY MARRYING AT AN AGE HIGHER THAN LEGAL**

- ◆ **Interestingly, marrying at an age higher than the legal age is dominant strategy for both Men and Women.** If the Men and Women are both less than the legal age at marriage at the time of marriage the payoff, specifically to Women, will be significantly negative and much lower than Men, who can still extract a positive payoff as the Men can always inherit ancestral land / properties. If however the Men is more than the legal age, but Women still lower, the Men will have a higher payoff, but the Women will continue to have a negative payoff as they are still not financially empowered. Hence, Men will always have a dominant strategy to marry after crossing the legal age. In a similar vein, Women will surely want to marry at more than the legal age, as this gives them exponentially higher payoff than if they marry at a age lower than legal age. Thus, both of them will defect and gain economically and socially by marrying when they are more than the legal age, but the urge of the Women is much higher as Women always gets a higher payoff by becoming financially empowered to take decisions!
- ◆ Clearly this shows that **marrying above legal age is the dominant strategy for this game, leading to the Nash equilibrium when both Men and Women are above legal age at the time of marriage.** We believe Government has also a role in incentivizing people to get married above legal age enhancing social and economic benefits to the country.

**WAY FORWARD**

- ◆ We welcome any enhancement of legal marriage age of women in India from 18 to 21 years. Apart from plethora of social and economic benefits the move have other legal and psychological benefits also. One of such benefits will be that the legal marriage age will become same for men and women. **In a consultation paper of reform in family law in 2018, the Law Commission argued that having different legal standards contributes to the stereotype that wives must be younger than their husbands".** Women's rights activists too have argued that the law perpetuates the stereotype that women are more mature than men of the same age and therefore can be allowed to marry sooner. The international treaty Committee on the Elimination of Discrimination against Women (CEDAW), also calls for the abolition of laws that assume women have a different physical or intellectual rate of growth than men.
- ◆ However, any ground-level change will only happen when the psyche of people alter. As it is clearly evident that education plays a crucial role in deciding the marriage age of women, the family/society should encourage women education as much as possible. The laws in this regard need to be applied strictly. The role of religion in this regard is rather ticklish and need individual attention.

Mortality Rates			
State	Maternal Mortality Rate	Infant mortality Rate	Still Birth rate
Andhra Pradesh	3.6	29.0	3.0
Assam	14.0	41.0	2.0
Bihar	15.1	32.0	2.0
Chhattisgarh	12.1	41.0	9.0
Gujarat	5.1	28.0	4.0
Haryana	7.0	30.0	6.0
Jharkhand	5.6	30.0	1.0
Karnataka	4.9	23.0	5.0
Kerala	2.1	7.0	5.0
Madhya Pradesh	15.9	48.0	5.0
Maharashtra	2.6	19.0	5.0
Odisha	9.7	40.0	10.0
Punjab	7.0	20.0	5.0
Rajasthan	14.5	37.0	6.0
Tamil Nadu	3.2	15.0	4.0
Telangana	3.6	27.0	2.0
Uttar Pradesh	17.8	43.0	3.0
Uttarakhand	6.4	31.0	8.0
West Bengal	5.0	22.0	5.0
India	7.3	32.0	4.0

State-wise Female Graduate and Working Age Population						
States	Mean Age of Marriage	Sex Ratio (female per 1000 male)	% of females in the age group 15-49 which is Graduate and above		% of females in the working age group 15-59 years	
			Level (%)	Average	Level (%)	Average
J&K	25.6	927	8.7		70.4	
Punjab	23.8	890	11.4		69.7	
Delhi	23.7	844	21.6		69.5	
Himachal Pradesh	23.6	930	15.8		67.9	
Jharkhand	23.4	923	5.8		64.4	
Kerala	23.2	957	21.8	13.2	66.5	68.0
Tamil Nadu	23.2	908	17.3		69.0	
Gujarat	22.6	866	8.7		66.6	
Karnataka	22.6	924	11.1		68.8	
Maharashtra	22.6	880	12.8		67.3	
Haryana	22.4	843	10.2		67.4	
India	22.3	899	9.8		66.3	
Uttar Pradesh	22.3	880	8.7		64.5	
Uttarakhand	22.3	840	15.9		62.8	
Andhra Pradesh	22.1	920	7.9		71.1	
Assam	22.1	925	3.6		66.6	
Chhattisgarh	22.0	958	7.8		64.5	
Odisha	21.9	933	7.2	8.3	66.8	65.8
Telangana	21.9	901	12.5		71.4	
Bihar	21.7	895	4.0		60.2	
Rajasthan	21.7	871	10.0		64.0	
Madhya Pradesh	21.4	925	6.9		63.1	
West Bengal	20.9	941	6.4		68.9	

Source: SRS Statistical Report 2018; SBI Research

**Payoff Matrix for Age at Marriage**

	Women <legal age	Women >= legal age
Men <Legal age	0, -3	1, 3
Men >= Legal age	2, -2	6, 7*

Source: SBI Research; \* Nash Equilibrium

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