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# **BALANCING PROTECTION AND AUTONOMY: RETHINKING THE AGE OF CONSENT FRAMEWORK UNDER THE PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT, 2012**

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## **ABSTRACT**

India's age of consent laws has developed through a combination of colonial laws, modern legal changes, and existing cultural practices. Before colonial rule, sexual behavior in India was mainly controlled by religious customs. These customs emphasized puberty and marriage, often at the expense of individual consent and personal freedom. The colonial period saw a significant shift with the introduction of the Indian Penal Code of 1860, which, for the first time, established a codified age of consent, a measure that underwent subsequent amendments in response to social reform initiatives. Additionally, the Protection of Children from Sexual Offences Act of 2012 (POCSO), which set the age of consent at eighteen and introduced a strict liability system, was a product of India's post-independence drive to strengthen its laws regarding sexual offenses. Although the primary aim of this framework is to protect children from exploitation, it has inadvertently produced unintended consequences, notably the criminalization of consensual relationships among adolescents. The absence of a close-in-age exemption, coupled with mandatory reporting obligations and a presumption of culpability, has led to the legal framework's misapplication, often instigated by families disapproving of inter-caste or inter-religious relationships. A more nuanced perspective is warranted, given that judicial decisions have increasingly recognized the tension between adolescent autonomy and child protection. It suggests specific changes, such as the addition of a "Romeo and Juliet" clause, regulated judicial discretion, and institutional frameworks that differentiate between relationships that are exploitative and those that are consensual.

**Keywords:** Adolescent Relationships, Child Protection, Criminal Law, India, Juvenile Justice, Legal Reform, Consent, Gender Justice, Age of Consent, POCSO Act.

**LIST OF ABBREVIATIONS**

|                             |   |
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| <b>POCSO Act</b>            | Protection of Children from Sexual Offences Act, 2012.        |
| <b>IPC</b>                  | Indian Penal Code, 1860.                                      |
| <b>BNS</b>                  | Bharatiya Nyaya Sanhita, 2023.                                |
| <b>JJ Act</b>               | Juvenile Justice (Care and Protection of Children) Act, 2015. |
| <b>PCMA</b>                 | Prohibition of Child Marriage Act, 2006.                      |
| <b>CWC</b>                  | Child Welfare Committee.                                      |
| <b>FIR</b>                  | First Information Report.                                     |
| <b>LGBTQ</b>                | Lesbian, Gay, Bisexual, Transgender, Queer, and others.       |
| <b>Art.21</b>               | Article 21 of the Indian Constitution.                        |
| <b>NGO</b>                  | Non-Governmental Organization.                                |
| <b>UNCRC</b>                | United Nations Convention on the Rights of the Child.         |
| <b>J.S. Verma Committee</b> | Justice J.S. Verma Committee.                                 |

**LIST OF STATUTES**

- Protection of Children from Sexual Offences Act, 2012.
- Bharatiya Nyaya Sanhita, 2023.
- Juvenile Justice (Care and Protection of Children) Act, 2015. • Prohibition of Child Marriage Act, 2006.
- Age of Consent Act, 1891.

## INTRODUCTION

The Protection of Children from Sexual Offenses Act, 2012 (POCSO Act) was passed to protect children from sexual abuse, exploitation, and trafficking. The law makes all sexual activity with minors illegal, regardless of whether the minor agrees. It achieves this through a strict and unchanging definition of a "child," which includes anyone under eighteen. This stringent legal framework has engendered considerable legal and societal challenges, particularly concerning the recognition of adolescent relationships, despite its crucial protective purpose. A substantial proportion of POCSO cases in contemporary India involve romantic entanglements among teenagers or individuals of similar ages, rather than instances of coercion or exploitation. Even consensual relationships, such as those between a 17-year-old and a 19-year-old, are classified as criminal offenses due to the absence of a "Romeo-Juliet" or close-in-age exemption. Consequently, young individuals may be subject to severe criminal prosecution, as the law fails to distinguish between consensual peer relationships and exploitative sexual conduct. The lack of a specific exemption has also raised concerns about families potentially misusing or "weaponizing" the law, especially in situations involving relationships that are socially unacceptable. To discourage elopements or romantic partnerships, parents often impose harsh POCSO restrictions, converting a personal choice into a criminal act. As a result, the legal system itself becomes a tool of punishment in these cases. Given the right to life and personal liberty protected by Article 21 of the Indian Constitution, this strict statutory framework raises significant constitutional issues. Judicial interpretations of Article 21<sup>1</sup>, as exemplified by the ruling in *Justice K.S. Puttaswamy v. Union of India*,<sup>2</sup> have expanded its scope to encompass privacy, dignity, and decisional autonomy, potentially encompassing an individual's preferences within intimate relationships. The right to choose a partner is strongly protected as a core aspect of individual freedom, as demonstrated in cases like *Shafin Jahan v. Asokan K.M.*<sup>3</sup> The POCSO Act's broad criminalization of consensual relationships involving adolescents seems to conflict with these developing constitutional principles. A critical question emerges: should Indian law continue its stringent, uniform approach, or should it adapt to the realities of adolescent development and autonomy? It is becoming more and more important to distinguish between consensual teenage relationships and exploitative offenses.

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<sup>1</sup> Indian Const. art 21.

<sup>2</sup> AIR 2018 SC (SUPP) 1841.

<sup>3</sup> AIR ONLINE 2018 SC 1136.

## **STATEMENT OF PROBLEMS**

The Protection of Children from Sexual Offences (POCSO) Act, 2012, establishes a fixed age of consent at eighteen, thereby criminalizing all sexual activity involving minors, regardless of whether consent is present. While its stated purpose is to protect minors from exploitation, this legal framework has paradoxically led to the criminalization of consensual relationships among adolescents, especially those involving individuals near the legal age of majority, defined as 18 years. The lack of a close-in age exemption, combined with mandatory reporting requirements and presumptions of guilt, has facilitated the law's misuse, frequently instigated by families disapproving of these relationships. Consequently, this scenario engenders a conflict between the objectives of safeguarding children and the principle of adolescent autonomy, thereby underscoring the necessity for a more nuanced and context-sensitive legal approach.

## **RESEARCH QUESTIONS**

1. The POCSO Act's rigid structure, which casts a wide net over all sexual activity involving minors, prompts a closer look at its implications for consensual relationships between teenagers or those in similar age brackets. Does the lack of a "Romeo–Juliet" clause facilitate the law's misuse by families aiming to punish romantic involvements and elopements?
2. To what degree does this inflexible stance contravene the constitutional right to personal autonomy as enshrined in Article 21?
3. This research endeavors to analyze the legal structure governing the age of consent, as stipulated by the Protection of Children from Sexual Offences (POCSO) Act of 2012. It will also assess the consequences of the strict age of consent on consensual adolescent relationships in India. Additionally, the research will identify the challenges and unintended effects arising from the strict application of POCSO, including potential misinterpretations of its legal stipulations.

## **OBJECTIVES:**

- To examine the Protection of Children from Sexual Offences (POCSO) Act, 2012's legal framework regarding consent age.

- To examine how India's strict consent age affects adolescent relationships that are consensual.
- To determine the difficulties and unforeseen repercussions, such as abuse of legal provisions, that result from the strict application of POCSO.
- To examine different legal strategies, such as introducing a flexible consent framework and a "Romeo and Juliet" clause.

## **METHODOLOGY:**

Adopting a doctrinal and analytical research methodology, the current study mainly relies on the analysis of legal texts, judicial interpretations, and secondary sources. The study, which is qualitative in nature, aims to critically examine the current legal framework in India that governs consent age, specifically with regard to the Protection of Children from Sexual Offenses (POCSO) Act, 2012. The only sources used in this study are research papers, journal articles, committee reports (such as the Justice J.S. Verma Committee Report), and empirical studies carried out by companies like Enfold India.

## **REVIEW OF LITERATURE**

*1. Apoorva Bhardwaj & Anjana Kumari, between consent and crime: rethinking legal boundaries for consensual teenage relationships, Journal on the Rights of the Child of National Law University Odisha Vol. VI, Issue II, October 2025, pp. 87-104*

A concept known as the Romeo Juliet clause states that if two people are in a consensual sexual relationship and one of them is a minor and the other has reached the age of consent a year or two earlier, then that situation may be treated as an exception allowing a small age gap between them, known as a close-in age exemption so that an innocent person is not treated as an accused person and is not identified a sex offender for the rest of their life. The famous play Romeo and Juliet by William Shakespeare, which examines the romantic relationship between two teenagers, is the source of this clause's name (Close in age exemptions/ Romeo and Juliet laws, n.d.). This idea is only applied to safeguard young people's interests and distinguish between relationships that are consensual and those that are exploitative. In certain instances, this exemption also allows young people to freely explore their gender identity as members of the LGBTQ+ community.

2. *Srimathi Venkatesan & Mouli Shankar p, courts caught in emotion and statutes: the judicial struggle in adolescent romantic cases, vol. 4 issue 4, journal of legal research and juridical sciences, issn (o): 2583-0066.*

Young couples who are close in age but one of them is a minor may face harsh legal repercussions as a result of the strict application of POCSO. Although Indian law currently does not specifically recognize such a provision in POCSO, this has sparked discussions about the "Romeo-Juliet" clause (where an age difference below a certain threshold might mitigate the offence). When a young girl involved in such a relationship is taken to court, she frequently experiences severe social stigma for both the relationship and being a "victim." She may become more dependent on the accused partner for stability and support as a result of the court proceedings, police involvement, and possible placement in shelter homes.

3. *Neha Susan Varghese, the double-edged sword of consent law in India, International Journal of Legal Research and Studies, ISSN: 2456 -608X*

All sexual relationships under the age of eighteen, whether or not they are consensual, are illegal under the consent law. The circumstances and context of the relationship are not taken into account by the law. As a result, the law has been abused and harassed. The Justice JS Verma Committee had objected to the consent laws raising the age of consent from 16 to 18. The committee believed that raising the consent age would violate the spirit of the Child Rights Conventions by making all consensual sexual activity by minors under the age of 18 illegal. It is necessary to change this strict and limited interpretation of the age of consent. Adding a flexible age of consent would be an alternative strategy. The age of consent has been examined from two angles in recent research that the "single-stage system and the multi-stage system". The age of consent in the single-stage system is set at a single age and is applicable in all situations, regardless of the specific facts and circumstances. The age of consent in the multistage approach would change based on the specifics of the case and the type of relationship between the parties. According to this method, the age of consent law's protection diminishes as people's capacity for self-determination grows and their need for protection decreases. The age of consent may be lower when both parties are almost the same age but it would rise in an authority relationship because children require greater protection.

4. *Sunil Sudhakar Varnekar and Dr. Upankar Chutia, Navigating consensual relationships: Understanding the POCSO Act, International Journal of Civil Law and Legal Research 2024,*

E-ISSN: 2789-8830, P-ISSN: 2789-8822.

It's important to understand that the Protection of Children from Sexual Offences (POCSO) Act, 2012 is designed to protect children from sexual exploitation and abuse. The Act prohibits having any kind of sexual contact with a minor, which is defined as anyone under the age of eighteen, regardless of consent. Consensual interactions with a minor are therefore forbidden and illegal under the POCSO Act, regardless of the child's apparent desire. An adult who has a consensual relationship with a minor may face harsh legal consequences under the POCSO Act, including criminal charges, jail time, and fines. The Act takes a strong stand against the sexual exploitation of minors and is intended to protect the welfare of children.

*5. Hritwik Ravi, childhood, consent, and privacy: a case comment on in re: right to privacy of adolescents, Journal on the Rights of the Child of National Law University Odisha Vol. VI, Issue II, October 2025, pp. 144-150.*

One of the the basis of Indian child protection law is the Protection of Children from Sexual Offences (POCSO) Act, 2012. It is a legislative barrier created with the admirable and essential goal of protecting the most vulnerable citizens of the country from the evil of sexual abuse. It creates a legal reality where a minor's consent to a sexual act is null and void by defining a "child" as any individual under the age of eighteen. This act is the most powerful manifestation of the *parens patriae* doctrine, which holds that the state is the ultimate guardian. The Indian legal system has unintentionally been involved in a social conflict as a result of this widespread criminalization policy, which is an essential weapon in the fight against exploitative predation. The complex, often messy realities of teenage sexuality have been compared to the inflexible rigidity of the law. Research has consistently shown that a significant portion of POCSO cases which are estimated to be between 20% and 25% are "romantic" cases involving consenting relationships between teenagers of similar ages rather than predatory abuse. When two children are found to be in a relationship that violates the Act's provisions, the judiciary typically automatically labels the girl as the "victim" and the boy as the "accused," sending him into the juvenile justice system. In these situations, the law's gender-neutral language is routinely interpreted in a gendered manner. The girl, however, is referred to a Child Welfare Committee.

## **HISTORICAL BACKGROUND:**

## **Before Colonization**

In pre-colonial India, ideas about sexual maturity and relationships were shaped more by religion and social customs than by fixed legal rules. Traditionally, the onset of biological maturity, particularly puberty, was the primary determinant of readiness for both marriage and sexual activity, rather than a legally defined age of consent. Religious doctrines, such as those found in the Dharmashastras, regarded marriage as a religious obligation and a fundamental societal structure. Therefore, in this context, the family's needs and expectations often took precedence over the individual's personal desires. Although these texts implied that marriage should occur post-puberty, they did not specify a precise age. Simultaneously, the contemporary notion of personal consent within marriage was largely nonexistent. Marriage was perceived as granting the husband an unassailable entitlement to sexual relations, with minimal acknowledgment of a woman's bodily autonomy. Concepts like marital rape or individual sexual consent within marriage were absent from the social and legal comprehension of that era.

## **Colonial Foundations**

When the Indian Penal Code (IPC) was introduced in 1860 during British rule, it set the age of consent at just ten years. The impetus behind these actions was less about safeguarding children and more a reflection of prevailing Victorian moral sensibilities. The public's growing concern about child marriage and the mistreatment of young girls led to a strong public outcry and discussion, which eventually forced the government to act. Consequently, the age of consent Act of 1891 was enacted, and the age at which marriages are allowed was twelve. This was increased to fourteen in 1925, and sixteen in 1940. Even after these changes in the law, it still brought about a huge contradiction: the law nonetheless provided an exception when it came to the case of marriage. This permitted a girl to be legally susceptible to sexual intercourse within a marriage, although in other situations she was too young to agree.

## **Post-Independence Developments**

India gradually started to fortify its laws regarding sexual offenses. Revisions in 1983 and again in 2013 expanded the definition of sexual assault and toughened penalties. A significant shift occurred with the POCSO Act of 2012. This law, taking a more child centered approach, defined anyone under eighteen as a child and made all sexual acts involving minors

illegal. The system acknowledged that victims could be of any gender and established specialized courts to handle these cases more quickly and with greater sensitivity.

### **LEGAL INCONSISTENCIES WITH THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015.**

The law provides a loophole to protect the older person as a sex offender, as long as the relationship between the two youths is consensual and one of them has just attained the age of consent though this is the intended meaning of the term as it is used in the play *Romeo and Juliet* by William Shakespeare, which depicts a romantic affair between two teenagers, where one is technically underage. It is also used to protect the rights of the youth, and it can occasionally provide them with the power to explore the aspects of their identity, including the gay community. However, Indian law adopts a strict approach. It operates on a strict liability basis, which means that even if both parties agree, like a seventeen-year-old and a nineteen-year-old, the law can still bring charges.<sup>4</sup>

Courts have recognized that many of these cases stem from consensual romantic connections, not force. Still, they're stuck with the letter of the law, with little room to maneuver. Moreover, there's been worry about how these laws are sometimes weaponized by families. This is especially true in situations involving inter-caste or inter-religious relationships, where criminal charges might be used to break up a couple. The rigid structure of this legal framework prompts important questions about how societal norms influence legal processes, and the resulting effects on individual freedoms and the nature of relationships during adolescence. Empirical evidence demonstrates a significant disparity between the intended goals of the legislation and the actual dynamics observed within adolescent relationships. A 2022 study by Enfold India, encompassing states such as Assam, Maharashtra, and West Bengal, revealed that a considerable proportion of cases brought under the Protection of Children from Sexual Offences (POCSO) Act originate from consensual adolescent relationships, often classified as "romantic cases." These cases constituted approximately 24.3% of the total, with nearly 80.2% of complaints originating from parents or relatives, usually triggered by the discovery of the relationship or a subsequent pregnancy. Furthermore, the study indicates that the overall conviction rate is relatively low, approximately 29.6%, with

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<sup>4</sup> Apoorva Bhardwaj & Anjana Kumari, between consent and crime: rethinking legal boundaries for consensual teenage relationships, *Journal on the Rights of the Child of National Law University Odisha* Vol. VI, Issue II, October 2025, pp. 87-104.

numerous cases concluding in acquittal when the victim becomes hostile and acknowledges the consensual nature of the relationship.<sup>5</sup> Consequently, this situation underscores the conflict between the stringent enforcement of POCSO and the actual experiences of young couples, especially those of similar ages where one partner is legally a minor. Although Indian law does not currently recognize a close-in-age or "Romeo and Juliet" exemption which in other jurisdictions allows minor age differences to mitigate criminal liability in consensual relationships its absence has sparked significant legal and academic debate. In these situations, young people, particularly young women, frequently endure significant social disapproval, both for their romantic involvement and for being branded as a "victim." The legal system, including court appearances, police involvement, and the possibility of being placed in shelters, can worsen the difficulties faced by those involved.

This process might also increase their emotional and financial dependence on the person accused, as they seek support and safety. Young couples, where one partner is a minor, may face serious legal consequences due to how the Protection of Children from Sexual Offences (POCSO) Act is enforced. Although the POCSO Act doesn't specifically mention this, the idea of a "Romeo-Juliet" clause has been discussed in legal circles. This clause suggests that a smaller age difference could lessen the severity of the offense. When a young girl in such a relationship goes to court, she often faces significant social stigma, both for the relationship and for being seen as a "victim." Consequently, the legal proceedings, police intervention and potential placement in shelter homes could exacerbate her reliance on the accused partner for both emotional and practical assistance. The existing age of consent laws, due to their rigid stipulations, engender a multitude of legal and societal complications.<sup>6</sup> Consent from anyone under eighteen, even those seventeen, is considered legally void, as per Section 2(d).<sup>7</sup> Section 29 establishes a presumption of guilt, thereby shifting the onus of proof to the accused and significantly complicating the bail process.<sup>8</sup> Section 19's requirement for mandatory reporting by professionals, such as medical practitioners and educators, frequently deters adolescents from seeking crucial medical or psychological care due to concerns about potential legal repercussions.<sup>9</sup> This strict framework also creates a conflict with the Juvenile Justice Act, 2015. This Act allows for the prosecution of those aged sixteen to eighteen as adults

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<sup>5</sup> Enfold India, Study on POCSO Cases (2022).

<sup>6</sup> Srimathi Venkatesan & Mouli Shankar p, courts caught in emotion and statutes: the judicial struggle in adolescent romantic cases, vol. 4 issue 4, journal of legal research and juridical sciences, issn (o): 2583-0066.

<sup>7</sup> Protection of Children from Sexual Offences (POCSO) Act, 2012.

<sup>8</sup> Ibid.,

<sup>9</sup> Protection of Children from Sexual Offences (POCSO) Act, 2012.

for serious crimes, depending on their mental capacity. At the same time, POCSO states that people in this age group are not mature enough to give consent in relationships. As a result, all sexual relationships involving individuals under eighteen are criminalized, regardless of consent, without consideration of the relationship's context or nature, thus fostering opportunities for misuse and harassment. The Justice J.S. Verma Committee, too, had reservations about increasing the age of consent from 16 to 18, pointing out that it would conflict with established child rights principles.<sup>10</sup> Given this, a more flexible interpretation is warranted, perhaps a multi-tiered age of consent system. The idea of lowering the consent age from eighteen is still hotly debated, especially when it comes to shielding young people from criminal charges stemming from consensual relationships. Advocates for change contend that laws should mirror the reality that many teenagers are sexually active and capable of making their own relationship choices.

However, such a shift carries considerable risks in India. Concerns arise regarding the continued prevalence of child marriage, notwithstanding its legal prohibition; specifically, a reduction in the age of consent could foster the erroneous belief that early marriages are acceptable, thus impeding reform initiatives. Furthermore, minors may be more susceptible to trafficking and exploitation, given that offenders can exploit apparent consent, which contravenes established international legal standards. The consequences also exhibit a gendered dimension, with girls disproportionately facing heightened risks of early marriage, premature motherhood, and educational disruption, thereby exacerbating gender inequality. In this framework, the Protection of Children from Sexual Offences (POCSO) Act of 2012 establishes a stringent protective structure by criminalizing all sexual conduct involving individuals under eighteen years of age, regardless of consent, thereby demonstrating its commitment to protecting children from abuse and exploitation. To resolve the inherent conflict wherein a legal "shield" inadvertently becomes a "sword" for social control, the rigid age restriction mandated by Indian law demands modification to a more flexible and context-sensitive framework. The Protection of Children from Sexual Offences (POCSO) Act, enacted in 2012, stands as the bedrock of India's laws designed to protect children. The Act's primary goal is to shield children from sexual abuse and exploitation. The principle of *parens patriae* is reflected in this, which designates the State as the ultimate protector. This creates a legal framework where a child's consent is invalidated, specifically defining a child as anyone under

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<sup>10</sup> Neha Susan Varghese, *the double-edged sword of consent law in india*, *International Journal of Legal Research and Studies*, ISSN: 2456 -608X.

eighteen years old. While this framework is essential for addressing exploitative abuse, its inflexible implementation has produced unforeseen outcomes, especially concerning consensual adolescent relationships. Empirical studies indicate that a considerable percentage of POCSO cases, estimated between 20% and 25%, involve "romantic" scenarios characterized by consensual relationships between individuals of similar ages, rather than instances of coercion. In these situations, the justice system frequently applies a mechanical categorization, designating the girl as the "victim" and the boy as the "accused," thus perpetuating gendered interpretations despite the law's ostensibly gender-neutral language; the girl is typically referred to the Child Welfare Committee, while the boy enters the juvenile justice system.<sup>11</sup> Consequently, a legislative shift from a rigid to a flexible consent model is warranted. In accordance with Article 5, which acknowledges the principle of "evolving capacities,"<sup>12</sup>

India could implement a "guided discretion" model that assesses the maturity of individuals and the dynamics of their relationship. A significant reform would involve including a "Romeo and Juliet" close-in-age exemption within the framework of the Protection of Children from Sexual Offences (POCSO) Act, 2012, as interpreted alongside Section 63 of the Bharatiya Nyaya Sanhita. This exemption would be conditional on several factors: the individual must be at least sixteen years old, the age difference must not exceed three years, there must be clear evidence of voluntary and consensual participation, and there must be no signs of power imbalances, coercion, or exploitation. The main goal of the POCSO Act, 2012 is to protect children from sexual exploitation and abuse, the law makes it illegal to engage in any sexual activity with a person under eighteen, period. Consent doesn't matter; any sexual contact with a minor is a crime. This means that even if a child seems willing, any consensual relationship with an adult is against the law, as per the POCSO Act, adults who violate this law could face serious penalties, including criminal charges, imprisonment, and financial penalties, the Act is designed to protect children from sexual exploitation, and it takes a firm stance on these matters.<sup>13</sup> The establishment of specialized institutional mechanisms is essential. A distinct socio-legal adjudicatory body could be established to evaluate "romantic" cases before they proceed to criminal trial, thus averting the potential for the process to be punitive in nature. To mitigate the potential for misuse of mandatory reporting provisions, particularly in instances

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<sup>11</sup> Hritwik Ravi, childhood, consent, and privacy: a case comment on in re: right to privacy of adolescents, *Journal on the Rights of the Child of National Law University Odisha* Vol. VI, Issue II, October 2025, pp. 144-150.

<sup>12</sup> UN Convention on the Rights of the Child (UNCRC), 1989.

<sup>13</sup> Sunil Sudhakar Varnekar and Dr. Upankar Chutia, navigating consensual relationships: Understanding the POCSO Act, *International Journal of Civil Law and Legal Research* 2024, E-ISSN: 2789-8830, P-ISSN: 2789 8822.

involving inter-caste or inter-religious relationships, sensitive policing protocols must be formulated. Furthermore, judicial discretion should be augmented to empower courts to dismiss proceedings in consensual peer relationships, placing greater emphasis on the lived experiences and testimonies of adolescents.

Harmonization across pertinent legislations is essential to resolve doctrinal inconsistencies, especially between the POCSO Act, the Prohibition of Child Marriage Act of 2006, and the Juvenile Justice (Care and Protection of Children) Act of 2015, which presently exhibit conflicting perspectives on adolescent capacity. Furthermore, modifications are warranted to protect confidentiality within healthcare settings by amending mandatory reporting stipulations. This would enable adolescents to utilize reproductive and mental health services without fear, thereby upholding the constitutional right to privacy, as articulated in Article 21.

#### **SUGGESTIONS:**

The Protection of Children against Sexual Offenses Act, 2012 must be reformed in a subtle manner to address the issue of criminalizing the consensual relations between adolescents. People over sixteen years old should be exempt on consensual relations with a minimum age difference under a provisional clause known as Romeo and Juliet exception although where there is exploitation then the case should be excluded. Instead of inflicting strict liability, courts should have provided discretion in order to determine the nature of relations.

In order to distinguish between abuse and consensual cases of romances, there must be a mechanism of screening at the Pre-trial stage. To ensure privacy and guarantee access to healthcare under Article 21, requirements of mandatory reporting must be softened in some cases. It is also required to adopt a multi-level system of age of consent that takes into account the developing capabilities of adolescents and the alignment of the competing laws. Their use should remain gender-sensitive and they should be prevented against abuse by their families. Everything said and done, the balancing between the independence and safety of adolescents should be approached with a relative set of rules, which depend on the situation.

#### **CONCLUSION:**

In this analogy, it is notable that, although the Protection of Children against Sexual

Offences (POCSO) Act, 2012 is crucial in ensuring that children are not sexually abused and exploited, its rigid and uniform application has had significant and unintended outcomes. The failure of the law to recognize the difference between exploitation and consensual relationships between adolescents due to its blanket ban on any sexual activity with people under the age of eighteen, with or without their consent has resulted in the prosecution of youths engaging in voluntary relationships (i.e. with no one older than eighteen) more often than all other types of relationships, therefore, turning a protective legal system into one of coercion. The lack of close-in-age or Romeo and Juliet exception that allows the abuse of the law further promotes this problem, especially since families disapprove of relationships that are socially inappropriate, such as between caste or even religious backgrounds. Empirical data show that there is a wide gap between the intended and real-life realities of the society, especially in areas related to the Protection of Children against Sexual Offences (POCSO), where there is a high proportion of reported incidences on romantic relationships. Accordingly, the high standards of responsibility identification, the compulsory reporting the standards and the presumption of guilt, which the Act sets, tend to transform the legal processes into a kind of punishment, irrespective of the end result. Such rigid approach to the matter presents significant constitutional issues, especially in terms of the provisions of privacy, dignity, and personal autonomy as outlined in Article 21. Judicial trends are finding that the need to protect the children and the rising capabilities of adolescents must be balanced. Conversely, without the alteration of the current laws, courts still struggle to deal with these intricate matters. Considering the dangers of child marriage, human trafficking, and gender-related vulnerability, it is not a feasible solution to reduce the consent age in the Indian context. Rather, it needs a situational and delicate approach. An equalized structure can be obtained by the application of a close-in-age exemption, institutional screening measures, steered judicial discretion, and standardisation of applicable statutes. To provide justice in a protective and proportional way, the law also has to evolve in order to provide protection to children without infringing their autonomy.

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