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Introduction

Welcome to the Indian Journal of Legal Affairs and Research (IJLAR), a distinguished platform dedicated to the dissemination of comprehensive legal scholarship and academic research. Our mission is to foster an environment where legal professionals, academics, and students can collaborate and contribute to the evolving discourse in the field of law. We strive to publish high-quality, peer-reviewed articles that provide insightful analysis, innovative perspectives, and practical solutions to contemporary legal challenges. The IJAR is committed to advancing legal knowledge and practice by bridging the gap between theory and practice.

Preface

The Indian Journal of Legal Affairs and Research is a testament to our unwavering commitment to excellence in legal scholarship. This volume presents a curated selection of articles that reflect the diverse and dynamic nature of legal studies today. Our contributors, ranging from esteemed legal scholars to emerging academics, bring forward a rich tapestry of insights that address critical legal issues and offer novel contributions to the field. We are grateful to our editorial board, reviewers, and authors for their dedication and hard work, which have made this publication possible. It is our hope that this journal will serve as a valuable resource for researchers, practitioners, and policymakers, and will inspire further inquiry and debate within the legal community.

Description

The Indian Journal of Legal Affairs and Research is an academic journal that publishes peer-reviewed articles on a wide range of legal topics. Each issue is designed to provide a platform for legal scholars, practitioners, and students to share their research findings, theoretical explorations, and practical insights. Our journal covers various branches of law, including but not limited to constitutional law, international law, criminal law, commercial law, human rights, and environmental law. We are dedicated to ensuring that the articles published in our journal adhere to the highest standards of academic rigor and contribute meaningfully to the understanding and development of legal theories and practices.

THE BRIGHT LINES VS. THE SHADES OF GREY: CONCEPT OF STATUTORY RAPE LAWS AND THE ROMEO JULIET EXCEPTION.

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The Indian legal framework, especially in the Protection of Children from Sexual Offences (POCSO) Act, draws a firm line in the sand between any sexual activity involving someone under 18 as a crime. This Act is established from a vital need to protect children from predators and treats all minors as individuals who are incapable of consent. The law, however, is fast proving to be an unrealistic and unachievable barrier for many teenagers when it comes to romantic and sexual relationships. As the laws are being enforced on the ground, it has become increasingly clear that it is now the adolescent who is being punished just as severely as the sexual abuser. The law is being strictly enforced for consensual sex between teenagers who are not more than two years apart in age, such as a 17- and 19-year-old. This has led to the current situation of the following problems namely, Inter-caste relationships being reported to the police by the families of the teenagers and Teenagers being too afraid to visit the doctor to receive any medical treatment for fear of being caught by the authorities. The courts have to either enforce the law to the letter or introduce judicial discretion to try and do what is just and fair in each particular case.

High Courts, and now the Supreme Court, have begun to intervene, informally creating a "Romeo-Juliet" exception in their judgments to distinguish between love and exploitation. They argue that a consensual relationship between adolescents is fundamentally different from a predator grooming a child. However, to its contrary, the legislative remains deeply cautious, warning that any legal exception, if not implemented judiciously and in the interest of justice, could become a shield for traffickers and abusers to exploit, establishing a profound dilemma on how a society protects its young from harm without criminalizing their natural development? The debate isn't

about legalizing child abuse, but about whether the law can mature enough to see the difference between a crime and a crush.

Keywords: POCSO Act, Age of Consent, Romeo-Juliet Law, Adolescent Sexuality, Judicial Interpretation

INTRODUCTION

Statutory Rape laws refer to the criminalization of sexual acts with a person who is under the legal age of a valid consent.¹ These laws often define such consent as invalid on the basis of their age, making the act between the persons a criminal offence. The age of consent defined by the statutes usually ranges from 16-18 years,² however under the Indian law the age of a valid consent for girls is 18 years and for boys is 21 years.³

An exception to the above law is the Romeo Juliet⁴ law protects to teenagers engaging in consensual sexual relationships from being prosecuted under a criminal trial, provided that they are close in age that is typically a gap of 2-5 years.⁵ This law does not dilute the offence of sexual exploitation but instead provides a clear distinction between sexual predators and age-proximate adolescent intimacy,⁶ targeting the harm caused rather than normal human development.

EVOLUTION OF “THE LAW OF CONSENT”

The Law of consent is fundamentally constructed upon the protective ideology that aims to provide protection to children and adolescents seeing them as inherently vulnerable. This framework draws a line to regulate their lacking sexual knowledge and emotional maturity for informal consent to erect a robust shield against the exploitation, manipulation and coercion of the young minds. In Indian statutory law, this legal principle reflects a significant evolution from a gendered, historical

¹ *Black's Law Dictionary* (11th ed. 2019),

² *See, e.g.*, Model Penal Code § 213.3 (Am. Law Inst. 1962),

³ *The Protection of Children from Sexual Offences Act, 2012*, No. 32, Acts of Parliament, 2012 (India).

⁴ *See* Cara E. Smith, *The Constitutional and Policy Implications of "Romeo and Juliet" Laws*, 26 J.L. & Pol'y 123, 125 (2017).

⁵ *Id.* at 130. These exceptions typically apply when the age difference is minimal (e.g., less than four years), the younger party is above a minimum age (e.g., 14 or 15), and the relationship is consensual.

⁶ *See* Carolyn E. Cocca, *Jailbait: The Politics of Statutory Rape Laws in the United States* 87 (2004).

standard to a contemporary, absolute prohibition that operates on the premise of unequal power dynamics between minors and adults.

Historically, in India, the Indian Penal code, 1940, the age of consent for girls was set at 16 years, this provision failed to adequately address the specific vulnerabilities of children exposed to sexual violence within its broader legal landscape. Therefore, to address the issue, there was a transformative shift that occurred with the enactment of the landmark **Protection of Children from Sexual Offences (POCSO) Act in 2012.**⁷ **The POSCO act enacted a Gender-Neutral comprehensive Act with an enhanced age of consent to 18 years, by categorizing children below the age of 18 years as incompetent to give their consent for sexual intercourse, to give protection with all care to the children.** In the case of *Alakh Alok Srivastava v. Union of India* (2018)⁸, the Supreme Court held that the object of the POCSO Act is to prevent and prohibit the offences of a sexual nature against children with due regard to protect the interest and well-being of children. Hence, POCSO Act uniformly enhanced the age of consent to 18 years, which comes in line with the definition of "child" as given in United Nations Convention on the Rights of the Child (UNCRC)⁹ which serves to connect the International Law and Indian Law. Under this act "strict liability" is enforced where proof of commission of the offence and its act is to be proven by satisfying the element of penetration with a child, while the consent and the age of the child, and whether the offender knew that the child was underage or not are immaterial in this case.¹⁰

The Criminal Law (Amendment) Act, 2013,¹¹ as introduced in response to the Nirbhaya case, aimed at curbing increasing crimes of a sexual nature against women. It therefore made sexual activity involving penetration on a minor as that of statutory rape and made the minor liable in such cases, provided that the mens rea is established with the adult making advances to the minor. The Bharatiya Nyaya Sanhita (BNS) 2023 in its amended version under section 63, which deals with the crime of rape and sexual exploitation, has made any sexual intercourse that takes place

⁷ *Alakh Alok Srivastava v. Union of India*, (2018) 17 SCC 291, 22 (India).

⁸ *Alakh Alok Srivastava v. Union of India*, (2018) 17 SCC 291, 22 (India).

⁹ The United Nations Convention on the Rights of the Child (UNCRC), *opened for signature* Nov. 20, 1989, 1577 U.N.T.S. 3 (entered into force Sept. 2, 1990), art. 1. India ratified the Convention on Dec. 11, 1992.

¹⁰ Oxford Human Rights Hub, *Teenage Love Caught between Consent and Criminality under POCSO* (July 15, 2025).

¹¹ Criminal Law (Amendment) Act, 2013, No. 13, Acts of Parliament, 2013 (India).

with a woman under the age of eighteen amounting to rape, irrespective of her consent to sexual relations.¹² Therefore the law sets a strict boundary making sure that the minor girl is not exploited by exercising her right to choose whether she should have sexual intercourse with her partner or not. This inflexible legal boundary leaves no room for ambiguity or exploitation.

The Law Commission of India in its 283rd Report¹³ argued to revert the age of consent to 16 years, citing several key factors stating: -

1. the need for harmony with other child-protection laws that define a child as under 18
2. the ongoing physical and psychological maturation of adolescents
3. the persistent risk of coercion and trafficking
4. the goal of maintaining a deterrent standard

The commission's report provides a perspective of policy choice that works decisively for the protection rather than any potential dilution for increasing vulnerability and abuse.¹⁴

EVOLUTION OF THE ROMEO-JULIET LAW

Inspired by the Shakespearean drama, the Romeo-Juliet Law¹⁵ first emerged in the United States¹⁶ mid-to-late 1990s and gained its prominence in early 2000s as a response to the over-criminalization of consensual teenage relationships the Kansas Supreme Court In the case of **State v. Limon (2005)**¹⁷ found that a "Romeo and Juliet" law in Kansas¹⁸ was unconstitutional because it allowed for lesser penalties for heterosexual acts in comparison for homosexual acts of a similar nature forcing the revisions of these statutes to ensure equal protection under the law.

¹² Bharatiya Nyaya Sanhita, 2023, No. 45, Acts of Parliament, 2023, s. 63 (India). Live Law, *Consent At Crossroads: Sexual Autonomy, Minor Girls And Age Of Consent In Indian Criminal Law* (Aug. 9, 2025).

¹³ Law Commission of India, 283rd Report on 'Age of Consent under the Protection of Children from Sexual Offences Act, 2012 5.3 (2023).

¹⁴ *Id.* See Oxford Human Rights Hub, *supra* note 16

¹⁵ Cara E. Smith, *The Constitutional and Policy Implications of "Romeo and Juliet" Laws*, 26 J.L. & Pol'y 123, 125 (2017).

¹⁶ *id.* at 127.

¹⁷ *State v. Limon*, 280 Kan. 275, 122 P.3d 22 (2005).*id.* at 283-84.

¹⁸ Testimony of Letitia Harmon, Policy Director, ACLU of Kansas, in Support of HB 2270, before the Kansas House Committee on Corrections and Juvenile Justice (Feb. 21, 2019).

Further, states like **Florida (2007)**¹⁹ and **Texas (2011)**²⁰ enacted specific provisions establishing petition processes for registry removal or defining permissible age gaps, solidifying state specific statutes rather than the federal to help the courts in differentiating between exploitative crimes and consensual adolescent relationships. For instance in Texas the government established a four-year allowance where the younger party is at least 15 years.

In Canada,²¹ a close-in age-gap exception rule is established for teenagers in place of sexual activities of upto five years between a 14–15-year-old with a partner of 19-year-old and up-to two years for 12–13-year-old with a partner of age 14-year-old.

TABLE:²²

Age of consent, availability of close-in-age exemption, the year it was introduced, and its key features across various jurisdictions.

Country/ State	Age of Consent	Close-in-Age Exemption	Year Introduced	Key Details/ Exceptions
USA (Florida)	18	16-17-year-olds can engage with partners up to 23 years old	2007	Known as the Romeo and Juliet Law, prevents felony charges
USA (Georgia)	16	Allows a 3-year age gap for minors aged 14-16	2006	Misdemeanor instead of felony for statutory rape.

¹⁹ Fla. Stat. § 943.04354 (2007) (enacting the "Romeo and Juliet" exception, allowing individuals convicted of certain offenses to petition for exemption from sex offender registration requirements). Fla. Stat. § 794.05 (establishing the offense of unlawful sexual activity with certain minors).

²⁰ Act of May 25, 2011, 82nd Leg., R.S., ch. 121, 2011 Tex. Gen. Laws 630 (codified at Tex. Code Crim. Proc. Ann. art. 62.004). KVIA, *Romeo And Juliet Law Protects Teens From 'Sex Offender' Label* (Sept. 1, 2011). Tex. Penal Code Ann. § 21.11(b)(2). KVIA, *supra* note 24.

²¹ Criminal Code, R.S.C., 1985, c. C-46, s. 150.1(2) (Can.). 39th Parliament, 1st Session, Hansard Debate (Oct. 30, 2006).

²² Journal on the Rights of the Child of National Law University of Odisha Vol. VI, Issue 1, April-2025, pp. 176-189. Pg 181.

Canada	16	14-15 years: Partner \leq 5 years older	2006	Added to Criminal Code in 2006
Japan	13	No formal close- in age exemption	N/A	However, local ordinances raise the age to 16-18 in practice.
South Korea	16	No formal close- in age exemption	N/A	Sexual activity with a minor below 16 is criminal.
Philippines	16	16-year-olds can consent to a partner within 3 years of age	2022	New law raised the age of consent from 12 to 16.
Australia (Tasmania)	17	15+ can consent if partner \leq 5 years older	2021	Age similarity defenses in place.

APPLICABILITY OF” ROMEO- JULIET LAWS IN INDIA”

The Indian Courts have been intervening increasingly to correct the strict application of the Protection of Children from Sexual Offences (POCSO) Act, 2012 which disregards consent of minors and sets a clear age of consent at 18, which in turn has unintentionally criminalized many adolescent romantic relationships²³ giving rise to situations that have created a significant conflict between the law's intended protection and the realities of teenagers independence. Under the current POCSO Act,²⁴ the rules enforce a strict liability approach²⁵ whereby any sexual activity

²³ The Protection of Children from Sexual Offences Act, 2012, No. 32, Acts of Parliament, 2012, s. 2(1)(d) (India) [hereinafter POCSO Act]. The Bharatiya Nyaya Sanhita, 2023, No. 45, Acts of Parliament, 2023, s. 63 (India) (retaining the age of consent at eighteen years).

²⁴ POCSO Act, *supra* note 34, s. 4, 6, 8, 10, 12 (prescribing stringent punishments including mandatory minimum sentences).

²⁵ Oxford Human Rights Hub, *Teenage Love Caught between Consent and Criminality under POCSO* (July 15, 2025).

involving a minor is considered a criminal offence, regardless of consent, leading to problems where consensual relationships, like those between a 17-year-old and a 19-year-old, are prosecuted with the same severity as cases of child sexual abuse.

However, the ideology of the principle of "Romeo-Juliet" laws creates an exception to statutory rape laws through establishing consensual relationships between teenagers close in age sparking a debate. Critics claim that the minimum required sentences and the registration of young offenders under sexual offense laws have serious, life-changing effects, establishing a serious case of over-criminalization.²⁶ Hence, the law that is meant to protect against exploitation becomes a tool in family disputes and is often used by parents to punish young people for eloping or for inter-caste/community relationships.²⁷ In response to these injustices, several High Courts have stepped in to dismiss POCSO cases in what they see as "Romeo and Juliet" situations, effectively making a judicial exception without a legislative one. The Madras High Court²⁸ established that the parties must establish a calling for a close-age gap exception of five years. In a notable 2024 ruling, it dismissed POCSO charges against a 21-year-old man who eloped with and later married a 16-year-old girl. The court recognized the relationship as consensual and fitting the "Romeo and Juliet" category. Following this, the Bombay High Court²⁹ stated in 2025 that a 14-year-old might have the understanding to realize the consequences of their actions. However, this judicial trend reached a peak when the Supreme Court³⁰ intervened in January 2026, encouraging the Union Government to consider creating a formal "Romeo-Juliet" clause highlighting the need to separate exploitative abuse from consensual teenage exploration, with an aim to prevent the misuse of a well-meaning law.

²⁶ India Today, *Why courts are renewing call for 'Romeo-Juliet' clause in POCSO Act* (Feb. 12, 2026), (citing NCRB data showing that between 2018 and 2022, 6,892 juveniles aged 16-18 were arrested under POCSO, with conviction rates at approximately 11 percent) [hereinafter India Today].

²⁷ Oxford Human Rights Hub, *supra* note 35, The Hindu, *Young love: on a weaponisation of the POCSO Act* (Jan. 12, 2026).

²⁸ *Balaji @ Panai Balaji v. State*, CrI. O.P. No. 8025 of 2024, (Madras High Court, decided May 29, 2024), Also O.P. Jindal Global University Child Rights Clinic, *Madras High Court Quashes POCSO Case, Citing 'Romeo and Juliet' Scenario and Marriage Outcome* (May 30, 2024).

²⁹ *X v. State of Maharashtra*, 2025 SCC OnLine Bom 2531, ¶ 12 (decided June 25, 2025). *See also* SCC Online, *POCSO cases cannot be quashed in consensual adolescent relationships unless Centre clarifies its stand: Bombay HC* (July 3, 2025).

³⁰ *State of Uttar Pradesh v. Anurudh*, Special Leave to Appeal (CrI.) No. 10656 of 2025, (Supreme Court of India, decided Jan. 9, 2026).

THE LEGISLATIVES'S STANCE: A WALL OF CAUTION

Despite court prompting, the Union Government has remained firmly against lowering the age of consent or introducing close-in-age exceptions. Its position is supported by a strong protective defense, claiming that having a clear age limit of 18 is crucial in combating child trafficking, sexual exploitation, and abuse.³¹ The main concern highlighted by the government is that the exception may provide a narrow window, allowing the groomers and exploiters to escape justice.³² The societal and family power imbalances disguised as coercion or consent also raise a question of protection, highlighting data showing that many offenders are known to the victim.³³ This stance reflects a policy choice that emphasizes complete protection for all individuals under 18. It sees any potential mistake in prosecution as a smaller issue compared to the risk of failing to protect a single victim of exploitation.³⁴

The principle of a Romeo-Juliet law in India has encountered several challenges based on the country's social, cultural, and legal context. A main social issue is the mixing of sex and marriage. Conservative norms, supported by law commissions in the past, view the age of consent primarily as a way to enforce pre-marital chastity.³⁵ This perspective may lead families to arrange early marriages to "legitimize" adolescent relationships and avoid scandal.³⁶ The current punitive system under POCSO discourages teenagers from seeking essential sexual and reproductive healthcare due to mandatory reporting laws.³⁷ Ironically, this approach increases the risk of teenage pregnancies and STIs despite having a high age of consent.³⁸ Moreover, in certain cases, the law is often misused along caste and religious lines when Parents may invoke POCSO not to protect

³¹ Government of India, Ministry of Women and Child Development, Lok Sabha Reply (Feb. 6, 2026). Times of India, *Lowering age of consent will undermine child safety: Govt* (Feb. 7, 2026).

³² Parliamentary Standing Committee on Human Resource Development, 240th Report on the Protection of Children from Sexual Offences Bill, 2011 (Dec. 2011). India Today, *Why courts are renewing call for 'Romeo-Juliet' clause in POCSO Act* (Feb. 12, 2026).

³³ Ministry of Women and Child Development, Government of India, Study on Child Abuse: India 2007 at 74 (2007), *See India Today, supra* note 45.

³⁴ *See Times of India, supra* note 44.

³⁵ Law Commission of India, 283rd Report on 'Age of Consent under the Protection of Children from Sexual Offences Act, 2012' 5.3 (2023). *See India Today, supra* note 45.

³⁶ *See India Today, supra* note 45.

³⁷ Section 19, Protection of Children from Sexual Offences Act, 2012, No. 32, Acts of Parliament, 2012 (India).

³⁸ Enfold Project 39A, Study on Aggravated Penetrative Sexual Assault Cases in Assam, Maharashtra and West Bengal (2024).

children from exploitation but to control and punish inter-caste or inter-faith relationships.³⁹ This behavior, in turn, reinforces and strengthens the social hierarchies instead of protecting individual choice.⁴⁰ In the digital age, there is a contradiction. Legitimate fears of online grooming are used to justify a blanket denial of adolescent sexual agency.⁴¹ This ignores the internet's role in promoting sexual awareness and the need for education rather than simple prohibition.⁴² Legally, there is a serious contradiction between the POCSO and the Juvenile Justice Acts, where the latter recognizes that adolescents aged between 16-18 years can be tried as adults for serious crimes, while the former, in comparison, consistently denies them of any sexual agency, leading to an inconsistent legal identity.⁴³ Lastly, implementing an exemption raises concerns about revictimization during trials. Determining the voluntary consent in close-age cases could put more focus on the minor's behavior during cross-examination, irrespective of the existing procedural safeguards that are established to reduce this in the current system.⁴⁴ So these are some of the key issues that bring to focus the fine balance between protection and autonomy that is required in Indian law and society.

THE UNINTENDED CONSEQUENCES OF A PROTECTIVE LAW

The POCSO Act was formulated to protect children from abuse. But the way the law is being interpreted and enforced, especially when it comes to teenagers, is a major cause of worry. The law says a 17-year-old is old enough to be tried as an adult for a crime, but at the same time, it says that the same person is not mature enough to make their own decisions in a romantic relationship.⁴⁵ This does not make sense because people do not suddenly become mature on their birthday.

³⁹ National Family Health Survey-4 (NFHS-4), 2015-16, Ministry of Health and Family Welfare, Government of India.

⁴⁰ National Crime Records Bureau (NCRB) Data (2018-2022), cited in India Today, *supra* note 45.

⁴¹ Supreme Court of India, *State of Uttar Pradesh v. Anurudh*, Special Leave to Appeal (Crl.) No. 10656 of 2025, decided Jan. 9, 2026, 30. See *The Hindu*, *Consider Romeo-Juliet clause in POCSO to protect adolescent relationships*, SC tells Centre (Jan. 10, 2026), *The Wire*, *Manipulation of the POCSO Act: What the Supreme Court Said* (Jan. 12, 2026).

⁴² SCC Online, *Victim's Age determination; 'Romeo-Juliet clause' to curb misuse: Inside Supreme Court's important judgment on POCSO Act* (Jan. 12, 2026).

⁴³ India Today, *supra* note 45.

⁴⁴ Section 15, Juvenile Justice (Care and Protection of Children) Act, 2015, No. 2, Acts of Parliament, 2016 (India).

⁴⁵ Juvenile Justice (Care and Protection of Children) Act, 2015, No. 2, Acts of Parliament, 2016, s. 15 (India). See Saumya Tripathi, *The Model for Juvenile Sexual Offenders in India*, in CHILD RIGHTS IN INDIA: LAW, POLICY, AND PRACTICE 1, 3 (Taylor & Francis 2025).

The law is very strict. Often hurts the people it is supposed to help. When two teenagers are in a relationship and get in trouble with the law, they have to go through a lot of trauma. They have to deal with the police, go to court and answer a lot of questions.⁴⁶ This can be very damaging to them. Can leave them with psychological scars. The court has a time dealing with these cases because it has to either bend the rules or follow the law exactly, which can be very harsh. The law does not give judges the freedom to consider the circumstances of each case, which makes it unfair. This is not a problem with the law it also affects families and communities. The law can actually cause people to get married at an early age. If a young couple is found out their families might feel like they have to get them married to make everything okay.⁴⁷ The law is also used to control people's relationships, which is not fair. It is used to punish teenagers who are in relationships with people from different castes or religions.

The law also says that doctors and other adults have to report any relationships they find out about, which makes teenagers afraid to get help when they need it.⁴⁸ They are scared to go to the doctor or get counseling because they do not want to get in trouble with the law. They are not getting the assistance they need, and this is leading to problems, including sexually transmitted infections and teenage pregnancies.⁴⁹ Why would the government want to promote teenage health? The law seems to be actually preventing teenagers from getting the assistance they need.

The law has one major flaw: it is punitive in nature. It does not teach teenagers about relationships and sex which makes them vulnerable.⁵⁰ The law says that sex is only okay if you are married which is not realistic. Even though the law is protecting the minors it takes away the power of teenagers to make their own decisions, about their relationships.⁵¹ It is actually causing more problems. It is making people not trust the government and it is silencing the voices of the people

⁴⁶ National Crime Records Bureau (NCRB) Data (2018-2022), cited in Jolly, *supra* note 62.

⁴⁷ *Fayazuddin Khan alias Badal Khan v. State of Odisha*, CrI. Misc. Case No. 2478 of 2024, (Orissa High Court, decided Mar. 16, 2025), reported in News18, 'Interfaith Couple Reconciled Differences By Getting Married': Orissa HC Quashes POCSO Charges Against Muslim Man (Mar. 16, 2025).

⁴⁸ Section 19, POCSO Act, 2012.

⁴⁹ National Family Health Survey-5 (NFHS-5), 2019-21, *Ministry of Health and Family Welfare*, Government of India, cited in Dash, *supra* note 72.

⁵⁰ See Jolly, *supra* note 62.

⁵¹ See Lohia & Baxi, *supra* note 63.

it is supposed to help.⁵² The POCSO Act is a law that has unintended consequences. The POCSO Act needs to be changed so that it actually helps teenagers of hurting them. The POCSO Act should be used to educate teenagers about relationships and sex not to punish them.

THE INHERENT TENSION BETWEEN THE ABSOLUTE AGE OF CONSENT AND CLOSE IN AGE DEFENSES

Legal & Procedural Challenges⁵³

1. *Contradictory Legal Capacity*: The Juvenile Justice Act recognizes the ability of adolescents (16-18) to make mature decisions for criminal responsibility, but POCSO denies them any capacity for sexual consent, leading to a legal contradiction.
2. *Judicial Overreach vs. Inaction*: If there is no law to guide them, courts have to make their rules by deciding which cases to throw out. Some people might think this is the court going far. On the one hand if the lawmakers do not do anything it means they are allowing unfair things to happen. The Risk of Revictimization and Judicial Overreach are both problems that need to be solved, and the issue of Judicial Overreach, vs. Inaction is still a concern.
3. *Misuse & Vexatious Litigation*: The rigid law can be easily abused in family disputes, particularly in elopement cases, turning a protective statute into a means of harassment.
4. *Over-Criminalization*: When young people are in a relationship with someone around their age they can get in serious trouble. The law can give them a punishment as someone who has committed a very serious crime, like rape. This is not fair. Can change their life forever.
5. *Erosion of Judicial Discretion*: Erosion of Judicial Discretion: POCSO's strict liability removes a judge's ability to consider context, consent, or closeness in age, applying a uniform punitive approach.
6. *Conflict with International Norms*: The outright denial of evolving capacity for sexual consent may clash with the idea of "progressive autonomy" recognized for adolescents in other rights frameworks.

⁵² Ministry of Women and Child Development, Government of India, Lok Sabha Reply (Feb. 6, 2026). reported in TIMES OF INDIA, *lowering age of consent will undermine child safety: Govt* (Feb. 7, 2026).

⁵³ Journal on the Rights of the Child of National Law University of Odisha Vol. VI, Issue 1, April-2025, pp. 176-189. Pg. 181.

Social, Economic & Cultural Challenges⁵⁴

1. **Conflation with Marriage:** Conservative norms link sex exclusively to marriage, leading lawmakers to set the age of consent based on marital age, prioritizing chastity over individual adolescent agency.
2. **Driver of Child Marriage:** The fear of legal scandal and stigma around pre-marital relationships can pressure families to arrange early marriages to "legitimize" adolescent relationships, ironically promoting a practice the law aims to curb.
3. **Healthcare Denial:** Mandatory reporting laws under POCSO scare adolescents away from seeking sexual/reproductive healthcare and deter doctors from providing it, worsening public health outcomes like STIs and teenage pregnancy.
4. **Policing Social Boundaries:** The law is weaponized by families to punish inter-caste or inter-religious relationships, enforcing social hierarchies rather than protecting minors from genuine exploitation.
5. **Negotiation Power Erosion:** Absolute age thresholds can strip adolescent girls of bargaining power in relationships and marriages, as any agency is rendered legally invalid.
6. **Status Quo Enforcement:** By criminalizing all under-18 sex, the law reinforces traditional social controls over youth sexuality, particularly that of young women.
7. **Paradox of Services:** The state promotes adolescent health programs while a simultaneous legal regime punishes the very sexual activity that makes those services necessary.

CONCLUSION

The ongoing strains over the Romeo-Juliet exceptions in India signify a serious conflict between the protective goals of the POCSO act and the constitutional rights of the nation's young people allowing them to make their own decisions. The POCSO Act aims to protect children from sexual abuse and exploitation, but its strict regulations and age-consent restrictions have unintentionally made consensual teenage relationships a criminal offense. Hence a protective measure that was established against predators has in turn imposed as a threat to young romance.

⁵⁴ Journal on the Rights of the Child of National Law University of Odisha Vol. VI, Issue 1, April-2025, pp. 176-189. Pg 181.

In light of this, the Judiciary has taken a practical approach where the High Courts and the Supreme Court has recognized the importance of has the relationship established between teenagers who are close in age is different from predatory exploitation. Hence this trend has established the judicial maturity in evolving social factors. However, the caution of the Union Government establishes concern about the potential misuse of the principle by the exploiters in regard to lack of fixed statutory laws in relation to the same. This imposes challenges like a significant power imbalance and issues around coerced consent that need to be taken into consideration to create a thoughtful legislative exception.

As the judiciary finds the current rigid framework unsustainable, the Parliament faces an important decision of either creating a balanced, evidence-based exception that reflects the constitutional values of liberty and dignity or allowing the courts to handle these issues as they come up. However, a well-crafted Romeo-Juliet provision isn't a loophole for abusers but it recognizes the need to protect innocence without punishing normal, consensual teenage relationships.

