



INTERNATIONAL LAW  
JOURNAL

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**WHITE BLACK  
LEGAL LAW  
JOURNAL  
ISSN: 2581-  
8503**

*Peer - Reviewed & Refereed Journal*

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# **THE NEED FOR A 'ROMEO–JULIET CLAUSE' IN THE POCSO ACT: A CRITICAL LEGAL ANALYSIS**

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## **Abstract**

The Protection of Children from Sexual Offences Act, 2012 (POCSO Act) represents India's most comprehensive legal framework to protect children from sexual abuse, exploitation, and assault. Enacted to address the alarming prevalence of child sexual abuse, the statute adopts a strict liability approach whereby consent of a minor is rendered legally irrelevant. While this framework serves an essential protective function, it has also resulted in unintended and deeply problematic consequences, particularly in cases involving consensual romantic and sexual relationships between adolescents. The absence of a close-in-age exemption, commonly known as a Romeo–Juliet clause, has led to the criminalisation of consensual adolescent sexuality, often resulting in severe legal and social consequences for young individuals. This paper critically examines the doctrinal structure of the POCSO Act, its constitutional implications, judicial interpretation, and misuse in practice. It further evaluates comparative legal frameworks from jurisdictions such as the United States, Canada, and the United Kingdom, where close-in-age exemptions are recognised. The paper argues that the absence of such a clause undermines constitutional guarantees of dignity, autonomy, and proportionality. It concludes by recommending legislative reform to incorporate a narrowly tailored Romeo–Juliet clause that preserves child protection while preventing unjust criminalisation of consensual adolescent relationships.

**Keywords:** POCSO Act, adolescent consent, Romeo–Juliet clause, statutory rape, child protection, constitutional law, proportionality.

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## I. Introduction

The Protection of Children from Sexual Offences Act, 2012 was enacted to provide a robust and child-centric legal framework addressing sexual abuse against minors. Prior to its enactment, Indian criminal law lacked specialised provisions dealing with child sexual abuse, and existing provisions under the Indian Penal Code were inadequate in addressing the complexities of such offences. The POCSO Act was designed to fill this legislative gap by defining various forms of sexual offences against children and establishing child-friendly procedures for investigation and trial.<sup>3</sup>

The Act defines a child as any person below eighteen years of age and criminalises all forms of sexual activity involving minors, irrespective of consent.<sup>4</sup> While this strict liability model was intended to provide absolute protection, its rigid application has resulted in the criminalisation of consensual sexual relationships between adolescents. Increasingly, courts are confronted with cases where adolescent couples engage in consensual relationships, but one partner is prosecuted under POCSO due to parental complaints.

The enactment of the Protection of Children from Sexual Offences Act, 2012 also resulted in a significant legal shift in India by raising the age of consent from sixteen to eighteen years. While this change aimed to strengthen protection against child sexual exploitation, it has had the unintended consequence of criminalising consensual sexual relationships between adolescents. Empirical studies indicate that a substantial proportion of cases registered under the Act involve consensual relationships where parents or guardians initiate legal proceedings against adolescent partners.

This raises a fundamental legal and constitutional question: whether the absence of a close-in-age exemption unjustly criminalises consensual adolescent behaviour and violates constitutional principles of proportionality, autonomy, and equality. This paper argues that the incorporation of a Romeo-Juliet clause is essential to address this imbalance.

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<sup>3</sup> Protection of Children from Sexual Offences Act, 2012, Statement of Objects and Reasons.

<sup>4</sup> *Ibid.*, Section 2(d).

## **II. Conceptual Framework: Understanding the Romeo–Juliet Clause**

A Romeo–Juliet clause refers to a statutory provision that exempts consensual sexual activity between minors or between individuals close in age from criminal liability. Such clauses are grounded in the recognition that adolescent sexual development is a natural biological and psychological phenomenon.<sup>5</sup>

### **1. Preventing Disproportionate Criminalisation of Adolescents**

One of the primary objectives of a Romeo–Juliet clause is to prevent the unjust and disproportionate criminalisation of adolescents engaged in consensual romantic and sexual relationships. Statutory sexual offence laws, including the POCSO Act, are based on a strict liability framework, wherein consent of a minor is considered legally irrelevant. While such a framework is necessary to protect minors from exploitation and abuse, its rigid application may result in unintended consequences when applied to consensual relationships between adolescents who are close in age.

### **2. Protecting Young Individuals from Lifelong Criminal Stigma**

A criminal conviction for a sexual offence carries severe and long-lasting consequences that extend far beyond the immediate punishment. Adolescents convicted under strict statutory sexual offence laws may face imprisonment, social stigma, and permanent criminal records. These consequences can significantly affect their future educational, professional, and social opportunities.

### **3. Distinguishing Exploitative Abuse from Consensual Relationships**

Child protection laws are primarily intended to protect minors from exploitation, coercion, and abuse, particularly by adults who may exploit their vulnerability. Such exploitation involves an imbalance of power, maturity, and authority, which justifies criminal intervention.

### **4. Ensuring Proportionality and Fairness in Criminal Punishment**

The principle of proportionality is a fundamental principle of criminal jurisprudence. It requires that the severity of punishment must correspond to the seriousness of the offence and the degree

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<sup>5</sup> Michelle Oberman, "Regulating Consensual Sex with Minors", *Journal of Criminal Law and Criminology*, Vol. 89, 1999, p. 15.

of harm caused. Criminal punishment must not be excessive or disproportionate to the nature of the conduct.

### **5. Recognition of Adolescent Autonomy and Evolving Capacities**

Another important rationale behind Romeo–Juliet clauses is the recognition that adolescents possess evolving capacities and increasing autonomy. As individuals mature, they gradually develop the ability to make informed decisions regarding their personal relationships.

Adolescence is not a crime; it is a phase of learning, mistakes and discovery. The intent of the law should be justice, not fear.

Various data show that children under 18 years of age are engaging in consensual sexual activities. The survey conducted by the International Institute of Population Sciences revealed that 11% of girls had their first sexual intercourse before the age of 15, and 39% before the age of 18. One percent of men had sexual intercourse before age 15, and 6 percent had sexual intercourse before age 18. Swagata Yadavar in her article titled “India is Unprepared for Its Gathering Teen Sexual Revolution,” on Indiaspend published on 12 January 2018, said that Indian adolescents, like adolescents in most countries, are sexually active. But the Act doesn’t recognize this reality and punishes what is consensual and natural. “Are we protecting teenagers, or punishing them for being teenagers?”

### **6. Preventing Misuse of Sexual Offence Laws**

In many cases, statutory sexual offence laws are misused by parents or guardians to prevent relationships that they disapprove of, particularly in cases involving inter-caste, inter-religious, or socially unacceptable relationships. Criminal complaints may be filed despite the consensual nature of the relationship.

These provisions acknowledge that adolescents possess evolving capacities and that criminal law must differentiate between exploitative conduct and consensual peer relationships.

## **III. Legislative Structure and Strict Liability under the POCSO Act**

The POCSO Act criminalises penetrative sexual assault, aggravated penetrative sexual assault, sexual assault, and sexual harassment involving minors.<sup>6</sup> Consent of a minor is legally irrelevant under the Act. This strict liability framework means that even consensual sexual relationships between adolescents may attract severe criminal penalties.

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<sup>6</sup> Protection of Children from Sexual Offences Act, 2012, Sections 3, 5, and 7.

The Act was enacted with the objective of providing maximum protection to minors. However, the absence of statutory exceptions has resulted in over-criminalisation. Unlike several other jurisdictions, Indian law does not distinguish between exploitative relationships and consensual adolescent relationships.

This creates a legal anomaly wherein adolescents engaging in consensual relationships may face the same criminal consequences as adult perpetrators of sexual abuse.

#### **IV. Empirical Reality: Criminalisation of Consensual Adolescent Relationships**

Empirical data demonstrates that a significant proportion of POCSO cases involve consensual romantic relationships. The National Crime Records Bureau (NCRB) has reported that many cases registered under POCSO arise from consensual relationships, often initiated following parental complaints.<sup>7</sup>

Studies conducted by legal scholars and child rights organisations indicate that families frequently invoke the POCSO Act to prevent inter-caste, inter-religious, or socially disapproved relationships.<sup>8</sup> In such cases, adolescent boys are disproportionately prosecuted, while adolescent girls are treated as victims regardless of their consent.

Empirical research further supports this observation. A study conducted by Enfold India analysing POCSO cases from Assam, Maharashtra, and West Bengal found that approximately 24.3% of the cases involved consensual “romantic relationships” between adolescents. The study also revealed that over 80% of these complaints were filed by the girl’s parents, often when families opposed the relationship. Such findings illustrate how statutory rape provisions are frequently invoked in situations involving consensual adolescent intimacy rather than exploitative abuse.

The law meant to protect childhood must not become the sword that destroys it.

The centre for child and the law at the national law school of India University (CCL-NLSIU), studied 2788 cases under the POCSO act across 5 states in india and revealed that romantic

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<sup>7</sup> National Crime Records Bureau, Crime in India Report, 2021.

<sup>8</sup> Shalu Nigam, "Criminalisation of Adolescent Sexuality", Economic and Political Weekly, Vol. 53, No. 17, 2018, p. 23.

cases i.e. cases in which the prosecutrix admitted to a relationship with the accused constituted 21.2% cases in Andhra Pradesh, 15.6% in Assam, 21.5% in Delhi, 21.8% in Karnataka (in 3 districts), and 20.5 % in Maharashtra.

Another study by HAQ Centre for Child Rights and FACSE-Mumbai, revealed that 83 out of 231 POCSO cases from Mumbai and Delhi pertained to romantic relationships, wherein acquittal was the norm. This shows that Special Courts appear to be taking a lenient approach while dealing with “romantic” cases in contrast to other cases under the POCSO Act. Also the criminalisation of consensual sex amongst or with adolescents has been flagged by several high courts. In 2019, the Madras High Court observed that relationship amongst minors or minors with persons who are slightly above the teen years was not unnatural or alien but a result of natural biological attraction. The judge concluded that it was unfortunate that the severe arm of the law through the POCSO Act criminalised such relationships and penalised them with severe sentences and recommended a revision of the age of consent and consideration of close-in-age exemptions.

The Enfold Proactive Health Trust undertook the analysis of a total of 7064 of the POCSO court decided between 2016 and 2020 by Special Courts in Assam, Maharashtra, and West Bengal, that entailed an express reference to a romantic relationship between the victim and the accused. Of these, 1715 (24.3%) cases fell within the category of “romantic” cases. Informants in “romantic” cases were predominantly the parents (1215 cases -70.8%) and family members like the sibling and relatives (162 cases-9.4%) of the girls who combinedly constituted 80.2% of informants. In 1,508 cases (87.9 per cent), the girl admitted being in a romantic relationship with the accused. Significantly, acquittals were the norm. In 1,609 cases (93.8 per cent), the court acquitted the accused. In most such cases (82.6 per cent), the reason cited for acquittal was that the girl did not testify against the accused. The research was supported by UNICEF-India and UNFPA and published in December, 2022.

The consequences of criminalisation include:

### **1. Arrest and Detention of Adolescents**

One of the most immediate consequences of criminalisation under strict statutory sexual offence laws is the arrest and detention of adolescents. When consensual relationships are reported under laws such as the POCSO Act, adolescent partners—most often boys—may be arrested and subjected to criminal investigation and judicial custody. This exposes young

individuals to the criminal justice system at a vulnerable stage of their lives, causing fear, distress, and disruption of their personal development. Such exposure may also result in long-term distrust of legal institutions.

## **2. Educational Disruption**

Criminal prosecution often leads to serious interruption in the educational pursuits of adolescents. Arrest, detention, and ongoing legal proceedings may prevent them from attending school or college regularly. In many cases, adolescents are forced to discontinue their education entirely due to stigma, institutional restrictions, or emotional distress. This disruption negatively affects their academic progress, career prospects, and future socio-economic stability.

## **3. Psychological Trauma**

The experience of criminal investigation, arrest, and prosecution can cause severe psychological harm to adolescents. Young individuals may experience anxiety, depression, fear, humiliation, and emotional distress as a result of being treated as criminal offenders. The trauma is often intensified by social isolation and uncertainty about their future. Such psychological consequences can have long-term effects on their mental health and emotional well-being.

## **4. Social Stigma and Marginalisation**

Adolescents accused of sexual offences often face social stigma and exclusion from their communities. They may be labelled as criminals, resulting in loss of reputation, social isolation, and damaged personal relationships. This stigma can extend to their families as well, affecting their social standing and acceptance. Social marginalisation can significantly affect an adolescent's confidence, identity, and integration into society.

## **5. Permanent Criminal Records and Long-Term Consequences**

A criminal conviction can result in permanent criminal records, which may adversely affect future opportunities. Adolescents with criminal records may face difficulties in securing employment, pursuing higher education, or obtaining professional licenses. The long-term consequences of criminalisation can permanently affect their social and economic prospects. Such outcomes are disproportionate, especially in cases involving consensual relationships without exploitation.

These consequences undermine the developmental and social well-being of adolescents.

## V. Judicial Responses and Interpretative Challenges

Indian courts have increasingly recognised the problematic consequences of the rigid application of the POCSO Act.

Judicial trends also reflect growing awareness of the issue. Reports indicate that several High Courts across India have quashed POCSO proceedings where the relationship was clearly consensual, recognising the complex social realities of adolescent relationships. Courts have increasingly acknowledged the “biosocial dynamics” of adolescent intimacy and the need for a more nuanced approach when interpreting statutory sexual offences involving teenagers.

The 2 judge bench of supreme court of india consisting of Sanjay karol and NONGMEIKAPAM KOTISWAR SINGH in the case of The State Of Uttar Pradesh vs Anurudh on 9 January, 2026 observed that Considering the fact that repeated judicial notice has been taken of the misuse of these laws, let a copy of this judgment be circulated to the Secretary, Law, Government of India, to consider initiation of steps as may be possible to curb this menace inter alia, the introduction of a Romeo – Juliet clause exempting genuine adolescent relationships from the stronghold of this law; enacting a mechanism enabling the prosecution of those persons who, by the use of these laws seeks to settle scores etc.

In *Independent Thought v Union of India*, the Supreme Court recognised the importance of dignity, bodily integrity, and autonomy of minors.<sup>9</sup> While the case concerned marital rape of minors, it underscored the constitutional importance of protecting minors without violating their dignity.

In *Sabari v Inspector of Police*, the Madras High Court observed that the POCSO Act was sometimes misused in cases involving consensual adolescent relationships and recommended reconsideration of the age of consent framework.<sup>10</sup>

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<sup>9</sup> *Independent Thought v Union of India*, (2017) 10 SCC 800.

<sup>10</sup> *Sabari v Inspector of Police*, Madras High Court, 2019.

Similarly, in *Vijayalakshmi v State*, the Madras High Court highlighted that consensual adolescent relationships should not automatically attract severe criminal consequences.<sup>11</sup>

However, courts remain constrained by statutory provisions and cannot create exemptions through judicial interpretation. Legislative reform is therefore necessary.

## VI. Constitutional Analysis

### A. Article 14: Right to Equality

Article 14 guarantees equality before the law and prohibits arbitrary classification. The POCSO Act treats exploitative sexual abuse and consensual adolescent relationships identically. This violates the principle of reasonable classification, which requires differential treatment of fundamentally different situations.<sup>12</sup>

Failure to distinguish between exploitative abuse and consensual adolescent relationships results in arbitrary criminalisation.

### B. Article 21: Right to Life and Personal Liberty

The Supreme Court has interpreted Article 21 to include dignity, autonomy, and privacy.<sup>13</sup> In *Justice K.S. Puttaswamy v Union of India*, the Court recognised privacy as a fundamental right, including decisional autonomy.<sup>14</sup>

Similarly, in *Navtej Singh Johar v Union of India*, the Court affirmed that autonomy over intimate relationships is an essential component of dignity.<sup>15</sup>

Criminalising consensual adolescent relationships interferes with these constitutional protections.

### C. Doctrine of Proportionality

The proportionality doctrine requires that criminal sanctions must be proportionate to the harm caused.<sup>16</sup> Imposing severe criminal penalties on consensual adolescent relationships is disproportionate and constitutionally suspect.

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<sup>11</sup> *Vijayalakshmi v State*, Madras High Court, 2021.

<sup>12</sup> Constitution of India, Article 14.

<sup>13</sup> *Maneka Gandhi v Union of India*, (1978) 1 SCC 248.

<sup>14</sup> *Justice K.S. Puttaswamy v Union of India*, (2017) 10 SCC 1.

<sup>15</sup> *Navtej Singh Johar v Union of India*, (2018) 10 SCC 1.

<sup>16</sup> *Modern Dental College v State of Madhya Pradesh*, (2016) 7 SCC 353.

## VII. Comparative Legal Analysis

### Comparative Table: Age of Consent and Close-in-Age (Romeo-Juliet) Provisions in Selected Jurisdictions

Country / State	Age of Consent	Close-in-Age Exemption	Year Introduced	Key Details / Exceptions
<b>USA (Florida)</b>	18	16–17-year-olds may engage in consensual relations with partners up to 23 years old	2007	Known as the “Romeo and Juliet Law”; prevents felony charges for consensual adolescent relationships
<b>USA (Georgia)</b>	16	Allows a 3-year age gap for minors aged 14–16	2006	Statutory rape treated as a misdemeanor rather than a felony where age difference is small
<b>Canada</b>	16	14–15-year-olds may engage in sexual activity with a partner not more than 5 years older	2006	Close-in-age exemption incorporated into the Criminal Code
<b>Japan</b>	13 (national law)	No formal close-in-age exemption at the national level	N/A	Local prefectural ordinances generally raise the effective age of consent to 16–18
<b>South Korea</b>	16	No formal close-in-age exemption	N/A	Sexual activity with a minor below 16 is criminalised
<b>Philippines</b>	16	16-year-olds may consent to partners within a 3-year age difference	2022	Law raised the age of consent from 12 to 16
<b>Australia (Tasmania)</b>	17	Persons aged 15 or above may consent if	2001	“Age similarity defence” recognised

		partner is not more than 5 years older		
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#### A. United States

Many U.S. states have adopted Romeo–Juliet clauses that provide exemptions for consensual sexual relationships between minors within a specified age difference. These provisions prevent criminalisation while maintaining protections against exploitation.<sup>17</sup>

#### B. Canada

Canadian law provides close-in-age exemptions allowing consensual sexual activity between minors under specified age differences, subject to safeguards against exploitation.<sup>18</sup>

#### C. United Kingdom

While the age of consent in the UK is sixteen, prosecutorial discretion and legal practice ensure that consensual peer relationships are not unnecessarily criminalised.<sup>19</sup>

These jurisdictions demonstrate that child protection and adolescent autonomy can coexist.

### **VIII. Misuse of the POCSO Act as a Tool of Social Control**

The POCSO Act is frequently misused to enforce social norms and parental authority. Cases involving inter-caste and inter-religious relationships are particularly vulnerable to misuse.<sup>20</sup>

In several instances, statutory sexual offence laws have been used as instruments of social control, particularly in cases involving inter-caste or inter-religious relationships. Families sometimes invoke POCSO provisions not because of genuine concerns of abuse but to prevent socially disapproved relationships. This phenomenon illustrates how the law may unintentionally reinforce existing social hierarchies and moral norms rather than focusing solely on the protection of children from exploitation.

Parents often file complaints to prevent relationships they disapprove of, resulting in criminal prosecution of adolescent partners.

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<sup>17</sup> Michelle Oberman, *supra* note 3.

<sup>18</sup> Criminal Code of Canada, Section 150.1.

<sup>19</sup> Sexual Offences Act, 2003 (UK).

<sup>20</sup> Aparna Chandra, "Consent and the POCSO Act", *Indian Law Review*, Vol. 4, 2020.

This misuse undermines the credibility of the law and diverts resources away from genuine abuse cases.

## **IX. Psychological and Developmental Considerations**

Romeo–Juliet provisions are also subject to certain limitations. The protection generally applies only when the age difference between the individuals falls within a specified range; if the age gap exceeds this threshold, criminal liability may still arise. Additionally, such exemptions apply only to consensual relationships, and non-consensual sexual acts remain fully punishable under criminal law. These safeguards ensure that the objective of child protection is not compromised while addressing cases of consensual adolescent intimacy.

Adolescence is a critical period of psychological and emotional development. Scientific research recognises that adolescents develop romantic and sexual interests as part of normal development.<sup>21</sup>

Criminalising consensual adolescent relationships can cause severe psychological harm, including trauma, depression, and social isolation.

Criminal law must reflect developmental realities rather than impose unrealistic moral expectations.

## **X. Policy Justifications for a Romeo–Juliet Clause**

A Romeo–Juliet clause would provide several benefits:

### **1. Prevent Unjust Criminalisation of Adolescents**

A Romeo–Juliet clause helps prevent the unjust criminalisation of adolescents engaged in consensual relationships with individuals close to their age. In the absence of such a provision, adolescents may be prosecuted under strict statutory sexual offence laws despite the absence of coercion, exploitation, or abuse. This results in the inappropriate application of criminal law to conduct that is developmentally natural and consensual. Introducing a close-in-age exemption ensures that adolescents are not unfairly subjected to severe criminal penalties for consensual peer relationships.

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<sup>21</sup> UNICEF, Adolescent Development Report, 2019.

## **2. Protect Constitutional Rights**

The criminalisation of consensual adolescent relationships raises concerns regarding violation of constitutional rights, particularly the right to equality, dignity, privacy, and personal liberty under Article 14 and Article 21 of the Constitution of India. A Romeo–Juliet clause would help safeguard these constitutional protections by recognising adolescent autonomy and preventing arbitrary and excessive state interference in personal relationships. It ensures that legal provisions remain consistent with constitutional principles of fairness and individual liberty.

## **3. Ensure Proportionality in Criminal Law**

The principle of proportionality requires that criminal punishment must correspond to the seriousness of the offence. Imposing severe criminal penalties on adolescents involved in consensual relationships is disproportionate to the nature of the conduct, especially when there is no exploitation or harm involved. A Romeo–Juliet clause ensures that criminal liability is applied in a fair and proportionate manner, reserving severe penalties for cases involving genuine abuse, coercion, or exploitation.

## **4. Allow Law Enforcement to Focus on Genuine Abuse Cases**

By exempting consensual adolescent relationships from criminal prosecution, a Romeo–Juliet clause allows law enforcement agencies to focus their resources on investigating and prosecuting genuine cases of child sexual abuse. This improves the effectiveness of child protection laws by ensuring that attention is directed toward serious offences involving exploitation, coercion, and abuse, rather than consensual relationships between adolescents.

## **5. Reduce Misuse of the Law**

Sexual offence laws are sometimes misused by parents or guardians to oppose relationships based on social, cultural, caste, or religious considerations. This leads to the filing of criminal complaints despite the consensual nature of the relationship. A Romeo–Juliet clause helps prevent such misuse by ensuring that consensual peer relationships are not treated as criminal offences. This protects adolescents from unnecessary legal action and preserves the integrity and purpose of child protection laws.

Such a clause would strengthen rather than weaken child protection.

## **XI. Counterarguments and Rebuttal**

Opponents of introducing a close-in-age exemption, commonly known as a Romeo–Juliet clause, argue that such a provision may weaken the protective framework of child sexual offence laws. They contend that creating exceptions could potentially be misused by offenders to escape liability and may dilute the strict protective intent of statutes such as the POCSO Act. Critics also express concern that recognising any form of adolescent consent could expose minors to a greater risk of manipulation, coercion, or abuse, particularly in situations where emotional or psychological pressure may be present.

However, these concerns can be effectively addressed through carefully drafted legal provisions that include clear safeguards and limitations. A properly structured Romeo–Juliet clause does not provide blanket immunity but applies only in specific circumstances, such as when the age difference between the individuals falls within a narrowly defined range, typically two to five years. Additionally, such provisions can explicitly exclude cases involving coercion, force, manipulation, abuse of authority, or exploitative relationships. This ensures that the exemption applies only to genuinely consensual relationships between adolescents who are close in age and possess relatively similar levels of maturity and understanding.

Furthermore, international legal experience demonstrates that close-in-age exemptions do not weaken child protection frameworks but rather strengthen them by improving the focus and effectiveness of the law. Countries such as Canada, the United States, and several European nations have successfully implemented Romeo–Juliet clauses while maintaining strong legal protections against child sexual abuse. These jurisdictions continue to prosecute exploitative conduct rigorously, while ensuring that consensual adolescent relationships are not unnecessarily criminalised.

## **XII. Recommendations for Legislative Reform**

Some scholars suggest that a workable close-in-age exemption could involve a minimum threshold age of sixteen years and a permissible age difference of approximately three years, which reflects the average standard followed in several jurisdictions worldwide. Such a model would prevent the prosecution of adolescents involved in consensual relationships while maintaining safeguards against exploitation by significantly older individuals.

The following reforms are recommended:

1. Introduction of a close-in-age exemption of three to five years.
2. Recognition of consensual adolescent relationships within defined limits.
3. Judicial discretion in determining criminal liability.
4. Safeguards against coercion and exploitation.
5. Clear statutory guidelines distinguishing exploitation from consent.

These reforms would ensure fairness, proportionality, and constitutional compliance.

### **XIII. Conclusion**

The POCSO Act represents a critical legislative effort to protect children from sexual abuse. However, its strict liability framework has resulted in unintended consequences, including the criminalisation of consensual adolescent relationships. The absence of a Romeo–Juliet clause creates constitutional, legal, and ethical concerns.

Incorporating a carefully drafted close-in-age exemption would align the Act with constitutional principles of dignity, autonomy, equality, and proportionality. It would prevent unjust criminalisation while preserving protections against exploitation.

Legislative reform is therefore both necessary and urgent to ensure that the POCSO Act fulfils its protective purpose without causing unintended harm.

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