

GOVERNMENT OF INDIA
MINISTRY OF WOMEN AND CHILD DEVELOPMENT

RAJYA SABHA
UNSTARRED QUESTION NO 1748
TO BE ANSWERED ON 21.12.2022

AGE OF CONSENT FOR CONSENSUAL RELATIONSHIP AMONG TEENAGERS

1748: SHRI BINOY VISWAM:

Will the Minister of WOMEN AND CHILD DEVELOPMENT be pleased to State:

- (a) Whether Government is cognizant of the issue of age of consent whereby consensual sexual relationships between teenagers often get criminalized under the Protection of Children from Sexual Offences Act, 2012; and
- (b) Whether Government is considering any proposal to reduce the age of consent from 18 to 16 years under the Act to prevent the criminalization of consensual relationships between teenagers?

ANSWER

MINISTER OF WOMEN AND CHILD DEVELOPMENT
(SHRIMATI SMRITI ZUBIN IRANI)

(a): The Protection of Children from Sexual Offences (POCSO) Act, 2012 enacted by Govt of India to safeguard children from sexual abuse and sexual offences. The act clearly defines a child as any person below the age of 18 years. The POCSO Act provides punishment as per the gravity of offence.

The Act was further amended in 2019 to introduce more stringent punishment including death penalty for committing sexual crimes on children, with a view to deter the perpetrators & prevent such crimes against children.

In case of commission of offence by child, Section-34 under POCSO Act already provides procedure in case of commission of offence by child and determination of age by Special Court as follows: -

- i. Where any offence under this Act is committed by a child, such child shall be dealt with under the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2000.
- ii. If any question arises in any proceeding before the Special Court whether a person is a child or not, such question shall be determined by the Special Court after satisfying itself about the age of such person and it shall record in writing its reasons for such determination.

Additionally, The Majority Act, 1875 [as amended vide Indian Majority (amendment) 1999] provides 18 years as the age for attainment of majority.

(b) Does not arise.
