

GOVERNMENT OF INDIA
MINISTRY OF WOMEN AND CHILD DEVELOPMENT

LOK SABHA
UNSTARRED QUESTION NO: 1361
TO BE ANSWERED ON 06.02.2026

MISUSE OF POCSO ACT

1361: SHRI SUBBARAYAN K AND COM. SELVARAJ V:

Will the Minister of Women and Child Development be pleased to state:

- (a). whether the attention of the Government has been drawn to the concern expressed by a two-judge bench of the Supreme Court about the repeated misuse of the Protection of Children from Sexual Offences (POCSO) Act/asking the Centre to consider introducing a "Romeo-Juliet" clause to exempt "genuine adolescent relationships" from POCSO's harshest provisions; and
- (b). if so, the details thereof along with the reaction of the Government thereto?

ANSWER

MINISTER OF WOMEN AND CHILD DEVELOPMENT
(SHRIMATI ANNUPURNA DEVI)

(a) and (b): The Protection of Children from Sexual Offences (POCSO) Act, 2012 was enacted by the Government of India with the objective of safeguarding children from sexual abuse and sexual offences. The Act clearly defines a *child* as any person below the age of eighteen years and provides for graded punishments commensurate with the gravity of the offence. Subsequently, the Act was amended in 2019 to introduce more stringent penal provisions, including the death penalty for certain aggravated sexual offences against children, with a view to deter perpetrators and prevent the commission of such crimes.

The POCSO Act does not explicitly define the term *consent*, and under the statutory framework, any sexual act involving a person below eighteen years of age is treated as an offence, irrespective of whether consent was purportedly given. Further, the POCSO Rules, 2020 were notified by the Ministry of Women and Child Development to strengthen the implementation of the Act and to ensure enhanced protection of children from sexual exploitation, abuse, and violence through child-friendly procedures and institutional safeguards.

The legislative decision to retain the age of consent at eighteen years is a conscious and considered policy determination. The age of majority has been uniformly fixed at eighteen years across various statutes in order to maintain consistency and coherence within the legal framework, including, *inter alia*, the Bharatiya Nyaya Sanhita, 2023; the Protection of Children from Sexual Offences Act, 2012; the Prohibition of Child Marriage Act, 2006; the Hindu Adoptions and Maintenance Act, 1956; the Juvenile Justice (Care and Protection of Children) Act, 2015; and the Hindu Minority and Guardianship Act, 1956. The legislative intent

underlying the aforesaid enactments reflects the settled position that individuals below the age of eighteen years are not deemed capable of providing informed consent or making decisions, the long-term implications of which they may not fully comprehend.

Uniformity across laws in prescribing the age of consent as eighteen years is intended to prevent manipulation, coercion, and exploitation of minors, recognising that children lack the legal and psychological capacity to give meaningful and informed consent in matters involving sexual activity. The definition of a *child* under the POCSO Act, 2012 and other child-centric legislations is also in conformity with India's international obligations under the United Nations Convention on the Rights of the Child, particularly Article 1 thereof.

Any dilution of the age of consent or introduction of exceptions would undermine child safety, increase the risk of exploitation, and weaken India's commitment to the protection of children, especially adolescent girls.
