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THE LEGAL DIMENSIONS OF THE ROMEO AND JULIET CLAUSE: CONCEPT, SCOPE AND RATIONALE

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Abstract

The term Romeo and Juliet clause refers to a law provision that decriminalizes consensual sexual activity between minors who are close in age, or between a minor and a young adult within a specified age gap. This concept was first introduced in the United State of America. If such clause is applied in India, it would create an exception under the Protection of Children from Sexual Offences Act 2012(*POCSO*). This exception would apply to consensual relationships between adolescents where one person is below 18 years of age. The *POCSO* Act currently provides that any sexual activity involving a person below 18 years of age is considered as offence. The law does not distinguish between exploitative conduct by adults and consensual romantic relationships between minors. As result, even voluntary sexual acts between adolescents may attract serious criminal charges, including penetrative sexual assault under the Protection of Children from Sexual Offences Act; 2012. This rigid framework has raised concerns. It may inadvertently criminalize genuine adolescent relationships.

Keywords: Consensual Relationships, Sexual Offences, Adolescents, and Child Protection.

INTRODUCTION

The Protection of Children from Sexual Offences Act (*POCSO*) was passed in 2012. The primary objective of the Act is to protect children from all types of sexual offences, including as sexual assault, sexual harassment and show pornography. Where children are incapable to understand the nature or consequences of the acts which is committed by offenders. The Act also provides for the establishment of special courts for speedy trial of offences. A matters is

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connected with or incidental thereto. The enactment of the POCSO Act is firmly rooted in the constitution mandate under Article 39(e) of the constitution of India³, which directs the state to protect children from abuse and exploitation. According to a report of the NGO Enfold India, POCSO cases from Assam, Maharashtra and West Bengal revealed that 24.3% of the cases studied were “Romantic cases” involving consenting adolescents. Furthermore, 80.2 % of these cases were filled by girls’ parents⁴. The growing use of social media has been identified as a main cause behind on a growing popularity of communication among girls and accused persons. It also helps in developing mutual understanding among the people.⁵ Generally, this platform creates an opportunities to interaction and intimacy between the victim and accused. The Protection of Children from Sexual Offences Act 2012 (*POCSO*) is a gender-neutral in nature however, it does not recognize the consent of minors, specific and does not requirements for both the parties consent while a minor is involved in a romantic relationship.

2. LITERATURE REVIEW

i) **Sinha Ishita et al. (2023)**⁶ have discussed the key aspects of the Protection of Children from Sexual Offences Act, 2012. The POCSO Act plays a central role in preventing sexual abuses crimes against children. Child sexual abuse is a heinous crime that not only affects the victim but also has a profound impact on the lives of the victim’s family. Therefore, it is essential that all stakeholders - including the government, law enforcement agencies, social organization and the community, work collectively to ensure the protection and well-being of kids.

ii) **Manoj V. (2026)**⁷ examines the implications of strict age- of - consent laws that treat all underage sexual encounters as criminal offences , regardless of mutual consent or similar age of the victim and alleged offender. The author further narrated various legal provisions and policy approaches adopted by both developing and developed countries to address consensual relationships among adolescents. The study highlighted that the absence or

³ Shurma Sakshi, *Reverse Presumptions, Adolescent Consent, and the Limits of Child-Centric Criminal Law under POCSO, 9.J*, International journal of law Management & Humanities (2026).

⁴ D. Nair Saundarya & Patnaiak Priyasha, *Evaluating the Efficacy of Romeo - Juliet Laws In India*, 6 J., Journal on the Rights of the Child of National Law University of Odisha, 176 (2025).

⁵ Padakatti Priya, *Teenagers, Sex and the Law: Where Consent Gets Complicated*, 5 j., International Journal of Advanced Research in Science, Communication and Technology (2025).

⁶ Sinha Ishita & Singh Ritwik, *Critical Analysis of Pocso: In Light of the Rights of the Adolescents, 5J.*, International Journal for Multidisciplinary Research, (2023).

⁷Manoj V. *The "Romeo Juliet" Clause: A Critical Study*, 5.J., International Journal for Legal Research & Analysis, (2026).

inadequate recognition of a “Romeo Juliet” clause may lead to significant psychological and social consequences for both boys and girls involved in consensual teenage relationships.

iii) **Sonam Jain, (2025)**⁸ examines consensual relationships between minors and the alleged perpetrators. The author observed the Supreme Court has developed a standardized method for determining the age of the victim, which could also be effectively applied in “Romeo – Juliet” cases. Implementing this approach would provide a more nuanced and equitable framework for addressing underage consensual relationships, ensuring that justice is delivered while minimizing the undue criminalizations of adolescents and protecting and safeguarding the rights of abuse victim.

iv) **Saundarya D.Nair et al. (2026)**,⁹ examined the legal framework surrounding the age of consent of victims in “Romeo and Juliet” cases across different jurisdiction, noting significant variations from country to country. The authors highlights that “Romeo and Juliet” provisions are designed to protect adolescents engaged in consensual sexual activity from being criminally prosecuted for statutory rape, provided that both parties are close in age.

v) **Sampada Gautam et al (2025)**¹⁰ the authors have focused the legislative enactments for the protection of children in India. The authors observe that children in the age groups of 16-18 years generally are attained to puberty and tend to explore their sexuality and into romantic relationships. There are numerous loopholes exist in the legal procedures and administrative barriers. Due to lack of training for law enforcement and judicial authorities the number of crime rate is growing every part of the country.

It needs to ensure that the legislation does not become a tool for retaliation while simultaneously safeguarding the autonomy and evolving capacities of teenagers. In this context, the Supreme Court of India has discussed the possibility of introducing a tailored ‘Romeo and Juliet clause’ that could exempt consensual relationships between adolescents of similar age from the strict application of the Act. Such an approach would allow the law to retain its primary objective of protecting children from abuse and exploitation while avoiding the unintended criminalization of consensual adolescent relationships. Furthermore, the Act provides stringent punishment for perpetrators involved in sexual abuse and harassment of children. This study examines these issues through a comparative analysis of legal approaches

⁸ Jain Sonam, *Consent In Romeo -Juliet Cases, 13.J*, International Journal of creative Research Thoughts, (2025).

⁹ D. Nair Saundarya & Patnaiak Priyasha, *Evaluating the Efficacy of Romeo - Juliet Laws In India*, 6 J., Journal on the Rights of the Child of National Law University of Odisha, 176 (2025).

¹⁰ Sampada Gautama & Mahendra Singh Meena (2025) The Ties That Bind: Juvenile Delinquency and Adolescent Relationships, International *Journal of Technology and Applied Science*, 16(6) 1-6.

adopted in various jurisdictions.

3. AGE DETERMINATION AND RELEVANCE OF CONSENT

The definition of a “child” varies across the different countries and legal system. It reflecting diverse of a socio- legal perspectives on childhood and age- based responsibilities. The definition of child is not uniform and depends on the specific legislative context. For example, The Protection of Children from Sexual Offences Act 2012 defined a child as any individual below the of 18 years. The Right to Education Act 2009 defines a child as someone between the ages of 6- 14 years of age. The Juvenile Justice (Care and Protection of Children) Act, 2015, defines a child as an individual below the age of 18 years of age focusing on matters related to care, protection and rehabilitation. The Supreme Court has laid down a standardized method for determining a victim's age however this approach must be applied with caution in Romeo-Juliet cases.¹¹ According to the National Family Health survey -4 (2015-2016) 11% of girls had their first sexual intercourse before the age of 15, and 39% before the age of 18. In the same survey, 6.3% of women who got married at the age of 18 years or above have reported having their first sexual intercourse before 15 years.¹²

TABLE -1

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

1	Name of the country	Age consent	Close –in- age Exemption	Year of Introduction	Key Details/ exceptions
2	USA(Florida)	18	16-17 years olds can engage with partners up to 23 years old.	2027	Romeo and Juliet Law are known to Prevent felony charges.
3	USA (Georgia)	16	Allows a 3 years – age gap for minors	2006	Misdemeanor is imposed instead of a

¹¹ Jain Sonam(2025) Consent In Romeo -Juliet Cases, 13.J, International Journal of creative Research Thoughts

¹² Sampada Gautama & Mahendra Singh Meena (2025) The Ties That Bind: Juvenile Delinquency and Adolescent Relationships, International Journal of Technology and Applied Science, 16(6) 1-6.

			aged 14- 16		felony for statutory rape.
4	Canada	16	- 14-15 years: Partner \leq 5 years older	2006	Added to criminal code in 2006.
5	Japan	13 (national)	No formal close-in age exemption	N/A	However, local ordinances rise the age to 16-18 in practice.
6	South Korea	16	No formal close-in age exemption	N/A	Sexual activity with a minor below 16 is criminal.
7	Philippines	16	16-year-olds can consent to a partner within 3 years of age	2022	New law has risen the age of consent from 12 to 16.
8	Australia (Tasmania)	17	- 15+ can consent if partner \leq 5 years older	2001	Age similarity defenses in place.
9	India	18	16- 18 years , where the age difference between partners is within a small threshold (e.g. 2-3 years)	2012	Protection of children from sexual offences Act 2012.
10	South Africa	16	12-15 years old engage in consensual sex with peers in the same age category (12- 15 years) without criminal sanction.	2007	The criminal law (Sexual offences and related Matters) Amendment Act of 2007.

Sources: Researchers own data derived from different sources.

4. JUDICIAL PRONCEMENT OF INDIAN COURTS

The Supreme Court of India and various High Courts across the country have delivered judgment both in favour of and against the accused in “Romeo Juliet” cases, reflecting the complex and nuanced nature of underage consensual relationships under Indian law. The author has examined key cases to analyze how cases as well as determination of the above issue in India.

i. Vijaylakshmi & Anr. v. State¹³ the judgment was pronounced by the Madras High court which observed that “A teenager is at a complex stage of life. A boy or girl undergoing hormonal and biological changes, and whose capacity for decisions- making is still developing should receive the proper support and guidance of their parents as well as society at large.

ii) State v. Akhilesh Harichandra Mishra¹⁴ victim was aged about 15 years old when eloped with the accused and married him. The informant stated that both of them were married. As a result, no complaint was initially filled. Therefore the perpetrator was not found guilty. The special court held that matte had been settled. The court directly rejected the plea of state and observed that such conduct does not require permission.

iii) Jarnail Singh v. State of Haryana¹⁵ The author examined the issue of the victim’s rights in POCSO cases. Generally, POCSO cases involve a child or a juvenile in conflict with law. An age determination must be conducted carefully. On the other hand, it is usually based on the matriculation certificate. A birth certificate issued by a competent authority can also be used. If these documents are not available, the special court may rely on medical board report. The court can then determine the age accordingly.

iv) State of UP v. Aniruddha and others¹⁶ the apex court flagged the misuse of the POCSO Act and recommended evolving a mechanism to penalise those deliberately mis use POCSO provisions to settle personnel scores or expert social pressure. Court observed that the gap between access to justice and abuse of law is not a new phenomenon and has been repeatedly noticed in matrimonial offences

5. APPLICABILITY OF ROMEO-JULIET LAWS IN INDIA

This ideology is not heard in India. In 2019 a ruling has been passed by the Madras High court. However, the advantages and disadvantage of such exception must be assessed in the

¹³ H.C.P. (MD) NO 1259 of 2024.

¹⁴ Spl.c No 165of 2015 (India)

¹⁵ AIR 2013 SC 3467.

¹⁶ 2026 SCC Online SC 40, 09-01-2026

Indian context. Social, economic and cultural context are first context and legal challenges is a second context. However, this law first introduced in the United States because there was concern that teenager in consensual relationships were being unfairly criminalised for statutory rape.

CONCLUSION & SUGGESTIONS.

The article is to review the romantic relationships between the accused, victim and efficacy of the Protection of the children from sexual offences Act 2012. Presently, the society is more advanced. A relationship has become modern as causal sexuality, physical intermittency, dating and live –in relationship. It is not feasible to fix a specific age for Romeo-Juliet cases. Hormonal changes and maturity could differ from person to person. Upbringing and life circumstances vary significant among for each individual.

1. A Romeo Juliet clause is not Anti women or anti child. It clearly anti misuse of predation and peer adolescent relationships.
2. The call for a Romeo- Juliet clause is an admission that strict liability without context has destroyed young's lives.
3. Real child safety requires punishing misuse of **POCSO**, not protecting those who weapon it to settle personal scores.
4. Implement a statutory law for "Romeo Juliet" for the protection of the victim.
5. Mandatory family and child mediation: Utilize mediation to resolve disputes, especially when relationships are opposed by families to avoid immediate criminalization.
6. Message to parents: Parents responsibility highly required for the child protection.