
POCSO 2.0: SAFEGUARDING CHILDREN WHILE PROTECTING ADOLESCENT LOVE – A CRITICAL ANALYSIS OF THE ROMEO-JULIET CLAUSE DEBATE

Ishika Goyal, Amity University Punjab

ABSTRACT

The Protection of Children from Sexual Offences (POCSO) Act, 2012, is a cornerstone piece of legislation in India, which measures against child sexual abuse through a combination of strict provisions, child-friendly procedures, and stiffer penalties. The Act, which was amended in 2019 to include the death penalty for aggravated offences and has been strengthened by the POCSO Rules, 2020, has significantly enhanced the legal framework to protect minors under 18 from sexual exploitation, pornography, and harassment. But as India commences the second wave of POCSO implementation, daunting challenges have arisen that require a rethink of “POCSO 2.0” — one that not only protects vulnerable children but does so amid unintended consequences that emerge in relation to the law and adolescent relationships. This paper will consider the tension between child protection as an absolute value and adolescent autonomy, with special attention to the increasing abuse of the POCSO Act in consensual romantic relationships between adolescents that are relatively close in age. Judicial pronouncements as seen in particularly *State of Uttar Pradesh v. Anurudh* (2026), the Supreme Court, have brought to light the trend in which families using a highly limited approach under the strict interpretation of the Act (which does not recognise consent below 18 years of age) as a weapon to seek to curb inter-caste, inter-faith, or socially disapproved relationships. The top court has called on the Union Government to consider adding a narrowly articulated “Romeo-Juliet clause”, which would prevent the criminal prosecution of truly non-exploitative, adolescent relationships, so that the law doesn't "hollow out" its intended function to be a protective shield. Relying on recent Supreme Court and High Court judgments, parliamentary figures and implementation accounts, it assesses the wider landscape of POCSO with more than 2.24 lakh cases pending as of December 2025, the role of Fast Track Special Courts, mandatory reporting obligations and interface with the Bharatiya Nyaya Sanhita and Information Technology Act. It assesses arguments for and against a Romeo-Juliet exception: advocates call for proportionality, the protection of children's privacy under

Article 21 and that it aligns with the changing capacities of children as enshrined in the UN Convention on the Rights of the Child, while detractors warn that the protection may be subject to grooming, coercion and the erosion of child safety standards. We propose that it is necessary and possible to promote a balanced reform. A thoughtfully crafted near-adulthood exception mixed with the strong protective features of judicial supervision, counselling required and mechanisms to penalise improper use of the law can be more effective than weaker. Other recommendations are for better data gathering by the NCPCR, broadening of awareness campaigns, better training of all individuals, and incorporation of restorative justice dimensions for cases suitable to it. Finally, POCSO 2.0 must change to fit the modern world, protecting children from risk of predation, and also adolescent love from over-criminalisation. The implementation of this nuanced approach will contribute to the Act's legitimacy, alleviate judicial backlog and uphold constitutional values of dignity, equality and justice in a rapidly changing society.

REIMAGINING CHILD PROTECTION IN THE AGE OF ADOLESCENT AUTONOMY: CHARTING THE PATH FOR POCSO 2.0

In this new landscape of India's child protection landscape, ¹the Protection of Children from Sexual Offences (POCSO) Act, 2012 continues to be a bold and needed response to one of India's darkest realities. Designed to protect the younger generation from sexual exploitation, harassment, and abuse, this act represented a fundamental shift, placing child-specific processes, punitive penalties, and mandatory reporting at the heart of the criminalisation of minors. Around 14 years later, POCSO continues to undergird India's pledge to protect its youngest citizens. But as Generation Z and Alpha grapple with adolescence in a hyper-connected world, the Act is positioned at a pivotal juncture. It's no longer simply about protecting — it is about intelligent protection that grows and changes with society. This paper presents POCSO 2.0 here: a concept that defends children very narrowly from predation, while also carefully protecting adolescent love from over-criminalisation. ²The POCSO Act was thus born out of urgent necessity. Until 2012, child sexual abuse was inadequately dealt with under general provisions of the Indian Penal Code (now mostly replaced by the Bharatiya Nyaya Sanhita). Conviction rates were low, trials made young victims feel humiliated, and procedural delays mostly meant a child ended up as a secondary victim. Aware of these gaps, ³Parliament

¹ The Protection of Children from Sexual Offences Act, 2012 (Act No. 32 of 2012).

² The Protection of Children from Sexual Offences Rules, 2020, Gazette of India, 2020.

³ Ministry of Law and Justice, Reply to Rajya Sabha Unstarred Question (Feb. 12, 2026).

has put in action that POCSO is a comprehensive, gender-neutral law which defines a child as anyone below 18 years of age. 2019 amendments gave the Act still-greater impetus, introducing the death penalty for aggravated penetrative sexual assault and further broadening its scope of “aggravated offences” and establishing quicker timelines for trials. In compliance with the POCSO Rules, 2020, it also provides prevention through education and timely reporting, not just to prevent accidents, and provides victim support programs such as compensation for damages plus identity protection for victims. Of course, those measures have worked. Awareness has grown, reporting has been improved and Fast Track Special Courts (FTSCs) have cleared thousands of cases. But success has also laid bare fissures in the system. Over 2.24 lakh POCSO cases are still pending by Indian courts as at December 2025 with disposal times of six months to several years. The law’s zero-tolerance nature is necessary to prevent heinous crimes, but its harsh enforcement — notably an abject disregard for the consent of those below 18 years of age — has created unexpected and frequently shattering effects in the domain of teenage relationship. Enter the Romeo-Juliet dilemma. In January 2026, the Supreme Court of India, in *State of⁴Uttar Pradesh v. Anurudh*, turned a spotlight on the abuse of POCSO in consensual relationships between teenagers roughly in age. The two-judge bench noted that the Act is being called upon, increasingly, not as protection against predators but to be used by families to settle scores or resist inter-caste or inter-faith or socially disapproved romances. Such misuse, the Court observed, risks “hollowing out” what the legislation was intended to accomplish. The judges suggested the Union Government explore incorporating a narrowly defined “Romeo-Juliet clause” – an exception that would make legitimate and non-compulsive partnerships between adolescents with a minor age gap harmless but with meaningful provisions against coercion or abuse. This is something our young people experience all too well. Amid the prevalence of social media, early emotional bonding, and shifting social norms, making normal adolescent experimentation a crime opens doors to lifetime stigma, disrupted education, and mental health issues. On the other hand, any reform should be implemented with utmost caution. Critics are right that relaxing the effective age of consent or making wide enough exceptions can leave vulnerable minors — especially girls — vulnerable to grooming, manipulation and trafficking. In Parliament this February, the government’s response reaffirmed 18 years should be held to be the uniform age of consent in case exploitation happens. The paper does a critical examination of this fine line. It explores the development and main provisions of the POCSO Act across time, explores the implementation hurdles such

⁴ *State of Uttar Pradesh v. Anurudh*, 2026 INSC (Supreme Court of India, 9 January 2026).

as enormous pendency and institutional shortcomings and goes in depth into judicial developments around the Romeo-Juliet controversy.⁵ Based on recent Supreme Court and High Court decisions, official evidence, and international comparative methods, the work considers constitutional issues of privacy, dignity, equality, and the “evolving capacities” of adolescents as articulated in the UN Convention on the Rights of the Child. In the end, the goal of POCSO 2.0 is not the watering down of protections, but the fine-tuning of them. By including clearer exceptions, with more robust anti-misuse provisions, better training for stakeholders and better support structures, the law can do more to achieve its main purpose of providing a safer India for every child and adolescent. This part provides a springboard for more detailed exposition — one that recognizes the successes of the Act; challenges its shortcomings; and lays out a forward-thinking agenda. Its purpose, in so doing, is to contribute something to the long-standing conversation on child rights, adolescent self-determination and justice in 21st century India.

THE ROMEO-JULIET CLAUSE DEBATE: MISUSE OF POCSO AND THE NEED FOR NUANCED REFORMS

⁶The enforcement of the POCSO Act, 2012 has met with a serious modern problem – the criminalisation of consensual sexual relationships among adolescents who are very close to each other. The problem has come to the fore with respect to judicial advocacy, with the judiciary stating when, as early as 2026, it was observed that the misuse of the Act was as a tool for familial or societal control rather than genuine child protection.

The gist of the problem is POCSO's blanket rule that any sexual act with a person below 18 years constitutes an offence, irrespective of consent. Although this provision is intended to shield children from exploitation and grooming, it has recently been brought forward specifically in cases involving teenage couples, particularly in inter-caste, inter-faith and inter-community relationships, which face parental disapproval.⁷ Families file complaints under POCSO to stop these kinds of relationships, resulting in arrests, social stigma, prolonged trials and severe psychological impact on the youths involved. This mechanical implementation of the principle undermines the Act's protective purpose and destroys public confidence in the

⁵ United Nations Convention on the Rights of the Child, 1989, Arts. 5 & 12.

⁶ The Protection of Children from Sexual Offences Act, 2012 (Act No. 32 of 2012).

⁷ Aaratrika Bhaumik, “Under POCSO, Consent on Trial”, *The Hindu* (27 Feb. 2026).

legal process.⁸ The tide changed in January 2026 when the Supreme Court took action to resolve this issue in *State of Uttar Pradesh v. Anurudh*. In a recent ruling of two judges sitting in the bench, Justices Sanjay Karol and N. Kotiswar Singh noted that the continual abuse of the POCSO in consensual adolescent relationships was “hollowing out” the purpose of the law. The Court urged the Union Government to consider introducing a narrowly tailored “Romeo-Juliet clause” — an exception for genuine, close-in-age relationships where there is no element of coercion, exploitation, or significant age gap. The decision was clear that such a clause would distinguish predatory abuse from non-exploitative teenage romance, without compromising the safeguards on vulnerable children. This is consistent with global policy. Several jurisdictions such as those in the USA, the UK and Canada have close-in-age exemptions to the rule (most frequently known as Romeo and Juliet laws) that make consensual intimate sexual intercourse between young people with a small developmental age difference legal and thus decriminalisable. These clauses often mandate a voluntary relationship and limit the age gap (for example, 2–4 years), as a way to avoid misuse of power.

Advocates for the Romeo-Juliet Clause

⁹Supporters of the provision say it would respect the privacy, dignity and personal autonomy of the constitutional norms underpinning India’s Constitution under Article 21. It acknowledges the “evolving capacities” of young people as defined by the UN Convention on the Rights of the Child.⁹ In a digital age where teens bond earlier, criminalising normal experiences as a part of development does more harm than good: depression, falling out of school, lifelong criminal records.

Arguments Against the Clause

The Union Government has taken a circumspect approach.¹⁰ In February 2026, the Ministry of Women and Child Development reiterated that the potential risk of grooming, coercion and child marriage, particularly to girls, increased with any dilution of the age of consent. Consistent 18 year age of consent to safeguard vulnerable minors from manipulation is considered to be a safeguard. Critics also fear that a Romeo-Juliet clause might be misused by

⁸ *State of Uttar Pradesh v. Anurudh*, 2026 INSC (Supreme Court of India, 9 January 2026).

⁹ Constitution of India, Art. 21.

¹⁰ Ministry of Women and Child Development, Lok Sabha Written Reply (Feb. 2026).

accused persons to evade liability in borderline cases.

Even the High Courts have raised similar concerns. In various cases, the Madras High Court has quashed proceedings where there were evidentiary gaps for consensual relationships and where there was weak evidence, proving the need to leave the cases to the discretion of the courts. But without legislative backing, such interventions are spotty cases and erratic.

Critical Analysis

The discussion points to a deeper tension between paternalistic protection and the recognition of adolescent agency. Although POCSO's rigid framework has raised reporting of, and conviction for, true abuse cases, the approach is too uniform to take account of both developmental psychology and social context. A well-worded Romeo-Juliet clause — confined to consensual behavior with age gaps of no more than 2–3 years — if combined with compulsory counselling and judicial oversight — could produce the right result. Safeguards against misuse, which include exclusion of cases of abusive relationships with authority figures, consent recording through child-friendly mechanisms and false complaints penalties, would help. This part of the chapter demonstrates that reform is not about undermining child protection – it is about improving it. The Supreme Court's intervention in 2026 offers the opportunity for a timely legislative review. If there is no transition of this nature, POCSO risks losing legitimacy with the very people it aims to serve.

IMPLEMENTATION CHALLENGES AND BROADER JUDICIAL TRENDS UNDER POCSO

¹¹The legislation does provide for progressive measures, however, the POCSO Act, 2012 is still in a period of significant implementation difficulties that impact on its overall effectiveness. High number of cases is among the key problems.¹² In December 2025, there were over 2.24 lakh POCSO cases outstanding in courts nationwide and trials which in most cases ran from six months to over four years. Such delay is counter to the spirit of justice for children and contributes to extending suffering for the victims. Fast Track Special Courts (FTSCs) including exclusive POCSO courts were developed by the Central Government,

¹¹ The Protection of Children from Sexual Offences Act, 2012 (Act No. 32 of 2012).

¹² Ministry of Law and Justice, Reply to Rajya Sabha (12 February 2026).

within a centrally funded project, funded by the Nirbhaya Fund.¹³ In early 2026, there were approximately 774 FTSCs operating in different states. These courts have achieved high disposal numbers in some (over 100%) but across most states, particularly in states such as Uttar Pradesh and Maharashtra, disposals are persistently high. National Commission for Protection of Child Rights (NCPCR) has been heavily criticised for not having updated data of POCSO cases available, this impedes monitoring and policy making.

Judicial trends 2025-2026 There emerges a growing concern over both, under-reporting and misuse of the Act. The SC has made key decisions that POCSO rules are applicable in the context of any crime of trafficking for commercial sexual exploitation, in conjunction with other acts. Meanwhile, courts have tended to dismiss cases in which the Act was used to resolve disputes over matrimony or personal vendettas.¹⁴ In one interesting hearing of April 2026, the Supreme Court noted that POCSO may be misused in family disputes where minor children are involved.

A second remarkable trend is the focus on procedural safeguards. High Courts have highlighted the need to safeguard victims' identities and age determination at trial but not at the time of bail.¹⁵ The relationship between POCSO and the new criminal laws (Bharatiya Nyaya Sanhita and Bharatiya Nagarik Suraksha Sanhita) has also provided procedural improvement as well in other areas, like increased resort to electronic proceedings and requirement of forensic investigation in serious cases. The specter of secondary victimisation in trials remains, however, despite statutory protections. The number of child sexual abuse material cases made online has surged, making it even more critical to work in tandem with the Information Technology Act.

These implementation gaps underscore that while the Romeo-Juliet debate addresses one key objective, systemic reforms are also critical. Strengthening Fast Track Courts, better data collection and supporting services that give people comprehensive information (counselling, rehabilitation, compensation) would be vital in delivering on the Act's aims. Judicial activism in 2026 has been useful, but the kind of legislative and executive action necessary to convert observations into substantive changes is necessary. New jurisprudence under POCSO shows the way in which the legal system is in the process of developing and achieving a growth that

¹³ Scheme for Fast Track Special Courts, extended till March 2026 under Nirbhaya Fund.

¹⁴ Ishwar Chandra Sharma v. State of Uttar Pradesh (Supreme Court, April 2026).

¹⁵ Bharatiya Nagarik Suraksha Sanhita, 2023 provisions applicable to POCSO trials.

is trying to find a balance between protective, strict protection and fairness and the requirement for efficiency. These challenges will help to determine if POCSO evolves into a 2.0-appropriate framework for society's needs today.

WAY FORWARD: RECOMMENDATIONS FOR A BALANCED POCSO 2.0 FRAMEWORK

¹⁶Analysis of POCSO Act, 2012 and the debate regarding Romeo-Juliet are a perfect example of how reforms must be made without compromising justice but help safeguard a good child. Combating misuse and implementation gaps requires a multi-faceted approach, comprising legislative, judicial and executive action. Legislative Reforms. ¹⁷The Union Government needs to reconsider the introduction of a narrowly tailored Romeo-Juliet clause. An exception may be made for consensual sexual behaviours between adolescent pairs of persons with a two or three-year gap in age, if such behaviour is not the result of 'coercion', 'exploitation' or a 'power differential'. The clause must contain extensive safeguards — mandated counselling, judicial enquiry and exemptions from situations involving teachers, guardians or other authority figures — to prevent misuse. At the same time, sanctions for false complaints and misuse of the Act for settling personal scores should be supplemented. Judicial and Procedural Adoption. ¹⁸Courts would be wise to continue focussing attention on age determination and consents matters for trial, as opposed to at the early stages. There is also an urgent need for training of judges, prosecutors and police on addressing sensitive teen cases. ¹⁹ Technological solutions, such as audio-visual recording of the statements and electronic trials within Bharatiya Nagarik Suraksha Sanhita need to be increased to make the process more child-friendly and less traumatic. Executive and Institutional Initiatives. Fast track special courts, especially the special POCSO courts, which are exclusive, only need to be expanded with better infrastructures and trained staffs. NCPCR and State Commissions should establish a durable real-time data collection and monitoring system for POCSO cases. Education campaigns for the schools, colleges, parents, and communities need to intensify, emphasizing healthful attachments, consent knowledge, and jurisprudentially literacy. Victims' and Adolescent Support Services. The complete system of victim's support — with right assistance as well as instant advice, medical attention, legal representation, and healing options — will need to be

¹⁶ The Protection of Children from Sexual Offences Act, 2012 (Act No. 32 of 2012).

¹⁷ State of Uttar Pradesh v. Anurudh, 2026 INSC (Supreme Court of India, 9 January 2026).

¹⁸ Judicial guidelines issued by Supreme Court and High Courts (2026).

¹⁹ Bharatiya Nagarik Suraksha Sanhita, 2023.

put on institutional infrastructure. Regarding Romeo-Juliet potential cases that are subject to a Romeo-Juliet exception, some restorative justice forms of therapy and family counselling might consider the option to relieve long-term damage.

Monitoring and Review. There should be a mechanism, every three years or so, in place of regular assessments of the enactment of the Act and any adjustments where needed for new realities. Collaboration with civil society organizations, mental health workers and child rights advocates will enhance this process. This is to convert POCSO, from just punishing policy to more sensitive tool at justice. By solving the Romeo-Juliet predicament coupled with systemic issues, India would have a legal framework protecting children while respecting growing-up adolescents. Its observations in 2026 as part of the Supreme Court are a useful stimulus to this overdue change. Applying such suggestions will bolster popular and legal trust and help build a safer and more just community.

CONCLUSION: TOWARDS A MORE NUANCED AND EFFECTIVE CHILD PROTECTION REGIME

Undoubtedly the Protection of Children from Sexual Offences (POCSO) Act, 2012 has also reinforced India's response to the serious issue of child sexual abuse. The Act has also increased accountability and visibility in offences that previously were inadequately addressed by such wide ranging provisions, child-friendly procedures, harsher punishments, and mandatory reporting requirements. Subsequently, it has enabled heightened attention, improved reporting rates and the establishment of specialised Fast Track Courts. For all its promise, as our research tells us, nearly fourteen years into its existence, POCSO is at a crossroads where some of the very merits of the Act must remain intact as issues become serious and deserve critical reformation. The controversy over the Romeo-Juliet clause has become one of the most problematic issues in the modern age. The Supreme Court's observations in early 2026 pointed out that the Act's blunt approach to consent—prohibiting any sexual transaction with an adolescent under 18 regardless of voluntariness—is being abused in instances of consensual relationships between adolescents close in age. Conversely, families regularly use POCSO to oppose inter-caste, inter-faith or socially disapproved romances resulting in arrests, stigmatization, disrupted education and ongoing psychological harm to young people. This unintended consequence threatens to weaken public confidence in a law that is supposedly designed to protect the weak. At the same time, any reform thrust must

be judicious and even-keeled. And the concerns of grooming, coercion, power imbalances and the vulnerability of adolescent girls are still valid. A broad expansion of the age of consent in this sense would put minors at risk of exploitation and undermine the fight against child marriage and trafficking overall. The government position in early 2026 correctly underscored the importance of ongoing robust protections. The trick, then, is to create that middle course between predatory abuse and real, non-exploitative teen relationships. A properly written POCSO 2.0 should have a narrow Romeo-Juliet exception. This might hold for consensual behaviours between adolescents who would have a small age range (so it might ideally be between two to three years of maturity), enhanced in such a way that it provides safeguards including mandatory counselling, judicial review and excluding cases of those involving authority figures or force. Other complementary measures also have a role to play: bolstering penalties for false complaints, empowering Fast Track Special Courts with adequate resources, beefing up data collection and monitoring systems, and investment in effective and broad-based literacy and education on consent, healthy relationships, and legal awareness. The framework will be enhanced with technology, which allows for quicker, less traumatic litigation, and enhanced services that can offer victims counseling, medical care, and rehabilitation. Even broader implementation issues, such as vast case churn, infrastructure weakness, and red tape, also require immediate consideration. Only by looking at the system with a full view of these serious issues, can even the best-intentioned reforms work. After all, it's alive and well. The law, of course, is a living instrument. It needs to change along with evolving social realities, scientific awareness of adolescent development, and constitutional values of dignity, privacy and equality. The subsequent 2026 intervention of the Supreme Court is a welcome catalyst in this regard. To sum up, POCSO 2.0 is not an erosion but an upgrading of child protection in India. The law can more fully realise its protective mission by counterbalancing tough barriers to abuse with respect for a child's autonomy. This balanced approach will reduce unnecessary criminalization, make the cases for the judiciary easier, and rebuild the trust of the public; so that safer and fairer societies can be created for a child or young person. The time for shared reform which addresses all stakeholders – from lawmakers to judiciary, civil society, to society itself – is now. Only in cooperation by all will POCSO be able to fulfil its promise of protecting the future generations of India.

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