

Indian Government Firm on 18 as Age of Consent, Citing Child Protection Imperatives



The Union Government has strongly opposed any suggestion to lower the age of consent for sexual activity from the current 18 years, emphasizing its unwavering commitment to safeguarding minors from sexual abuse. This firm stance was conveyed to the Supreme Court on Sunday, July 27, 2025, amidst ongoing legal discussions about the Protection of Children from Sexual Offences (POCSO) Act, 2012, and its application in cases involving adolescent relationships.

The government's position underscores that the existing age of 18 is a "carefully considered legislative choice," designed to provide a robust and non-negotiable protective framework for children. It argued that any reduction in this age, even under the guise of "reform or adolescent autonomy," would effectively "roll back decades of progress in child protection law" and weaken the deterrent effect of statutes like POCSO and the newly enacted Bharatiya Nyaya Sanhita (BNS).

In a comprehensive submission, the Centre highlighted that the constitutional framework consistently supports the presumption that individuals under 18 lack the full capacity to give valid and informed consent to sexual activity. It warned that "loosening age-based protections could open avenues for abuse (rape) under the guise of consensual (sexual) activity." The government cited data from organizations like the National Crime Records Bureau (NCRB), indicating that over 50% of sexual offenses against children are perpetrated by individuals known to or trusted by the child, including family members. In such instances, introducing "consent" as a defense would "victimise the child, shift the blame onto them, and undermine the

very object of POCSO to protect children from exploitation regardless of whether they were 'willing.'"

While acknowledging that some adolescent relationships may arise from "emotional curiosity or mutual attraction," the Centre maintained that such cases should be left to courts for careful, case-by-case scrutiny. This judicial discretion, it argued, is distinct from a legislative dilution of the age of consent, which would "weaken the bright-line protective standard."

The government's stance is also rooted in India's international obligations, including the UN Convention on the Rights of the Child (UNCRC), which defines a child as anyone under 18 and mandates protection from all forms of sexual exploitation. The POCSO Act was enacted directly in response to this obligation, establishing a strict liability regime for sexual acts with children under 18, irrespective of perceived consent. This decisive stand by the Centre reiterates the nation's priority on child safety and prevention of exploitation.