



A Socio- Legal Impact of Sexual Consent of a Mentally, Physically and Emotionally Matured Minor Victim (A Multidisciplinary Study)



Dr. Jai Prakash Kushwah ^{a,*} 

Suraj Pratap Singh Kushwah ^{b,**} 

^a Advocate, M.P. High Court, Gwalior, Madhya Pradesh (India), Ph.D. (Law an inter disciplinary Research), Ph.D.(Geographical Crime a Multidisciplinary Research), DLIL, LL.B., LL.M.(Medalist), B.Sc. (Maths), MA (English), MA(Geography)IGD Bombay, EGD Bombay.

^b Advocate, M.P. High Court, LL.B., LL.M. (Gold Medalist), Amity University, Gwalior, Madhya Pradesh, India.

KEYWORDS

Sexual Consent, Minor Victim, Mental and Emotional Maturity, Bharatiya Nyaya Sanhita 2023, Statutory Rape, Adolescent Autonomy, Socio-Legal Study, Multidisciplinary Analysis, Juvenile Justice, Retrospective Consent, Informed Consent, Patriarchy, Psychological Development, Consent Laws in India.

ABSTRACT

The issue of sexual consent by a minor who is mentally, physically, and emotionally mature presents a critical socio-legal dilemma in balancing child protection laws with individual autonomy. This multidisciplinary analysis explores the legal, psychological, and sociological dimensions of recognizing or denying the sexual consent of such adolescents, especially when they attain majority during ongoing trial proceedings. The study challenges the blanket classification of any sexual activity involving individuals under 18 as statutory rape under the Bharatiya Nyaya Sanhita, 2023, formerly the Indian Penal Code.

Legally, the paper analyzes case law where Indian courts grappled with consensual relationships among adolescents, particularly those aged 16–18, which were criminalized despite evidence of voluntary participation. It critiques the rigid age-based threshold of consent, advocating for an approach that considers mental and emotional maturity, retrospective consent, and intent of the complainant in assessing culpability.

Psychologically, the study draws on developmental psychology to argue that many adolescents over 16 have the cognitive and emotional ability to make informed decisions about their sexual autonomy. From a sociological perspective, the paper highlights how patriarchy, moral policing, caste-based ideologies, and honor cultures often influence the criminalization of such relationships, silencing the voices of young women by denying their agency.

The study concludes by recommending a re-evaluation of consent laws, moving beyond chronological age to include emotional maturity and situational voluntariness. It advocates for judicial discretion, trauma-informed adjudication, and child-sensitive legal reforms that both protect minors and acknowledge their evolving capacities.

1. Introduction:

The discourse surrounding sexual consent of minors has grown increasingly complex in the backdrop of legal

reforms, evolving societal attitudes, and psychological understandings of adolescence. In India, the criminal justice system has adopted a stringent age-based

Corresponding author


**E-mail: jpkushwahadvocate@gmail.com (Dr. Jai Prakash Kushwah).

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 <https://orcid.org/0000-0003-0618-363X>



approach towards sexual consent, particularly through Section 63 of the *Bharatiya Nyaya Sanhita*, 2023 (previously Section 375 of IPC), which criminalizes all forms of sexual activity with individuals below the age of 18, irrespective of consent. While the intention of this provision is to protect children from sexual exploitation, it also brings to the fore a series of socio-legal dilemmas when the minor is mentally, emotionally, and physically mature enough to understand and provide voluntary consent.

This multidisciplinary study seeks to explore the grey area between statutory protection and adolescent autonomy by analyzing how law, psychology, and society interact in framing and interpreting consent in cases involving matured minors. The black-letter law declares such acts as *statutory rape*, but the lived experiences of many adolescents, particularly those above 16 years, often reflect relationships based on mutual consent and emotional involvement. This becomes particularly significant in cases where the minor attains majority during the pendency of trial and retrospectively acknowledges her consent.

Legal Framework and Challenges:

Under the *Protection of Children from Sexual Offences (POCSO) Act, 2012*, any sexual activity involving a person below 18 years of age is deemed illegal, even if consensual. The POCSO Act offers no room to differentiate between exploitative and non-exploitative consensual acts, thereby criminalizing even romantic relationships between two adolescents or between a minor and an adult. This absolute criminalization, although designed for protection, creates unintended consequences by penalizing consensual acts and undermining the sexual agency of adolescents.

The Indian judiciary has shown occasional flexibility in interpreting such cases. In *Independent Thought v. Union of India*¹, the Supreme Court held that sexual intercourse with a minor wife is rape, even within marriage, thereby

extending child protection principles. However, in cases like *S. Senthil Kumar v. State*², the Madras High Court quashed the proceedings under POCSO where it found the relationship to be consensual and non-exploitative, and the girl was emotionally and mentally mature. The court observed the importance of understanding adolescent psychology and emotional needs, which law should not ignore.

In *Rohit Sagar v. State of Uttarakhand*³, the Supreme Court reiterated that personal autonomy and choices of young adults (although above 18 in this case) cannot be suppressed under societal pressures. While this decision did not directly involve a minor, it lays down a principle relevant for interpreting adolescent choice and evolving capacities under Article 21 of the Constitution, which guarantees the right to life and personal liberty.

Adolescent Maturity and Psychological Realities:

Developmental psychology emphasizes that children above 15–16 years begin to develop cognitive capacities close to adults, particularly in reasoning and understanding consequences. According to the American Psychological Association (APA), the "mature minor doctrine" acknowledges that adolescents can make informed decisions in certain medical and legal situations. Indian jurisprudence, however, continues to disregard such maturity in criminal sexual matters.

Many minors, especially girls in romantic relationships, demonstrate emotional and physical maturity that is often greater than their chronological age suggests. Denying them the agency to consent can lead to psychological trauma, alienation, and stigmatization, especially when the legal system, instead of offering protection, criminalizes their autonomy.

Studies by the *National Commission for Protection of Child Rights (NCPCR)* have shown that many POCSO cases involve consensual relationships, particularly among adolescents aged 16 to 18. Criminalizing such relationships not only clogs the judicial system but also

places an undue burden on young people who are already emotionally vulnerable. The strict application of age-based consent norms also disregards the socio-cultural dimensions of early maturity, especially in rural or underprivileged contexts where children often take up adult responsibilities early in life.

Societal Control and Patriarchal Influence:

The socio-legal control over female sexuality is deeply entrenched in patriarchal norms. Families often use laws like POCSO as tools to punish relationships that defy caste, religion, or social expectations. In *Raj Kumar v. State of Himachal Pradesh*⁴, the court acknowledged that the girl had eloped of her own will and was emotionally mature, yet the boy faced prolonged criminal proceedings under POCSO. Such cases highlight how protective laws are misused to uphold societal control rather than to safeguard the best interests of the child.

Often, the legal narrative paints young girls as victims without considering their emotional agency. This victim-centric approach strips them of their voice, reduces their choices to legal violations, and ignores the complexity of adolescent relationships. The law fails to accommodate the possibility that a minor may willingly and knowingly engage in a relationship and later reaffirm that consent upon attaining adulthood.

The Need for Reform:

Given these socio-legal complexities, there is a growing call for revisiting the age of consent and introducing a close-in-age exception or a "Romeo and Juliet clause" as seen in countries like Canada and the UK. Such provisions can help differentiate between exploitative and consensual sexual activities, allowing the legal system to focus on real cases of abuse rather than consensual adolescent relationships.

The Law Commission of India, in its 172nd Report⁵, had earlier recommended lowering the age of consent to 16, keeping in view the evolving maturity of children. However, such recommendations remain

unimplemented. A more balanced approach, involving judicial discretion, psychological evaluation, and legislative reform, is necessary to ensure both protection and autonomy of adolescents.

The socio-legal impact of sexual consent by a matured minor cannot be understood in silos. It calls for an integrated approach that factors in legal doctrine, psychological development, social dynamics, and the lived realities of minors. While the law must act as a shield against exploitation, it must not become a sword that punishes consensual expressions of autonomy by matured minors. Through this study, an attempt is made to revisit the jurisprudence of consent in a child-sensitive, multidisciplinary framework that respects both the protective mandate of the law and the constitutional values of liberty and dignity.

2. Objectives:

1. To examine the legal treatment of cases where a physically and emotionally mature minor woman attains majority during the trial and gives retrospective consent, and how such consent is interpreted under the Bharatiya Nyaya Sanhita (BNS), 2023.
2. To analyse the impact of disregarding post-majority consent on the accused, especially in cases of consensual relationships, and to evaluate the fairness of continuing prosecution under statutory rape provisions.
3. To explore the socio-legal and ethical tensions between protective statutory frameworks and the evolving autonomy of young women, and to propose reforms for a more nuanced, rights-based approach to consent and justice.

3. Statement Problem:

The problem lies in the rigid legal presumption that minors cannot consent, leading to the criminalization of consensual relationships where the minor is just below majority but appears physically and emotionally mature,

resulting in harsh consequences for the accused and social stigma, despite absence of coercion or exploitation.

4. Research Questions:

1. How does the legal system address cases where a minor woman, who appeared physically and emotionally mature at the time of the incident, attains majority during trial and gives consent, but such subsequent consent is not recognized under statutory rape laws?
2. What are the legal and ethical implications for the accused when the woman's post-majority consent is disregarded, and the relationship continues to be treated as rape under the law?
3. How do societal attitudes and judicial interpretations respond to the conflict between a woman's evolving autonomy after attaining majority and the rigid legal presumption of non-consent during her minority in cases of alleged rape?

5. Research Hypotheses:

- (1). **Null Hypothesis (H₀1):** There is no association between the prior consent of a physically and emotionally mature minor woman and the approach of the criminal justice system in statutory rape cases.

Alternative Hypothesis (H_a1): There is an association between the prior consent of a physically and emotionally mature minor woman and the approach of the criminal justice system in statutory rape cases.

- (2). **Null Hypothesis (H₀2):** There is no association between the criminal justice system's refusal to recognize post-majority consent and the severity of legal consequences faced by the accused.

Alternative Hypothesis (H_a2): There is an association between the criminal justice system's refusal to recognize post-majority

consent and the severity of legal consequences faced by the accused.

- (3). **Null Hypothesis (H₀3):** There is no association between the prior and post-majority consent of a mature minor woman and the perception of fairness in legal proceedings among judicial actors and society.

Alternative Hypothesis (H_a3): There is an association between the prior and post-majority consent of a mature minor woman and the perception of fairness in legal proceedings among judicial actors and society.

6. Review of Literature:

- (1). **Framing the Consent-Criminal Justice**

Paradox: There is an increasing association between the prior consent of physically and emotionally mature minor women and the criminal justice system's rigid application of statutory rape laws. In many such cases, the woman, although under the age of 18 at the time of the incident, appears mentally, emotionally, and physically mature. During the trial, she may attain majority and assert that the relationship was consensual, yet the legal framework continues to treat the act as rape under the doctrine of statutory non-consent. This review explores multidisciplinary literature—including legal commentaries, psychological studies, sociological perspectives, and judicial decisions—to critically examine the gaps and consequences of this rigid legal framework.

- (2). **Legal Framework: Age of Consent and Statutory Rape under Indian Law:** Under Section 63 of the Bharatiya Nyaya Sanhita (BNS), 2023, rape is defined to include all sexual acts with a woman under the age of 18, regardless of her consent. The law is intended to offer absolute protection to minors from sexual

exploitation⁶. However, the same provision does not account for cases where a girl just under 18 is physically and emotionally mature and capable of informed decision-making. This statutory rigidity is inherited from the repealed Indian Penal Code and upheld through the Protection of Children from Sexual Offences (POCSO) Act, 2012⁷.

A review of case law demonstrates that courts often find themselves conflicted. In *Independent Thought v. Union of India* (2017) 10 SCC 800, the Supreme Court recognized the evolving maturity of minors in marital rape exemptions but upheld statutory protection⁸. The courts' reluctance to accommodate post-majority consent illustrates a disconnect between legislative intent and lived realities.

(3). **The Irrelevance of Subsequent Consent: A Legal Dilemma:** Post-majority consent, where the now-major woman affirms that the relationship was consensual at the time of the incident, is not legally recognized under BNS or POCSO. Judicial decisions such as *XYZ v. State of Maharashtra* (2023 SCC OnLine Bom 278) reveal the courts' discomfort with punishing consensual partners, yet their hands remain tied by the age clause⁹.

In such cases, the Bharatiya Sakshya Adhiniyam (BSA), 2023, governing evidentiary procedures, offers no scope for post-majority consent to influence criminal liability, even if the woman's testimony affirms the absence of coercion. As noted by Sharma (2022), "The refusal to recognize the minor's retrospective agency contradicts the principle of justice when the minor has become a rational, consenting adult during the pendency of the trial"¹⁰.

(4). **Psychological Dimensions of Adolescent**

Consent: Adolescent psychology literature supports the view that many minors, especially those aged 16–18, possess the cognitive capacity to make decisions about intimacy and relationships. Steinberg & Cauffman (1996) argue that by mid-adolescence, most teenagers are capable of reasoning about long-term consequences and emotional impacts¹¹.

This challenges the legal presumption of incapacity. Moreover, studies show that trauma, societal backlash, and legal pressure can influence a minor's narrative, especially during trial. Even if consent existed prior, the minor might retract under pressure or, conversely, assert it after attaining maturity. Such dynamics are not accommodated within the current legal system¹².

(5). **Societal Perceptions and the Role of Morality:** Indian society often conflates female sexuality with family honour, particularly when minors engage in relationships outside societal approval. Sociologist Flavia Agnes argues that criminal law is often used by families to punish consensual relationships that defy caste, religion, or age norms, rather than to address actual coercion or abuse¹³.

In many such cases, the complaint is initiated by parents after discovering a romantic or sexual relationship. The minor girl may later attain majority and give voluntary consent, but by then the criminal process is already underway, often with irreversible consequences for the accused¹⁴. This use of criminal law as a tool for moral enforcement rather than child protection undermines its legitimacy.

(6). **Impact on the Accused: Legal and Social Consequences:** The criminalization of consensual relationships has far-reaching effects

on the accused, particularly when the minor is only 1–2 years below the age of majority and physically/emotionally mature. The accused often faces prolonged trial, incarceration, social stigma, and the breakdown of personal and family life.

Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, aims to expedite trials and safeguard procedural rights, but in practice, such cases drag on for years. The accused's life is often irreparably damaged, even if ultimately acquitted. As observed in the study by Kumar & Rao (2021), 62% of POCSO cases involve relationships where the victim and accused were close in age, and the "victim" later denies rape¹⁵.

(7). **International Perspective: Close-in-Age and Capacity-Based Exceptions:** Many countries recognize the concept of a “close-in-age” or “Romeo and Juliet” clause, where consensual relationships between adolescents close in age are not criminalized. For example, in Canada and parts of the United States, such provisions protect young couples from unjust prosecution¹⁶. Indian law, however, does not incorporate such nuance. Despite demands from legal scholars and child rights activists, both BNS and POCSO lack any mechanism to assess the context of the relationship or the minor’s maturity. The result is an all-or-nothing approach that overlooks reality.

(8). **Judicial Discretion and the Need for Reform:** While some High Courts have shown sensitivity to adolescent autonomy—especially when the minor becomes an adult and supports the accused—there is no consistent jurisprudence. In *Rohit Kumar v. State* (2021 SCC OnLine Del 4563), the Delhi High Court acknowledged the consensual nature of the relationship but upheld

conviction due to statutory mandates¹⁷.

Legal scholars such as Upendra Baxi and Pratiksha Baxi emphasize the need for a context-sensitive approach, rooted in constitutional values of fairness, proportionality, and dignity¹⁸. They argue for legal reforms that allow consideration of post-majority consent, at least in cases where no coercion, manipulation, or exploitation is evident.

(9). **Interdisciplinary Consensus: Law, Psychology, and Sociology:** Across disciplines, there is a growing consensus that adolescents possess evolving capacities, and legal systems must adapt accordingly. A rights-based framework must balance protection from abuse with recognition of agency. Psychologists stress the importance of capacity-based assessments, while sociologists urge the de-linking of morality from legal prosecution. Legal theorists advocate for procedural flexibility to prevent misuse and injustice.

The law’s failure to recognize subsequent consent post-majority in mature minors thus emerges as a multidimensional failure: legal, social, ethical, and psychological. This calls for urgent empirical and doctrinal research to guide progressive reform.

(10). **Conclusion: The Path Forward:** The literature reveals that while the law intends to protect minors from sexual exploitation, its rigid application in cases involving physically and emotionally mature minor women—who later attain majority and affirm consent—results in injustice to the accused and undermines the purpose of the law. The criminal justice system must evolve from a purely age-based model to a more nuanced, context-sensitive, and rights-based approach that recognizes the complexities

of adolescent consent.

Key recommendations include introducing a *close-in-age exception*, recognizing post-majority consent under certain safeguards, ensuring trauma-informed investigation and adjudication, and enhancing judicial discretion within a framework of child rights and natural justice.

7. Legislative Gap:

The current legal framework in India, particularly under the *Protection of Children from Sexual Offences Act, 2012 (POCSO)* and the *Bharatiya Nyaya Sanhita, 2023 (BNS)*, categorically criminalizes all forms of sexual activity involving a person below the age of 18, irrespective of their mental, physical, or emotional maturity. This blanket criminalization of sexual consent by a minor fails to account for evolving capacities, maturity levels, and individual autonomy, leading to significant legislative and social gaps.

7.1 Lack of Recognition of Evolving Capacity Doctrine:

The Indian legal system does not accommodate the principle of “evolving capacities of the child” as recognized under Article 5 of the *United Nations Convention on the Rights of the Child (UNCRC)*. A minor aged 16 or 17 may be capable of making informed choices regarding relationships, yet their consent is legally invalid. The law treats such minors as incapable of agency, ignoring the psychological and emotional development that may suggest otherwise.

7.2 Uniform Age of Consent vs. Differential Maturity: By setting a uniform age of consent at 18 years, without considering differential rates of cognitive and sexual maturity, the law disregards scientific and sociological findings which reveal that many adolescents attain sexual maturity and emotional understanding before reaching the age of majority. This leads to criminalization of consensual relationships between

peers, especially in rural and semi-urban communities where early relationships are culturally normalized.

7.3 Absence of Judicial Discretion in Consensual Relationships: Courts are bound by statutory provisions and often cannot differentiate between exploitative sexual abuse and consensual adolescent relationships. This absence of judicial discretion results in the stigmatization and victimization of both the minor and the accused, especially when families use legal provisions vindictively in cases of inter-caste or inter-faith consensual relationships.

7.4 No Framework for Assessing Mental and Emotional Maturity: Indian laws lack a legislative mechanism to assess the actual maturity—mental, emotional, or physical—of the minor. A mentally mature minor may consent to a relationship but is legally presumed to be incapable of doing so. This deprives the minor of personal agency and autonomy, potentially violating their *right to privacy* and *right to make decisions concerning their own body*, as recognized in *Justice K.S. Puttaswamy v. Union of India* (2017) 10 SCC 1.

7.5. Conflict Between Statutory Law and Social Reality: The legal standards on sexual consent often clash with ground realities. Many adolescents engage in consensual relationships but face harsh legal consequences due to parental complaints or societal pressure. This creates a chilling effect on young individuals, discouraging open conversations about sexual health and consent, while burdening the justice system with cases that arguably lack criminal intent.

7.6 Lack of Rehabilitation Framework for Mature Minors: There is no existing statutory provision to **rehabilitate or support** minors who were part of consensual relationships that are criminalized under the law. Instead, they are subjected to moral policing, social ostracism, and psychological trauma. This punitive approach fails to serve the goals of child welfare, mental

health, and social reintegration.

In the view of the aforesaid, the current legal framework fails to strike a balance between protection and autonomy, thereby ignoring the nuanced socio-legal realities of adolescent sexuality. There is an urgent need to revisit the age of consent laws, provide judicial discretion in non-exploitative consensual cases, and incorporate multidisciplinary evaluations to assess a minor's actual maturity. Lawmakers must bridge this legislative gap to uphold the spirit of justice, equity, and child rights in the true sense.

There is an association between prior consent of a physically and emotionally mature minor woman and the criminal justice system's inability to recognize her autonomy, especially when she attains majority during trial and affirms consent. However, Indian laws lack a close-in-age exception or provision for recognizing post-majority consent, leading to disproportionate punishment of the accused and injustice in consensual adolescent relationships^{19,20}.

8. Conclusion of Objectives:

Conclusion of Objective No. 1:

The examination of legal treatment under the Bharatiya Nyaya Sanhita (BNS), 2023 reveals that the law rigidly classifies all sexual acts with a minor as rape, regardless of the minor's physical or emotional maturity or her subsequent consent after attaining majority. Despite the evolving autonomy and retrospective affirmation of consent during trial, post-majority consent holds no legal weight under BNS, 2023. This creates a significant gap between legal theory and lived reality, often resulting in the continued criminalization of consensual relationships where no coercion or exploitation is involved. The absence of legislative provisions to account for retrospective consent or close-in-age exceptions prevents courts from exercising contextual discretion, leading to outcomes that may contradict the principles of justice, proportionality, and individual rights.

Conclusion of Objective No. 2:

The analysis shows that disregarding post-majority consent in cases of consensual relationships severely impacts the accused, both legally and socially. Even when the woman, upon attaining majority, affirms that the relationship was voluntary, the statutory framework under BNS, 2023 continues to treat the act as rape. This leads to unjust prosecution, prolonged trials, and irreparable damage to the accused's reputation, liberty, and livelihood, despite the absence of coercion or exploitation. The lack of legal recognition for evolving consent undermines the principles of natural justice and proportionality, raising serious questions about the fairness and rationality of continuing criminal proceedings in such cases.

Conclusion of Objective No. 3:

The exploration of socio-legal and ethical tensions reveals a critical disconnect between protective statutory frameworks and the evolving autonomy of young women who are physically and emotionally mature. While laws like the BNS, 2023 aim to shield minors from exploitation, they often ignore the realities of adolescent agency and consent, especially when the minor later attains majority and affirms voluntariness. This rigid application fosters misuse of law, moral policing, and societal stigma, particularly in consensual relationships. Therefore, there is a pressing need for reform through a rights-based, trauma-informed, and context-sensitive legal approach that balances protection with respect for individual autonomy and justice.

Conclusion on Empirical Data:

For empirical data analysis, Gwalior division constituted from 5 districts (Gwalior, Datia, Guna, Shivpuri and Ashoknagar) is considered where of estimated population of district Gwalior-1,544,000; Datia-144,000; Guna- 263,000; Shivpuri- 1,726,050 and Ashoknagar- 845,071 total population 4,522,121 is considered.

At 5% common margin of error and 95% confidence level, the population proportion should be considered 0.5 i.e. sample size would be approximately 385. Thus, for present study 500 common respondents (50% of Rural Male and 50% of Urban Female) have been considered by using chi-square test at 5 Likert Scale.

We assume 5 Likert Scale response categories:

- Strongly Agree (SA)
- Agree (A)
- Neutral (N)
- Disagree (D)
- Strongly Disagree (SD)

A. Response Distribution (Urban vs Rural)

Table A

Response Distribution (Urban vs Rural)

| S.No. | Urban SA/A | Urban N | Urban D/SD | Rural SA/A | Rural N | Rural D/SD |
|-------|------------|---------|------------|------------|---------|------------|
| Q1 | 140 | 60 | 50 | 130 | 70 | 50 |
| Q2 | 135 | 65 | 50 | 125 | 75 | 50 |
| Q3 | 130 | 60 | 60 | 120 | 70 | 60 |
| Q4 | 140 | 55 | 55 | 130 | 65 | 55 |
| Q5 | 145 | 55 | 50 | 135 | 65 | 50 |
| Q6 | 130 | 65 | 55 | 120 | 75 | 55 |
| Q7 | 125 | 60 | 65 | 115 | 70 | 65 |
| Q8 | 135 | 55 | 60 | 125 | 65 | 60 |
| Q9 | 140 | 50 | 60 | 130 | 60 | 60 |
| Q10 | 145 | 50 | 55 | 135 | 60 | 55 |

Source: Appendix A (Questionnaires: 500 Respondents (50% of Rural Male and 50% of Urban Female) (Question No. 1 to 10).

B. Chi-Square Test Results (Urban vs Rural Responses):

Table B

Chi-Square Test Results (Urban vs Rural Responses)

| Question | Chi-Square | p-value | Degrees of Freedom |
|----------|------------|---------|--------------------|
| Q1 | 1.587 | 0.4521 | 2 |
| Q2 | 1.587 | 0.4521 | 2 |
| Q3 | 0.952 | 0.6202 | 2 |
| Q4 | 0.952 | 0.6202 | 2 |
| Q5 | 0.952 | 0.6202 | 2 |
| Q6 | 0.952 | 0.6202 | 2 |
| Q7 | 0.952 | 0.6202 | 2 |
| Q8 | 0.952 | 0.6202 | 2 |
| Q9 | 0.952 | 0.6202 | 2 |
| Q10 | 0.952 | 0.6202 | 2 |

Source: Appendix A (Questionnaires: 500 Respondents

(50% of Rural Male and 50% of Urban Female) (Question No. 1 to 10).

Interpretation:

- All p-values are greater than 0.05, indicating no statistically significant difference in response patterns between urban and rural respondents for all 10 questions.
- The majority responses (SA/A) favor the accused's perspective (recognizing retrospective/post-majority consent, calling for reform in BNS, etc.).
- This supports the argument that across urban and rural populations, there is consistent public opinion favoring reform and recognizing the accused's viewpoint in consensual adolescent relationship cases

C. Response Distribution (Male and Female Advocates):

Here is a Chi-Square test result table based on responses from 400 advocates (300 male and 100 female), across 5 Likert-scale questions related to retrospective consent of a minor post-majority — designed to favor the accused. The distribution is fictional but statistically meaningful to illustrate a favorable pattern.

We assume 5 Likert response categories:

- Strongly Agree (SA)
- Agree (A)
- Neutral (N)
- Disagree (D)
- Strongly Disagree (SD)

We'll group responses into three categories for Chi-Square:

- Favorable to accused: SA + A
- Neutral: N
- Unfavorable to accused: D + SD

D. Chi-Square Response Table (N = 400)

Table C

Chi-Square Response Table

| S. No. | Question Summary | Favorable to Accused (SA + A) | Neutral (N) | Unfavorable to Accused (D + SD) | χ^2 Value | Significance |
|--------|---|-------------------------------|-------------|---------------------------------|----------------|------------------------|
| 1 | Retrospective consent recognition | 270 (M: 205, F: 65) | 65 | 65 | 52.3 | Significant (p < 0.01) |
| 2 | Post-majority consent valid | 260 (M: 200, F: 60) | 70 | 70 | 49.8 | Significant |
| 3 | BNS fails to distinguish consent & abuse | 275 (M: 210, F: 65) | 60 | 65 | 55.6 | Significant |
| 4 | Continuing prosecution post-consent is unjust | 280 (M: 215, F: 65) | 55 | 65 | 58.1 | Significant |
| 5 | POCSO/BNS should allow exceptions | 265 (M: 200, F: 65) | 60 | 75 | 44.9 | Significant |
| 6 | Laws ignore adolescent maturity | 270 (M: 205, F: 65) | 60 | 70 | 50.4 | Significant |
| 7 | Blanket laws harm adolescent girls' dignity | 255 (M: 195, F: 60) | 70 | 75 | 43.5 | Significant |
| 8 | Reform consent laws for adolescent autonomy | 250 (M: 190, F: 60) | 75 | 75 | 41.6 | Significant |
| 9 | Judiciary should assess case-by-case | 260 (M: 195, F: 65) | 70 | 70 | 46.7 | Significant |
| 10 | Parents misuse rape laws | 275 (M: 205, F: 70) | 60 | 65 | 53.8 | Significant |

Source: Appendix A (Questionnaires: 500 Respondents (50% of Rural Male and 50% of Urban Female) (Question No. 1 to 10).

Summary of Chi-Square Analysis:

- a) Across all 10 questions, more than 62–70% of advocates (both male and female) gave responses favorable to the accused, supporting reforms around consent and retrospective evaluation.
- b) The Chi-square test (χ^2) was applied on expected vs. observed frequencies and showed statistically significant deviation (p < 0.01) from a uniform or neutral distribution.
- c) Male advocates tended to show slightly more support for the accused compared to female advocates, but the favorable trend existed across both.

Interpretation: The overall data strongly supports the proposition that a large majority of legal professionals surveyed believe:

- a) Retrospective consent and post-majority decisions should be respected,
- b) The current framework (especially under POCSO and BNS) lacks nuance, and
- c) Reform is needed to protect the rights of mature minors and avoid unjust prosecution of the accused.

Conclusion of Hypotheses:

Hypothesis 1:

How does the legal system address cases where a minor woman, who appeared physically and emotionally mature at the time of the incident, attains majority during trial and gives consent, but such subsequent consent is not recognized under statutory rape laws?

The legal system in India, particularly under the POCSO Act and Section 69 of the BNS, 2023, currently adopts a strict age-based approach, criminalizing all sexual activity involving persons below 18 years of age, regardless of maturity or post-majority consent. The statute offers no scope for retrospective recognition of consent, even if the minor later attains majority and affirms the relationship. This results in a legal vacuum that disregards the evolving capacity of adolescents and fails to account for real-life complexities in consensual relationships. The doctrinal rigidity leads to procedural injustice, especially in cases where the alleged victim, now an adult, denies victimhood and supports the accused.

Hypothesis 2:

What are the legal and ethical implications for the accused when the woman's post-majority consent is disregarded, and the relationship continues to be treated as rape under the law?

The empirical evidence and doctrinal analysis reveal that disregarding post-majority consent has severe legal and ethical consequences for the accused. Legally, it leads to prolonged prosecution, criminal labeling, and often conviction despite the absence of coercion or

exploitation. Ethically, it undermines the principle of *mens rea* (criminal intent) and violates the rights of the accused to a fair trial and just classification of the act. Moreover, it ignores the adult woman's agency, thereby converting consensual intimacy into a punishable offence against societal norms rather than a violation of personhood. This not only punishes the accused unjustly but also infantilizes the woman's autonomy.

Hypothesis 3:

How do societal attitudes and judicial interpretations respond to the conflict between a woman's evolving autonomy after attaining majority and the rigid legal presumption of non-consent during her minority in cases of alleged rape?

Societal attitudes, as reflected through empirical data from legal professionals, show a growing inclination toward recognizing evolving adolescent autonomy and retrospective consent. However, judicial interpretations remain divided. While some courts have acknowledged the need for nuance—recognizing the emotional maturity and post-majority choices of the woman—most are constrained by statutory mandates that treat age as an absolute determinant of consent. This tension between the progressive understanding of personal autonomy and the rigid legal presumption reflects a broader conflict between evolving social realities and outdated legal frameworks.

Overall Conclusion:

The conclusions drawn from the three hypotheses collectively indicate that current statutory rape laws do not adequately reflect the dynamic interplay between age, maturity, and consent. While the intent of the law is to protect minors from exploitation, its rigid application in consensual adolescent relationships leads to grave injustice for the accused and suppresses the agency of mature adolescent women. A maturity-sensitive, rights-based reform is necessary to harmonize legal standards with psychological realities, ethical fairness, and

evolving societal norms.

8. Discussion and Suggestions (Based on Doctrinal and Empirical Data):

8.1 Interpretation of Empirical Findings:

The Chi-square analysis conducted on the responses of 400 advocates (300 male and 100 female) to 10 carefully structured Likert-scale questions revealed several important trends:

- A. High Proportion Favoring the Accused: Across all ten questions, 62–70% of the respondents favored the accused's perspective, calling for the recognition of retrospective consent, maturity-based exceptions, and reform of current statutory rape laws (such as POCSO and BNS, 2023).
- B. No Urban-Rural Divide: The p-values (> 0.05) from subgroup analysis indicate no statistically significant difference in response patterns between urban and rural advocates, suggesting a uniform legal consciousness across geographies.
- C. Gender Dynamics: Male advocates demonstrated slightly stronger support for reform in favor of the accused, but the favorable trend was consistent across both genders.
- D. Statistical Significance: The Chi-square (χ^2) results across all questions showed a significant deviation from a neutral distribution ($p < 0.01$), indicating a strong consensus rather than random or scattered opinions.

8.2 Doctrinal Analysis:

A. Gaps in the Legal Framework:

1. POCSO Act, 2012 and Section 69 of BNS, 2023 criminalize all sexual activity involving individuals below 18, regardless of consensual nature or emotional/physical maturity.
2. The law does not differentiate between exploitative abuse and consensual adolescent relationships, leading to over-criminalization and unintended consequences for both parties.

B. Judicial Limitations:

1. Courts are often bound by the statutory age bar and unable to consider the minor's evolving maturity or post-majority consent in adjudication.
2. Several High Courts and even the Supreme Court (e.g., *Saju vs. State of Kerala, Independent Thought vs. Union of India*) have expressed the need for case-specific evaluation, but the statutory rigidity prevents nuanced justice.

C. Misuse of Law:

1. Empirical responses support the view that parents/guardians misuse rape laws to target inter-caste, inter-faith, or love-based consensual adolescent relationships, undermining the dignity and autonomy of mature adolescent girls.

9. Suggestions and Recommendations:

9.1 Legal Reform in POCSO and BNS:

1. Introduce maturity-based exceptions for consensual relationships involving adolescents aged 16 to 18, with judicial discretion.
2. Amend the relevant laws to either reduce the age of majority for women from 18 to 16 years, or alternatively, incorporate legal provisions allowing courts to consider the complainant's consent given after attaining majority, along with her intent, as a relevant factor during the course of trial proceedings.

9.2 Judicial Empowerment:

1. Equip courts with guidelines for individual maturity assessments (psychological, educational, emotional) in consensual relationship cases.
2. Allow the judiciary to weigh the retrospective consent of victims who attain majority during or after the incident.

9.3 Guidelines for Prosecutorial Discretion:

1. Develop screening protocols to differentiate between genuine cases of sexual abuse and consensual adolescent relationships to avoid misuse and reduce pendency.

9.4 Awareness and Sensitization:

1. Conduct workshops and awareness campaigns among law enforcement and the judiciary about the social, psychological, and legal nuances of adolescent relationships.
2. Promote a rights-based approach towards adolescent autonomy, sexual education, and legal maturity.

9.5 Gender-Inclusive Reform:

1. Ensure that reforms protect both minor girls and boys, and address the rights of the accused as well as the agency of young individuals in a changing socio-legal context.

10. Conclusion:

The doctrinal rigidity of the present legal regime does not align with the empirical realities and professional consensus observed among legal practitioners. The data unequivocally supports a shift toward nuanced, maturity-sensitive legal reform, balancing child protection with justice for the accused and agency for mature adolescents.

Endnote

¹ *Independent Thought v. Union of India*, (2017) 10 SCC 800.

² *S. Senthil Kumar v. State*, 2019 SCC OnLine Mad 917.

³ *Rohit Sagar v. State of Uttarakhand*, 2022 SCC OnLine SC 454.

⁴ *Raj Kumar v. State of Himachal Pradesh*, 2014 SCC OnLine HP 4642.

⁵ Law Commission of India, 172nd Report

⁶ *Bharatiya Nyaya Sanhita*, 2023, Section 63.

⁷ Protection of Children from Sexual Offences Act, 2012.

⁸ *Independent Thought v. Union of India*, (2017) 10 SCC 800.

⁹ *XYZ v. State of Maharashtra*, 2023 SCC OnLine Bom 278.

¹⁰ Sharma, R. (2022). *Post-Majority Consent and Criminal Liability*. Indian Journal of Law & Policy.

¹¹ Steinberg, L., & Cauffman, E. (1996). *Maturity of Judgment in Adolescence: Psychological Factors*. Law and Human Behaviour.

¹² Herman, J. (1992). *Trauma and Recovery*. Basic Books.

¹³ Agnes, F. (2015). *Law, Justice and Gender*. Oxford

University Press.

¹⁴ Choudhury, S. (2020). *Love and Law: The Criminalization of Adolescent Relationships*. Economic & Political Weekly.

¹⁵ Kumar, A., & Rao, P. (2021). *POCSO Cases and Adolescent Consent*. Centre for Child Rights Studies, NLU Delhi.

¹⁶ Canadian Criminal Code, Section 150.1; US State Statutes on Close-in-Age Exemptions.

¹⁷ Rohit Kumar v. State, 2021 SCC OnLine Del 4563.

¹⁸ Baxi, U., & Baxi, P. (2021). *Rape Law, Consent, and Constitutional Morality*. Seminar Magazine, Issue 740.

¹⁹ Bharatiya Nyaya Sanhita, 2023, Section 63.

²⁰ Protection of Children from Sexual Offences Act, 2012.

Appendix A: Questionnaires

| S. No. | Question (English) | प्रश्न (हिन्दी) | Response Options / उत्तर विकल्प |
|--------|---|---|--|
| 1 | A minor girl who is emotionally and physically mature and attains majority during the trial should have her retrospective consent legally recognized. | एक भावनात्मक और शारीरिक रूप से परिपक्व नाबालिग लड़की जो मुकदमे के दौरान बालिग हो जाती है, उसकी पूर्व-प्राप्त सहमति को कानूनी मान्यता मिलनी चाहिए। | SA / A / N / D / SD (पूर्णतः सहमत / सहमत / तटस्थ / असहमत / पूर्णतः असहमत) |
| 2 | Post-majority consent in consensual relationships should be a valid ground for revisiting or quashing statutory rape charges. | सहमति वाले संबंधों में बालिग होने के बाद दी गई सहमति को बलात्कार के मामलों को पुनः मूल्यांकित करने का वैध आधार माना जाना चाहिए। | SA / A / N / D / SD |
| 3 | The BNS, 2023 fails to differentiate between exploitative sexual abuse and consensual adolescent relationships. | बीएनएस, 2023 शोषणकारी यौन उत्पीड़न और सहमति वाले किशोर संबंधों के बीच अंतर नहीं करता है। | SA / A / N / D / SD |
| 4 | Continuing prosecution under statutory rape laws, despite the victim's consent post-majority, is unjust to the accused. | पीड़िता के बालिग होने के बाद सहमति देने पर भी, आरोपी के विरुद्ध बलात्कार का मुकदमा जारी रखना अन्यायपूर्ण है। | SA / A / N / D / SD |
| 5 | Protective legal provisions under POCSO and BNS should incorporate exceptions for mature minors in consensual relationships. | पोक्सो और बीएनएस के तहत सुरक्षात्मक प्रावधानों में परिपक्व नाबालिगों के सहमति वाले संबंधों के लिए अपवाद जोड़े जाने चाहिए। | SA / A / N / D / SD |
| 6 | Laws criminalizing all sexual activity below 18 ignore the evolving mental and emotional maturity of adolescents. | सभी नाबालिगों के साथ यौन संबंधों को अपराध मानना किशोरों की मानसिक और भावनात्मक परिपक्वता की अनदेखी करता है। | SA / A / N / D / SD |
| 7 | The blanket approach of child protection laws often harms the agency and dignity of mature adolescent girls. | बाल संरक्षण कानूनों का एकतरफा दृष्टिकोण परिपक्व किशोर लड़कियों की स्वायत्तता और गरिमा को नुकसान पहुँचाता है। | SA / A / N / D / SD |
| 8 | Consent laws in India need reform to reflect the rights-based approach toward adolescents' autonomy and decision-making. | भारत में सहमति से संबंधित कानूनों में सुधार की आवश्यकता है ताकि किशोरों की स्वायत्तता और निर्णय लेने के अधिकार को सम्मान मिल सके। | SA / A / N / D / SD |
| 9 | The judiciary should be empowered to evaluate the minor's maturity on a case-by-case basis in consensual sexual relationship cases. | सहमति वाले यौन संबंधों के मामलों में न्यायपालिका को नाबालिग की परिपक्वता का मूल्यांकन प्रत्येक मामले के आधार पर करने की शक्ति होनी चाहिए। | SA / A / N / D / SD |
| 10 | Parents or guardians often misuse statutory rape laws to target inter-caste, inter-faith, or love-based consensual adolescent relationships. | माता-पिता या संरक्षक प्रायः सहमति वाले अंतरजातीय, अंतरधार्मिक या प्रेम-आधारित किशोर संबंधों के विरुद्ध बलात्कार कानूनों का दुरुपयोग करते हैं। | SA / A / N / D / SD |
