

Age of Consent

Why in news?

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Supreme Court asked the government to provide details of the number of child marriage prohibition officers and prosecutions initiated under the Child Marriage Act in the past three years in a case related to the Act.

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What is the case about?

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- The Exception 2 to Section 375 (rape) of the Indian Penal Code permits “intrusive sexual intercourse with a girl aged between 15 and 18 only on the ground that she is married.”
- The Exception is part of the Criminal Law (Amendment) Act of 2013.
- It is contrary to the Protection of Children from Sexual Offences Act of 2012 (POCSO).
- A girl under 18 is treated as a child in POCSO.
- If she is married, she is no more a child under the Exception 2 to Section 375 of the IPC.
- This is totally inconsistent. A girl under 18 is still a child, married or not.
- An NGO named Independent Thought challenged this provision.
- This statutory exception to rape was violative of right to life, liberty, equality and was discriminatory.
- They argued that there were 23 million child brides in India, and there had hardly been over six convictions under the anti-child marriage law.
- The Centre said Parliament must have thought it ‘pragmatic’ to reduce the

age of consent for sexual relations for married girls from 18 to 15 as the child marriage system still exists in the country.

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What are the anomalies related to the act?

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- Say a 17-year-old boy gets married to a 16-year-old girl.

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- Even if the court quashed this exception, with the existing provisions only the boy can be convicted for seven years.

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- But the parents, the real culprits, may get off with a few months' imprisonment.

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- It can also not be presumed that just because a girl is less than 18, she does not understand the consequences of her actions.

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- Under the new Juvenile Justice Act, if a girl between the age of 16 and 18 commits murder, she can be treated as adult.

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