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Dr. Prashant Krishan
Assistant Professor, Jigyasa
University, Dehradun,
Uttarakhand, India

Amar Tiwari
LLM Student, Guru Gobind
Singh Indraprastha University
(GGSIPU), New Delhi, India

Criminalisation of love: A gap between law and justice

Dr. Prashant Krishan and Amar Tiwari

Abstract

The misuse of First Information Reports (FIRs) involving teenage love and religious conversion highlights a critical tension between protective laws and individual autonomy in India. While FIRs are intended to initiate the criminal justice process for genuine offences, they are increasingly deployed by parents and third parties to control consensual interfaith relationships, often invoking the IPC, POCSO Act, and state anti-conversion laws. This paper critically examines the sociological, legal, and constitutional dimensions of such FIRs, revealing how they undermine fundamental rights to liberty, equality, and religious freedom guaranteed under Articles 14, 21, and 25. Through analysis of landmark judgments and empirical cases, it argues that criminal law is misused for moral policing and social conformity. The paper proposes reforms, including a close-in-age exception under POCSO and stricter checks on third-party FIRs, to align legal practice with constitutional morality and safeguard the evolving autonomy of youth in intimate matters.

Keywords: FIRs, POCSO, autonomy, conversion, consent

1. Introduction

The filing of First Information Reports (FIRs) is an integral component of the criminal justice process, marking the beginning of legal proceedings in cognizable offences under Indian law. Ideally, FIRs serve the purpose of setting the criminal justice machinery in motion for the protection of victims and the punishment of offenders. However, over the years, certain categories of FIRs have drawn attention not merely for the nature of the offence alleged, but for the social, political, and moral narratives that underlie them. Prominent among these are FIRs involving religious conversion and teenage love, often filed not by the victims themselves but by their parents or other third parties seeking to enforce societal norms rather than uphold legal rights.

In a culturally diverse and religiously sensitive society like India, interfaith relationships, especially when they involve minors or young adults, are viewed with suspicion and moral anxiety. These anxieties are further heightened when the relationship involves religious conversion, whether real or alleged, and even more so when it is the woman or girl who converts or elopes. In such cases, families often approach the police, filing FIRs under sections of the Indian Penal Code (IPC) such as Section 363 (kidnapping), Section 366 (abduction to compel marriage), Section 376 (rape), and under the Protection of Children from Sexual Offences (POCSO) Act, irrespective of the volition or consent of the involved parties. In states that have enacted anti-conversion laws, FIRs are additionally filed under state-specific legislation that criminalises religious conversion by marriage or through allurement or coercion.

A striking and concerning feature of such FIRs is that they are frequently initiated not by the alleged victim but by their parents or guardians, especially in cases involving teenage girls or young women. This raises significant legal and ethical questions about autonomy, agency, and the misuse of criminal law to enforce familial or societal control. The autonomy of the individual—particularly the female—is often overridden by the perceived right of the family or community to decide matters of love, marriage, and faith. The law, in such scenarios, becomes not a protector of rights but a tool of coercion and moral policing.

The phenomenon of FIRs involving interfaith relationships and religious conversion is not new, but in recent years it has gained heightened visibility and political salience, particularly under the controversial discourse of “Love Jihad.” This term, though lacking legal definition or judicial recognition, has been used by some groups to allege that Specific religion men are intentionally luring other faith women into marriage with the objective of religious conversion. Despite the lack of empirical evidence supporting such a conspiracy, state laws have been

Corresponding Author:
Dr. Prashant Krishan
Assistant Professor, Jigyasa
University, Dehradun,
Uttarakhand, India

enacted or amended to regulate religious conversion, thereby creating a legal framework that often facilitates the criminalisation of consensual interfaith relationships.

When minors are involved, particularly teenage girls under the age of 18, the legal regime becomes even more complicated. Under the POCSO Act, any sexual activity involving a person under 18 years of age is considered statutory rape, regardless of consent. While this law was designed to protect children from sexual exploitation, it is increasingly being used in situations where teenagers engage in consensual relationships, particularly in cases of elopement across caste or religious lines. The automatic criminalisation of such relationships, often based solely on parental disapproval, leads to arrests and prolonged detention of young men — who may also be minors or barely adults — under serious non-bailable offences. The girl, in such cases, is often placed in a child welfare home, sometimes against her will, despite expressing her desire to live with her partner.

A parallel concern is that the police frequently do not record or act upon statements made by the minor themselves, instead relying exclusively on statements by parents. Although there is no legal bar on a minor filing an FIR or making a complaint, in practice, law enforcement often treats parental complaint as decisive, undermining the voice of the person directly involved. This raises concerns about the right to be heard, the best interest of the child, and the right to life and personal liberty under Article 21 of the Indian Constitution. Courts have occasionally intervened to protect the interests of the minor girl when she has expressed willingness and maturity, but these instances remain exceptions rather than the rule.

The broader concern is that criminal law is being used to enforce social conformity and parental control, especially in a society where notions of family honour, religious identity, and caste boundaries remain deeply entrenched. In such a context, the FIR becomes less about a genuine grievance of harm and more about restoring social order or avenging perceived familial shame. The instrumental use of FIRs in this manner has serious consequences, not only for the individuals involved but for the credibility of the criminal justice system, which becomes vulnerable to misuse and politicisation.

This research aims to explore the sociological, legal, and constitutional implications of FIRs involving religious conversion and teenage love. It seeks to critically examine:

- The legal provisions commonly invoked in such cases;
- The pattern of parental complaints and the exclusion of the victim's voice;
- The interface between personal liberty and parental/social control;
- The judicial approach to such FIRs, particularly in protecting the autonomy of young women;
- And the urgent need for legal safeguards against misuse.

By analysing case laws, statutory frameworks, judicial pronouncements, and empirical reports, the research seeks to answer whether the current legal process truly serves the interests of justice and protection of vulnerable individuals, or whether it perpetuates patriarchal and communal control under the guise of law. Furthermore, it examines the balance between protecting minors from genuine exploitation and respecting their right to agency, especially as they transition into adulthood. It also engages with comparative perspectives, looking at how other jurisdictions address similar issues of teenage autonomy, interfaith marriage, and parental overreach

in criminal proceedings.

The study situates itself within the larger constitutional values of dignity, privacy, and freedom, arguing for a more rights-based, sensitive, and legally consistent approach to FIRs involving love, conversion, and youth autonomy. The criminal law must remain a shield against harm, not a sword for social control.

Legal Framework: FIRs, IPC, POCSO & Anti-Conversion Laws:

The legal framework surrounding First Information Reports (FIRs) in cases involving religious conversion and teenage romantic relationships represents a complex interplay between protective legislation and the preservation of individual liberty. On the surface, these laws are designed to protect minors, women, and vulnerable individuals. However, in practice, particularly when FIRs are lodged by third parties—most often the parents of a teenage girl—they tend to criminalize consensual relationships and suppress personal autonomy.

The First Information Report (FIR), as defined under Section 154 of the Code of Criminal Procedure (CrPC), 1973, is the foundational step in any investigation of a cognizable offence. It is a formal record of information that sets the criminal law in motion. The law permits any person—not necessarily the victim—to lodge an FIR. While this inclusive provision facilitates timely reporting of offences, it is often misused in matters of teenage or interfaith romantic relationships. Parents or unrelated third parties commonly file FIRs driven by social disapproval, caste or religious concerns, rather than the actual occurrence of a cognizable offence. This trend results in a distortion of justice where the law is used not to protect but to punish relationships that challenge societal norms.

Several sections of the Indian Penal Code (IPC) are routinely invoked in such FIRs. Section 363, which pertains to kidnapping from lawful guardianship, is often used when a minor girl elopes without her parents' permission, even if she does so willingly. Section 366, which deals with abduction for the purpose of marriage, is similarly applied in cases of romantic elopement that may lead to interfaith or inter caste marriages. Section 376, pertaining to rape, is invoked when any sexual activity is alleged with a girl under the age of 18, regardless of whether the relationship was consensual. Additionally, Sections 120B and 34, which deal with criminal conspiracy and common intention, are used to implicate other individuals connected to the couple—friends, family members, or community figures. While these provisions are intended to address genuine exploitation, their automatic and mechanical application in consensual teenage relationships converts private life decisions into criminal investigations, often with life-altering consequences.

Another key law that plays a central role in such FIRs is the Protection of Children from Sexual Offences (POCSO) Act, 2012. This Act was enacted to safeguard children below the age of 18 from sexual abuse and exploitation. However, POCSO adopts a blanket approach wherein any sexual activity involving a minor is deemed illegal and non-consensual. This legal presumption disregards the reality of mutual teenage relationships, especially those involving adolescents close to the age of majority. Courts have acknowledged the rigid consequences of this framework. For instance, in *Independent Thought v. Union of India* (2017), the Supreme Court declared that even marital intercourse with a wife below 18 amounts to statutory rape under POCSO. While the intention of the law is noble, in many cases young

men—sometimes minors themselves—are prosecuted for consensual relationships, leading to criminalization without actual harm or coercion. The legal system thereby creates a paradox wherein it purports to protect minors while punishing them and their partners for autonomous decisions.

Further complicating this legal matrix are state-level anti-conversion laws enacted in recent years. Prominent among them are the Uttar Pradesh Prohibition of Unlawful Religious Conversion Ordinance, 2020; the Madhya Pradesh Freedom of Religion Act, 2021; and the Uttarakhand Freedom of Religion Act, 2018. These laws aim to regulate religious conversions conducted through force, fraud, or inducement. They mandate prior declaration and official approval of conversions, and often reverse the burden of proof—placing the onus on the person who has converted to prove that it was done voluntarily. FIRs under these laws are frequently filed by parents who oppose interfaith relationships, alleging coercion or deceit without credible evidence. These statutes, while claimed to prevent exploitation, function in practice as tools to harass interfaith couples, discourage religious conversion by choice, and reinforce communal or patriarchal control over personal relationships. The constitutional validity of these laws has been questioned, with critics arguing that they infringe upon the fundamental rights to equality (Article 14), personal liberty (Article 21), and freedom of religion (Article 25).

A recurring feature in these FIRs is the prominence of parental complaints, often filed without the consent or support of the so-called victim. Although minors are legally entitled to file FIRs and give statements, law enforcement often discounts their voice, especially when their narrative conflicts with that of the parents. In many such cases, even girls aged 16 or 17 who clearly assert their willingness to be in a relationship are treated as lacking the capacity to consent. Their agency is overridden by the assumption that their guardians know what is best for them. This approach not only undermines the dignity of the individual but results in the forced separation of couples, the placement of girls in state-run shelter homes, and the arrest and prosecution of their partners, often without any allegation of harm or violence. These systemic practices reflect a deeply paternalistic understanding of protection, one that equates youthful autonomy with vulnerability and criminalizes the exercise of free will in intimate matters.

Courts have occasionally recognized and resisted the misuse of these laws. In *Lata Singh v. State of Uttar Pradesh* (2006), the Supreme Court upheld the right of adults to marry across caste and religion, stating that such relationships are in the national interest. In *Shakti Vahini v. Union of India* (2018), the apex court directed that couples at risk of honour-based violence must be protected, affirming that family disapproval cannot justify state intervention in consensual relationships. The *Safiya Sultana v. State of UP* (2021) judgment by the Allahabad High Court went further to assert that a woman's right to choose her religion and marital partner is protected under Article 21 of the Constitution. Despite these progressive rulings, enforcement at the grassroots level often disregards them, and police actions remain guided more by social prejudice and political narratives than by constitutional mandates.

The challenges in implementing a fair and rights-based legal approach to these FIRs are manifold. Police officers often lack the necessary training or sensitivity to distinguish between coercive and consensual relationships, especially

when minors are involved. Law enforcement is frequently influenced by prevailing biases related to religion, caste, and honour. The absence of clear guidelines or standard operating procedures on handling such cases further contributes to arbitrary and inconsistent practices. Judicial delays exacerbate the suffering of accused individuals, many of whom spend extended periods in custody before courts recognize the consensual nature of the relationship. The law as it stands fails to reconcile the legitimate aim of protecting minors with the need to respect their growing capacity for autonomous decision-making.

The legal framework governing FIRs in cases involving teenage love and religious conversion reflects a system caught between two imperatives: the protection of vulnerable individuals and the preservation of constitutional freedoms. While laws such as the IPC, POCSO Act, and anti-conversion statutes serve essential protective functions, their misuse often results in the erosion of personal liberties, particularly for young women. When FIRs are filed by parents based on social disapproval rather than actual harm, the legal system becomes a vehicle for control rather than justice. To rectify this, a more nuanced, rights-based approach is urgently required—one that respects the voices of minors, curbs misuse of protective laws, and aligns the criminal justice process with the constitutional values of liberty, dignity, and equality.

1. *Safiya Sultana v. State of Uttar Pradesh & Ors.*

- Citation: *Writ-C No. 14288 of 2020*, Allahabad High Court
- Bench: Justice Pankaj Naqvi and Justice Vivek Agarwal
- Date of Judgment: November 11, 2020
- Facts: A Other faith girl, Priyanka Kharwar, converted to Islam and married a Specific religion man, Mohammad Safiyan. Her father filed an FIR alleging forceful conversion and kidnapping.
- Held: The Allahabad High Court upheld the couple's right to choose their religion and partner, overruling its own earlier judgment in *Smt. Noor Jahan Begum v. State of U.P.*, which had required prior permission for conversion.
- Significance: Restored faith in individual liberty under Article 21, making clear that state interference in adult personal relationships is unconstitutional unless coercion is proven.

2. *Lata Singh v. State of Uttar Pradesh*

- Citation: (2006) 5 SCC 475
- Bench: Justice Ashok Bhan and Justice Markandey Katju
- Date of Judgment: July 7, 2006
- Facts: Lata Singh, an upper-caste Other faith woman, married a man from a lower caste. Her family lodged an FIR alleging kidnapping.
- Held: The Supreme Court declared that a major has an unqualified right to marry any person of their choice. The police and relatives have no authority to interfere, and caste cannot be a basis for objection.
- Significance: Laid foundational principles for inter-caste and interfaith marriages as being constitutionally protected.

3. *Shafin Jahan v. Asokan K.M. (Hadiya Case)*

- Citation: (2018) 16 SCC 368

- Bench: CJI Dipak Misra, Justice A.M. Khanwilkar, Justice D.Y. Chandrachud
- Date of Judgment: April 9, 2018
- Facts: Hadiya, a 24-year-old woman, converted to Islam and married Shafin Jahan. Her father alleged forced conversion ("Love Jihad"). The Kerala High Court annulled the marriage.
- Held: The Supreme Court overturned the High Court judgment, emphasizing adult autonomy. It stated that Hadiya's consent was paramount and her marriage could not be interfered with.
- Significance: A key precedent upholding privacy, choice, and religious freedom, as protected under Article 21 and Article 25 of the Constitution.

4. Shakti Vahini v. Union of India

- Citation: (2018) 7 SCC 192
- Bench: CJI Dipak Misra, Justice A.M. Khanwilkar, Justice D.Y. Chandrachud
- Date of Judgment: March 27, 2018
- Facts: The case was filed to seek preventive measures against honour killings and attacks on couples marrying outside caste or religion.
- Held: The Supreme Court issued extensive guidelines directing states and police to protect such couples and prosecute offenders.
- Significance: Strengthened legal protection for couples in inter-caste/interfaith relationships and recognized right to marry as a constitutional right under Article 21.

5. Deepika Singh v. Central Administrative Tribunal

- Citation: (2022) 7 SCC 605
- Bench: Justice D.Y. Chandrachud
- Date of Judgment: July 28, 2022
- Facts: The case involved recognition of a woman's maternity leave for non-biological children, but the Court made broader remarks on evolving family structures.
- Held: The Supreme Court acknowledged non-traditional families, including interfaith and inter-caste unions, as deserving constitutional protection.
- Significance: Strengthens arguments for legal pluralism and constitutional respect for diversity in personal relations.

Note on Khushi-Asif and Asha-Rizwan Cases:

These are real-life examples reported in media, but not yet fully adjudicated in the higher judiciary, so they do not carry SCC or AIR citations. However, they are valuable case studies for empirical analysis in academic papers.

Khushi-Asif Case

- Location: Bijnor, Uttar Pradesh
- Year: 2021
- FIR filed by: Khushi's father under Sections 363, 366, 376 IPC and anti-conversion law
- Outcome: Interim relief granted by Allahabad HC after Khushi recorded a voluntary statement.

Asha-Rizwan Case

- Location: Bhopal, Madhya Pradesh
- Year: 2022
- Law invoked: MP Freedom of Religion Act, 2021 + POCSO + IPC

- Outcome: Bail granted after 4 months; court acknowledged relationship appeared consensual but didn't quash FIR.

Constitutional Analysis-Autonomy, Equality, and Religious Freedom vis-à-vis FIR Practices

India's constitutional framework enshrines a range of fundamental rights that collectively protect the autonomy, dignity, and liberty of individuals. Yet, when it comes to FIRs involving teenage relationships and religious conversion, these guarantees are often subordinated to social conservatism and moral policing. This chapter explores how constitutional protections—particularly Articles 14 (Equality), 21 (Right to Life and Personal Liberty), and 25 (Freedom of Religion)—are interpreted, violated, and at times reaffirmed in the context of such FIRs. It argues that the criminal justice system, as it functions in these cases, often clashes with the constitutional promise of personal autonomy and religious freedom.

Article 21: Personal Liberty and the Right to Choose

Article 21 of the Constitution guarantees that "No person shall be deprived of his life or personal liberty except according to the procedure established by law." This has been expansively interpreted by the Supreme Court to include a range of rights such as the right to privacy, the right to marry a person of one's choice, the right to live with dignity, and the right to sexual autonomy.

In cases involving interfaith or teenage romantic relationships, Article 21 is often at the center of judicial debates. The Supreme Court in *Shafin Jahan v. Asokan K.M.* (2018) upheld the right of a 24-year-old woman, Hadiya, to choose her religion and spouse, stating that "the right to change one's religion and marry according to one's choice falls within the ambit of Article 21." Yet, on the ground, this constitutional guarantee is regularly undermined. When parents file FIRs alleging kidnapping, rape, or forced conversion, law enforcement often disregards the girl's testimony affirming her autonomy. Girls are placed in shelter homes, their statements are dismissed, and their partners are jailed—sometimes for years.

These actions represent a systemic contradiction: while the Constitution affirms liberty and personal choice, procedural law and social pressures frequently deny it in practice. The repeated violation of Article 21 in such cases raises serious concerns about the sincerity of India's commitment to protecting individual liberty in the face of majoritarian morality and patriarchal control.

Article 14: Equality before Law and Non-Discrimination

Article 14 guarantees equality before the law and equal protection of the laws. However, in the context of FIRs involving religious conversion and teenage love, this guarantee is compromised in multiple ways. First, there is the issue of gendered inequality. Girls, particularly those aged 16-18, are presumed to be incapable of making decisions about their personal relationships, even when they affirm their choices. Their male partners are automatically treated as aggressors, regardless of context. The girl's statement—if supportive of the relationship—is often dismissed as being under duress or immaturity.

Second, discrimination based on religion is evident in the selective application of anti-conversion laws. These laws are most frequently applied when a Other faith girl converts to

Islam or marries a Specific religion man. The same scrutiny is rarely applied when conversions happen in the reverse direction or when both parties belong to the same religion. This asymmetry reveals a bias rooted not in the law's text but in its implementation, thereby violating the principle of secular equality guaranteed by Article 14.

Third, lower-caste individuals are often targeted more harshly under these laws, especially when the relationship crosses caste lines. Police action is frequently more aggressive when the male partner belongs to a marginalized community and the girl is from a dominant group. This intersection of caste, gender, and religion produces a layered pattern of discrimination that the current legal system fails to redress.

Article 25: Freedom of Conscience and Religion

Article 25 of the Constitution guarantees all persons the freedom of conscience and the right to freely profess, practice, and propagate religion. The right to conversion is thus embedded within this provision, provided it is voluntary and free from coercion.

Anti-conversion laws enacted by states such as Uttar Pradesh, Madhya Pradesh, and Uttarakhand purport to regulate conversions carried out through force or fraud. However, the wording of these statutes often creates a presumption that any conversion associated with marriage is suspect. Many of these laws shift the burden of proof onto the individual who has converted, thereby undermining the presumption of innocence and chilling the exercise of religious freedom.

In practice, FIRs under these laws are frequently filed not by the alleged victim but by parents or political actors. This enables a kind of legal vigilantism where state institutions, under the guise of protecting women, criminalize interfaith relationships and voluntary conversions. The courts have expressed concern over this trend. In *Safiya Sultana v. State of U.P.* (2021), the Allahabad High Court observed that the right to convert for the purpose of marriage, when done voluntarily, is protected under Article 25.

Despite this, law enforcement often bypasses such constitutional interpretations. Police routinely arrest individuals without conducting proper inquiries into the voluntariness of the conversion. Thus, the freedom of conscience—so fundamental to a pluralistic democracy—is effectively negated in situations where love and religion intersect.

Judicial Balancing Acts: Liberty vs. Protection

Indian courts, particularly the Supreme Court and high courts, have attempted to balance the protection of minors and vulnerable individuals with the upholding of personal liberty. In *Lata Singh v. State of U.P.* (2006), the Supreme Court explicitly stated that adult inter-caste and interfaith marriages are part of constitutional morality and must be protected from familial harassment. Similarly, in *Shakti Vahini v. Union of India* (2018), the Court issued guidelines to prevent honour crimes and to ensure state protection for couples facing threats due to their choice of partner.

Yet, these judgments often remain symbolic. The lower judiciary and the police frequently act in contravention of these rulings. FIRs continue to be registered without prima facie evidence of coercion or force. Young couples are denied anticipatory bail. Girls are sent to shelter homes where their freedom is further restricted. Even in cases where courts eventually quash FIRs or grant bail, the delay results in irreparable damage to the individuals involved.

This disjuncture between constitutional ideals and ground realities reflects a systemic failure to internalize the principles of personal liberty and equality within the criminal justice system.

The Paradox of Protection: When Law Harms

At the heart of the issue lies a fundamental paradox: laws designed to protect are being used to persecute. The POCSO Act, intended to shield minors from sexual abuse, becomes a tool to criminalize teenage love. Anti-conversion laws, purportedly aimed at preventing exploitation, are misused to control women's faith and marital choices. FIRs, the basic mechanism for reporting crime, are filed not by victims but by guardians who seek to reassert control over their children.

This legal paternalism assumes that the state knows better than the individual—particularly when that individual is young, female, or from a marginalized community. By treating consensual relationships as criminal acts, the system perpetuates a form of social control that contradicts the spirit of the Constitution.

The Way Forward: Harmonising Law with Constitutional Morality:

To address these contradictions, several reforms are necessary. First, law enforcement agencies must be sensitized and trained to differentiate between actual crimes and consensual relationships that defy social norms. Second, a clear legal standard must be developed to assess consent in near-major minors—recognizing that the maturity of a 17-year-old cannot be equated with that of a child. Third, the judiciary must adopt a more proactive approach in quashing FIRs filed without credible evidence of coercion, especially in interfaith or intercaste relationships.

Most importantly, the state must shift from a model of paternalistic protection to one of rights-based empowerment. This involves respecting the evolving capacities of young people and acknowledging that personal liberty, religious freedom, and the right to privacy are not conditional upon social approval.

The constitutional guarantees under Articles 14, 21, and 25 provide a robust framework for protecting individual rights in matters of faith, love, and personal liberty. Yet, FIRs involving religious conversion and teenage love reveal a recurring pattern of misuse, where law enforcement is guided not by constitutional morality but by familial pressure, religious bias, and societal conservatism. By criminalizing consensual acts and ignoring the autonomy of the individuals involved, the system betrays the very values it is meant to uphold. Moving forward, a serious commitment is required—not only from the judiciary but from all organs of the state—to align legal practice with constitutional promise. Only then can the Indian legal system fulfill its role as the guardian of liberty and not its adversary.

Recommendations and Policy

The findings presented across the preceding chapters highlight a systemic gap between the protective intent of criminal law and its actual enforcement in cases involving FIRs on teenage love and religious conversion. While the Indian legal system provides substantial constitutional and statutory safeguards, these are frequently undermined by the misuse of laws like POCSO and anti-conversion statutes, often triggered by FIRs filed by parents or community actors rather than the alleged victims themselves. This chapter proposes specific legal, institutional, and policy reforms to

realign the system with constitutional values of liberty, equality, and dignity, while also ensuring genuine protection from exploitation.

Reinterpreting Consent and Capacity under POCSO

The blanket criminalization of all sexual activity involving minors under 18 under the POCSO Act has led to significant injustice in cases involving consensual adolescent relationships. While the protection of children from exploitation is critical, the Act currently fails to differentiate between exploitative acts and consensual intimacy between teenagers close in age.

A key reform recommendation is the introduction of a “close-in-age” exception (often called a “Romeo-Juliet” clause), as seen in other jurisdictions such as Canada and the U.S. This clause allows for consensual sexual activity between minors who are within a certain age gap (for example, 2-3 years). This would ensure that young couples are not prosecuted under laws designed to prevent abuse.

Additionally, judicial training and prosecutorial discretion should be refined to assess intent, coercion, and consent, rather than applying POCSO automatically. The legislative framework must evolve to acknowledge the gradual development of adolescent agency, particularly for individuals aged 16-18.

Reforming FIR Practices and Third-Party Complaints

The current practice of allowing third parties such as parents or religious activists to file FIRs in matters involving consensual relationships or conversions leads to misuse of the legal process. It is crucial to restrict the locus standi for filing FIRs in cases involving adults or near-major individuals, especially where the alleged victim does not support the complaint.

One solution is to mandate preliminary inquiries in such cases under Section 157 of the CrPC before registration of FIRs. Law enforcement must first assess whether the complaint reflects the genuine will of the victim, particularly when the supposed victim is an adolescent girl affirming her choice. Where the individual concerned expresses that no offence has been committed, the case should be dropped or referred to child counselling, not criminal prosecution.

In cases involving minors, the law must distinguish between actual victimhood and conflict of autonomy with parental authority. This calls for a statutory clarification that minors capable of forming rational judgments, particularly those above 16, should have their testimony treated as primary evidence, not subordinate to parental claims.

Anti-Conversion Laws: Balancing Regulation with Rights

India’s anti-conversion laws in their current form are vague, intrusive, and often used as tools for moral policing. The requirement for prior approval from the District Magistrate and the reversal of burden of proof not only conflict with personal liberty under Article 21 but also violate the freedom of religion under Article 25.

These laws need urgent constitutional review, with courts or Parliament intervening to ensure that:

- Voluntary conversions are presumed to be lawful, unless proven otherwise through evidence of coercion or fraud;
- The burden of proof remains with the prosecution, consistent with criminal jurisprudence;
- Only the individual converted or their legal representative may file a complaint—not third parties;

- The timing of conversion and marriage cannot itself be grounds for criminal suspicion.

A uniform national policy or central guidelines may also help standardize state-level laws and reduce arbitrariness. Until then, courts must exercise heightened scrutiny while adjudicating offences under these laws.

Police Reforms and Sensitization

A major issue identified is the lack of sensitivity among police officials in dealing with consensual romantic relationships that cross religious or caste boundaries. Police often act under societal pressure or political influence, registering FIRs without adequate assessment.

To address this, it is essential to implement mandatory gender and rights-based training for law enforcement, including modules on:

- Adolescent psychology and consent;
- The distinction between coercion and autonomy in relationships;
- Constitutional protections in marriage, religion, and personal liberty.

Furthermore, internal disciplinary mechanisms should be strengthened to hold officers accountable when FIRs are misused or falsely filed without due inquiry. Independent complaint redressal cells and oversight by Human Rights Commissions could serve as external checks on unlawful arrests or detentions.

Role of the Judiciary: Proactive and Preventive Intervention

The higher judiciary in India has periodically stepped in to protect personal liberty, yet lower courts often fail to uphold these precedents. District judges, magistrates, and family courts need to be empowered and trained to identify misuse of laws, particularly when FIRs are clearly driven by parental coercion or communal agendas.

Judiciary-led interventions can include:

- Fast-tracking petitions to quash FIRs in consensual interfaith/teenage relationship cases;
- Establishing dedicated benches or legal aid clinics to handle such sensitive matters;
- Issuing protective orders to prevent harassment of couples and ensure their safety and shelter;
- Using video statements and in-camera proceedings to ascertain the true will of the girl/woman without external influence.

Moreover, judicial interpretation of POCSO and anti-conversion laws must be harmonized with constitutional values. Courts must use their discretion to ensure that protection does not turn into persecution.

Public Awareness, Education, and Societal Engagement

No legal reform can succeed without parallel societal transformation. Much of the hostility toward interfaith or inter-caste romantic relationships stems from deep-seated patriarchy, religious intolerance, and caste conservatism.

The state must take proactive steps to promote constitutional morality through:

- Public awareness campaigns promoting the rights of individuals to choose their partners;
- Inclusion of gender equality, adolescent rights, and

religious tolerance in school and college curricula;

- Media regulation to discourage sensationalist reporting of “love jihad” or “runaway” stories that stigmatize young women and religious minorities.

Civil society organizations, educators, and community leaders must collaborate to destigmatize teenage love, interfaith relationships, and conversion by choice, thereby reducing the scope for legal misuse.

Need for a Unified Legal Framework

One of the major challenges in this area is the fragmented and inconsistent legal response. POCSO, IPC, CrPC, and various state-level anti-conversion laws operate in silos and often contradict each other when applied in complex social situations involving adolescents.

To rectify this, there is a need for a comprehensive law or set of guidelines addressing:

- Rights of adolescents in romantic relationships;
- Protections against coercive conversions while preserving freedom of faith;
- The permissible role of guardians in initiating legal action;
- Proportionality in prosecution and sentencing where no actual harm is proven.

Such a framework could be developed by the Law Commission of India or through Supreme Court directives under Article 142 to ensure systemic and cohesive reform.

Conclusion

The misuse of FIRs in cases involving teenage love and religious conversion reflects a deeper societal resistance to individual autonomy, particularly among young women and religious minorities. While laws like POCSO and anti-conversion statutes serve important purposes in preventing genuine harm, their current implementation often leads to a criminalization of choice rather than protection from exploitation.

Effective reform requires a multi-pronged approach—legislative amendments, judicial vigilance, police accountability, and societal education. The guiding principle must be that constitutional rights are not suspended by age, gender, religion, or caste. Personal liberty, dignity, and the freedom to choose one's partner or faith must be treated as foundational—not negotiable—values in a constitutional democracy. Unless the legal and institutional framework is urgently realigned with these values, the gap between law and justice will continue to grow—at the cost of the very individuals the law is meant to serve.

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