

STIGMATISE ADOLESCENT SEXUALITY

Aversion to comprehensive sexuality education

Failure to recognise evolving capacities of adolescents

No legal capacity to consent to medical procedures

Criminalisation of consensual sexual contact (POCSO Act & IPC)

Lack of awareness about contraception & safe sex practices

Mandatory reporting of any adolescent sexual contact

Misuse of criminal law by parents of the girl against her partner

Early Pregnancy

Fear of prosecution among healthcare providers

Elopement to legitimise sexual relationship

Lack of access to healthcare



VULNERABILITY TO SEXUAL VIOLENCE

28 percent of female youth (15-24 years) have experienced physical or sexual violence.

NFHS -3

HIGH MATERNAL MORTALITY

Early marriage leads to early childbearing which puts both mother and child at high risk of mortality.

EARLY CHILDBIRTH
1/6th of 19 year olds give birth or become pregnant, and half of India's total fertility rate is among those aged 15-24 years.

NFHS -3

INCARCERATION OF INNOCENT YOUTH

PLD's study* shows that most cases under POCSO Act and PCMA have been filed by parents of girls against her partner in cases of self arranged marriages.

PREVALENCE OF SEXUALLY TRANSMITTED DISEASES

Youth account for a high proportion of new STD infections. Nearly two-fifths of new HIV infections are reported among people below 25 years of age.

NACO, 2004

LOW AGE OF MARRIAGE EARLY DOMESTICITY

One in every five women aged 15-17 years is married, and slightly more than half of women age 15-24 are married.

NFHS -3

POLICING SEXUALITY

"Honour" killings; anti-romeo squads; misuse of laws on obscenity, indecency, and public nuisance, to police couples is rampant.



PLD'S STUDY ON
**ADOLESCENT SEXUALITY, EARLY
MARRIAGE, AND THE LAW**

PLD's study on Mapping Vulnerabilities of Youth in Relation to Sexuality, Early Marriage and the Law seeks to explore the ways in which the law enables policing of girls' sexualities and their exercise of choice in partners.

This study is being undertaken in context of the evolving legal framework on adolescent sexuality, development and rights protection. This framework is fraught due to the increase in age of consent for girls from 16 to 18 years, in the Protection of Children from Sexual Offences Act (POCSO) and the Criminal Law (Amendment) Act, 2013 (to the Indian Penal Code 1860).

On the one hand, the law protects the rights of girl children through a prohibition on child marriages. On the other hand, it criminalizes consensual sexual activity between adolescents, consequently alienating access to counseling for girls while permitting parental/community control and policing of sexual expression. This policing tends to be exacerbated for consensual activity beyond the sanctioned caste- and communal- groups particularly, making the law a tool in policing boundaries in an already stratified society.

Through an analysis of case law from courts in Delhi, Haryana, Punjab, Rajasthan, Madras, Karnataka, and Gujarat, the study seeks to investigate the ways in which the law is enhancing the vulnerabilities of young adults in relation to access to and realization of sexual and reproductive health and rights.

It is directed towards recommendations for law reform that provides a framework more affirming of positive sexuality, and one which contributes to building leadership and autonomy of girls.

The final report of the study is forthcoming.

ABOUT US

Partners for Law in Development (PLD) is a non-profit legal resource organization founded in 1998, working in the field of social justice and women's rights in India. We work towards advancing women's rights in contexts of sexuality, culture, caste, conflict, poverty and development, through three primary strategies- capacity development, knowledge production and policy advocacy.



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ADOLESCENT SEXUALITY IN INDIA

PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT, 2012

Criminalises consensual sex
Mandates reporting of any sexual contact involving a child

Criminalises consensual adolescent sex

INDIAN PENAL CODE, 1860

MEDICAL TERMINATION OF PREGNANCY ACT, 1971

Makes guardian's consent mandatory for abortion

Criminalises an adult male for marrying any girl below the age of 18, irrespective of her consent

PROHIBITION OF CHILD MARRIAGE ACT, 2006

SOME FINDINGS FROM PLD'S STUDY ON THE USE OF POCSO AND PCMA*

IN WHAT KIND OF CASES ARE THESE LAWS BEING INVOKED?

Most cases involve consensual sexual contact in self arranged relationships/ marriages

Need to legitimise sexual relationship;
Escape from mental and physical violence in family of origin;
Inevitability of marriage; lack of alternative lifestyle options

WHY ARE YOUNG COUPLES ELOPING TO MARRY?

WHO IS INVOKING THESE LAWS AGAINST COUPLES IN SELF ARRANGED MARRIAGES?

Parents and relatives of girls in self arranged marriages primary complainants;
Few cases filed by girls in forced marriages

Parents seek to punish the girl's partner, and nullify her marriage

FOR WHAT PURPOSE ARE THESE LAWS BEING INVOKED?



ADOLESCENT SEXUALITY, EARLY MARRIAGE, AND THE LAW

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