



CASE ANALYSIS: IN RE: RIGHT TO PRIVACY OF ADOLESCENTS

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INTRODUCTION

A recent landmark judgment by the Supreme Court¹ raised a widespread debate on the validity of a minor's consent and the right to privacy of adolescents. The case reflects on how their right to privacy, autonomy and dignity under Article 21 is balanced with the Protection guaranteed under the POCSO Act, 2012, and their absolutist stance on consent may unintentionally criminalise consensual adolescents' intimacy.

FACTS OF THE CASE

The case originated from a criminal trial in Baruipar, West Bengal. It centres around the conviction of a 25-year-old man under the Protection of Children from Sexual Offences (POCSO) Act, 2012² and the Indian Penal Code (IPC) for having a sexual relationship with a minor girl. The victim was 14 years old at the time of the incident. The victim's mother lodged a First Information Report (FIR) on 29th May 2018, stating that her daughter ran away from her house at 5:30 p.m. on 20th May 2018 without informing anyone.³ The girl eventually conceived and gave birth to a female child. Admittedly, the accused is the biological father of the child. It was later found that the accused enticed her to leave her house, and the accused did so with the help of his two sisters. The Victim's mother, after knowing, visited the house of the accused and requested the return of her daughter. It was found that there was a gross delay in the investigation, and the accused was arrested on 19th December 2021. The chargesheet was filed on 27th January 2022 against the accused for the offences for which he

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¹ In Re: Right to Privacy of Adolescents, Suo Motu Writ Petition (C) No 3 of 2023, decided 20 August 2024 (conviction) and 23 May 2025 (sentencing and rehabilitation) (Supreme Court of India); (2024) SCC OnLine SC 2055; (2025) 7 SCR 216; 2025 INSC 778.

² Protection of Children from Sexual Offences Act 2012.

³ State of West Bengal v Accused, Special Court (POCSO), Baruipar, West Bengal (conviction under s 6, Protection of Children from Sexual Offences Act 2012; ss 376(2)(n) and 376(3), Indian Penal Code 1860).

was convicted. The Accused was charged with the offences punishable under Section 9 of the Prohibition of Child Marriage Act, 2006.⁴

LEGAL ISSUES

1. Whether an adolescent's consent is legally recognised in the case involving sexual activity, given the 'strict liability' provisions under the POCSO Act.
2. Whether consensual sexual activity between adolescents under POCSO violates their fundamental right to privacy, dignity, and autonomy as recognised in the *Re: Right to Privacy of Adolescents*.
3. Whether proper procedural and welfare measures were taken by the authorities in handling the minor victim as stated under the POCSO Act and the Juvenile Justice Act.

COURT'S ANALYSIS AND JUDGMENT

The Supreme Court took suo motu cognisance of the matter and intervened. The Supreme Court held that “any sexual activity that involves a minor will automatically be treated as non-consensual under the POCSO Act, regardless of the victim's supposed consent or emotional involvement.”⁵ The Court emphasised that the evidence clearly established penetrative sexual assault resulting in pregnancy, making the offence under POCSO and IPC fully proven. High Court's sweeping remarks about adolescent behaviour, criticising young girls for lacking self-control and making broad statements such as “female adolescents should control their sexual urge”, were seen as controversial, inappropriate, and insensitive, leading to public outcry.⁶

Before deciding on sentencing, the Supreme Court directed the Government of West Bengal to form a three-member expert committee, including a clinical psychologist, a social scientist and a child welfare officer, with support from reputed institutions like NIMHANS or TISS.⁷

The report of the Committee was submitted in a sealed cover and found that:

- a. The victim did not consider the incident a crime.

⁴ Prohibition of Child Marriage Act 2006, s 9.

⁵ In *Re: Right to Privacy of Adolescents* (n 1).

⁶ *Accused v State of West Bengal*, judgment dated 18 October 2023 (Calcutta High Court, Division Bench of Chitta Ranjan Dash and Partha Sarathi Sen JJ); “Adolescent girls should control their sexual urges...”: Calcutta High Court’ (India Today, 19 October 2023) <<https://www.indiatoday.in/law/story/adolescent-girls-should-control-their-sexual-urges-and-calcutta-high-court-2451236-2023-10-19>> accessed 19 August 2026.

⁷ Three-Member Expert Committee Report (sealed cover), constituted by the Supreme Court of India in *In Re: Right to Privacy of Adolescents* (n 1), supported by NIMHANS/TISS.

- b. The real trauma was caused not by the incident but by the legal proceedings, police involvement and societal judgment.
- c. The victim was not deeply attached to her family and wanted to protect the accused.

The Court also found that the State failed its legal duty to protect the victim; she was not presented in front of the Child Welfare Committee as required, nor was she given shelter, education, or support under the POCSO and the Juvenile Justice Act. It restated that child victims of sexual offences have enforceable rights under Articles 14 and 21,⁸ which include the right to dignity, safety and rehabilitation, which had been violated in this case.

SOCIETAL AND POLITICAL IMPLICATIONS

Societal Implications: The minor in question did not consider the pregnancy or marriage traumatic, but rather found the legal proceedings, police investigations and societal judgments more traumatic, which can be attributed to how the sexuality of adolescents, especially those aged 16-18, is perceived and hence treated in the legal and societal sphere.

The recognition of adolescents' right to privacy invites several societal implications. This judgement recognises adolescents as right-bearing individuals rather than "passive children", as highlighted in the judgement, reiterating their rights to choose their own sexuality, bringing about a change or a shift in sexual or romantic relationships of adolescents from a taboo to a natural right. Such a shift moves the discourse from 'moral policing' to a rights-based framework, which ensures that cases related to sexual acts between or towards adolescents are treated with dignity and prudence, thereby facilitating the protection of the privacy and identity of adolescents in such cases.

Political Implications: The legal system and her own family gave the minor in question no opportunity to make an informed decision during the earlier stages of the incident. The Justices described the facts of the case as an 'eye-opener for everyone', highlighting serious gaps in the existing legal system. The judicial system itself plays a crucial role in how cases involving children below the age of 18 years are treated. POCSO (Protection of Children from Sexual Offences) Act is one of the most stringent Acts in India, leaving no room for escape or exceptions to safeguard children. However, being an umbrella act, it overlooks its implications for minors who engage in such acts of their own free will.

⁸ Constitution of India, arts 14, 21.

In order to account for voluntary acts done by adolescents who undertake the ambit of their own rights and choices, the POCSO Act requires amendments to incorporate a close-in-age exemption, decriminalising consensual acts between adolescents aged 16–18. Moreover, clear guidelines are needed for medical professionals to safeguard confidentiality while balancing the requirements of mandatory reporting. In addition, there is a pressing need for the expansion of adolescent-friendly health services and counselling centres, alongside a stronger emphasis on preventive education rather than relying solely on punitive law enforcement.

CRITICAL EVALUATION

Strengths of the Judgement: The Supreme Court in *Re: Right to Privacy of Adolescents* chose not to impose any further sentence, even though the conviction was upheld. Instead, it issued directions to the State of West Bengal and the Ministry of Women and Child Development, including:

- Ensuring compliance with Section 19(6) of the POCSO Act and relevant provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015.⁹
- Exploring vocational training and employment opportunities for the victim after her education.
- Providing financial and emotional support through the State Legal Services Authority.
- Forwarding the judgment to the Law and Justice Departments across all States and Union Territories for policy and procedural improvements.

The decision in *Re Right to Privacy of Adolescents* marks a compassionate yet constitutionally grounded approach by the Supreme Court.¹⁰

This judgment carries considerable strengths that mark a progressive shift in India's legal approach to adolescents. Most importantly, it acknowledges the right to privacy of adolescents, thereby situating them as 'individuals with agency' rather than 'passive dependents.'

⁹ Protection of Children from Sexual Offences Act 2012, s 19(6); Juvenile Justice (Care and Protection of Children) Act 2015.

¹⁰ See 'In *Re: Right to Privacy of Adolescents* – Not a Precedent?' (SC Observer, 29 May 2025) <<https://www.scobserver.in/journal/in-re-right-to-privacy-of-adolescents-not-a-precedent-supreme-court-holds-back-from-sentencing-pocso-convict/>> accessed 19 August 2026; Aparajita Singh, 'Re: Right To Privacy Of Adolescents, 2024 SCC Online SC 2055 – A Case Analysis' (International Journal of Law and Legal Research, 2025) <<https://www.ijlrr.com/post/re-right-to-privacy-of-adolescents-2024-scc-online-sc-2055-a-case-analysis>> accessed 19 August 2026; National Law University Odisha, 'Right to Privacy of Adolescents' (October 2025) <<https://nluo.ac.in/wp-content/uploads/2025/10/9.pdf>> accessed 19 August 2026.

It ensures that the right to choose their own sexuality is safeguarded and treated with dignity in the legal system by giving them autonomy.

By giving adolescents autonomy towards their sexuality, the judgment also avoids blanket criminalisation, which is the very issue in the case at hand. This judgment hence aligns with the UN Convention on the Rights of the Child (UNCRC),¹¹ which emphasises evolving capacities of the child and the need to respect their views, choices, and dignity. This alignment not only strengthens India's global credibility but also contributes to the development of a rights-based framework for adolescents in domestic law.

Shortcomings of the Judgment: This judgment comes with its own shortcomings, some of them being in the Law itself and some being logical. Grooming of minors by adults, sometimes even of middle age, is an urgent issue at hand. Minors usually don't realise that they are/ were being emotionally or sexually exploited. Children who come from an abusive or neglectful background often seek emotional support, which they may often find in their 'partners' of a major age. These children are more than often vulnerable, and their choice to be involved with their partners may be under duress or undue influence.

Keeping in mind the subjective as well as vulnerable nature of the 'choice' provided by minors, their relationships should be clearly examined, and a limit for the age gap should be set. A recent instance of minor grooming and predation can be observed in the ongoing case of popular Hollywood singer D4vd (David Burke), where the body of 15-year-old Celeste Rivas was discovered in his car.¹² Reports indicate that Celeste had a troubled home environment, repeatedly ran away, and allegedly maintained contact with the singer from a very young age, reflecting how neglect and instability can make children easy targets for grooming. This tragic case underlines the urgent need for safeguards to protect minors from predatory relationships disguised as 'consensual' bonds.

¹¹ United Nations Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3.

¹² 'US singer D4vd bought chainsaw after allegedly killing teen' (BBC News, 29 April 2026) <<https://www.bbc.com/news/articles/cvgzll79529o>> accessed 19 August 2026; 'Teen who singer D4vd is accused of killing had multiple abortions' (BBC News, 25 July 2026) <<https://www.bbc.com/news/articles/cr592qdjlldo>> accessed 19 August 2026; 'Singer d4vd pleads not guilty to all charges in connection with teen's death' (CNN, 20 April 2026) <<https://www.cnn.com/2026/04/20/us/d4vd-case-update-celeste-rivas-hernandez>> accessed 19 August 2026; 'Prosecutors detail gruesome evidence against pop singer D4vd in murder case' (Reuters, 21 July 2026) <<https://www.reuters.com/legal/government/pop-vocalist-d4vd-faces-evidentiary-hearing-murder-teenage-girl-2026-07-21/>> accessed 19 August 2026.

Furthermore, the issue of medical confidentiality remains inadequately addressed. While the judgment recognises its importance, it fails to resolve the practical dilemma faced by doctors, who are bound by mandatory reporting obligations under the POCSO Act, 2012. Without a clear legal mechanism, medical professionals are left in a precarious position, caught between respecting adolescents' privacy and fulfilling statutory duties.

AUTHOR'S PERSPECTIVE

I feel that this judgment is a meaningful step towards recognising adolescents as individuals with feelings, choices, and agency, rather than merely as children to be controlled. Reading the case made me realise that much of the trauma often comes not from the incident itself but from societal judgment, moral policing, and harsh legal procedures. I personally believe that adolescents aged 16–18 should be trusted to make certain decisions about their relationships, whilst still having safeguards in place against manipulation or abuse. This case highlights the need for laws that are compassionate and practical, balancing protection with respect for privacy and dignity.

Adolescents are mature enough to have a sense of dignity and humility, and this judgment, to me, shows that listening to adolescents and respecting their choices is crucial, and that society and the legal system must shift from tactics of fear and control towards understanding, support, and empowerment for young people.

Not only will this change serve as a manner of providing a sense of dignity to adolescents, but it will also curtail the grooming of minors and similar predatory situations. Although society still has a long way to go with respect to accepting adolescent sexuality without labelling it as taboo, this judgment marks an important shift. For the first time, the legal system acknowledged an adolescent's sexual preferences as part of its reasoning, making it a cornerstone for future change, both legally and socially.

CONCLUSION

The judgment underscores the need to draw a line between the protection of minors from exploitative acts and their rights over their sexuality and choice. It also highlights how adolescents must be recognised as autonomous individuals with evolving capacities and privacy rights, rather than merely wards under perpetual supervision.

This can be made possible not only through statutory reform but also through a shift in judicial interpretation, medical guidelines, and societal attitudes. Only through such a holistic approach can the law effectively safeguard adolescents from harm while simultaneously affirming their dignity, agency, and fundamental rights.

REFERENCES

1. Accused v State of West Bengal, judgment dated 18 October 2023 (Calcutta High Court)
2. In Re: Right to Privacy of Adolescents, Suo Motu Writ Petition (C) No 3 of 2023; (2024) SCC OnLine SC 2055; (2025) 7 SCR 216; 2025 INSC 778
3. State of West Bengal v Accused, Special Court (POCSO), Baruipur, West Bengal
4. Constitution of India
5. Indian Penal Code, 1860
6. Juvenile Justice (Care and Protection of Children) Act, 2015
7. Prohibition of Child Marriage Act, 2006
8. Protection of Children from Sexual Offences Act, 2012
9. United Nations Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3
10. "Adolescent girls should control their sexual urges...": Calcutta High Court (India Today, 19 October 2023) <<https://www.indiatoday.in/law/story/adolescent-girls-should-control-their-sexual-urges-and-calcutta-high-court-2451236-2023-10-19>> accessed 19 August 2026
11. 'In Re: Right to Privacy of Adolescents – Not a Precedent?' (SC Observer, 29 May 2025) <<https://www.scobserver.in/journal/in-re-right-to-privacy-of-adolescents-not-a-precedent-supreme-court-holds-back-from-sentencing-pocso-convict/>> accessed 19 August 2026
12. National Law University Odisha, 'Right to Privacy of Adolescents' (October 2025) <<https://nluo.ac.in/wp-content/uploads/2025/10/9.pdf>> accessed 19 August 2026
13. Singh A, 'Re: Right to Privacy of Adolescents, 2024 SCC Online SC 2055 – A Case Analysis' (International Journal of Law and Legal Research, 2025) <<https://www.ijllr.com/post/re-right-to-privacy-of-adolescents-2024-scc-online-sc-2055-a-case-analysis>> accessed 19 August 2026

14. Three-Member Expert Committee Report (sealed cover), constituted by the Supreme Court of India in In Re: Right to Privacy of Adolescents (2025), supported by NIMHANS/TISS
15. 'Prosecutors detail gruesome evidence against pop singer D4vd in murder case' (Reuters, 21 July 2026) <<https://www.reuters.com/legal/government/pop-vocalist-d4vd-faces-evidentiary-hearing-murder-teenage-girl-2026-07-21/>> accessed 19 August 2026
16. 'Singer d4vd pleads not guilty to all charges in connection with teen's death' (CNN, 20 April 2026) <<https://www.cnn.com/2026/04/20/us/d4vd-case-update-celeste-rivas-hernandez>> accessed 19 August 2026
17. 'Teen who singer D4vd is accused of killing had multiple abortions' (BBC News, 25 July 2026) <<https://www.bbc.com/news/articles/cr592qdj1ldo>> accessed 19 August 2026
18. 'US singer D4vd bought chainsaw after allegedly killing teen' (BBC News, 29 April 2026) <<https://www.bbc.com/news/articles/cvgzll79529o>> accessed 19 August 2026