Polity & Governance · GS - II

Examine the role of consent in determining criminal liability in sexual offences. How can the legal system balance protection against sexual exploitation with safeguards against the misuse of criminal law?

EXAM YEAR	PAPER	SUBJECT
DAILY PRACTICE 30/10/2026	GS - II	Polity & Governance

MARKS	WORD LIMIT
10	~150 words

Answer Hint

Voluntary consent; sexual autonomy; false promise of marriage; criminal liability; due process; gender justice; misuse of legal provisions

Model Answer

Introduction

Consent is central to determining criminal liability in sexual offences. The Supreme Court has emphasised that the breakdown of a consensual relationship, by itself, does not retrospectively convert intimacy into rape.

Importance of Consent

- **Individual autonomy:** Consent reflects an individual's freedom to make decisions about their body and personal relationships.
- **Legal distinction:** A failed relationship must be distinguished from sexual activity obtained through coercion, deception or exploitation.
- **False promise of marriage:** A promise made dishonestly from the beginning to obtain consent may attract criminal liability, depending on the evidence.
- **Constitutional protection:** Article 21 safeguards dignity, privacy and personal liberty.

Balancing Justice and Due Process

- Ensure impartial investigation and evidence-based prosecution.
- Protect survivors from intimidation and social stigma.
- Prevent arbitrary criminal proceedings through judicial scrutiny.
- Maintain the presumption of innocence and fair-trial safeguards.

Conclusion

A fair criminal justice system must protect sexual autonomy and prevent exploitation while ensuring that criminal liability is determined through evidence, consent and due process rather than the mere breakdown of a relationship.

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