

24 January

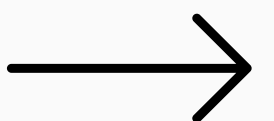
National Girl Child Day

Consensual Relationship with a Minor Child? Think Again

Santosh Srivastava @ Manu Srivastava vs. The State of West Bengal and another

(MANU/WB/2733/2025)

National Girl Child Day is observed to reaffirm India's collective responsibility to protect the rights, dignity, and future of the girl child. From a constitutional and legal standpoint, this day also invites to reflect on how the judiciary has actively shaped child-protective laws, especially in cases involving sexual exploitation of minor girls.



A recent and striking example is the Calcutta High Court's ruling in Santosh Srivastava @ Manu Srivastava vs. The State of West Bengal and another, which sends a loud, uncompromising message: **minors cannot legally consent to sexual activity**, and emotional relationships with children do not excuse criminal conduct.

In this case, a 23-year-old man had maintained a so-called "long-term romantic relationship" with a girl starting at age 12–14 and had fathered a child with her. The defence argued that the relationship was consensual and that the delay in complaint should reduce his liability.

What the Court Said

The Division Bench of the High Court delivered a powerful verdict in favor of the minor girl and reinforced the protective purpose of child laws –

A minor lacks the legal capacity and maturity to consent to sexual activity, no matter the emotional involvement.

Even if the relationship seems "consensual," it does not excuse or mitigate the offence under the POCSO Act (Section 5(j)(ii), 5(l)) and IPC Section 376.

Delay in lodging the complaint does not weaken justice when credible oral testimony and scientific evidence establish the crime.

The High Court upheld the life sentence and fine, and ordered enhanced compensation for the victim, emphasizing child protection over leniency.

On this National Girl Child Day, let's remember: Every girl deserves a safe childhood, a protected body, and a future free from exploitation. The law is on her side and so should we be.

