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THE HINDU ANALYSIS POC SO ACT

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POCSO ACT





Rethinking Global Leadership

EXPLAINED FOREIGN POLICY & STRATEGY

A bigger BRICS. Better too?

What do the new members bring to the BRICS table? With many of the six having strong economic dependencies on China, what is at stake for India? What does Russia hope to gain from the expansion?



SHUBHAJIT ROY

LEADERS OF Brazil, Russia, India, China and South Africa took a call last week to expand the BRICS grouping from five countries to 11. The Johannesburg declaration, issued after the summit, said Argentina, Egypt, Ethiopia, Iran, Saudi Arabia and the United Arab Emirates (UAE) had been invited to become full members from January 1, 2024.

To understand the expansion and its implications, one must first understand the origins and evolution of BRICS.

Origin of BRICS

BRICS brings together five of the largest developing countries of the world, representing around 41 per cent of the global population, around 24 per cent of the global GDP, and around 16 per cent of global trade.

The acronym BRIC was first used in 2001 by Goldman Sachs in their Global Economics Paper, *The World Needs Better Economic BRICS*. On the basis of economic analyses, the paper projected that the four economies of Brazil, Russia, India, and China would be among the world's largest economies in the next 50 years or so.

As a formal grouping, BRIC started after the meeting of the leaders of Russia, India and China in St. Petersburg on the margins of the G8 Outreach Summit in 2006. The grouping was formalised during the first meeting of BRIC Foreign Ministers on the margins of the UNGA in New York in 2006.

The first BRIC Summit was held in Yekaterinburg, Russia, in 2009. It was decided to include South Africa at the BRIC Foreign Ministers' meeting in New York in 2010, and accordingly, South Africa attended the 3rd BRICS Summit in Sanya, China, in 2011.

Expansion

The Johannesburg declaration said that BRICS countries had reached a consensus on the guiding principles, standards, criteria and procedures of the expansion process, but these have not been made public.

Indian officials said New Delhi took the lead in forging consensus on membership criteria and selection of new members. New Delhi's efforts were guided by its objective to



Prime Minister Narendra Modi, Brazil's President Lula, China's President Xi, South Africa's President Ramaphosa, Russia's Foreign Minister Lavrov and other leaders at the BRICS Summit in Johannesburg on August 24. PTI

incorporate Strategic Partners as members. India has strategic partnerships with four of the new six members — Saudi Arabia, UAE, Iran and Egypt.

By growing to a size of 11 members, BRICS has become larger than ASEAN (10 members) and Shanghai Cooperation Organisation (9). But while many portrayed the new expanded grouping as an alternative to western blocs like the G7, Delhi doesn't view this as an "anti-West" grouping.

In fact, France, one of the P-5 (permanent members of the UN Security Council) countries and G7 member, is learnt to have expressed interest in engaging more with the BRICS. Whether Paris becomes a member is a question to be agreed through consensus.

The new entrants are emerging economies with the potential to scale up. Many belong to the Global South or the developing countries, and want to hedge their bets in the increasingly polarised geopolitical landscape.

Africa and Latin America

From Latin America, despite Brazil's reluctance, regional rival Argentina was selected as a new member. With a Gross Domestic Product (GDP) of approximately US\$610 billion, Argentina is one of the largest economies in Latin America.

From Africa, Ethiopia and Egypt made the cut, over Nigeria, Algeria and Senegal.

According to the World Bank, Ethiopia is the second most populous nation in Africa after Nigeria, and one of the fastest-growing economies in the region, with an estimated 6.4% growth in FY 2021/22.

Egypt occupies a crucial geo-strategic location — 12 per cent of global trade passes through the Suez Canal — and is a key player

in the region. An important economic powerhouse, it is an emerging economy with reforms brought in by the government led by President Abdel Fattah El-Sisi.

But both Argentina and Egypt have strong economic dependency ties with China.

Early this month, Beijing lent a helping hand to Argentina so that it could avert a default with the International Monetary Fund for the second time in 30 days. The cash-strapped country tapped almost \$3 billion of a Beijing currency swap line to pay the multilateral lender.

China's bilateral trade with Egypt is currently at \$15 billion, double that of India's \$7.26 billion in 2021-22. Sisi has been wooing Chinese investments, and has travelled to China seven times in the past eight years.

Ethiopia, a Christian-dominated country, is seen as a careful balancer of both the US and China.

Countries from Asia

Of the three Asian countries, Saudi Arabia and UAE are partners of the US, and along with Egypt, have close ties with Washington.

Iran, which has had a complicated relationship with the US, has been wooed by China in recent years. Tehran's rulers are mindful of their place in history, but economic imperatives have prompted them to engage with Beijing strongly.

The inclusion of Saudi Arabia and the UAE is expected to lead to more mobilisation of financial resources for the New Development Bank, the BRICS alternative for developing countries. By including these four, BRICS has also addressed the question that no Muslim-majority country is in the grouping.

One important point is that Saudi Arabia, UAE, Iran, Egypt and Ethiopia share a common regional space. This might give salience to the West Asian and North African region, and the rivalries and geopolitical tensions here might play out in the grouping as well.

These contradictions within the member countries could limit the potential of BRICS.

Russia, China's stakes

With the expansion of the grouping, China is seen as trying to build its own bloc against the Western powers. But India has maintained that decisions have to be made "through consensus" — the guiding principle in the grouping — so that it is not completely led by Beijing. In fact, this inclusion of six members has been projected as the first phase of the expansion, which leaves room for a second phase.

Russia, the other major player, will host the next BRICS summit in Kazan in 2024. An expanded grouping of 11 members attending will work for Moscow, which has been facing diplomatic isolation. It will use the opportunity to portray Russia's relevance despite Western pressures.

For India, the Chinese challenge remains the most pertinent. Delhi has the unenviable task of guarding against the grouping being swayed by Beijing, which wants to pack it with countries indebted to China.

Name

For now, the name of BRICS will remain the same, since officials feel it is a brand in itself. There were jokes during the negotiations on whether the grouping should be renamed "Waif". But China was fine with the current name, as it calls the grouping *Jin Zhuan* in Mandarin, which means 'golden bricks'.

Context

The 2025 BRICS Summit highlighted the erosion of multilateralism amid the U.S.'s shifts to bilateralism under President Trump; the editorial urges India to recalibrate its global strategy through strategic autonomy, South-South cooperation, and internal transformation. -South cooperation, and domestic transformation to position itself as a global leader.

Decline of Multilateralism and the Global Flux

- ❑ The United States, under Donald Trump, has shifted towards **bilateralism**, sidelining the United Nations and weakening collective mechanisms like the G-77.
- ❑ The **BRICS 2025 Declaration** avoided addressing this structural disruption.
- ❑ The imposition of **unilateral tariffs** and bilateral negotiations is being used by the U.S. as a tactic to gain economic concessions, moving away from a **rules-based order**.
- ❑ This reflects a recalibration of power diplomacy post-WWII.
- ❑ With **multilateral institutions weakened**, the Global South can no longer rely on traditional platforms for bargaining. India's influence now depends on building strong regional and bilateral partnerships, not ideological voting blocs.

India's Strategic and Economic Reorientation

- ❑ India must **articulate neutrality** among global powers while asserting its core national interests.
- ❑ Its loss of the UNESCO Executive Board seat to Pakistan highlights the urgency to recalibrate diplomacy.
- ❑ **Trade realignment toward ASEAN**, coupled with massive infrastructure investments (high-speed rail, digital networks), can compensate for declining U.S. exports and stimulate internal demand.
- ❑ With India now ahead of the UK and Germany in **GenAI patent filings (WIPO)**, the country has a foundational advantage in the Fourth Industrial Revolution to drive endogenous growth and global competitiveness.

Security, Borders, and South-South Prosperity

- ❑ A shift from **heavy ground forces to integrated technologies**—drones, satellites, AI—gives India strategic depth and economic efficiency, aligning military doctrine with global best practices.
- ❑ Recent **diplomatic overtures on Indo-China border** demarcation and renewed interest in the Indus Waters Treaty indicate a transition from confrontation to long-term trust-building for economic cooperation.
- ❑ The upcoming BRICS Summit in India presents an opportunity to **build a new value chain network** across the Global South—prioritizing mutual prosperity over outdated multilateral bargains with the Global North.



Revisiting Consent and Criminalization

The issue with criminalising all adolescent relationships

The Supreme Court of India's sentencing judgment in *Re: Right to Privacy of Adolescents* (May 2025) is a remarkable example of the Court revisiting its stance by prioritising the voice of the young person most impacted by the criminal case initiated for her protection.

The Court exercised its extraordinary jurisdiction, under Article 142 of the Constitution, and did not impose any sentence on a young man convicted of aggravated penetrative sexual assault under Section 6, Protection of Children from Sexual Offences (POCSO) Act. The case involved a 14-year-old girl from rural West Bengal who left her home to be with a 25-year-old man. The criminal justice system was set in motion by her mother. Although she stayed in a shelter and was restored to her mother, she left again to be with the man due to stigma, humiliation, and surveillance from her family. They got married and had a child in 2021 – when the girl was 17. He was arrested subsequently and tried for kidnapping, rape, aggravated penetrative sexual assault, and child marriage.

Despite noting the helplessness of the girl in court, with the child on her lap, the POCSO Special Court was constrained by stringent legal provisions and sentenced the accused to 20 years imprisonment.

In 2022, during the appeal, the Calcutta High Court recognised her distress – cut off by her family and left to care for the baby and a mother-in-law with cancer, while fighting for the release of her partner. It noted the socio-economic background of the couple who did not understand that their relationship constituted an offence. Taking a “humane view of the matter to do complete justice” the High Court reversed the lower court's conviction. While noting that “the approach adopted under the POCSO Act renders adolescents vulnerable to criminal prosecutions for normative sexual behaviour”, the High Court also made several problematic comments: including one that female adolescents should “control sexual urge/urges as in the eyes of society she is the looser [sic] when she gives in to enjoy the sexual pleasure of hardly two minutes”.

Top court's intervention

Following media outrage over these remarks, the Supreme Court, in December 2023 took up the matter *saam motu* in *Re: the Right to Privacy of Adolescents*. It restored the accused's conviction and rejected the concepts of “non-exploitative” sexual acts with a minor aged 14 years, and the category of “older adolescents”. Incidentally, both these concepts are recognised in international human rights law and medical parlance, respectively. General Comment No. 20 by the Committee on the Rights of the Child under the UNCRC, exhorts States to “avoid criminalizing adolescents of similar ages for factually consensual and non-exploitative sexual activity”.



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The POCSO Act's blanket assumption that all sexual acts involving adolescents are inherently exploitative needs to be revisited

Before finalising the sentence, in August 2024, the Court took a step, befitting the case's complexity, by directing the state to appoint an expert committee comprising a clinical psychologist, a social scientist, and a child welfare officer to ascertain whether the “victim” – now an adult – wanted to continue living with the accused or preferred to accept benefits offered by the State Government. The committee's report and the Court's interaction with the woman revealed the heavy emotional and financial toll that the legal battle had had on the family and the “collective failure of the systems” in protecting her.

The Court recognised the profound irony at the heart of this case. The young woman had spent her sparse resources fighting for the perpetrator's release, falling into debt and moving from court to court in desperate attempts to reunite with her family. It concluded that “sadly, true justice lies in not sentencing the accused to undergo imprisonment”, adding that “if we send the accused to jail, the worst sufferer will be the victim herself”.

Both the High Court and Supreme Court barred their cases from being treated as precedent, with the top court describing this as an “extraordinary” case. However, empirical studies suggest that adolescent relationships, especially above 16 years, is not extraordinary but a common reality. An Enfold study of 1,715 “romantic cases” showed that out of 7,064 POCSO judgments in Assam, Maharashtra and West Bengal between 2006 to 2020, 24.3% involved romantic relationships, with 82% of victims in such cases refusing to testify against the accused. Another study by Enfold and P39A on judicial trends in 264 cases under Section 6, POCSO Act from these States found that 25.4% involved consensual relationships.

Various High Courts have emphasised that criminalising consensual sex was never the objective of the POCSO Act, while scientific studies confirm that sexual exploration is normal for older adolescents. However, recently the Bombay High Court in *Aakash Waghmare vs State of Maharashtra* (2025) refused to quash a case involving a consensual relationship, by stating that such petitions should wait until the government considers the suggestion of decriminalisation of adolescent sexual relationships under POCSO Act. This judicial reluctance reveals the limitations of case-by-case exceptions and the urgent need for structural reform.

The system that continues to fail

With remarkable candour, the Supreme Court acknowledged, “This case is an illustration of the complete failure of our society and our legal system.” Community humiliation, family abandonment, paternalistic judicial language, absent child protection systems, corrupt legal practices and sensationalist media coverage contributed to her seven-year ordeal. However,

the Court's assumption that implementation of the rehabilitative provisions under the Juvenile Justice (Care and Protection of Children) Act, 2015 by the Child Welfare Committee would ensure that “no victim will face the situation which the victim in the case had to face”, belies the experience of many adolescent girls, who routinely endure institutionalisation, humiliation and the deprivation of liberty in such cases.

A victim, but of what?

As the law sets the age of consent at 18 – a development from 2012 before which it was 16 – the Supreme Court, in its initial judgment, did not envisage any non-exploitative consensual relationship involving an adolescent. The Supreme Court dismissed the observation of the Calcutta High Court that “the law undermines the identity of adolescent girls by casting them as victims, thereby rendering them voiceless”, as “shackling”, indicating a paternalistic approach unable to imagine such adolescents as anything but victims.

However, the expert Committee report emphatically stated that “the law saw it as a crime, the victim did not... the legal crime did not cause any trauma on this particular victim. It was the consequences thereafter”. Her trauma stemmed not from the relationship itself but from police involvement, court proceedings, and her struggle to secure her partner's release while raising a child alone.

This case exposes the fundamental tensions within the POCSO Act and ground realities of adolescent sexuality. The girl's consent was undeniably flawed, given her age, poverty, lack of a supportive environment and the cultural acceptability of child marriage, a lack of opportunities, and exposure and life choices beyond marriage. Nevertheless, it exemplifies the need to re-examine the blanket approach under the POCSO Act and its assumption that all sexual acts involving adolescents are inherently exploitative.

Young people who choose to marry early are often asserting their agency through the very limited options available within patriarchal structures. While consent may be flawed in such cases, it is crucial to interrogate state responses and whether they are support-oriented, shape the ability to exercise choice, and expand options. True justice requires moving beyond criminalising all adolescent relationships. Instead it must recognise consent of those above 16 years with conditions in which consent will be invalid such as coercion, and sexual relationships with persons in positions of trust and authority. It also necessitates addressing the root causes of underage elopements and power imbalances in intimate relationships. The Court's direction to the central government to consider measures for comprehensive sexuality education, life skills training, emergency assistance, counselling services and comprehensive data collection on these interventions, is a step in this direction.

Context

❑ **Right to Privacy of Adolescents (May 2025)**, the Supreme Court, invoking **Article 142**, chose not to sentence a man convicted under Section 6 of the POCSO Act, highlighting the real-life emotional, economic, and social hardships faced by the adolescent girl involved.

❑ The case reopened critical discourse on criminalising consensual adolescent relationships and the need for legal reform.

Judicial Trajectory and Legal Paradoxes

- ❑ **Article 142 Used for Substantive Justice** The Supreme Court invoked Article 142 to not impose the mandatory 20-year sentence on the convict, despite upholding his conviction under the POCSO Act, citing the victim's well-being and the family's socio-economic distress.
- ❑ While the Calcutta High Court had initially **acquitted the accused on humanitarian grounds**, it made regressive remarks urging adolescent girls to control sexual urges, reflecting entrenched patriarchal biases.
- ❑ The top court dismissed concepts like **“non-exploitative sexual acts”** and **“older adolescents,”** though these are recognised in *UNCRC General Comment No. 20* and medical discourse, thereby resisting evolving international norms on adolescent consent.

Systemic Failures and Institutional Gaps

- ❑ The Court acknowledged that the victim suffered due to family rejection, **inadequate child protection systems**, and procedural trauma, illustrating the systemic failure in addressing adolescent sexuality sensitively.
- ❑ Empirical studies reveal that a significant proportion of POCSO cases involve consensual relationships with adolescents aged 16–18, where victims often refuse to depose against accused partners.
- ❑ While the Court suggested using **JJ Act rehabilitative measures** through Child Welfare Committees, field evidence indicates that adolescents in such cases frequently face institutionalisation and emotional distress, not support.

Reform Imperatives and the Way Forward

- ❑ Re-examining Blanket Criminalisation under POCSO .The **rigid age-of-consent bar at 18** does not accommodate consensual relationships among older adolescents.
- ❑ A differentiated approach could help prevent misuse of POCSO against non-exploitative relationships.
- ❑ Consent of adolescents aged 16+ should be legally recognised with safeguards such as ensuring absence of coercion, unequal power dynamics, or authority-based influence (e.g., teachers, employers).
- ❑ The Supreme Court directed the Centre to **explore implementing comprehensive sexuality education**, psychosocial counselling, emergency services, and life-skills training—essential components for adolescent empowerment and systemic reform.

Shubanshu Shukla's Space Returnh

Happy homecoming for Shukla, three other astronauts after 18 days in space

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Indian astronaut Shubhanshu Shukla and his fellow crew members on the Axiom Mission 4 (Ax-4) returned to earth on Tuesday, with their SpaceX Dragon capsule splashing down off the San Diego coast in the U.S. at 3.02 p.m. IST.

They returned from an 18-day sojourn on the International Space Station (ISS) that was a first step for India's own ambitions for human spaceflight, with Group Captain Shukla of the Indian Air Force having been selected as one of the astronauts on India's Gaganyaan Mission.

The Dragon's splashdown occurred nearly 23 hours after it departed from the ISS on Monday. The astronauts made their way out of the capsule 50 minutes later, helped by the medical crew aboard the SpaceX recovery vessel, *Shannon*.

Days of rehabilitation

The first to come out of Dragon was Ax-4 Mission Commander Peggy Whitson of the U.S. She was followed by Group Captain Shukla, who was the pilot for the mission; Mission Specialist Sławosz Uznański-Wisniewski of Poland;



Hard ground: Shubhanshu Shukla being helped out of the Dragon capsule that splashed down off the San Diego coast on Tuesday. PTI

and Mission Specialist Tibor Kapu of Hungary.

Smiling and waving at the cameras, the astronauts were assisted by the team aboard the recovery vessel as they went for routine medical checks after spending nearly three weeks in microgravity conditions. According to the Indian Space Research Organisation (ISRO), Group Captain Shukla will undergo a rehabilitation programme for about a week under the supervision of flight surgeons to help him adapt back to gravity.

During the mission, which took off from Florida on June 25 after multiple delays, the crew completed 320 orbits of earth, covering 8.4 million miles of spaceflight, Axiom Space said. They also com-

pleted over 60 research activities and 23 outreach events.

"Thanks for the great ride and safe trip and happy to be back," Ms. Whitson said in her first message post splashdown.

Early on Tuesday, SpaceX announced that the Dragon was on track to re-enter the atmosphere and splash down as per schedule. At around 2.09 p.m., the deorbit burn phase of the splashdown commenced, lasting for about 18 minutes. Following the completion of the deorbit burn, the trunk was jettisoned, and the Dragon's nose cone was secured for entry into the atmosphere. A few minutes later, the Dragon's two drogue parachutes deployed above the Pacific Ocean, followed by

deployment of the four main parachutes, and the Dragon had a textbook splashdown.

Soon after splashdown, a couple of fast boats with recovery personnel approached the Dragon to ensure that the spacecraft was safe.

Sniff checks

The recovery personnel then completed sniff checks to ensure there were no hazardous chemicals around the vehicle and after they picked up the main parachutes, the main recovery vessel, *Shannon* approached the Dragon.

The Dragon was then lifted to the recovery vessel and placed on the recovery nest before being moved to the hangar aboard the ship for the opening of the spacecraft hatch. After the hatch was opened, the astronauts exited the Dragon one by one, completing their mission.

Axiom Space said that the crew will undergo their first medical checks onboard the recovery vessel, before flying on a helicopter back to land. From there, the crew will be flown to Houston, where they will be reunited with their respective teams.

MEDICAL EVALUATION

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Context

- ❑ **The SpaceX Dragon** carrying the Axiom-4 crew, including Pilot Shubhanshu Shukla, successfully returned to Earth on 15th July 2025 after a 20-day ISS mission, marking a milestone as Shukla became the first Indian to pilot a private commercial space mission.

Axiom Space Mission

- ❑ Launched by **NASA** and **Axiom Space**, using **SpaceX's Crew Dragon spacecraft**.
- ❑ Marked one of the first **fully private crewed missions** to the **ISS**, combining **NASA's infrastructure** with **commercial spaceflight**.
- ❑ Crew included Commander Peggy Whitson (USA), Pilot Shubhanshu Shukla (India), and Mission Specialists from Poland and Hungary.

India's Role and Achievements

- ❑ **Shubhanshu Shukla** became the **first Indian pilot** of a commercial orbital space mission and **the first Indian to reach the ISS** via a private U.S. mission.
- ❑ His role reflects India's increasing participation in **global private spaceflight** and collaborative exploration efforts beyond ISRO-led missions.
- ❑ This aligns with India's broader ambitions under its **Space Policy 2023**, which encourages **private sector participation**, **astronaut training**, and **international partnerships**.

International Space Station (ISS)

- ❑ The **International Space Station (ISS)** is a **habitable artificial satellite** orbiting in **low Earth orbit (LEO)**.
- ❑ **Altitude Range:** Approximately **370 km to 460 km** above Earth.
- ❑ It serves as a **microgravity and space environment research laboratory**, where crew members conduct experiments in various fields like **biology, physics, astronomy, and materials science**.

Key Partner Agencies

The ISS is a **multinational collaborative effort** involving:

- **NASA** – United States
- **Roscosmos** – Russia
- **ESA (European Space Agency)** – Represents 22 European countries
- **JAXA** – Japan Aerospace Exploration Agency
- **CSA** – Canadian Space Agency



Thank you

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