

1. Mandatory reporting provision under POCSO works

Why in news?

Recently, the Himachal Pradesh High Court has held that Failure to report sexual crimes against minors is a bailable offence.

What the judge ruled

A single-judge bench of Justice Rakesh Kainthla allowed pre-arrest bail to a hotel manager accused of failing to report an offence committed against a minor, as mandated by Section 21 of the Protection of Children from Sexual Offences (POCSO) Act. He said that since the Act is silent on whether the offence is bailable or not, the nature of the offence must "be determined with reference to the Code of Criminal Procedure."

The classification of offences under the CrPC "clearly" states that offences punishable with imprisonment of less than three years are bailable and non-cognizable. Section 21 of the POCSO Act prescribes imprisonment of 6 months to a year — thus making it a bailable offence.

The case

In the present case, the main accused raped and recorded a video of a minor schoolgirl in a hotel in September last year. He was booked by the police under Sections 376 (Rape) and 506 (Criminal Intimidation) of the Indian Penal Code, as well as under Sections 6 and 21 of the POCSO Act, which punish aggravated penetrative sexual assault and failure to report sexual crimes against children.

Moreover, the FIR also named the manager of the hotel in which the offence was committed, owing to the mandatory reporting provision under the POCSO Act.

POCSO and mandatory reporting

Section 19 of the POCSO states that anyone having "apprehension" that an offence under POCSO is likely to be committed, or knowledge that such an offence has been committed, "shall" provide such information to the Special Juvenile Police Unit (SJPU) or the police. The term "any person" also includes a child who may report an offence. This reporting provision becomes binding due to Section 21 of the POCSO Act, which prescribes punishment for failing to report the commission of an offence under Section 19. Imprisonment of six months to one year, or a fine, or both is prescribed under Section 21.

It must be noted, however, that children cannot be held liable for failing to report the commission of a sexual offence. Similarly, children making false complaints or giving false information are also exempt from punishment under Section 22 of the Act.

What the has SC ruled

In a series of decisions, the Supreme Court has held that failure to report such cases amounts to a serious crime.

In 2013, a two-judge bench of the SC ruled that "the non-reporting of the crime by anybody, after having come to know that a minor child below the age of 18 years was subjected to any sexual assault, is a serious crime."

Relevance: GS Prelims & Mains Paper II; Governance

Source: The Indian Express

2. ICC Suspension of Sri Lanka Cricket: Reasons and Background

Grounds for Suspension: Government Interference

On November 10, the International Cricket Council (ICC) suspended Sri Lanka Cricket (SLC), citing "serious breach of obligations" related to the autonomous management of its affairs. The primary concern was the interference of the Sri Lankan government in the governance, regulation, and administration of cricket in the country.

Immediate Trigger: Post-World Cup Fallout

Following Sri Lanka's disappointing ninth-place finish in the 2023 World Cup, the Sports Minister, Roshan Ranasinghe, removed the SLC board and appointed an interim committee led by former captain Arjuna Ranatunga.

ICC Rules on Government Interference

According to ICC Memorandum & Articles of Association, each member must manage its affairs autonomously, without government interference. While politicians can hold office, decision-making authority should rest with an executive body determined through free and democratic elections.

Past Instances of ICC Action

SLC is the second full ICC member suspended for government interference, following Zimbabwe in 2019.

Deprivation of Rights During Suspension

During suspension, a member loses all rights, including the receipt of surplus ICC revenues, participation in sanctioned events, and attendance at meetings. Previous instances, such as Zimbabwe's de-recognition, led to a shutdown of cricketing activities and frozen funds.

Escrow Mechanism and Future Cricketing Schedule

In 2014-15, ICC placed funds due to Sri Lanka in escrow during partial sanctions. The future of Sri Lanka's suspension and potential reinstatement will be decided after the ICC board meeting in Ahmedabad following the Men's Cricket World Cup. No cricket matches are scheduled for Sri Lanka for at least a month.

Potential Resolutions and Future Course of Action

Sri Lanka's Sports Minister stated that the government would approach the ICC's dispute resolution committee. If unsuccessful, the ministry may turn to the Court of Arbitration for Sport in Lausanne, Switzerland.

Relevance: GS Prelims & Mains Paper II; International Organisations

Source: The Hindu

3. Why has the China-Pakistan corridor stalled?

Why in news?

Seeking funds to the tune of \$65 billion via infrastructure investment, Pakistan's caretaker Prime Minister Anwaarul Haq Kakar, on October 20, completed a five-day trip to Beijing. He was also attempting to allay China's demands regarding the China-Pakistan Economic Corridor (CPEC), the infrastructure project spearheaded by Beijing from 2015 that had reached an impasse due to disagreements over the Gwadar port in Balochistan.

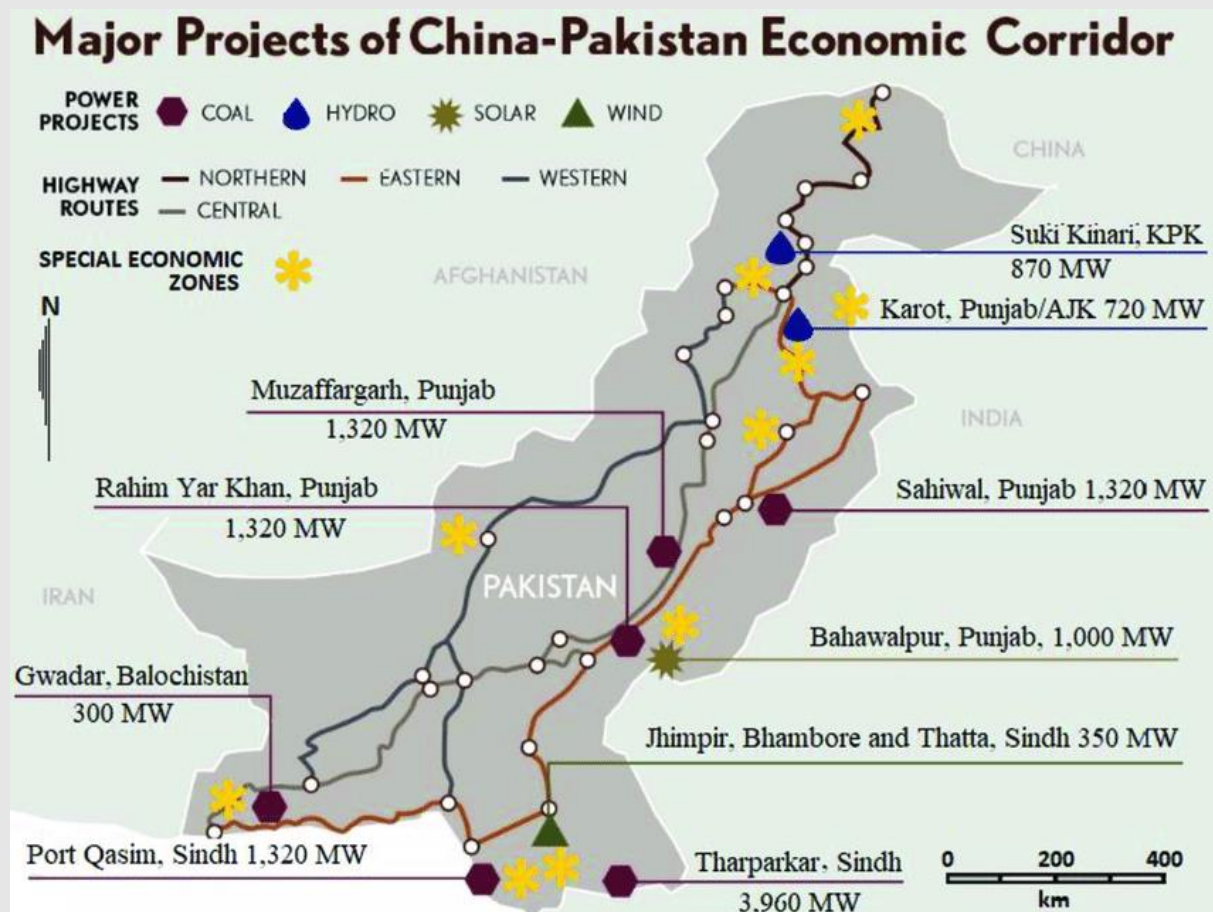
What is the CPEC?

The CPEC — one of the One Belt, One Road's (OBOR) largest investments — was formally launched in 2015. Signing over 50 projects worth \$45 billion, China set up the 'Silk Road Fund' to invest in CPEC projects planned till 2030. The main project was to establish a corridor connecting Pakistan's Gwadar port in Balochistan to China's Kashgar in the south-western Xinjiang region. The Silk Road Fund, which manages the investment, is being financed by a consortium of Chinese banks. The projects themselves are undertaken by various Chinese firms in collaboration with Pakistani companies. Apart from this corridor, a number of power projects and several special economic zones are to be developed under the CPEC.

When did trouble start?

The CPEC had teething troubles in 2016 as several projects ground to a halt over confusion on funding, contractor selection, delay in bidding process, differences over tax exemption, and obtaining of no-objection certificates. For example, the Gwadar port faced multiple issues, starting with water supply. The 11.2 billion rupees project to supply, treat and distribute water to the port by connecting the Swad and Shadikaur dams was delayed as the port authorities were unclear if the project's funding was via

a grant, an interest-free loan or a commercial loan from China. Other projects like the 600 MW Gwadar coal-fired power plant and the Gwadar Smart Port City Master Plan too ran into issues over uncertainty about funding.



These projects are financed by commercial Chinese loans and are insured by the China Export and Credit Insurance Corporation (Sinosure) against non-payment, guaranteed by the Pakistan government. Sinosure levies a 7% debt servicing fee, a yearly varying interest, and financing fee, making the entire project a huge economic burden on the debt-ridden nation. Several experts have argued that the high costs incurred in construction will diminish any gains from the increased power production.

How have locals reacted to the project?

The biggest thorn in CPEC's side is the intense protest by locals in Balochistan against the Gwadar port city project. Fearing loss of local livelihoods such as fishing, and resisting the use of unskilled Chinese labour instead of Pakistani locals, Baloch residents have refused to sell land to the Chinese for building the port. Moreover, the Gwadar port has been leased to the China Overseas Ports Holding Company which means that Beijing reaps 91% of the profits while Islamabad gains only 9%. This has led to a rise in anti-China sentiments among Baloch locals.

Complicating issues further, the Pakistani government has resorted to grabbing lands from locals, forcing them to resettle elsewhere. This has led to a rise in insurgency in Balochistan. These militant groups have carried out several attacks on Pakistani Army officials providing protection to Chinese workers.

What is the rift between China and Pakistan?

China stopped funding three road projects — the 210-km Dera Ismail Khan-Zhob Road worth 81 billion rupees, the 110-km Khuzdar-Basima Road worth 19.7 billion rupees, and the 136-km Karakoram Highway worth 8.5 billion rupees — over suspicions of corruption. China also complicated the Gwadar port issue by insisting on Yuan as a legal tender in the region. In a retaliatory move, in May 2018, the Pakistan National Assembly's Standing Committee ordered an inquiry into the China Overseas Ports Holding Company (Pakistan) claiming that it had been operating without valid security clearance. The port construction, already slow due to local resistance, virtually stalled. In 2022, China refused to further expand cooperation with Pakistan in the areas of energy, water management, and climate change under CPEC.

What next?

With the recent visit to Beijing, Islamabad is attempting to restart funding for its key projects. While Mr. Kakar and Chinese President Xi Jinping reviewed the progress of other projects, the development of the Gwadar port itself remains unresolved.

Relevance: GS Prelims & Mains Paper II; International Relations

Source: The Hindu