

Making IT available across the country

Follow-up measures are the key

CHAR Kukri Mukri union of Bhola has hogged news headlines with a modernist edge. As Prime Minister Sheikh Hasina cut the digital ribbon launching information and service centres in 4501 unions with Helen Clerk, UNDP administrator and former Prime Minister New Zealand sharing the great moment from Kukri Mukri, Bangladesh has taken a stride. It has immense potentiality. We welcome the event wholeheartedly.

At the same time, we wish to make it clear that IT is as good as its utilisation. Each union has been given a laptop with internet connection. Unless it is put to optimal use geared to not only supplying information on demand but also ensuring utilisation of the input for efficient delivery of services it will remain a mere gadget on table-top. So the equipment would have to be linked to various service agencies both at the government and NGO levels to make it work. This calls for huge preparations in terms of field level networking drawing on actual devolution of powers with least amount of referencing and cross-referencing involved.

The demand for information would not be automatically created; people at the union level need to be initiated into it, encouraged to come forward, by building awareness about the benefits they can derive and holding up examples of some actual beneficiaries. But in order to operate the system we need intelligent and well-trained minds behind the computers. A module needs to be created of all information that rural people typically stand in need of in their everyday lives. Also, the union digital centres should be pressed into service in reaching benefits of Right to Information Act at the door steps of rural people. This will help address issues of corruption and delay involving transparency and accountability of the administration.

Particular care would have to be taken to ensure stable supply of power to the centres. So long as there is power outage of six hours almost everyday, the high-tech device is likely sit idle. Moving to solar power to keep the machine operating 9am to 5pm is an option that needs prioritizing.

Whenever IT is fielded, we are quick to point out that in order for it not to be a one-off affair, maintenance and continued logistical back-up are key to a sustained working of the technology. Imagine a situation where most of the 4501 laptops and their internet connection conk out of order for any length of time and we have effectively created a junk yard! Without sounding cynical, may we add, there should be a steady supply of maintenance manpower skilled in both hard and soft wares to all service centres, even if on a rotation, albeit sustained basis. Necessary budgetary allocations need to be ensured for the purpose.

Children's place in the media

An eye-opening study that should nudge us to action

THE study titled "Baseline Study: Children in Bangladesh News Media" said about 70 percent of the children's issues published in the newspapers was negative in nature. Moreover, newspapers cover 3 percent and TV airs 2 percent of news on children. According to the study, 'the most alarming problem in the surveyed news stories' related to issues of safety, security, protection and privacy of children.

The reality is that children turn on the TV or want to read newspapers looking for fun and entertainment. Since fantasy gives them pleasure because they identify with the characters and heroes, it is of utmost importance that they have special segments meeting their requirements. Increasing the number of educational programmes, documentaries and classic films will help build up their mental defenses against social evils. Child right issues are also needed to be presented in a simple and interesting manner so that they are made aware of their rights as well as obligations.

Children are like sponges, with their antennas on, learning by imitation and repetition of what they see in media, especially in TV. The media is like a powerful tool; depending on what its contents are and how it is used, it can be harmlessly entertaining as well as educative, or it can be injurious or harmful. The understanding of the messages increases with age, the children learn to watch TV the more they see and learn to read the newspaper more they read. But, at the early age visual media would have harmful effect on them should it have a tendency to sensationalise stories and resort to gruesome depiction. The study has apparently skipped research on advertisement. We see a good measure of product advertising in the media to allure children, regardless of whether it is good or bad. Media is regarded as an indisputable truth because of its power an influence as information dispenser. So the media organisers and practitioners have a huge responsibility there. Propagation of business irrespective of quality must be carefully avoided to help the children refrain from extreme consumerist culture.

We must not also forget the role of the other powerful media that is internet. Children spend much of their time over internet. So research is also needed to identify how they can balance their time between virtual and real life and how can the digital media play a complementary role with print media, museums, zoos, music, art, crafts, models, puzzles, sports and other educational ingredients which will stimulate reasoning and creativity.

For a turnaround in the situation both electronic and print media need to have trained reporters with skill and ethics inculcated in them to cater to the children's special needs.

Police remand and judicial confession

It needs to be pointed out that the confession or statement under Section 164 almost always raises a suspicion that it has not been voluntarily made. In fact, accused persons or witnesses cannot be pinned down by statements made under this section. Statements thus recorded lead to a presumption on the showing of the prosecution itself that evidences are weak.

MUHAMMAD NURUL HUDA

THE subject of taking accused persons to police custody on remand and obtaining judicial confessions from them has generated lot of heat and discussion and criticisms due to apparently justifiable reasons. However, it is felt that ordinary members of the public are not desirably aware of the necessity and ramifications of those two processes of law. Therefore, in the fitness of things, some discussions on these two judicial measures may serve the public interest.

Section 167 of the Code of Criminal Procedure states that "whenever any person is arrested and detained in custody, and it appears that the investigation cannot be completed within the period of twenty-four hours fixed by Section 61, and there are grounds for believing that the accusation or information is well-founded, the officer-in-charge of the police station or the police officer making the investigation -- if he is not below the rank of sub-inspector -- shall forthwith transmit to the nearest magistrate a copy of the entries in the diary hereinafter prescribed relating to the case and shall at the same time forward the accused to such magistrate."

"The magistrate to whom an accused person is forwarded under this section may, whether he has or has not jurisdiction to try the case, from time to time authorise the detention of the accused in

such custody as such magistrate thinks fit, for a term not exceeding fifteen days in the whole."

It needs to be clearly understood that the intention of the legislature, in meeting the requirements of justice, is to bring the accused to the competent magistrate with as little delay as possible. The law does not authorise a police officer to keep an accused person in his custody for an indefinite period.

The law evidently views with disfavour the continued detention in the custody of police beyond the initially permissible 24 hours; therefore, sending an accused to police remand can be allowed only in special cases and for reasons to be stated in writing, and not as a matter of course.

The magistrate has to decide, though prima facie, on the material contained in the diary relating to the case, whether or not the detention in prison of an accused person is necessary and in coming to a conclusion, he has to exercise his judicial mind. Only when the magistrate can and does apply that mind can it be said that the order made for the additional detention in police custody is a valid order.

It needs to be clarified that production of an accused person before a magistrate under Section 167, as mentioned earlier, does not amount to taking cognisance or commencement of judicial proceedings. All that is intended under this section is to authorise continued detention of the accused.

By requiring the magistrate to record

his reasons the law contemplated that the magistrate should consider whether on the facts placed before him there are good grounds for allowing such detention. There must be at least something to satisfy the magistrate that the presence of the persons arrested would, during police investigation, assist in discovery of some evidence.

An accused person may be remanded if it is likely that further evidence may be obtained; but he cannot be remanded on a mere expectation that time will show his guilt or that further facts would come to light; or simply for the purpose of verifying his confession judicially recorded, or merely because he is wanted by the police for the purpose of pointing out the places through which he passed on his way to commit a dacoity, or for the purpose of obtaining his identification in the village.

It needs to be pointed out that in police remand the accused is entitled to have access to legal advice under reasonable restrictions because he is in police custody during the course of an investigation.

Real-life experience shows that the power to grant remand has not been applied as discreetly as desired in the law. The police, as investigator, have resorted to prayer for remand on far too many occasions than would be desirable and not enough judicial mind application has been there in the process. A complaint is often made to the effect that remands are sought to apply third-degree methods with a view to obtaining judicial confession.

Let us, therefore, venture to look at the provision of recording statements and confession as stipulated in Section 164 of The Criminal Procedure Code. It states that "any magistrate of the first class and any magistrate of the second class specially empowered may, if he is not a police officer, record Procedure Code." It states that "any magistrate of the first

class and any magistrate of the second class specially empowered may, if he is not a police officer, record any statement or confession made to him in the course of an investigation ... or at any time afterwards before the commencement of the inquiry or trial."

It needs to be pointed out that the confession or statement under Section 164 almost always raises a suspicion that it has not been voluntarily made. In fact, accused persons or witnesses cannot be pinned down by statements made under this section. Statements thus recorded lead to a presumption on the showing of the prosecution itself that evidences are weak.

The genuineness and truth of the confession and the fact of its being voluntarily made are matters which are within the exclusive province of the court of sessions and of the High Court; and neither the court of sessions nor the High Court can blindly accept the ready-made opinions of the recording magistrate on those points without having before it materials from which it could arrive at an independent opinion on those crucial questions on which the fate of the accused hangs.

It would appear from the foregoing that judicial confession as a piece of credible evidence is extremely difficult to come by. However, there are frantic efforts to obtain such confessions without realising the perils to the prosecution's case. Equally disconcerting is the spectacle of undue request for remand and the apparently less than reasoned granting of such remand to police custody.

The need now is to cultivate a scientific frame of mind by the investigators and to move from evidence to accused, and not the other way round, with a view to minimising the abuse and misuse of remand and confession.

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Can Obama break the status quo?

Pakistan was a bit hasty in criticising Obama for supporting India's candidature for a permanent seat in the UN Security Council. After all, it supported its two-year membership only last month. Pakistan is itself a candidate next year when another non-permanent seat becomes vacant. Islamabad should be happy that another permanent seat is coming to Asia.

KULDIP NAYAR

INDIA'S prosperity and integrity depends on the prosperity and the integrity of Pakistan."

These are not the words of President Obama, but of former BJP Prime Minister Atal Behari Vajpayee, who wrote this line in the visiting book at the Minar-e-Pakistan, the venue of the Pakistan Resolution in Lahore. However, Obama used more or less the same words -- Pakistan's stability was in the interests of India. He was replying in Mumbai to a girl student's question why America had not declared Pakistan a terrorist state.

Although Obama said that the perpetrators of the 26/11 attack on Mumbai must be brought to book, he did not satisfy Indian opinion, which wanted him to name Pakistan. Apparently, there must have been some pressure on him when he came to Delhi and met Prime Minister Manmohan Singh because, while addressing the joint session of Parliament, Obama said that terrorism emanating from "safe havens in Pakistan is not acceptable."

Still, he refused to take sides and said categorically that both India and Pakistan had to settle problems between themselves. I think that Obama should have stuck to his original guarded stand because he must stay credible in Pakistan to have leeway in that country, specially when American forces are combating terrorism in Afghanistan with the active help of Pakistan. Even then he maintained a balance between India and Pakistan.

When asked about Kashmir at the joint press conference he said that it was a "dispute" pending for a long time. America did not want to impose a solution, but was willing to play a role if both India and Pakistan so desired.

He was more categorical when he touched upon Myanmar and Iran. On the first he was disappointed by India's policy of wooing Yangon and on the other he expected India to come on his side in "punishing" Iran.

The reaction from Pakistan reflects its uneasiness over some of Obama's remarks. Although Foreign Minister

Qureshi has said that Islamabad and Delhi should jointly destroy shelters of terrorists in Pakistan, there has been no response from India. President Zardari has also said that he would not allow his soil to be used by terrorists against any country. But this is an exercise which Islamabad has previously gone over. Delhi has remained cool.

Manmohan Singh said at a joint press conference in Delhi that he was not afraid of discussing even the "K" word, but found it difficult to do so when the "terror machine is active as before." Very few will find fault with what he has said. Yet what India should appreciate is that probably Pakistan is not in a position to deliver 100% on terrorism. After all, its cities, one after another, have been attacked by the terrorists, killing dozens of people.

One may argue, even justifiably, that it was the Pakistan establishment -- something confirmed by former Pakistan president Pervez Musharraf -- which initiated the terrorism that has become a Frankenstein. How does it help now, because the genie of terrorism are not going to return to the bottle? Whether Delhi or Islamabad like it or not, they have no alternative to equation between themselves.

Once upon a time Bangladesh provided shelters to the terrorists against India. But since the return of Sheikh Hasina the sanctuaries have gone. Islamabad has to do something similar and more credible to fight against terrorism to make Delhi believe that the Pakistan government was doing its best. On the other hand, Manmohan Singh should realise that terrorism is not like a tap which can be shut. Otherwise, Prime Minister Gilani would not have requested him to separate terrorism from the talks.

Both had agreed to this at a meeting at Sharm el Sheikh in Egypt last year. Strong public opinion in India did not allow the prime minister to follow through. Yet the impasse has to be broken. Perhaps the talks can start on small matters as Obama has suggested, and India can make it clear to Pakistan that problems like Kashmir would be taken up only when Delhi feels confident that Islamabad was



Barack Obama with Manmohan Singh in New Delhi.

seriously tackling terrorism.

In its own interest Delhi would have to make some concession to Islamabad to help it resist more pressure from an ever more powerful China. Otherwise, the region might become a victim of the new Cold War between Washington and Beijing, New Delhi supporting the first and Pakistan the second.

Both India and China are two giants which have to be kept away from the point of clash. An Indian regional leader, Mulayam Singh, has already warned Delhi against war with China "at any time." The whole region can become a theatre of hostilities and destruction and a Third World war cannot be ruled out if a process of conciliation between India and China does not get underway.

Pakistan has some influence over China. I remember that a foreign secretary in Pakistan once told me that the road from Delhi to Beijing goes through Islamabad. Therefore it is incumbent on Pakistan to try to bridge the gap between Delhi and Beijing. It is an open secret that China has not only put its claim on Arunachal Pradesh but also on parts of Jharkand and Ladakh. Some incidents of forcible occupation by China in these areas have been noticed but deliberately ignored by Delhi in the larger interests of keeping the peace. But it is an uneasy peace if the two sides do not come to accept some firm rules and guidelines on the border's inviolability. Jawaharlal Nehru similarly kept China's assertiveness under wraps for some six years

before the Indian public came to know about it. Still there was a war between the countries in 1962. Pakistan can play a role to ensure that they do not follow the same path of hostilities.

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I concede that this kind of attitude can come about only when the two countries have buried the hatchet. How long will the peoples in the region have to wait for that development to take place? Already 63 years have gone by and the basic problems of hunger, health and education still remain unresolved. They have even fought three wars, resulting only in more misery, more frustration and more helplessness.

Fundamentalism takes root in countries which do not think beyond the limitations of enmity and hatred. That is the reason that both countries are increasingly prey to it. If they want to depart from the status quo, they have to begin talking to each other. It is only then that the peoples in the region may begin to dream again.

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