



## **An outlook on e-governance: A socio-legal facet**

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### **Abstract**

The concept of governance is conceived to be free from both 'over-enthusiasm' and 'over-hierarchy' and is essentially impersonal whereas e-governance is conceived as a component of good governance. The ramshackle state of affairs and unaddressed miseries of people are the vital targets for good governance and in this process, the system of e-governance should identify causes of sufferings demonstrated by failures of various authorities and it shall be the central imperative. The effort of e-governance to infuse accountability in the functioning of government institutions...statutory and constitutional institutions must ensure good governance. As long as public interest based on public policy, public welfare and globalised thinking are not present in e-governance, the concept of 'inclusiveness' is absent in and from good governance. Social responsibility and accountability are the utmost shades of good governance through which the constitutional targets would be addressed, for this the e-governance is the only instrument to lower the gap between government and its stakeholders. The growth and development of e-governance is indispensable for overall development of the society where certain threats are dominating the efficient governance.

**Keywords:** e-governance, cyber threats, legislative facet

### **Introduction**

E-Governance <sup>[1]</sup> has been occupied a massive place in the functioning of all structures of any government like local, national and global. E-Governance, in simple words, is nothing but a mediator between the government and its subjects wherein the use of information and communication technology (ICT) is the basic structure which is meant for improving the government services efficiently so as to expedite the delivery process of all these services to the stakeholders. It is not a website of government but a strategic support of governance for its stakeholders of good governance at its every level. In other words, the system of e-governance invariably involves every type of e-governance (G2C, G2E, G2B and G2G) <sup>[2]</sup> in the delivery of its services for want of transparency and accountability which are in turn the soul and body of e-governance. The global governance is progressed by management of its defined affairs to transform the welfare of all stakeholders which in turn brings down inequalities in the delivery of various schemes of the government. The result-oriented e-governance depends on its strength and weakness of its leadership, organizational avenues and management techniques, etc. Among developing countries, India has been an early adopter of e-governance. The idea and the efforts are to create pressure from the community front-end for digitization of back-end departmental processes. Perhaps the most organized and successful effort in this first phase of e-governance in India, roughly between 2000-05, was rural e-*Seva* in West Godavari district of Andhra Pradesh. This early project created afresh impression of cutting-edge and contemporary ICT <sup>[3]</sup> systems. A National E-Governance Plan (NeGP), a flagship project, which was inaugurated by the Government of India in 2006 to bring governance transparently with an idea of accountability. In this paper, the

author tries to explore the paradigm shifts in e-governance to tune good-governance mentioning various strategies of it and also the side-effects caused by bureaucratic infamy and cyber threats to e-governance.

### **Journey of E-Governance**

There is a general tendency to classify the early efforts for e-governance as failures, still, from the point of knowledge economy, it is indeed noteworthy that in a relatively short time, these early efforts created a lasting impression of new ICTs as a possible means to bring governance close to the people, and perhaps, also make it more transparent and accountable. In many cases, end to end digitization was facilitated by significant changes in government rules, which provide some early instances of full-scale e-governance process. The progress of governmental activity needs significant behavioral changes for greater transparency and accountability which would require strong and indelible legislative push. In 2006, NeGP's flagship project consists of 27 Mission Mode projects, sought to set up about 100,000 Common Service Centers (CSCs) across India, one for every six villages to seek creation of a national e-governance infrastructure of State Wide Area Networks, State Data Centers, and National Service Delivery Gateways for those States which are weak in e-governance that most need governance reform. Mission Mode Projects in areas like agriculture and panchyats, have been the slowest to take off which requires ground-level study of NeGP to achieve equity and social justice in delivery of its services. This invariably and gradually affects the economy, living standards and life styles in various ways.

The ICT approach for e-governance in India has linkages with other areas of governance such as decentralization to have

community monitoring, but not up to the expectations and the primary reason is lack of transparency and accountability in the structure. To achieving full potential of e-governance, it is pertinent to have more inclusive, accountable, decentralized administration in CSC schemes. E-governance of development projects have shown successful outcomes using ICTs, the challenge still persists in integrating such new techno-social processes due to lethargic activities of local governments. For an e-governance, innovation to be up-dated which requires considerable standardization, financial and other resources and of course integration among broad and wide processes and then over a period of time they can significantly transform the whole architecture of e-governance.

### **What E-Governance Needs**

E-Governance in itself is subject to challenge as the government is not supposed to be involved in e-governance but efforts to be taken to infuse accountability and transparency in the functioning of government institutions for sustainable development. The concept of governance is conceived to be free from both 'over-enthusiasm' and 'over-hierarchy' and is essentially impersonal whereas e-governance is conceived as a component of good governance. E-Governance has already cracked a significant place in India. E-governance is as political as any other area of governance reform, its ICT projections should be guided by clear principles and policies meant exclusively for the stakeholders community at every stage that have a very far-reaching impact on e-governance systems. The Government of Kerala, as part of e-governance, has adopted a fine programme named 'Fast, Reliable, Instant, Effective Network for Disbursement of Service', popularly known as 'FRIENDS' which is considered as the first and complete e-governance scheme to reduce time and cost in providing government services. The ICT system to strengthen e-governance certainly ensures good-governance by reducing the glaring difference between off-line and on-line governance. The most interesting phenomena of e-governance is all about contemporary technological chasings in the life of globalized citizens as the idea of e-governance is to keep abreast with the technology to reaching all the concerned with international standards which in itself is the component of e-governance.

Government of India has established the National e-Governance plan (NeGP), to expedite delivery of its services in a strategic manner, like G2C, G2B and G2G through ICT which resulted in a giant leap in disbursement of government services which ought to be the spirit of e-governance. The Indian Economy is showing signs of a turnaround but new reforms are the need of the hour to fix the country on a platform towards strong and sustainable growth. The Organization for Economic Co-Operation and Development (OECD) is an International Economic Organization of 34 countries that has been established in 1961 to stimulate economic progress and international trade. India has responded, as a member in various committees of OECD, to contribute the basic agenda of OECD in many areas of it so as to strengthen its policy of e-governance both nationally and internationally.

Integrating ICT in government functions is a challenge as it involves huge finance. For example, in 11<sup>th</sup> Five Year Plan,

the central government allocated Rs.11, 000 crores and rose to Rs.30, 000 crores in 12<sup>th</sup> Five Year Plan. This huge allocation, though much significant in terms of budgetary allocation, has become a virtual challenge to provide e-services to whole India. The reason is a clear and scientific management of government requires a radical and rational out-look which is far from reality due to various political instabilities in India. The contrasting ideologies of changing governments, both at state and centre, the virtual results of e-governance are not reaching to the targeted people so far and this needs a sea change to change so that a paradigm shift in e-governance is possible to the tune of good-governance.

As a matter of example, Indian Judiciary is proved materialistic in e-governance as it puts all case-info and judicial outputs online up-to-date and are available to parties of disputes on their mobile apps instantly. Still lack of judicial personnel to dispose of mounting cases has become a real challenge for e-governance.

E-governance is conceived to be free from both 'over-enthusiasm' and 'over-hierarchy' and essentially be impersonal and of course e-governance is conceived as component of good-governance. E-governance is manipulated by humans through relevant technology; therefore a clear mandate regarding morals and ethics is the need of every moment. It is interesting to note that, "Human beings should develop two unique traits of intellect and humaneness. Technology and Value Addition are one of the prime movers of a country's economy" <sup>[4]</sup>. The global governance is progressed by management of all defined activities to transform the welfare of all stakeholders which in turn brings down inequalities in the delivery of services of government. A.P.J. Abdul Kalam <sup>[4]</sup>, rightly said 'Thee economic policy reforms aimed at redefining the role of government administration through dismantling the regulatory framework in many economic sectors. The purpose of it is to integrate the Indian economy with the global economy for efficient use of available natural and human resources" <sup>[5]</sup>. The ramshackle state of affairs and non-addressed miseries of people are the chief targets for good-governance and in this process, the system of e-governance should indentify causes of sufferings demonstrated by failures of various authorities and that shall be the central imperative. The efforts of e-governance shall infuse accountability in the functioning of statutory and constitutional authorities to ensure good governance. As long as public interest based on public policy; public welfare and globalized thinking are not present in e-governance, the concept of 'inclusiveness' is absent in good-governance.

### **Threats to E-Governance: A Major Set-Back to E-Governance**

E-governance eases the functioning of government and thereby the prime components of e-governance, such as transparency and accountability, are manifested to the best satisfaction of all the concerned. But the fundamental requirement for e-governance is to govern the stakeholders free from man-made threats of e-governance. The success of e-governance depends on a proper legal framework and regulation of the legislations. So far as India concerned, very week legislation is the worst threat to e-governance to combat the threats....insider threats, external conspirators etc. This

problem is more pertinent in developing countries in identifying and combating the threats through legal framework. As India is still illiterate in terms of ICT related issues, people are being guided wrongly by insiders of e-governance and in such conditions the betrayed people lose faith in e-governance. The ramshackle state of affairs and unaddressed miseries of people are the vital targets for good governance and in this process, the system of e-governance should identify causes of sufferings demonstrated by failures of various authorities and it shall be the central imperative. It is all because of issues of legitimacy regarding use of ICT which makes a bit of difference between developing and developed countries. In developed countries they have machinery to overcome threats through strong and foolproof legal framework and technology so as to enable them to fix cyber related crimes within no time of their occurrence. The following are few but serious threats to e-governance:

- Legal Risks as to Jurisdiction regarding cyber space to combat cybercrimes. In fact, in this issue there is no much difference between developed and developing countries to address this issue except in the matters of technology used to regulate cybercrimes.
- The worst side of threat to e-governance is all about 'privacy of personal information' to be maintained to protect it from crusading by cyber criminals. Privacy of information of any kind is well recognized around globe, still threat to this is not known until damage is done. This can be conquered with proper vigilance via ethical hacking.
- Lack of Legal Status of Government Documents is another issue in this regard. Unless proper legislation to protect these e-documents is penned, it is very difficult to protect such documents because these e- documents deserve the status to that of paper documents.
- There are various security issues such as...Cryptography, Operational Technology to access hosting sites and networks, etc. which can be addressed to overcome technical difficulties crop up from intruders into these issues.
- Unethical Hacking<sup>6</sup>, for sure, is the current threat to e-governance. In fact 'hacking' <sup>[7]</sup> is misunderstood many a time. It's all because of other kind of hackers like...Black Hat Hackers, <sup>[8]</sup> and Gray Hat Hackers <sup>[9]</sup> who act without morals and ethics against the privacy of information. Here one must take a note about White Hat Hacker <sup>[10]</sup> who is absolutely skilled computer professional in identifying and solving threats of e-governance in particular.

### Suggestions

E-Governance has already reached to the roots of rural India. What is required is the personnel in the government are expected to be so transparent and ethically accountable in their functioning so as to meet the objects of e-governance. As long as public interest based on public policy, public welfare and globalised thinking are not present in e-governance, the concept of 'inclusiveness' is absent in and from good governance. For this a far reaching legislative measures are imperative. The Rule of Law of India, a high level of constitutional jurisprudence, is to be ensured to enhance e-governance through hard legislations enduring sustainable

governance. Following are some examples of such legislative measures:

Sec. 420 <sup>[11]</sup> of Indian Penal Code, 1860 defines cyber fraud, an amended form of this provision.

Ethical Hacking has been recognized in India, as against hacking, which is not an offence under Sec.441 of Indian Penal Code, 1860.

Sec.463 of IPC, 1860 defines email spoofing, an act to imitate someone thereby damaging the image.

Sec.499 of IPC, 1860 deals with defamatory messages undermining the reputation of a person.

Sec.43 (i) of The Information Technology (Amendment) Act, 2008 clearly mandates liability for dishonest and fraudulent acts with others.

As a matter of example, Indian Judiciary is proved materialistic in e-governance as it puts all case-info and judicial outputs online up-to-date and are available to parties of disputes on their mobile apps instantly. Still lack of judicial personnel to dispose of mounting cases has become a real challenge for e-governance.

### Conclusion

Social responsibility and accountability are the utmost shades of good governance through which the constitutional targets would be addressed. For this, e-governance is the only machinery to tower the gap between government and its stakeholders. The e-governance shall provide assured services such as basic needs of humans as enshrined in the Constitution of India. Ironically, India has indigenous but globalized talent in ICT; still, such potential is not properly recognized and encouraged. The governments must concentrate on to improve the lives of common people through e-governance and this shall be the constitutional mandate. Perhaps corruption at all levels is the only reason in the deficit of e-governance. It has become like a cancer which can be cured only when the authorities are accountable and transparent in their activities. The night-mare of British beaurocracy is still rampant at higher-ups of government and this can be democratically bypassed if government servants work *pro bono publico* <sup>[12]</sup>. Circumventing bottle-necks through e-governance shall not be a dream but this must be the prime agendum of polity which shall become a standard for successive governments. Here one must recall the conviction of Dr. A.P.J. Abdul Kalam. He said "A developed India, by2020 or even earlier is not a dream. It need not even be a mere aspiration in the minds of many Indians. It is a mission we can all take up and accomplish".<sup>13</sup> For successful governance, finding ways of e-governance that fit Indian goals is as important as human rights which may free up beaurocratic stigma and infamy.

### References

1. Electronic Governance or e-governance is the application of information and communication technology for delivering government services, exchange of information, communication transactions, integration of various stand-alone systems and services between G2G, G2C and G2B as well as back office processes and interactions within the entire government framework. <https://en.m.wikipedia.org> retrieved on 31-10-2017 at 8 pm.

2. Government to Customer, Government to Employees, Government to Business and Government to Government.
3. Information and Communication Technology.
4. Dr. A.P.J. Abdul Kalam, former president of India.
5. Dr. A.P.J. Abdul Kalam in his *preface* of his book, *India 2020: A Vision for the New Millennium*, Penguin Books. 1998, 179-180.
6. It is done many a time to break network of computer system to steal information and damaging the same by inserting variety of viruses.
7. It is an unauthorized intrusion into computer or network with a motive to spoil the original material.
8. These hackers hack systems to get personal gains by accessing authorized data of others thereby losing access of the system.
9. A useful skilled computer savvy hacking systems to identify the security threats and inform the same to the authorized administrator of the system.
10. These are ethical hackers who are crackjackers in finding vulnerabilities in network security system and make security hack proof.
11. Sec.420 of Indian Penal Code, apart from other elements, states that...a person who makes or alters or destroys the whole or part of valuable security and shall be punished with imprisonment and also be liable to fine.
12. A Latin term which means 'for public good'.
13. Supra note 5 at p. xv.