

## Potentialities and Constraints on the E-Government Laws and Policies for Promoting Human Rights in Bangladesh: A Case Study

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**Abstract:** Bangladesh achieved her independence in 1971 which was one of the colonial States of the British reign. Around 40 years have already been passed considered as one of the members of the third world countries having 16 hundred million populations. Right now, the country has been facing numerous problems such as weak e-governance, inadequate-commerce facilities, digital divide policy, lack of modern technology facilities including cybercrimes etc. and therefore, the population are not able to enjoy the human rights as directed in the national and international human rights laws such as the Universal Declaration of Human Rights 1948 along with other relevant human rights laws and policy at home and abroad. The e-government facilities are quite relevant to the human beings on this mother earth. This study critically examines the impacts of the e-government on the human rights context adopting methodology based on the primary and secondary sources with special attention to the Malaysian context consisting of at least 25 concerned respondents using some research methods such as survey, legal, case study, observation etc.; in Melaka, Malaysia.

**Key words:** E-government Law and Policy • Human Rights

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### INTRODUCTION

The concept of e-government has been emerged in the late 1990s. But the literature on the IT in government can be traced back at least to the beginning of the computer history in 1970s [1]. On the other hand, this concept is quite new and right now it is transforming to the development process of Bangladesh and the internet began to use in 1990 in Bangladesh. It is one of the democratic countries in the world [2]. Her economy is based on the agriculture but moving towards the e-government by declaring as Digital Bangladesh by 2021 [3]. In the late 1990s, it is a unique concept in the field of public administration of Bangladesh. Over the last few decades, the world has been shifting from industrial to knowledge-based societies; the ability of a nation to use and create knowledge capital determines its capacity to empower and enable its citizens by increasing human capabilities. Its importance is enormous. An e-governance aim is to place the government within the reach of all citizens increasing transparency and citizen's participation [4]. It is an online interaction among the e-citizens and the stakeholders at all levels including international with the help of internet, computer and so on based on the modern

information technology innovation. In fact, it has different names such as e-govt., digital government, online government, or connected government etc. It promotes universal access to government's services, integrate administrative systems, networks and databases and make such information available to the citizen via Internet. It transforms the government into a citizen centric technological driven one. E-government stands for electronic government and the government means government of the people, by the people, for the people [5]. E-government is basically based on this theme which founded on the digital. It could be a digitalized government. All oranges of the state and the various departments, agencies and the ministries itself will be digitalized. All activities of the government are made on the online. In the meantime, the government of Bangladesh declared its Vision 2021 regarding "the Digital Bangladesh [6]." Easy access to knowledge, creation and preservation of knowledge systems, dissemination of knowledge and better knowledge services should be core concerns of the e-government as well as the Digital Bangladesh Vision 2021 [7]. It was also stated in the Election manifesto of Bangladesh Awami League for the 9<sup>th</sup> Parliamentary Election. It promises to

make Bangladesh an influential IT nation in this global village [8]. All electronic technologies used in creating, storing, processing, communicating and disseminating information of all kinds. The e-government covers various daily activities such as the utility bill payment and electricity, computerised land management system, public examinations results, hajj management systems, manpower, polling station information, voter database, railway and bus ticket reservations, service tracking systems, daily market prices and shopping systems, customs, law portal, process automation, clearing house, post office etc. These should be automated and online as a part of the e-government. In order to develop the e-government systems in Bangladesh, some legal aspects such as copy right Act, the ICT policy 2001, the National ICT Policy 2001, the ICT Act, 2006, the ICT Act 2009 and the Digital Signature Act 2010 etc.; have already been passed by the government [9].

**Previous Research and Gaps:** The study finds that there are some publications on the e-government issues at home and abroad which are not relevant with regard to the human rights issue. This study has been focused in promoting the human rights adopting the e-government for the welfare of the people in the land. Some of the important existing literatures have been discussed here in order to find out the state of the e-government as applicable in Bangladesh:

AtiqurRahman, Journalist, discusses e-government of Bangladesh [10]. In order to do the work, both public and private sector should be made as an infusion of resources, leadership and ICT centered development. A digital society ensures an ICT- driven knowledge-based society where information will be readily available online and where all possible tasks of the government, semi-government and also private spheres will be processed using state of the art technology. We have to build a people-centered, development-oriented Information Society, where everyone would be able to access, utilize and share information and knowledge easily and efficiently. We have infrastructure problems to connect the internet services. It should establish technology-driven e-governance which includes e-administration, e-education, e-health, e-commerce, e-production, e-agriculture, etc. Some projects should be immediately initiated with regard to achieving the objectives of the e-government. It reduces corruption and provides us with an opportunity to ensure accountability, transparency and efficiency in government services. E-governance is one of the ways in which citizens can be

empowered to increase transparency of government functioning, leading to greater efficiency and productivity. It is also supported by Ahsan Habib and Mustafizur Rahman [11] and additionally, argues that the scope e-government under the digital Bangladesh is not yet clear and wide. It covers not only e-governance or e-commerce or e-banking, or operating a country-wide mobile phone network through which one can access the daily newspapers or other internet devices. To make it, every office has to be automated or computer based. It is argued by Shahjahan H. Bhuiyan [12] and examines the role that e-governance can play in the modernization of public administration for efficient and effective service delivery to the citizens of Bangladesh, as well as its potential to control corruption and reduce poverty. It suggests that e-governance can play a significant role for corruption control and poverty reduction and thus offers opportunities to cost-effective service delivery to the citizens in Bangladesh. Focusing on the above statements, Sadik Hasan discusses various technologies have been applied to support the unique characteristics of e-government, including electronic data interchange, interactive voice response, voice mail, email, web service delivery, virtual reality and key public infrastructure [13]. The web and other technologies have shown potential as effective and efficient managerial tools that collect, store, organize and manage voluminous information. It is a magical antidote to combat corruption, red tape, bureaucratic inefficiency and ineffectiveness, nepotism, cronyism, lack of accountability and transparency. Bangladesh is still in its primary stages and has not fulfilled its potential due to technical, infrastructural and political obstacles. A coordinated effort of political leadership, bureaucrats and private entrepreneurs could facilitate the desired development in the ICT sector and accelerate the presence of e-government in Bangladesh. It defined e-government as "utilizing the internet and the world-wide-web for delivering government information and services to citizens." According to the World Bank, e-government refers to governmental use of information technologies (such as Wide Area Networks, the Internet and mobile computing that have the ability to transform relations with citizens, businesses and other agencies of government. Chowdhury Gloman Husain and his team examine the present state of the e-government issues in Bangladesh [14]. They particularly conducted survey on the e-citizens services among government officials. They pointed out some success and failure factors for implementing e-government in Bangladesh. Sanaul Hoque and Fatema Tu-Zohra discuss the e-government

preparedness towards the civil service in Bangladesh. It means that the authors discuss the present scenario of the civil service administration pertaining to ICT uses [15]. Sharif N AsSaber and others (2006) argues the present state of the e-government systems from the developing countries perspectives including Bangladesh [16]. Tuomas Poysti discusses the information law as one of the important tools of the e-government in varieties of ways and means internationally. The author emphasizes the information Act, legal information, ICT legal issues, informational justice systems etc. [17].

**Discussion and Findings:** In terms of policy making and implementation, the Role of Ministry Science and Technology has been formulating some policies and implementing the national policies on science and technology and coordinate science and technology based initiatives and activities of different Ministries [18]. Basically, some important steps such as the ICT 2002, the internet Policy 2004, the ICT guidelines and world wide web etc.; was adopted by the government [19]. Its main purpose is to provide grants and overall assistance to agencies related to the science and technology sector including non-government scientific organizations and to undertake survey, sampling, research and development in the science and technology sector and to take initiatives for fund for such activities. It formulates policies relating to radio-activity and atomic energy and pursues matters relating to establishment of atomic energy stations and to Coordinate the potential new technology based research activities and promote, extend and popularize new science related initiatives and organize National Science and Technology and assist in the introduction of good governance in the country through use, application and expansion of information and communication technology. It is basically based on 16 policy areas with nine objectives such as Human Resources Development, IT, infrastructure, e-Commerce and Governance, Legal Issues, Security, Environment, Judiciary, Tourism, Agriculture, Regional and International co-operation etc [20]. It is very difficult to implement these policies due to some practical constraints such as lack of political commitment, lack of overall vision, poor project management, lack of competences, inadequacy on technological infrastructure etc. The ICT legal issues as mentioned above on the e-government are hardly applied in the country due to lack of expertise, technical infrastructure facilities, resource constraints, lack of political commitment of the government [21]. The main purposes of the ICT law is to prevent cyber crime law and

covers the crimes related to the computer and the cyber one. It also includes the internet fraudulent, cheating, trafficking, theft, forgery, defamation, mischief etc; all of which are subject to penal laws of a country. It noted that the penal provisions are in adequate compared to the developed countries of the world which are also needs to be more effective in dealing with the cyber crimes under the Information and Technology Act, 2006 and a comprehensive ICT Policy in 2009. In terms of the international legal aspects, some fundamental principles with regard to e-government issues such as ICT, information on the environmental development, knowledge based societies, natural resource management and ICT under the international environmental laws and humanitarian laws as well have been highlighted in this regard. Some linkings in this regard are observed in the different treaties such as the Agreement on Trade-Related Aspects of Intellectual Property Organization, the World Intellectual Property Organization, the Framework Convention on Climate Change (Art. 4(1)(i); the Biodiversity Convention (Arts 13, 17), the Framework Convention on Climate Change, the Helsinki Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Art. 16); the Espoo Convention on Environmental Impact Assessment in a Transboundary Context [(Art. 3(8)); the Paris Convention on the North East Atlantic (Art. 9). The Regional Human Rights Laws are also dealing with the environmental rights such as the European Convention on Human Rights art. 10 guarantees that the freedom to receive information in general. The Rio Declaration, principle 10 with Agenda 21 recognizes the need for public participation. ” According to the Stockholm Declaration, Principle 1: The United Nations, the Sub-commission on Prevention of Discrimination and Protection of Minorities appointed a Special Rapporteur on Human Rights and the Environment in 1989 whose final report was delivered in 1994. The Rio Declaration, Principle 10 provides that effective access to judicial and administrative proceedings, including redress shall be provided. The Agenda 21 provides the legal redress for affecting the environmental infringement under the law [22]. In terms of human rights, some rights under the universal declaration of human rights 1948, the international covenant on the civil, political and cultural rights 1966 and the international covenant on the economic, social and cultural rights 1966 along with other related laws and policy etc; need to be implemented with the process of the e-government without which the human development can not be

possible [23]. The e-government may be very critical on some human rights issues such as creation of employment opportunities, environmental protection, social justice, basic needs, poverty eradication economic growth and Income, rule of law, good governance, freedom of fear, personal liberty. The universities of Bangladesh have been playing important role for promoting e-governance throughout the country. Particularly, around 50 private universities have been enhancing the capacity building of the government by producing the graduates in this regard. Besides, some vocational colleges and training centres are also the same kind.

**Case Study:**As a part of the case study, it is noted that it is very difficult to make the country as e-government as it requires much investment. There are some practical constraints such as low literacy rate, limited resources, corruption, lack of visions and mission of the government, To be frank, the government is far behind the e-government. But it is still possible as the country possess good manpower and the universities. In fact, the people are not very conscious about the benefits of the e-government compared to the other developing countries in the world. It is no harm as it is a growing industry. We could introduce and invest without any further delay for coping and matching with the global environment. In Malaysia and Singapore is so far digitalized, we could adopt some policy with an affordable expenses as they are very good friend to us. One of the professors at the Multimedia University, Melaka, Malaysia stated that if you stay in Malaysia once, you are supposed to enjoy the whole world. That's why, we could study the Malaysian context in order to get some lessons for Bangladesh.

## CONCLUSION

In this modern age of telecommunications, the e-government is essential for all government systems in the world including Bangladesh. Modern societies do not move forward without the e-government facilities. It could serve in many ways that could be finished in a sentence. The United Nations Organizations along with other relevant organizations are quite based on the e-government systems. It is a digital interaction and transaction with each other more efficiently (B2B) and brings the people closer to businesses (B2C), e-government aims to make the interaction between government and citizens (G2C), government and business enterprises (G2B) and inter-agency relationships (G2G)

more friendly, convenient, transparent and inexpensive. It is the most modern interactive tools for the democracy and the rule of law. It may eliminate corruption from the global society and can save our mother earth and keep it sacred for all living and non-beings in the earth. Some government and private companies such as the Bangladesh Telegraph and Telephone Board (BTTB), the Grameen Phone, the Bangladesh Rural Telecom Authority (BRTA), the Mobile Phone operator, Cyber Cafés etc.; have been digitalizing the Bangladesh. In order to address the constraints of the e-government issues in Bangladesh, web need to do some adopt some policies such as (i) to follow up the role model countries like Singapore, USA, EU countries etc.; (ii) To revise the existing ICT and Cyber laws and policies comparing with those countries as mentioned earlier, (iii) To study the existing research finding on this issue, (iv) to implement the findings, (v) To invite some international consultants, (v) to introduce e-complain for ensuring human rights, (vi) To implement the human rights charters carrying out the e-government, (vii) To make some relationships with the international community such as Malaysia, Singapore, EU etc.; based on the constitutional obligations and the government should work as per the provisions of the constitution for the welfare of the people of Bangladesh.

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