CHAPTER – IX

CONCLUSION AND SUGGESTIONS

A. SUMMARY OF THE RESEARCH WORK

The development of technology is throwing new problems to the society like issues relating to security, identity, privacy etc. All these problems must not be viewed with a Nelson’s eye but with an Eagle eye and today the problems are not only innumerable but multifold.

With the advent of Information and Communication Technology in all sectors today, governments across the globe are taking major initiatives to integrate IT in all their processes. These initiatives aimed at electronic governance, embrace policy changes, legal reforms, business process reengineering, change management and infrastructure creation.

**e-Governance can only help when there is Governance!**

Many States have serious governance issues; crime, violence and terror are increasingly showing their ugly heads; the nexus between 'mafia' and politicians, low-level government staff and even the general public, coupled makes 'mafia' powerful. With weak government at the Centre (thanks to coalition partners either pulling the government or threatening to 'pull out' of the governments) and at many States, the 'mafia' are having a field day. Naturally, governance is at a record low level.

Better e-governance presupposes certain factors which are expedient and essential for bringing in a better set-up of the issues relating to e-governance

Before e-governance can be implemented as a national-level initiative, some key systems and processes will need to be put in place. These, in fact, are important prerequisites for e-governance and could include the following:

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1 e-Governance in India: Challenges and Opportunities, Prof Sadagopan, IIIT Bangalore

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Large-scale computerization: The introduction of computers in every department/ministry of the Central and State governments and their subordinate organizations is the starting point of e-government.

This would involve huge investments for the acquisition of hardware and software. One possible way of reducing and distributing costs is that the governments enter into arrangements for leasing of computers and gradually acquire them over a period of time.

Capability of use of local languages in the IT systems: The access of information would have to be made available in the language most comfortable to the public user, generally the local language. There are existing technologies available in the country such as GIST and language software by which transliteration from English into other languages can be made. Other tools for local language can also be developed as progress is made of their use in the systems of government.

Awareness: Perhaps the most important aspect of e-governance, computerization and spreading of IT is the bringing of a change in the mindset of the government functionaries who have been accustomed to work only in the manual mode. It will be necessary to train them in basic computer usage.

Infrastructure: Adequate and appropriate infrastructure for information technology has to exist across the country with sufficient bandwidth.

Standardization: e-governance demands standards in all areas. Some of the key areas are: data encoding (ISCII or UNICODE), application logic for common horizontal applications, user interfaces, data dictionaries, and so on.

These standards will need to be put in place before e-governance can effectively be implemented.

Certification authorities: Public Key Infrastructure and Certification Authorities to provide digital certificates that help create an online identification and security system.
for the Internet — allowing individuals, corporations and government organizations to conduct transactions and communications — is a key requirement for e-governance and e-business.

*Knowledge networking for better governance:* Good governance rests on the pillars of knowledge and recognition of this knowledge by the decision makers.

Digitization of the entire set of knowledge within a network which links every individual, including the decision makers, and gives democratic freedom to everyone to access and make use of this knowledge paves the way for digital governance.

The Capacity Building amongst citizens could be done through mobilization of all relevant tools like Internet, cable TV, community/FM radio and the vernacular press. Combined with appropriate content, connectivity and Capacity Building measures the media can help in usher in higher awareness. Since India has opted for a model of assisted access, particularly in rural areas, building capacity amongst the service centre operators is a key area of attention. Educating citizens about their powers under the Right to Information Act is another dimension. It is now recognized that e-governance has the potential to catapult India on the development path and to facilitate better quality public services in areas such as health, education, environment, provision of business services providing market prices and other information, e-trade opportunities, e-entertainment, e-banking, e-learning, digital photos, e-booking of tickets, internet linked services, etc.

Global initiatives make us realize and understand that India has yet to follow and implement new systems that are being followed in US, Australia, Singapore with regard to electronic filing. Several rules and regulations prescribe to follow an easy process and procedure with regard to filing of the documents and in fact, lot of misunderstanding of the issues can be avoided by adhering to the rules prescribed scrupulously.

The application of information communication technologies to government may encounter legal or policy barriers. Legislatures must ensure that laws are updated to
recognize electronic documents and transactions. They must take proactive steps to ensure that policies support rather than impede e-governance.

Possible approach to implement much coherent legal framework and specialized uniform e-governance legislation may be adoption of the law on the fundamentals of the development of e-governance.

Perry4Law is the first ever Techno-Legal and ICT Law Firm of India, and perhaps one of the few, in the world; dictated by cutting-edge technology. The firm is the brainchild of young, dynamic and enthusiastic Techno-Legal experts, all holding at least Masters Degree from the Premier Institutions of Law in India. Since its inception, the Firm has conquered new horizons and set new parameters, in the legal industry and has been recognized, both at National and International level; for its invaluable contribution to the legal fraternity.²

Perry4Law, first and exclusive Techno-Legal Firm in India; is dealing with the legal issues associated with the use of ICT worldwide and is actively engaged in advocating and using ICT for legal purposes including ODR and establishment of E-courts in India. Broadly speaking, its services include corporate matters, International Trade, e-Governance, e-Commerce, Cyber Law, IPRs, Civil and Criminal litigation, Taxation services, Legal BPO/KPO/LPO Services etc.³

The mechanism of e-courts facilitate the filing of applications, arguments through the electronic mode, submission of documents and evidence using ICT, etc. The E-Courts system of Singapore is a trend-setter in this direction. However, the existing “Electronic Infrastructure Development Strategy” of India is deficient and needs rejuvenation. This is happening because the Legislature and Executives are not versed with the Litigation and the Legal Fraternity is never consulted while making Techno-Legal Laws.

² An Exclusive Techno-Legal IP & ICT Law Firm dealing in Cyber Law, Cyber Security, Cyber Forensics, e-Court etc.
³ Perry4Law provides Domain Specific and highly specialized Corporate Services including Advisory, Business Setup, Consultancy, Education, Training and Skills Development
As computer systems have become more user friendly and easy to access, their adoption has grown phenomenally. As a result, we have a scenario wherein multiple operating systems and infrastructure components co-exist. This has increased the potential for security threats.

Too often, security is described as something necessary to keep you out of trouble. It is more than that. When your information is secure, you can use it to accelerate your business. “Despite massive investments in security technologies and services, few companies can claim that all their data is adequately protected.

Delay in the judicial process has always been the bane of Indian Judicial system. While the ostensible reason for delay in most cases is to provide more time for justice to be brought forth through collection of evidences, in practice, the delays often work at killing the available evidences.

Over a period of time, the accumulated cases in the courts have grown so much that the Judges have to spend a large part of their time just in finding dates for adjournments. The lawyers themselves have developed a vested interest in the adjournments since it keeps them artificially employed over a longer time. In the process, honest litigants feel harassed and dishonest litigants encash the benefits of the delay.

According to the sources from Law Ministry, Rs. 8.53 crores was allocated for this scheme during 2001-2002 and during 2002-2003, Rs. 4.98 crores was released for Delhi and Rs. 2.61 crores for Mumbai as the project was in an advanced stage in the two cities.

With regard to Chennai, the Project Monitoring Committee had met twice in Chennai during January for speeding up of the computerization work as was being done in Mumbai and Delhi.

Regarding Kolkata, the State Government has been persuaded at the highest level to implement the project at the earliest as not much headway has been made here. In the
Northern State of Bihar, jails are being electronically connected with courts for trials. In Karnataka, all subordinate courts had been computerized and linked to the High court.

Under the proposed scheme, computers in the courts of the four cities would be networked and these courts would become models of modern computerized courts. This scheme will be gradually extended to other cities to cover all the 13,000 subordinate courts in the country. The Centre feels that district and subordinate courts which provide direct contact points for citizens are computerized fully for efficient judicial functioning and speedy disposal of cases.

B. FINDINGS OF THE RESEARCHER

The researcher had made a beginning of his work with the assumption that in India, no doubt we have a Government but doubtless to say, we do not possess proper Governance. May it be administration or implementation of technology, we have not been doing anything of our own but simply following the foreign policies and principles in abundance without giving a vent to the feelings of administrators or technocrats and we are moving with the systems with a bi-polar visual disorder! Whatever be the case, as far as technology and administration are concerned we lag behind decades of foreign inventions or discoveries or any other formulations or regulations creating lot of vacuum and we have lot to do to fill air or life in it. It is the need of not hour but every second that, it is expedient not just to move with the systems but to move the systems to the convenience of not just few but of the people of the country as a whole.

It is high time for us to realize the value and essence of time with regard to disposal of judicial cases in a judicious way by minimizing the time and avoiding unnecessary documentation leading us to face not only a situation of imbroglio but an activity of red tapism. So, to come out of the clutches of this vicious circle the researcher finds and absorbs himself in a position to do lot of mechanism through electronic means of the Government Enterprises and to provide a cogent and coherent solution to the
people so as to enable them to realize and understand that ‘time is essence of all contracts’ and the maxim ‘vigilantibus non dormientibus jura subveniunt’ (Latin: The law assists those that are vigilant with their rights, and not those that sleep thereupon) and it is not only for the aggrieved this maxim applies but for the judicature to provide proper solutions and remedies in the earliest possible time because time sets a limitation for every thing because human life is limited. The principle is to work with interest and for interest and in one’s own interest not to lose principal too.

A feeling was gaining strength that the social control over commercial banks did not prove to be effective enough to meet the growing demands of rural economy. Consequently, the then Prime Minister Mrs. Indira Gandhi promulgated an ordinance taking 14 commercial banks into her (Government’s) fold. This happened on 19 07 1969. That means this has happened four decades ago when Banking started mushrooming its epoch and the entire systems were manually handled and if some customer wished to know the balance in his account it was very easy for the Banker to open the ledger (which was manually operated) and inform the balance. How about to-day’s banking? We have got ATM kiosks for drawing any amount of cash at the ATM terminals without going to bank. The Bankers have developed RTGS (Real Time Gross Settlement – immediate credit of customer’s account without much loss of time). But as customers are we happy with the systems envisaged by the so called Bankers is a billion dollar question. If one inserts a debit card in an ATM there is a likelihood of stuck up of the card in the machine, by debiting the customer’s account without providing him cash through ATM and lot of mental stress is caused to the customer about the safety of the card and his balance amount in his account. Are we not seeing so many frauds committed by unknown persons on the Internet by breaking open the ‘passwords’ of individuals? No doubt, we have lot of technology and proportionately lot of plagiarism and frauds committed on the customers’ accounts. Not only this, today if one goes to a bank to know how much balance is there to his credit, the normal reply of the banker is systems are not working. Entire systems are centralized and there is every likelihood of delinking of the systems at some point or other. Do we really say and feel that we have got good governance despite it is electronified? Machines cannot be blamed for they do not have any mind but to act as per
the instructions of human minds. That being so, where are we moving and where the
technology leading us to? We have lot of comforts viz, a cell phone with latest
technology of communication network with all facilities like a Web Camera, an e-mail
facility and a day is not far off for cell conferencing (akin to tele-conferencing), Internet
Browsing at click of a mouse the world is before us. But still to be very frank, are we
happy with the present day comforts brought by technology?

Governance hither to termed as manual has turned into the ELECTRONIC way
but is it not as true and real, as we are providing a Berger to a child at the cradle
ceremony?

The entailing problem is neither a technological nor legal but both clubbed together.
The researcher wishes to find a cogent solution which is a techno-legal one. To entertain
this, the researcher has studied the present day situations with regard to conflict of
Privacy Issues, Data Protection, Amendments in Information Technology Act, 2000,
Judicial Administration providing solutions/remedies by ADR / ODR, Internet Regime
and techno-legal solutions for the Internet Problems, Digital Signature Concepts and their
electronic recognition by treating them as electronic records, Changing scenario of the
electronic configurations by taking into consideration the global initiatives by different
countries like USA, UK, Australia, Singapore, Malaysia, Canada, Hong Kong etc, e-
courts, electronic filing in India, a comparative study providing us abundant information
as how to cope up with the present day techno-legal problems of our day-to-day life.

It is the need of the hour to have an integrated technology useful to the public in
its entirety and the usual governance should shift its focus to electronic governance for a
better tomorrow.
C. SUGGESTIONS

e-Governance is the evolutionary binding of government structures and functions with Internet technologies to serve citizens, virtual constituents and the public good.

After thoroughly studying the problems of governance our country has been facing the researcher offers the following suggestions for better electronic governance.

1) There is a need to codify the law pertaining to electronic governance in an effective way so as to sub serve the needs of common man and see that as and when requirements are made by the common man the government must be able to provide all the necessary and required help.

2) There is a long gap between the governance and its application through the electronic means viz., Internet, ODR etc., and a thorough understanding of the principles by the government and conveying the same to the public with less vagueness is the need of the hour.

3) Core governance technology and Information and Communication Technologies (ICTs), e-governance initiatives in Indian states and legal issues should be given main focus.

4) Good governance rests on the pillars of knowledge and recognition of this set of knowledge by the decision-makers. Digitization of this entire set of knowledge within a network which links every individual including the decision-makers, gives freedom to every one to access and make use of this knowledge—paving the way for Digital governance. Unless there is a thorough knowledge management by the decision-makers, perhaps it won’t sub serve the needs of the public. So, knowledge management should be given a top priority for the decision-makers so as to enable them to equip with thorough and confident implementation.

5) The objective of achieving Electronic Governance (EG) goes far beyond mere computerization of stand-alone back office operations. It means to fundamentally change how government operates and this implies a new set of
responsibilities for the executive, legislature and citizenry. While transformation of how government operates promises the most direct benefits for business it is the duty of the governing body to look into the transformation of governance, reexamining what a global, networked economy will mean to how democratic institutions work, to the relationship between the citizen and the state and to the future of the nation-state itself which should hold the most interest for every one.

6) The Information technology governance structures must leverage expertise of faculty and staff in decision making and policy setting and help to make timely and appropriate institutional decisions on major IT strategies and investments.

7) e-citizens and e-consumers who are going online and ordering their books and getting them within a short time expect the same kind of fulfillment from their legislators and their government officials. This being a real challenge to the government, it is not just good enough to put in the systems; the government has to figure out a way to respond people in a timely fashion.

8) The Information technology success is largely dependent on a governance framework that defines roles, responsibilities and expectations. Without governance, the alignment of IT and business strategies will fall victim to turf wars, service gaps, and lack of coordination. The role of IT policy is to provide clear guidance as to how IT decisions are to be made and who can make them. Useful governance must be future directed.

9) The court litigation has passed from ADR (Alternative Dispute Resolution) to ODR (Online Dispute Resolution) and aggrieved people expect speedy remedies when technology is being put in force. Unless the government speeds up the time of remedial measures, perhaps justice is delayed which amounts to justice denied. So, the administrative machinery should accelerate its velocity so as to provide right justice in right time and at the right place.

10) The intriguing part of research being done is what does it mean to be an e-state or e-government or e-citizen? The reason that some analysts think e-citizens (the better educated, more affluent people who now regularly use the
web) are so important is because they are the ones who will force governments to change. That being so, the e-citizens or netizens should be given understand the principles of the administrative machinery for better working in the best available environment.

11) The entirely new electronic environment presupposes good trainers in technology assuming charge of good training to the personnel who are putting technology to use. Unless we polish the stone we will not be able to distinguish precious and normal stones. Not only people who put the technology to their use be trained but this aspect applies to trainers too as new things in technology presupposes the trainers too to undergo training. It is nothing but training the mind for minding the train.

12) Government should pay attention to privacy issues and because invasion of privacy is as bad as violation of a constitutional right government should give a fast approach to curtail encroachment into one’s privacy so as to foster to the needs of the public.

13) In India, most of the population does not realize the value of time and is lazy enough to approach any court for attribution of the rights. This is an alarming situation as one should be able to understand his own rights apart from being a responsible citizen. This requires education of the mass at a stretch in phased manners so as to equip the people themselves to attribute their rights.

14) Data Protection is one of the utmost important things in the present day IT environment and more hazardous is Data Theft. Government should find itself in a position to protect the rights of individuals and their data.

15) Basic education enhances peoples’ capacity to learn and to interpret information. Knowledge about technology asserts a belief in people that they can be a part of technology revolution. So, education, computer literacy, exposure visits, creation of innovative models of people centered governance will make the country to move in a better way for prosperity.

16) The information provided by the government should suit the capacity of the end users.
17) Efficient Judiciary must be there to enforce amendments and abiding to peoples’ decisions.

18) The existing provisions of the electronic governance are neither enough nor sufficient to meet the needs of the people and a structured codified law, the need of the hour for the country to move in a better way to cater to the needs of the public.

19) Having said and done so much about the suggestions, it is not out of place to point that good team work and better management of time provide the country an opportunity to keep its head high in the new vistas of knowledge by broadening the mental horizons and crossing the vicious circle barriers.

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