IMPLEMENTATION OF RIGHT TO INFORMATION AND E-GOVERNANCE THROUGH INFORMATION AND COMMUNICATION TECHNOLOGY (ICT): ISSUES AND CHALLENGES

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INTRODUCTION

The "e" in e-Governance stands for 'electronic', 'efficient' and 'effective' in terms of outcome of implementation. Thus, e-Governance is basically associated with carrying out the functions and achieving the results of governance through the utilization of what has today come to be known as ICT (Information and Communications Technology)

Electronic government (E-government) is the utilization of Information Communication Technologies (ICTs) to transform the efficiency, effectiveness, transparency and accountability of exchanges within government, between government and citizens and businesses locally and abroad; and to empower citizens through access and use of information government as a component of e-governance that is based on three components. These include: Electronic government (e-government), Electronic democracy (e-democracy) and electronic business (e-business). Electronic government is intended to improve the delivery of government services to the citizens using electronic means.[1]

To improving efficiency and transparency of government services, government authorities may increase the frequency of interaction between citizens and government as well as improving the quality of the government services and trust. Electronic Government (E-Government) in definition is the delivery of government services to citizens, businesses, and government organizations through the use of internet, web based applications, an. Communication Technologies (ICTs) is the solution to build more reliable and efficient contact with citizens. Like the developing and developed countries. Though, in order to implement and improve e-Government; developing countries has faced with some obstacles. Electronic Government (E-Government) in definition is the delivery of government services to citizens, businesses, and government organizations through the use of internet,

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[1]Dr. James Gathungu,*Contextual factors affecting e govenance strategies implimination and its impact on public sector performance in Kenya*,Journal of Arts and Humanities (JAH), Volume -1, No.-1, August 2012.

web based applications, and Information and Communication Technologies (ICTs) is the solution to build more reliable and efficient[2] contact with citizens. On the other hand, the needs of the citizens should always be under consideration when implementing and improving e-Government services.[3]

The revolutionary nature of Information and Communication Technology (ICT) is rapidly changing the society and the mode of governance in the 21st century. Reformers are increasingly eyeing on e-governance as a salvation vehicle to achieve good governance, democracy and transparency. e-governance is the application of ICT for delivering government services, exchange of information communication transactions, integration various stand-one systems and interactions within the entire government frame work. Through the e-governance, the government services will be made available to the citizens in a convenient, efficient and transparent manner. e-governance is like a giant canvas on which the people can draw a new citizen centered view of their government. Citizen expect a 24/7 convenient user interface for interaction with government with ease of use, in a language that they understand and which is tailored to individual needs. e-governance is being deployed not only to provide citizen services but for public sector efficiency purposes, improving transparency and accountability in government functions and allowing for cost saving in government administration.

The e-governance initiatives in the Directorate and its field establishments have technologically matured in phases but the acceptance and adoption of these e-governance initiativesisis atill in growing phase.[4]

There has been tremendous success of e-Initiatives in the country. In early 1990"s most of the states in India started implementing the e-Initiatives. Process SMART has been implemented in the Government of Andhra Pradesh in 1992. It focuses on Simple, Moral, Accountable, Reachable, and Transparent Principle for the successful implementation of estrategies. Many states have successfully implemented eStrategies thereafter. However, there are many implementing challen in deploying the e-Initiatives. They are: Infrastructure capacity Compatibility with other IT systems/ databases/ platforms Scalability of existing applications Information exchange mechanisms Geo referencing of assets Ability to carry out financial transactions. The Span and reach of e-Initiatives may primarily focus on the following: Various levels of administrative set-up from village/ block to State/Central agencies Non-governmental social agencies Connecting citizens to the above agencies The main purpose of developing e-Initiatives is to develop an effective, rapid, accountable and self-sustaining mechanism for the betterment of social service through multi-layered system. e-Initiatives are basically the concerns of governmental organizations which are to be utilized by the larger society for tackling major as well as day- to-day

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[2] Toshio obi , *E-governance : A Global perspective on a new Paradigm*, 53 (2007)

[3] Fatemeh Ahmadi Zeleti ,The progress and obstacles of implementing and improving e- government in islamic republic of Iran. Available at :- http://www.doria.fi/bitstream/handle/10024/67042/nbnfi-fe201101071016.pdf

[4]International Journal of Managing Public Sector Information and Communication Technologies (IJMPICT) Vol. 3, No. 1, September 2012

problems of ordinary citizens. The overall strategy for e-Initiatives is to develop methods to be used for the society using ICTs. It is high time for a proper investigation and the assessment of the impact of e-Initiatives of the state.[5]

The concept of good governance and citizen centric administration are intimately connected. Citizen centricity with the aim of ensuring citizen's welfare and satisfaction is important for any government, local, state or national which aims to ensure good governance. However, the experience in developing countries shows that there has been deviance from the ideal type of the Max Weber an model of bureaucracy resulting in irresponsive bureaucracy, corruption, quality of service delivery and abuse of authority. Citizen's faith in public institutions has eroded drastically over the year. In India as in many countries, despite having 'Big Government' and 'Big Bureaucracy' the situation remains bleak in public service delivery and is a matter of serious concern. Various committees and commission including the 'Second Administrative Reform Commission' (2008-09) had made recommendations for 'Revamping and Reorganising Govt' through responsive and efficient administration. Most of these either remained on papers or had an abysmal record of par implementation at the state level[6]

OBJECTIVE OF E-GOVERNANCE

The Strategic objective of e-governance is to support and simplify governance for all parties-government, citizens and business. The use of Information Technology can connect all three parties and support processes and activities. In other words, in e-governance. Therefore, the objectives of e-governance are similar to the objectives of good governance. Good governance can be seen as an exercise of economic, political, and administrative authority to better manage affairs of a country at all levels, national and local.

It is useful here to present objectives for e-democracy and e-government. The two main objectives of e-democracy are:

1. To provide citizens access to information and knowledge about the political process , about services and about choices available,

2. To make possible the transition from passive information access to active citizen participation by :

   Informing the citizens, representing the citizen, Encouraging the citizens to vote, Consulting the Citizen. [7]

   Right to service Act: The Right to Service Act is corollary of Citizen's Charter (based on U.K's Citizen Charter Scheme of Fulfilling People's First) and the Right to Information Act 2005). The cardinal objective and avowed Standard of Services with time frame of Service Delivery entitling eligible citizens to demand services

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[5] Kunwar Singh Vaisla, International Journal of Computer Applications (0975 – 8887) Volume 12– No.5, December 2010

[6] Jaya S. A , Changing Paradgism of Public Services. , the experience of Kerala Right to Service in the Indian Journal of Public Administration, Oct- Dec 2014 vol LX No. 4 p 883

[7] Civil Services Chronicle, special Issue on E-Governance,p-3

from public institutions as right and not as favour or charity . The law also provides for penalty or compensation by the delinquent official to the Govt. or Citizen for delay or denial of services. The two level of appeal provision facilitates hustle free and timely grievance redress.[8]

U.N. FIVE STAGE EVOLUTION MODEL OF E-GOVERNANCE:

Stage I Emerging : a government's online presence is mainly comprised a web page and /or an official website, links to service providing ministries or departments may/may not exist. Much of the information is static and there is little interaction with citizens.

Stage II Enhanced: Governments provide more information on public policy and governance. They have created links to archieved information that is easily accessible to citizen, as for instace documents, forms, reports , laws and regulations, and newsletters . for instance , documents , forms, reports , laws and regulations, and newsletters.

Stage III Interactive: Governments deliver online services such as downloadable forms for tax payments and applications for licence renewals. In addition, the beginnings of an interactive portal or websites with services are evident.

Stage IV Transactional: Governments begin to transform themselves by introducing two-way interactions betweens between 'citizens and government'. It includes options for paying taxes, applying for ID cards, birth Certificates, passports and licence renewals, as well as other similar G to C Interactions, and allows the citizen to access these services online 24/7. All transactions are conducted online.

Stage V Connected: Governments begin to transform themselves into a connected entity that responds to the needs of its citizens by developing an integrated back office infrastructure. This is characterized by :

1. Horizontal connections (among government agencies)
2. Vertical connection (central and local government agencies)
3. Infrastructure connections (interoperability issues)
4. Connections between governments and citizens
5. Connections among stakeholders (government, private sector, academic institutions , NGOs and civil society) [9]

CENTRAL INITIATIVES IN DEVELOPING E-GOVERNANCE

In India, the main thrust for e-Governance was provided by the launching of NICNET in 1987 – the national satellite-based computer network. This was followed by the launch of the District Information System of

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[8] Ibid at p 883
[9] United Nations e-Government Survey 2008

the National Informatics Centre (DISNIC) programme to computerise all district offices in the country for which free hardware and software was offered to the State Governments. NICNET was extended via the State capitals to all district headquarters by 1990. In the ensuing years, with ongoing computerization, teleconnectivity and internet connectivity established a large number of e-Governance initiatives, both at the Union and State levels.

The formulation of National e-Governance Plan (NeGP) by the Department of Electronics and Information Technology (DEITY) and Department of Administrative Reforms and Public Grievances (DAR&PG) in 2006 has boosted the e-Governance process.

The Central initiatives include:

- National e-Governance Plan (NeGP)
- National e-Governance Division (NeGD)
- e-Governance Infrastructure
- Mission Mode Projects
- Citizens Services
- Business Services
- Government Services
- Projects and Initiatives
- R&D in e-Governance
- Model RFPs for e-Governance Project 10

STATES INITIATIVES IN DEVELOPING E-GOVERNANCE

Several State Governments have taken various innovative steps to promote e-Governance and have drawn up a roadmap for IT implementation and delivery of services to the citizens online. The applications that have been implemented are targeted towards providing Government to Citizen (G2C), Government to Business (G2B) and Government to Government (G2G) services with emphasis on use of local language.

Every State has the flexibility of identifying up to five additional State-specific Mission Mode Projects (relevant for economic development within the State). In cases where Central Assistance is required, such inclusions are considered on the advice of the concerned Line Ministries/ Departments. States have MMPs on Agriculture, Commercial Taxes, e−District, Employment Exchange, Land Records, Municipalities, Gram Panchayats, Police, Road Transport, Treasuries, etc.

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[10] Available at : http://india.gov.in/e-governance/initiatives/central-initiatives

PUNJAB'S INITIATIVES IN DEVELOPING E-GOVERNANCE

Government of Punjab has been progressing in its journey towards creating a knowledge society, by harnessing the power of Information and Communication Technology (ICT). To achieve this objective, Punjab has enunciated many initiatives in the ICT sector, which will deliver significant benefits to the citizens and businesses and also improve the efficiency of Government functioning. It is our stated vision of pioneering e-Governance initiatives in India that serve as a benchmark for others to follow. State of Punjab has been a pioneer in the e-Governance field with the establishment of State of the Art Suwidha centers in year 2002 till Sub-division level. Further the front end delivery channels were established by Department of Revenue and Department of Home to take the citizen services of these departments closer to the citizens. Currently the focus of all the Departments of the State is on backend computerization which includes providing computing infrastructure in the field offices, connectivity with Punjab Wide Area Network, Data Digitization, Capacity building etc. The backend computerization shall pave the way for online service delivery to the citizens. The effective role played by State e- Governance Apex Committee to provide guidance & direction to all Departments for their governance programes has resulted in smooth implementation of e-Governance projects in the State. The enactment of Right to Service Act Punjab 2011 for timely delivery of citizen services across the State has infused a fresh thrust to e-Governance programes of the State[11].

- **SUWIDHA :** (Single User Window Disposal Helpline for Applicants) is conceived to facilitate citizen by capturing the input at a single point, defining a specified delivery date depending upon the type of service, accepting cash at the counter itself and delivery of final document from the same counter, it works with both automated backend modules, which are integrated with the main application as well as manual backend applications for which it acts as front end interface

- **AADHAAR:** The Government of India has setup Unique Identification Authority of India (UIDAI) with the mandate of providing a unique identity (Aadhaar) number to all residents of India. An Aadhaar number is a 12 digit number unique for every resident of India.

  In Punjab, the project is implemented by Registrar, UID Project, Department of Food & Civil Supplies Punjab. UIDAI proposes on-line identity authentication which have the potential to bring about the transformation in the method of service delivery

- **NPR**: The NPR is a comprehensive identity database to be maintained by the Registrar General and Census Commissioner of India. The objective of creating this identity database is to help in better utilization and

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[11] Available at :http://punjab.gov.in/documents/10191/53620/e-Governance

implementation of the benefits and services under government schemes, Improve planning and Improve security

Some of the other e-governance projects under Punjab government are: School education, registration of property documents, minority welfare scholarship schemes, national animal disease reporting system, social security, higher education, medical education, technical education, elections, police dial 100, ambulance 108, ladies helpline 1091.

The funds allocated for the purpose of e-Governance and ICT by Punjab Government in 2012-13 was Rs. 34.70 crore.

Table: Scheme wise outlay:

Sr.No.	Scheme	Outlay for AP 2012-13(Rs in Lakhs)
1	Introduction of Computerization in Punjab Govt. Offices, Semi Govt. Bodies & Offices including Maintenance & Up-gradation of the Systems	1200.00
2	SUWIDHA Project	150.00
3	ICT Infrastructure and construction of building e-Governance Projects	500.00
4	Capacity Building for e-Governance Projects	90.00
5	Common Service Centres under National e-Governance Plan (NeGP) (Special ACA)	420.00
6	Provision for Bandwidth Charges with SWAN Components (Special ACA)	190.00
7	Additional Central Assistance under National e-Governance Plan (NeGP) (Special ACA)	920.00
	Total	3470.00

JUDICARY AND E-GOVERNANCE

Hearing through Video Conferencing:

In Knowledge society of 21st Century, Information Technology had played tremendous role. We have various new concepts like e-commerce, e-governance, e-banking, e-contract and so on. It was observed by the Central Information Commission in the case of *Usha Devi v. CPIO NABARD*[12] that hearing can be performed through

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[12] NO. CIC/PB/C/2009/00514-SM Dated Sept. 18 2003 (CIC)

video conferencing. In an appeal decided on Jan 2, 2012 of *Ajay Y. Wawoo* v/s *Geological Survey of India*[13], The matter came for hearing on Sept 14, 2011 through videoconferencing. The appellant was present in person, whereas the respondent by A.H. Chaurasia, CPIO, S.K Sinha, Regional Administrative officer and Ratnesh Parshad , A.O. at NIC video conferencing facility Centre at Nagpur.

Whether additional Information can be demanded at the stage of appeal:
A Question arose in *G. Srinivasan* v/s *NTPC Ltd,*[14] that whether at appellate stage, the appellant cannot ask for additional information which had not been sought from Public Information Officer.

In an appeal of *Gita Deewan Verma* v. *Delhi Urban Art Commission*[15], It was observed that if further information is sought under the guise of classification which was not sought in the original applications, the appellate authority has power to reject such application.

Compensation for Delayed Information: Under the act,the Public information officer is duty bound to provide information within limited time period. Therefore, it was observed by the Goa Information Commission in *Anupama Mirashi* v. *Public Information Officer Corporation of city of Panji, Goa*[16] , that any delay in providing the information by the public Information Office, has , to some extent caused harassment to the complainant for which public authority is also responsible and therefore, the complainant must be compensated. Here, the corporation of city of Panji (Goa), was directed by Goa Information Commission to pay compensation of Rs. 500 to the complainant which was to be paid from the funds of the corporation of the city of Panji.

Penalty for Misleading Information: in the case of *Paramveer Singh* v. *Pb. University Chandigarh*[17], the University had not supplied the information regarding the merit list of the candidates who were called for the interview was provided to the applicant. It was observed by the central information commission that it is a deliberate attempt on the part of Public Information Commission to violate the provision of Right to Information Act and defeat the purpose for which this Act was enacted.

No Penalty when there is a Reasonable Case for Delay: In case of *Arvind Kejriwal* v. *Cabinet Secretariat,*[18] the Central information Commission found that Public Information Officer, Cabinet did not supply information within the limitation period of 30 days as mentioned under Sec. 7 (1) of RTI Act. However the Public Information Officer gave reasonable cause for delay to the satisfaction of Commission. It was held by the Central Information Commision that in the present case Sec. 20 would not be invoked for improper penalty.

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[13] Case no. CIC/AT/A/2010/001231/SS
[14] Appeal no. ICPB/A-12 Or CIC/2006 Decided on April 5,2006 (CIC)
[15] Appeal No. CIC /WB/A/2006/00752 DECIDED ON JUNE 12, 2007 (CIC) .
[16] Appeal No. 192/SCIC/ 2008 decided on September 29, 2009
[17] Appeal No. CIC /Ok/A/2006/00016 and C/ OOO68 Decided on June 15, 2006 (CIC)
[18] Appeal No. CIC/ WB/ C/2005/00002

SUGGESTIONS:

(1) The major challenge has been the lack of awareness among the citizens on 'how to use the Act' and get the eligible services as a right. It is seen that even when the services are not delivered on time, appeals are not preferred which can be construed as lack of awareness. Govt. should immediately take steps to conduct awareness Campaign through Public Relation Department and various media on how to use Right to Service, and Challenge if their rights are not met on time.

(2) Budgetary constraints have been as a major impediment for not notifying certain services like pension disbursement, scholarships, etc. These are important services provided by welfare and Education Departments, which could be provided within the time frame only if adequate budgetary provisions are available on time. At, present, this is grossly inadequate to meet the demand.

(3) By building public pressure, Community Services Organisations and Non-Government Organisations can play an active role in ensuring that all the services rendered by the departments are brought within the Ambit of Right to Service (as in Right to Information). Social Audit to review the progress in implementation has to be initiated urgently.