The Impacts of E-Commerce for Promoting Human Rights in Bangladesh: a Case Study

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Abstract. Bangladesh as one of the third world countries in this world has been facing numerous problems including the lack of e-commerce, poor governance, corruption, digital divide etc. Consequently, some impacts such as ignorance of human rights and lack of modern state facilities are observed compared to the developing countries in the world. E-commerce is a growing concept to the protection and benefits of the customers originated in 1970. It is linked with various modes and mechanisms of the internet networking that serves the purposes of the relevant stakeholders with very transparent and accountable modes for all concerned. It saves the time consuming and bureaucratic red tape that ensures the human rights from the lowest class to the highest class people in our society. It has been working as per the guidelines and philosophy of the Universal Declaration of Human Rights 1948 along with other relevant human rights laws and policy at home and abroad. This study critically examines the impacts of the e-commerce on the human rights concept based on the primary and secondary sources consisting of at least 25 concerned respondents in Melaka, Malaysia.

Keywords: E-Commerce, Human Rights.

1. Background

We could start with the statements as follows: UN Secretary-General Kofi Anan stated the need for Communicating in the Information Society the right to communicate very explicitly in his message on World Telecommunication Day (17 May 2003) as he reminded the international community that there were millions of people in the poorest countries who were still excluded from the "right to communicate", which was increasingly seen as a fundamental human right. The concept of E-commerce is originated in 1970-79 [1]. E-Commerce stands for electronic commerce. That means the electronic transactions with the help of computer as well as internet. It also defined as the complete set of processes that support commercial or business activities on a network i.e. they help in carrying out commercial transactions electronically.Electronic commerce, commonly known as e-commerce refers to the buying and selling of products or services over electronic systems such as the Internet and other computer networks [2]. It covers fifteen types such as B2B and B2C etc. It is still in the primitive stage particularly in the third world countries but in the first world countries, it is in advance position. In fact, in the global context, it has been developing and connecting in many transactions. E-commerce utilizes technologies like Electronic Data Interchange and Electronic Funds transfer introduced in the late 1970s for sending commercial documents like purchase orders or invoices electronically. The credit cards, the ATMs (Automated Teller Machines), telephone banking, information analysis etc.; were used in 1980s as different types of E-commerce. It includes web commerce activities dealing with the purchase of goods and service over the World Wide Web through secure servers with shopping carts and electronic payment services. The secure servers were consisted of HTTPS a server protocol which encrypts confidential ordering data for customer protection. The ICT is critical in using the e-commerce in all categories of transactions [3].

2. Previous Research Literature and Gaps

In order to carry out this research, we need to find out the research gaps and research questions. As a part of this work, we need to undergo these works as follows:

Ralf Moller (2011) discusses e-commerce, concepts and technologies and its scope. He also argues about role of the information communication technology in using the e-commerce activities including the business models in the modern age and society. Most of the websites research works support these views [4]. The Wikipedia (2011) covers different types of business transactions including 15 such as Business-to-machines B2M, the B2M, the C2B, the C2C, the C2A, the G2Betc.; supported by Rania Nemat [5]. The OECD (2001) outlines the salient features of the E-commerce [6]. Richard Heeks (2005) discusses the UN millennium development goals and the application on ICT on various issues including the e-commerce [7]. It is a global effort to the services of the global cause with special attention to the third world countries including Bangladesh. But sometimes, the problem is poor governance, corruption, poor economic policy and choices, and denial of human rights that can lead the neglect to the well-being of the citizens. He analyses the application of ICT including the consumption, production and the software world without which the millennium development cannot be achieved. Jeffrey (2000) discusses the consumer protection through the application of the cyber law. He argues that the growing number of consumers using e-commerce inevitably will lead to greater advocacy among consumer protection groups. The concerned internet committee continues to work toward educating state legislators and regulators about the Internet and its progeny, the web and e-commerce, so that these officials better utilize technology in their work and learn how to address myriad consumer issues arising from developing technology [8]. It focuses on the human rights context.P. Candace Deans (2005) describes the impacts of the modern technology on the successful companies by giving the facilities to the consumers. Most of the transactions have been made on the online [9]. Jean Lam (2004) supports these argumentsand discussed the internet as an important tool for effective satisfaction tolls of the customers [10]. Kathy Litzen (2000) highlights the e-commerce on the e-health services and which is relevant in line with the human rights mechanisms all through [11]. Junghyun Kim (2006) examines two orientations toward online shopping behaviour with online shopping environments. It may promote recreational shopping which is supported by the international human rights laws [12]. Cees J. Hamelink (2010)discusses human rights and information society in line with the international human rights standards which is very important of this research work [13]. Ronal Paul Hill (2003) argues that the human development has been made with the technological achievement [14].Kiranjit Kaur (2005) discusses the impacts of e-commerce on the Malaysian perspectives. The OECD secretariat (2001) supports all the above arguments and discussed in the European context. In the South Asian Context, Pavan Duggal (2010) critically discusses the harmonization of E-commerce laws and regulations covering the penal code, cyber laws, the ICT laws and policy in India, Pakistan, and Bangladesh.In India, the Information Technology Act 2000; the Indian Penal Code, the Indian Evidence Act 1872; the Banker's Book Evidence Act, 1891 and the Reserve Bank of India Act, 1934; the Consumer Protection Act 1986; the Maldives Consumer Protection Act 1996; the Nepal Consumer Protection Act 1998 while Pakistan promulgated the Electronic Transactions Ordinance 2002; the Qanun-E-Shahadat Order 1984; the Information and Communications Technology Act 2003; the Sri Lanka Consumer Protection Act 1979 etc.; are notable with regard to e-commerce facilities and human rights protection [15].In Bangladesh context, Nazmul Hossain (2000) determines the e-commerce position in Bangladesh. He does not explain the human rights ground. In this country, literature is hardly found on the human rights and the e-commerce issues [16].

3. Discussion and Results

Around 16 hundred million people living in Bangladesh consisting of an area of 1, 47,570 sq.km with a limited income country has been suffering much due to poverty, mal administration, corruption, scarcity of natural resources, natural calamities etc; [17]. But the country is working for attaining the Millennium Development Goals by 2015. The state of human rightsBangladesh is still very vulnerable compared to some other developing and developed countries in the world. It is very difficult to introduce e-commerce in full length for facilitating human rights to the people in Bangladesh. The government is one of the signatory countries in the world on human rights documents such as the Universal Declaration of Human Rights 1948,

the International Covenant on Social, Political and Cultural Rights, 1966; the International Covenant Civil and Political Rights 1966 etc. Based on these rights, the government is bound to create facilities to the people of the land. The benefits of the e-commerce may be one of the mandates for Bangladesh. The people have the rights to enjoy the modern facilities. Some relevant laws such as the Right to Information Act, 2009; the National Human Rights Commission Act, 2008 etc.; may play role on e-commerce and human rights as there are some provisions such as right to information, promotion and protection to human rights in the laws [18]. The Draft Cyber Act that makes punishable such actions as hacking, tampering with computer source codes and publishing or transmitting obscene information covering the e-commerce and human rights. The enforcement of the e-commerce law needs more attention as mentioned by Pavan Duggal previously. It is noted from the vision of the government 2021 that the government is committed to building a country whose citizens are able to live prosperous and happy lives. With a view to obtaining these objectives, the e-commerce mechanisms and facilities should be opened for all in Bangladesh [19].The Government of Bangladesh declared is going to be made as a 'Digital Bangladesh' thinking as e-state. It means that the people will enjoy the modern facilities by using the internet facilities at all stages. It can prevent from committing crimes, corruption, and misrule etc. and makes it accountable and transparent. The government will take all possible steps to create a SMART (simple, measurable, accountable, responsive and transparent) for 'Digital Bangladesh' including e-commerce issues and establish a knowledge-based society that can only be ensured the human rights to the people of Bangladesh[20]. The Arbitration Act 1940, the Money Loan Court Act 1990, the Money Loan Court Regulation 1990, the Money Loan Court etc.; are very critical in creating facilities for e-commerce. But this Court is overburdened with the enormous number of cases as there are a limited number of courts working in the country. No law exist that provide for consumer protection in Bangladesh but the articles 15 and 18 are based on the consumer protection. Bangladesh Telegraph and Telephone Board and its related laws and policies are not very friendly with the consumer protection and e-commerce as it is doing monopoly and has been a constant impediment for the growth of e-commerce. It is noted sometimes that it involves corruption. The facilities are limited and expensive. Easy access to credit and well-developed financing mechanisms are essential for Bangladesh to compete in the highly competitive export market. Restrictions on issuance of international credit cards prevail which is a barrier to e-commerce. Poor governance systems may be a cause an indirect effect on the e-commerce development. It discourages trade in general and e-commerce in particular. There are some major constraints to e-commerce such as limited telephone connections, weak telecommunication performance, poor governance, non-issuance of international credit cards, corruption for which the human rights cannot be ensured in the age of modern technology age. Bangladesh is very rich in ready-made garments and the role of e-commerce may be poised to be an effective business toll for the ready-made exporters. The internet would enable them to seek information about potential buyers as well as raw materials suppliers. It can ensure quality products and better working environment based on the ISO 9000, QS 9000. It discourages unscrupulous enterprises from making false claims that may ensure human rights. The e-commerce may make the business competitive and can provide speedy remedies. It can update the reports to the concerned authority and make it accountable and transparent. It also enhances its ability to deliver early. The weak infrastructural and corrupt and dirty working environment needs to be revised immediately with the benefits of the e-commerce.Some international legal foundations and efforts such as the Earth Summit Conference, Johannesburg Conference, Rio Declaration etc.; have been made in this regard. But due to some practical constraints and reasons in the administration such as lack of daily basis transparency and accountability, non-coordination, corrupt mentality, lack of enforcement and implementation, insufficient technical and research knowledge, inadequate penal provision, bureaucratic mentality, ignorance of civil society's initiatives and opinions and over all weak judiciary etc., are responsible for it.

4. Case Study

Most of the respondents from Bangladesh working in Malaysia are not very aware about the e-commerce systems and human rights issue. They regret that the most of the people do not have these systems and our government planning and policy are not transparent and accountable in this regard although they are going to see the country as a Digital Bangladesh. Right now, the divide policy is enormous. How could they ensure

the human rights with this situation? The movement should be free from corruption and needs to serve the common people like our prophet and the khalifa. By sitting and living capital, it is very difficult to serve the country properly. The e-commerce facilities have to be created for the whole country. The respondents are not happy with systems of the consumer rights without having any facilities of e-commerce. The government is not sensitive to motivate the people on e-commerce. Some special projects need to be carried out.

5. Recommendations

Based on the above study, some suggestions have been made as follows:

- The government should be firmly determined with the observations of the first world countries and decisions should be made accordingly for speeding up the e-commerce facilities for the people of Bangladesh compared to other developed nations in the world.
- The telecommunications sector should be revised with the experts from the other developed countries in the world with a holistic approach.
- The competitive environment with the developed and developing countries is to be adopted with the co-operation of the donor agencies and the concerned authorities in the world.
- To introduce the theme act locally but think globally for creating the facilities based on the theme of the e-commerce.
- The relevant laws and policies should be updated with the help of the developed countries on the e-commerce for facilitating human rights.
- Some Universities in Bangladesh should be empower for creating manpower in this regard
- Some technical and technology based universities may be established
- The international philanthropic team may kindly help the digital Bangladesh for the services of the mankind.
- The government should push the population for getting computer literacy from all sections of people particularly, in the rural people.
- The Islamic banking systems should be introduced for e-commerce purpose
- The government teach the rural population to introduce e-commerce systems

6. Summary

In order to make a health and peaceful environment for our nations, the government should take some initiatives immediately in this competitive world. The digital Bangladesh in the light of the MDGs should be made immediately for our good economy. The BTTCB would be revised for its transparency and accountability and that is why, some experts people will be hired to give the power for revising this body from allgrass roots level to the capital levels. The international laws and policy in this regard should be implemented immediately and good friendship with all countries including non-Muslim should be made on good faith and should be worked as per the guidelines of the sources of Islamic Law as well as the spirit of the non-Muslim religious laws for making this beautiful world for all both the living and non-living creatures in this world. The government should understand that we could be happy by corrupting and the transparent mechanisms like e-commerce which should be introduced properly and the devotion should be made in this regard for satisfying Allah. Some ICT based universities may be recommended for technology education in competing the impacts of the globalization. Still, internet facilities in the rural as well as the town areas are predominantly observed. This thing should be solved in order to facilitate e commerce as well as human rights. In order to ensure human rights and e-commerce, some important legislations such as Digital Signature Act, the Computer Crimes Act, Personal Data Protection Act, Privacy Laws etc.; are to be enacted immediately through the research work compared to other countries in this world.We need to remove the digital divide policy for making justice to the rural and urban people in the country. The existing ICT laws and policy on the e-commerce should be modernised compared to the advanced countries in the world. For example, in Malaysia, consumer protection and e-commerce laws and policy have been working in the country [21]. However, the recommendations as mentioned in this study should be carried out immediately for our own sake and existence on this world our mother earth. I would like to conclude this work with the following statement [22]:

''There is an on-going view that IT is totally irrelevant for the poor who are generally illiterate; IT is too expensive for them to reach out to; the poor don't need fancy IT, they need food. These are the voices of the sceptics... Now in three years there are more than 5000 Telephone Ladies in Bangladesh villages doing roaring business selling telephone services.''

(Mohammad Yunus 2001)

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