



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্ব দ্বাৰা প্ৰকাশিত

PUBLISHED BY THE AUTHORITY

নং 32 দিশপুৰ, মঙ্গলবাৰ, 30 জানুৱাৰী, 2018, 10 মাঘ, 1939 (শক)
No. 32 Dispur, Tuesday, 30th January, 2018, 10th Magha, 1939 (S.E.)

GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR
INFORMATION TECHNOLOGY DEPARTMENT

NOTIFICATION

The 24th January, 2018

No.IT.43/2012/136.- In exercise of the powers conferred by sub-section (1) of section 90 read with Section 6 and 6A of the Information Technology Act, 2000 (Central Act No. 21 of 2000 and as amended up-to date), the following act received the assent of Assam Cabinet on 27th December, 2017 and is hereby published for general information :-

THE ASSAM INFORMATION TECHNOLOGY (ELECTRONIC SERVICE DELIVERY) RULES, 2017

1. Short Title, Extent and Commencement:-

- (a) These Rules may be called the Assam Information Technology (Electronic Service Delivery) Rules, 2017.
- (b) These shall extend to the whole of the State of Assam.
- (c) These shall come into force on the date of their publication in the Official Gazette.

2. Definitions - (1) In these Rules, unless the context otherwise requires:-

- a) **"Aadhaar Number"** means a number as defined in "The Aadhaar Act (Targeted Delivery of Financial and Other Subsidies, Benefits and Services), 2016";
- b) **"Act"** means the Information Technology Act 2000 as amended;
- c) **"API"** Application program interface (API) is a set of routines, protocols, and tools for building software applications;
- d) **"Authorized Agent"** means an operator of an electronically enabled kiosk, who is appointed by the Authorized Service Provider and authorized under these Rules by an office notified by the IT Department, Govt. of Assam to deliver public services to the users with the help of ICT resources, following the procedures prescribed herein;
- e) **"Authorized Service Provider"** means a body corporate approved by a competent authority of an Administrative Department of Govt. of Assam to establish and manage a system of delivering public services electronically in accordance with these Rules;
- f) **"Body Corporate"** means any entity registered or created under the law of the land such as a company, partnership firm, sole proprietorship, trust, society or other association of individuals engaged in commercial or professional activities and also any agency or body of the Government.

- g) “**Certificate**” means a certificate or the certified copies required to be issued by an Authority empowered under any Act, Rule, Regulation or Order of the Government, to issue a certificate to confirm the status, right or responsibility of a person, natural or artificial, in accordance with any such Act, Rule, Regulation or Order of the Government and includes a certificate in electronic form printed and issued by an Authorized Agent or an Authorized Service Provider or/the State Electronic Records Repository on such stationery as may be prescribed by the respective departments;
- h) “**Department**” means the Administrative Department under the Government of Assam as specified in the Assam Rules of Executive Business, 1968, as amended up-to-date;
- i) “**Competent Authority**” means the Senior Most Secretary of the Government Department or the Head of every Department of the State Government or the Heads of Government Organizations and Government Bodies, as notified by the State Government from time to time;
- j) “**e-Services**” means a service as may be specified by notification and delivered electronically to the users;
- k) “**Electronic Service Delivery**” means the delivery of notified public services in the form of receipt of forms and applications, license, permit, certificate, sanction or approval and the receipt or payment of money by electronic means or any other such public service rendered by following the procedure specified under these Rules;
- l) “**Electronic Signature Certificate**” means the certificate issued as per notification under sub-section (4) of Section 35 of the Act;
- m) “**Electronically Signed Record**” means a collection of data or information created, stored and managed in electronic form and authenticated by a Statutory Authority or a Competent Authority using his or her Electronic Signature Certificate;
- n) “**Government**” means Government of Assam;
- o) “**IT Department**” means the Information Technology Department, Government of Assam;
- p) “**Notification**” means a notification published in the gazette;
- q) “**Official Gazette**” means the official gazette of the Government;
- r) “**Public Service**” means any **service notified** under these Rules provided by the Government either through its Competent Authorities or any of its agencies either directly or through any authorized service provider, which shall include, *inter alia*, the receipt of forms and applications, issue of acknowledgements, delivery of any license, permit, certificate, sanction, permission, approval and the receipt or payment of money;
- s) “**Signing Authority**”: means an official authorized by the Competent Authority and empowered under the respective Act, Rules, Regulations or Order for use of electronic signature in discharge of official duties or any Government transaction;
- t) “**Service Charge**” means the amount as may be specified by the Government to be payable to the Authorized Service Provider/ Authorized Agent for electronic delivery of services rendered and does not include any duly authorized taxes, charges, dues or any other moneys due in respect of a service payable by any person to the competent authority concerned that are otherwise payable under the respective Act, Rule, Regulation or Order of the Government when making an application to the concerned competent authority;
- u) “**Specified**” means specified by notification in the Official Gazette by the Government;
- v) “**State**” means the State of Assam;
- w) “**State Electronic Records Repository**” means an electronic repository of all electronically signed records maintained by the Department/s or Agencies of the Government as per the guidelines of the Information Technology Department for the purpose of creation, maintenance, preservation and access

of such records and delivery to the citizens;

x) “**Web Services**” means services offered by an electronic device to another electronic device, communicating with each other via the World Wide Web;

2. Word and Expression used and not defined in these Rules but defined in the Act shall have the same meaning assigned to them in the Act.

3. System of Electronic Service Delivery:-

i) For the purpose of efficient delivery, the Government may authorise an authorised service provider to deliver public services through electronically enabled kiosks or any other/mechanism for electronic service delivery such as State portal, departmental portal, mobile platform and Government facilitation centres/counters.

ii) For the e-services which are provided under these Rules, the form of application and the format of certificate issued under these Rules in relation to any e-service shall be as may be specified by the Department in consultation with the IT Department.

iii) It shall be lawful for the Departments and its agencies to deliver public services adopting the system of Electronic Service Delivery with the use of Electronic Signature Certificates, in accordance with these Rules and same shall be admissible in any proceedings, without further proof or production of the original, as evidence of any contents of the original or of any fact stated therein of which direct evidence would be admissible.

iv) IT Department shall notify and issue guidelines for implementation of these Rules from time to time.

4. Duty of the Department to notify the list of public services to be delivered through electronic mode:-

i) Every Administrative Department shall notify within 180 days coming into force of these Rules:-

a) the public services of the Department, Agency or Body which can be delivered through electronic mode;

b) lay down norms for efficiency, quality and accuracy in the form of service levels;

c) the signing authorities for delivery of each such service through electronic mode;

d) the purpose & validity of the services to be delivered in electronic mode;

ii) Every Administrative Department may notify any new service that may be ready for delivery in electronic mode at any point of time these Rules are in force.

iii) The service charges, if any and apportionment thereof amongst the concerned departments, authorized service provider, authorized service agents and other stakeholders for delivery of notified services will be notified by the IT Department in consultation with the Administrative Reforms & Training Department.

iv) For the purpose of these Rules, the IT Department in consultation with the Administrative Reforms & Training (AR&T) Department, may notify and issue guidelines from time to time.

5. Notification of signing authorities:-

i) The Competent Authorities shall notify the list of signing authorities in respect of different public services and local limits of their respective jurisdictions in the State duly specifying the nature of such service, the names of the signing authorities, the duration of the authority and the extent of jurisdiction of each such authority.

ii) The IT Department shall notify the manner of issue, usage, safe upkeep and management of the Electronic signature pertaining to each signing authority or any other authority as may be required to ensure uninterrupted electronic service delivery.

iii) The concerned Administrative Department shall inform a designated office notified by the IT Department or any other authority as may be notified for electronic signature immediately with respect to any changes in respect of employees holding positions of signing authorities arising on account of appointments, promotions, retirements, transfers, leave, suspensions etc.

iv) The Competent Authority in the concerned Administrative Department shall get the changes mentioned in clause (iii) implemented in their respective application software through a designated office notified by the IT Department or any other authority as may be notified from time to time.

6. Functions and Power of the Designated Office notified by the IT Department:-

The Designated Office to be notified by the IT Department, shall have the power to ensure smooth delivery of public services electronically to the citizens as per provisions of these Rules and shall have the power to execute such other works as the I.T. Department, Government of Assam may notify from time to time.

7. Authorized Service Providers for Electronic Service Delivery:-

The Authorized Service Provider shall provide the notified public services electronically to the users in conformity with these Rules, by establishing appropriate delivery infrastructure and/or a network of Authorized Agents, as determined by the IT Department. The following two agencies of the IT Department is hereby notified as the Authorized Service Providers for delivery of electronic services under these rules:-

1. District e-Governance Society (DeGS), and
2. Arunodoy Common Services Centers

If other administrative department wants to engage any other Authorized Service providers, the same shall be done in consultation with the IT Department and shall be notified through an executive order under the ambit of these rules.

8. Appointment of Authorized Agents by the Authorized Service Provider-

(i) The Authorized Service Provider may appoint such number of Authorized Agents, as may be required to deliver the services electronically with the prior authorization of a designated office notified by the IT Department, subject to fulfillment of the norms of efficiency, quality and accuracy laid down by the designated office.

ii) The Authorized Service Provider and the Authorized Agents shall obtain Electronic Signature Certificates, install software and procure specific IT/biometric devices or otherwise for necessary e-authentication as may be required for delivery of certain electronic services.

iii) The Authorized Service Provider shall also impart appropriate training to the Authorized Agents to impart them the skills required to deliver the electronic services efficiently and in an error-free manner.

iv) The Authorized Service Provider and the Authorized Agents shall adhere to and implement the security policy and guidelines issued by Central Government as adopted by the State Government and also the guidelines issued by the State Government under the provisions of the Act while delivering electronic services.

v) The Authorized Service Provider and the Authorized Agents shall ensure as per provisions of law, the confidentiality of information submitted by applicants and ensure no discrimination irrespective of gender, religion, age, caste & creed while providing the electronic services.

9. Commencement of operations by Authorized Service Provider-

The Authorized Service Provider shall commence its commercial operation for Electronic Service Delivery only after –

- i) it has signed the necessary Contract Agreement for a period as specified by the Office notified by the IT Department and the adoption of standards & procedures specified under these Rules; and
- ii) it has installed facilities and infrastructure needed for efficient delivery of electronic services and in an error-free manner in terms of norms laid down by the Office notified by the IT Department and confirm the same to the notified office by in writing.
- iii) a certificate for commencement of operations has been issued by the notified office on satisfactory compliance of (i) and (ii) above.

10. Authorized Service Provider to collect service charge:-

- i) The application for an e-service submitted by an applicant to an authorized service provider or an Authorized Agent shall be accompanied by such service charge as determined under sub-Rule (iii) of Rule 4, which is payable at the time of making the application. All secure modes of payment available in the electronic mode shall be acceptable.
- ii) In addition to the service charges mentioned in (i) above, may determine additional service charges for the purpose of:
 - (a) Status Enquiry
 - (b) print-outs related to the services
 - (c) Photography and Scanning of Documents related to e-Services
 - (d) Acknowledgement Receipt
 - (e) Mode of Delivery
 - (f) Any other charges as may be notified by the IT Department.
- iii) The service charge shall not include any duly authorized taxes, charges, dues or any other amounts due in respect of a service payable by any person to the Government that are otherwise payable under the respective Act, Rule, Regulation or Order of the Government when making an application to the concerned Department.

11. Taxes or Fees to be collected by service provider:-

- i) Any fee or duly authorized taxes, charges, dues or any other amount due in respect of a service payable by any applicant to the Government that are otherwise payable under the respective Act, Rule, Regulation or Order of the Government when making an application to the concerned competent authority, shall also be collected by the authorized service provider or the authorized agent including those payments that are ordinarily required to be made in the form of court fee stamps or to the state treasury.
- ii) The fee collected as above by the authorized service provider or the authorized agent shall be remitted, in its entirety to the Government treasury in the concerned Head of Account or to the concerned Government agency /body, by the Directorate without any additional charges.

12. Remittance of service charge by the service provider:-

The service charge as determined under sub-Rule (iii) of Rule 4 and the apportioned shares thereof shall be remitted to the concerned Administrative Departments, Authorized Service Providers and Agencies as stipulated by the Government from time to time.

13. Presumption with regard to service charge paid to service provider and other conditions of obtaining e-Services:-

- i) Where any applicant pays a service charge to an authorized service provider or an authorized agent in respect of any notified e-service, the print-out or the electronic prompt acknowledging the payment in the relevant form and manner as may be determined by the Government and provided to such applicant by the authorized service provider or authorized agent shall normally be taken as proof of such and it shall be presumed that in normal circumstances, the dues or claims, for which the acknowledgement is purportedly issued, have been satisfied to that extent.
- ii) The payment of service charges to the authorized service provider or authorized agent is a payment determined by the Government towards recovery of the expenses incurred including operational costs by the authorized service provider and its authorized agents for delivery of public services to the applicant, and thus in no way should it be construed as, creation and conferment of right or title, temporary or permanent in nature in favour of the applicant concerned regarding obtaining the notified e-services.

14. Receipt or payment of taxes, fees and statutory charges by or in favour of Government adopting the system of Electronic Service Delivery:-

The receipt or payment of taxes, fees, statutory charges, etc. by or in favour of Government adopting the system of Electronic Service Delivery shall be deemed to be a receipt or payment effected in compliance with the Financial Code and Treasury Code of the Government.

15. Filing of form, application or any other document:-

Any form, application or any other document referred to in clause (a) of sub-section (1) of section 6 of the Act may be filed with any office, authority, body, agency or authorized service provider authorized by the Government using the application software with the following features of the electronic record, namely:

- (a) Life time;
- (b) Preservability;
- (c) Accessibility;
- (d) Readability;
- (e) Comprehensibility in respect of linked information;
- (f) Evidentiary value in terms of authenticity and integrity;
- (g) Controlled destructibility; and
- (h) Augmentability

16. Issue or grant of any license, permit, sanction or approval:-

- (i) Any license, permit, sanction or approval referred to in clause (b) of sub-section (1) of section 6 of the Act may be issued or granted by using the application software specified under Rule 15.

(ii) The license, permit, certificate, sanction or approval so issued shall be in the form prescribed in the respective Act, Rule, Regulation or Order and shall contain the name and designation of the signing authority who had electronically signed and approved the electronic record along with the date and time of creation of such record.

17. Creation of repository of electronically signed records:-

i) The Department/s or its agencies in consultation with the IT Department, may as soon as can be, after the coming into effect of these Rules create, establish and maintain a repository and database of electronically signed records together with the associated application software and work-flow to enable authorized service providers or authorized agents to access such licenses, permits, certificates, sanctions or approvals as the case may be and deliver them to the users. The central repository at the designated place shall be maintained by the IT Department.

ii) The relevant security procedures, as specified by the IT Department, shall be followed by Department, in respect of the electronic data, information, applications, repository of electronically signed records and information technology assets under their respective control.

18. Procedure for making changes in a repository of electronically signed records:-

(i) Any Competent authority or any signing authority, either *suo-motu*, or on an application by an interested party, may make or order to make an appropriate change in a repository of electronically signed records, after following the procedure prescribed in the respective Act, Rule, Regulation or Order.

ii) Any such authority shall have privileges for making or ordering changes only in respect of the electronic records pertaining to its own jurisdiction.

iii) Any change effected to any record in a repository of electronically signed records, and any addition or deletion of a record from such repository of electronic records shall invariably be electronically signed by the respective authority and an electronic audit trail of all such changes shall be maintained.

19. Creation of secure application software for Electronic Service Delivery:-

i) Administrative Departments shall get appropriate application software created using which, the Signing Authorities, shall *electronically* sign the license, permit, certificate, sanction or approvals, and get the same audited by an accredited third party agency, so as to ensure its security, reliability, performance and consistency, before it is deployed.

ii) Every such application software shall, *inter-alia*, possess the capability to assign a unique identification to each license, permit, certificate, sanction or approval. In case of the existing software in use, if the said capability is not available same shall be modified accordingly.

iii) Every Authorized Service Provider shall create its own application software with secure API and webs services for integrating with Government service delivery platform for smooth service delivery, in consultation with the respective Departments, which will enable such Authorized Service Providers to deliver electronic services in accordance with these Rules.

iv) Every such software created either by the Department or Authorized Service Provider shall, *inter alia*, possess the following features and capabilities to:

a) Secure Login of Authorized Agents, as are required to access the application systems, through the use of Digital Signature Certificate or any other Electronic Signature Certificate, Aadhaar number or any other authentication mechanisms as and when available in the state.

(b) Secure access of Authorized Agents, to the repositories of electronically signed electronic records maintained by the Competent Authorities, for printing and delivery of the electronically signed license, permit, certificate, sanction or approvals; and

(c) Assign a unique identification to the voucher or receipt issued by any authorized agent while providing electronic services to the citizens.

v) A designated agency notified by the IT Department shall get such application software audited by a third party agency, as to ensure its security, reliability, performance and consistency, before it is deployed by the Authorized Service Provider and also as and when changes are made in the application software.

20. Delivery of e-Services by the Authorized Service Provider or Authorized Agent:-

(i) On receipt of application for provision of a service, relating to the issue of any license, permit, certificate, sanction or approval and to the receipt or payment of money, the authorized service provider or the authorized agent shall access the respective departmental repository of digitally signed electronic records through their secured software application specified in Rule 19 above, in respect of any license, permit, certificate or approval or the database in respect of any payment or receipt.

ii) The authorized service provider or the authorized agent shall be permitted to have such access only with the use of its electronic signature certificate and/or biometric authentication or otherwise, as may be specified by the Administrative Departments.

iii) The authorized service provider or the authorized agent shall accept the prescribed fees, tax, duty or payment along with the service charge, download the related license, permit, certificate, sanction or approval or the database record relating to any payment or receipt, print the license, permit, certificate, sanction or approval from the repository of electronically signed electronic records, or the payment voucher or receipt from the relevant database, and print the document using the secure application software.

21. Verification of Electronically Signed documents/records:-

i) The Administrative Department shall cause to be created a system (portal/website) of online verification of any license, permit, certificate, sanction, approval or receipt delivered by any Authorized Service Provider/ Authorized Agent/ State Electronic Records Repository.

ii) Any person or authority, desirous of verifying the authenticity of any document or certificate issued under these Rules, may be able to complete the verification by accessing such portal/website or through mobile devices or any other approved technology using the unique identification or any other feature printed on the document sought to be verified.

22. Audit of the Information Systems and Accounts of Authorized Service Provider and Authorized Agents:-

(i) The designated agency notified by the IT Department shall cause an audit to be conducted of the

records and accounts of the authorized service providers and their authorized agents in the State at such intervals as deemed necessary by an agency empaneled as an information security auditing organization.

(ii) Such an audit may cover aspects such as security, confidentiality and privacy of information, the functionality and performance of any application software used in the electronic delivery of services and the accuracy of accounts kept by the authorised service providers and their authorized agents.

(iii) It shall be incumbent on the authorised service provider and their authorized agents to provide such information and assistance to the audit agencies appointed by the designated agency notified by the IT Department to comply with the directions given by the audit agencies and to rectify the defects and deficiencies pointed out by the audit agencies.

23. Use of special stationery in Electronic Service Delivery:-

i) The special stationery if used by the authorised service providers and its agents for delivery of the services shall be prescribed by the IT Department with accompanying security features for forms, applications, licenses, permits, certificates, receipts of payment and such other documents as part of the Electronic Service Delivery.

ii) All certificates, licenses and permits issued electronically shall carry a declaration in the format as may be determined by the Office notified by the IT Department.

24. Power to remove difficulties:-

If any difficulty arises in giving effect to the provision of these Rules, the State Government in the IT Department may, by order, not inconsistent with the provisions of the Act, remove the difficulty.

25. Saving Clause:-

The Authorized Service Provider, the Authorized Service Agents and other parties directly and indirectly associated with the system of electronic service delivery shall be jointly and severally held liable for loss or threatened loss or expense by reason of the liability or potential liability of the parties arising out of any claims for damages on account of electronic service delivery under the Rules and indemnify and hold harmless the Government.

No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under these Rules.

26. Penalty for Contravention of Rules, Committing Fraud and Misinterpretation:-

Whosoever knowingly or intentionally contravenes any provisions of these rules, commits a fraud by fraudulent misuse of the Electronic Service Delivery system and thereby causing wrongful loss to any Government agencies or to the users, makes any misrepresentation of the provision(s) of these rules or stifles any material fact(s) for obtaining any authorization/permission shall be punishable with imprisonment up to twelve months, or with fine which may extend up to Rupees One Lakh, or both.

RAVI CAPOOR,

Addl. Chief Secretary to the Government of Assam,
Information Technology Department.