



ABSTRACT

Information Technology Department – e-Governance – Electronic Delivery of Services in the State – Tamil Nadu Information Technology (Electronic Service Delivery) Rules, 2016 – Notified – Orders – Issued.

INFORMATION TECHNOLOGY (e-Gov.I) DEPARTMENT

G.O.(Ms).No.13

Dated:02.12.2016

துன்முகி, காத்திதை-17
திருவள்ளூர் ஆண்டு-2047

Read:

1. The Information Technology Act, 2000 (No.21 of 2000), dated 09.06.2000.
2. The Information Technology (Amendment) Act, 2008 (No.10 of 2009).

ORDER:

The following notification shall be published in the Tamil Nadu Government Gazette:

NOTIFICATION

In exercise of the powers conferred by Section 90 read with Sections 6 and 6A of the Information Technology Act, 2000 (Central Act 21 of 2000), the Governor of Tamil Nadu hereby makes the following rules:-

RULES

1. Short Title and Commencement:

- (1) These rules may be called the Tamil Nadu Information Technology (Electronic Service Delivery) Rules, 2016.
- (2) They shall extend to the whole of the State of Tamil Nadu.
- (3) They 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) "Act" means the Information Technology Act 2000, (Central Act 21 of 2000);
 - (b) "Authorized Agent" means an agent of the authorized service provider and includes an operator of an electronically enabled kiosk or front office, who is permitted to deliver public services to the users with the help of a

computer resource or any communication device, by following the procedure specified under these rules;

- (c) "Authorized Service Provider" means a body corporate authorized by the Director of Electronic Service Delivery, to establish and manage a system of delivering services electronically, in accordance with these rules. The Authorized Service Provider can also be a Department or Agency of the Government;
- (d) "Body Corporate" means any company or body established under any Law, and includes a firm, sole proprietorship or other association of individuals engaged in commercial or professional activities;
- (e) "Certificate" means a certificate or the certified copies required to be issued by a Statutory 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, Regulations or Order of the Government and includes a certificate in electronic form printed and delivered in such form as may be specified by the Government or such authority authorized to do so;
- (f) "Competent Authority" means a Statutory Authority, empowered under any Act, Rule, Regulation or Order of the Government to issue a certificate or grant of a license, permit, sanction or approval or for authorizing a payment or receipt on behalf of the Government and includes Secretaries to Government, Heads of Government Departments, Boards, Organizations, Bodies, Universities, Local Bodies etc. at the State, District, Sub-District and village levels;
- (g) "Digital Signature Certificate" means the certificate issued under sub-section (4) of Section 35 of the Act;
- (h) "Digitally Signed Database" 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 Digital Signature Certificate;
- (i) "Director of Electronic Service Delivery" means the official of the Government notified as the Director of Electronic Service Delivery;
- (j) "e-Service" means a service as may be specified by notification and delivered electronically to the users;
- (k) "Electronic Service Delivery" means the delivery of public services in the form of receipt of forms and applications, delivery of any 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) "Government" means the Government of Tamil Nadu;
 - (m) "Notification" means a notification published in the Official Gazette;
 - (n) "Official Gazette" means the official gazette of the Government;
 - (o) "Public Service" means any service 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, delivery of any license, permit, certificate, sanction or approval and the receipt or payment of money;
 - (p) "Service Charge" means the amount as may be specified by the Director of Electronic Service Delivery to be payable to the Authorised Service Provider for electronic delivery of services rendered and does not include any duly authorised taxes, charges, dues or any other money 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;
 - (q) "Signing Authority" means an authority empowered under the respective Act, rules, regulations or order of the Government or Competent Authority to issue any license, permit, certificate, sanction or approval;
 - (r) "Specified" means specified by notification in the Official Gazette by the Government or by the Competent Authority or Director of Electronic Service Delivery;
 - (s) "State Electronic Records Repository" means a collection of all electronically signed electronic records, stored and managed in accordance with these rules.
- (2) Words and expressions used and not defined in these rules but defined in the Act shall have the same meanings assigned to them in the Act.

3. System of Electronic Service Delivery:-

- (1) For the purpose of efficient delivery, the Government may authorise one or more Authorised Service Providers to deliver public services through electronically enabled kiosks or any other mechanism for electronic service delivery.

Explanation: It is hereby clarified that the present rules provide for the administration of e-service delivery through Authorised Service Providers and authorized agents whereas other mechanisms of e-service delivery such as State Online Portal, Government departmental outlets and online services provided to the users directly on the web shall be administered in the normal manner by the respective Government departments and agencies.

- (2) The form of application and format of certificate issued under these rules in relation to any e-service shall be such as may be specified by the Government or by the Competent Authority concerned.

4. Use of Digital Signature Certificates for Electronic Service Delivery:-

- (1) It shall be lawful for the Competent Authorities and other Statutory Authorities to deliver public services adopting the system of Electronic Service Delivery with the use of Digital Signature Certificates, in accordance with these rules.
- (2) The nature of the license, permit, certificate, sanction or approval and of the receipt or payment of money, which can be effected under the system of Electronic Service Delivery, shall be such as those specified by the Director of Electronic Service Delivery from time to time.
- (3) Any license, permit, certificate, sanction or approval delivered in accordance with these rules 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.

5. Duty of the Competent Authority to deliver notified public Services, through electronic mode:-

- (1) Every Competent Authority who is a Head of Department shall notify within a period of **one hundred and eighty days** from the coming into force of these rules,-
 - (a) the public services of the department, agency or body which can be delivered through electronic mode;
 - (b) the date by which each such service shall be made available through electronic mode;
 - (c) the manner of delivery of such services and their service levels;
 - (d) the designated officers for delivery of each such service through electronic mode; and, thereafter, review and update these publications every year.
- (2) The Competent Authority shall thereafter, review and update these publications every year or as more frequently as required.
- (3) Notwithstanding anything stated above,
 - (a) all public services of each department, agency or body shall be delivered in electronic mode within 5 years from the coming into force of these Rules.
 - (b) the Competent Authority / the Heads of the Department, while introducing electronic services, shall ensure that convenient assisted access to such electronic services shall also be made available.

6. Notification of Competent and Signing Authorities:-

- (1) All the Departments of the Government shall inform the Director of Electronic Service Delivery, the list of Competent Authorities in respect of different public services and local limits of their respective jurisdictions in the State, and the list of Signing Authorities where they are distinct from the Competent Authorities. The information shall specify the designation and names of the Competent/Signing authorities, the nature of such service, the period of effectiveness of the authority and the extent of jurisdiction.
- (2) The respective Appointing/Controlling Authorities of the Competent Authorities shall inform the Director of Electronic Service Delivery immediately with respect to retirements, transfers, suspensions or terminations from services of employees holding positions of the Competent Authorities.
- (3) The respective Competent Authorities shall inform the Director of Electronic Service Delivery immediately with respect to retirements, transfers, suspensions or terminations from services of employees holding positions of the Signing Authorities.
- (4) The Signing Authorities shall also inform their Competent Authorities immediately with respect to their retirements, transfers, suspensions and terminations.
- (5) The Competent Authorities shall get the changes mentioned in clause (2) implemented in their respective application software.
- (6) The above process should be part of the charge handing over and taking over consequent on such retirements, transfers, suspensions and terminations.
- (7) The Director of Electronic Service Delivery shall publish all such notifications and changes appropriately in the State Portal for the information of general public, the Authorized Service Providers for Electronic Service Delivery and the Authorized Agents.

7. Functions and Powers of Director of Electronic Service Delivery:-

- (1) The Director of Electronic Service Delivery shall discharge the following functions and powers, namely:-
 - (a) to authorise, suspend or terminate the services of the Authorized Service Providers;
 - (b) to determine norms relating to the selection of authorised agents by the Authorised Service Providers;
 - (c) to determine functions, responsibilities and liabilities of Authorised Service Providers and authorised agents;

- (d) to determine norms on the service levels to be complied with by the Authorised Service Providers and authorised agents;
 - (e) to determine service charges to be charged by the Authorised Service Providers and authorised agents for providing e-services;
 - (f) to determine terms and conditions relating to the authorisation, suspension or termination of the services of the Authorised Service Providers and authorised agents;
 - (g) to make alternative arrangements for delivery of e-services, in case of such suspension or termination of services of Authorised Service Providers and authorised agents.
 - (h) to notify Information Technology systems as 'protected systems', within the meaning assigned to the same under the Act, based on the satisfactory results of audit of systems engaged in Electronic Service Delivery.
 - (i) such other powers as may be notified by Government from time to time.
- (2) Director of Electronic Service Delivery may delegate any of his powers to any official of Government of Tamil Nadu or Autonomous Body/Local Body of Government of Tamil Nadu through an Administrative Order.

8. Authorised Service Providers for Electronic Service Delivery:-

- (1) The Director of Electronic Service Delivery may authorize Service providers, suitably qualified, equipped for the purpose and selected by following due process to undertake activities required for delivery of public services electronically.
- (2) The Authorised Service Provider shall provide the notified public services electronically to the users in conformity with these rules, by establishing appropriate delivery infrastructure and a network of authorised agents, as determined by the Director of Electronic Service Delivery.
- (3) The Authorized Service Providers shall be accountable for the efficiency, quality and accuracy of the services provided. The participating departments may, for this purpose, lay down norms on the efficiency, quality and accuracy in provision of their respective services, in the form of service levels.

9. Appointment of Authorised Agents by the Authorised Service Provider:-

- (1) The Authorised Service Provider may appoint such number of Authorised Agents, as may be required, to deliver the services electronically to fulfil the norms of efficiency, quality and accuracy laid down by the Director of Electronic Service Delivery.

- (2) The Authorised Service Provider shall ensure that he as well as all the Authorised Agents obtain Digital Signature Certificates according to their service delivery requirements before they commence operations for delivery of public service electronically.
- (3) The Authorised Service Provider may also impart appropriate training to the authorised agent so as to enable them to acquire the skills required to deliver the electronic services efficiently and in an error-free manner.

10. Commencement of operations by Authorised Service Provider:-

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

- (1) it has confirmed to the Director of Electronic Service Delivery the adoption of procedures and standards specified under these rules; and
- (2) it has installed facilities and infrastructure associated with efficient delivery of electronic services and in an error-free manner.

11. Authorised Service Provider to collect service charge:-

- (1) The application for an e-service submitted by a user to an Authorised Service Provider or an authorised agent shall be accompanied by such service charge as may be determined by the Director of Electronic Service Delivery which is payable in cash/any other acceptable payment mode depending on the feasibility at the service location to the Authorised Service Provider, at the time of making the application.
- (2) The Director of Electronic Service Delivery may determine service charges, receipt format and the mode of payment for e-services by notification. The service charges may be revised once in two years.
- (3) The service charges may be different for different e-services such as,
 - (a) the status enquiry;
 - (b) print-outs related to e-services;
 - (c) the scanning of documents related to e-services;
 - (d) the acknowledgement receipt; and
 - (e) any other e-service.
- (4) The service charge shall not include any duly authorized taxes, charges, dues or any other money 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.
- (5) The Authorized Service Provider/Authorised Agent shall issue a receipt for all payments received.

12. Fee to be collected by Authorised Service Provider:-

- (1) Any fee, or duly authorized taxes, charges, dues or any other money 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, shall also be collected by the Authorised Service Provider or the Authorised Agent as the case may be, except for those payments that are ordinarily required to be made in the form of court fee stamps or treasury challans.
- (2) The fee collected by the Authorised Service Provider or the Authorised Agent shall be remitted with the Government Treasury or the account of the Competent Authority concerned, in its entirety.

13. Apportioning of service charges:-

- (1) Out of the service charge collected by the Authorised Service Provider or the Authorised Agent for an e-service, a percentage of the service charge as may be determined from time to time, may be apportioned to the authorities specified by the Director of Electronic Service Delivery.
- (2) Such apportioned share due to such authorities shall be remitted by the Authorised Service Provider or Authorised Agent to the account of such Authority following the procedure as may be specified by the Director of Electronic Service Delivery.

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

- (1) Where any person pays a service charge to an Authorised Service Provider or an Authorised 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 Director of Electronic Service Delivery and provided to such person by the Authorised Service Provider or Authorised Agent shall normally be taken as proof of such payment 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.
- (2) The payment of service charges to the Authorised Service Provider or the Authorised Agent shall by no means create any right or title, temporary or permanent in nature in favour of a person concerned regarding obtaining the notified e-services.
- (3) Mere payment shall not necessarily ensure the delivery of services, if all conditions associated with delivery of the service are not met fully at the time of making payment to the Authorised Service Provider or the Authorised Agent.

15. Receipt or payment of money by or in favour of Government adopting the system of Electronic Service Delivery:-

The receipt or payment of money 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.

16. 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 Authorised Service Provider authorised by the Government of Tamil Nadu using the application software specified by the Competent Authority or Government.

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

- (1) 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 mentioned under rule 16.
- (2) 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 digitally signed and approved the electronic record along with the date and time of creation of such record.

18. Creation of repository of digitally signed electronic records:-

- (1) The Competent Authority may, as soon as, after the coming into effect of these rules create, establish and maintain a repository and database of digitally signed electronic records together with the associated application software and workflow to enable Authorised Service Provider or the Authorised Agents to access such licenses, permits, certificates, sanctions or approvals, as the case may be, and deliver them to the user. For such purpose, Head of the Department controlling several Statutory Authorities or Government Authorities may establish and maintain a centralized application and a repository of digitally signed electronic records.
- (2) The prescribed security procedures, as defined in the Act shall be followed by the Head of the Department and the Government Authorities, Statutory Authorities and Competent Authorities, in respect of the electronic data, information, applications, repository of digitally signed electronic records and Information Technology assets under their respective control.

19. Procedure for making changes in a repository of digitally signed electronic records:-

- (1) 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 digitally signed electronic records, after following the procedure prescribed in the respective Act, rule, regulation or order.
- (2) Any such authority shall have privileges for making or ordering changes only in respect of the electronic records pertaining to its own jurisdiction.
- (3) Any change effected to any record in a repository of digitally signed electronic records, and any addition or deletion of a record from such repository of electronic records shall invariably be digitally signed by the respective authority and an electronic audit trail of all such changes shall be maintained.

20. Creation of secured application software for Electronic Service Delivery:-

- (1) The Competent Authority shall get appropriate application software created, using which, the Signing Authorities, shall digitally sign the license, permit, certificate, sanction or approvals, and get the same audited by a third party agency, so as to ensure its security, reliability, performance and consistency, before it is deployed.
- (2) Every such application software created either by the Competent Authority or the Authorised Service Provider shall, *inter-alia*, possess the following features and capabilities, namely:-
 - (a) Secure Login of Authorized Agents and other employees of the Authorized Service Provider, as required to access the application system, through proper authorization and authentication process.
 - (b) Secure access of Authorised Agents, to the repositories of digitally signed electronic records maintained by the Competent Authorities, for printing and delivery of the digitally signed license, permit, certificate, sanction or approvals; and
 - (c) Assigning of a unique identification to each license, permit, certificate, sanction or approval and to the voucher or receipt issued by any authorized agent while providing electronic services to the citizens.
- (3) The Competent Authority or Authorised Service Provider, shall, while developing such software, take into account the following features and capabilities 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.
- (4) The Competent Authority shall get such application software audited by a third party agency, so as to ensure its security, reliability, performance and consistency, before it is deployed and also as and when changes are made in the application software.

21. Delivery of e-Services by the Authorised Service Provider or Authorised Agent:-

- (1) On a request made by a user 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 Authorised Service Provider or the Authorised Agent shall access the respective departmental repository of digitally signed electronic records through their secured application Software specified in rule 20, in respect of any license, permit, certificate or approval or the database in respect of any payment or receipt.
- (2) The Authorised Service Provider or Authorized Agent shall be permitted to have such access only with proper authorization and authentication processes of the application system.
- (3) The Authorised Service Provider or Authorized Agent shall accept the specified 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 digitally signed electronic records, or the payment voucher or receipt from the relevant database, and print the document using the secure application software.

22. Verification of Digitally Signed documents:-

- (1) The Competent Authorities or the Departments for a group of Competent Authorities shall cause to be created a system (portal/website) of online verification of any license, permit, certificate, sanction, approval or receipt delivered by any Authorised Service Provider or the Authorised Agent or the State Electronic Records Repository.
- (2) Any person or authority, desirous of verifying the authenticity of any document or certificate issued under these rules, may access such portal or the website using the unique identification printed on the document sought to be verified.
- (3) Similar authorities should maintain a single database of digitally signed records.

23. Audit of the Information Systems and Accounts of Authorised Service Provider and Authorised Agents:-

- (1) The Director of Electronic Service Delivery shall cause an audit to be conducted on the records and accounts of the Authorised Service Providers and their Authorised Agents in the State at such intervals as deemed necessary by an agency empaneled as an information security auditing organization.
- (2) The audit referred to in sub-rule (1) 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 Authorised Agents.
- (3) It shall be incumbent on the Authorised Service Provider and their Authorised Agents to provide such information and assistance to the audit agencies appointed by the Director of Electronic Service Delivery to comply with the directions given by the audit agencies and to rectify the defects and deficiencies pointed out by the audit agencies.

24. Guidelines to the participating Departments to create a secured application for processing the requests:-

The Powers are vested with Director of Electronic Service Delivery to issue regulations consistent with the Act, and any rules made there under, by the Central or State Government, to carry out the purposes of these rules, which may include the following aspects:-

- (a) The manner of creating, establishing and maintaining the repository of digitally signed electronic records specified in chapter 4 of the Act;
- (b) The manner of encrypting sensitive electronic records requiring confidentiality, while they are digitally signed;
- (c) The manner of implementing the security guidelines, including the requirements for the storage and management of cryptographic keys, restrictions for downloading the certificates onto browsers and of complying with the requirements of Competent Authorities;
- (d) The requirements for maintaining audit trails of all changes made to digitally signed databases, specified in rule 19;
- (e) The manner of digitally signing the event of deletion of a record from the repository of digitally signed electronic records,;
- (f) The manner of provisioning secure access to the repository of digitally signed electronic records.
- (g) The manner of storage and management of the Digital Signature Certificates of the Authorized Agents.

- (h) The norms on the service levels to be complied with by the Authorized Agency.
- (i) The format or formats of the documents and declarations referred to therein.
- (j) Procedure for online verification of transactions, envisaged in rule 22.

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

- (1) Special stationery, if required to be used by the Authorised Service Providers and their agents for delivery of the services, shall be determined by the Director of Electronic Service Delivery in consultation with respective 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.
- (2) The certificates, licenses and permits shall carry such declaration in such format as may be determined by the Director of Electronic Service Delivery.

26. Prevalence of rules:-

If any notification/order is issued by a Competent Authority with the concurrence of Secretary to Government, Information Technology Department under these rules, then the said notification/order will prevail, and any other notification/order of that Competent Authority shall be void to the extent of repugnancy vis-à-vis the notification/order issued with the concurrence of the Secretary to Government, Information Technology Department.

27. Appeal:-

An appeal against the order of any authority/official mentioned in the rules may be preferred before the next higher authority of Government of Tamil Nadu within thirty days of the issuance of that order.

28. Residuary Powers:-

The Secretary to Government, Information Technology Department shall have the powers to make such orders and provisions for the harmonious interpretation and effective implementation of these rules.

(BY ORDER OF THE GOVERNOR)

T.K.RAMACHANDRAN,
Principal Secretary to Government

To

The Secretary to Government of India,
Ministry of Communications and Information Technology,
Department of Electronics and Information Technology (DeitY),
Electronics Niketan, No.6, C.G.O.Complex, New Delhi-110003.

The Director of e-Governance & Chief Executive Officer,
Tamil Nadu e-Governance Agency, Alwarpet, Chennai- 600 018.
The Managing Director, ELCOT, Nandanam, Chennai-600 035.
The Managing Director,
Tamil Nadu Arasu Cable TV Corporation Limited, Chennai-600 008.
The Director, Tamil Virtual Academy, Chennai-600 025.
All Departments of Secretariat, Chennai- 600 009.
The State Informatics Officer, National Informatics Centre, Chennai- 600 090.
The Accountant General, Chennai-600 009/18(3 copies).
The Pay and Accounts Officer (South), Chennai-600 035.
The Pay and Accounts Officer, Secretariat, Chennai-600 009.
O/o. Principal Accountant General, Chennai-600 009.
The Works Manager, Government Central Press, Chennai-79.
(to publish it in the Government Gazette)
The Resident Audit Officer, Secretariat, Chennai-9.

Copy to :

The Chief Minister's Office, Secretariat, Chennai-600 009.
The Senior Private Secretary to Chief Secretary to Government,
Secretariat, Chennai-600 009.
The Senior Principal Private Secretary to Principal Secretary to Government,
Information Technology Department, Secretariat, Chennai-600 009.
The Senior Private Secretary to Principal Secretary to Government,
Finance Department, Secretariat, Chennai-600 009.
The Senior Private Secretary to Secretary to Government,
Personnel and Administrative Reforms Department,
Secretariat, Chennai-600 009.
The Senior Private Secretary to Secretary to Government,
Law Department, Secretariat, Chennai-600 009.
The Senior Personal Assistant to Hon'ble Minister for Finance and
Personnel and Administrative Reforms, Chennai-600 009.
The Senior Personal Assistant to Hon'ble Minister for Information Technology,
Secretariat, Chennai-600 009.
The Senior Personal Assistant to Hon'ble Minister for Law,
Secretariat, Chennai-600 009.
The Content Creator (CMS), Information Technology Department,
Secretariat, Chennai-600 009 (for hosting the G.O. in Government Website)
SF/SC.

//Forwarded By Order//


Section Officer. 2/12/2016
V.R.
2/12/16