

# **U.P. Information Technology (Electronic Service Delivery) Rules, 2016**

UTTAR PRADESH

India

## **U.P. Information Technology (Electronic Service Delivery) Rules, 2016**

### **Rule**

### **U-P-INFORMATION-TECHNOLOGY-ELECTRONIC-SERVICE-DELIVERY of 2016**

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U.P. Information Technology (Electronic Service Delivery) Rules, 2016Published vide Notification No. 1386/78-2-2016-162 I.T./2012, dated September 15, 2016, published in the U.P. Gazette, Part 1-Ka, dated 29th October, 2016, pp. 1656-1662 No. 44In exercise of the powers conferred under Section 90 read with Sections 6 and 6-A of the Information Technology Act, 2000, the Governor is pleased to make the following rules:

#### **1. Short title and commencement.**

(1)These rules may be called the Uttar Pradesh Information Technology (Electronic Service Delivery) Rules, 2016.(2)They shall come into force with effect from the date of their publication in the Gazette.

#### **2. Definitions.**

(1)In these rules, unless the context otherwise requires -(a)"Act" means the Information Technology Act, 2000;(b)"Authorised Agent" means an agent of the Authorised 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)"Authorised Service Provider" means an agency including a body corporate or an Agency of the Government, authorised by the Director of Electronic Service Delivery, to establish and manage a system of delivering services electronically, in accordance with these rules;(d)"Body Corporate" means any company and includes a firm, sole proprietorship or

other association of individuals engaged in commercial or professional activities;(e)"Certificate" means a certificate required to be issued by an authority empowered under the respective Act, rules, regulation or order of the Government to issue a certificate to confirm the status, right or responsibility of a person, either 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 delivered by an Authorised Service Provider with electronic signature on such stationery as may be determined by the Director of Electronic Service Delivery;(f)"Competent Authority" means Secretaries to the Government, the Head of every Department of the State Government and the Heads of Government Organisations and Government Bodies, as notified by the State Government from time to time;(g)"Director of Electronic Service Delivery" means the official of the Government notified as the Director of Electronic Service Delivery:Provided that unless otherwise notified by the Government, Additional Chief Executive Officer of the Centre for e-Governance shall be ex officio Director of Electronic Service Delivery.(h)"e-service" means a service as may be specified by notification and delivered electronically to the users;(i)"Electronic Service Delivery" means the delivery of public services in the form of receipt of forms and applications, delivery of any licence, permit, certificate, sanction or approval and the receipt of payment of money by electronic means or any other such public service rendered by following the procedure specified under these rules;(j)"Gazette" means the Official Gazette of the Government of Uttar Pradesh;(k)"Government" means the State Government of Uttar Pradesh;(l)"Notification" means a notification published in the Gazette;(m)"Public Service" means any service provided by the Government either through its Competent Authorities or any of its agencies either directly or through any authorised service provider, which shall include, inter alia, the receipt of forms and applications, delivery of any licence, permit certificate, sanction or approval and the receipt of payment of money;(n)"Service Charge" means the amount as may be specified by the Government 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 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;(o)"Signing Authority" means an authority empowered under the respective act, rules, regulations or order of the Government to issue any licence, permit, certificate sanction or approval;(p)"Specified" means specified by notification in the Gazette by the Government of Uttar Pradesh;(q)"State Electronic Records Repository" means an electronic repository of all electronically signed records, maintained by Competent Authorities, for the purpose of accessing such records and delivering them to the citizens.(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 an Authorised Service Provider 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 provided for the administration of e-service delivery through Authorised Service Providers and Authorised Agents whereas other mechanisms of e-service delivery such as State Online Portal. Government departmental outlets and online services provided to the uses directly on the web shall be

administered in the normal manner by the respective Government departments and agencies as may be directed by the Government in this regard.(2)The form of application and the format of certificate issued under these rules in relation to any e-service shall be such as may be by order specified by the Government.

#### **4. Duty of the Competent Authority to notify the list of public services to be delivered through electronic mode.**

(1)Every Competent Authority 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)lay down norms for efficiency, quality and accuracy in the form of service levels; and(d)the designated officers for delivery of each such service through electronic mode.(2)The Competent Authority shall thereafter, review and update these publications every year or as frequently as required.

#### **5. Notification of signing authorities.**

(1)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.(2)The Competent Authorities shall inform the Director of Electronic Service Delivery immediately with respect to retirements, transfers, suspensions or termination from services, of employees holding positions of signing authorities.(3)The signing authorities shall also inform their Competent Authorities immediately with respect to their retirements, transfers, suspensions and terminations and the Competent Authorities shall get the changes mentioned in sub-rule (2) implemented in their respective application software.

#### **6. Functions and Powers of Director of Electronic Service Delivery.**

- The Director of Electronic Service Delivery shall discharge the following functions and have powers, namely -(a)to authorise, suspend or terminate the services of the Authorised 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; and(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.

## **7. Authorised Service Providers for Electronic Service Delivery.**

- An 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.

## **8. Appointment of Authorised Agents by the Authorised Service Provider.**

(1)The Authorised Service Provider may appoint such number or Authorised Agents, as may be required to deliver the services electronically to fulfill the norms of efficiency, quality and accuracy laid down by the Competent Authority.(2)The Authorised Service Provider shall ensure that he as well as all the Authorised Agents obtain Digital Signatures Certificates before they commence operations for delivery of public service electronically.(3)The Authorised Service Provider may also impart appropriate training to the Authorised Agent to impart them the skills required to deliver the electronic services efficiently and in an error-free manner.

## **9. Commencement operations by Authorised Service Provider.**

- The Authorised Service Provider shall commence its commercial operation for Electronic Service Delivery only after -(a)he has confirmed in writing or through e-mail duly signed by digital signature to the Director of Electronic Service Delivery with respect to the adoption of procedures and standards specified under these rules; and(b)he 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 Director of Electronic Service Delivery and confirm the same in writing or through e-mail duly signed by digital signature to the Director of Electronic Service Delivery.

## **10. 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 to the Authorised Service Provider, at the time of making the application.(2)The Director of Electronic Service Delivery may determine service charges by notification for e-services.(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-service;(d)the acknowledgement receipt; and(e)any other service.(4)The service charge shall 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.

## **11. Fee to be collected by Service Provider.**

(1) Any fee or 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, may 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 subject to provision of sub-rule (2) of Rule 12 below in such manner as may be determined by the Director of Electronic Service Delivery by the Authorised Service Provider or the Authorised Agent as the case may be in its entirety.

## **12. Remittance of service charge and fee by the Service Provider.**

(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 so received, may be apportioned to the 'Centre for e-Governance' and to any other Society, Body and Government Department, etc. having substantial stake therein, as may be determined from time to time by the Director of Electronic Service Delivery. (2) The share of the Government out of the service charge collected under sub-rule (1) shall be remitted by the Authorised Service Provider or Authorised Agent to Government Treasury.

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

(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 does 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.

## **14. 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.

## **15. Filing of form, application or any other document.**

(1) 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 using the application software specified by it. (2) The office, authority, agency or Authorised Service Provider referred to in sub-rule (1) shall, while developing such software, take into account 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/Scalability/Compatibility.

## **16. Issue or grant of any licence, permit, sanction or approval.**

(1) Any licence, 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. (2) The licence, 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.

## **17. Creation of repository of digitally signed electronic records.**

(1) The Competent Authorities 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 work flow to enable Authorised Service Providers or the Authorised Agents to access such licences, permits, certificates, sanctions or approvals, as the case may be, and deliver them to the user. (2) The relevant security procedures, as specified by the Government, shall be followed by such Competent Authorities, in respect of the electronic data, information, applications, repository of digitally signed electronic records and information technology assets under their respective control.

## **18. 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.

## **19. Creation of secure application software for Electronic Service Delivery.**

(1)The Competent Authorities shall get appropriate application software created, using which, the Signing Authorities, shall digitally sign the licence, 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 shall, inter alia, possess the capability to assign a unique identification to each licence, permit, certificate, sanction or approval.(3)Every Authorised Service Provider shall create its own application software in consultation with the respective Competent Authorities, which shall enable such Authorised Service Providers to deliver electronic services in accordance with these rules.(4)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 Authorised Agents, as are required to access the application system, through use of Digital Signature Certificates;(b)secure assess of Authorised Agents, to the repositories of digitally signed electronic records maintained by the Competent Authorities, for printing and delivery of the digitally signed licence, permit, certificate, sanction or approvals; and(c)assign a unique identification to the voucher or receipt issued by any Authorised Agent while providing electronic services to the citizens.(5)The Director of Electronic Service Delivery 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 Authorised Service Provider and also as and when changes are made in the application software.

## **20. Delivery of e-services by the Authorised Service Provider or Authorised Agent.**

(1)On a request made by user for provision of a service, relating to the issue of any licence, 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 specified in Rule 19, in respect of any licence, permit, certificate or approval or the database in respect of any payment or receipt.(2)The Authorised Service Provider or the Authorised Agent shall be permitted to have such access only with the use of its digital signature certificate.(3)The Authorised Service Provider or the Authorised Agent shall accept the specified fees, tax, duty or payment along with the service charge, download the related licence, permit, certificate, sanction or approval or the database record relating to any payment or receipt print the licence, 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 and the secure Stationery.

## **21. Verification of Digitally Signed documents.**

(1)The Competent Authorities shall cause to be created a system (portal/website) of online

verification of any licence, 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.

## **22. Audit of the Information Systems and Accounts of Authorised Service Provider and Authorised Agents.**

(1)The Director of Electronic Service Delivery shall cause audit to be conducted of 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 empanelled as an information security auditing organisation.(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.

## **23. Use of Special Stationery in Electronic Service Delivery.**

(1)The special stationery used by the Authorised Service Providers and its agents for delivery of the services shall be determined by the Director of Electronic Service Delivery with accompanying security features for forms, applications, licences, permits, certificates, receipts of payment and such other documents as part of the Electronic Service Delivery.(2)The certificates, licences and permits shall carry a declaration in the format as may be determined by the Director of Electronic Service Delivery.