

Andhra Pradesh Information Technology (Electronic Service Delivery) Rules, 2011

ANDHRA PRADESH

India

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Rule

ANDHRA-PRADESH-INFORMATION-TECHNOLOGY-ELECTRONIC-SERVICE-DELIVERY-RULES-2011

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Andhra Pradesh Information Technology (Electronic Service Delivery) Rules, 2011Published vide Notification No. G.O. Ms. No. 10, Information Technology & Communication (Infrastructure), Dated 18.10.2011Last Updated 10th September, 2019No. G.O. Ms. No. 10. - In exercise of the powers conferred by sub-section (1) of section 90 of the Information Technology Act, 2000 (Act 21 of 2000), the Government of Andhra Pradesh hereby makes the following rules - The Andhra Pradesh Information Technology (Electronic Service Delivery) Rules, 2011.

1. Short Title, Extent and Commencement.

(a)These rules may be called the Andhra Pradesh Information Technology (Electronic Service Delivery) Rules, 2011.(b)They shall extend to the whole of the State of Andhra Pradesh.(c)They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.

- In these Rules, unless the context otherwise requires, -(a)"Act" means the Information Technology Act 2000 (Act 21 of 2000) ;(b)"Authorized Agent" means an operator of an electronically enabled kiosk, who is permitted under these rules, either by the Government or by the Authorized Service Provider to deliver public services to the users with the help of a computer resource, following the procedures prescribed herein ;(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 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, 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 special stationery as may be prescribed by the respective departments ;(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 ;(g)"Digital Signature Certificate" means the certificate issued under subsection (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)"Electronic Service Delivery" means the delivery of public services in the form of receipt of forms and applications, issue or grant of any license, permit, certificate, sanction or approval and the receipt or payment of money by electronic means following the procedure prescribed hereunder ;(k)"Kiosk Operator" means the individual identified and retained by the Authorized Service Provider or the Government as Authorized Agent ;(l)"Public Service" means any service provided by the Government 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 or grant of any license, permit, certificate, sanction or approval and the receipt or payment of money ;(m)"State Electronic Records Repository" within the Information Technology & Communications department is an electronic repository of the Departments Digitally Signed Records for the purpose of accessing such certificates at a centralized/ decentralized locations and printing and delivering them to the Citizens through courier or by post.

3. Use of Digital Signature Certificates for Electronic Service Delivery.

(a)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.(b)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 notified by the Director of Electronic Service Delivery from time to time.(c)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.(d)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.

4. Duty of the Government to deliver all public Services through electronic mode.

(1) Every Competent Authority/ the Heads of the Department shall publish as prescribed within one hundred and eighty days from the coming into force of these Rules: -(a) The public services of the department, agency or body which are to 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) 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.

5. Constitution and Powers of Director of Electronic Service Delivery.

(a) The Government of Andhra Pradesh has laid out a clear vision to create a knowledge society by using Information Technology in all aspects of development and governance. Pioneering efforts are being made to reach the benefits of Information Technology to the citizens - urban and rural, rich and poor, literate and illiterate and has created eSeva (Electronically Deliverable Services) to provide Citizen Services. (b) The Director of Electronic Service Delivery shall have the powers specified in these rules, including the power to grant, suspend or revoke authorization to the Authorized Service Providers, notification of Information Technology systems as 'protected systems', within the meaning assigned to the same under the Act, basing on the satisfactory results of audit of systems engaged in Electronic Service Delivery, and such other powers as the Government may notify from time to time. (c) It shall be the responsibility of the Director of Electronic Service Delivery to ensure that the system of Electronic Service Delivery, specified under these rules functions efficiently and effectively for the benefit of the users.

6. Notification of Competent Authorities.

(a) All the departments of the Government shall inform 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. The information shall specify the nature of such service, the names of the competent authorities, the period of effectiveness of the authority and the extent of jurisdiction. (b) It shall be the responsibility of the respective appointing/controlling authorities of Competent Authorities to inform the Director of Electronic Service Delivery immediately with respect to retirements, transfers, suspensions or termination from services of employees holding positions of Competent Authorities and also shall get these changes implemented in their respective software applications through their technology partners. The above process should be part of charge handing over and taking over consequent on such retirements, transfers, suspensions or termination from services of employees. (c) 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. Authorized Service Providers for Electronic Service Delivery.

(a)The Director of Electronic Service Delivery may authorize body corporates suitably qualified, equipped for the purpose and selected through the specified process to undertake activities required for delivery of public services electronically.(b)It shall be the responsibility of the Authorized Service Provider to provide the notified services electronically to the users in conformity with these rules, by establishing the required delivery infrastructure and a network of Authorized Agents.(c)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.

8. Suspension and Revocation of Authorization by Director of Electronic Service Delivery.

(a)The Director of Electronic Service Delivery may, if he is satisfied after making such enquiry, as he may think, that the Authorized Service Provider or any authorized Agent appointed by such Authorized Service Provider has made a statement in, or relation to, the application for the issue or renewal of the authorization, which is incorrect or false in material particulars; failed to comply with the terms and conditions subject to which the authorization was granted; failed to maintain the procedures and standards under this Act, any rule, regulation or order made thereunder, revoke the authorization of such Authorized Service Provider.(b)The Director of Electronic Service Delivery may not revoke the operation of an authorization unless the Authorized Service Provider has been given a reasonable opportunity of showing cause against the proposed revocation.(c)The Director of Electronic Service Delivery may, if he has reasonable cause to believe that there is any ground for revoking a authorization under sub-rule (a), by order suspend such authorization pending the completion of any inquiry ordered by him; Provided that no authorization shall be suspended for a period exceeding ten days unless a notice of 15 days is given to the Authorized Service Provider by the Director of Electronic Service Delivery, explaining the circumstances necessitating the revocation of the authorization, examine the explanation, if any, submitted by the Authorized Service Provider in response to such a notice, before coming to a conclusion to revoke the authorization.(d)As soon as may be after an authorization is revoked, the Director of Electronic Service Delivery shall make alternative arrangements for delivery of services electronically, to the extent they are adversely impacted by such revocation.(e)No Authorized Service Provider whose authorization has been suspended or any Authorized Agent appointed by such Authorized Service Provider shall provide any notified services electronically to the users in conformity with these rules, during such suspension. Where the authorization of a Authorized Agent is suspended or revoked, the Director of Electronic Service Delivery shall publish notices of such suspension or revocation, as the case may be, in the State Portal.

9. Commencement of Operation by Authorized Service Provider.

- The Authorized Service Provider shall commence its commercial operation for Electronic Service Delivery (ESD) only after -(a)It has confirmed to the Director of Electronic Service Delivery the adoption of procedures and standard specified under these rules; and(b)It has installed facilities and infrastructure associated with efficient delivery of electronic services and in an error-free manner.

10. Requirements prior to Cessation as Authorized Agency.

- Before ceasing to act as an Authorized Service Provider, such an Authorized Service Provider shall, give notice to the Director of Electronic Service Delivery of its intention to cease acting as an Authorized Service Provider:Provided that(a)the notice shall be made ninety days before ceasing to act as Authorized Service Provider or ninety days before the date of expiry of authorization;(b)Advertise sixty days before the expiry of authorization or ceasing to act as a Authorized Service Provider, as the case may be, the intention in such daily newspaper or newspapers and in such manner as the Director of Electronic Service Delivery may determine;(c)The notice shall be sent to the Director of Electronic Service Delivery and affected Authorized Agents by digitally signed email;(d)Make a reasonable effort to ensure that discontinuing its certification services, causes minimal disruption to its Authorized Agents and users.

11. Appointment of Authorized Agents by the Authorized Service Provider.

(a)The Authorized Service Provider may appoint such number of Authorized Agents, as may be needed to deliver the services electronically in a manner convenient to the users, and in any case, in a number calculated as per the norms prescribed by the Director of Electronic Service Delivery in this regard.(b)Selection Criteria of Authorized Agent by Authorized Service Provider: Following stipulations are made for selection of Authorized Agents by Authorized Service Provider -(i)The Authorized Agent should be a village youth of same village or neighboring village to the extent possible.(ii)Essential minimum education qualification of the Authorized Agent should be a 10th pass from any recognized board.(iii)The Authorized Agent should be fluent in speaking, reading and writing the local dialect as well as have base level knowledge of English language.(iv)The Authorized Agent should preferably have a certificate from any computer institute showing that he/she knows the basic operations of the computer and usage of standard applications. Otherwise the Authorized Service Provider should make arrangements for the selected Authorized Agent to be trained in Basic Computer operations/ usage.(v)The Authorized Agent should undergo a behavioral as well as assessment test for Information Technology, Telugu and English language skills.(c)The Authorized Service Provider shall ensure that all the Authorized Agents obtain Digital Signature Certificates before they are permitted to deliver any public service electronically.(d)The Authorized Service Provider may also impart appropriate training to the Authorized Agent to impart them the skills required to deliver the electronic services efficiently and in an error-free manner.(e)The Model Terms and Conditions for appointment of Authorized Agents is at Annexure I and the Declaration to be signed by the Authorized Agent for Delivering the Electronic Services is at Annexure II.

12. Creation of repository of digitally signed electronic records by Government Authorities.

(a) All Government Authorities, Statutory Authorities or Certificate Issuing Authorities, empowered by any Act, Rule, Regulation or order of the Government, to issue any license, permit, certificate, sanction or approval, may, as soon as can be, 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 software applications and work-flow to enable electronic delivery of such licenses, permits, certificates, sanctions or approvals as the case may be. 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. (b) The prescribed security procedures, as defined in the Information Technology Act 2000, 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.

13. Procedure for making changes in a repository of digitally signed electronic records.

(a) Any Statutory Authority, Government Authority or Competent Authority, either suo moto, 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 relevant Act, Rule, Regulation or Order. (b) Any such authority shall have privileges for making or ordering changes only in respect of the electronic records pertaining to their own jurisdiction. (c) 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.

14. Creation of secure application software for Electronic Service Delivery.

(a) All the Departments of the Government participating in the scheme of Electronic Service Delivery, shall get appropriate software applications created, using which, the Statutory Authority, Government Authority or Competent Authority, digitally signs 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. (b) Every Authorised Service Provider shall create its own application software in consultation with the respective departments, which will enable such Authorized Service Providers to deliver electronic services in accordance with these rules. (c) Such application software shall, inter alia, possess the following features and capabilities: (i) Secure Login of Authorized Agents and other employees of the Authorized Agency, as are required to access the application system, through use of Digital Signature Certificates; (ii) Secure access of Authorized Agents, to the repositories of digitally signed electronic records maintained by the Government Authorities, Statutory Authorities and Competent Authorities, for printing and delivery of the digitally signed license, permit, certificate, sanction or approvals; (iii) 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;.(d)The application software shall comply with the requirement of the Information Technology (use of Electronic Records and Digital Signatures) Rules 2004. The Director of Electronic Service Delivery shall get such software application audited by a third party agency, as to its security, reliability, performance and consistency, before it is deployed by the Authorized Agency.

15. Delivery of Electronic Services by the Authorized Agent / Authorized Service Provider/ Director of State Electronic Records Repository.

(a)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 Authorized Agent shall access the respective departmental repository of digitally signed electronic records through their secured application specified in Rule 14 above, in respect of any license, permit, certificate or approval or the database in respect of any payment or receipt.(b)The Authorized Agent shall be permitted to have such access only with the use of his or her digital signature certificate.(c)The Authorized Agent shall accept the prescribed fees, tax, duty, payment along with the applicable 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.(d)The document relating to any license, permit, certificate, sanction or approval shall consist of the following information(i)The license, permit, certificate, sanction or approval in the form prescribed in the relevant Act, Rule, Regulation or Order;(ii)The name and designation of the Competent Authority, Statutory Authority or Government Authority who had digitally signed the electronic record along with the date and time of creation of such record;(iii)A declaration automatically generated in the name and designation of the current incumbent of the office of Competent Authority, Statutory Authority or Government Authority, to the effect that the electronic record was preserved from the time it was originally signed digitally till date, adopting the prescribed security procedure;(e)The Authorized Agent shall issue a printed receipt for all payments received.

16. Verification of Digitally Signed documents.

(a)The respective participating department shall cause to be created a system (portal/website) of online verification of any license, permit, certificate, sanction, approval or receipt in a particular manner delivered by any Authorized Agent/ State Electronic Records Repository in the course of the delivery of any notified electronic service.(b)Any person or authority, desirous of verifying the authenticity of any document or certificate issued under these rules, may access such portal/website using the unique number printed on the document sought to be verified.

17. Audit of the Information Systems and Accounts of Authorized Service Provider.

(a)The Director of Electronic Service Delivery may cause an audit to be conducted of the records and accounts of the Authorized Agencies in the State, at such intervals as deemed necessary by an agency empanelled as an information security auditing organization.(b)Such an audit may cover aspects such as the security, confidentiality and the privacy of information, the functionality and performance of any software application used in the Electronic Service Delivery and the accuracy of accounts kept by the Authorized Agencies.(c)It shall be incumbent on the Authorized Agencies to provide such information and assistance to the audit agencies, to comply with the directions given by the audit agencies and to rectify the defects and deficiencies pointed out by the audit agencies.

18. Use of Special Stationery in Electronic Service Delivery.

- The special stationery used for delivery of the services shall be prescribed by the respective departments. The Authorized Agencies shall use the said special stationery for delivering the services.

19. Penalty for contravention of Rules.

- Whoever knowingly or intentionally contravenes any provisions of these rules, for the contravention of which no punishment has been separately provided in the Act, shall be punishable with imprisonment up to six months, or with fine which may extend up to fifty thousand rupees, or both.

20. Penalty for committing fraud.

- Whoever knowingly or intentionally commits a fraud, causing wrongful loss to any Government agency or to user, by fraudulent misuse of the Electronic Service Delivery system, shall be punishable with imprisonment term that may extend up to 3 years, and shall also be liable to fine.

21. Penalty for misrepresentation.

- Whoever makes any misrepresentation to, or suppresses any material fact from the Director of Electronic Service Delivery for obtaining any authorization, shall be punished with imprisonment for a term which may extend to two years, or with fine which may extend to one lakh rupees, or with both.

22. 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 the 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 including 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 13;(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 and(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 16.

Annexure I(See Rule 11 (e) of the Andhra Pradesh Information Technology (Electronic Service Delivery)Rules, 2011)Model Terms and Conditions for appointment of Authorized AgentsThe terms and conditions for the functioning of the Authorized Agents shall inter alia include the following-(1)The Authorized Agent shall establish infrastructure and information technology resources as per the prescribed standards and requirement;(2)The Authorized Agent shall render all the notified and permitted services as per the provisions of these Rules;(3)The Authorized Agent shall maintain an accurate audit trail of all operations;(4)The Authorized Agent shall print the correct information or document without any errors, omissions or misrepresentations as available in the electronic form on the prescribed stationary.(5)The Authorized Agent shall use the Electronic Service Delivery (ESD) for purposes specified in these Rules, avoiding unauthorized, illegal or malafide uses of ESD systems.(6)The Authorized Agent shall maintain appropriate security controls to protect its information technology resources and processing facilities as prescribed by the Authorized Agency.(7)The Authorized Agent shall attend the training as prescribed by the Authorized Service Provider for efficient rendering of services to the users.(8)The Authorized Agent shall accept any other related obligation(s) as may be notified under the Rules and any Regulations or Order made thereunder;(9)The Authorized Agent shall acknowledge that every such appointment as an Authorized Agent under the Rules, is not transferable or heritable.

Annexure II(See Rule 11 (e) of the Andhra Pradesh Information Technology (Electronic Service Delivery) Rules, 2011)Declaration to be signed by the Authorized Agent for Delivering the Electronic ServicesI, _____, having been appointed as an Authorized Agent by M/s. _____ (Name of the Authorized Service Provider) having its registered office at _____, to electronically deliver services as notified under the AP information Technology (Electronic Service Delivery) Rules 2011 with the location of my IT Center / kiosk / Common Service Centre at _____ (location), make the following declaration.(1)That the computer output in the form of computer printouts attached herewith is the correct representation of its original as contained in the computer systems accessed by me for providing the service.(2)That the information contained in the computer printouts has been produced form the aforesaid computer systems during the period over which the computer was used regularly.(3)That during the said period, information of the kind contained in the computer printout was regularly recorded by the aforesaid computer systems in the ordinary course of the activities.(4)That throughout the material part of the said period, the computer was operating properly, and there have been no such operational problems that affect the

accuracy of the electronic record contained in the aforesaid computer systems. That the matter stated above is correct to best of my knowledge and belief. Signature of AA: Name of AA: Public Key of Digital Signature of AA: Date: Place: