

Chhattisgarh Citizen Service (Electronic Governance) Rules, 2003

Published vide Notification No. 806/PS/SIT/2003/Choice, dated 19-8-2003, C.G. Rajpatra
(Asadharan) dated 1-11-2003 at pages 534 (6-13)

cg022

In exercise of the powers conferred under Section 90 read with Section 6 of the Information Technology Act, 2000 (No. XXI of 2000), hereinafter referred to as 'the Act', the Government of Chhattisgarh hereby makes the following Rules to carry out Electronic Governance in respect of Notified Citizen Services, to provide for appointment, functions, regulation and liabilities of Authorised Citizen Services Agents, and to provide for matters incidental or related thereto.

1. Short title and commencement. - These Rules may be called the Chhattisgarh Citizen Service (Electronic Governance) Rules, 2003.

(2) They will come into force from the 19th day of August, 2003.

2. Definitions. - In these Rules, unless the context otherwise requires,-

(a) '*Appropriate Authority*', with its grammatical variations and cognate expressions, in relation to any Notified Citizen Service, means authority charged with decision-making under any State law as respects any matter relating to that service;

(b) '*Authorised Citizen Services Agent*', hereinafter called 'Choice Agent', means a person so appointed under these Rules;

(c) '*Authorised Citizen Services Centre*', hereinafter called 'Choice Centre', means the place from where Notified Citizen Services are provided by a Choice agent; and, such Choice Centre shall be treated as part of the Principal Office to the extent authorised by the Competent Authority;

(d) '*Collector*' means the Collector of the district;

(e) '*Competent Authority*' means an authority appointed under these Rules;

(f) '*Notified Citizen Service*', with its grammatical variations and cognate expressions, means a service so notified by the Competent Authority under these Rules and includes receiving of applications, petitions and issue of acknowledgements thereof; collection of duly authorised taxes, charges, dues or any other moneys

payable and issue of acknowledgements thereof, and delivery of print-outs of any certificates, documents, permission etc., in electronic form or any other electronic communications received for consideration by or from the Principal Office or any office of functionary working on behalf of any subordinate office thereof, or performance of any other functions entrusted to a Choice Agent;

(g) '*Principal Office*' means and includes any office, authority, body or agency owned or controlled by the State Government or any institution of self-government;

(h) '*prescribed charge*', with its grammatical variations and cognate expressions, means any duly authorised taxes, charges, dues or any other moneys due in respect of Notified Citizen Services payable by any person which such Choice Agent is authorised to collect under these Rules or under general or special orders of the State Government or the Competent Authority, and shall include any service charge;

(i) '*prescribed computer resource*', with its grammatical variations and cognate expressions, means the computer resource prescribed, whether generally or specifically, by the State Government or the Competent Authority, and for different purposes different computer resources may be prescribed;

(j) '*prescribed manner*', with its grammatical variations and cognate expressions, means the manner prescribed, whether generally or specifically, by the State Government or the Competent authority, and also means any functionality, instruction, procedure, etc. built into or indicated by the computer resource; and

(k) '*service charge*', with its grammatical variations and cognate expressions, means amount payable to Choice agent in lieu of services provided in accordance with the directions of the State Government or the Competent Authority.

3. Competent Authority-appointment, delegation of powers. - (1) State Government shall appoint a person not below the rank of Secretary to the State Government to perform the functions of, and to exercise the powers of, Competent Authority under these Rules.

(2) The Competent Authority may, by a general or special order, delegate any of the powers and functions vested in it to any subordinate officer.

4. Powers and functions of the Competent Authority. - Competent authority shall be competent to :

- (a) Prescribe the manner of creation, of proper and secure custody, and of maintenance, safety and operation of prescribed computer resources, including designating any authority or agency for these purposes;
- (b) Issue, from to time directions for the proper and secure management of the prescribed computer resources and for giving effect to the setting up of a secure system;
- (c) Notify the principal office(s) on whose behalf the Choice Agent shall be authorised to provide Notified Citizen Services and the services that may be provided through Choice Centres;
- (d) Prescribe a procedure for appointing any person or body to function as a Choice Agent, in addition to the procedure laid down in these Rules;
- (e) Prescribe the form of an agreement which the Choice Agent shall execute with the Collector providing for the hours of functioning, location, etc. of Choice Centres, as well as indemnifying the State Government and the Principal Offices for any loss or damage arising out of negligence, default or breach of conditions thereto, the agreement shall also ensure sufficient security for any money received by such Agent on behalf of the Principal Office through sureties, insurances, bank guarantees, or in any manner;
- (f) Prescribe minimum infrastructure required for the Choice Centre in order to enable it to provide Citizen Services;
- (g) Prescribe the procedure for the Choice Agent to commence the functioning of the Choice Centre; and
- (h) Issue, from time to time, directions regarding appointment of Choice Agent, or any matter that it may consider necessary or expedient for effective and efficient provision of any Notified Citizen Service or for the effective functioning of the Choice Centre.

5. Notified Citizen Service. - The Competent Authority may, by public notice, not being a service relating to the provisions of sub-section (4) of Section 1 of the Act, declare any service or class of services, to be a Notified Citizen Service for purposes of these Rules.

6. Eligibility for appointment as Choice Agent. - (1) Every person eligible for appointment as Choice Agent shall have passed the Senior Secondary School-leaving Certificate Examination in the minimum, with basic knowledge of computers and capable of furnishing

sufficient security by way of sureties, insurance, bank guarantees, or in any other manner, to the satisfaction of the Collector.

(2) No person shall be eligible for appointment as a Choice Agent if he does not bear a good moral character or has been convicted for any penal offence.

(3) Nothing contained in sub-rule (1) of this Rule, or in Rule 7 of these Rules, shall apply to a Choice Centre authorised to be established by a Principal Office in its premises and operated by employees of such an Office, and such employee(s) as may be duly authorised by the Principal Office from time to time would be deemed to have been appointed as Choice Agent(s) for purposes of these Rules.

7. Appointment of Choice Agent. - (1) The Collector shall invite interested parties satisfying the conditions of eligibility under these Rules to submit application in the proforma prescribed in the notice inviting the applications for appointment as Choice Agent.

(2) The Collector shall appoint the Choice Agent on the basis of the recommendations made by a committee to be appointed by the Competent Authority.

(3) The Collector shall take into consideration the absolute and relative assessments of the applicants regarding financial adequacy, including ability to mobilise the required financial resources from any source, and the overall requirement for Notified Citizen Services in an area.

(4) The Collector shall make an order of appointment as Authorised Citizen Services Agent, elsewhere in these Rules referred to as 'Choice Agent', in the form prescribed by the Competent Authority.

(5) The appointed Choice agent shall execute an agreement in the form prescribed by the Competent Authority before commencing the functioning of a Choice Centre.

(6) The appointed Choice Agent shall operate ordinarily from a Choice Centre indicated by him in his application, and no change of location of the Choice Centre shall be made except with the prior written permission of the Collector.

8. Powers of the Collector. - The Collector shall be competent to inspect or to cause to be inspected any Choice Centre, and to call for records or information therefrom, and to issue directions to the Choice Agent, or to suspend the appointment of such an Agent in case of being satisfied that any irregularity has been, or is likely to be, committed, and that it is necessary to issue such directions or to suspend such appointment in the interest of providing Citizen Services :

Provided that no such direction shall be given or order of suspension or appointment shall be made except for reasons to be recorded in writing and communicated to the Competent Authority within seven days of such directions or orders of suspension.

(2) The Collector shall be competent to terminate the appointment of a Choice Agent on being satisfied that he has defaulted in the performance of any condition of the agreement or conditions of eligibility under these Rules, or has failed to comply with any directions issued :

Provided that no such orders terminating such Agent shall be made without giving him a reasonable opportunity of being heard.

9. Choice Agent to be a public servant. - Every Choice Agent shall be a public servant within the meaning of Section 21 of the Indian Penal Code (No. XLV of 1860).

10. Liabilities of Choice Agent. - (1) Choice Agent shall be deemed to have indemnified the State Government, any of its authorities, and the Principal Offices, against all liability for any loss or damage sustained by any person, including public bodies or any other public servant, arising out of, or consequential to, any failure on the part of such Agent to carry out any instructions(s), observance of any Rule(s), compliance with any direction(s), or any default in performance of legal obligations under these Rules, whether by him or by any person working at his behest, regardless of whether such person is in his employment or not.

(2) Choice Agent shall be responsible for maintenance and safe custody of all records received, created or maintained by him electronically, or otherwise, for purposes of these Rules or under the instructions of the Appropriate Authority, and, in the event of suspension or termination of his appointment, such Agent shall deposit all such records with the Collector in the prescribed manner.

(3) Choice Agent shall be responsible for maintaining accounts as well as for depositing in the prescribed manner the prescribed charges received by him after retaining service charges payable to him.

(4) Choice Agent shall be responsible for any loss, inconvenience, damage or liability arising out of any negligence, mischief or undue delay in providing service, accepting or transmitting fake, forged or false documents or information to live Appropriate Authority or to any applicant for any 'Notified Citizen Service'.

11. Presumption with regard to prescribed charges paid to Choice Agent. - In case of any prescribed charges, including service charge, paid by any person to Choice Agent in respect of any Notified Citizen Service, the print-out on paper of the electronic acknowledgement generated by the prescribed computer resource and signed and provided to such person by the such Agent shall, *prima facie*, be proof of such payment and it shall be presumed that the dues or claims, for which the acknowledgement is purportedly issued, have been satisfied to that extent, however, mere payment by itself shall not create any right, title, extension or condoning the delay or limitation, or relaxation in favour of such person to which he is not otherwise entitled.

12. Functions of Choice Agent. - The Choice Agent shall be competent and responsible for the performance of the following functions :

(a) receiving any application, or petition for availing Notified Citizen Services as well as any prescribed charges and payable dues from persons for services being provided to them and to issue acknowledgements for the same; and

(b) delivery to the applicant, or his duly authorised representative, in person or through post or courier, of paper print-outs of electronic records from prescribed computer resource after verifying the digital signatures of the Appropriate Authority and, further, signing such paper print-outs in token of such verification and of the

paper print-out representing correctly the information contained in such electronic record.

13. Procedure to be followed by the Choice Agent and the Appropriate Authority. - The Choice agent shall follow the following procedure :

- (a) On payment of prescribed charges, including service charge, the Choice Agent shall feed into the prescribed computer resource, and in the prescribed manner, the information provided by any person (including the electronic copies of any documents presented by the applicant in support of his application) seeking to avail of any notified Citizen Service which such Agent is authorised to provide.
- (b) The information so fed shall be represented in the form of an electronic record which would include a declaration by the applicant as to the correctness of information provided and the genuineness of documents presented in support of his application and his indemnifying the Choice Agent and the Appropriate Authority from liability in the event of the information being found to be false or the document being found to be not genuine or correct.
- (c) Such electronic record shall be in the nature of an application addressed to the Appropriate Authority through the Choice agent concerned, and shall be printed out on paper in two copies by such Agent, who shall provide the copies to the applicant.
- (d) The applicant, after satisfying himself as to the correctness of the documents, shall authenticate the same within his signature or thumb impression on both the copies and shall keep one copy for himself, while handing over the other copy to the Choice Agent who shall keep it in safe custody and shall provide the same if and when called upon by the Competent Authority, the Appropriate Authority or the Collector to do so.
- (e) The Choice Agent shall affix his digital signatures on the electronic record of the application, coupled with the electronic copies of the documents presented in support thereof, and shall store the same on the prescribed computer resource in the prescribed manner.

- (f) An electronic acknowledgment shall be generated by the prescribed computer resource containing an application reference number with the help of which the applicant may inquire about the status concerning the decision on his application.
- (g) The Choice Agent shall take a print-out on paper of such acknowledgement and shall give the same to the applicant after affixing his signature and the date in token of the paper printout being a true representation of the information contained in the acknowledgement.
- (h) Appropriate Authority shall cause a print-out on paper of the information contained in such electronic record to be taken by (i) causing to verify the digital signature of the Choice Agent and (ii) causing to compare and authenticate the information contained in the paper print-out with that in the verified electronic record.
- (i) The Appropriate Authority, after such inquiry , or calling for report, etc as it deems fit, shall record its decision electronically in the prescribed manner, whereupon the appropriate document in respect of the Citizen Service applied for shall be generated as an electronic record which the Appropriate Authority shall authenticate by affixing its digital signatures and shall store the authenticated electronic record in the prescribed manner.
- (j) The Appropriate Authority shall cause a print-out on paper of the electronic record of the aforesaid appropriate document to be taken and shall affix its signature(s) with date and cause it to be included in the record relating to the application.
- (k) The acknowledgement received at the time of submitting the application shall ordinarily indicate the date on which or the period after which the decision on the application and the aforesaid appropriate document would ordinarily be available as electronic record.
- (l) Upon decision on his application, the applicant may approach the Choice Agent shall print on paper in the prescribed manner the aforesaid appropriate document in electronic form duly authenticated by the digital signatures of the Appropriate Authority.
- (m) Nothing in clauses (h) to (1) shall apply in cases of Notified Citizen Services where the information or document sought by the applicant is already available to the Choice Agent on the prescribed computer resource duly authenticated by the

digital signatures of the Appropriate Authority, and in such cases, the Choice Agent shall proceed to print on paper in the prescribed manner the desired information or document in electronic form.

- (n) Nothing in clauses (b) to (e) or in clauses (h) to (1) shall apply in cases of a Notified Citizen Service where no application is required from the applicant in respect of such a Service and, further, the information or document sought by the applicant is already available to the Choice Agent on the prescribed computer resource duly authenticated by the digital signatures of the Appropriate Authority, and in such cases, the Choice Agent shall proceed to print on paper in the prescribed manner the desired information or document in electronic form.
- (o) The Choice Agent shall affix his signature with date on each page of the document so printed out, along with the date, in token of certifying to the effect that the document represents the print- out on paper of the information contained in the electronic record of the aforesaid appropriate document verified by him to have been authenticated by the digital signatures of the Appropriate Authority, and shall provide the same to the applicant.
- (p) The Competent Authority or the State Government may prescribe procedure to be followed by an Appropriate Authority for accepting any information, returns, statements, records, etc., in electronic form from any person who is required under law to furnish the same, and may further prescribe the manner of retaining the same on a prescribed computer resources as well as the manner of authentication of the same by the Appropriate Authority.
- (q) The State Government may prescribe procedure, in addition to the procedure indicated in these Rules, in respect of any particular Notified Citizen Service, or class of such Services.

14. Appeals against orders, decisions etc. of Collector. - Any person(s) aggrieved by any order(s), direction(s) etc. of Collector under these rules may appeal before the Competent Authority within thirty days of the date of knowledge of such order, decision etc. in the prescribed manner.

15. Disputes regarding financial claims etc. of the Choice Agent. - Collector shall be competent to decide any disputes regarding financial claims or liabilities of the Choice Agent or to settle questions regarding apportionment of service charges from out of prescribed charges, or to settle of accounts in respect of Choice Centres.

16. Miscellaneous. - Nothing shall prevent an aggrieved person from seeking redress or compensation under any other law from the Choice Agent as regards any loss, damage caused by any act of commission or omission of such Agent.