

THE ELECTRONIC DELIVERY OF SERVICES BILL, 2011

A

BILL

to provide for electronic delivery of public services by the Government to all persons to ensure transparency, efficiency, accountability, accessibility and reliability in delivery of such services and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:

	CHAPTER I PRELIMINARY	
Short title, extent and commencement.	1. (1) This Act may be called the Electronic Delivery of Services Act, 2011.	
	(2) It extends to the whole of India except the State of Jammu and Kashmir.	
	(3) It shall come into force on such date as the Central by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act and for different States and any reference in any such provision to the commencement of this Act shall, in relation to any State, be construed as a reference to coming into force of that provision in that State.	
Definitions.	2. In this Act, unless the context otherwise requires, —	S. 2(d) 38 of 10.
	(a) “assisted access” means assistance to access electronic services;	21 of 2000.
	(b) “Central Commission” means the Central Electronic Service Delivery Commission established under sub-section (1) of section 8;	
	(c) “Central Chief Commissioner” means the Chief Commissioner of the Central Commission appointed under sub-section (3) of section 9;	
	(d) “Central Commissioner” means the Commissioner of the Central Commission appointed under sub-section (3) of section 9;	

	<p>(e) “competent authority” means the Head of every public authority or Department of the Central Government as notified by the Central Government or the public authority or Department of the State Government as notified by the State Government, from time to time and includes, the Secretaries to the Central Government and the Secretaries to the State Government, and the Heads of Government Organisations and Government Bodies;</p>	
	<p>(f) “electronic mode” includes any method, process or application to deliver any service electronically;</p>	
	<p>(g) “electronic service delivery” means the delivery of public services or other services through electronic mode including, the receipt of forms and applications, issue or grant of any licence, permit, certificate, sanction or approval and the receipt or payment of money;</p>	
	<p>(h) “Grievance Redressal Mechanism” means the mechanism for redressal of public grievances as notified by the Central Government and the State Government;</p>	
	<p>(i) “law” includes any Act of Parliament or of a State Legislature, Ordinances promulgated by the President or a Governor, as the case may be, regulations made by the President under article 240, Bills enacted as President’s Act under sub-clause (a) of clause (1) of article 357 of the Constitution and includes rules, regulations, bye-laws and orders issued or made thereunder;</p>	S.2 (1)(y) I.T Act, 2000.
	<p>(j) “notification” means a notification published in the Official Gazette and the term “notify” shall be construed accordingly;</p>	S.2(f) 38 of 2010.
	<p>(k) “prescribed” means prescribed by rules made under this Act;</p>	
	<p>(l) “public authority” means any authority or body or institution of self-government established or constituted,-</p> <p>(i) by or under the Constitution;</p> <p>(ii) by or under any other law made by Parliament;</p> <p>(iii) by or under any other law made by State Legislature;</p> <p>(iv) by notification issued or order made by the appropriate Government,</p> <p>and includes any—</p> <p>(i) body owned, controlled or substantially financed;</p> <p>(ii) non-Government organisation substantially financed,</p>	2(h) of 22 of 2005

	directly or indirectly by funds provided by the appropriate Government;	
	(m) “public service” means any service or part thereof provided to any person by the Central Government and the State Government or public authority either directly or through any service provider and includes the receipt of forms and applications, issue or grant of any licence, permit, or certificate, sanction or approval and the receipt or payment of money by whatever name called in a particular manner;	
	(n) “service provider” means any individual, agency, company, partnership firm, sole proprietor firm or any such other body or agency which has been authorised by the Central Government and the State Government to offer services through electronic mode;	
	(o) “State Commission” means the State Electronic Service Delivery Commission established under sub-section (1) of section 14;	
	(p) “State Chief Commissioner” means the Chief Commissioner of the State Commission appointed under sub-section (3) of section 16;	
	(q) “State Commissioner” means the Commissioner of the State Commission appointed under sub-section (3) of section 16.	
21 of 2000	(r) words and expressions used but not defined in this Act and defined in the Information Technology Act, 2000 shall have the same meanings respectively assigned to them in that Act.	
	CHAPTER II ELECTRONIC SERVICE DELIVERY	
Delivery of public services through electronic mode.	3. The Central Government, the State Government and public authorities shall deliver all public services by electronic mode within five years of the commencement of this Act except such services,-	
	(a) which cannot be delivered electronically;	
	(b) which can be delivered electronically but the Central Government or the State Government or public authority, as the case may be, notifies not to deliver electronically for the reasons to be specified in such notification:	
	Provided that the Central Government, the State Government and public authority shall consult the Central Commission or the State Commission, as the case may be, before notifying any electronic services under clause (b):	

	<p>Provided further that such period of five years may, be extended for a further period not exceeding three years by the Central Government or the State Government or public authority, in consultation with the Central Commission or the State Commission, for reasons to be notified.</p>	
Duty of competent authority.	<p>4. (1) Every competent authority shall publish within one hundred and eighty days from the commencement of this Act, the list of all public services to be delivered by it through electronic mode.</p>	s.4(1) RTI.
	<p>(2) Every competent authority shall, after the publication of the list under sub-section (1), review the same and notify on the 1st day of January of every year-</p>	
	<p>(a) the date by which each such service shall be made available through electronic mode;</p>	
	<p>(b) the manner and quality of delivery of such services as may be prescribed;</p>	
	<p>(c) such other information as may be prescribed;</p>	
	<p>(3) The Central Government or the State Government or public authority may while reviewing the list under sub-section (2), by notification, omit or add any public service in such list:</p>	
	<p>Provided that any omission in the list shall be subject to the approval of the Central Commission or the State Commission, as the case may be:</p>	
	<p>Provided further that the reason for such omission shall be notified.</p>	
	<p>(4) The competent authority, while introducing services in an electronic mode, shall-</p>	
	<p>(a) simplify and improve the existing process and forms relating to such services in such manner as may be prescribed; and</p>	
	<p>(b) provide assisted access to such services, in such manner as may be prescribed.</p>	
Specification of electronic governance standards.	<p>5. The Central Government may, from time to time, notify, in such manner as may be prescribed, electronic governance standards, being not inconsistent with electronic governance standards notified by the Central Government in the Ministry of Communication and Information Technology (Department of Information Technology), as may be necessary for ensuring inter-operability, integration, harmonisation and security of electronic</p>	

	services:	
	Provided that a State Government may prescribe such standards which had not been notified by the Central Government and the standards so notified by the State Government shall remain in force till such standards are notified by the Central Government.	new
Notification of Grievance Redressal Mechanism.	6. Every competent authority shall notify a Grievance Redressal Mechanism for the redressal of grievances under this Act, within such time and in such manner as may be prescribed.	
Complaint in respect of non-availability of service in electronic mode.	7. (1) Any aggrieved person may file a complaint in prescribed manner to such authority as may be notified under the Grievance Redressal Mechanism notified under section 5 with respect to,-	
	(a) non-availability of public services in an electronic mode as published by the competent authority under sub-section (2) of section 4;	
	(b) deficiency in delivery of the electronic service.	
	(2) The complaints filed under sub-section (1) shall be dealt with in such manner as may be prescribed.	
	CHAPTER III THE CENTRAL ELECTRONIC SERVICE DELIVERY COMMISSION	
Constitution of Central Electronic Service Delivery Commission.	8. (1) With effect from such date as the Central Government may, by notification appoint, there shall be established, for the purposes of this Act, a Commission to be known as the Central Electronic Services Delivery Commission.	Section 7 of 12 of 2003
	(2) The Central Commission shall consist of-	Section 12 (2) of 22 of 2005
	(a) the Central Chief Commissioner; and	Section 12 (2) of 22 of 2005
	(b) such number of Central Commissioners, not exceeding two, as may be deemed necessary.	Section 12 (2) of 22 of 2005
	(3) The head office of the Central Commission shall be at Delhi and the Central Commission may, with the previous approval of the Central Government, establish offices at other places in India.	Section 7(3) &(4) of 12 of

		2003
Qualifications for appointment of Chief Central Commissioner and Central Commissioners.	9. (1) The Chief Commissioner and Commissioners of the Central Commission shall be persons of eminence in public life who have special knowledge of and not less than twenty-five years of professional experience in law, science and technology, information technology, management, public administration or governance:	Section 4 of 24 of 1997
	Provided that the Central Commissioner, at the time of his appointment, shall not be more than sixty two years of age.	
	(2) The Central Chief Commissioner or Central Commissioners shall not be a Member of Parliament or Member of Legislature of any State or Union territory, or hold any other office of profit or connected with any political party or carrying on any business or pursuing any profession:	Sec.12(6) of 22 of 2005
	(3) The Central Chief Commissioner and Central Commissioners shall be appointed by the President of India on the recommendation of a committee consisting of—	Sec.9(1) of 12 of 2003
	(a) the Chief Justice of India or his nominee Judge of the Supreme Court;	
	(b) the Cabinet Secretary to the Government of India;	
	(c) an expert of repute who has knowledge of, and experience in information technology, public administration or governance to be nominated by the Central Government.	Sec.9(1) of 12 of 2003
General superintendence, direction and control to vest in Central Chief Commissioner.	10. The general superintendence, direction and management of the affairs of the Central Commission shall vest in the Central Chief Commissioner who shall be assisted by Central Commissioners and may exercise all such powers and do all such acts and things which may be exercised or done by the Central Commission autonomously.	S.12(4) of 22 of, 2005.
Term of office and conditions of service.	11. (1) The Central Chief Commissioner shall hold office for a term of five years from the date on which he enters upon his office or till he attains the age of sixty-five years, whichever is earlier, and shall not be eligible for reappointment.	S.13 (1) RTI.
	(2) Every Central Commissioner shall hold office for a term of five years from the date on which he enters upon his office or till he attains the age of sixty-five years, whichever is earlier, and not be eligible for reappointment as such Central Commissioner:	S.13(2) RTI.
	Provided that where the Central Commissioner is appointed as the Central Chief Commissioner, his term of office shall not be more than	S.13(2) RTI.

	five years in aggregate as the Central Commissioner and the Central Chief Commissioner.	
	(3) An officer of the Central Government or the State Government on his selection as the Central Chief Commissioner or Central Commissioner, as the case may be, shall have to retire from service before joining as Central Chief Commissioner or Central Commissioner.	S.13(2) RTI.
	(4) The salaries and allowances payable to and other terms and conditions of service of the Central Chief Commissioner or Central Commissioner shall be such as may be prescribed:	S.13(5) and (6) RTI. S.13(6) RTI.
	Provided that the salaries, allowances and other conditions of service of the Central Chief Commissioner and Central Commissioner shall not be varied to their disadvantage after their appointment.	
	(5) In the event of the occurrence of a vacancy in the office of the Central Chief Commissioner by reason of his death, resignation or otherwise, the senior-most Central Commissioner shall act as the Central Chief Commissioner, until the date on which a new Central Chief Commissioner, appointed in accordance with the provisions of this Act to fill such vacancy, enters upon his office.	Sec.10(4) of 12 of 2003
	(6) When the Central Chief Commissioner is unable to discharge his functions owing to absence, illness or any other cause, the senior-most Central Commissioner shall discharge the functions of the Central Chief Commissioner until the date on which the Central Chief Commissioner resumes the charge of his functions.	Sec.10(5) of 12 of 2003
Resignation and removal.	12. (1) The Central Chief Commissioner or Central Commissioner may, by notice in writing under his hand addressed to the Central Government, resign his office:	S.9(1) 13 of 1985.
	Provided that the said Central Chief Commissioner or Central Commissioner shall, unless he is permitted by the Central Government to relinquish his office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person, duly appointed as his successor enters upon his office or until the expiry of his term of office, whichever is earliest.	S.9(1) 13 of 1985.
	(2) The Central Chief Commissioner or Central Commissioner shall not be removed from his office except by an order by the Central Government on the ground of proved misbehaviour or incapacity after an inquiry made by a	S.9(2) 13 of 1985.

	Judge of the Supreme Court in which the Central Chief Commissioner or the Central Commissioner had been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.	
	(3) The Central Government may, by rules, regulate the procedure for the investigation of misbehaviour or incapacity of the Central Chief Commissioner or Central Commissioner referred to in sub-section (2).	S.9 (3) 13 of 1985.
	(4) Notwithstanding anything contained in sub-section (1), the Central Government may, by order, remove the Central Chief Commissioner or Central Commissioner from his office if the Central Chief Commissioner or Central Commissioner, as the case may be,—	Sec.11(2) of 12 of 2003
	(a) is, or at any time has been, adjudged as an insolvent; or	Sec.11(2) of 12 of 2003
	(b) has engaged at any time, during his term of office, in any paid employment; or	Sec.11(2) of 12 of 2003
	(c) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or	Sec.11(2) of 12 of 2003
	(d) has acquired such financial or other interest as is likely to affect prejudicially his functions as a Central Chief Commissioner or Central Commissioner, as the case may be,; or	Sec.11(2) of 12 of 2003
	(e) has so abused his position as to render his continuance in office prejudicial to the public interest; or	Sec.11(2) of 12 of 2003
	(f) has become physically or mentally incapable of acting as a Central Chief Commissioner or Central Commissioner, as the case may be,	Sec.11(2) of 12 of 2003
	(5) Notwithstanding anything contained in sub-section (4), no Commissioner or Chief Commissioner shall be removed from his office on the ground specified in clause (d) or clause (e) of that sub-section unless the Supreme Court, on a reference being made to it in this behalf by the Central Government, has, on an inquiry, held by it in accordance with such procedure as may be prescribed in this behalf by the Supreme Court, reported that the Commissioner or Chief Commissioner, ought on such ground or grounds to be removed.	
Vacancy, etc. not to invalidate	13. No act or proceeding of the Central Commission shall be invalid	

proceedings of Central Commission.	merely by reason of-	
	(a) any vacancy in, or any defect in the constitution of, the Central Commission; or	
	(b) any defect in the appointment of a person acting as a Chairperson or as a Member; or	
	(c) any irregularity in the procedure of the Central Commission not affecting the merits of the case.	
	CHAPTER IV THE STATE ELECTRONIC SERVICE DELIVERY COMMISSION	
State Electronic Service Delivery Commission.	14. (1) With effect from such date as the State Government may, by notification appoint, there shall be established, for the purposes of this Act, a Commission to be known as the(name of the State) Electronic Services Delivery Commission.	S.15 RTI, 2005.
	(2) The State Commission shall consist of-	Section 12 (2) of 22 of 2005
	(a) the State Chief Commissioner; and	
	(b) such number of State Commissioners, not exceeding two, as may be deemed necessary.	
	(3) The head office of the State Commission shall be at such place as the State Government may, by notification, specify and the State Commission may, with the previous approval of the State Government, establish offices at other places in State.	Section 7(3) &(4) of 12 of 2003
General superintendence, direction and control to vest in Central Chief Commissioner.	15. The general superintendence, direction and management of the affairs of the State Commission shall vest in the State Chief Commissioner who shall be assisted by the State Commissioners and may exercise all such powers and do all such acts and things which may be exercised or done by the State Commission autonomously.	S.15(4) RTI.
Qualifications for appointment of Chief State Commissioner and State Commissioners.	16. (1) The State Chief Commissioner and the State Commissioners shall be appointed by the State Government from amongst the persons of eminence in public life who have special knowledge and not less than twenty-five years of professional experience in law, science and technology, information technology, management, public administration or governance:	RTI

	Provided that the State Commissioner, at the time of his appointment, shall not be more than sixty-two years of age.	
	(2) The State Chief Commissioner or State Commissioners shall not be a Member of Parliament or Member of the Legislature of any State or Union territory, as the case may be, or hold any other office of profit or connected with any political party or carrying on any business or pursuing any profession.	
	(3) The State Chief Commissioner and State Commissioners shall be appointed by the Governor of the State on the recommendation of a committee consisting of—	
	(a) Chief Justice of the High Court or his nominee Judge of the High Court;	
	(b) Chief Secretary of the State;	
	(c) an expert of repute who has knowledge and experience in information technology, public administration or governance to be nominated by the State Government.	
Term of office and conditions of service.	17. (1) The State Chief Commissioner shall hold office for a term of five years from the date on which he enters upon his office or till he attains the age of sixty-five years, whichever is earlier, and shall not be eligible for reappointment as such State Chief Commissioner.	In the lines of S.13 (2) RTI.
	(2) Every State Commissioner shall hold office for a term of five years from the date on which he enters upon his office or till he attains the age of sixty-five years, whichever is earlier, and shall not be eligible for reappointment as such State Commissioner:	16 (2) RTI.
	Provided that where the State Commissioner is appointed as the State Chief Commissioner, his term of office shall not be more than five years in aggregate as the State Commissioner and the State Chief Commissioner.	
	(3) An officer of the Central Government or the State Government on his selection as the State Chief Commissioner or State Commissioner, as the case may be, shall have to retire from service before joining as Central Chief Commissioner or Central Commissioner.	
	(4) The salaries and allowances payable to, and the terms and conditions of service of the State Chief Commissioner and State Commissioners shall be such as may be prescribed by the State Government:	S. 16 (6) RTI.
	Provided that the salaries, allowances and other conditions of service of	

	the State Chief Commissioner and State Commissioners shall not be varied to their disadvantage after their appointment.	
	(5) In the event of the occurrence of a vacancy in the office of the State Chief Commissioner by reason of his death, resignation or otherwise, the senior most State Commissioner shall act as the State Chief Commissioner, until the date on which a new State Chief Commissioner, appointed in accordance with the provisions of this Act to fill such vacancy, enters upon his office.	Sec.10(4) of 12 of 2003
	(6) When the State Chief Commissioner is unable to discharge his functions owing to absence, illness or any other cause, the senior-most State Commissioner shall discharge the functions of the State Chief Commissioner until the date on which the State Chief Commissioner resumes the charge of his functions.	Sec.10(5) of 12 of 2003
Resignation and removal.	18. (1) The State Chief Commissioner or State Commissioner may, by notice in writing under his hand addressed to the State Government, resign his office:	S.9 (1) of 13 of 1985.
	Provided that the State Chief Commissioner or State Commissioner shall, unless he is permitted by the State Government to relinquish his office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as his successor enters upon his office, or until the expiry of his term of office, whichever is earliest.	
	(2) The State Chief Commissioner or State Commissioner shall not be removed from his office except by an order by the State Government on the ground of proved misbehaviour or incapacity after an inquiry made by a Judge of the High Court in which the State Chief Commissioner or the State Commissioner, as the case may be, had been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.	S. 9(2) 13 of 1985.
	(3) The State Government may, by rules, regulate the procedure for the investigation of misbehaviour or incapacity of the State Chief Commissioner or State Commissioner referred to in sub-section (2).	S. 9 (3) 13 of 1985.
	(4) Notwithstanding anything contained in sub-section (1), the State Government may, by order, remove the State Chief Commissioner or State Commissioner from his office if such State Chief Commissioner or State Commissioner, as the case may be,—	Sec.11(2) of 12 of 2003
	(a) is, or at any time has been, adjudged as an insolvent; or	

	(b) has engaged at any time, during his term of office, in any paid employment; or	
	(c) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or	
	(d) has acquired such financial or other interest as is likely to affect prejudicially his functions as State Chief Commissioner or State Commissioner, as the case may be; or	
	(e) has so abused his position as to render his continuance in office prejudicial to the public interest; or	
	(f) has become physically or mentally incapable of acting as State Chief Commissioner or State Commissioner, as the case may be.	
	(5) Notwithstanding anything contained in sub-section (4), no State Chief Commissioner or State Commissioner, shall be removed from his office on the ground specified in clause (d) or clause (e) of that sub-section unless the High Court, on a reference being made to it in this behalf by the State Government, has, on an inquiry, held by it in accordance with such procedure as may be prescribed in this behalf by the High Court, reported that the State Chief Commissioner or State Commissioner, ought on such ground or grounds to be removed.	
Vacancy, etc. not to invalidate proceedings of Commission.	19. No act or proceeding of the State Commission shall be invalid merely by reason of-	
	(a) any vacancy in, or any defect in the constitution of, the State Commission; or	
	(b) any defect in the appointment of a person acting as a Chairperson or as a Member; or	
	(c) any irregularity in the procedure of the State Commission not affecting the merits of the case.	
Orders constituting Central Commission or State Commission to be final.	20. No order of the Central Government or the State Government appointing any person as the Central Chief Commissioner or Central Commissioner or, as the case may be, State Chief Commissioner or State Commissioner, shall be called in question in any manner and no act or proceeding before the Central Commission or State Commission shall be called in question in any manner on the ground merely of any defect in the constitution thereof.	S. 55, I.T Act, 2000.

Staff of the Central Commission or State Commission.	<p>21. (1) The Central Government or the State Government, as the case may be, shall provide the Central Chief Commissioner and Central Commissioners or State Chief Commissioner or State Commissioner with such officers and employees as may be necessary for the efficient performance of their functions under this Act.</p>	S. 13 (6) RTI.
	<p>(2) The salaries and allowances payable to and the terms and conditions of service of the officers and other employees appointed for such purpose shall be such as may be prescribed.</p>	
	<p>(3) The officers and employees of the Central Commission or the State Commission, as the case may be, shall discharge their functions under the general superintendence of the Central Chief Commissioner or the State Chief Commissioner, as the case may be.</p>	
	<p>CHAPTER V FUNCTIONS OF THE CENTRAL COMMISSION AND STATE COMMISSION</p>	
Functions of Central Commission or State Commission.	<p>22. (1) The Central Commission or the State Commission, as the case may be, shall monitor the implementation of this Act on a regular basis.</p>	S. 19 (8) (a) RTI.
	<p>(2) Without prejudice to the provisions contained in sub-section (1), the functions of the Central Commission and State Commission shall, amongst other things, include the following, namely:-</p>	
	<p>(a) monitoring the publication of services to be delivered through electronic mode and adherence to the time schedule, manner of delivery and quality of service notified for delivery of public services by the Central Government or the State Government as the case may be;</p>	
	<p>(b) monitoring the periodic progress made by the Central Government, the State Government and public authority as the case may be, towards achieving the delivery of all services through electronic mode in accordance with the provisions of this Act;</p>	
	<p>(c) recommending the simplification of processes and forms relating to delivery of electronic services by the Central Government, the State Government and public authority as the case may be;</p>	
	<p>(d) monitoring the effectiveness of feedback and Grievance Redressal Mechanisms established by the Central Government, the State Government and the public authority as the case may be;</p>	

	(e) monitoring the periodic progress made by the Central Government, the State Government and the public authority as the case may be, towards compliance with the applicable electronic governance standards and make recommendations in respect thereof; and	
	(f) performing any other function as may be prescribed by the Central Government or the State Government, as the case may be.	S. 18 (3) of RTI
Reporting.	23. (1) The Central Commission or the State Commission, as the case may be, shall, prepare, in such form and at such time every year, as may be prescribed, an annual report on the implementation of the provisions of this Act during the previous financial year and forward a copy thereof to the Central Government and the State Government.	In the lines of S.25 (1) RTI.
	(2) Every Ministry or Department of the Central Government and the State Government shall, in relation to the public authorities within their jurisdiction, collect and provide such information, as may be prescribed, to the Central Commission or State Commission, as the case may be, as is required to prepare the report referred to in sub-section (1) and comply with the requirements concerning the furnishing of that information for the purpose of this section.	s. 25 (2) RTI.
	(3) The information referred to in sub-section (2), shall include, –	
	(a) till such time as all public services offered by the public authorities under their control have been made available through electronic mode, the plan to achieve compliance to the provisions of section 3 and the implementation status of the plan published as per sub-section (1) of section 4;	
	(b) in respect of the year to which the report referred to in sub-section (1) relates,—	
	(i) the number of electronic service requests received and the total number of service requests in respect of that service made available through electronic mode;	
	(ii) the number of electronic service requests in response to which service was provided in accordance with the applicable quality of service and prescribed details of the remaining cases;	
	(iii) the number of grievances pertaining to the provision of electronic services received under the Grievance Redressal Mechanism and information related to such grievances and	

	their disposal;	
	(iv) the steps taken by the competent authority to sustain and promote the delivery of services through electronic mode in conformity with the provisions of this Act;	
	(v) the steps taken by the competent authority to ensure compliance with the applicable electronic governance standards;	
	(vi) the steps taken by the competent authority to ensure the availability of assisted access;	
	(vii) details of the feedback received by the competent authority in respect of the implementation of various provisions of this Act and in respect of services made available through electronic mode, and the action taken by the competent authority in pursuance thereof;	
	(c) recommendations for further development, improvement, modernisation, and integration of electronic services and the legal and policy interventions which may be required to improve electronic service delivery;	
	(d) any other information as the Central Commission or the State Commission, as the case may be, may require from time to time.	
	(4) The Central Government or the State Government, as the case may be, may, as soon as practicable after the end of each year, cause a copy of the report of the Central Commission or the State Commission, as the case may be, referred to in sub-section (1) to be laid before each House of Parliament or, as the case may be, before each House of the State Legislature, where there are two Houses, and where there is one House of the State Legislature before that House.	S.25 (4) RTI.
	(5) If it appears to the Central Commission or the State Commission, as the case may be, that the practice of a Ministry, Department or public authority in relation to the exercise of its functions under this Act does not conform with the provisions of this Act, it may direct the competent authority to take such steps which it considers necessary to be taken for promoting such conformity:	
	Provided that no such direction shall be issued by the Central Commission or the State Commission, as the case may be, without providing the Ministry, Department, or public authority a reasonable opportunity for	

	taking corrective measures.	
	(6) The Ministry, Department or public authority, as the case may be, on finding that there exist circumstances which require a review of such directions, may apply to the Central Commission or the State Commission, for review of such directions of the Central Commission or the State Commission, as the case may be, and the Central Commission or the State Commission, may after review modify or cancel the direction or issue a fresh direction.	
	CHAPTER VI REPRESENTATION TO CENTRAL COMMISSION OR STATE COMMISSION	
Representation.	24. (1) Any person aggrieved by the order of the Grievance Redressal Mechanism on the complaint filed under clause (a) of sub-section (1) of section 7, may make a representation, in such manner as may be prescribed, to the Central Commission or the State Commission, as the case may be .	
	(2) The Central Commission or the State Commission, as the case may be, while disposing of the representation made under sub-section (1), shall give reasonable opportunity of hearing to the competent authority and the appellant.	
	(3) The Central Commission or the State Commission, as the case may be, shall dispose of the representation in accordance with such procedure as may be prescribed.	
Procedure and powers of Central Commission or State Commission.	25. (1) The Central Commission or State Commission shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908, but shall be guided by the principles of natural justice and, subject to the other provisions of this Act and of any rules made thereunder, the Central Commission or State Commission shall have powers to regulate its own procedure including the place at which it shall hold its sittings.	5 of 1908 S. 18 (3) RTI.
	(2) The Central Commission or State Commission, as the case may be, shall, while inquiring into any matter under this section, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, while trying a suit, in respect of the following matters, namely: -	S. 18 (3) RTI. 5 of 1908.

	(a) summoning and enforcing the attendance of any person and examining him on oath;	
	(b) requiring the discovery and production of documents or other electronic records;	
	(c) receiving evidence on affidavits;	
	(d) issuing commissions for the examination of witnesses or documents;	
	(e) issuing directions to the competent authority for promoting conformity to the provisions of this Act;	
	(f) imposing penalty for contravention of any of the provisions of this Act as per section 26;	
	(g) reviewing its decisions;	
	(h) dismissing an application for default or disposing it ex parte;	
	(i) any other matter which may be prescribed.	
	CHAPTER VII PENALTIES	
Penalty.	26. (1) Where a Competent Authority or any officer under it discharging duty relating to any provision of this Act without any reasonable cause, contravenes any provision of this Act, or the directions issued by the Central Commission or the State Commission, then, the Central Commission or the State Commission, as the case may be, may after providing it or him, as the case may, the opportunity of being heard, impose upon it or him a penalty which may extend upto five thousand rupees.	new
	(2) In case of wilful and persistent default of any of the provisions of this Act or the directions issued by the Central Commission or the State Commission, on the part of any competent authority or any officer under it, the penalty referred to in sub-section (1) may extend upto twenty thousand rupees.	new
Crediting sums realised by way of penalties to Consolidated Fund of India.	27. All sums realised by way of penalties under this Act shall be credited to the Consolidated Fund of India.	
	CHAPTER VIII FINANCE, ACCOUNTS AND AUDIT	

Grants by Central Government.	28. (1) The Central Government shall, after due appropriation made by Parliament by law in this behalf, pay to the Commission by way of grants such sums of money as the Central Government may think fit for being utilised for the purposes of this Act.	
	(2) The Central Commission may spend such sums of money as it thinks fit for performing the functions under this Act, and such sums shall be treated as expenditure payable out of the grants referred to in sub-section (1).	
Grants by State Governments.	29. (1) The State Government shall, after due appropriation made by Legislature by law in this behalf, pay to the State Commission by way of grants such sums of money as the State Government may think fit for being utilised for the purposes of this Act.	
	(2) The State Commission may spend such sums of money as it thinks fit for performing the functions under this Act, and such sums shall be treated as expenditure payable out of the grants referred to in sub-section (1).	
Accounts and audit of Central Commission.	30. (1) The Central Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.	
	(2) The accounts of the Central Commission shall be audited by the Comptroller and Auditor-General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Central Commission to the Comptroller and Auditor-General.	
	(3) The Comptroller and Auditor-General and any person appointed by him in connection with the audit of the accounts of the Central Commission under this Act shall, have the same rights and privileges and the authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Central Commission.	
	(4) The accounts of the Commission as certified by the Comptroller and Auditor-General or any other person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the Central Government by the Central Commission and the Central Government shall cause the audit report to be laid, as soon as ay be after it is received, before each House of Parliament.	

Accounts and audit of State Commission.	31. (1) The State Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the State Government in consultation with the Comptroller and Auditor-General of India.	
	(2) The accounts of the State Commission shall be audited by the Comptroller and Auditor-General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the State Commission to the Comptroller and Auditor-General.	
	(3) The Comptroller and Auditor-General and any person appointed by him in connection with the audit of the accounts of the State Commission under this Act shall, have the same rights and privileges and the authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the State Commission.	
	(4) The accounts of the State Commission as certified by the Comptroller and Auditor-General or any other person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the State Government by the State Commission and the State Government shall cause the audit report to be laid, as soon as may be after it is received, before the State Legislature.	
	CHAPTER IX MISCELLANEOUS	
Act to have overriding effect.	32. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.	
Protection of action taken in good faith.	33. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule made thereunder.	
Directions by Central Government.	34. (1) Without prejudice to the foregoing provisions of this Act, the Central Commission shall, in exercise of its powers or the performance of its functions under this Act, be guided by such directions on questions of policy involving public interest, as may be given to it by the Central Government in writing from time to time.	section 38 of 14 of 1998
	(2) If any dispute arises between the Central Government and the	

	Central Commission as to whether a question is or is not a question of policy involving public interest, the decision of the Central Government thereon shall be final.	
Directions by State Government.	35. (1) Without prejudice to the foregoing provisions of this Act, the State Commission shall, in exercise of its powers or the performance of its functions under this Act, be guided by such directions on questions of policy, involving public interest, as may be given to it by the State Government in writing from time to time.	Sec. 39 of 14 of 1998.
	(2) If any dispute arises between the State Government and the State Commission as to whether a question is or is not a question of policy involving public interest, the decision of the State Government thereon shall be final.	
Supersession of Central Commission	36. If at any time the Central Government is of the opinion—	
	(a) that on account of circumstances beyond the control of the Central Commission, it is unable to discharge the functions or perform the duties imposed on it by or under the provisions of this Act; or	
	(b) that the Central Commission has persistently made default in complying with any direction given by the Central Government under this Act or in the discharge of the functions or performance of the duties imposed on it by or under the provisions of this Act and as a result of such default the financial position of the Central Commission or the administration of the Commission has suffered; or	
	(c) that circumstances exist which render it necessary in the public interest so to do,	
	the Central Government, after consultation with the committee appointed under sub-section (3) of section 9, may by notification and for reasons to be specified therein, supersede the Central Commission for such period, not exceeding six months, as may be specified in the notification:	
	Provided that before issuing any such notification, the Central Government shall give a reasonable opportunity to the Central Commission to make representations against the proposed supersession and shall consider representations, if any, of the Commission.	
	(2) Upon the publication of a notification under sub-section (1) superseding the Central Commission,—	
	(a) the Central Chief Commissioner and Central Commissioners shall as	

	from the date of supersession, vacate their offices as such;	
	(b) all the powers, functions and duties which may, by or under the provisions of this Act, be exercised or discharged by or on behalf of the Central Commission shall, until the Central Commission is reconstituted under sub-section (3), be exercised and discharged by the Central Government or such authority as the Central Government may specify in this behalf;	
	(c) all properties owned or controlled by the Central Commission shall, until the Central Commission is reconstituted under sub-section (3), vest in the Central Government.	
	(3) On or before the expiration of the period of supersession specified in the notification issued under subsection (1), the Central Government shall reconstitute the Central Commission by a fresh appointment of its Central Chief Commissioner and Central Commissioners and in such case any person who had vacated his office under clause (a) of sub-section (2) shall not be deemed to be disqualified for re-appointment.	
	(4) The Central Government shall cause a notification issued under subsection (1) and a full report of any action taken under this section and the circumstances leading to such action to be laid before each House of Parliament at the earliest.	
Supersession of State commission	37. If at any time the State Government is of the opinion—	
	(a) that on account of circumstances beyond the control of the State Commission, it is unable to discharge the functions or perform the duties imposed on it by or under the provisions of this Act; or	
	(b) that the State Commission has persistently made default in complying with any direction given by the State Government under this Act or in the discharge of the functions or performance of the duties imposed on it by or under the provisions of this Act and as a result of such default the financial position of the State Commission or the administration of the Commission has suffered; or	
	(c) that circumstances exist which render it necessary in the public interest so to do,	
	the State Government, after consultation with the committee appointed under sub-section (3) of section 16, may by notification and for reasons to be specified therein, supersede the State Commission for such period, not	

	exceeding six months, as may be specified in the notification:	
	Provided that before issuing any such notification, the State Government shall give a reasonable opportunity to the State Commission to make representations against the proposed supersession and shall consider representations, if any, of the Commission.	
	(2) Upon the publication of a notification under sub-section (1) superseding the State Commission,—	
	(a) the State Chief Commissioner and State Commissioners shall as from the date of supersession, vacate their offices as such;	
	(b) all the powers, functions and duties which may, by or under the provisions of this Act, be exercised or discharged by or on behalf of the State Commission shall, until the State Commission is reconstituted under sub-section (3), be exercised and discharged by the State Government or such authority as the State Government may specify in this behalf;	
	(c) all properties owned or controlled by the State Commission shall, until the State Commission is reconstituted under sub-section (3), vest in the State Government.	
	(3) On or before the expiration of the period of supersession specified in the notification issued under subsection (1), the State Government shall reconstitute the State Commission by a fresh appointment of its State Chief Commissioner and State Commissioners and in such case any person who had vacated his office under clause (a) of sub-section (2) shall not be deemed to be disqualified for re-appointment.	
	(4) The State Government shall cause a notification issued under sub-section (1) and a full report of any action taken under this section and the circumstances leading to such action to be laid before each House of Parliament at the earliest.	
Members to be public servant	38. The Central Chief Commissioner and Central Commissioners and officers and other employees of the Central Commission and the State Chief Commissioner and State Commissioners and officers and other employees of the State Commission shall be deemed, while acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code.	Sec.58 of 12 of 2003 45 of 1860
Power of Central Government to make rules.	39. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.	

	(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—	
	(a) the manner and quality of delivery of services under clause (b) of sub-section (2) of section 4;	
	(b) other information under clause (c) of sub-section (2) of section 4;	
	(c) the manner of simplification and improvement of existing process and forms relating to such services under clause (a) of sub-section (4) of section 4;	
	(d) the manner in which assisted access to electronic services shall be provided to specified categories of users under clause (b) of sub-section (4) of section 4;	
	(e) the framing of electronic governance standards for ensuring interoperability, integration, harmonisation and security under section 5;	
	(f) the manner of notifying the Grievance Redressal Mechanism under section 6;	
	(g) the manner of filing the complaint by the aggrieved person under sub-section (1) of section 7;	
	(h) the manner of processing of complaints under sub-section (2) of section 7;	
	(i) salary, allowances and other terms and conditions of service of Central Chief Commissioner, Central Commissioners, under sub section (4) of section 11;	
	(j) regulation of the procedure for the investigation of misbehaviour or incapacity of the Central Chief Commissioner or Central Commissioner under sub-section (3) of section 12;	
	(k) procedure of conduct of an enquiry under sub-section (5) of section 12;	
	(l) salaries allowances and other terms and conditions of service of staff of the Central Commission under sub-section (1) of section 21;	
	(m) any other function to be performed by the Central Commission	

	under clause (f) of sub-section (2) of section 22;	
	(n) the form of preparation of the annual report of the Central Commission and the time thereof under sub-section (1) of section 23;	
	(o) the collection and provision of information to the Central Commission under sub-section (2) of section 23;	
	(p) details of the remaining cases under sub-clause (ii) of clause (d) of sub-section (3) of section 23;	
	(q) the manner of filing of representations before the Central Commission under sub-section (1) of section 24;	
	(r) the procedure to be followed while disposing the representation under sub-section (3) of section 24;	
	(s) any other matter under clause (i) of sub-section (2) of section 25;	
	(t) the form of preparation of the annual statement of accounts of the Central Commission under sub-section (1) of section 30;	
Laying of rules.	40. Every rule made and every notification issued by the Central Government under this Act shall be laid, as soon as may be after it is made or issued, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or the notification or both Houses agree that the rule or notification should not be made, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.	
Power of State Government to make rules.	41. (1) The State Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.	
	(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely: -	
	(a) the manner and quality of delivery of services under clause (b) of sub-section (2) of section 4;	

	(b) other information under clause (c) of sub-section (2) of section 4;	
	(c) the manner of simplification and improvement of existing process and forms relating to such services under clause (a) of sub-section (4) of section 4;	
	(d) the manner in which assisted access to electronic services shall be provided to specified categories of users under clause (b) of sub-section (4) of section 4;	
	(e) the framing of electronic governance standards for ensuring interoperability, integration, harmonisation and security under section 5;	
	(f) the manner of notifying the Grievance Redressal Mechanism under section 6;	
	(g) the manner of filing the complaint by the aggrieved person under sub-section (1) of section 7;	
	(h) the manner of processing of complaints under sub-section (2) of section 7;	
	(i) salary, allowances and other terms and conditions of service of State Chief Commissioner, State Commissioners, under sub section (4) of section 17;	
	(j) regulation of the procedure for the investigation of misbehaviour or incapacity of the State Chief Commissioner or State Commissioner under sub-section (3) of section 18;	
	(k) procedure of conduct of an enquiry under sub-section (5) of section 18;	
	(l) salaries allowances and other terms and conditions of service of staff of the State Commission under sub-section (1) of section 21;	
	(m) any other function to be performed by the State Commission under clause (f) of sub-section (2) of section 22;	
	(n) the form of preparation of the annual report of the State Commission and the time thereof under sub-section (1) of section 23;	
	(o) the collection and provision of information to the State Commission under sub-section (2) of section 23;	

	(p) details of the remaining cases under sub-clause (ii) of clause (d) of sub-section (3) of section 23;	
	(q) the manner of filing of representations before the State Commission under sub-section (1) of section 24;	
	(r) the procedure to be followed while disposing the representation under sub-section (3) of section 24;	
	(s) any other matter under clause (i) of sub-section (2) of section 25;	
	(t) the form of preparation of the annual statement of accounts of the State Commission under sub-section (1) of section 31.	
Laying of rules.	42. Every notification or rule made under this Act by a State Government shall be laid, as soon as may be after it is notified, before each House of the State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House.	S 55 of 23 of 2010
Power to remove difficulties.	43. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removal of the difficulty:	
	Provided no such order shall be made after the expiry of a period of two years from the date of the commencement of this Act.	
	(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.	

THE ELECTRONIC DELIVERY OF SERVICES BILL, 2011

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