

What is e-Governance?

Electronic governance or e-governance is adopted by countries across the world. In a fast-growing and demanding economy like India, e-governance has become essential.

The rapid growth of digitalization has led to many governments across the globe to introduce and incorporate technology into governmental processes. Electronic governance or e-governance can be defined as the usage of Information and Communication Technology (ICT) by the government to provide and facilitate government services, exchange of information, communication transactions and integration of various stand-alone systems and services. In other words, it is the use of technology to perform government activities and achieve the objectives of governance.

Through e-governance, government services are made available to citizens and businesses in a convenient, efficient and transparent manner.

#### ELECTRONIC GOVERNANCE

4. Legal recognition of electronic records.—Where any law provides that information or any other matter shall be in writing or in the typewritten or printed form, then, notwithstanding anything contained in such law, such requirement shall be deemed to have been satisfied if such information or matter is—

- (a) rendered or made available in an electronic form; and
- (b) accessible so as to be usable for a subsequent reference.

5. Legal recognition of 1

[electronic signatures].—Where any law provides that information or any other matter shall be authenticated by affixing the signature or any document shall be signed or bear the signature of any person, then, notwithstanding anything contained in such law, such requirement shall be deemed to have been satisfied, if such information or matter is authenticated by means of 1

[electronic

signature] affixed in such manner as may be prescribed by the Central Government.

Explanation.—For the purposes of this section, —signedll, with its grammatical variations and cognate

expressions, shall, with reference to a person, mean affixing of his hand written signature or any mark on

any document and the expression —signaturell shall be construed accordingly.

6. Use of electronic records and 1

[electronic signatures] in Government and its agencies.—(1)

Where any law provides for—

- (a) the filing of any form, application or any other document with any office, authority, body or agency owned or controlled by the appropriate Government in a particular manner;
- (b) the issue or grant of any licence, permit, sanction or approval by whatever name called in a particular manner;
- (c) the receipt or payment of money in a particular manner,

then, notwithstanding anything contained in any other law for the time being in force, such requirement shall be deemed to have been satisfied if such filing, issue, grant, receipt or payment, as the case may be, is effected by means of such electronic form as may be prescribed by the appropriate Government.

(2) The appropriate Government may, for the purposes of sub-section (1), by rules, prescribe—

(a) the manner and format in which such electronic records shall be filed, created or issued;

(b) the manner or method of payment of any fee or charges for filing, creation or issue any

electronic record under clause (a).

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[6A. Delivery of services by service provider.—(1) The appropriate Government may, for the

purposes of this Chapter and for efficient delivery of services to the public through electronic means

authorise, by order, any service provider to set up, maintain and upgrade the computerised facilities and

perform such other services as it may specify, by notification in the Official Gazette.

Explanation.—For the purposes of this section, service provider so authorised includes any

individual, private agency, private company, partnership firm, sole proprietor firm or any such other body

or agency which has been granted permission by the appropriate Government to offer services through

electronic means in accordance with the policy governing such service sector.

(2) The appropriate Government may also authorise any service provider authorised under

sub-section (1) to collect, retain and appropriate such service charges, as may be prescribed by the

appropriate Government for the purpose of providing such services, from the person availing such

service.

(3) Subject to the provisions of sub-section (2), the appropriate Government may authorise the service

providers to collect, retain and appropriate service charges under this section notwithstanding the fact that

there is no express provision under the Act, rule, regulation or notification under which the service is

provided to collect, retain and appropriate e-service charges by the service providers.

(4) The appropriate Government shall, by notification in the Official Gazette, specify the scale of

service charges which may be charged and collected by the service providers under this section:

Provided that the appropriate Government may specify different scale of service charges for different

types of services.]

7. Retention of electronic records.—(1) Where any law provides that documents, records or information shall be retained for any specific period, then, that requirement shall be deemed to have been satisfied if such documents, records or information are retained in the electronic form, if—

- (a) the information contained therein remains accessible so as to be usable for a subsequent reference;
- (b) the electronic record is retained in the format in which it was originally generated, sent or received or in a format which can be demonstrated to represent accurately the information originally generated, sent or received;
- (c) the details which will facilitate the identification of the origin, destination, date and time of despatch or receipt of such electronic record are available in the electronic record: Provided that this clause does not apply to any information which is automatically generated solely for the purpose of enabling an electronic record to be despatched or received.

(2) Nothing in this section shall apply to any law that expressly provides for the retention of documents, records or information in the form of electronic records.

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[7A. Audit of documents, etc., maintained in electronic form.—Where in any law for the time being in force, there is a provision for audit of documents, records or information, that provision shall also be applicable for audit of documents, records or information processed and maintained in the electronic form.]

8. Publication of rule, regulation, etc., in Electronic Gazette.—Where any law provides that any rule, regulation, order, bye-law, notification or any other matter shall be published in the Official Gazette, then, such requirement shall be deemed to have been satisfied if such rule, regulation, order, bye-law, notification or any other matter is published in the Official Gazette or Electronic Gazette: Provided that where any rule, regulation, order, by-law, notification or any other matter is published in the Official Gazette or Electronic Gazette, the date of publication shall be deemed to be the date of the Gazette which was first published in any form.

9. Sections 6, 7 and 8 not to confer right to insist document should be accepted in electronic form.—Nothing contained in sections 6, 7 and 8 shall confer a right upon any person to insist that any Ministry or Department of the Central Government or the State Government or any authority or body

established by or under any law or controlled or funded by the Central or State Government should accept, issue, create, retain and preserve any document in the form of electronic records or effect any monetary transaction in the electronic form.

10. Power to make rules by Central Government in respect of 1

[electronic signature].—The

Central Government may, for the purposes of this Act, by rules, prescribe—

(a) the type of 1

[electronic signature];

(b) the manner and format in which the 1

[electronic signature] shall be affixed;

(c) the manner or procedure which facilitates identification of the person affixing the

1

[electronic

signature];

(d) control processes and procedures to ensure adequate integrity, security and confidentiality of

electronic records or payments; and

(e) any other matter which is necessary to give legal effect to 1

[electronic signatures].

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[10A. Validity of contracts formed through electronic means.—Where in a contract formation,

the communication of proposals, the acceptance of proposals, the revocation of proposals and

acceptances, as the case may be, are expressed in electronic form or by means of an electronic records,

such contract shall not be deemed to be unenforceable solely on the ground that such electronic form or

means was used for that purpose.]