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NOTIFICATION

No.B.16012/4/2009-PLG(ICT), the 7th October, 2010. In exercise of the powers conferred under section 90 read with section 6 of the Information Technology Act, 2000 (Central Act No 21 of 2000), the Government of Mizoram hereby makes the following Rules to carry out the Electronic Governance within the state under the e-District project with respect to the Notified Citizen Services, to provide for functions, regulation and liabilities of Authorized Citizen Services Agents, and to provide for matters incidental or related thereto as follows, namely :-

1. Short Title and Commencement

- (a) These rules may be called the Mizoram Citizen Services (Electronic Governance) Rules, 2010.
- (b) It shall come into force from the date of their publication in the Mizoram Gazette

2. Definitions

In these Rules, unless the context otherwise requires,

- (a) "Act" means the Information Technology Act, 2000
- (b) 'Appropriate Authority', with its grammatical variations and cognate expressions, in relation to any Notified Citizen Services, means authority charged with decision making under any State law in respect of any matter relating to that service;
- (c) 'Authorized Citizen Services Agent', means the 'CSC Agent/e-District Centre Agent', who is the Village Level Entrepreneur (VLE) selected by the Service Centre Agency (SCA), under the Common Service Centres (CSC) Scheme, Government of Mizoram and the e-District Centre Agent means a person running a public facilitation kiosk established by a Principal Office, as defined at sub-rule (10)) below at its premises and so authorized by the Principal Office to deliver the services under these Rules at the said office.

- (d) 'Authorized Citizen Services Centre', hereinafter called the 'CSC/e-District Centre', means the place from where Notified Citizen Services are provided by a CSC/e-District Centre agent; and, such CSC/e-District Centre shall be treated as part of the Principal Office to the extent authorized by the Competent Authority;
- (e) 'Competent Authority' means an authority appointed under these Rules;
- (f) 'Deputy Commissioner' means the Deputy Commissioner of the District;
- (g) 'District e-Governance Society' means a non profit organization, headed by the Deputy Commissioner, formed under the Registration of Societies Act, in order to provide overall guidelines and for the smooth delivery of all the operations related to the e-District and Common Service Centres within the district.
- (h) 'Nodal Officer' means any officer so appointed and authorized by the Principal Office who shall be responsible to manage any or all activities related to the CSC/e-District Centre coming under the jurisdiction of the said Principal Office.
- (i) '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 authorized taxes, charges, dues or any other moneys payable and issue of acknowledgements thereof; and delivery of print-outs of any certificate, documents, permission etc. in electronic form, or any other electronic communications received for consideration by or from the Principal Office or any office or functionary working on behalf of any sub-ordinate office thereof, or performance of any other functions entrusted to an Authorized Citizen Services Agent.
- (j) 'Principal Office' means and includes any office, authority, body or agency owned or controlled by the State Government or any institution of self-government who, for purposes of delivery of any notified citizen services to the citizens opens a public service delivery kiosk at the office. Such kiosks would be duly notified by the Competent Authority.
- (k) 'Prescribed charge', with its grammatical variations and cognate expressions, means any duly authorized taxes, charges, dues or any other moneys due in respect of Notified Citizen Services payable by any person which such Authorized Citizen Services Agent is authorized 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;
- (l) '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;
- (m) '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;

- (n) 'Service charge', with its grammatical variations and cognate expressions, means amount payable to authorized Citizen Services Agent in lieu of services provided in accordance with the directions of the State Government or the Competent Authority.
- (o) 'Service Centre Agency', with its grammatical variations and cognate expressions, means any agency or agencies selected by the Government of Mizoram through open competitive bidding to implement the Common Service Centres scheme in the State of Mizoram.
- (p) 'State Designated Agency', with its grammatical variations and cognate expressions, means the nodal agency acting on behalf of the Government of Mizoram for implementing the Common Service Centre (CSC) and e-District projects in the state of Mizoram. The Mizoram State e-Governance Society (MSeGS), which is a state government enterprise, is the notified State Designated Agency.

3. Appointment of Competent Authority, and delegation of powers

- (a) The State Government shall appoint a person not below the rank of Secretary, to the State Government, in the IT Department, to perform the functions of, and to exercise the powers of Competent Authority under these Rules.
- (b) The Competent Authority may, by a general or special order, delegate any of the powers and functions vested in it to any sub ordinate officer under his administrative control by a notification.

4. Powers and functions of the Competent Authority

The Competent Authority shall have the powers 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 time 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 Authorized Citizen Services Agent shall be authorized to provide the Notified Citizen Services and the services that may be provided through Authorized Citizen Services Centres;
- (d) Prescribed the form of agreement(s) which the Service Centre Agency (SCA) shall execute with the State Designated Agency providing for the hours of functioning, location etc. of CSCs, 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 CSC Agent, working under such SCA, on behalf of the Principal Office through Sureties, insurances, bank guarantees, or in any other manner;

- (e) Prescribe the procedure for the Authorized Citizen Services Agent to deliver the Notified Citizen Services;
- (f) Issue, from time to time, directions regarding any matter that it may consider necessary or expedient for effective and efficient provision of any Notified Citizen Services or the effective functioning of the Authority Citizen Services Centre; and
- (g) To act in a manner relevant to the smooth delivery of the notified citizen services, and exercise any powers delegated by the Government to this regard.

5. Appointment of Nodal Officer

- (a) The Principal office shall, within 30 days of issue of notification by the Competent Authority, shall appoint a "Nodal Officer" who will be responsible for managing any or all the matters related to the Authorized Citizen Services Centre for the services delivered.
- (b) It will be the responsibility of the in charge of the Principal Office, so notified, to appoint another Nodal Officer within a fortnight, in case the previous appointee is no more in charge.

6 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.

7. Eligibility for Appointment as Authorized Citizen Services Agent

Any person shall be eligible to be appointed as the CSC Agent by the SCA as per the various provisions mentioned in the REP No.A.12013/5/07-PLG (ICT) dt. 21.05.08. Nothing contained in this Rule shall apply to an e-District Centre authorized 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 authorized by the Principal Office from time to time would be deemed to have been appointed as e-District Agent(s) for purpose of these Rules.

8. Powers of the Deputy Commissioner

- (a) The Deputy Commissioner shall be competent to inspect or to cause to be inspected any Authorized Citizen Services Centre, and to call for records or information therefrom; and to issue directions to the Authorized Citizen Services 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 of 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.

- (b) The Deputy Commissioner shall be competent to terminate the appointment of an Authorized Citizen Services Agent on being satisfied that he has defaulted in the performance of any condition of the agreement that the Government of Mizoram (GoM) has constituted with the SCA or conditions of eligibility, 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. Liabilities of the Service Centre Agency/Authorized Citizen Services Agent

- (a) Authorized Citizen Services 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 instruction(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 his employee or not.
- (b) Authorized Citizen Services 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 Deputy Commissioner of the corresponding district in the prescribed manner.
- (c) Authorized Citizen Services Agent shall be responsible for maintaining the accounts as well as for depositing in the prescribed manner the prescribed charges received by the CSC Centre Agent after retaining service charges payable to the CSC Centre Agent where as the nodal officers as appointed by the Principal office is responsible for maintaining the accounts as well as for depositing in the prescribed manner the prescribed charges received by the e-District centre(s) established in the premises of the Principal Office.
- (d) Authorized Citizen Services Agent shall be responsible for any loss, inconvenience, damage or liability arising out of any negligence, mischief or undue delay in providing the service, accepting or transmitting fake, forged, or false documents or information to the Appropriate Authority or to any applicant for any Notified Citizen Service.

10. Presumption with regard to prescribed charges paid to Authorized Citizen Services Agent and other conditions of obtaining notified citizen services

- (a) In case of any prescribed charges, including service charge, paid by any person to an Authorized Citizen Services 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 sealed with the Authorized Citizen Services Centre seal and provided to such person by 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.

- (b) Payment of prescribed charge to the authorized Citizen Services Agent by no means create any rights or title, temporary or permanent in nature in favour of the person concerned regarding obtaining the notified citizen services. Mere Payment does not necessarily ensure the delivery of services, rather all conditions of delivery of the service must be met fully at the time of making payment to the Authorized Citizen Services Agent.
- (c) Additionally, in case any person impersonates counterfeits, forges or resorts to any illegal means to obtain any of the notified citizen services, he shall be liable to be prosecuted. The onus of proving otherwise shall solely lie with the person concerned before any authority or court of law.

11. Functions of the Authorized Citizen Services Agent

The Authorized Citizen Services 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 charge and payable dues from persons for services being provided to them and to issue acknowledgements for the same;
- (b) forwarding of the application received, in the prescribed manner, to the concerned office for processing of the application;
- (c) delivery to the applicant, or his duly authorized 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 and putting the seal on such paper print-outs in token of such verification and of the paper print-out representing correctly the information contained in such electronic record.

12. Procedure to be followed by the Authorized Citizen Services Agent and the Appropriate Authority

- (a) The Authorized Citizen Services Agent shall receive the filled in application, duly signed by the applicant along with the necessary supporting documents from the citizen. In case certain documents or evidences already exist in the system, or already submitted previously, those need not be submitted along with the application.
- (b) On payment of prescribed charges, including service charge, the Authorized Citizen Services Agent shall feed into the prescribed computer resource, and in the prescribed manner, the information provided by the citizen in the duly signed in application form (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 authorized to provide.
- (c) 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 Authorized Citizen Services 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.

- (d) Such electronic record shall be in the nature of an application addressed to the Appropriate Authority through the Authorized Citizen Services Agent concerned, and may be printed out on paper by the Authorized Citizen Services Agent for future purposes.
- (e) The Authorized Citizen Services Agent shall submit the electronic record of the application, coupled with the electronic copies of the documents presented in support thereof, thereby storing the same on the prescribed computer resource in the prescribed manner.
- (f) On storage of the electronic record of the application on the prescribed computer resource, an electronic acknowledgement slip shall be generated by such resource containing an application reference number with the help of which the applicant may enquire about the status concerning the decision on his application.
- (g) The Authorized Citizen Services 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 print-out on paper being a true representation of the information contained in the acknowledgement.
- (h) The Authorized Citizen Services Agent shall also forward the manual application form submitted and duly signed by the citizen, along with the supporting documents to the office of the concerned Approving Authority.
- (i) Appropriate Authority may cause a print-out on paper of the information contained in such electronic record to be taken to compare and authenticate the information contained in the hard copy application with that in the verified electronic record.
- (j) The Appropriate Authority, after such inquiry or calling for reports etc. as it deems fit, shall record its decision in electronic form in the prescribed manner, whereupon the appropriate document in respect of the citizen service applied for shall be generated as an electronic record by the prescribed computer resource which the Appropriate Authority shall authenticate by affixing its digital signature, and shall store the authenticated electronic record on the prescribed computer resource in the prescribed manner.
- (k) The Appropriate Authority may cause a print-out on paper of the electronic record of the aforesaid appropriate document to be taken, and affix his signature(s) thereon with date, and cause it to be included in the record relating to the application.
- (l) The acknowledgement generated at the time of the 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 on the prescribed computer resource as an electronic record.
- (m) Upon decision on his application, the applicant may approach the Authorized Citizen Services Agent who shall take a print-out on paper in the prescribed manner from the prescribed computer resource the aforesaid appropriate document in electronic form duly authenticated by the digital signature of the Appropriate Authority.

- (n) Nothing in sub-rule (2) to (8) or in sub-rule (9) to (12) shall apply in cases of Notified Citizen Services 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 Authorized Citizen Services Agent on the prescribed computer resource duly authenticated by the digital signature of the Appropriate Authority, and, in such cases, the Authorized Citizen Services Agent shall proceed to print-out on paper in the prescribed manner the desired information or document available on the prescribed computer resource in electronic form.
- (o) Authorized Citizen Services 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 signature of the Appropriate Authority, and shall provide the document so signed 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 resource as well as the manner of authentication of the same by the Appropriate Authority.
- (q) The Competent Authority or 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.

13. Constitution and management of District e-Governance Societies

- (a) On prior approval of the Competent Authority, the Deputy Commissioner of a District shall constitute a District e-Governance Society, as a non profit organization entrusted with smooth delivery of the notified citizen services in the District.
- (b) The Competent Authority shall issue a common template for the constitution, membership, executive body and Article of Association of the Society.
- (c) The roles and responsibilities of the societies shall include advising the Deputy Commissioner for implementation of notified citizen services, inclusion of new services, levy of charges, improvement in manner of service delivery etc.
- (d) The Society in a district may coordinate with the Authorized Citizen Service Agents for smooth delivery of services. In return, the society may collect token amount from the agents.
- (e) The progress of the societies shall be reviewed by the Competent Authority periodically.

14. Duties and responsibilities of the State Designated Agency

- (a) The State Designated Agency shall maintain a public domain for all the certificates issued, so that any external agency or authority may verify the authenticity of the certificates.
- (b) The State Designated Agency shall maintain a public repository of all the Authorized Citizen Service Agents, Principal Offices and any other detail necessary to facilitate the right information to the citizens concerning availing of the notified citizen services.
- (c) The State Designated Agency shall submit periodical MIS (Management Information System) to the Competent Authority.
- (d) The State Designated Agency shall cause regular audit and inspection of the Authorized Citizen Service Agents, especially IT security audit of the entire system, atleast once in a year.
- (e) The State Designated Agency may issue suitable directives to the Service Center Agencies to take corrective measures based on the results of the audit. However, any such directive shall not be issued without approval of the Competent Authority.

15. Appeals against orders, decisions etc. of Deputy Commissioner

Any person(s) aggrieved by any order(s), direction(s), etc. of Deputy Commissioner under these rules may appeal before the Competent Authority within thirty days of the date of knowledge of such order, direction, etc. in the prescribed manner.

16. Disputes regarding financial claims, etc. of the CSC Agent

Deputy Commissioner shall be competent to decide any disputes regarding financial claims or liabilities of the Service Centre Agency or the Authorized Citizen Service Agent, or to settle questions regarding apportionment of service charges from out of prescribed charges, or to settle accounts in respect of the Service Centre Agency or Authorized Citizen Service Agent.

17. Miscellaneous

Nothing shall prevent an aggrieved person from seeking redress or compensation under any other law from the Authorized Citizen Service Agent as regards any loss or damage caused by any act of commission or omission of such Agent.

Sd/-
S.S. Garbyal,
Secretary to the Govt. of Mizoram,
Information and Communication Technology.