

Standing Committee Report Summary

Electronic Delivery of Services Bill, 2011

- The Standing Committee on Information Technology tabled its report on the Electronic Delivery of Services Bill, 2011 on August 30, 2012. The Bill was introduced in Lok Sabha on December 17, 2011. It requires the central and state governments and all public authorities to provide all services electronically. It establishes commissions at the centre and state level to monitor implementation of electronic delivery of services (EDS) and for redressal of grievances.
- The Committee noted that rules on EDS were notified under the Information Technology Act, 2000 (IT Act). It also noted that various states had made laws on EDS. It observed that the purpose of the Bill could be achieved through the IT Act, and that the proposal should be reconsidered before the Bill is considered in Parliament. In the alternative, the Bill should be a model law that states could adopt when enacting their own law.
- The Committee noted that infrastructure to implement the Bill was inadequate. It noted that the broadband penetration in the country is only 1.44%. The level of literacy and computer literacy is low. The power supply is inadequate. There is lack of qualified manpower in departments to provide services electronically. It recommended that the Department co-ordinate with the Ministries of Human Resource Development and Power to increase computer literacy and power supply.
- The Bill allows departments to exclude services from the requirement if they are not capable of being delivered electronically. However, the Bill also empowers the departments exclude service, even if they can be delivered electronically, after consultations with Commissions under the Bill. The Committee has recommended that the consultations with the public and stakeholders should be held to review the services that may be excluded for either reason under the Bill.
- The Bill does not empower the government to levy a fee for services availed electronically. The Committee noted that the IT Act empowered the government to impose such a levy. It was of the opinion that the fee was “kept hidden”. It recommended that the Bill be amended to specify that no fee would be levied on poor persons.
- The Bill requires all departments to mandatorily provide services in electronic form. It is silent on whether these would be provided simultaneously in manual mode. The Committee recommended that the Bill should be amended to clarify that the option of availing services electronically and manually would always be available.
- The Bill penalises the competent authority and its officials for violations under the Bill with a fine of Rs 5,000. A fine of Rs 20,000 may be imposed for persistent default. The Bill does not penalise persons employed by the government to run computer kiosks for similar violations. The Committee recommended that the Bill be amended to include such employees.
- The Committee observed that the Bill did not specifically address issues of privacy and security. It recommended that amendments be made in the Bill or the Information Technology Act, 2000 to address this concern. It also recommended that the department ensure a robust mechanism to verify the authenticity of applicants. It noted that if the Aadhar was to be utilised, then the loopholes in Aadhar would have to be plugged as well.
- The Bill establishes a grievance redressal mechanism. This is in addition to grievance redressal mechanisms under other laws and Bills. The Committee recommended that the department ensure that the mechanism under the Bill does not overlap with the system set up under the Citizens Charter Bill, 2011.
- Under the Bill, complaints may be made for (a) non-delivery; and (b) deficiency in services. Complaints may be made to grievance redressal officers (GRO). A person aggrieved by the order of the GRO, may make ‘representations’ to the commissions. The Committee recommended that instead of ‘representations’, appeals may be filed.
- The Committee observed that the Bill’s financial memorandum specified an allocation of Rs 4 crore from the consolidated fund for the functioning of the central commission. It did not take into account the cost of setting up the infrastructure for providing services electronically.
- The Bill does not specifically provide for the needs of differently-abled persons to assisted access. The Committee has recommended that this be addressed in the Bill and through Rules. It recommended that the authorities provide assisted access for those with special needs.

DISCLAIMER: This document is being furnished to you for your information. You may choose to reproduce or redistribute this report for non-commercial purposes in part or in full to any other person with due acknowledgement of PRS Legislative Research ("PRS"). The opinions expressed herein are entirely those of the author(s). PRS makes every effort to use reliable and comprehensive information, but PRS does not represent that the contents of the report are accurate or complete. PRS is an independent, not-for-profit group. This document has been prepared without regard to the objectives or opinions of those who may receive it.



Harsimran Kalra

harsimran@prsindia.org

September 2, 2012