



Bill Summary

The Electronic Delivery of Services Bill, 2011

- The Electronic Delivery of Services Bill, 2011 was introduced in the Lok Sabha on December 27, 2011 by the Minister of HRD and Information Technology. The Bill was referred to the Standing Committee on Information Technology on January 5, 2012, which is scheduled to submit its report in three months.
- The Bill provides that the central government, the state government and public authorities shall deliver all public services through electronic modes, except those that cannot be delivered electronically. The government may also notify other services which will not be delivered electronically. Services that can be delivered through electronic means include the receipt of forms and applications, the issue of licenses and permits, and receipt and payment of money, among others. Public authorities are required to deliver services through electronic means within five years of the enactment of the Bill, which may be extended by a further three years.
- The Bill provides that every public authority should publish the list of public services to be delivered electronically within 180 days of its enactment. This list should be reviewed every January and the following notified: (a) the date by which each service will be made available electronically and (b) the manner and quality of delivery of such services.
- Every public authority is required to notify a Grievance Redressal Mechanism. Aggrieved persons can file complaints against an authority for failing to provide public services electronically or for deficiencies in the electronic delivery of services.
- The Bill establishes three-member commissions at the central and state levels. The central selection committee tasked to appoint the members will consist of the cabinet secretary, a secretary and an expert. The state selection committee will consist of the chief secretary, a principal secretary and an expert. The Bill bars judicial review of appointment of members.
- The functions of both the State and Central Commissions include: (a) monitoring the publication of services to be delivered electronically, (b) monitoring the progress made by the central and state governments towards achieving the electronic delivery of services, (c) recommending the simplification of processes and forms relating to the electronic delivery of services, (d) monitoring the effectiveness of feedback and Grievance Redressal Mechanisms and (e) monitoring the governments' progress towards compliance with electronic governance standards. While conducting an inquiry related to a grievance, both Commissions have the powers of a civil court under the Code of Civil Procedure.
- The Central and State Commissions are required to submit annual reports on the implementation of the Act to the central and state governments respectively, which will be tabled in Parliament and the respective State Legislature.
- Persons aggrieved by the order of the Grievance Redressal Mechanism with respect to failure of an authority to provide public services electronically, may make a representation to the Central or State Commissions.
- Persons aggrieved by an order of the Central Commission may file an appeal to the High Court of Delhi. Those aggrieved against an order of the State Commission may file an appeal to the High Court of that state.
- Any authority or officer failing to discharge duties relating to provisions in this Act, may be fined up to five thousand rupees. Wilful and persistent default carries a penalty up to Rs 20,000.
- The Bill provides that the central government can supersede the Central Commission in its functions and duties for six months in circumstances where the Commission is unable to carry out its duties. The central government will be required to submit a full report of actions taken during this time before each House of Parliament. The Bill has similar provisions for the State Commissions and state governments.
- The central government may make provisions necessary to remove difficulties that arise while bringing the Act into effect. Such orders may be made only within two years from the date of the enactment of the Bill.
- The Bill shall have an overriding effect over other laws.

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