LEGAL FRAMEWORK FOR e-GOVERNANCE

The Information Technology Act, 2000 was enacted to “… provide legal recognition for transactions carried out by means of electronic data interchange and other means of electronic communication, commonly referred to as “electronic commerce”, which involve the use of alternatives to paper-based methods of communication and storage of information, to facilitate electronic filing of documents with the Government agencies and further to amend the Indian Penal Code, the Indian Evidence Act, 1872, the Bankers’ Books Evidence Act, 1891 and the Reserve Bank of India Act, 1934 and for matters connected therewith or incidental thereto.”

Thus, the focus of this Act is on electronic commerce and electronic records. The Act contains provisions on digital signatures and authentication of electronic records, legal recognition of digital signatures and electronic records, retention of electronic records, attribution, acknowledgement and dispatch of electronic records, security of electronic records, regulation of certifying Authorities, Cyber Regulation Appellate Tribunal etc. To facilitate the implementation of e-Governance projects at various levels across the country, a more wholistic legal framework is required.

8.1 Need for Statutory Backing for E-Governance

8.1.1 The institutional and managerial aspects of NeGP as well as different Mission Mode Projects have been discussed in Chapter 7. The Department of Information Technology (DIT) in Government of India has been tasked with creating the common core and support infrastructure. As mentioned earlier, this consists of the National and State Wide Area Networks, National and State Data Centres, Common Services Centres and the Electronic Service Delivery Gateways. It is also evolving/laying down Standards and Policy Guidelines in its role as facilitator and catalyst. Owing to the complexities involved in evolution/development and adoption of the overall technology architecture, framework standards, security policy, funding strategy, service delivery mechanism, sharing of common infrastructure etc., the nodal role of the DIT cannot be overemphasized, especially as the NIC comes under its administrative control. To perform its role in the implementation of the NeGP, it is aptly functioning as the Secretariat to the Apex Committee headed by the Cabinet Secretary. In fact, to ensure sharing of information and seamless inter-operability of data and e-Governance applications under NeGP, an Apex body has also been constituted with a mandate to approve, notify and enforce the Standards/Guidelines formulated by different Working Groups (WG).

8.1.2 Such initiatives and the institutional aspects of NeGP are similar to those undertaken in the USA. However, in the case of the latter, these have been given a statutory backing. The salient features of this Act, which bring out the benefits of having such a legislation, are mentioned below:

8.1.3 This Act, first of all defines “electronic Government” to mean (Title I, Section 3601):

“the use by the Government of web-based Internet applications and other information technologies, combined with processes that implement these technologies, to

(A) enhance the access to and delivery of Government information and services to the public, other agencies, and other Government entities, or

(B) bring about improvements in Government operations that may include effectiveness, efficiency, service quality, or transformation.”

8.1.4 By providing a definition for e-government under law, this Act removes at one go the scope for having differing approaches to e-Governance across governments and institutions. Thus, it unequivocally states that e-Governance implies the use of web-based applications and other information technologies ‘by the Government’ either for providing ‘Government information and services’ to the public and government institutions alike, or to bring about ‘improvements in Government operations’ aimed at, but not limited to, achieving efficiency, effectiveness etc. In other words, ‘electronic Government’ has the objective of, inter alia, transforming government operations through what has been called ‘business process re-engineering’. This Act, therefore, separates these two objectives, making them activities capable of being pursued independently apart from establishing them as statutory requirements.

8.1.5 The Act then establishes an Office of Electronic Government, headed by an Administrator appointed by the President, in the Office of Management and Budget (OMB). It requires the Administrator to assist the Director and Deputy Director for...
The Information Technology Act, 2000 was enacted to “… provide legal recognition for transactions carried out by means of electronic data interchange and other means of electronic communication, commonly referred to as "electronic commerce", which involve the use of alternatives to paper-based methods of communication and storage of information, to facilitate electronic filing of documents with the Government agencies and further to amend the Indian Penal Code, the Indian Evidence Act, 1872, the Bankers' Books Evidence Act, 1891 and the Reserve Bank of India Act, 1934 and for matters connected therewith or incidental thereto.”

Thus, the focus of this Act is on electronic commerce and electronic records. The Act contains provisions on digital signatures and authentication of electronic records, legal recognition of digital signatures and electronic records, retention of electronic records, attribution, acknowledgement and dispatch of electronic records, security of electronic records, regulation of certifying Authorities, Cyber Regulation Appellate Tribunal etc. To facilitate the implementation of e-Governance projects at various levels across the country, a more wholistic legal framework is required.

8.1 Need for Statutory Backing for E-Governance

8.1.1 The institutional and managerial aspects of NeGP as well as different Mission Mode Projects have been discussed in Chapter 7. The Department of Information Technology (DIT) in Government of India has been tasked with creating the common core and support infrastructure. As mentioned earlier, this consists of the National and State Wide Area Networks, National and State Data Centres, Common Services Centres and the Electronic Service Delivery Gateways. It is also evolving/laying down Standards and Policy Guidelines in its role as facilitator and catalyst. Owing to the complexities involved in evolution/development and adoption of the overall technology architecture, framework standards, security policy, funding strategy, service delivery mechanism, sharing of common infrastructure etc., the nodal role of the DIT cannot be overemphasized, especially as the NIC comes under its administrative control. To perform its role in the implementation of the NeGP, it is aptly functioning as the Secretariat to the Apex Committee headed by the Cabinet Secretary. In fact, to ensure sharing of information and seamless inter-operability of data and e-Governance applications under NeGP, an Apex body has also been constituted with a mandate to approve, notify and enforce the Standards/Guidelines formulated by different Working Groups (WG).

8.1.2 Such initiatives and the institutional aspects of NeGP are similar to those undertaken in the USA. However, in the case of the latter, these have been given a statutory backing. The salient features of this Act, which bring out the benefits of having such a legislation, are mentioned below:

8.1.3 This Act, first of all defines “electronic Government” to mean (Title I, Section 3601):

"the use by the Government of web-based Internet applications and other information technologies, combined with processes that implement these technologies, to—

(A) enhance the access to and delivery of Government information and services to the public, other agencies, and other Government entities; or

(B) bring about improvements in Government operations that may include effectiveness, efficiency, service quality, or transformation."

8.1.4 By providing a definition for e-government under law, this Act removes at one go the scope for having differing approaches to e-Governance across governments and institutions. Thus, it unequivocally states that e-Governance implies the use of web-based applications and other information technologies ‘by the Government’ either for providing ‘Government information and services’ to the public and government institutions alike, or to bring about ‘improvements in Government operations’ aimed at, but not limited to, achieving efficiency, effectiveness etc. In other words, ‘electronic Government’ has the objective of, inter alia, transforming government operations through what has been called ‘business process re-engineering’. This Act, therefore, separates these two objectives, making them activities capable of being pursued independently apart from establishing them as statutory requirements.

8.1.5 The Act then establishes an Office of Electronic Government, headed by an Administrator appointed by the President, in the Office of Management and Budget (OMB). It requires the Administrator to assist the Director and Deputy Director for...
Management and work with the Administrator of the Office of Information and Regulatory Affairs in setting strategic direction for implementing electronic Government under relevant statutes, including the Privacy Act, the Government Paperwork Elimination Act, and the Federal Information Security Management Act of 2002. It then places the following responsibilities on the Administrator (Section 3602):

"(c) The Administrator shall work with the Administrator of the Office of Information and Regulatory Affairs and with other offices within the Office of Management and Budget to oversee implementation of electronic Government under this chapter, chapter 35, the E-Government Act of 2002, and other relevant statutes, in a manner consistent with law, relating to –

1. capital planning and investment control for information technology;
2. the development of enterprise architectures;
3. information security;
4. privacy;
5. access to, dissemination of, and preservation of Government Information;
6. accessibility of information technology for persons with disabilities; and
7. other areas of electronic Government.

8.1.6 As the Office of Management and Budget (OMB) is an integral part of the Executive Office of the President, the intent of the legislation in placing the Office of Electronic Government within the OMB is quite clear: it sends the message that promoting electronic governance is at the core of governmental activities and leadership is provided right from the top of the administrative pyramid. The law also centralizes such important institutional and overarching aspects of e-Governance as identification of technological requirements at different ends and sequential planning for their application (i.e. development of "enterprise architectures"), security and privacy matters, planning and investment matters etc.

8.1.7 Apart from providing leadership, the Administrator of Office of Electronic Government is required to assist the Director of OMB in establishing policies for setting up the framework for information technology standards for the Federal Government developed by the National Institute of Standards and Technology, including the standards and guidelines for inter-connectivity and inter-operability and for Federal Government computer system efficiency and security.²² He has also been given the responsibility of sponsoring a dialogue among Federal, State, local, and tribal government leaders on electronic Governance in the executive, legislative, and judicial branches, as well as leaders in the private and non-profit sectors, to encourage collaboration and enhance understanding of best practices and innovative approaches in acquiring, using, and managing information resources. Further, the Administrator is required to:

"(10) Sponsor activities to engage the general public in the development and implementation of policies and programs, particularly activities aimed at fulfilling the goal of using the most effective citizen-centered strategies and those activities which engage multiple agencies providing similar or related information and services.

(11) Oversee the work of the General Service Administration and other agencies in developing the integrated Internet-based system under Section 204 of the E-Government Act of 2002.

(12) Coordinate with the Administrator for Federal Procurement Policy to ensure effective implementation of electronic procurement initiatives.

(13) Assist Federal agencies, including the General Services Administration, the Department of Justice, and the United States Access Board in –

(A) implementing accessibility standards under Section 508 of the Rehabilitation Act of 1973 (29 USC 794d); and

(B) ensuring compliance with those standards through the budget review process and other means.

(14) Oversee the development of enterprise architectures within and across agencies.

(15) Assist the Director and Deputy Director for Management in overseeing any agency efforts to ensure that electronic Government activities incorporate adequate, risk-based, and cost-effective security compatible with business processes.

(16) Administer the Office of Electronic Government established under this section.

²²Ibid; Title I, Section 3602
²³Ibid; Title I, Section 3602
Management and work with the Administrator of the Office of Information and Regulatory Affairs in setting strategic direction for implementing electronic Government under relevant statutes, including the Privacy Act, the Government Paperwork Elimination Act, and the Federal Information Security Management Act of 2002. It then places the following responsibilities on the Administrator (Section 3602):

"(e) The Administrator shall work with the Administrator of the Office of Information and Regulatory Affairs and with other offices within the Office of Management and Budget to oversee implementation of electronic Government under this chapter, chapter 35, the E-Government Act of 2002, and other relevant statutes, in a manner consistent with law, relating to –

(1) capital planning and investment control for information technology;
(2) the development of enterprise architectures;
(3) information security;
(4) privacy;
(5) access to, dissemination of, and preservation of Government Information;
(6) accessibility of information technology for persons with disabilities; and
(7) other areas of electronic Government.

8.1.6 As the Office of Management and Budget (OMB) is an integral part of the Executive Office of the President, the intent of the legislation in placing the Office of Electronic Government within the OMB is quite clear: it sends the message that promoting electronic governance is at the core of governmental activities and leadership is provided right from the top of the administrative pyramid. The law also centralizes such important institutional and overarching aspects of e-Governance as identification of technological requirements at different ends and sequential planning for their application (i.e. development of enterprise architectures), security and privacy matters, planning and investment matters etc.

8.1.7 Apart from providing leadership, the Administrator of Office of Electronic Government is required to assist the Director of OMB in establishing policies for setting up the framework for information technology standards for the Federal Government developed by the

National Institute of Standards and Technology, including the standards and guidelines for inter-connectivity and inter-operability and for Federal Government computer system efficiency and security.\(^{112}\) He has also been given the responsibility of sponsoring a dialogue among Federal, State, local, and tribal government leaders on electronic Government in the executive, legislative, and judicial branches, as well as leaders in the private and non-profit sectors, to encourage collaboration and enhance understanding of best practices and innovative approaches in acquiring, using, and managing information resources. Further, the Administrator is required to:\(^{112}\)

"(10) Sponsor activities to engage the general public in the development and implementation of policies and programs, particularly activities aimed at fulfilling the goal of using the most effective citizen-centered strategies and those activities which engage multiple agencies providing similar or related information and services.

(11) Oversee the work of the General Service Administration and other agencies in developing the integrated Internet-based system under Section 204 of the E-Government Act of 2002.

(12) Coordinate with the Administrator for Federal Procurement Policy to ensure effective implementation of electronic procurement initiatives.

(13) Assist Federal agencies, including the General Services Administration, the Department of Justice, and the United States Access Board in –

(A) implementing accessibility standards under Section 508 of the Rehabilitation Act of 1973 (29 USC 794d); and

(B) ensuring compliance with those standards through the budget review process and other means.

(14) Oversee the development of enterprise architectures within and across agencies.

(15) Assist the Director and Deputy Director for Management in overseeing any agency efforts to ensure that electronic Government activities incorporate adequate, risk-based, and cost-effective security compatible with business processes.

(16) Administer the Office of Electronic Government established under this section.

\(^{112}\)ibid; Title I, Section 3602
8.1.8 After making the Administrator responsible for the purposes of the Act, it creates an inter-agency forum in the form of the Chief Information Officers Council (CIO Council) aimed at improving agency practices related to the design, acquisition, development, modernization, use, operation, sharing and performance of ‘Federal Government information resources’ (Title I, Section 3603). The Deputy Director for Management in the OMB is the Chairperson of this Council and the Administrator of OEB, the Administrator of the Office of Information Regulatory Affairs, the chief information officers of various agencies including the CIA etc. are members of this Council. Section 3604 of the Act establishes an ‘E-Government Fund’ for the purposes of the Act. Further, Section 3606 of Title I of the Act enjoins the Director of OMB to submit an E-Government status report to the Senate and the House of Representatives before 1st March of each year containing information on implementation and requirements of the Act.

8.1.9 Thus, the US law is a comprehensive legislation to deal with different aspects of e-Governance. It creates new institutions to implement the overall e-Governance initiatives and to co-ordinate between governments, agencies and institutions. It also lays down responsibility and accountability frameworks. Another significant aspect of the US legislation is that it provides for implementation and procedural time frames. This aspect is clearly brought out in a ‘Memorandum to All Departments and Agency Heads’ issued by the OMB on August 1, 2003, which is presented in Table 8.1 below.

<table>
<thead>
<tr>
<th>Required Activity or Product</th>
<th>Statutory and other Timeframes</th>
<th>Lead</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Office of E-government and IT Administrator (Sec 101, 3602)</td>
<td>Established on April 17, 2003</td>
<td>OMB</td>
</tr>
<tr>
<td>Sponsor ongoing dialogue with interest parties (including state, local, and tribal governments, private and non-profit sectors, and the general public) to find innovative ways to use IT to improve the delivery of Government information and services (Sec 101, 3602)</td>
<td>Ongoing</td>
<td>OMB</td>
</tr>
<tr>
<td>The CIO Council (Sec 101, 3603)</td>
<td>Established on April 17, 2003</td>
<td>OMB</td>
</tr>
</tbody>
</table>

123Source: http://www.whitehouse.gov/omb/memoranda/m03-18.pdf
8.1.8 After making the Administrator responsible for the purposes of the Act, it creates an inter-agency forum in the form of the Chief Information Officers Council (CIOC) aimed at improving agency practices related to the design, acquisition, development, modernization, use, operation, sharing and performance of ‘Federal Government information resources’ (Title I, Section 3603). The Deputy Director for Management in the OMB is the Chairperson of this Council and the Administrator of OEB, the Administrator of the Office of Information Regulatory Affairs, the chief information officers of various agencies including the CIA etc. are members of this Council. Section 3604 of the Act establishes an ‘E-Government Fund’ for the purposes of the Act. Further, Section 3606 of Title I of the Act enjoins the Director of OMB to submit an E-Government status report to the Senate and the House of Representatives before 1st March of each year containing information on implementation and requirements of the Act.

8.1.9 Thus, the US law is a comprehensive legislation to deal with different aspects of e-Governance. It creates new institutions to implement the overall e-Governance initiatives and to coordinate between governments, agencies and institutions. It also lays down responsibility and accountability frameworks. Another significant aspect of the US legislation is that it provides for implementation and procedural time frames. This aspect is clearly brought out in a ‘Memorandum to All Departments and Agency Heads’ issued by the OMB on August 1, 2003, which is presented in Table 8.1 below.125

<table>
<thead>
<tr>
<th>Required Activity or Product</th>
<th>Statutory and other Timeframes</th>
<th>Lead</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Office of E-government and IT Administrator (Sec 101, 3602)</td>
<td>Established on April 17, 2003</td>
<td>OMB</td>
</tr>
<tr>
<td>Sponsor ongoing dialogue with interest parties (including state, local, and tribal governments, private and non-profit sectors, and the general public) to find innovative ways to use IT to improve the delivery of Government information and services (Sec 101, 3602)</td>
<td>Ongoing</td>
<td>OMB</td>
</tr>
<tr>
<td>The CIO Council (Sec 101, 3603)</td>
<td>Established on April 17, 2003</td>
<td>OMB</td>
</tr>
</tbody>
</table>

Table 8.1: E-Government Act 2002 – Required Activities, Time Frames and Lead Agencies

125Source: http://www.whitehouse.gov/omb/memoranda/m03-18.pdf
Table 8.1: E-Government Act 2002 – Required Activities, Time Frames and Lead Agencies (Contd.)

<table>
<thead>
<tr>
<th>Required Activity or Product</th>
<th>Statutory and other Time Frames</th>
<th>Lead</th>
</tr>
</thead>
<tbody>
<tr>
<td>Work with agencies to create public domain directory of Government websites (taxonomy) (Sec 207)</td>
<td>By December 2004</td>
<td>OMB</td>
</tr>
<tr>
<td>Issue guidance on Privacy Impact Assessments (PIAs) and agency privacy notices on websites (Sec 208)</td>
<td>Ongoing</td>
<td>OMB</td>
</tr>
<tr>
<td>IT Workforce issues (Sec 209)</td>
<td>Ongoing</td>
<td>OPM, in consultation with OMB, the CIO Council and GSA</td>
</tr>
<tr>
<td>• Analyse personnel needs of Federal government in IT and IRM</td>
<td>Ongoing</td>
<td>OPM, in consultation with OMB, the CIO Council and GSA</td>
</tr>
<tr>
<td>• Identify current gaps</td>
<td>Ongoing</td>
<td>OPM, in consultation with OMB, the CIO Council and GSA</td>
</tr>
<tr>
<td>• Oversee development of curricula, training methods, and training priorities for projected personnel needs</td>
<td>Ongoing</td>
<td>OPM, in consultation with OMB, the CIO Council and GSA</td>
</tr>
<tr>
<td>• Assess current training offerings in IT</td>
<td>Ongoing</td>
<td>OPM, in consultation with OMB, the CIO Council and GSA</td>
</tr>
<tr>
<td>• Issue policies and guidance</td>
<td>Ongoing</td>
<td>OPM, in consultation with OMB, the CIO Council and GSA</td>
</tr>
<tr>
<td>Develop IT training programs (Sec 209)</td>
<td>Ongoing</td>
<td>Agencies, in consultation with OPM, the CIO Council, and GSA</td>
</tr>
<tr>
<td>Ensure that agencies collect standardized information on IT and IRM workforce assessments (Sec 209)</td>
<td>Ongoing</td>
<td>OMB</td>
</tr>
<tr>
<td>Overseer the IT exchange program and develop implementing regulations (Sec 209)</td>
<td>Ongoing</td>
<td>OPM</td>
</tr>
<tr>
<td>IT Workforce Reports to Congress I. Report on existing government-wide IT training programs and recommendations for improvement or establishment of a program if none exist. (Sec 209)</td>
<td>By September 2003 (Sec 209)</td>
<td>OPM in consultation with the CIO Council and GSA</td>
</tr>
</tbody>
</table>

Table 8.1: E-Government Act 2002 – Required Activities, Time Frames and Lead Agencies (Contd.)

<table>
<thead>
<tr>
<th>Required Activity or Product</th>
<th>Statutory and other Time Frames</th>
<th>Lead</th>
</tr>
</thead>
<tbody>
<tr>
<td>II. IT Exchange Program</td>
<td>April 17, 2004</td>
<td>OPM</td>
</tr>
<tr>
<td>• Report on existing personnel exchange programs</td>
<td>April 17, 2004</td>
<td>OPM</td>
</tr>
<tr>
<td>• Prepare a bi-annual report for Congress on agency use of the IT Exchange Program (to be published in Federal Register and on the Internet)</td>
<td>April 30 and October 31 of each year</td>
<td>OPM</td>
</tr>
<tr>
<td>Modification of FAR for government-wide use of share-in-sharing contracts (Sec 210)</td>
<td>By January 2004</td>
<td>OMB/OFPP/FAR Council</td>
</tr>
<tr>
<td>Report to Congress on share-in-savings progress (Sec 210)</td>
<td>By April 2005</td>
<td>OMB, in consultation with executive agencies</td>
</tr>
<tr>
<td>Report to Congress on State and local use of Federal Supply Schedules (Sec 211)</td>
<td>By March 2004</td>
<td>GSA/OMB</td>
</tr>
<tr>
<td>Designation of up to 5 pilot projects that integrate data elements (Sec 212)</td>
<td>Ongoing</td>
<td>OMB</td>
</tr>
<tr>
<td>Report to Congress on study of data integration (Sec 212)</td>
<td>By April 2006</td>
<td>OMB, in consultation with agencies and others</td>
</tr>
<tr>
<td>Study and report to Congress on best practices of Community Technology Centers (Sec 213)</td>
<td>By April 2004</td>
<td>OMB, to be conducted by the Department of Education</td>
</tr>
<tr>
<td>Development of an online tutorial on government information and services (Sec 213)</td>
<td>Ongoing</td>
<td>OMB, to be conducted by the Department of Education and the Institute of Museum and Library Services</td>
</tr>
<tr>
<td>Study on use of IT to Enhance Crisis Response (Sec 214)</td>
<td>Ongoing</td>
<td>OMB, to be conducted by DHS (FEMA)</td>
</tr>
<tr>
<td>Report to Congress on Crisis Management (Sec 214)</td>
<td>2 years following contract date</td>
<td>OMB</td>
</tr>
<tr>
<td>Pilot Projects and Further Reports on using IT in Disaster Management (Sec 214)</td>
<td>Following study and report</td>
<td>OMB</td>
</tr>
<tr>
<td>Digital Divide study (Sec 215)</td>
<td>Ongoing</td>
<td>GSA, to be conducted by the National Academy of Sciences / National Academy of Engineering</td>
</tr>
</tbody>
</table>
### Legal Framework for e-Governance

Table 8.1: E-Government Act 2002 – Required Activities, Time Frames and Lead Agencies (Cont’d.)

<table>
<thead>
<tr>
<th>Required Activity or Product</th>
<th>Statutory and other Time Frames</th>
<th>Lead</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>II. IT Exchange Program</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Report on existing personnel exchange programs</td>
<td>April 17, 2004</td>
<td>OPM</td>
</tr>
<tr>
<td>• Prepare a bi-annual report for Congress on agency use of the IT Exchange Program (to be published in Federal Register and on the Internet)</td>
<td>April 30 and October 31 of each year</td>
<td>OPM</td>
</tr>
<tr>
<td><strong>III. IT Exchange Program</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Report on existing personnel exchange programs</td>
<td>By January 2004</td>
<td>OPM/OFPP/FAR Council</td>
</tr>
<tr>
<td>• Prepare a bi-annual report for Congress on agency use of the IT Exchange Program (to be published in Federal Register and on the Internet)</td>
<td>By April 2005</td>
<td>OPM, in consultation with executive agencies</td>
</tr>
<tr>
<td><strong>IV. IT Exchange Program</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Designation of up to 5 pilot projects that integrate data elements (Sec 212)</td>
<td>By March 2004</td>
<td>OMB/OMB</td>
</tr>
<tr>
<td>• Report to Congress on study of data integration (Sec 212)</td>
<td>By April 2006</td>
<td>OMB, in consultation with agencies and others</td>
</tr>
<tr>
<td>• Study and report to Congress on best practices of Community Technology Centers (Sec 213)</td>
<td>By April 2004</td>
<td>OMB, to be conducted by the Department of Education</td>
</tr>
<tr>
<td><strong>V. IT Exchange Program</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Development of an online tutorial on government information and services (Sec 213)</td>
<td>Ongoing</td>
<td>OMB, to be conducted by the Department of Education and the Institute of Museum and Library Services</td>
</tr>
<tr>
<td><strong>VI. IT Exchange Program</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Study on use of IT to Enhance Crisis Response (Sec 214)</td>
<td>Ongoing</td>
<td>OMB, to be conducted by DHS (FEMA)</td>
</tr>
<tr>
<td>• Report to Congress on Crisis Management (Sec 214)</td>
<td>2 years following contract date</td>
<td>OMB</td>
</tr>
<tr>
<td>• Pilot Projects and Further Reports on using IT in Disaster Management (Sec 214)</td>
<td>Following study and report</td>
<td>OMB</td>
</tr>
<tr>
<td><strong>VII. IT Exchange Program</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Digital Divide study (Sec 215)</td>
<td>Ongoing</td>
<td>GSA, to be conducted by the National Academy of Sciences / National</td>
</tr>
</tbody>
</table>

---

Table 8.1: E-Government Act 2002 – Required Activities, Time Frames and Lead Agencies (Cont’d.)

<table>
<thead>
<tr>
<th>Required Activity or Product</th>
<th>Statutory and other Time Frames</th>
<th>Lead</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>II. IT Exchange Program</strong></td>
<td><strong>III. IT Exchange Program</strong></td>
<td><strong>IV. IT Exchange Program</strong></td>
</tr>
</tbody>
</table>
8.1.10 It is evident from Table 8.1 that not only is the coverage of the US legislation comprehensive, it lays down well-defined time frames and deliverables along with accountability mechanisms. Similarly, the New Zealand Government, in its e-government vision document came up with a simple mission objective “by 2004, the internet will be the dominant means of enabling ready access to government information, services and processes”. Having achieved this, Government of New Zealand, put forth the following revised goals:

- **By 2007**, information and communication technologies will be integral to the delivery of government information, services and processes.
- **By 2010**, the operation of government will be transformed as government agencies and their partners use technology to provide user-centred information and services and achieve joint outcomes.
- **By 2020**, people’s engagement with the government will have been transformed, as increasing and innovative use is made of the opportunities offered by network technologies.

The Commission is of the view that a clear road map with a set of milestones should be outlined by Government of India with the ultimate objective of transforming the citizen government interface at all levels to the e-Governance mode by 2020.

8.1.11 e-Governance in India does not yet have a separate enabling legal framework. The Information Technology Act, 2000 was enacted to provide legal recognition for transactions carried out through electronic data interchange and other means of electronic communication which involve the use of non-paper based methods of communication and storage of information, facilitating the electronic filing of documents with government agencies. However, the scope of NeGP is very wide covering almost all aspects of governance - right from delivery of services and provision of information to business process re-engineering within the different levels of government and its institutions. Thus, its task is of mammoth proportion. It would therefore be advisable if such a gigantic task is implemented, monitored and regulated through a legal framework so that its vision becomes a reality.

8.1.12 In fact, while implementing the NeGP, various structural and institutional issues have already arisen which clearly call for a statutory mandate for their resolution. While examining the constraints experienced in the implementation of various Mission Mode Projects under the NeGP, the Standing Committee on Information Technology found out the Central Line Departments were facing difficulties on account of the fact that these projects were ‘large, complex and technology driven’. Some of these issues were related to:

- Lack of clarity on composition, role, responsibility and financial powers of the Empowered Committee.
- Laying down policy changes for fast-track approval of MMPs and Special Scheme for State MMPs.
- Issues regarding the role and responsibility of the States and the Union Line Ministries in project implementation. (Project specific interfaces between the State and Line Ministries also need to be provided urgently).
- Policy for inter-ministerial Governance structure for Integrated Services Projects.
- Setting up an organization structure to deal with issues arising during post implementation period.

8.1.13 Such issues arise because various components of NeGP are to be separately implemented by the Union and State Governments as the functional areas fall within their specific jurisdictions. However, the country already has two landmark legislations which deal with issues falling within the jurisdiction of both the Union and State Governments. These are, the National Rural Employment Guarantee Act, 2005 (NREGA) and the Disaster Management Act, 2005 (DMA). The NREGA, apart from laying out the deliverables,
8.1.10 It is evident from Table 8.1 that not only is the coverage of the US legislation comprehensive, it lays down well-defined time frames and deliverables along with accountability mechanisms. Similarly, the New Zealand Government, in its e-government vision document came up with a simple mission objective “By 2004, the internet will be the dominant means of enabling ready access to government information, services and processes”. Having achieved this, Government of New Zealand, put forth the following revised goals:

- **By 2007,** information and communication technologies will be integral to the delivery of government information, services and processes.
- **By 2010,** the operation of government will be transformed as government agencies and their partners use technology to provide user-centred information and services and achieve joint outcomes.
- **By 2020,** people’s engagement with the government will have been transformed, as increasing and innovative use is made of the opportunities offered by network technologies.

The Commission is of the view that a clear road map with a set of milestones should be outlined by Government of India with the ultimate objective of transforming the citizen government interface at all levels to the e-Governance mode by 2020.

8.1.11 e-Governance in India does not yet have a separate enabling legal framework. The Information Technology Act, 2000 was enacted to provide legal recognition for transactions carried out through electronic data interchange and other means of electronic communication which involve the use of non-paper based methods of communication and storage of information, facilitating the electronic filing of documents with government agencies. However, the scope of NeGP is very wide covering almost all aspects of governance—right from delivery of services and provision of information to business process re-engineering within the different levels of government and its institutions. Thus, its task is of mammoth proportion. It would therefore be advisable if such a gigantic task is implemented, monitored and regulated through a legal framework so that its vision becomes a reality.

8.1.12 In fact, while implementing the NeGP, various structural and institutional issues have already arisen which clearly call for a statutory mandate for their resolution. While examining the constraints experienced in the implementation of various Mission Mode Projects under the NeGP, the Standing Committee on Information Technology found out the Central Line Departments were facing difficulties on account of the fact that these projects were ‘large, complex and technology driven’. Some of these issues were related to:

- Lack of clarity on composition, role, responsibility and financial powers of the Empowered Committee.
- Laying down policy changes for fast-track approval of MMPs and Special Scheme for State MMPs.
- Issues regarding the role and responsibility of the States and the Union Line Ministries in project implementation. (Project specific interfaces between the State and Line Ministries also need to be provided urgently).
- Policy for inter-ministerial Governance structure for Integrated Services Projects.
- Setting up an organization structure to deal with issues arising during post implementation period.

8.1.13 Such issues arise because various components of NeGP are to be separately implemented by the Union and State Governments as the functional areas fall within their specific jurisdictions. However, the country already has two landmark legislations which deal with issues falling within the jurisdiction of both the Union and State Governments. These are, the National Rural Employment Guarantee Act, 2005 (NREGA) and the Disaster Management Act, 2005 (DMA). The NREGA, apart from laying out the deliverables,
provides for the implementing and monitoring authorities at various levels of governance for the purposes of the NREG Scheme in the form of the Central and State Employment Guarantee Councils, the District Programme Coordinator, the Programme Officer (at the Intermediate Panchayat level) and the Gram Panchayats along with their duties and functions. It also provides for social audit, grievance redressal mechanism, establishment of National and State level funds, funding pattern, transparency and accountability, power of Central Government to give directions etc. Similarly, the DMA provides for establishment of Disaster Management Authorities at the National, State and District levels along with their functions and duties, National, State and District level Plans, measures to be taken by authorities at different levels for preparation, capacity building, relief and rehabilitation etc, Disaster Mitigation and Disaster Response Funds at the National and State levels, allocation of funds etc.

8.1.14 Based on the above, the Commission is of the view that components of the NeGP may be enshrined in a legal framework keeping in consideration the mammoth dimension of the task, the level of required coordination between the Union and State Governments and the diverse and complex field situations in which it is being implemented. The purpose would be to give statutory mandate to the institutional entities, setting up of a separate Fund, defining responsibilities and providing for time frames and oversight mechanisms. Thus, this legislation may, inter alia, contain provisions regarding the following:

- Definition of e-Governance in the Indian context, its objectives and role
- Coordination and oversight mechanisms, support structures at various levels, their functions and responsibilities
- Role, functions and responsibilities of government organizations at various levels
- Mechanism for financial arrangements including public-private partnership
- Specifying the requirements of a strategic control framework for e-Government projects dealing with statutory and sovereign functions of the government
- Responsibility for selection and adoption of standards and inter-operability framework
- Framework for digital security and data protection etc.

8.1.15 Such legislation should be in the nature of an overarching framework and avoid going into micro-details. The Commission is of the view that this law should provide ample flexibility to organizations and support subordinate delegation as conceptualization and implementation of e-Governance initiatives and business process reengineering in different organizations would throw up myriad problems which would need adopting a wide variety of approaches to arrive at solutions.

8.2 Recommendations

a. A clear road map with a set of milestones should be outlined by Government of India with the ultimate objective of transforming the citizen-government interaction at all levels to the e-Governance mode by 2020. This may be enshrined in a legal framework keeping in consideration the mammoth dimension of the task, the levels of required coordination between the Union and State Governments and the diverse field situations in which it would be implemented.

b. The legal framework should, inter alia, include provisions regarding:
   i. Definition of e-Governance, its objectives and role in the Indian context;
   ii. Parliamentary oversight mechanism;
   iii. Mechanism for co-ordination between government organizations at Union and State levels;
   iv. Role, functions and responsibilities of government organizations with regard to e-Governance initiatives, especially business process re-engineering;
   v. Financial arrangements;
   vi. Specifying the requirements of a strategic control framework for e-Government projects dealing with the statutory and sovereign functions of government;
provides for the implementing and monitoring authorities at various levels of governance for the purposes of the NREG Scheme in the form of the Central and State Employment Guarantee Councils, the District Programme Coordinator, the Programme Officer (at the Intermediate Panchayat level) and the Gram Panchayats along with their duties and functions. It also provides for social audit, grievance redressal mechanism, establishment of National and State level funds, funding pattern, transparency and accountability, power of Central Government to give directions etc. Similarly, the DMA provides for establishment of Disaster Management Authorities at the National, State and District levels along with their functions and duties, National, State and District level Plans, measures to be taken by authorities at different levels for preparation, capacity building, relief and rehabilitation etc, Disaster Mitigation and Disaster Response Funds at the National and State levels, allocation of funds etc.

8.1.14 Based on the above, the Commission is of the view that components of the NeGP may be enshrined in a legal framework keeping in consideration the mammoth dimension of the task, the level of required coordination between the Union and State Governments and the diverse and complex field situations in which it is being implemented. The purpose would be to give statutory mandate to the institutional entities, setting up of a separate Fund, defining responsibilities and providing for time frames and oversight mechanisms. Thus, this legislation may, inter alia, contain provisions regarding the following:

• Definition of e-Governance in the Indian context, its objectives and role
• Coordination and oversight mechanisms, support structures at various levels, their functions and responsibilities
• Role, functions and responsibilities of government organizations at various levels
• Mechanism for financial arrangements including public-private partnership
• Specifying the requirements of a strategic control framework for e-Government projects dealing with statutory and sovereign functions of the government
• Responsibility for selection and adoption of standards and inter-operability framework
• Framework for digital security and data protection etc.

8.1.15 Such legislation should be in the nature of an overarching framework and avoid going into micro-details. The Commission is of the view that this law should provide ample flexibility to organizations and support subordinate delegation as conceptualization and implementation of e-Governance initiatives and business process reengineering in different organizations would throw up myriad problems which would need adopting a wide variety of approaches to arrive at solutions.

8.2 Recommendations

a. A clear road map with a set of milestones should be outlined by Government of India with the ultimate objective of transforming the citizen-government interaction at all levels to the e-Governance mode by 2020. This may be enshrined in a legal framework keeping in consideration the mammoth dimension of the task, the levels of required coordination between the Union and State Governments and the diverse field situations in which it would be implemented.

b. The legal framework should, inter alia, include provisions regarding:

i. Definition of e-Governance, its objectives and role in the Indian context;
ii. Parliamentary oversight mechanism;
iii. Mechanism for co-ordination between government organizations at Union and State levels;
iv. Role, functions and responsibilities of government organizations with regard to e-Governance initiatives, especially business process re-engineering;
v. Financial arrangements;
vi. Specifying the requirements of a strategic control framework for e-Government projects dealing with the statutory and sovereign functions of government;
vii. Framework for digital security and data protection; and

c. This legislation should have an overarching framework and be able to provide flexibility to organizations.

KNOWLEDGE MANAGEMENT

9.1 Importance of Knowledge Management in Government

9.1.1 Earlier e-Governance was considered as mere application of ICT tools to the governance processes. But, as has been emphasized in this Report, a successful e-Governance intervention requires a holistic approach as it encompasses domain knowledge, process reform management, resources management, project management and change management. In each one of these, Knowledge Management (KM) is an important component. Knowledge Management (KM), is defined as “a discipline that promotes an integrated approach to identifying, capturing, evaluating, retrieving and sharing enterprise information assets.” (Gartner Group). Knowledge Management is a process that, continuously and systematically, transfers knowledge from individuals and teams, who generate them, to the brain of the organisation for the benefit of the entire organisation. It is the systematic, explicit, and deliberate building, renewal, and application of knowledge to maximize an enterprise’s knowledge-related effectiveness and returns from its knowledge assets. Knowledge Management in an organization involves the following steps:

a. Identification of the knowledge assets within the organization - explicit and tacit
b. Development of these knowledge assets
c. Capturing and preservation of the knowledge
d. Using and sharing of the knowledge.

9.1.2 Knowledge Management is often perceived as merely a technological solution; in fact it has a much wider connotation since it is aimed at enabling people to efficiently perform their functions. For citizens, the benefits to be reaped from KM include better services, more choices, more personalization and greater accountability of how their money is spent. For the organization, KM provides the major benefit of improving the organization’s performance through increased efficiency and innovation. But for these benefits to occur, the back office processes must be in place. KM is founded on the notion that the organization’s

http://www.tatasteel.com/technologyupdate/km/km_basics.htm