



GOVERNMENT OF KERALA
INFORMATION TECHNOLOGY (B) DEPARTMENT

Thiruvananthapuram,
Dated: 17.01.2013.

No. 1328/B1/2008/ITD.

CIRCULAR

Sub:- ITD - Acceptance of digitally signed certificates - Provisions of IT Act
Reiterated- reg.

- Ref:-
1. IT Act 2000
 2. IT (Amendment) Act 2008
 3. Kerala IT (EDS) Rules 2010 issued as per GO(P) No.24/10/ITD dated 04.08.2010

Public are now receiving Government Services and Certificates with electronic signature by electronic means through e-District Project. But it has come to the notice of Government that certain Officers, Heads of Departments and Central Government Departments are not accepting the digitally signed certificates provided through online under e-District Project, causing much hardships to public.

2. IT Act 2000 allows use of electronic records and digital signatures in Government and its agencies and digital signatures are legally recognized. Section 5 of IT Act 2000 are extracted below.

"5. Legal recognition of digital 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 digital signature affixed in such manner as may be prescribed by the Central Government."

3. Section 6 of IT Act 2000 confirmed power to appropriate Government to prescribe the manner and format in which such electronic records shall be filed, created or issued. Accordingly in exercise of the power conferred under IT Act 2000, Government of Kerala made Kerala IT (EDS) Rules 2010, wherein Section 8 prescribes System of Electronic Delivery of Service, which is extracted below:

"Any license, permit, certificate, sanction, payment receipt or approval delivered in accordance with these rules shall be admissible in any legal or other proceedings, without proof or production of the original, as evidence of any contents of the original or of any facts stated therein, provide it is verifiable by one or more of the following manner as explained below:

- a) The license, permit, certificate sanction payment receipt or approval or any other such public service has a unique identification number generated by the computer resource which can be used to verify its authenticity and content.
- b) The license, permit, certificate, sanction or approval or any other such public service has a barcode which can be used to verify its authenticity and content.

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- c) The license, permit, certificate sanction or approval or any other such public service can be verified with the electronic signature of the authority which has issued it.
- d) Any other means notified by the Government."

4. So it is evident that certificates of Government Services with digital signature receiving through online is legally valid and non-acceptance of such certificates has no legal backing.

5. One of the objectives of IT Policy 2012 issued as per G.O(P) No. 19/12/ITD dated 12/10/12 is "to ensure electronic delivery of service to citizens and business across all departments and functions to achieve the objective of transparency and efficiency and there by making the state a 100 percent e-literate and digital society."


6. Under this circumstances all departments of State Government, Central Government, Public Sector Undertakings, Local self Governments, Universities etc are requested to ensure that licence, permit, certificate, sanction, payment receipt or approval delivered with digital signature in accordance with IT Act 2000, IT Act(Amendment) 2008 and Kerala IT(EDS) Rules 2010 are accepted, and not to insist for original certificates carrying manual signature of the authenticated officer, provided if it verifiable by the manner explained in above said Act & Rules.

7. All Heads of Department may bring this to the notice of their suboffices urgently.

P.H. KURIAN
Principal Secretary to Government

To
Secretary/Principal Secretary/Additional Chief Secretary of all Departments of Secretariat
All Heads of Departments
All District Collectors
All Central Government Offices in the State
Director, Kerala State IT Mission, Thiruvananthapuram.
Director, Information & Public Relations Dept. (for uploading in Government Websites)
StockFile/ Office Copy

Forwarded/By Order


Section Officer