

<http://www.newsroompost.com/131224/new-e-mail-policy-offing-government-employees/>

New e-mail policy in offing for government employees

by Yatin Chadha on November 25, 2014



Finally, the Government of India seems to have been working on the draft e-mail policy for the government officials. Recently, a bench comprising Justice Badar Durrez Ahmed and Justice Siddharth Mridul raised serious concerns over the fallout of the use of non-National Informatics Centre (NIC) e-mail accounts by government officials.

The practice of use of non-NIC e-mail accounts for official purposes by government would not only contravene law but also poses danger to the security of the nation, as it results into Government documents travelling abroad.

Electronic mails carrying business information of the government, its transactions, policies, procedures, guidelines and standards etc. are considered as public records. Section 4 of the Public Records Act,

1993 dictates that no person shall take or cause to be taken out of India, any public records without the prior approval of the Central government and section 9 of the act stipulates punishment of maximum five years imprisonment or ten thousand rupees fine or both in case of any violation of Section 4.

So, any use of the non-government or non-NIC e-mail which results into travelling of public records into servers placed outside India is in contravention of Section 4. Therefore, the upcoming e-mail policy of the Centre must definitely cater to the requirements under the said Act, so that there is complete conformity between E-mail policy and the said Act with regards to public records.

The Committee of Secretaries working over the draft e-mail policy is principally in agreement that intra and inter departmental communications are to be routed only through the email accounts of the Government and particularly those given by the NIC.

Limiting all the official communications through government or NIC given e-mail accounts would require elephantine infrastructural extension, as full implementation of the same would require 5 million official email accounts, whereas at present, there are only 4.5 lakh registered account holders of NIC.

In the hearing held on October 30, 2014, Sanjay Jain, the Additional Solicitor General appearing on behalf of the Union Of India submitted before the bench that the email policy has been finalized for being presented before the cabinet, which only needs approval of the minister concerned and thereafter the same may be placed before the cabinet for approval and this procedure will take 2 to 3 weeks only.

However, the question remains that will the new e-mail policy of the Government be cogent enough and practicably fix the alarming problem of public records, being made accessible unintentionally outside India, also due to use of unofficial or personal e-mails?

(The writer is an advocate and an expert in cyber law)