

American launches a satyagraha to free Indian standards



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Make BIS standards open access, says NGO's appeal in Delhi High Court

Carl Malamud has filed a public interest litigation in the Delhi High Court, with the Ministry of Consumer Affairs, Food and Public Distribution and the Bureau of Indian Standards [BIS] as respondents, appealing to make the

standards 'freely available to the public at large.' The case gets its first hearing today.

Mr. Malamud, an American, runs a public free online database of Indian standards, 19,200 of them, through his one-person NGO, Public Resource. He bought the standards from the BIS, and in 2012, put them all online.

Then, in 2014, the BIS sent him a renewal notice for his subscription. "I sent them a purchase order with a cover letter saying, by the way, all your standards are here on the Net, I've converted 900 into HTML, would you like a copy? And I got this nasty letter from them: 'We will not sell you any more, you must remove them.' We politely refused. We petitioned the Ministry, and they said, no." That was October the same year.

In December 2015, Public Resource filed its PIL. His co-petitioners are Sushant Sinha, creator of IndianKanoon, and civil engineer and transportation specialist Srinivas Kodali; they are represented, *pro bono*, by lawyers Salman Khurshid and **Nishith Desai**.

Similar efforts in U.S.

Well known for his work to make public data available to the public in the U.S., Mr. Malamud is also being sued by several non-profits there.

When he decided to put the Indian standards online, he had told Aneesh Chopra – Chief Technology Officer during the first half of the Obama presidency – of his plans, and Mr. Chopra advised him to meet Sam Pitroda, the telecommunications pioneer. So, just after starting work on the Indian standards in March 2012, he did. Mr. Pitroda was immediately supportive.

Mr. Pitroda explains: "Engineering students need these standards, right? How can I ask a poor little student to spend ₹14,000 to buy a standard? [That is the cost of the Building Code.] The government is wrong. I told him, 'I will personally take the responsibility, because I would rather fight the battle to make sure that all my students have access to building codes.'"

"Standards, to me, are the most egregious case of the law not being available," Mr. Malamud says.."

Mr. Malamud calls the effort a Gandhian civil disobedience. "It is satyagraha. A sustained campaign of protest."

He is optimistic. "[Standards] are government documents in India. The Copyright Act says government documents should be available, and more importantly, the RTI is based on the Constitution, and I'm asking that government documents be made public and that the Constitution trumps the Standards Act. The Delhi High Court has been progressive, [like with] the Delhi University case. I'm very hopeful they will say this is a no-brainer."