



Public Works for a Better Government

August 2, 2014

Honorable Sunil Soni, Director General
Bureau of Indian Standards
9 Bahadur Shar Zafar Marg
New Delhi 110 002
India

Dear Mr. Director General:

I am writing in response to the [letter of August 1, 2014](#) from Mr. R. K. Srivastava, who was writing in reference to my [letter of June 25, 2014](#). Mr. Srivastava objected to the posting of “192 standards/publications of BIS,” said that the “BIS has not appreciated” the efforts, and then talked of legal actions.

First, let me be very clear that we did not post 192 Indian Standards on our web site. We posted 19,200 Indian Standards on our web site. Our non-profit corporation did so on a non-commercial basis for the express and stated purpose as noted on the cover sheet of each such document:

Whereas the Parliament of India has set out to provide a practical regime of right to information for citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority, and whereas the attached publication of the Bureau of Indian Standards is of particular interest to the public, particularly disadvantaged communities and those engaged in the pursuit of education and knowledge, the attached public safety standard is made available to promote the timely dissemination of this information in an accurate manner to the public.

The Right to Information Act ([Act No. 22 of 2005](#)) is a fundamental and central piece of legislation in India. It is widely considered the gold standard in the world for citizen access to the workings of government. The Right to Information Act in turn has deep constitutional roots. As the Supreme Court of India forcefully noted in Paragraph 55 of [S.P. Gupta v. Union of India, A.I.R. 1982 S.C. 149](#):

The concept of an open government is the direct emanation from the right to know which seems to be implicit in the right of free speech and expression guaranteed under Article 19(1)(a). Therefore, disclosure of information in regard to the functioning of Government must be the rule and secrecy an exception justified only where the strictest requirement of public interest so demands.

These benchmarks apply to all public authorities, including the Bureau of Indian Standards. However, when it comes to Indian Standards, this is about more than just ordinary government information. Indian Standards are Edicts of Government, documents which are incorporated into numerous statutes and regulatory acts of the governments of India and which are relied upon in numerous opinions of the courts.

Edicts of Government are the rules that define the rights and obligations of citizens. When those edicts define the public safety of what we eat, the safety of our homes and factories, and the safety of our water and roads, it is particularly important that we know what they say. That we must all know the laws is a principle that goes far back in the history of India. As Nehru taught us, Ashoka inscribed the edicts in rocks and pillars so all could see and know, symbols that are so central to the identity of India that the wheels of law are at the center of the Indian flag. See [Indian Standard IS 1, Specification for the National Flag of India \(Cotton Khadi\) \(Second Revision\)](#).

It is well recognized throughout the world that Edicts of Government must be available for people to read and speak, for the laws are owned by the people in any democratic society. In the United States, this principle has been set down from the earliest decisions of our Supreme Court in the seminal decision of *Wheaton v. Peters*, [33 U.S. 591 \(1834\)](#) which held that the law has no copyright. Indeed, this principle is such a long-held underpinning of public policy that it has been enshrined in the U.S. Copyright Office, *Compendium of Office Practices II*, Section 206.01 (1984):

Edicts of government, such as judicial opinions, administrative rulings, legislative enactments, public ordinances, and similar official legal documents are not copyrightable for reasons of public policy. This applies to such works whether they are Federal, State, or local as well as to those of foreign governments. (Emphasis Added.)

I was inspired to make the standards of India more broadly available to the people of India by a seminal report, the [2006 Report to the Nation](#) of the National Knowledge Commission. Chaired by Mr. Sam Pitroda, this report emphasized that “people’s access to knowledge can transform India’s potential.” Mr. Pitroda began his report with the inspirational words of Rabindranath Tagore:

*Where the mind is without fear
and the head is held high;*

Where knowledge is free;

*Where the world has not been
broken up into fragments by narrow
domestic walls;*

*Where words come out from
the depth of truth*

Can this inspiring thought be more true than vital information about our public safety? Indian Standards are some of the most important documents that the Government of India publishes. These documents are essential to the country’s ability to promote domestic and international trade, and the broad public availability of mandated public

safety codes are enshrined in the governing documents of the World Trade Organization (See [Code of Good Practice for the Preparation, Adoption, and Application of Standards](#), Annex 3, Uruguay Round Agreement on Technical Barriers to Trade). It is for this reason that the Bureau of Indian Standards is mandated to maintain a [WTO Technical Barriers to Trade Enquiry Point](#), as do all other countries that believe in free trade.

Promoting foreign investment and trade is of course one of the important outcomes of promulgating standards, but it is about much more than the economy. The excellent work published by the Bureau of Indian Standards on behalf of the Government India codifies technical knowledge across a wide range of important fields. The Bureau of Indian Standards is the best place to learn about the creation of irrigation systems ([Water Resources Division](#)), the state of art in fire safety ([Civil Engineering Division Committee 22](#)), how to construct a building ([IS SP 7](#)), how to safely wire electrical installations ([IS SP 30](#)), or the technical details of safe and effective agricultural practices ([Food and Agriculture Division](#)).

Indian Standards are an essential store of knowledge, knowledge that should be available to local and state government workers, students and teachers in regional colleges, union officials and factory workers, farmers and food preparers, and many others. We cannot put a price on this knowledge. As Bhartṛhari said, “knowledge is such a treasure which cannot be stolen.” Indeed, I remember reading that in the halls of Takṣaśilā, the first great university in the world, it was not considered proper for the teachers to charge for their instruction. Instead, it was for the students to offer gifts of appreciation.

I am so appreciative of the wonderful work that the Bureau of Indian Standards does that this was the purpose of my writing to you, to offer to you what I can. In the course of our work, we have spent a great deal of time working with Indian Standards, transforming some of them into HTML and in some cases redrawing important diagrams into SVG and encoding formulas in MathML. I hope you can use these materials. I also wanted to offer to you, as has Mr. Sam Pitroda, our services to bring in some of the bright lights of the Internet world to voluntarily work to make the standards yet more useful and accessible.

Please let me know if we can reboot this conversation with no further needless talk of legalities. We share a common purpose and appreciation in promoting the use of standards, one of the most important tools in our modern world. I hope we can work together in this important quest.

With best regards,



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