

**IN THE HIGH COURT OF DELHI AT NEW DELHI**  
**W.P. (C) NO. 11901 of 2015**  
**(IN THE MATTER OF PUBLIC INTEREST LITIGATION)**

**IN THE MATTER OF:**

Public Resource Org. Inc. & Ors.

...Petitioners

Versus

Union Of India & Another.

...Respondents

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NEW DELHI

COUNSEL FOR PETITIONERS  
Jawahar Raja (D/3218/1999), Kritika Padode (D/700/2017)  
#64, First Floor, Bhagwan Nagar, Ashram, New Delhi - 110014  
+91 9810639608

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**IN THE HIGH COURT OF DELHI AT NEW DELHI  
WRIT PETITION (CIVIL) NO. 11901 OF 2015**

**In the matter of:**

Public Resource Organisation, Inc. & Others ... **Petitioners**

*Versus*

Union of India & Another ... **Respondents**

**Rejoinder filed on behalf of the Petitioners to the counteraffidavit to the amended writ petition**

For ease of reference, petitioners have organised this rejoinder to respondent 2's counteraffidavit to the amended writ petition as follows:

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**Preliminary Submissions**

1. In their counter-affidavits, Respondents have unfairly impugned the motives, intentions and expertise of the Petitioners. All three Petitioners have impeccable credentials of commitment to matters of public interest and especially to the matters relevant to these proceedings:

a. Petitioner 1

i. Petitioner 1 is a registered non-profit that is committed to restoring public access to material that should be in the public domain. Petitioner 1 has made over 25 million pages of primary legal materials available on the Internet. It has also

created numerous collections of materials about India for public access through 'The Public Library of India'. The Public Library of India has 4.2 lakh objects and is entirely free access and is meant to spread knowledge and awareness of India's rich intellectual history. The Public Library of India presently hosts, *inter alia*,

1. The Hind Swaraj collection which has one of the most extensive collections anywhere on the Internet of the works of

- a. Mohan Das Karamchand Gandhi,
- b. Jawahar Lal Nehru, and
- c. Dr BR Ambedkar.

2. The Hind Swaraj collection also has a collection of the works of and about

- a. Lala Lajpat Rai,
- b. Dr. S Radhakrishnan,
- c. Rabindranath Tagore,
- d. Lokmanya Tilak,
- e. C. Rajagopalachari,
- f. Sardar Vallabhai Patel,
- g. Acharya Vinoba Bhave,
- h. Subhas Chandra Bose,
- i. Raja Ram Mohan Roy,
- j. Bal Gangadhar Tilak.

3. The Indian Academy of Sciences collection, maintained in cooperation with the Academy, includes all books published by the Academy including the complete works of Dr. C.V Raman.

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4. The Gazettes of India collection which has 4.4 lakh PDF files from the Union Government, 14 states, and the Capitol Territory to make Official Gazettes searchable.

5. Many other materials from the Navajivan Trust and other sources, including the collected speeches of many of the Presidents and Prime Ministers of India, and an extensive collection of cultural and historical materials.

The importance of the Public Library of India to teachers and students of Indian history is hard to overestimate; they can now access primary materials that form a crucial part of India's near and distant history at the click of a mouse.

The Public Library of India has received over 4 crore views and includes books in 50 languages, including 45,943 in Hindi, 33,988 in Bangla, and 33,512 in Sanskrit.

ii. In India, Petitioner 1 partners with the Indian Academy of Sciences, Jawaharlal Nehru University, IIT Delhi, and other institutions and works with numerous volunteers throughout the country in its initiative to increase awareness about India's intellectual history.

iii. In the US, Petitioner 1,

1. Received commendation in 2011 from the Speaker of the US House of Representatives and the Chairman of The House Oversight and Government Reform Committee for its efforts in publishing proceedings of the House Oversight and Government Reform Committee, in its entirety, online. **Annexure R1** is a true copy of the citation from Speaker of the US House of Representatives and the Chairman of The House Oversight and Government Reform Committee, dated 5 January 2011.

2. Assisted the Office of the Federal register in 2010-2011 in moving its official daily newspaper from an old print format to a modern website. Later, in collaboration with the National Archives and the Hon'ble Archivist of the United States, Petitioner 1 organised a group of volunteers to create the FedFlix channel to provide broader public access to federal government created videos. Over 6000 videos were posted on YouTube which have received over 85 million views. **Annexure R2** is a citation from the archivist of the United States acknowledging the important services provided by Petitioner 1.
  3. Published all historical opinions of the US Court of Appeals and millions of pages of briefs from significant judicial opinions.
  4. Was commemorated for its public service, on the occasion of its tenth anniversary, on the floor of the United States House of Representatives, by Hon. Darrell E. Issa, member from the State of California. **Annexure R3** is a true printout of the United States, House of Representatives, Congressional Record for 7 March 2017.
- b. Petitioner 1 has also led a global fight to make legally mandated public safety standards available.
- c. Petitioner 1 was founded by Carl Malamud who is today its President and the Authorised Officer for these proceedings.
- i. In 1981-1983, Mr Malamud, as Senior Systems Analyst, Indiana University, created an MBA computer literacy program which dramatically changed the mode of instruction of the Indiana University School of Business, and helped put Indiana University on the Internet.
  - ii. In 1984, as Senior Systems Analyst to the Board of Governors of the Federal Reserve System, Mr Malamud was part of the



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team that brought the first workstations and a network into the Board of Governors.

iii. Mr Malamud was the Founder and Chairman of the Internet Multicasting Service between 1993 and 2002. The Internet Multicasting Service was a non-profit that created the first radio station on the Internet, and in 1996, ran the Internet World Exposition, a world's fair on the Internet which had participation from 50 countries. In 1993, the Internet Multicasting Service made the Securities and Exchange Commission EDGAR and US patent database available online. **Annexure R4** is a true copy of Letter from the Associate Executive Director of the Securities and Exchange Commission commending Internet Multicasting Service's work in bringing the EDGAR data online. **Annexure R5** is a true printout of, 'Plan Opens More Data to Public', a 22 October 1993 article from the New York Times by John Markoff that speaks to the revolution that making the Securities and Exchange Commission EDGAR and US patent database available online heralded. **Annexure R6** is a true printout of, 'Superhighway Routed Through Capital Hill', a 19 September 1994 Washington Post article by John Schwartz that speaks to the revolution being heralded by The Internet Multicasting Service making gavel-to-gavel coverage of the workings of the United States House of Representatives and Senate available on the Internet.

iv. Mr. Malamud was the Founding Chairman, Internet Systems Consortium 1994-95. The consortium was responsible for running one of the Internet Root Name servers and produced the BIND, an open source software used in most computer servers on the Internet.

v. In 1996-1997, Mr Malamud was visiting professor at MIT Media Lab and Japan's Keio University.

vi. In 2003-2005, Mr Malamud was consultant to the Internet Architecture Board and the Internet Engineering Task Force,

the two key Internet standards bodies, on the institutional framework for Internet standards making.

vii. Mr Malamud has participated extensively in the creation of Internet standards, including serving in 2005 as Chairman of the Jabber Software Foundation, as well as playing a key role in the standards and language developed for authoring Internet standards. Mr. Malamud is the author of 6 Internet standards documents.

viii. In 2005-2006, As Chief Technology Officer of the Center for American Progress, a leading Washington, D.C. think tank, Mr Malamud created policy initiatives centred around transparency at the Smithsonian and the expansion of the governments video presence on the Internet.

ix. Mr. Malamud has been awarded

1. the Public Access to Government Information Award in 2019. This award was instituted by the American Association of Law Libraries to recognize persons or organizations that have made significant contributions to protect and promote greater public access to government information. (Petitioner 1 is to formally receive the award in July, 2019.0

2. The Berkman Award, conferred by Harvard University, presented to people or institutions that have made extraordinary contributions to the Internet and its impact on society. The release from the Berkman Klein Centre states that the award was conferred on Mr Malamud for creating Petitioner 1 and for "making US case law and government documents freely available online". The release from the Berkman Klein Centre stated that "he has also made images from the Smithsonian freely available on the Flickr photo sharing site and pushed to get broadcast-quality video of all congressional committee hearings posted online

by the end of the 110th Congress. He is working with the National Technical Information Service to digitize and put NTIS' multimedia online. Malamud is making the work of governments more transparent and providing citizens around the world greater access to legal information." A true copy of the Berkman Award citation is **Annexure R7** to this rejoinder.

3. Mr Malamud was also awarded the James Madison Freedom of Information Award in 2008 and 2016. The award is conferred by The Society of Professional Journalists and honours local journalists, organisations, public officials and private citizens who fought for public access to government meetings and records and promoted the public's right to know. Award winners are selected by the Freedom of Information Committee of the Society of Professional Journalists' Northern California chapter. A true copy of the James Madison Freedom of Information Award citation for 2008 is **Annexure R8** to this rejoinder.

4. Mr Malamud was awarded the Electronic Frontier Foundation Pioneer Award in 2009. The award is given annually by the Electronic Frontier Foundation (EFF) to individuals who have made significant contributions to the empowerment of individuals in using computers. A true copy of the citation of the Electronic Frontier Foundation Pioneer Award in certificate is **Annexure R9** to this rejoinder.

5. Mr Malamud was awarded the Public Knowledge — IP3 Award in 2008. The award is conferred by the Public Knowledge Organisation to honor those who have made significant contributions in the fields of Internet Protocols, Property, and Policy. A true copy of the citation of the Public Knowledge — IP3 Award is **Annexure R10** to this rejoinder.

6. Mr. Carl Malamud's *curriculum vitae* is **Annexure R11** to this rejoinder.

b. Petitioner 2

- i. Petitioner 2 is a B Tech and MTech in computer science and engineering from Indian Institute of Technology, Madras and a PhD in computer science and engineering from University of Michigan, Ann Arbor, USA. He is the founder of the online free search engine for Indian Law - Indian Kanoon. Indian Kanoon provides access to central and state laws, Supreme Court judgments, High Court judgments, Judgements of most Tribunals, Constituent Assembly Debates, Law Commission Reports, and Lok Sabha debates. It receives three million users a month.
- ii. Indian Kanoon is available as a free public resource and sustains by running premium services such as Virtual Legal Assistant to legal professionals. Indian Kanoon is committed to keeping public access to all of the legal materials, including central and state laws, Supreme Court judgments, High Court judgments, Judgements of most Tribunals, Constituent Assembly Debates, Law Commission Reports, and Lok Sabha debates entirely free.
- iii. Petitioner 2 does not just make this material available online but also makes a special effort to use the latest and most sophisticated search capabilities to make the material more easily accessible. For example, Lok Sabha debates, as found on the website of the Lok Sabha, are not searchable and require the installation of special fonts from the Lok Sabha web site, whereas on Petitioner 2's web site these debates are fully searchable and work on any standard web browser.
- iv. Further, petitioner 2's website is the only resource that cross references and links Constituent Assembly Debates about specific articles in the draft constitution with the

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articles in the Constitution as found today. This greatly enhances the experience of reading the debates on petitioner 2's website since it is easy to switch between the article being debated and the article as found on the Constitution's pages today.

<https://indiankanoon.org/search/?formInput=cites:1218090>  
<https://indiankanoon.org/search/?formInput=cites:8019>.

- v. On 24 June 2011, Advocate Gautam Patel (as he then was; presently, Hon'ble Justice of the Bombay High Court) had this to say about Indiankanoon.org –

“Halfway across the world, Dr Sushant Sinha, a computer scientist at the University of Michigan, has done something even more remarkable. In January 2008, he launched indiankanoon.org and in less than three years it has grown to include caselaw from across the country (the Supreme Court, 24 high courts, 17 tribunals), parliamentary debates (25,000 and counting) the Constituent Assembly Debates, law commission reports, and more. The caselaw goes back to the 1800s.

His software ‘scrapes’ the various publicly accessible websites of Indian courts and actually collates the material. There are cross-references to earlier cases, notes of later cases which refer to the one being viewed, links to the statutes in question and notations of the official law journal citations. It uses a familiar Google-style search interface, which you can refine with an advanced search. The site is clean, almost bare: no advertising, no images, no mass of text. Just the search box and then the results. And it is entirely free.

Legal empowerment in a statute is one thing; and the lack of awareness drives the common man, as Dr Sinha says, away from courts instead of to them.

))

Ignorance of the lobby be no excuse, but it certainly breeds fear, oppression and corruption.

Dr Sinha realised that keeping laws and judgements in separate databases creates a gap in legal awareness, especially with the interpretation of a convoluted, linguistically opaque, statute comes from a court's decision. Indiankanoon attempt to overcome this.

It integrates court decisions with cross references to the statute in question and tries to make the law intelligible. With small beginnings, the site today has over 400,000 users and 2.5 million monthly page views. It has received recognition from the University of Montréal and MIT. Hopefully, it will soon receive investment support. It may not have the thunder of the Lokpal Bill, but this notion of making the law accessible is a revolution in its own quiet way. Information is power, and public information is power to the people.”

**Annexure R12** is a true printout of Accessing the Law, Mumbai Mirror, Gautam Patel, 24 June 2011.

vi. Petitioner 2 was awarded the Agami Prize in 2018 by Hon'ble Chief Justice of Jammu and Kashmir High Court, Gita Mittal, J. The Agami Prize is a biennial national prize awarded to innovations and entrepreneurial initiatives that can exponentially increase quality, effectiveness, access, and inclusion in and around law and justice. The award citation states that

“Indiankanoon is democratising access to Indian judgements through its free and user-centric search engine. Founded by Sushant Sinha, its simple and effective search engine allows users to use terms

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familiar to them for search and find results. It also interlinks case laws and judgements.

Indiankanoon's appeal to citizens, researchers and lawyers is evidenced by the fact that it has over 3 million users per month. The relevance of the free and open platform is also reflected in the Alexa rankings of websites that show that Indiankanoon ranks at 704 in India and at 10,053 globally. The demographic of users is fairly wide, from judges to citizens. It runs its servers mostly on free and open source software and has contributed much to the development of the software.

Indiankanoon is acting as a disruptive force to proprietary models of information and data in the legal industry. By making access open and free, it is challenging the models of well-established tools like SCC Online and Manupatra.”

A true copy of the award citation is **Annexure R13** to this rejoinder.

- vii. Petitioner 2 was named one of the “Innovators Under 35, India”, by the MIT, Technology Review in 2011.

“The portal has been designed to provide the most relevant Indian laws and court judgements in response to a query. It enables people to quickly determine the standing law of the land on any issue and empowers them to seek justice. The website has gained quick attention and is used by roughly half a million unique visitors and has more than 2 million page views every month.

With dual degree in computer science and engineering from the Indian Institute of Technology, Madras, and PhD in the same

discipline from University of Michigan, Sinha felt the need to generate awareness of laws among the citizens of India. In May 2007, he started developing the portal and finally launched it on 4 January 20, 2008.

“Even when laws empower citizens in a large number of ways, a significant fraction of the population is completely ignorant of their rights and privileges. As a result, common people are afraid of going to the police and rarely go to court to seek justice. People continue to live under the fear of unknown laws and the corrupt police. I started the project as a way to enrich court judgements by linking them with laws and other references. The linking turned out to be so useful that I started building a search engine for Indian law. Indian Kanoon makes it simpler for people to access information on any law judgement,” explains Sinha. He currently works on the Document Processing Team at Yahoo! India.

Sinha’s Indian Kanoon is a free search engine for Indian law that breaks law documents into smallest possible clauses and integrates laws/statutes with court judgements. This tight integration of court judgements with laws allows automatic determination of the most relevant clauses and court judgement in India.”

**Annexure R14** to this rejoinder is a true copy of the MIT Technology Review, 2011, “Innovators under 35, India”.

viii. **Annexure R15** is a true copy of the *curriculum vitae* of Petitioner 2.



c. Petitioner 3

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Petitioner 3 is the Technology Lead, Open Stats, a Civic Tech company solving issues of citizens and cities using Open Data. He is working on building inter-operable tools for open data in the sectors of Smart Cities, Media and Urban Transport. Petitioner 3 was awarded the third place in the Planning Commission Hackathon in 2013 for designing an Android app to deliver educational videos to masses as part of the 12th Five year Plan.. (The erstwhile Planning Commission of India organised Hackathons in which participants were invited to present their vision to develop India.) He also received the GE India Innovation Award at the Research Expo, Shaastra, 2013, for implementing a Bus Fleet Monitoring System for the IIT Madras campus. Petitioner 3 was also part of a team which won Special Recognition at the Volvo Sustainability Mobility Award, Sweden-India Nobel Memorial Week Seminar, for innovative solutions and efforts in public transport for Chennai city. A true copy of the award citation is **Annexure R16** to this rejoinder. Petitioner 3 is an active member of the Free Software Movement of India working on Data Policies, Data Standards and Digital Issues and volunteers in Open Source projects in the domain of Maps, Transport and Cities. While working at IIT Madras Petitioner 3 developed a web and mobile application for real-time tracking of buses at IIT Madras, and developed a monitoring application for bus managers of IIT Madras as Part of the Fleet Telematics Monitoring System sponsored by the Ministry of Urban Development. He also developed for the Centre of Excellence in Urban Transport a Real-Time Bus Arrival Time Prediction which used web and mobile applications to deliver real-time traffic information to commuters and enhanced the accuracy of prediction for buses deployed in Chennai. As part of the Open Transit Database, Datameet, he developed interoperable data sets of different transit agencies for academic and social research and curated data sets of Indian Railways Mumbai Bangalore transport agencies. Petitioner 3's *Curriculum vitae* is **Annexure R17** to this rejoinder.

2. Petitioners vehemently deny that they have any manner of personal or commercial interest in these proceedings.
3. Section 4 of the RTI act gives effect to the constitutional mandate that:
  - a) the relationship between the state and its citizens must be governed by 'procedure established by law';
  - b) 'procedure established by law' must be 'transparent', 'non-arbitrary' and must be a 'fair procedure';
  - c) 'Procedure established by law' cannot be fair unless it is available in the public domain for all persons to freely access and use;
4. In furtherance of the Constitutional mandate regarding the Right to Information, the RTI act mandates Respondent 2 to make Indian Standards as widely available as possible.
5. The object of the petition is to ensure the widest circulation and use of "Indian Standards" because it is perverse and contrary to the very reasons for establishing "Indian Standards" to not ensure their widest circulation.
  - a) The object behind setting-up the first Indian Standards Institution was to promote and prepare the general adoption of standards on national and international basis, relating to structures, commodities, materials, practices, operations, matters and things from time to time, to revise, alter and amend the same.
  - b) Indian Standards are formulated to improve the quality of Indian manufacture and to ensure safety of buildings, safety of consumer goods and the safety of numerous areas of modern life and business including agriculture, emergency workers, hazardous materials transportation and storage, foods and spices, road construction, and much more.
  - c) Indian Standards must be widely circulated and easily available and accessible to all.
  - d) As a matter of law and policy, Indian Standards must be available in formats which are most easily accessible to consumers and lay people.

- e) Indian Standards must be prominently displayed and available for easy and free download on the website of Respondent 2.
  - f) Indian Standards must be available in all Indian languages.
6. Respondent 2 is mandated by law to make standards available in the public domain and accepts as much in reply to paragraph 4 of the writ petition (pages 42 and 43 of the counter affidavit).
  7. Respondent 2 claims that it makes some standards available in the public domain: There can be no rationale for putting some standards in the public domain and refusing to put others.
  8. Petitioner 1 has spent much time, effort and energy in making the standards more easily accessible and readable.
  9. The standards made available by Petitioner 1 -- after spending time, energy and effort in making them accessible - clearly acknowledges that the standards have been formulated by Respondent 2, a statutory authority, under powers conferred upon it by statute.
  10. Having spent much time, effort and energy in making the standards more easily accessible and readable, Petitioners renew the offer made by Petitioner 1 to Respondent No.2 to assist it in ensuring that Indian Standards have the widest possible reach and in transforming the standards to make them more accessible on the Internet in formats more usable in modern web browsers and on mobile devices.
  11. Revenue from standards contribute only a small fraction of the revenues of Respondent 2, and therefore it is not financial necessity for Respondent 2 to have to sell standards. (This is apart from the fact that it is no answer to the constitutional and legal mandate that standards must be available for free download on the website of Respondent 2, to claim that standards must be sold.)

**Para-wise reply to the Preliminary Submissions:**

That Petitioner respectfully submits that all averments, submissions and inferences in the Respondent's counter affidavit contrary to the Petitioners'

case, except those specifically admitted in the rest of this Rejoinder, may be treated as specifically denied.

1. The contents of paragraph 1-4 being a paraphrasing of statute need no reply except to state that the Petitioners rely upon the relevant provisions of the statutes for their true purport and meaning.
2. The contents of paragraph 5 are not denied. It is however clarified that the formulation and development of Indian Standards is a product of the intellectual work and effort of Respondent 2 but also the result of the intellectual labours of several thousand experts who – as mentioned by Respondent 2 in para 12 of its counter affidavit – voluntarily associate with Respondent 2 to assist in formulating standards.
3. The contents of paragraph 6 are wrong and denied, except insofar as they are a matter of record. It is most respectfully submitted that Respondent 2's contentions in the paragraph under reply are based on a misunderstanding of law. It is categorically denied that people are not entitled to reproduce or publish Indian Standards or extracts from Indian Standards. It is also categorically denied that Respondent 2 alone is entitled to publish Indian Standards or to permit publication of Indian Standards. It is also categorically denied that reproduction or publication of Indian Standards will invite civil or criminal consequences either under the Copyright Act, 1957 or under the BIS Act, correctly understood. It is reiterated that Indian Standards are formulated by the state through the authority of Respondent 2 in order to ensure that manufacturers, consumers and society at large are aware of baseline standards that cannot be violated by manufacturers and service providers.
4. The contents of paragraph 7 are wrong and denied, except insofar as they are a matter of record. It is most respectfully submitted that despite the best efforts of the Petitioner they were unable to find guidelines for grant of permission to reproduce Indian Standards either on the website of Respondent 2 or elsewhere. It is also respectfully submitted that it would be perverse and arbitrary to restrict permission to use and reproduce Indian Standards or to levy royalty for the right to use or reproduce Indian Standards. It is also respectfully submitted that it is not open to Respondent

2 to restrict use of Indian Standards for any reason let alone because Respondent 2's executive committee

5. The contents of paragraph 8 are wrong and denied, except insofar as they are a matter of record. It is denied that Respondent 2 is "following policy circulated in the year 2012 for the distribution of"; no such policy is available anywhere on the website of Respondent 2 or elsewhere.
6. That the contents of paragraphs 9-11 need no reply except to state that Petitioners rely upon the contents of the BIS Act and rules under that act for their true purport and meaning.
7. The contents of paragraph 9 and 10 need no reply.
8. The contents of paragraph 12 are wrong and denied, except insofar as they are a matter of record. It is significant that it is Respondent 2's case that more than 25,000 experts voluntarily associate with it in formulating standards. It is specifically denied that the use of Indian Standards needs to be authorised or that use of the standards by "unauthorised person" will be denial of due consideration for the efforts of Respondent 2.
9. That the contents of paragraph 13 are wrong and denied. It is specifically denied that Respondent 2 makes standards available for a reasonable price or that the standards are priced on "no profit no loss basis". The National Building Code which provides binding standards for a whole slew of important aspects of construction activity and safety requirements is priced at Rs. 13,760 (rupees thirteen thousand seven hundred and sixty and paise nil only). The importance of having a National Building Code and ensuring adherence to standards has been repeatedly brought home including in moments of crisis such as building collapses et cetera. **Annexure R18** is an article dated 20.07.2012 authored in The Hindu by D. Ajitha Simha, Retd. Dy. Director-General, Bureau of Indian Standards, New Delhi and former U.N. Consultant for Basic Approach to Writing of Building Code, Habitat Centre, Nairobi, Kenya. The article argues that while the National Building Code includes extensive guidelines for fire safety drills and evacuation procedures for high-rise building, these remain largely ignored. It is important to note that the article lists and places considerable reliance on a number of guidelines laid down for fire drills by the National Building

Code which remain outside the knowledge and accessibility of the public. **Annexure R19** is an article dated 26.04.2015 in The Hindu which speaks to the manner in which high-rise buildings in the Delhi NCR region are especially susceptible to earthquake vibrations as a result of the lack of compliance with the codes and practices published by the BIS on designing structurally sound earthquake resistant buildings. **Annexure R20** is an editorial dated 28.03.2010 in The Hindu which, in the face of increasing fire accidents happening in Indian buildings, argues for transparency in building permissions and public access to building safety data. **Annexure R21** is a column dated 04.08.2016 in The Hindu makes the reach and effect of the National Building Code apparent by linking it to the rights of the disabled and the manner in which it could potentially break barriers faced by disabled people in India. Further, conferring complete unregulated power on Respondent 2 to fix the price of Indian Standards are bad for excessive delegation and for being uncanalised. This is in addition to the provisions of the act itself being arbitrary and unconstitutional.

10. The contents of paragraph 14-23 are wrong and denied, except insofar as they are a matter of record. The correspondence between Petitioner 1 and Respondent 2 was annexed to Annexure-E to the writ petition (Petitioner 1's petition to the Hon'ble Minister for Consumer Affairs, Food and Public Distribution – the line ministry for Respondent 2) and Petitioners rely upon that correspondence in reply to the paragraphs of the counter affidavit in question. It is reiterated that none of the actions of Petitioner 1 were animated by personal interest or selfish motives and that Petitioner 1 has always acted within the four corners of the law. It is clarified that the standards in question were purchased by Petitioner 1 and not by Carl Malamud; Petitioner 1 is a separate legal entity from Carl Malamud; Mr. Malamud is the Director and President and the authorised officer of Petitioner 1. It is further clarified that Petitioner 1 did not convert and modify the Indian Standards as per its whims and fancies or the whims and fancies of Mr. Malamud. Petitioner 1 spent considerable time and effort in faithfully reproducing the standards to make them more accessible and usable using great care and considerable effort to make them more easily accessible and searchable. Petitioner 1 converted the formats of the standards to HTML, made the diagrams in the documents available in the

open SVG format, and converted the formulas in the documents to the open MathML format. Petitioner 1's work on the documents which had been converted in this form allowed for the artwork and the text from the documents to be easily used in other applications and made the standards more compatible with modern browsers. It is most respectfully submitted that none of the actions of Petitioner 1 are illegal when the law is correctly understood and applied. It is further respectfully submitted that the actions of Petitioner 1 are not animated by selfish motives but with an intent to make documents which belong in the public domain, and which are crucial to public health and safety, more easily accessible to the public.

11. The contents of paragraph 24 are denied except insofar as they are a matter of record. It is reiterated that Respondent 2's stand in response to the Petitioners petition to the Hon'ble Minister of Consumer Affairs is wrong and based on a misunderstanding of law. It is specifically denied that standards are priced "so that the value and to incur the cost on the development of standards" or that making Indian Standards more easily accessible to the Indian public is not permissible. It is also specifically denied that it is of any relevance that Respondent 2 publishes standards on its website during the Development of Standards stage – i.e., while the standards are still in draft – in any way fulfils the obligation of Respondent 2 to make the standards free, and widely available. Consumers and laypersons are entitled to easy access to the standards as finally established and should not have to rest with draft standards.

12. That the contents of paragraph 25 are wrong and denied except insofar as they are a matter of record. It is specifically denied that the writ petition does not qualify as public interest litigation, or meet the requirements of Article 226 of the Constitution of India, or that it is an abuse of process of court, or that it is liable to be dismissed for any reason.

13. The contents of paragraph 26 are wrong and denied except insofar as they are a matter of record. It is denied that the prayers in the writ petition are liable to be rejected.

**Rejoinder to Preliminary Objections**

1. That the contents of paragraph 1 of the preliminary objections are wrong and denied. It is specifically denied that the amended writ petition is an abuse of process of court or that it is not maintainable or is liable to be dismissed for any reason.
2. The contents of paragraph 2 and 3 of the preliminary objections need no reply except to state that the Petitioners rely upon the BIS Act and the rules and regulations under that act as well as the relevant constitutional and statutory scheme for Indian Standards that includes the Constitutional Right to Information as well as statutory Right to Information under the Right to Information Act, 2005.
3. The contents of paragraph 4 of the preliminary objections are wrong and denied. It is denied that the Petitioners have failed to make out a case or that the Petitioners' contention is liable to be rejected for any reason.
4. The contents of paragraph 5-7 of the preliminary objections need no reply except to state that the Petitioners rely upon the relevant constitutional and statutory scheme for Indian Standards that includes the Constitutional Right to Information as well as statutory Right to Information under the Right to Information Act, 2005.
5. That the contents of paragraph 8 of the preliminary objections are denied; it is specifically denied that Respondent 2 can restrict the sharing and further publication of Indian Standards formulated by it.
6. The contents of paragraph 6 are wrong and denied, except insofar as they are a matter of record. The correspondence between Petitioner 1 and Respondent 2 was annexed to Annexure-E to the writ petition (Petitioner 1's petition to the Hon'ble Minister for Consumer Affairs, Food and Public Distribution – the line ministry for Respondent 2) and Petitioners rely upon that correspondence in reply to the paragraphs of the counter affidavit in question. It is reiterated that none of the actions of Petitioner 1 were animated by personal interest or selfish motives and that Petitioner 1 has always acted within the four corners of the law. It is clarified that the standards in question were purchased by Petitioner



1 and not by Carl Malamud: Petitioner 1 is a separate legal entity from Carl Malamud; Mr Malamud is the Director and President and the authorised officer of Petitioner 1. It is further clarified that Petitioner 1 did not convert and modify the Indian Standards as per its whims and fancies or the whims and fancies of Mr Malamud. Petitioner 1 spent considerable time and effort in converting the format of the standards to make them more easily accessible and searchable. Petitioner 1 converted the formats of the standards to HTML, made the diagrams in the documents available in the open SVG format, and converted the formulas in the documents to the open MathML format. Petitioner 1's work on the documents which had been converted in this form allowed for the artwork and the text from the documents to be easily used in other applications and made the standards more compatible with modern browsers. It is most respectfully submitted that none of the actions of Petitioner 1 are illegal when the law is correctly understood and applied. It is further respectfully submitted that the actions of Petitioner 1 are not animated by selfish motives but with an intent to make documents which belong in the public domain, and which are crucial to public health and safety, more easily accessible to the public.

7. The contents of paragraph 11 are wrong and denied. It is specifically denied that the writ petition is an attempt to cover up "illegal actions and activities" of Carl Malamud. It is reiterated that the standards were purchased and worked upon and made available by Petitioner 1 and not by Carl Malamud: Carl Malamud is the Director and President and the authorised officer of Petitioner 1; Petitioner 1 is a separate legal entity from Carl Malamud. It is further clarified that it was Petitioner 1 which brought to the notice of the respondents the manner in which it had worked upon the Indian Standards and made them available for the benefit of the general public. Clearly, if Petitioner 1 was interested in covering up "illegal actions and activities" there could have been no reason for it to make the Indian Standards so openly and widely available or to draw the attention of the respondents to the fact that it had made the standards publicly available. It is relevant in this context that Petitioner 1 made the standards available openly and publicly and not surreptitiously through pirate sites. (Pirate sites are devices used to

share material online in such a manner that the sharers of the material cannot be identified. Although Petitioner 1 has a long history of involvement with the Internet and has accumulated much skill and expertise in using the Internet it chose to make Indian Standards available through an open, public method so that the material could be accessed by all members of the Indian public. Petitioner 1 did this because it is of the firm belief that its actions are protected by the Right to Information guaranteed by the Indian Constitution.)

8. The contents of paragraph 12 of the preliminary submissions are wrong and denied. It is denied that Petitioner 1 making the standards available is either unauthorised or illegal. It is reiterated that the Petitioners' making the standards available online has benefited the members of the public including several government departments and authorities who have accessed the standards and use them to further public good. It is denied that there is anything mischievous clandestine in the Petitioners' actions and it is denied that the petition has been filed with the oblique motives. It is categorically denied that the petition is liable to be dismissed for any reason.
9. That the contents of paragraph 13 of the preliminary submissions are wrong and denied. It is most respectfully submitted that the object and purpose of the BIS Act will be best served by making the standards publicly and widely available. It is further clarified that by attempting to prevent the Petitioner 1 from making the standards publicly accessible respondents are acting in a manner which is contrary to the object and purposes of the BIS Act and to the Constitutional scheme for the Right to information. It is also clarified that the acts of Petitioner 1 are not contrary to any law correctly understood.
10. That the contents of paragraph 14 of the reply to preliminary submissions are wrong and denied. It is most respectfully submitted that the paragraph under reply appears to be based on a misunderstanding of the Petitioners' case. It is further most respectfully submitted that the Indian Standards are not made available by the respondents at a reasonable price and it is also denied that the pricing is based on a no profit no loss basis. It is also respectfully submitted

that the Constitutional scheme for Right to information as well as the statutory scheme of Respondent 2 of Indian Standards Act mandates that the Indian Standards be as widely circulated as is feasible and to interpret either the BIS Act or the Copyright Act in such a fashion as to limit the right of all persons to use and circulate the standards widely will be arbitrary and perverse.

11. That the contents of paragraph 15 of the preliminary submissions are denied and the contents of the petition are reiterated. It is clarified that the respondents attempting to prevent the Petitioners from making Indian Standards more widely and easily available and accessible is contrary to the object sought to be achieved by instituting a statutory scheme for Indian Standards. It is denied for want of knowledge that other bodies have not approached respondents to make the standards publicly available. Abundant literature about the importance of ensuring adherence to Indian Standards clearly established the importance of the Petitioners' case. It is specifically denied that the petition has been filed with mala fide or oblique motives or intentions and it is denied that the petition is liable to be rejected for any reason.

12. That the contents of paragraph 16 of the preliminary submissions are wrong and denied and the contents of the petition are reiterated. It is specifically reiterated that Indian Standards are "law".

13. Paragraph 17 being a reproduction and paraphrasing of provisions of law, Petitioners rely upon the specific provisions of law referred to as well as the constitutional and statutory scheme for Right to information and for the formulation of standards in reply

14. That the contents of paragraph 18-21 of the preliminary submissions, it is most respectfully submitted, are based on an erroneous understanding of the constitutional and statutory scheme for the Right to information and for the formulation and publication of Indian Standards. The context in which the term "notify" is used in the BIS Act, and the Object and Purpose of the act do not permit the term to be understood in the manner the respondents suggest. Clearly, notify in the context of the BIS Act must mean notification in the Gazette by publishing the entire

standard, both because that is the ordinary meaning of the term notify as well as because Indian Standards are formulated so that they can be available in the public domain and publishing them in the Gazette is one way of ensuring that it is placed in the public domain.

15. The contents of paragraph 22 of the preliminary submissions are wrong and denied. It is affirmed that Petitioners have not been sued by Respondent 2 either in suit number 469/2008 or in any other proceedings. It is therefore denied that this Hon'ble court cannot adjudicate the issues in this writ petition either because of the pendency of the suit referred to in the paragraph under reply or for any other reason. It is also denied that the appropriate remedy for the Petitioners is a suit for declaration and it is denied that the petition is liable to be dismissed on any ground.

16. The contents of paragraph 23 are wrong and denied. It is denied that the Petitioners have no grievance and it is denied that the Petitioners have either preferred this petition or "come out with all kind of allegations" to assist Mr Malamud in escaping legal consequences. Respondent's contentions in this regard are, it is most respectfully submitted, absurd since it was Mr Malamud who brought to the respondent's attention that he had made Indian Standards publicly available. Correspondence between Respondent 2 and Petitioner 1 clearly establish that none of the actions of Petitioner 1 were surreptitious. It was Petitioner 1 who brought to the notice of Respondent 2 the great lengths it had gone to in order to work upon the Indian Standards to make them more easily accessible to the public. Further, Petitioner 1 offered all help and assistance in ensuring widest circulation for Indian Standards. In the circumstances, there can be no question of Petitioners be "caught for infringement of copyright activities by publishing the Indian Standards on his website in an unauthorised and illegal manner".

17. The contents of paragraph 24 are wrong and denied. It is specifically denied that the reliefs sought by the Petitioner are not maintainable.

**Rejoinder to Reply on Merits:**

1. The contents of paragraph 1, except insofar as they are a matter of record, are wrong and denied and the corresponding paragraph of the writ petition is reiterated. It is denied that Petitioners are "challenging the rights and ownership" of Respondent 2. It is also denied that Respondent 2 prints and publishes Indian Standards on a no profit no loss basis and it is denied that Respondent 2 sells Indian Standards at a discount. It is most respectfully submitted that the contentions in the paragraph under reply are irrelevant to the Petitioner's case and it is reiterated that writ proceedings are the appropriate remedy, and the only efficacious remedy available to the Petitioners. It is categorically denied that the Petitioners are guided by self-interest and it is denied that the Petitioner's "under the garb of providing knowledge to the public" want to publish Indian Standards on their websites. It is reiterated that the Petitioners are motivated solely by public interest; the Petitioners reiterate Petitioner 1's offer to Respondent 2, made as early as June 25, 2014, to assist Respondent 2 in making Indian Standards as widely available, in as many formats as possible, so that the Indian public is able to better use Indian Standards. It is categorically denied that the Petitioners are "masquerading as so-called crusaders for transparency" and it is also denied that the Petitioners' interest is in making Indian Standards available for free to manufacturers; Respondent 2's contentions in this regard appear to be deliberately mischievous and misleading. It is reiterated that Indian Standards are made mandatory in two ways – by the Respondent 2 notifying them as mandatory standards and by other statutory and executive authorities making Indian Standards mandatory. It is relevant that the only way for Respondent 2 to ensure compliance with standards – acting *suo moto* and not at the instance of consumers or consumer associations – is to carry out surprise surveillance/inspections of manufacturers' premises and of the products available in the market. Whereas, Section 32 (e) and (f) of the BIS Act, 2016 allow a 'consumer' or an 'association' to institute criminal prosecutions for "goods, article, process, system or service" that "do not conform to the relevant standard or prescribed essential requirements" (Section 17, the BIS Act, 2016): For any consumer or association to know whether the "goods, article, process et cetera" conform to the relevant standards, the standards must be widely disseminated in terms of section 4 of the RTI act. Further, Section 18 (6) of the BIS Act, 2016 authorises

Respondent 2 to direct licensees to recall nonconforming goods or articles and 18 (7) mandates the Bureau ("the Bureau shall direct") to "replace or reprocess the standard marked goods, article, process et cetera" and to pay compensation to the consumer and section 31 makes the licensee liable for injury caused by nonconforming "goods, article, process et cetera". None of these stipulations that are intended to give consumers remedy for nonconforming use or unauthorised use of the standards will be to any effect if the standards are not widely and publicly available in terms of section 4 of the RTI Act. It is also reiterated that Petitioners are not seeking Indian Standards to be made available to them free of cost or at nominal cost but are asking that Respondent 2 make Indian Standards available to the public free of cost and that Respondent 2 ensure that in terms of its obligation under section 4 of the RTI act it ensures the widest possible dissemination of Indian Standards. It is categorically denied that the Indian Standards are reasonably priced or are priced without a profit margin and it is reiterated that it is the mandate of the Constitution that Respondent 2 not charge for Indian Standards and ensure the widest possible dissemination of Indian Standards.

2. That the contents of paragraph 2 of the counter affidavit, except insofar as they are a matter of record, are wrong and denied and the corresponding paragraph of the writ petition is reiterated.
3. That the contents of paragraph 3 of the counter affidavit are wrong and denied and the contents of the corresponding paragraph of the writ petition reiterated. It is denied that any of the Petitioners' contentions are mischievous or with oblique motives and it is reiterated that the Petitioners are public spirited persons with a long history of commitment to public causes and specifically to the cause of making documents that belong in the public domain available in the public domain. It is also reiterated that the Petitioners' contentions are based on the constitutional and legal scheme for the Right to Information and the statutory scheme for the formulation and publication of Indian Standards. It is categorically denied that the Petitioners have, anywhere in the petition, contended that Indian Standards are documents which the general public, citizens or consumers may not be able to decipher or comprehend and it is also denied as being a partial truth that professionals in different fields of expertise and

manufacturers of goods use Indian Standards. As already set out earlier in this rejoinder, the object and purpose of Respondent 2 being set up, right from its inception as a Society under the Societies Registration Act, was to ensure that consumers have access to a basic minimum standard of goods and services. The BIS acts have provided for remedies to consumers – without having to take recourse to Respondent 2 – in the case of manufacturers and service providers not conforming to Indian Standards. Respondent 2 has limited capacity to be able to enforce Indian Standards and must perforce rely upon surprise surveillance and inspections of manufacturers' premises and of goods and services in the market to ensure compliance with Indian Standards. Newspaper reports are rife with instances of mandatory Indian Standards not being complied with and of products and services falsely claiming compliance with voluntary Indian Standards. Consumers and lay people must therefore have easy access to Indian Standards in order to avail remedies that are provided to them in the BIS Act 2016. It is also most respectfully submitted that is insulting to the Indian public, (a category that comprises 1.9 billion people including some of the most highly educated people in the world) that the general public is too ignorant to understand "technical" matters that are crucial to the public safety. It is clarified that the fact that some standards might be 'technical' in nature cannot be a reason to allow Respondent 2 to violate section 4 of the RTI act which gives expression to the constitutional Right to Information, and further that even where standards are technical or complicated they must be available to consumers and lay persons to be able to check whether goods and services being offered to them meet the mandates of the BIS Act, 2016. It is most respectfully submitted that it is for the reasons listed above that it is no answer to the Petitioners' case, for Respondent 2 to claim that Indian Standards are made available at discounted prices to students, professors, scholars, researchers and scientists but that such persons can only make use of the standards for "personal use". Further, Petitioners could not find a single instance on the BIS web sites of a discount being offered for standards purchase. A search on google for 'discount site:standardsbis.in' throws up zero results, and a search for 'discount site:bis.gov.in' produces results but every single result is for discounts on training sessions and conformity testing. It is further denied that Respondent 2 has made available large number of Indian

Standards on its website; on a search of Respondent 2's website conducted on May 5 2018, Petitioners were able to find only 146 Indian Standards, which are some, and not all, of the standards that are for mandatory certification. It is also noted that those standards are not on Respondent 2's web sites but are instead on the site of a commercial vendor, BSB Edge Private Limited, formerly, Book Supply Bureau, which sells standards under contract to Respondent 2. In any event, even if the Respondent 2's case in this regard is accepted in its entirety, there can be no justification or reason for Respondent 2 to make a small number of standards available online while restricting availability and use of the vast bulk of other standards. It is denied that it is only Indian Standards which have no use for the general public and that are largely used by manufacturers that are not made available online. It is not denied that Indian Standards relating to public health and safety, security and mass consumption have been listed for compulsory certification and it is also not denied that the goods which are listed for compulsory certification are essential to the general public. It is precisely for this reason, however, that it is essential that all Indian Standards are made available to the public in order that the public can ensure compliance with Indian Standards. It is reiterated that Indian Standards – compulsory as well as voluntary standards – are statutory. It is denied that any of the Petitioners' contentions are vague or lacking in material particulars and it is clarified that even a perfunctory examination of Respondent 2's website and pricing of Indian Standards will indicate the prohibitive cost of those standards. In this context, SP 7, The National Building Code of India, 2016, the general public's knowledge and access to which is so crucial as indicated in the articles already annexed to this rejoinder, is priced at Rs. 13760, and is only the most egregious example of prohibitively priced standards. Indian standard – IS 13450: Part 1, Medical Electrical Equipment - Part 1: General Requirements for Basic Safety and Essential Performance – is priced at Rs. 4480/-, and Indian standard – IS/IEC 60194, Printed Board Design Manufacture and Assembly Terms and Definitions is priced at Rs. 2830/-. If the object behind statutory formulating Indian Standards is to ensure that consumers are guaranteed a basic minimum standard of goods and services, and if Parliament's object in providing statutory remedies – in the form of claims for damages or restitution and criminal prosecution – directly to consumers



under the BIS Act is to ensure that manufacturers and service providers are prevented from avoiding their statutory obligations to consumers, there can be no rationale for Indian Standards to not have the widest dissemination. Prohibitive pricing on the part of Respondent 2 and Respondent 2's preventing those who have purchased the standards from disseminating them and making them more widely available is arbitrary, perverse and disproportionate and is directly contrary to the Object and Purpose of the BIS act itself, apart from being in violation of the constitutional and statutory mandate of section 4 of the RTI act. It is denied that the Petitioners are making allegations to "paint the picture of the bureau black before this hon'ble Court" and it is denied that the petition fails to make out a case for the intervention of this Hon'ble court. Respondent 2's contentions in the paragraph under reply that it runs consumer awareness campaigns with regard to Indian Standards is particularly relevant to the issues before this Hon'ble Court in as much as the empowerment and awareness of consumers is best served when they are informed not just of the existence of Indian Standards but of what specifically the standards mandate. For example,

- a. it is not enough if the consumer is made aware that there is an Indian standard for room heaters; she must also be made aware that the Indian standard requires that visibly glowing radiant heaters, other than heaters for mounting at a high-level, shall not incorporate thermostats, timers or similar means which switch on heating elements automatically unless at least one heating element is already visibly glowing.
- b. Likewise, it is not enough for the consumer to be made aware that there are 10 standards that deal with respiratory protective devices; the consumer also be know, or at least have easy access to the information of what kind of filtering devices are mandated for use against particles, gases and vapours.
- c. Similarly, it is not enough for the general public to be made aware that there is a Code of Safety for Chemical Laboratories; the general public should also have access to the entire Code of Safety, including its specific requirements such as that all chemical

laboratories must have the telephone numbers of the Fire Brigade, an ambulance service, and a hospital; that smoking is strictly prohibited in chemical laboratories and that ammonium salts and basic oxides must not be stored in the same room.

Making the general public aware of the entire standard concerned -- including all the requirements which Respondent 2 calls "technical" -- will ensure that members of the public are vigilant in enforcing the standards and preventing serious mishaps and accidents such as unsafe exits in restaurants, hotels, hospitals, schools and facilities that have many a time led to tragic consequences in case of fire.

4. The contents of paragraph 4 of the counter affidavit are wrong and denied and the contents of the corresponding paragraph of the writ petition are reiterated. It is significant that Respondent 2 claims that it has

"published various Indian Standards on its website for the general public **under the provisions of the BIS act and the Right to Information Act**, in order to promote public education and public safety, equal justice for all, **the rule of law**, world peace and a **better informed citizenry**, particularly the Indian Standards pertaining to public safety which have been updated time to time." (*Emphasis supplied by Petitioners*)

Given that Respondent 2 accepts in the paragraph under reply that it is mandated by the BIS act and by the RTI act to publish Indian Standards on its website, there can be neither reason nor basis for Respondent 2 to object to the Petitioner's prayers that all Indian Standards be made available on its website.

5. The contents of paragraph 5a are wrong and denied, except insofar as they are a matter of record, and the contents of the corresponding paragraphs of the petition are reiterated. It is specifically denied that Petitioners get grants from organizations which are "operating as business entities and engaged in multi-million dollar business activities". Petitioner 1 is a registered not-for-profit and received grants from organizations mentioned in paragraph 5a of the petition. Most of the organizations that Petitioner 1 receives funds from are foundations that support public interest work. Petitioner 1's website has a full detailing of all its financial statements and all its funders. Petitioner 1 received funds from Google in the years 2010

and 2011. The funds received from Google were expended on making 14,000 hours of video from U.S. Congressional hearings available online, posting 9 million non-profit tax returns which the Internal Revenue Service makes available for public inspection but were not readily available online, posting all opinions of the U.S. Court of Appeals online, posting 6,000 videos created and archived by the U.S. government online, assisting the U.S. government in the revamping of its official gazette – the Federal Register, testifying before the U.S. Congress on matters of public interest and providing advisory services to government officials around the world including. Petitioner 1 and Mr Carl Malamud are dedicated to ensuring that the public continues to have access to matters which should be in the public domain.

6. The contents of paragraph 5b need no reply except to state that neither Petitioner 1 nor Mr Carl Malamud have violated law correctly understood.
7. That the contents of 5c are only partially true and unfairly characterize the motives and actions of Petitioner 2. Petitioner 2 began the website *Indiakanon.org* not as a commercial venture but only to provide the Indian public with easy and good quality access to Indian law - as a public service to the citizens of India. Petitioner 2 is committed to continue to provide easy and good quality access to all Indian law on *Indiakanon.org* entirely for free and has frequently discussed his public commitment to making software open source, and his public commitment to free access for the public including, in an article in the leading “free law” blog at Cornell’s Legal Information Institute on April 22, 2011, and again on June 1, 2011 in an interview in *Slaw* (“Canada’s Online Legal Magazine”) titled “Sushant Sinha on Innovation and Free Law in India”, and once again in his comments at the Agami Summit where he was presented with a prize in recognition of over a decade of service to the public by providing open access to the law by Hon’ble Chief Justice Gita Mittal. In the June 1, 2011 interview in *Slaw*, Petitioner 2 had this to say of his model

"Dr. Sinha set out a two-tiered business model for *Indian Kanoon*. “Search [of *Indian Kanoon*’s full text primary legal content] will always be free,” he affirmed, explaining that charging for access to primary legal information “doesn’t make sense” and “is not going to help people.” However, he acknowledged, value-added services on *Indian Kanoon* — such as the planned document assembly service,

and possibly also access to legal commentary, "judgment summaries," or other kinds of secondary legal information — may be provided in the future on a fee basis. Revenue from such sources are intended to make *Indian Kanoon* sustainable in the long-term."

**Annexure R22** to this rejoinder is a true printout of an article written by Petitioner 2 for Cornell's Legal Information Institute on April 22, 2011 and **Annexure R23** is a true printout of an interview in *Slaw* ("Canada's Online Legal Magazine") entitled "Sushant Sinha on Innovation and Free Law in India" by Robert Richards. Petitioner 2 is so committed to open access that he posts much of the software that runs his site as 'Open Source', which means that any other person can replicate his service. In the year 2014, Petitioner 2 found that running the website *Indiankanoon.org* while being employed was impossible and quit his well-paying job as a Senior Engineer at Yahoo Inc. and thereafter began to set in motion a process of providing Value-Added Workflow Tools for legal professionals to subscribers for a price as a way of keeping public access to his site free and allowing him to devote 100% of his time to this mission. For this purpose, Petitioner 2 established a company 'Ikanoon Software Development Pvt Ltd', and is running this company as a commercial venture. Petitioner 2's commitment to free access to the law cannot be called into question given his commitment since 2007 to providing this service at great personal cost and sacrifice. It is clarified therefore that subscription to the website of the services provided on the website does not provide any greater access to legal resources; a subscriber has access to exactly the same legal resources that a free user has access to.

8. The contents of paragraphs 5d are wrong and denied, except insofar as they are a matter of record, and the corresponding paragraph of the writ petition is reiterated. It is denied that Petitioners admit in para 5d, or elsewhere, that Indian Standards are "used by the engineers, who are technical experts in their fields, and not by some consumers of the goods produced as per the Indian Standards": Petitioners rely upon the contents of para 5d of the writ petition in rejoinder to what is stated by the counter affidavit in this regard.
9. The contents of paragraph 6 of the counter affidavit are wrong and denied and the corresponding paragraph of the petition is reiterated and it is

specifically denied that the Petitioners have filed the petition to serve their own interests. It is denied that either Petitioner 1 or Mr Carl Malamud have misused Indian Standards.

10. The contents of paragraph 7 are wrong and denied, except insofar as they are a matter of record. It is reiterated that Petitioners' endeavour is to make available all Indian Standards freely and not subject to their whims and fancies. It is denied that Indian Standards do not qualify as law or "legal standards". It is reiterated that Respondent 2's charges for the Indian Standards are without any reason or basis and that the charges are prohibited. This is without prejudice to the Petitioners' case that it is a constitutional and legal obligation for the respondents to place all Indian Standards in the public domain and to provide for and encourage the widest possible dissemination, use and sharing of copies and versions of the Indian Standards. It is once again denied that the pricing of Indian Standards is either determine reasonably or on a no profit no loss basis.

11. The contents of paragraphs 8-11 need no reply.

12. The contents of paragraph 12 are wrong and denied, except insofar as they are a matter of record, and the corresponding paragraph of the writ petition is reiterated. It is also, most respectfully submitted, that the personnel and resources available to Respondent 2 to conduct surprise inspections and market surveillance in order to ensure that mandatory Indian Standards are complied with and that entities do not falsely claim compliance with voluntary Indian Standards is limited especially given the size of the Indian market and the number of products and manufacturers and service providers who claim to be in compliance with Indian Standards. Especially given that the BIS Act allows for consumers to launch private criminal prosecutions against persons for falsely claiming compliance with Indian Standards and further that the BIS Act also allows consumers to institute proceedings for damages and for restitution, it is imperative that the writ petition is allowed and Respondent 2 is mandated to place all Indian Standards in the public domain and ensure that the Indian Standards are disseminated, used and shared as widely as possible.

13. The contents of paragraph 13 are wrong and denied, except insofar as they are a matter of record, and the corresponding paragraph of the writ petition

is reiterated. It is incorrect and based on a misunderstanding of the law and the Petitioners' case for the Respondents to state that standards are only binding on manufacturers and do not concern consumers. Further, it is incorrect for the Respondents to state that Indian Standards cannot be treated as law, and that it is only the Quality Control Orders which are law; respondents' understanding of the law is contrary to the constitutional scheme for the Right to Information and the statutory scheme under which Respondent 2 functions.

14. The contents of paragraphs 14-38 of the counter affidavit, except insofar as they are a matter of record, are wrong and denied and the corresponding paragraphs of the writ petition are reiterated.'

15. The contents of paragraph 39 are wrong and denied, except insofar as they are a matter of record, and the contents of the corresponding paragraph of the writ petition are reiterated. It is further submitted, in addition to what has already been contended in the writ petition, that in the context of the constitutional scheme for the Right to Information and the constitutional and statutory scheme under which Respondent 2 formulates Indian Standards, the terms "notified" as it appears in section 10 of the BIS Act, 2016 and its cognate terms elsewhere in the act, rules or regulations can only mean that the entire Indian Standards must be published, in full, in the gazette. It is most respectfully submitted that the meaning sought to be placed upon the term "notified" in section 10 (4) of the BIS Act by the respondents would lead to absurd consequences.

16. The contents of paragraph 40-41 of the counter affidavit, except insofar as they are a matter of record, are wrong and denied and the corresponding paragraph of the writ petition is reiterated. It is specifically reiterated that the constitutional scheme for the Right to Information and the statutory scheme constituting Respondent 2 and mandating the formulation of standards by Respondent 2 do not permit the interpretation sought to be placed on the law by the respondents and specifically do not permit Respondent 2 to prevent Indian Standards from being accessed, used, shared and widely disseminated.

17. The contents of paragraph 42 of the counter affidavit are wrong and denied, except insofar as they are a matter of record. It is specifically

submitted that a great many Indian Standards which are vital to public safety such as the National Building Code are not available for download, sharing and used for free and can be accessed only at prohibitive prices. It is also relevant in this regard that there is neither rational nor reason for Respondent 2 to make certain standards available in the public domain for free download and use but to prohibit other standards from being shared and disseminated. Nowhere in the counter affidavit does Respondent 2 reveal clear, authoritative principal reason on the basis of which it makes decisions about which Indian Standards will be placed in the public domain and which Indian Standards will not be. This is because, Respondent 2 has been acting clearly without any such guiding principle and has been acting unreasonably and arbitrarily.

18. The contents of paragraph 43 of the counter affidavit are wrong and denied, except insofar as they are a matter of record, and the contents of the corresponding paragraph of the writ petition are reiterated.
19. The contents of paragraph 44 of the counter affidavit are wrong and denied, except insofar as they are a matter of record, and the contents of the corresponding paragraph of the writ petition are reiterated. It is specifically denied that it is only the manufacturers of goods who are required to know or have access to Indian Standards and that consumers do not require access to Indian Standards. It is also denied that the rights of consumers are adequately safeguarded by Respondent 2. In any event, given that the BIS Act 2016 expressly confers the power on consumers and consumer associations to independently prosecute persons for violating Indian Standards and further confers the right to claim restitution and damages, it must follow that the Indian Standards must be as widely circulated as possible and that consumers and other persons should be allowed to use, share and disseminate those standards.
20. The contents of paragraph 45 of the counter affidavit are wrong and denied, except insofar as they are a matter of record, and the contents of the corresponding paragraph of the writ petition are reiterated. It is significant that Respondent 2 claims to carry out various activities to promote awareness among consumers and yet denies that making Indian Standards widely available for dissemination and sharing among consumers will

promote awareness of the standards. Petitioners rely upon the stimulations of the BIS Act, 2015 for Trooper port and meaning in reply to the remainder of paragraph 45.

21. The contents of paragraph 46 of the counter affidavit are wrong and denied, except insofar as they are a matter of record, and the contents of the corresponding paragraph of the writ petition are reiterated. It is denied that it is either clever or mischievous for the Petitioners to claim that Respondent 2 generated profits for the period between 2013 and 2017 and the petitions claims in this regard are reiterated. It is however significant that even by Respondent 2's case it had available surplus funds every year. It is also a matter of fact that is apparent from the financial statements of Respondent 2 over these years that there will be no significant impact upon its bottom-line even if Respondent 2 had zero revenues from sale of Indian Standards. It is once again denied that Indian Standards are priced on a no profit no loss basis.
22. The contents of paragraph 47 of the counter affidavit are wrong and denied, except insofar as they are a matter of record, and the contents of the corresponding paragraph of the writ petition are reiterated. It is denied that for the purposes of the present petition standards of the Food Safety and Standards Authority of India and the bis are not comparable. It is once again denied that Respondent 2 determines the price of Indian Standards on no profit no loss basis so as to only cover the costs of producing the Indian standard and it is denied that Respondent 2 provides discounts of up to 60% on the sale of certain Indian Standards. In this context, it is relevant that section 4 of the RTI act mandates that "rules, regulations, instructions, manuals" or "records" held by the Bureau or "under its control" or "used by its employees for discharging its functions" (section 4 (b) (v), RTI, Act) must be "disseminated widely and in such a manner which is easily accessible to the public" (Sn. 4 (3), RTI Act), in the "most effective method of communication" and "should be easily accessible, to the extent possible in electronic format" with the public information officers "free or at such cost of the medium or the print cost price as may be prescribed" (Sn. 4 (2), RTI Act). There can be no dispute that Indian Standards are "rules, regulations, instructions, manuals" or "records" held by the Bureau or "under its control" or "used by its employees for



discharging its functions". Respondent 2, therefore, cannot escape obligation to 2 publish its entire corpus of Indian Standards on its website and in fact should have done so within 120 days of the enactment of the RTI act – i.e., by 09 February 2006 (within 120 days of 12 October 2005).

23. The contents of paragraph 48 of the counter affidavit are wrong and denied, except insofar as they are a matter of record, and the contents of the corresponding paragraph of the writ petition are reiterated. It is denied that Indian Standards are "so technical that they cannot be understood by the common consumers, and only are useful for the manufacturers". On the contrary,

- (i) The Indian Standards for Bicycle and motorcycle safety are understandable by almost any person who maintains their own bicycle/motorcycle.
- (ii) Many of the Building code stipulations require no special technical expertise to understand.
- (iii) Indian Standards for Toy Safety are understandable to every person who can read them and must be widely disseminated so that every parent or person who is in the market for toys is aware of the specific stipulations of that standard.
- (iv) Indian Standards for Electrical safety should be understandable to many people and certainly to all electricians and persons who do their own basic, electrical work around the house such as installing a plug.
- (v) Safety of goods such as electric or gas room heaters are more than just about the manufacture, they also include how they should be operated.

It is most respectfully submitted that the mandate of the BIS Act 2016 will be achieved only if Indian Standards are widely disseminated and shared by among consumers.

24. The contents of paragraph 49 of the counter affidavit are wrong and denied, except insofar as they are a matter of record, and the contents of the corresponding paragraph of the writ petition are reiterated. It is denied that

Indian Standards are primarily purchased by manufacturers who use them for commercial purposes and that by selling Indian Standards the Respondent 2 is merely recovering the cost of publication of the standards. It is entirely absurd for Respondent 2 to claim that The Cost of Publishing the National Building Code is almost ₹ 14,000 which is the price that it is sold at. The RTI act mandates that Respondent 2 can only recover the cost of the medium on which Indian Standards will be provided – i.e., the cost of the paper/CD/USB drive on which the Indian standard is reproduced or printed before being given to a person who wants it.

25. The contents of paragraph 50 of the counter affidavit are wrong and denied, except insofar as they are a matter of record, and the contents of the corresponding paragraph of the writ petition are reiterated.

26. The contents of paragraph 51 of the counter affidavit are wrong and denied, except insofar as they are a matter of record, and the contents of the corresponding paragraph of the writ petition are reiterated. It is denied that the Petitioners espouse the cause of manufacturers or that paragraph 51 of the writ petition indicates that the Petitioners do so. It is however also relevant that Indian Standards cover a whole range of activity, some of which will also be the activity of small and very small manufacturers. Many of these small or very small manufacturers will either not be aware of the existence of the Indian Standards or in some cases, despite being aware of the existence, might not be able to afford to purchase the Indian Standards. It is for this reason that Respondent 2 must make all efforts to ensure maximum sharing and dissemination of the Indian Standards so that the specific stipulations of Indian Standards become a matter of common knowledge.

27. The contents of paragraph 52 of the counter affidavit are wrong and denied, except insofar as they are a matter of record, and the contents of the corresponding paragraph of the writ petition are reiterated.

28. The contents of paragraph 53 of the counter affidavit are wrong and denied, except insofar as they are a matter of record, and the contents of the corresponding paragraph of the writ petition are reiterated. It is denied that paragraph 53 of the writ petition is an ingenious excuse “by way of afterthought” by Carl Malamud after being “caught” infringing the

copyright of Respondent 2. Correspondence between Petitioner 1/Carl Malamud and Respondent 2 establishes that it was Petitioner 1 who brought to the notice of Respondent 2 that it had worked upon the Indian Standards and improved them for ease of access and made them available online for wide sharing and dissemination. When Respondent 2 initially wrote to Petitioner 1 objecting to Indian Standards being made available online by it, it was Petitioner 1 replied to Respondent 2 clarifying that Respondent 2 had grossly underestimated the number of standards that Petitioner 1 had put online. Therefore, Petitioner 1 was not "caught" infringing copyright but it was Petitioner 1 who told Respondent 2 what it was doing to make Indian Standards available for sharing and dissemination. There is no question therefore of Petitioner 1 fabricating "ingenious excuse by way of afterthought after being caught in the act of infringement". This is particularly because Petitioner 1 firmly believes that none of its acts violate any law properly understood. It is once again affirmed that Respondent 2's understanding of its role under the BIS Act – that it can prevent Indian Standards from being disseminated and shared online – as being based on a fundamental misunderstanding of constitutional and statutory law. It is also clarified that it is absurd for Respondent 2 to require Petitioners to disclose mechanisms they have adopted to prevent Indian Standards from being used for a commercial purpose. It is reiterated that section 4 of the RTI act requires Respondent 2 – and all public authorities – to make "rules, regulations, instructions, manuals" or "records" held by the Bureau or "under its control" or "used by its employees for discharging its functions" available in the public domain and does not require either the public authority or persons who access, use, share and disseminate material placed in the public domain by the public authority to take measures to prevent such material from being used commercially. It is denied that Respondent 2 is meeting its mandate to make knowledge, access, use, sharing, and dissemination of standards as widely available as possible and it is therefore denied that Respondent 2 is doing enough for public awareness of Indian Standards. It is denied that any of the Petitioners is taking over the mandate of Respondent 2: Petitioner 1 only offered to assist Respondent 2 in making its standards available online and, even today, Petitioners 2 and 3 join Petitioner 1 in

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offering to assist Respondent 2 to leverage the latest technologies to make Indian Standards as widely available as possible.

29. The contents of paragraph 54 of the counter affidavit are wrong and denied, except insofar as they are a matter of record, and the contents of the corresponding paragraph of the writ petition are reiterated.

30. The contents of paragraph 55 of the counter affidavit are wrong and denied, except insofar as they are a matter of record, and the contents of the corresponding paragraph of the writ petition are reiterated. It is clarified that under the Right to information act public authorities can only charge for the cost of the medium on which the information is made available – i.e., the cost of the paper, the CD, the USB drive or other medium on which the information will be written.

31. The contents of paragraph 56 of the counter affidavit are wrong and denied, except insofar as they are a matter of record, and the contents of the corresponding paragraph of the writ petition are reiterated. It is reiterated that when section 4 of the RTI act is seen as giving expression to the constitutional mandate for the Right to information, it becomes clear that Respondent 2 is under an obligation to make Indian Standards freely available on its website for access, use, sharing and dissemination. It is most respectfully submitted that at that point it also becomes clear that Indian Standards would have entered the public domain with Respondent 2 place on its website and from that point on no person can be prevented, at Law, from using, sharing or disseminating the standards. It is categorically denied that the Petitioners are fighting the cause of manufacturers or that they're masquerading under the garb of crusaders for consumers and citizens or under any other garb.

32. The contents of paragraph 57 of the counter affidavit are wrong and denied, except insofar as they are a matter of record, and the contents of the corresponding paragraph of the writ petition are reiterated. It is once again affirmed that it is absurd for Respondent 2 to claim that it was for the Petitioners to take steps to prevent manufacturers from having access to Indian Standards free of cost. It is the Petitioners' case that constitutional and statutory law mandates Respondent 2 to make the standards freely available for access, use, sharing and dissemination on its website and that

once this obligation is met by Respondent 2 it is the right and the duty of every person to ensure as wide a dissemination of the Indian Standards as is possible.

33. The contents of paragraph 58 of the counter affidavit are wrong and denied, except insofar as they are a matter of record, and the contents of the corresponding paragraph of the writ petition are reiterated. It is significant that respondent's claim that it is actively engaged in publicity and promotion of Indian Standards in a structured manner and yet claims that Petitioners should not be allowed to make the Indian Standards more easily and freely available for wide dissemination, sharing and use.
34. The contents of paragraph 59 of the counter affidavit are wrong and denied, except insofar as they are a matter of record, and the contents of the corresponding paragraph of the writ petition are reiterated. It is denied that the Petitioners are acting at their whims and fancies.
35. The contents of paragraph 60 of the counter affidavit are wrong and denied, except insofar as they are a matter of record, and the contents of the corresponding paragraph of the writ petition are reiterated. Petitioners state, yet again, that it is incorrect for the Respondents to state that Indian Standards only concern manufacturers, and further, that Respondent 2 appears to be under a misconception – that only mandatory standards are meant to be enforced. The respondents have formulated Indian Standards to assure quality assurance of products and services. All Indian Standards must be enforced to ensure that quality goods and services are availed by the consumers. Voluntary standards must also be enforced to ensure that entity that claim to conform to voluntary standards in fact do so. It is incorrect for the Respondents to claim that it is the quality control orders that mandate Indian Standards by reference that are relevant to consumers and not the Indian Standards. Quality Control Orders, without the Indian Standards that they reference no guidance to consumers about what to look for in deciding whether goods or services qualify the threshold Indian Standards. Quality control orders by themselves therefore are of little relevance to consumers and it is the Indian Standards that the quality control orders in court) that are the relevant documents and stipulations for consumers.

36. The contents of paragraph 61 of the counter affidavit are wrong and denied, except insofar as they are a matter of record, and the contents of the corresponding paragraph of the writ petition are reiterated.

37. The contents of paragraph 62 of the counter affidavit are wrong and denied, except insofar as they are a matter of record, and the contents of the corresponding paragraph of the writ petition are reiterated. It is clarified that Petitioners are not attempting to, or interested in, painting Respondent 2 in a bad light. It is affirmed that "notified" in the context used in section 10 (4) of the BIS Act can only mean publishing the entire Indian standard in the Gazette and failure of the respondents to publish Indian Standards in this form is a failure to notify in terms of section 10 of the BIS Act. It is also clarified that it is the Petitioners' case that Indian Standards must be made available in the public domain for wide access, sharing and distribution and neither respondent nor any other body or entity should be allowed to prevent or control the access, sharing and dissemination of Indian Standards. Petitioners' contentions regarding the prohibitive costs of Indian Standards is made in the context that Respondent 2's failure to put Indian Standards in the public domain and to charge prohibitive prices for the standards has meant that Indian Standards are not widely disseminated and most consumers and lay persons do not have access to Indian Standards. As a result, the enforcement provisions for Indian Standards that allow consumers and consumer associations to prosecute manufacturers and service providers for violations of Indian Standards remains a law only on paper since most consumers do not know what the Indian Standards stipulate.

38. The contents of paragraph 63 and 64 of the counter affidavit are wrong and denied, except insofar as they are a matter of record, and the contents of the corresponding paragraph of the writ petition are reiterated. In response to respondent's contention that formulation of Indian Standards involves a very high cost and the efforts of Respondent 2's scientists, it is respectfully submitted that it is the respondent's case in its counter affidavit that standards are formulated with the involvement of over 25,000 experts on a voluntary basis. Further, the financial statements and the Annual Balance

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Sheets of the Respondent 2 make apparent that revenue earned from standards is only a small fraction of Respondent 2's revenues and that even if Respondent 2's earnings from sale and publication of Indian Standards was zero, there would still be no significant effect or consequence upon Respondent 2's balance sheets. This is apart from Petitioners' case that it is no answer to the constitutional mandate to ensure the Right To Information – which finds expression in section 4 of the RTI act – to claim exemption from it on the grounds that the costs of formulating the standards is high. It is once again denied that Indian Standards are priced at a no profit no loss basis and it is also denied that Indian Standards are made available to certain categories of purchasers at a discount of up to 60%. It is denied that the writ petition is either misconceived liable to be dismissed.

39. The contents of paragraph 65 are wrong and denied, except insofar as they are a matter of record.

40. The Petitioners deny the respondents' reply to the grounds of the petition and reiterate the grounds.

41. The contents of paragraph 74 of the affidavit are denied and the corresponding paragraph of the writ petition is reiterated. It is denied that the Petitioner is a challenging Respondent 2's copyright over the Indian Standards. It is denied that the petition raises any disputed questions of fact or any questions which can only be decided by a court designated to adjudicate copyright disputes. It is denied that the Petitioners seek "to take away the copyright of the bureau over the Indian Standards".

42. The contents of paragraphs 75-78 of the writ petition need no reply.

43. The counter affidavit's response to the writ petition's prayer clause is denied as being misconceived and based on several errors of law and the petition's prayer clause is reiterated.

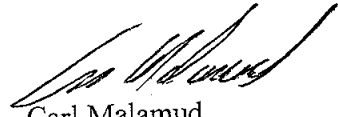
That in the circumstances set-out in this Rejoinder and in the writ petition it is most respectfully prayed that this Hon'ble Court be pleased

a) to allow the petition in terms of its prayers

And pass such further orders as this Hon'ble Court may deem fit

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New Delhi  
04 may 2019



Carl Malamud  
Petitioner No.1 and for Petitioners 2 and 3

Through



Jawahar Raja (D/3218/1999) &  
Kritika Padode (D/700/2017)  
#64, First Floor, Bhagwannagar, N. D. - 110014  
+91 9810639608



IN THE HIGH COURT OF DELHI AT NEW DELHI  
WRIT PETITION (CIVIL) NO. 11901 OF 2015

**In the matter of:**

Public Resource Organisation, Inc. & Others ...Petitioners

*Versus*

Union of India & Another ...Respondents

**Affidavit in Support of the Rejoinder filed on behalf of the Petitioners**

I, Carl Malamud, aged about 59 years, s/o Dr Ernest L Malamud and Late Dr Jean G Malamud, residing at 95, Kennedy Lane, Healdsburg, California, USA, having an Office at Public.Resource.org, Inc., 1005, Gravenstein Highway North, Sebastopol, California, 95472, USA, presently at New Delhi, do hereby solemnly affirm and declare on oath as under:

1. I am the President of Petitioner 1 and I am authorised to act on its behalf in these proceedings and, in such capacity, I am fully conversant with the facts and circumstances of this case and I am competent to swear this affidavit. I am also authorised to swear this affidavit on behalf of petitioners 2 and 3.
2. The accompanying 'Rejoinder filed on behalf of the Petitioners' has been drafted by my counsel under my instructions. The contents of the affidavit are true and correct to the best of my knowledge, information and belief; no part of it is false and nothing material has been concealed.

*[Signature]*  
Deponent

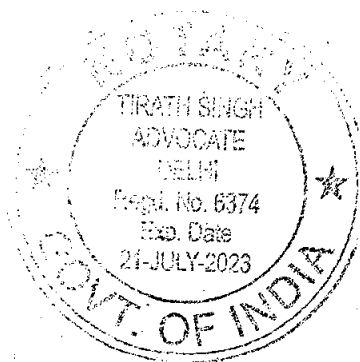
I identify the Executant Deponent who has signed in my presence

**VERIFICATION**

06 MAY 2019

Verified at New Delhi on this the 4<sup>th</sup> day of May 2019 that the contents of paragraphs 1-2 of the above affidavit are true and correct to the best of my knowledge, information and belief; no part of those paragraphs is false and nothing material has been cancelled.

*[Signature]*  
Deponent



CERTIFIED THAT DEPARTMENT  
Shri/Smt./Kun.....  
S/o.....  
Identified by Shri.....  
has solemnly affirmed that the contents of the affidavit are true and correct to the best of his knowledge, information and belief; no part of it is false and nothing material has been concealed.

TIRATH SINGH  
06 MAY 2019

IN THE HIGH COURT OF DELHI AT NEW DELHI  
WRIT PETITION (CIVIL) NO. 11901 OF 2015  
(PUBLIC INTEREST LITIGATION)

**In the matter of:**

Public Resource Organisation, Inc. & Others ...Petitioners

*Versus*

Union of India & Another ...Respondents

**Affidavit in Support of the Rejoinder filed on behalf of the Petitioner number 2**

I, Mr. Srinivas Kodali, s/o K PUNNA RAO, aged about 28 years, residing at BH 52, LAKEVIEW ENCAVE, HYDERABAD do hereby solemnly affirm and declare on oath as under:

1. I am Petitioner 3 in the present proceedings and as such I am fully conversant with the facts and circumstances of the case and am competent to swear this affidavit.
2. The accompanying "Affidavit in Support of the Rejoinder filed on behalf of the Petitioners" has been drafted by my counsel under my instructions.


  
Deponent

**VERIFICATION**

Verified at HYDERABAD on this the 29<sup>th</sup> day of April 2019 that the contents of paragraphs 1-2 of the above affidavit are true and correct to the best of my knowledge, information and belief. No part of this is false and nothing material has been cancelled therefrom.

  
Deponent



ATTESTED  
  
K. HARI BABU B.A.; LL.B  
ADVOCATE & NOTARY  
Appointed by Govt. of Telangana  
GOMs No: 509, Sl. No: 56, Rev. Regn-II  
My Commission Expires on 08-08-2022  
Kukatpally, Medchal-Malkajgiri Dist. Telangana  
Ph No: 9948108151

29 APR 2019

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**IN THE HIGH COURT OF DELHI AT NEW DELHI  
WRIT PETITION (CIVIL) NO. 11901 OF 2015  
(PUBLIC INTEREST LITIGATION)**

**In the matter of:**

Public Resource Organisation, Inc. & Others ...Petitioners

*Versus*

Union of India & Another ...Respondents

**Affidavit in Support of the Rejoinder filed on behalf of the Petitioner  
number 2**

I, Dr. Sushant Sinha, s/o Late Dr. Arun Kumar Sinha, aged about 39-years; residing at 2021, Sobha City – Mykonos, Thanisandra Main Road, Bengaluru – 560077 do hereby solemnly affirm and declare on oath as under:

1. I am Petitioner 2 in the present proceedings and as such I am fully conversant with the facts and circumstances of the case and am competent to swear this affidavit.
2. The accompanying “Affidavit in Support of the Rejoinder filed on behalf of the Petitioners” has been drafted by my counsel under my instructions.

*Sushant Sinha*

Deponent

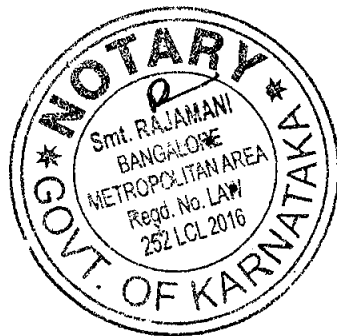
**VERIFICATION**

Verified at Bangalore on this the 30<sup>th</sup> day of April 2019 that the contents of paragraphs 1-2 of the above affidavit are true and correct to the best of my knowledge, information and belief. No part of this is false and nothing-material has been cancelled therefrom.

SI No. 35 Page 63  
Date 30/4/19

*Sushant Sinha*

Deponent



**EXECUTION ADMITTED BEFORE ME**

*Rajamani 30/4/2019*  
Smt. Rajamani, B.A., LL.B.,  
ADVOCATE & NOTARY  
# 262, 2nd 'E' Cross, 3rd 'A' Main  
4th Block, HBR Layout  
BANGALORE-560043

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Congress of the United States  
Washington, DC 20515

January 5, 2011

Carl Majamud  
President & CEO  
Public.Resource.Org, Inc.  
1005 Gravenstein Highway North  
Sebastopol, CA 95472


Dear Carl:


We're writing today to thank you for your nearly two decades of work to increase the availability of public data, and more recently your efforts to publish proceedings of the House Oversight and Government Reform Committee online in their entirety.

A major pillar of House Republicans' *Pledge to America* is that of reforming Congress and restoring public trust so that we can put power back in the hands of the people. Increasing transparency by making more high-quality government video available and easy-to-find represents a significant step in doing just that. It's our hope that this project is only the beginning of an effort to eventually bring all congressional committee video online.

Thank you again for your continued work. We look forward to working with you and the many other civic-minded technologists that will help this new majority leverage modern tools in making The People's House more open and accessible to all Americans.

Sincerely,

  
Rep. John A. Boehner  
Speaker of the House

  
Rep. Darrell Issa  
Chairman  
House Oversight and Government Reform

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NATIONAL  
ARCHIVES

ARCHIVIST *of the*  
UNITED STATES

DAVID S. FERRIERO

T 202.357.5900

F 202.357.5901

*David.Ferriero@nara.gov*

2 April 2019

Carl Malamud, President  
Public.Resource.Org ("Public Resource")  
1005 Gravenstein Highway North  
Sebastopol, CA 95472

Dear Carl,

As the nation's record keeper, the National Archives and Records Administration (NARA) is responsible for collecting, protecting, and making available the records of our Government whether you are documenting your family history, in need of benefits as a veteran of military service, or doing in depth historical research. And we depend upon citizen archivists such as Public Resource to help us carry out this mission.

On a blustery morning in February of 2011, you and I trudged through a blizzard here in Washington to inaugurate the International Amateur Scanning League, a group of volunteers you organized to come to the National Archives and copy Federal Government created videos to provide broader public access to the treasures in our vaults. Ten years later, I am delighted that your "FedFlix" channel has been such a success. Over 6,000 videos posted on YouTube and the Internet Archive have received 85 million views.

Public Resource has shown a long-term commitment to public access. In 2010 and 2011, you assisted our Office of the Federal Register as we moved our Government's official daily newspaper from an old print format to a modern website. And I was especially proud in December of 2011 to accept the first annual Walter Gellhorn Innovation Award as the most innovative Federal agency of 2011 by the Administrative Conference of the United States.

Public Resource provides a valuable service those of us working in Government. Your technical expertise in making information available on the Internet and your commitment to public service helps us fulfill our mission in new and innovative ways. While it is easy to sit back and criticize how our Government works, you have focused on helping us work smarter to the benefit of all Americans. Our Founding Fathers believed that an informed and involved citizenry was key to our democracy and Public Resource helps us make this true.

David S. Ferriero

Archivist of the United States

NATIONAL ARCHIVES *and*  
RECORDS ADMINISTRATION

700 PENNSYLVANIA AVENUE NW  
WASHINGTON, DC 20408-0001

[www.archives.gov](http://www.archives.gov)

March 7, 2017

## CONGRESSIONAL RECORD — Extensions of Remarks

E285

Ichiro Fujisaki, and arranged for a public apology on behalf of Japan to the surviving POWs. He also worked with the Japanese government to establish the U.S.-Japan POW Friendship Program, which allows former POWs and their families to visit Japan annually. Finally, Dr. Tenney received a personal apology from Japanese Prime Minister Shinzo Abe in 2015 and just last month received a letter of apology from Mitsubishi Materials Corporation, one of the companies that profited from POW labor at the time. I have been fortunate enough to know Dr. Tenney. His courage and tenacity are an inspiration to all, and his moving story demonstrates how much impact one person can have on world affairs.

Dr. Tenney's legacy is admirable and his impressive achievements in U.S.-Japan relations will be remembered for years to come. He is survived by his wife, Betty, and his son, two stepsons, seven grandchildren, and two great-grandchildren. I extend my condolences to his family in this difficult time.

HONORING NORTHEASTERN HIGH SCHOOL KNIGHTS BOYS VARSITY BASKETBALL TEAM

HON. LUKE MESSER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2017

Mr. MESSER. Mr. Speaker, I rise today to honor Northeastern High School on its 2017 IHSAA Class 2A Sectional 41 championship in boys' basketball.

The Knights faced off against the Union County Patriots, defeating them 54-41.

I am proud of these young men for not only their remarkable win, but also for the Hoosier sportsmanship that they displayed throughout this exciting season. I want to commend Coach Brent Ross as well as all of the assistant coaches who led these young men to victory.

Congrats, Knights.

HONORING THE LIFELONG CONTRIBUTIONS OF PAUL KALINIAN

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2017

Mr. COSTA. Mr. Speaker, I rise today to honor and pay tribute to Fresnan Paul Kalinian, a philanthropic and award winning filmmaker known especially for his documentary on Armenian-American William Saroyan.

Paul Kalinian was born in Beirut, Lebanon on February 14, 1932, but spent the majority of his childhood in Damascus, Syria. At age 14, he discovered his passion for photography and began learning the skill at the Photo Gulbenk Studio in Damascus. Four years later, he returned to Beirut, opening his first photography studio, Photo Paul in 1961. In 1964, he moved to Canada, then to the United States to further pursue a future in photography and filmmaking. Attending the New York Institute of Photography, Paul received degrees in Photography and Motion Picture Production in 1967. That same year, he returned to Beirut to marry his longtime sweetheart,

Araxie Deuvletian. They immigrated to the United States and were blessed with twins: a son Harold and a daughter Susie, making Fresno, California their permanent home, the birthplace of his childhood hero William Saroyan.

In 1972, Paul opened his second studio, Paul's Photography Studio, in Fresno, California. Throughout the years, he photographed countless people from all walks of life, from politicians and generals, to models, musicians and clergy leaders. His works have been published in over a dozen books, and numerous newspapers and magazines, and have been displayed in over a dozen different locations such as government buildings, museums, schools and libraries.

Aside from having a passion for photography, Paul had a dream of one day being able to photograph internationally renowned Armenian-American Pulitzer Prize and Oscar winner, William Saroyan. After 12 years of chasing this dream, Paul was finally able to capture portraits of the famous writer and playwright on March 26, 1976. One such characteristic portrait was selected by the United States and Soviet Union Postal Services, among 400 other photographs, to be used for their Commemorative Postal Stamps. This was the first time in history that an individual was selected as a humanitarian symbol of peace and friendship between two superpower nations. First-day-issue ceremonies took place simultaneously on May 22, 1991 in Fresno, California and in Yerevan, Armenia.

After William Saroyan's death in 1981, Paul created a 22 minute presentation of Saroyan's portraits, along with his narration "How I shot Saroyan," which was shown over 100 times in various cities, and televised on public stations. In light of the positive response, Paul and his daughter, Dr. Susie Kalinian, decided to collaborate and create a documentary film about Saroyan's life and works, narrated by another famous Fresnan whom Kalinian admires and respects, television and motion picture star, actor Mike Connors. Entitled William Saroyan: The Man The Writer, the film was written and directed by Paul and produced by his daughter. It is a symbol of Paul's admiration for Saroyan as one of the greatest writers of our time. The film was created to preserve and present Saroyan's works, recognize his dual cultural heritage, and spread his message of peace and hope around the world. The film, a labor of love, won numerous awards of recognition, including six international film festival awards and a Gold Award for Best Documentary Film among 12 competing nations. The film premiered on April 9, 1991 in Fresno at the William Saroyan Theatre. Today, over one million people have seen the film in more than 60 cities in 19 countries around the world. This film not only pays tribute to Saroyan, but pays tribute to Armenians and Fresno, California.

Mr. Speaker, today I ask my colleagues to join me in celebrating a man who has dedicated his life to preserving American and Armenian culture through the art of photography and film. It is both fitting and appropriate that we recognize Paul Kalinian for his educational and philanthropic contributions to his community, his country, and our world. I join Paul's family in wishing him health and happiness for years to come.

HONORING SOUTH RIPLEY RAIDERS BOYS VARSITY BASKETBALL TEAM

HON. LUKE MESSER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2017

Mr. MESSER. Mr. Speaker, I rise today to honor South Ripley High School on its 2017 IHSAA Class 2A Sectional 45 championship in boys' basketball.

The Raiders faced off against the Milan Indians, defeating them 47-42.

I am proud of these young men for not only their remarkable win, but also for the Hoosier sportsmanship that they displayed throughout this exciting season. I want to commend Coach Travis Wrightman as well as all of the assistant coaches who led these young men to victory.

Congrats, Raiders.

COMMEMORATING THE TENTH ANNIVERSARY OF PUBLIC.RESOURCE.ORG

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 2017

Mr. ISSA. Mr. Speaker, I rise today in recognition of the tenth anniversary of Public.Resource.Org, a nonprofit organization promoting openness and transparency in all three branches of the federal government.

In the past decade, organizations like Public Resource have been instrumental in utilizing modern technology and the Internet as vehicles to make the proceedings and reports of the House of Representatives readily available to the general public. While I served as Chairman of the Committee on Oversight and Government Reform, our staff worked with Public Resource to upload a video archive of all its proceedings to the Internet and used official transcripts to add closed captioning to our hearings. In addition to the Oversight Committee, their team uploaded over 3,000 hearings from all committees to the Internet Archive, particularly documenting activity in the House from 2005 through 2011.

In the Judicial Branch, Public Resource published all the historical opinions of the U.S. Court of Appeals and millions of pages of briefs from significant judicial opinions. They also worked with numerous executive agencies, including the Department of Defense, the Archivist of the United States, the National Technical Information Service, and the Internal Revenue Service to post thousands of government videos and upload over 9 million tax documents of nonprofit organizations for the public record.

As the organization celebrates this milestone, I would like to congratulate Public Resource for its service to Congress and the ongoing effort to provide American citizens with the tools they need to scrutinize the activities of the federal government.

FINDLAY NAMED TOP  
MICROPOLITAN COMMUNITY IN  
THE UNITED STATES

**HON. ROBERT E. LATTA**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 7, 2017*

Mr. LATTA. Mr. Speaker, I would like to recognize the City of Findlay, Ohio for being named a 2016 Top Micropolitan Community in the United States. This is the third year in a row that Findlay has been selected by Site Selection magazine for this honor.

Site Selection ranks micropolitan areas, which have populations ranging between 10,000 and 50,000, by evaluating different sets of criteria for opportunities to provide proven sustainable success. Findlay, once again, ranked highest out of these cities with 22 projects that secure and grow the local economic growth of the community.

Findlay has made quite a name for itself by focusing their efforts on steady economic development. Site Selection has deemed this the "Findlay Formula," the building of strong, reliable partnerships from the local government arena to both business and nonprofit organizations.

Mr. Speaker, the success in Findlay is a testament to the strong leadership and tight-knit community that exists in Hancock County. I'm excited about potential future development and the benefits it will bring to residents and businesses that are proud to call Findlay home. Congratulations once again to the City of Findlay for being named a top Micropolitan community.

HONORING HAUSER HIGH SCHOOL  
JETS BOYS VARSITY BASKET-  
BALL TEAM

**HON. LUKE MESSER**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 7, 2017*

Mr. MESSER. Mr. Speaker, I rise today to honor Hauser High School on its 2017 IHSAA Class 1A Sectional 60 championship in boys' basketball.

The Jets faced off against the Oldenburg Academy Twisters, defeating them 64-61.

I am proud of these young men for not only their remarkable win, but also for the Hoosier sportsmanship that they displayed throughout this exciting season. I want to commend Coach Bob Nobbe as well as all of the assistant coaches who led these young men to victory.

Congrats, Jets.

HONORING PACKANACK LAKE FIRE  
COMPANY

**HON. RODNEY P. FRELINGHUYSEN**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 7, 2017*

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the 75th Anniversary of the Packanack Lake Fire Company No. 5, located in Wayne, New Jersey.

Beginning in 1942, during the midst of World War II, the Packanack Lake community of 500 homes at the time was very concerned about the threat of attacks from the Axis powers. Six residents found the need for a local fire department in order to provide protection to the community. The residents applied for use of Civil Defense equipment. With great effort, they were organized as a civil defense unit and equipment was allocated. Funds were

later loaned in order to purchase a truck from a nearby fire company in Mountain View, New Jersey. Over the years two more trucks were added; increasing the capabilities of the fire company. In 1946, the state of New Jersey passed legislation that officially recognized the Packanack Lake Fire and Emergency Squad as a fire company, and allowed Wayne Township to allocate extra funds to the emergency squad. After several expansions of the emergency squad, the need for a fire house emerged. Property was donated by Packanack Homes and a two story fire house was built by the volunteer firefighters themselves. Materials were gathered from nearby demolished buildings and construction was complete by 1948. While construction was nearing completion the spouses of the volunteers formed the Packanack Lake Ladies Auxiliary who dedicated their time raising funds and supporting the fire company. And, the Auxiliary remains very active today!

Today, the fire company is a prominent entity in Packanack Lake. Membership has never been higher and they are now equipped with four trucks and one heavy rescue truck. With over 700 calls a year the fire company is always utilizing these resources to the best of their abilities. From six residents who saw the necessity to protect their community, grew a fine fire company who still supports and protects their community.

Like all fire companies, the Packanack Lake Company is more than fighting fires. From serving as a safe haven during natural disasters, floods in particular, the first to respond to home emergencies, and to functioning as a social hub for the community to connect with one another, I commend Company #5 for its distinguished 75 years and its support of the four other Wayne companies and their mutual aid to neighboring towns.

Mr. Speaker, I ask that you and our colleagues join me in congratulating Packanack Lake Fire and Emergency Squad No. 5 on the occasion of its 75th Anniversary.



OFFICE OF  
INFORMATION  
TECHNOLOGY

UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION  
OPERATIONS CENTER  
ALEXANDRIA, VA 22312

August 31, 1995

Mr. Carl Malamud  
The Internet Multicasting Service  
Suite 1155  
The National Press Building  
Washington, D.C. 20045

Dear Mr. Malamud: *Carl*

Thank you for your recent letter to the Securities and Exchange Commission regarding the SEC's plans for making its electronic database of corporate filings available to investors.

The SEC received numerous expressions of interest from individuals, corporations and public interest groups, offering a variety of suggestions as to how the agency might proceed to ensure corporate disclosure documents remain available either on the Internet or through some other low cost or no cost provider.

After carefully reviewing all of the options, and the costs and benefits of each, the Commission has concluded that the best course of action is for the SEC itself to make these documents available through an SEC-sponsored Internet server. Since the SEC was in the process of developing a World-Wide Web site for other agency information, the addition of electronic disclosure documents was seen as a logical extension of work already underway and something that could be added at a modest, additional cost to the government and taxpayer.

Again, please accept our sincere thanks for taking the time to share your thoughts and suggestions.

Sincerely,

*Michael E. Bartell*

Michael E. Bartell  
Associate Executive Director

P.S. IMS has done a great job over the past two years and has proven that free access to EDGAR data via the Internet is needed. Looking forward to your support as we continue down the road you've paved. Thanks.



**The New York Times** | <https://nyti.ms/298Vk9S>

ARCHIVES | 1993

## Plan Opens More Data To Public

By JOHN MARKOFF | OCT. 22, 1993

About the Archive

This is a digitized version of an article from The Times's print archive, before the start of online publication in 1996. To preserve these articles as they originally appeared, The Times does not alter, edit or update them.

Occasionally the digitization process introduces transcription errors or other problems. Please send reports of such problems to [archive\\_feedback@nytimes.com](mailto:archive_feedback@nytimes.com).

In the clearest indication yet of the Clinton Administration's willingness to offer broader public access to Government information, the National Science Foundation is financing a project that will make corporate filings to the Securities and Exchange Commission available free via a computer network.

The decision to support the project, which will provide access to the S.E.C.'s on-line data base of financial data from America's public corporations, is a shift away from the Federal information policies under Presidents Ronald Reagan and George Bush. Those Administrations favored letting private companies sell printed and electronic versions of Government data.

Although the National Science Foundation project, which will be announced on Friday, is a test, it has broad implications for creating fast, inexpensive consumer access to public records of all sorts. The precedent could threaten the huge industry that has grown up to sell financial records, court cases and other public documents over services like Mead Data Central's Nexis and Lexis networks. Available Over Internet

The project will make disclosure of information from corporations accessible to anyone who has access to the Internet computer network through a modem or

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a direct network link. The Internet, a loose collection of computer networks that is administered by the National Science Foundation, is now routinely accessible from most university campuses and businesses.

"This is a priority for this Administration," said Michael Nelson, special assistant to the director of the White House Office of Science and Technology policy. "This is another indication of the Administration's commitment to make Federal information more available to the taxpayers who paid for it." Internet access is rapidly becoming a feature of many commercial on-line computer services as well. Some 20 million computer users are connected to the Internet.

"This is a wonderful example of how the Internet might be used to provide access to Government information," said Marc Rotenberg, national director of the Computer Professionals for Social Responsibility, a Washington public interest group.

In June, the Office of Management and Budget announced that it was reversing previous Administration policy that had defined Government information as a commodity, often available for sale to private industry. The new policy encourages Federal agencies to make as much information as possible available to the public with fees as low as possible.

The project underscores how rapidly changing computer and network technologies are making it possible to offer low-cost access to Government information that has previously been available only on paper in libraries or electronically on mainframe computers that were difficult and expensive to tap into from remote locations. But increasingly, that mainframe data can be transferred easily to inexpensive work stations.

It also emphasizes the rapidly increasing scope of Internet as the forerunner of a national data highway that is expected to carry computer data, video and voice conversations beginning in the next century.

The project, financed with a \$660,000 two-year grant from the science foundation, is being undertaken by the Stern School of Business at New York University and a small Washington company, the Internet Multicasting Service. They plan to make the Friday announcement.

Currently, the S.E.C. data base, called the Edgar Dissemination Service, is operated under contract by Mead Data Central. Mead acts as a data wholesaler, providing a variety of computer data feeds to the retail information industry.

Commercial Charge Cited

Under this system, a retail information provider, like Mead Data's own Nexis service, charges about \$15 for each S.E.C. document, plus a connection charge of \$39 an hour and a printing charge of about \$1 a page.

The only fees to use the S.E.C.'s data base under the science foundation's project would be for access to the Internet, for which pricing varies. Commercial access can be bought for as little as \$2 an hour. But many college students now obtain Internet access as part of their tuition costs and many businesses buy a high-speed Internet connection that might cost the company hundreds or thousands of dollars each month but permits employees to share unlimited access to the network.

A legislative-affairs lawyer for the Information Industries Association, Ronald Plesser, said the industry would not oppose the project as long as the Government did not intend to restrict commercial publishing of Federal data.

"We have no problem with data bases being made available over the Internet," Mr. Plesser said. "But there has to be an interest in insuring a diversity of sources. We don't want a Government monopoly on the ownership and dissemination of Government information."

Representative Edward J. Markey, a Massachusetts Democrat who is chairman of the House Telecommunications Subcommittee has been pushing for greater public access to the S.E.C.'s Edgar Dissemination Service. He said today that he applauded the science foundation's move. 'S.E.C. Finally Gets It'

"I've been trying to launch Edgar into cyberspace for the last year, and I think the S.E.C. finally gets it," Mr. Markey said, adding that he expected the project to stimulate the commercial market rather than hurt it.

The company involved in the project, the Internet Multicasting Service, is a nonprofit organization founded by Carl Malamud, an economist who developed computer technology for the Federal Reserve Bank. Mr. Malamud has also been instrumental in creating technology that is capable of broadcasting information including audio, video and data over the Internet.

He said the data would be delayed by a day, in contrast to the instant access that is provided by some on-line publishers for financial professionals. Under terms of the science foundation grant, the New York University researchers will buy raw data and reformat them so that they can be obtained over the Internet through Mr. Malamud's organization. Mr. Malamud said he hoped to have the new data base service operating by the end of the year.

***Correction: October 26, 1993***

4/2/2019

Plan Opens More Data To Public - The New York Times

An article in Business Day on Friday, about a National Science Foundation project to distribute Securities and Exchange Commission data over computer networks, misstated the views of Ronald L. Plesser, a lawyer for the Information Industry Association. Neither Mr. Plesser nor the trade group has yet taken a position on the project.

A version of this article appears in print on October 22, 1993, on Page D00001 of the National edition with the headline: Plan Opens More Data To Public.

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The Washington Post

## SUPERHIGHWAY ROUTED THROUGH CAPITOL HILL

By John Schwartz  
September 19, 1994

You read about it, but you missed the broadcast on C-SPAN. You want to hear Sen. Alfonse M. D'Amato (R-N.Y.) singing "E-I-E-I-O" on the Senate floor.

Today, you'll just have to wait for some news program to dredge up the clip for the next D'Amato profile.

But before long, if Carl Malamud has his way, you'll be able to suck that sound bite -- or anything that happens on the floor of either chamber -- into your computer directly from the Internet, and play it back whenever you like. You'll also be able to grab related materials -- from photos to charts to reports -- stored somewhere on the Internet and linked to the segment you requested.

### A Cyberspace Station

Malamud is very well connected, though not in the typical Washington sense of the word. He maintains a super-high-speed link to the Internet, the global network of computer networks, and has used those connections to put the first radio station in cyberspace on the air.

For more than a year, Malamud, 35, and a handful of part-time enthusiasts have been broadcasting two to three hours of digital programming daily via his Internet Multicasting Service (IMS). Technofans with sufficiently speedy Internet connections -- and the right sound hardware and software -- can tap into a weekly live audio feed for news and information about public affairs, science and technology. (Malamud named one of the features, a weekly interview, "Geek of the Week.") Most listeners, with less zippy on-line links, "download" bits of the programming into their computers for later listening.

### Gavel-to-Gavel Coverage

Last week, Malamud announced a new venture that plans to take the Internet Radio concept even further: the appearance sometime next year of gavel-to-gavel audio coverage of the workings of the House and Senate via computer.

Why would anyone devote his life to turning the Internet, a key part of the high-tech future, into radio, a symbol of the static-filled past? And why would anyone want to use all of the awesome technology humming around us for a version of C-SPAN -- without pictures, yet?

Because it's harder than it sounds. Although electronic text messages blink across the country in mere nanoseconds, sound is a data hog. Translating sound into the 1s and 0s that can be interpreted by computers requires 30 megabytes of storage space for every digitally recorded hour -- a chunk of the capacity of many home computers. Any semblance of a live broadcast also requires an Internet connection that shuttles data at rates of 64,000 bits per second -- several times faster than most mainstream modems for personal

computers can handle. Downloading programs at lower speeds for later listening can take hours of precious connect time.

#### Listening at the Office

Nonetheless, Malamud maintains that his programming reaches more than 100,000 people in 30 countries. Many fans listen in at their offices, because high-speed Internet links and internal computer networks are becoming de rigueur for businesses that send and receive large amounts of information on-line. "We're not CNN, but we're a lot younger than CNN," Malamud said.

Computer systems of the sort Malamud has in mind promise to bring new capabilities that conventional radio and television can't touch. Today's TV networks give you programs when they choose to broadcast them. But computer communications allow users to grab the broadcast at their convenience, or search and play back a specific portion of a broadcast that interests them.

In the planned project, congressional speeches will take a circuitous path to the Internet. Sounds recorded at the House and Senate galleries will be beamed to IMS's Capitol Hill studio. After turning the sound into a digital data stream, IMS will shoot it over a high-speed line to studios at the National Press Building, where the information will simultaneously be stored on a massive set of hard disk drives and go out live over the Internet feed.

#### An Archive Service

The Internet Multicasting Service (for general information, send an Internet message to [info@radio.com](mailto:info@radio.com)) won't just be broadcasting government proceedings live, though.

With its immense data storage systems -- donated, like much of the computer equipment, by workstation mavens Sun Microsystems -- the nonprofit IMS plans to archive the year's proceedings for delivery to anyone who has a hankering to listen to, say, what House Minority Whip Newt Gingrich (R-Ga.) talked about Tuesday on the floor.

#### 'Speaker Recognition'

One of the hottest aspects of the "Congressional Memory Project," however, is the software Malamud is planning to use to search the vast data archive. Most users will simply order up sound bytes by time and date. IMS plans to create a rough index of proceedings based on the Congressional Record, which is also available on-line.

Going a step further, Malamud hopes to implement still-experimental "speaker recognition" software that detects and stores the idiosyncratic patterns of sound in people's voices. Once those telltale characteristics are determined, a large audio database can be searched for matching patterns. Thus users of the archive could simply request any member's speeches on a certain date.

Because such software isn't a proven commodity yet, "we're not depending on speaker recognition as a magic bullet," Malamud said.

Here's how the Congressional Memory Project is expected to work in practice: You're sitting at your computer (or, at least, the next computer on your wish list) and navigate your way to IMS using graphical "browsing" software such as Mosaic. Your screen fills with a page of information that contains text describing the service and several on-screen icons. To hear House proceedings live, click one icon. To hear the Senate, click another. Another icon will lead to the archive. Some of the text will be highlighted: Clicking on it will activate links to other material, which might include text of bills under debate, government reports and other documents, as well as pictures and illustrations stored on computers around the globe.

#### Plans for Expansion

Along with the new channels of government coverage, Malamud has plans to expand his existing Internet Radio programming, having signed agreements with Monitor Radio, Radio France International and other providers. Malamud is also working with the Kennedy Center to broadcast the center's educational programs, lectures and performances for youth.

All of Malamud's ventures are multimedia. The EDGAR text database of filings to the Securities and Exchange Commission by thousands of companies is available free via the Internet thanks to the Internet Multicasting Service, the New York University Stern School of Business and grants from the National Science Foundation. Malamud has also put patent materials on-line.

By working out the kinks of sending and receiving multimedia programming, Malamud believes he is showing the way for future information superhighway services such as interactive television. "The cable companies and telcos {telephone companies} think 500 channels means home shopping and video on demand. I think we're what the face of those 500 channels will look like," Malamud said.

 0 Comments



**Educators, Activists, Entrepreneurs, and Lawyers Win  
Berkman Awards for Internet Innovation**

**WINNERS INCLUDE ESRA'A AL SHAFEI, RICHARD  
BARANIUK, JOHN BREEN, JEFFREY CUNARD AND BRUCE  
KELLER, CARL MALAMUD, AND NOAH SAMARA**

*Monday, May 19, 2008*

**Cambridge, MA** - Announced Friday, May 16, at the Berkman Center for Internet & Society's tenth anniversary gala dinner, recipients of the Berkman Awards were chosen for their outstanding contributions to the Internet's impact on society over the past decade.

The international group of winners was selected from an open nomination process and comes from a range of fields including human rights and global advocacy; academia; communications and media; and law. The five cash award winners received \$10,000 with no conditions on how the funds must be spent.

"There is an amazing amount of public interest innovation and activity on the Internet, and selecting these award winners from an extraordinary field of nominees and finalists was a daunting task," said John Palfrey, Harvard Law School Clinical Professor and Berkman Center Executive Director. "We hope that these Internet heroes will continue to lead and inspire, making the positive potential of networks a reality."



A Berkman Award went to Esra'a Al Shafei of Bahrain, the 21-year-old director of student-owned [MideastYouth.com](http://MideastYouth.com), whose mission is "to inspire and provide young people with the freedom and opportunity of expression, and facilitate a fierce but respectful dialogue among the highly diverse youth of all sects, socio-economic backgrounds, and political and religious beliefs in the Middle East." [MideastYouth.com](http://MideastYouth.com) fights for social change with podcasts, blogs, social networks, and online video.

Engineering professor [Richard Baraniuk](#) received a Berkman Award for founding [Connexions](#) at Rice University. [Connexions](#) lets teachers share digital texts and learning materials, modify them, and disseminate them online using a Creative Commons license. This free, open-source platform is a building block towards a system of open educational resources.

John Breen was recognized with a Berkman Award for creating [FreeRice.com](#). [FreeRice](#) asks site users to answer multiple-choice vocabulary questions and, for every correct answer, donates 20 grains of rice to the United Nations World Food Programme. According to the website, over 27 billion grains of rice have been distributed thus far.

Carl Malamud received a Berkman Award for creating [Public.Resource.Org](#). Malamud is making US case law and government documents freely available online. He has also made images from the Smithsonian freely available on the Flickr photo sharing site and pushed to get broadcast-quality video of all congressional committee hearings posted online by the end of the 110th Congress. He is working with the National Technical Information Service to digitize and put NTIS' multimedia online. Malamud is making the work of governments more transparent and providing citizens around the world with greater access to legal information.

The awards presentation was the finale of the Berkman Center's year-long, tenth anniversary celebration, [Berkman@10](#), and marked the end of the [Berkman@10](#) conference, a landmark event on "The Future of the Internet," held on May 15 and 16, 2008, in Cambridge, MA.

**About the Berkman Center**

The Berkman Center for Internet & Society at Harvard University is proud to celebrate its tenth anniversary as a research program founded to explore cyberspace, share in its study, and help pioneer its development. Founded at Harvard Law School in 1997, through a generous gift from Jack N. and Lillian R. Berkman, the Center is now home to an ever-growing community of faculty, fellows, staff, and affiliates working on projects that span the broad range of intersections between cyberspace, technology, and society. More information can be found at <http://cyber.harvard.edu>.

**Contacts**

Berkman Center for Internet & Society

Lexie Koss, 617-384-9100, [lkoss@cyber.harvard.edu](mailto:lkoss@cyber.harvard.edu)

MideastYouth.com (Esra'a Al Shafei)

(+973) 39755-355, [director@mideastyouth.com](mailto:director@mideastyouth.com)

Rice University (Richard Baraniuk)

Jade Boyd, 713-348-6778, [jadeboyd@rice.edu](mailto:jadeboyd@rice.edu)

World Food Program (John Breen)

Jennifer Parmelee, 202-653-0010, [jennifer.parmelee@wfp.org](mailto:jennifer.parmelee@wfp.org)

Bettina Luescher, 646-824-1112, [bettina.luescher@un.org](mailto:bettina.luescher@un.org)

Public.Resource.Org (Carl Malamud)

707-827-7290, [carl@media.org](mailto:carl@media.org)

WorldSpace (Noah Samara)

Katie Štaker, 301-960-1214, [kstaker@worldspace.com](mailto:kstaker@worldspace.com)

Debevoise & Plimpton (Jeffrey Cunard and Bruce Keller)

Matt Cobey, 212-909-7310, [mjcobey@debevoise.com](mailto:mjcobey@debevoise.com)

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ANNEXURE R8

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**Freedom of Information: 2008**  
**FIRST AMENDMENT COALITION**  
**DEFENDING FREE SPEECH & THE PUBLIC'S RIGHT TO KNOW**

**James Madison Award winners**

**Electronic Access**

**CARL MALAMUD, PUBLIC.RESOURCE.ORG**

For years, web pioneer Carl Malamud has sought ways to use the Internet to connect average citizens with their government. His new Web site *public.resource.org* helps that cause by excavating buried public domain information and posting it online. Though still in its early stages, the site already allows users to tap into hard-to-find records from places like the Smithsonian, Congress, and the federal courts system.

Even though most government records are part of the public domain, fishing them out from the bureaucratic depths can be a daunting and expensive task, even for someone like Malamud. During a lecture at UC Berkeley last year, he related his recent difficulties in acquiring a simple database from the Library of Congress. Instead of turning over the materials, officials at the Library cited dubious copyright protections and presented Malamud with a bill for over \$85,000 — all for access to supposedly public information.

Thanks to Malamud's Web site, that database and millions of other documents are now available with the click of a mouse. Ultimately, Malamud hopes *public.resource.org* will help bring about an age of "Internet governance," in which every last byte of public data winds up online for all to see, free of charge.

THE SOCIETY OF PROFESSIONAL JOURNALISTS  
NORTHERN CALIFORNIA CHAPTER presents the 23RD ANNUAL JAMES MADISON  
FREEDOM OF INFORMATION AWARDS DINNER

SOURCE:

**GUARDIAN**  
ARCHIVE 1966-2014

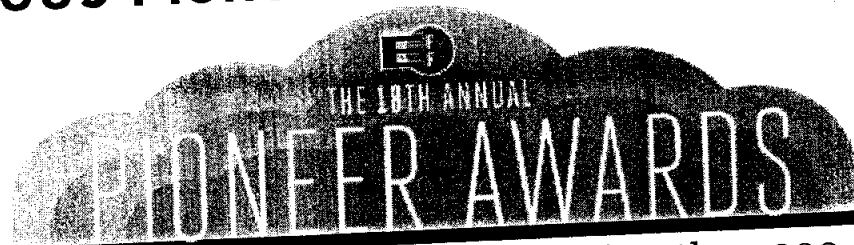
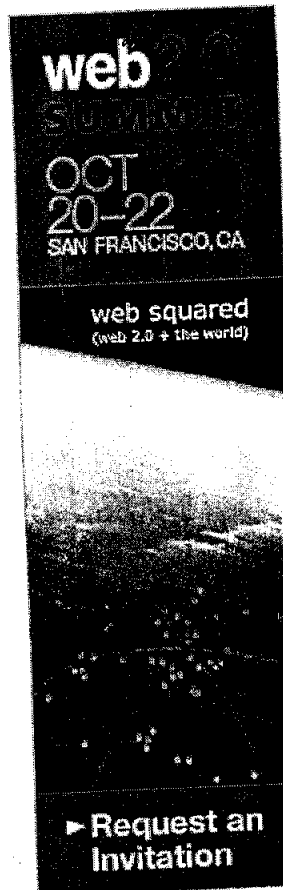
ANNEXURE R9

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eff.org



## 2009 Pioneer Awards



Thanks to Everyone for Attending the 2009 Pioneer Awards honoring:

Limor "Ladyada" Fried, Harri Hursti and Carl Malamud

LinkedIn founder Reid Hoffman keynoted the event, and the celebration included drinks, fine food, and excellent company.

The ceremony was held in conjunction with the Web 2.0 Summit conference co-produced by O'Reilly and TechWeb, and took place at the Westin San Francisco on **Thursday, October 22nd at 7 pm.**

Awarded every year since 1992, the Pioneer Awards recognize leaders who are extending freedom and innovation on the electronic frontier.

Special thanks to our sponsors: MetroPCS, eBay, Microsoft, Facebook & SaurikIT

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### Judging Panel

EFF would like to thank the Judging Panel for the 2009 Pioneer Awards:

**Kim Alexander**

President and founder, California Voter Foundation

**Cory Doctorow**

Award-winning author and activist

**Mitch Kapor**

President, Kapor Enterprises; co-founder and former chairman EFF

**Drazen Pantic**

Co-director, Location One

**Barbara Simons**

IBM Research [Retired] and former president ACM

**James Tyre**

Co-founder, The Censorware Project; EFF policy fellow

### Past Pioneers

2008: Mitchell Baker Michael Geist

### 2009 Honorees

**Limor "Ladyada" Fried**



Photo by Fumi

A pioneer in the field of open-source hardware and software hacking, Ladyada helps the general public engineer and adapt consumer electronics to better suit their needs. Her

do-it-yourself ethic is founded on the idea that consumer electronics are best modified for use by customers, not corporations. Fried runs her own company, Adafruit Industries, which sells unique and fun do-it-yourself kits to help consumers make gadgets such as backup iPod chargers, green power monitors and programmable displays for bicycle wheels. She also hosts an Internet video program called "Citizen Engineer" that provides step-by-step instructions to help consumers build and alter their own home devices.

**Harri Hursti**



Harri Hursti discovered gaping vulnerabilities in the widely used optical scan voting machines manufactured by Diebold Election Systems in 2005, in collaboration with the Leon County, Florida, Supervisor of Elections

2008: Mitchell Baker, Michael Geist,  
Mark Klein

2007: Yochai Benkler, Cory  
Doctorow, Bruce Schneier

2006: Craigslist, Gigi Sohn, and  
Jimmy Wales

2005: Mitch Kapor, Edward Felten,  
and Patrick Ball

2004: Kim Alexander, David Dill, and  
Aviel Rubin

2003: Amy Goodman, Eben Moglen,  
David Sobel

2002: Dan Gillmor, Beth Givens, Jon  
Johansen and Writers of DeCSS

2001: Bruce Ennis, Seth Finkelstein,  
and Stephanie Perrin

2000: "Librarians Everywhere", Tim  
Berners-Lee and Phil Agre

1999: Jon Postel, Drazen Pantic, and  
Simon Davies

1998: Linus Torvalds, Richard  
Stallman, and Barbara Simons

1997: Hedy Lamarr, Johan  
Helsingius, and Marc Rotenberg

1996: Robert Metcalfe, Peter

and elections watchdog group BBV. The  
"Hursti Hack", as his breakthrough became  
known, brought about far-reaching scrutiny  
of voting machine hardware and software.

Research conducted in other states  
confirmed numerous systematic flaws and  
led to the decertification of thousands of  
faulty voting machines. Hursti is currently  
Chief Technical Officer of the Clear Ballot  
Group, a Boston company that builds tools to  
rigorously and transparently verify election  
results.

### Carl Malamud



Technologist, author, and  
public domain advocate, Carl  
Malamud is currently known  
for his foundation,  
[public.resource.org](http://public.resource.org). As  
founder of the Internet

Photo by Joi Multicasting Service, Malamud  
was responsible for creating the first Internet  
radio station, for putting the U.S. Securities  
and Exchange Commission's EDGAR  
database on-line, and for creating the  
Internet 1996 World Exposition. Malamud is  
the author of eight books, including  
"Exploring the Internet" and "A World's Fair."  
He was a visiting professor at the MIT Media  
Laboratory and is the former chairman of the  
Internet Software Consortium.

### Keynote speaker: Reid Hoffman



Pioneer Awards keynoter Reid  
Hoffman is Executive  
Chairman and a co-founder of  
LinkedIn. Previously, Hoffman  
was Executive Vice President  
of PayPal and has also held

management roles at Fujitsu Software  
Corporation and Apple. Hoffman serves on  
the Board of Directors for SixApart, Kiva.org,  
and the Mozilla Corporation.

## Photos from the 2009 Awards

Neumann, Shabbir Safdar and  
Matthew Blaze

1995: Philip Zimmermann, Anita  
Borg, and Willis Ware

1994: Ivan Sutherland, Bill Atkinson,  
Whitfield Diffie and Martin Hellman,  
Murray Turoff and Starr Roxanne  
Hiltz, Lee Felsenstein, and the WELL

1993: Paul Baran, Vinton Cerf, Ward  
Christensen, Dave Hughes and the  
USENET software developers

1992: Douglas C. Engelbart, Robert  
Kahn, Jim Warren, Tom Jennings,  
and Andrzej Smereczynski



Event photos by Quinn Norton.

• **Public**

PRESS RELEASE

# Public Knowledge Presents Fifth IP3 Awards to Lofgren, Scott, von Lohmann and Malamud

*By Art Brodsky*

September 02, 2008 Press Release, IP3

Public Knowledge President Gigi B. Sohn announced that Rep. Zoe Lofgren (D-CA), a member of the House Judiciary Committee, will receive the special President's Award at this year's IP3 awards.

Lofgren will receive the President's Award because of her advocacy on virtually every issue of concern to Public Knowledge. "From Net Neutrality to fair use, there has been no more steadfast champion for the issues about which Public Knowledge cares than Zoe Lofgren," Sohn said. "She has been the leading advocate for reforming our Internet policy and for bringing copyright policy into line with the realities of digital technology. It is my sincere pleasure to give her my special President's Award this year."

PK's 2008 IP3 awards will also be presented to Free Press Policy Director Ben Scott, Electronic Frontier Foundation Senior Staff Attorney Fred von Lohmann and Public.Resource.org founder Carl Malamud.

Awards are given to individuals who over the past year (or over the course of their careers) who have advanced the public interest in one of the three areas of "IP" – Internet Protocol, Intellectual Property and Information Policy. The awards will be presented Oct. 16 in Washington, D.C.

Scott was nominated for his tireless work on Net Neutrality and related issues. He was lauded in a Washington Post article earlier this year as "Net Neutrality's Quiet Crusader," and played a pivotal role in bringing the historic complaint against Comcast violation of Net Neutrality to the attention of the Federal Communications Commission. He will be given the award for contributions to Internet Protocol.



Von Lohmann was nominated for his work to advance the cause of fair use while protecting innovation. Von Lohmann has designed legal strategy for, and argued cases on behalf of, the cause of fair use of intellectual property before every level of Federal court. He is in the forefront of advocating new policies that reflect the protection of users and the reasonable balance between copyright and consumer rights. He will be given the award for contributions to Intellectual Property.

Malamud was nominated for his work providing public access to government documents. He founded Public.Resource.org in April 2007. Since then, Malamud has, among other activities, found that the Smithsonian Institution was selling public-domain photographs, and then bought copies and posted them to Flickr, and later in the year began scanning new judicial opinions and hosting open access copies. Malamud will be recognized for his contributions to Information Policy.

Judges for this year were:

James Burger: Member, Dow Lohnes PLLC

Bruce Gottlieb: Legal advisor to FCC Commissioner Michael Copps

Kathleen Wallman: President, Wallman Consulting LLC

Jennifer Urban: Clinical Associate Professor, University of Southern California Law School; Visiting Professor, Stanford Law School

Richard Whitt: Washington Telecom and Media Counsel, Google

Tim Wu: Professor, Columbia Law School

IP3 winners in 2007 were Wu, activist Jamie Love, the band OK Go. Red Hat Software Founder Bob Young received the special President's Award.

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# ANNEXURE R11

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**Carl Malamud**

1005 Gravenstein Highway North  
Sebastopol, California 95472  
(707) 827-7290/carl@media.org/@carlmalamud

## PROFESSIONAL EXPERIENCE

### **Founder and President, Public.Resource.Org, Inc — 2007-2019**

Placed over 25 million pages of primary legal materials on the Internet. Put 6,000 U.S. government films on YouTube and the Internet Archive. Audited and redacted federal materials for privacy issues and convinced the judicial, executive, and legislative branches and the private sector to redact offending materials in their systems. Placed 9 million nonprofit tax returns online and successfully sued the IRS to compel further disclosures. Have led a global fight to make legally-mandated public safety standards available.

Created numerous collections of materials about India for public access. The Public Library of India has 4.2 lakh objects and has received over 4 crore views. The Gazettes of India has 4.4 lakh PDF files to make Official Gazettes searchable. The Hind Swaraj collection has the complete works of Gandhi, Nehru, and Ambedkar as well as many works from the Publications Division, Navajivan Trust, and other sources. Public Resource has partnerships in India with the Indian Academy of Sciences, Jawaharlal Nehru University, IIT Delhi, and other institutions and works with numerous volunteers throughout the country.

### **Senior Fellow and Chief Technology Officer, Center for American Progress — 2005-2006**

Established overall strategic direction and tech staffing for the Center. Created policy initiatives centered around transparency at the Smithsonian and expansion of government's video presence on the net.

### **Chairman, Jabber Software Foundation — 2005**

Chaired the standards body responsible for instant messaging standards.

### **Consultant to Internet Standards Bodies — 2003-2005**

Paid consultant to the chairs and membership of the Internet Architecture Board and the Internet Engineering Task Force on the institutional framework for Internet standards-making.

### **Co-Founder and CEO, NetTopBox, Inc. — 2001-2003**

Led an Internet startup focused on creating a new generation of Electronic Program Guides.

### **Founder, Chairman, and CEO, Invisible Worlds, Inc. — 1998-2000**

Led an Internet startup through three rounds of financing and growth to 50 employees. Invisible Worlds created an XML-based Internet transport protocol which is an Internet Proposed Standard.

### **Visiting Professor — 1996-1997**

Visiting Professor at the MIT Media Lab and Japan's Keio University.

### **Founding Chairman, Internet Systems Consortium — 1994-1995**

Chaired the non-profit corporation responsible for running one of the Internet root name servers and producing BIND, the open source software used in many key Domain Name System servers.

### **Founder and Chairman, Internet Multicasting Service — 1993-2002**

Ran a 501(c)(3) non-profit responsible for creating the first radio station on the Internet, making the Securities and Exchange Commission EDGAR and U.S. Patent databases available, and running the Internet 1996 World Exposition, a world's fair with participation from 80 countries which deployed over \$100 million in in-kind contributions to build global infrastructure.

### **Consultant — 1985-1992**

Taught seminars, led system development efforts, and provided strategic advice to senior management for groups including the Board of Governors of the Federal Reserve, the Joint Chiefs of Staff, Argonne National Laboratory, AT&T, DEC, IBM, Sun Microsystems, and Xerox. Wrote 8 books.

### **Senior Systems Analyst, Board of Governors of the Federal Reserve — 1984**

Part of a team that brought the first workstations and a network into the Fed.

### **Senior Systems Analyst, Indiana University — 1981-1983**

Created an MBA computer literacy program, helped put IU on the net, and created a unified billing system.

## AWARDS

Public Access to Government Information (PAGI) Award, American Association of Law Libraries  
Berkman Award, Harvard University — "For his extraordinary contributions to the Internet's impact on society."  
Society of Professional Journalists — James Madison Freedom of Information Award (2008 and 2016)  
Electronic Freedom Foundation — Pioneer Award  
Public Knowledge — IP3 Award

## EDUCATION

B.S., Business Economics and Public Policy, Indiana University School of Business, 1980.

M.B.A., Business Economics and Public Policy, Indiana University School of Business, 1982. Completed doctoral coursework (ABD). Fulbright-Hayes scholarship for study in Hungary.

Georgetown University Law Center, 1984. Completed first-year coursework for a law degree.

## BOOKS

**Code Swaraj: Field Notes from the Standards Satyagraha (Public Resource, 2018)**

Coauthored with Sam Pitroda. The book is available in English, Bangla, Gujarati, Hindi, Kannada, Marathi, Punjabi, Tamil, Telugu, and Urdu. No Rights Reserved. .  
<https://archive.org/details/CodeSwaraj>

**A World's Fair for the Global Village (MIT Press, 1997)**

Foreword by the Dalai Lama, afterword by Laurie Anderson.  
<http://books.google.com/books?id=2ACtZvZhvWcC>

**Exploring the Internet (Prentice Hall, 1992)**

<https://public.resource.org/eti/>

**Stacks (Prentice Hall, 1992)**

**Analyzing Networks (Van Nostrand Reinhold, 1991-1992) (3 Volumes)**

An in-depth reference series examining key network protocols including Novell, DECnet, and TCP/IP.

**INGRES (Van Nostrand Reinhold, 1990)**

**DEC Networks and Architectures (McGraw Hill, 1990)**

## OTHER WRITING

### Trade Press

Columnist for Communications Week, Data Communications, and the Bangkok Post. Contributor for InfoWorld, Computerworld, WIRED, IEEE Spectrum, ConneXions, and Network Computing.

### Internet Standards

Author of Internet RFCs 3865, 4095, and 4096, an extension to the Internet mail protocols for dealing with spam. Co-author with Marshall T. Rose of Internet RFCs 1528, 1529, and 1530, which defined how to use the Internet as a bypass mechanism for traditional telephone services, including fax and paging.

## SELECTED PUBLIC SPEAKING

**2009 Gov 2.0 Summit — By the People**

<https://public.resource.org/people/>

**Congressional Testimony — Edicts of Government**

<https://public.resource.org/edicts/>

**Congressional Testimony — Smithsonian Business Ventures**

<http://www.archive.org/details/gov.house.cha.05252006-dvd>

**2010 WWW Conference — 10 Rules for Radicals**

<https://public.resource.org/rules/>

## SELECTED WEB SITES

<https://public.resource.org/> — Our main site.

<https://law.resource.org/> — Repository of legal materials, including our court dockets.

<https://yo.yourhonor.org/> — An unsolicited report to the Chief Justice of the United States.

<https://wwlbd.org/> — What Would Luther Burbank Do? An appeal to the Smithsonian Institution.

<https://yeswescan.org/> — Yes We Scan! An appeal to reform how government publishes information.

[https://archive.org/details/us\\_congress](https://archive.org/details/us_congress) — 14,000 hours of U.S. Congress video of hearings.

<https://archive.org/details/FedFlix/> — 6,050 videos from the U.S. National Archives.

<https://archive.org/details/publicsafetycodes/> — 28,405 technical public safety codes mandated by law.

<https://archive.org/details/RT-FM/> — Full archive of Internet Talk Radio, first radio station on the Internet.

<https://archive.org/details/BharatZindabad/> — 10 collections from India, including books in 50 languages.

<https://youtube.com/user/PublicResourceOrg> — A channel with 67,932,412 views and 156,722 subscribers..

5/1/2019

Accessing the law

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## Accessing the law

By Gautam Patel | Updated: Jun 24, 2011, 03:04 IST

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As our world gets more complex, so do our statutes. We now have laws for everything from the preservation of wild elephants (1,879; seriously) to the running of cybercafes. This statutory morass is confusing and intimidating, and the citizen is more often victim than intended beneficiary.

The problem is exacerbated by the lack of adequate public access to the law itself. Till fairly recently, it wasn't even possible to find court decisions or statutes. You had to consult a lawyer. The decision by the Law Ministry and the higher judiciary to open up access to laws and judgements for the first time allowed the common man free access to the law.

At least in theory; in practice, it was another story. The official Indian government statutes website ([indiacode.nic.in](http://indiacode.nic.in)) provides the full text of central government acts. For local laws, you must look elsewhere; and the site isn't terribly user-friendly in the first place.

The central caselaw database, [judis.nic.in](http://judis.nic.in), is entirely separate, unlinked to the statutes and has no search across all courts, and each court has its own peculiar search features.

Others are trying to address this, in different ways. The Bombay High Court's official website's ([bombayhighcourt.nic.in](http://bombayhighcourt.nic.in)) best-kept secret is the mysteriously named "e-library". It's linked off the main webpage but it's one that few use or even know about.

At least part of the reason is the terrible design of the entire website a mess of odd colours, awful graphics and layout, little flashing icons, no typography to speak of and the proliferation of ugly buttons (the kind with little icons of a house on them for 'home'). Even lawyers use the site only for limited purposes checking the daily lists, tracking the status of their cases or downloading orders.

This is a shame, because once you dig past the design, the e-library, which opens on a different page with even more virulent colours, is both helpful and rewarding. There is a long list of statutes both central and local.

There are the all-important rules under various acts. And there are links to caselaw from India and overseas, texts of historical cases, online legal journals and databases, lecture series, newspaper and magazine links. And then there's a section called e-books. This has links to some delights. I found a link to Arthur Quiller-Couch's lectures On the Art of Reading and On the Art of Writing and there are other links to the collected works of Shakespeare, essays by Orwell, poems by Yeats and more.

Not so much a repository it doesn't actually hold the material itself as an intelligent and thoughtful aggregation of harvested links, the e-library is the work of Uma Narayan, the High Court's chief librarian, who has the active support of several High Court judges. Soft-spoken and self-effacing almost to a fault, Ms Narayan is visibly embarrassed when, at a chance meeting in the High Court, I compliment her work. "There is so much yet to be done," she tells me. "We must start including government notifications and gazettes because people can't find these very easily and they are important."

Halfway across the world, Dr Sushant Sinha, a computer scientist at the University of Michigan, has done something even more remarkable. In January 2008, he launched [indiankanoon.org](http://indiankanoon.org) and in less than three years it has grown to include caselaw from across the country (the Supreme Court, 24 high courts, 17 tribunals), parliamentary debates (25,000 and counting), the Constituent Assembly Debates, law commission reports, and more. The caselaw goes back to the 1800s.

His software 'scrapes' the various publicly accessible websites of Indian courts and actually collates the material. There are cross-references to earlier cases, notes of later cases which refer to the one being viewed, links to the statutes in question and notations of the official law journal citations. It uses a familiar Google-style search interface, which you can refine with an advanced search. The site is clean, almost bare: no advertising, no images, no mass of text. Just the search box and then the results. And it is entirely free.

<https://mumbaimirror.indiatimes.com/opinion/columnists/gautam-patel/accessing-the-law/articleshow/16139481.cms>

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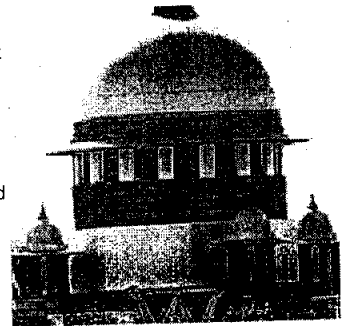
Accessing the law

Legal empowerment in a statute is one thing; awareness of it is another; and the lack of awareness drives the common man, as Dr Sinha says, away from courts instead of to them. Ignorance of the law may be no excuse, but it certainly breeds fear, oppression and corruption.

Dr Sinha realised that keeping laws and judgements in separate databases creates a gap in legal awareness, especially when the interpretation of a convoluted, linguistically opaque, statute comes from a court's decision. Indiankanoon attempts to overcome this.

It integrates court decisions with cross-references to the statutes in question and tries to make the law intelligible. From its small beginnings, the site today has over 400,000 users and 2.5 million monthly page views. It has received recognition from the University of Montreal and MIT. Hopefully, it will soon receive investment support. It may not have the thunder of the Lokpal Bill, but this notion of making the law accessible is a revolution in its own quiet way. Information is power, and public information is power to the people.

**Disclaimer:** The views expressed here are the author's own. The opinions and facts expressed here do not reflect the views of Mirror and Mirror does not assume any responsibility or liability for the same.



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## INDIAN KANOON

Democratising Access to Judgements and Law

In the knowledge economy, there are several barriers for citizens and members from the legal fraternity in accessing statutory and case laws. While government departments and courts publish judgments on their respective websites, they are not user-friendly. Their interfaces replicate the library world by requiring searching for judgments by petitioner, respondent, case number. While lawyers are often accustomed to using these interfaces and terms, it acts as a huge barrier to common people. 'Captchas', further restrict accessibility to visually impaired citizens. As a result, only extremely savvy citizens or legal professionals/ universities that have access to proprietary and expensive services are able to access reliable reproductions of statutory and case laws.

IndianKanoon is democratizing access to Indian judgements through its free and user-centric search engine. Founded by Sushant Sinha, its simple and effective search engine allows users to use terms familiar to them for search and find results. It also interlinks case laws and judgments.

IndianKanoon's appeal to citizens, researchers, and lawyers is evidenced by the fact that it has over 3 million users per month. The relevance of the free and open platform is also reflected in the Alexa Rankings of websites that show that IndianKanoon ranks at 704 in India and at 10,353 globally. The demographic of users is fairly wide, from judges to citizens. It runs its servers mostly on free and open source software and has contributed much to the development of the software.

IndianKanoon is acting as a disruptive force to proprietary models of information and data in the legal industry. By making access open and free, it is challenging the models of well-established tools like SCC Online and Manupatra.



ANNEXURE R14

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Innovator Under 35: India: Sushant Sinha, 30 - MIT Technology Review

<http://www2.technologyreview.com/tr35/profile.aspx?TRID=104>

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2011

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2007	2006	2005	2004	2003		
2002	1999					

### Sushant Sinha, 30

A search engine for Indian laws and court judgments

Indian Kanoon



Search [Advanced Search](#) [Search Tips](#)

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*Search Indian laws, court judgments, tribunal judgments and law journals*

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Document or Title or Citation  Search

Only Title

Only Citation Number

Author

Bench

Order results by  Relevance  Most Recent  Least Recent

Date  from DD-MMM-YYYY To DD-MMM-YYYY

Types of legal documents

Acts

Court Judgments

Tribunals

Sushant Sinha has developed Indian Kanoon, a search engine of Indian law. The portal has been designed to provide the most relevant Indian laws and court judgments in response to a query. It enables people to quickly determine the standing law of the land on any issue and empowers them to seek justice. The website has gained quick attention and is used by roughly half a million unique visitors and has more than two million page views every month.

With dual degree in computer science and engineering from Indian Institute of Technology, Madras, and PhD in the same discipline from University of Michigan, Sinha felt the need to generate awareness of laws among the citizens of India. In May 2007, he started developing the portal and finally launched it on 4 January 2008.

"Even when laws empower citizens in a large number of ways, a significant fraction of the population is completely ignorant of their rights and privileges. As a result, common people are afraid of going to the police and rarely go to court to seek justice. People continue to live under the fear of unknown laws and a corrupt police. I started the project as a way to enrich court judgments by linking them with laws and other references. The linking turned out to be so useful that I started building a search engine for Indian law. Indian Kanoon makes it simpler for people to access information on any law or judgment," explains Sinha. He currently works in the Document Processing Team at Yahoo! India.

Even though there are a number of government initiatives to present all laws at [indiacode.nic.in](http://indiacode.nic.in) and all court judgments at [judis.nic.in](http://judis.nic.in), it is quite difficult for the common man to easily find the required information or even to decipher it. The legal acts are large and in most scenarios only a few sections of laws are applicable. Finding most applicable sections from hundreds of pages of law documents is a daunting task for anyone except lawyers. Moreover, laws are often vague and to find judgments that interpret certain law clauses is again very difficult.

Sinha's Indian Kanoon is a free search engine for Indian law that breaks law documents into smallest possible clauses and integrates law/statutes with court judgments. This tight integration of court judgments with laws allows automatic determination of the most relevant clauses and court judgments in India.

Presently the Indian Kanoon hosts over 1.2 million documents. It is integrated with the Supreme

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Innovator Under 35: India: Sushant Sinha, 30 - MIT Technology Review

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Court of India, 22 High Courts, and 17 Tribunals to provide a real-time fresh judgments to the users. Sinha is now working on integrating the online channel further with all state laws and with different rules formed by government agencies.

2011 TR35 WINNERS

All

Communications


Energy

Web

Biomedicine


Computing

Materials

Judd Antin   
Learning what drives online collaboration

Chris Poole  
Designing online communities for anonymous collaboration

Xiao Li  
Anticipating what Internet users are searching for

Jesse Robbins   
Fault-tolerant online infrastructure

Andrew Mason  
Electronic coupons for localized online advertising

www.technologyreview.com

# ANNEXURE R15

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## Sushant Sinha

**Address** 2021, Sobha City - Mykonos  
Thanisandra Main Road,  
Bengaluru - 560077

**Areas of Interest** Legal informatics, Open data analysis, Search engine, Internet Security & management.

**Education** University of Michigan, Ann Arbor, USA 2003 - 2009  
Ph.D. in Computer Science and Engineering  
Advisor: Farnam Jahanian

Indian Institute of Technology, Madras 1998 - 2003  
B.Tech and M.Tech in Computer Science and Engineering  
M. Tech Thesis Advisor: C. Siva Ram Murthy

**Professional Experience**

Indian Kanoon	Founder (indiankanoon.org)	2008 - Present
Yahoo	Technical Yahoo	2009 - 2014
University of Michigan	Research Assistant	2004 - 2009
Cisco Inc., Boston	Summer Internship	2007
University of Michigan	Graduate Student Instructor	2004
TIFR, Mumbai	Summer Internship	2001

**Professional Recognition and Awards**

**Top Innovators Under 35 in India, 2011 - MIT, Technology Review** Commendation - *"Sushant Sinha has developed Indian Kanoon, a search engine of Indian law. The portal has been designed to provide the most relevant Indian laws and court judgments in response to a query. It enables people to quickly determine the standing law of the land on any issue and empowers them to seek justice."*

**Agami Prize - 2018:** Presented to Indian Kanoon on December 5, 2018 by Chief Justice Gita Mittal. The Agami Prize is a biennial national prize be awarded to innovations and entrepreneurial initiatives that can exponentially increase quality, effectiveness, access, and inclusion in and around law and justice. Indian Kanoon was declared the winner in the Citizenship Category for *Democratising Access to Judgements and Law*.

**Founder - Indian Kanoon** A publicly available search engine for Indian law that enables people to quickly determine the most relevant law clauses and court judgments. It brings out a number of technological innovation to make searching law documents easier and to make law more accessible to common people. It currently provides access to central laws, supreme court judgments, high court judgments, tribunals, constituent assembly debates, law commission reports, and law journals. Fortunately, many people have found it useful and it receives three million users in a month.

Even when laws empower citizens in a large number of ways, a significant fraction of the population is completely ignorant of their rights and privileges. As a result, common people are afraid of going to police and rarely go to court to seek justice. People continue to live under fear of unknown laws and a corrupt police. Started Indian Kanoon to address this issue and to make my contribution to our democracy in India. Indian Kanoon is available for free to the public by selling premium services such as Virtual Legal Assistant to professionals. Indian Kanoon is committed to forever providing free access to the public.

## Publications

Kaustubh Nyalkalkar, Sushant Sinha, Michael Bailey, and Farnam Jahanian. *A Comparative Study of Two Network-based Anomaly Detection Methods*. In (mini-conference) The 30th IEEE International Conference on Computer Communications (INFOCOM '11), Shanghai, China, April 2011.

Sushant Sinha, Michael Bailey, and Farnam Jahanian. *Improving SPAM Blacklisting through Dynamic Thresholding and Speculative Aggregation*. In Proceedings of the 17th Annual Network and Distributed System Security Symposium (NDSS '10), San Diego, California, USA, February 2010.

Sushant Sinha, Michael Bailey, and Farnam Jahanian. *Shades of Grey: On the effectiveness of reputation based "blacklists"*, International Conference on Malicious and Unwanted Software (Malware 2008), Washington, USA, October 2008.

Sushant Sinha, Michael Bailey, and Farnam Jahanian. *Shedding Light on the Configuration of Dark Addresses*, Network and Distributed System Security (NDSS) Symposium, San Diego, California, USA, February 2007.

Sushant Sinha, Farnam Jahanian, and Jignesh M. Patel. *WIND: Workload-aware INtrusion Detection*, Recent Advances In Intrusion Detection (RAID), Hamburg, Germany, September 2006.

Michael Bailey, Evan Cooke, Farnam Jahanian, Andrew Myrick, and Sushant Sinha. *Practical darknet measurement*, Conference on Information Sciences and Systems, March 2006.

Sushant Sinha and C. Siva Ram Murthy. *Information theoretic approach to traffic adaptive WDM networks*. IEEE/ACM Transactions on Networking, vol. 13, no. 4, August 2005.

Sushant Sinha, N. Rammohan, and C. Siva Ram Murthy. *Dynamic virtual topology reconfiguration algorithms for groomed WDM networks*, Photonic Network Communications, vol. 9, no. 2, March 2005.

## Phd Thesis

## Context Aware Network Security

Network based security systems have become popular and are deployed in a large number of production networks. These networks exhibit significant diversity in applications, end host characteristics and traffic behavior. However, the current network based security systems have taken a "one size fits approach". As a result, they lag in performance and fail to provide an accurate threat view on a network. Our theses is that automated adaptation to the deployment context will significantly improve the performance and accuracy of network-based security systems.

## Academic Honors

University of Michigan Fellowship, 2003.  
 Ranked 14th in Graduate Aptitude Test in Engineering (GATE), 2002.  
 Top 0.1% of students who took IIT Joint Entrance Examination 1998.  
 Gold medal for being in top 35 students in Indian National Physics Olympiad 1998.  
 Bronze medal in Regional Mathematics Olympiad 1997.



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## **SPECIAL RECOGNITION - 2012**

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### **GROUP FROM IIT MADRAS**

Akhilesh Koppineni, Krishna Chaithanya, Siddharth Krishnaswamy, Srinivas Kodali, Lelitha Vanajakshi, and Shankar C Subramanian

Project : Development and Implementation of a Real Time Bus Arrival Prediction System under Indian Traffic Conditions

#### **PROJECT DEFINITION**

Traffic congestion is a serious problem all over the world. With its explosive population, India is no exception to this. The traffic congestion in India is driven by the rapid growth in population, a steady migration from rural to urban areas and growing public affluence that results in greater possession of personal vehicles than ever before. Peak hour traffic bottlenecks are no longer rare on the urban road, causing much discomfort and frustration to the traveller. One solution to mitigating traffic congestion is replacement of private transportation vehicles by public transit services.

Reliable public transportation with increased comfort and convenience can attract more users to public transport vehicles thereby reducing the number of private vehicles that ply the road. The second master plan of Chennai, India, is aiming for a modal split of 70:30 (public transport: private transport) in the year 2026 against the existing modal split of 35:65. This scenario is more or less similar in most of the metropolitan cities around the world. The Metropolitan Transport Corporation (Chennai) Ltd. currently has a fleet strength of 3497 and 50.44 lakh passengers travel in the buses operated by the same. Any improvement in public transportation systems will immediately benefit this significant number of residents of the city of Chennai.

The project aims at developing models to overcome the above limitations. A reliable real-time bus arrival prediction system under Indian traffic conditions is being developed and implemented. The methodology is less data intensive and hence any agency starting a GPS-based data collection system can adopt it without waiting for creation of a data base. A model based approach using Kalman filtering technique (KFT) is adopted for the accurate estimation and prediction of arrival time. KFT can be applied on-line while the bus trip is in progress due to its simplicity in calculation

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and is one of the most popular techniques for real time applications.

### **PROJECT OBJECTIVES**

The main objective of the project is the development and field implementation of passenger information system that can efficiently provide accurate, real time bus arrival time information under Indian traffic conditions. Prototypes for information dissemination through bus stop message boards and kiosks, web pages and mobile phones are also developed.

The innovation in this work lies in its independence from a historical database and applicability to the stochastic and heterogeneous Indian traffic. This freedom from a database makes it amenable for adoption by any agency that gets a GPS system installed. This innovation is enabled through development and implementation of automated real-time data acquisition systems, data analysis and prediction algorithm based on Kalman filtering technique, and integration with tools of information dissemination. Common traffic issues such as traffic jams, overtaking among the buses on the same route, bus breakdown, abrupt changes in bus routes, etc. which are specific to Indian conditions have been taken into consideration.

### **THE SPECIFIC OBJECTIVES INCLUDE:**

1. Development of a bus arrival time prediction algorithm
2. Application development and testing
3. Realization of information dissemination systems
4. Field implementation

Since the study uses real field data, the observations made and the results arrived at during the course of the project facilitate implementation in the real environment especially for Indian conditions. Prototypes and field implementations have been carried out for selected routes in Chennai, India. This can be extended to other places, provided the buses are equipped with GPS/GPRS units. These results will be of direct use to transport corporation for routing and scheduling of their fleets as well as for passenger information facilities.

### **ACHIEVEMENTS UNTIL DATE**

A prediction algorithm that used offline data was first developed and corroborated. Simultaneously, GPS units were installed in buses and real time data reception at the server was set up. The prediction algorithm was then linked with real time data

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for automating the system. The real time results were linked to dissemination modes such as display boards and web pages

#### **NEXT STEPS**

A bus stop display unit for one selected MTC route for one selected bus stop will be implemented soon. Evaluation of the field implementation will be carried out subsequently. The web page will also be opened to public at that point.

#### **OTHER ON-GOING WORKS INCLUDE:**

1. Development of a kiosk application where the user can identify bus route numbers to a selected destination and obtain the arrival time for each of them
2. Adding transfer options at major bus stops
3. Adding features that are of interest to the operator such as mileage, delay reasons, overspeeding details, etc. to the application
4. Changing the map applications from Google maps to open street maps to make it less restrictive

*The project summary is as submitted by the participants*



## Srinivas Kodali

WEB <http://www.lostprogrammer.com>  
PHONE +91 9892032340

EMAIL [srinivaskodali@outlook.com](mailto:srinivaskodali@outlook.com)  
SKYPE [iota.kodali](#)

TWITTER @digitaldutta

## EDUCATION

Program	Institution	Time Period
B. Tech in Civil Engineering (Minor: Management)	Indian Institute of Technology Madras, Chennai	2009-2013
XII, Board of Intermediate Education	Nalanda Jr. College, Adilabad	2006-2008

## EMPLOYMENT &amp; PROFESSIONAL EXPERIENCE

<b>Technology Lead, Open Stats</b>	Jan'17-Current
▪ Working on building inter-operable tools for open data in sector of smart cities, media and urban transport	
<b>Volunteer, Datameet Trust</b>	Jan'15-Dec'16
▪ Worked on creating community knowledge on open data, data standards and data policies	
<b>Android Developer, Carwale, Automotive Exchange Pvt. Ltd.</b>	May'14-Dec'14
▪ Developed flagship application and online tools for consumers and automobile dealers	
<b>Python &amp; Android Developer, Zophop - Transit App for Indian Cities</b>	Dec'13-April'14
▪ Conceptualized and built end-to end prototypes of transit app for Indian cities	
<b>Project Associate, Centre of Excellence in Urban Transport, IIT Madras</b>	Aug'13-Dec'13
▪ Built Analytics portal for daily error evaluations of travel time prediction model, using D3.js and python	
▪ Working on to deliver Traffic information applications to general public with on-field implementations	
<b>Research Intern, Innovation and Incubation Centre, Gujarat State Petroleum Corporation</b>	May'12-July'12
▪ Developed a contingency <b>Spill management model</b> for oil & gas pipeline spillages for the state of Gujarat	
▪ Assessed the impact zones of various gas pipeline blasts spatially, based on real-time climate data analysis	
▪ Predicted corrosion locations in pipeline network using GIS spatial modeling	

## PROJECTS

<b>Open Transit Database, Datameet</b>	Oct'14 - Dec'16
▪ Developing interoperable <b>GTFS datasets</b> of different transit agencies in the country for academic and social research	
▪ Datasets of Indian Railways, Mumbai, Bangalore transport agencies curated, expansion in progress for other cities	
<b>Real-time Bus Arrival Time Prediction, Center of Excellence in Urban Transport</b>	Feb'12 - Dec'13
▪ Enhancing prediction accuracy for pilot prototype deployed in 30 MTC buses, along two routes in Chennai	
▪ Developed web & mobile applications to deliver real-time traffic information to commuters	
<b>Fleet Telematics Monitoring System, IIT Madras, Sponsored by Ministry of Urban Development</b>	June'12 - May'13
▪ Developed web and mobile applications for real-time tracking of buses in IIT Madras; Apps made Public	
▪ Developed monitoring application for Bus Managers of IIT Madras consisting of bus and driver performance	
▪ Project Shortlisted for Top 30 Next Big Idea: IIM Bangalore annual Business plan competition	

## AWARDS &amp; RECOGNITIONS

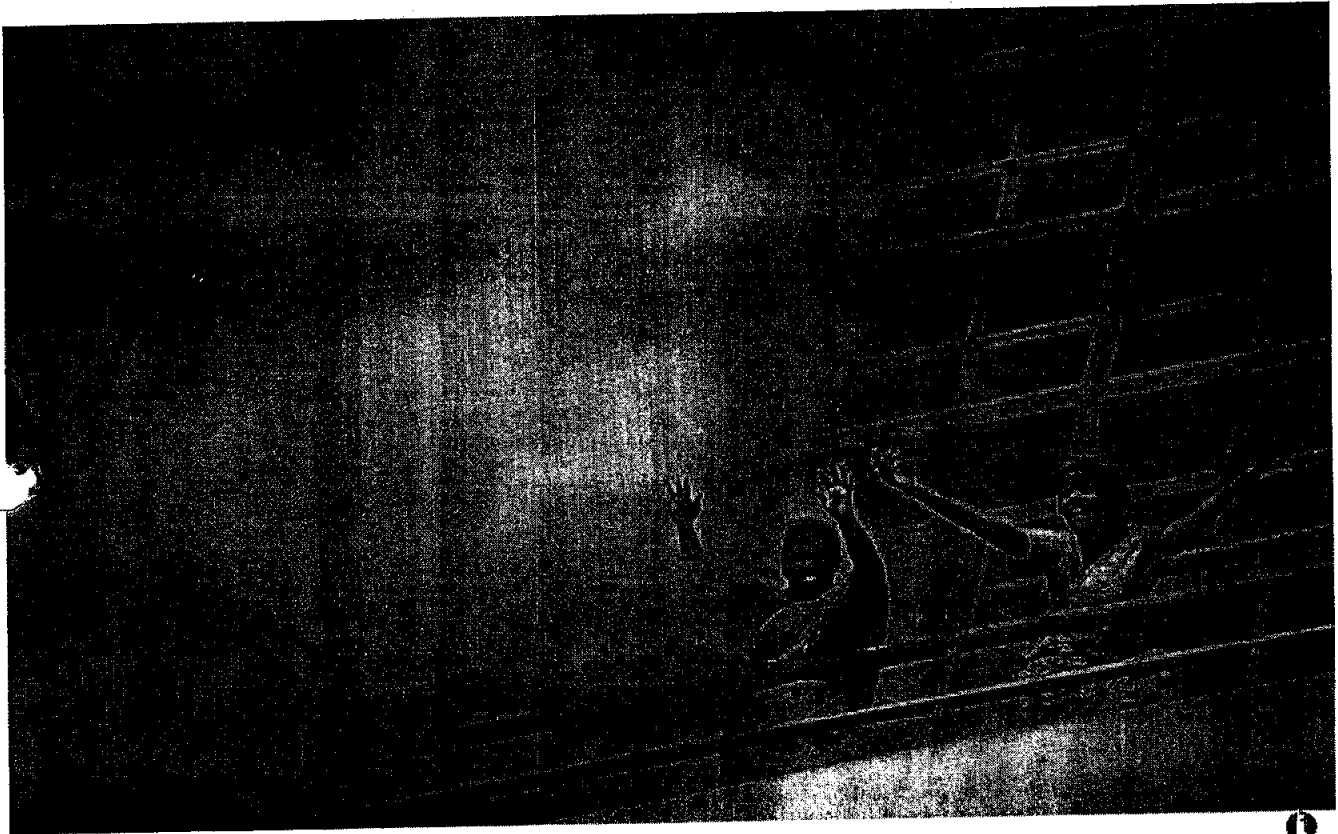
<b>State of the Map US Scholarship, OpenStreetMap US</b>	Jun'15
▪ Among 30 recognized scholarship recipients to attend the OpenStreetMap conference at United Nations Head Quarters	
<b>Finalist Jedi-Challenge 2013, Indian Institute of Science, Bangalore</b>	Jun'13
▪ Finalist in annual national level final year engineering project awards conducted in IISc Bangalore	
<b>Third Place, Planning Commission Hackathon, IIT Madras</b>	Apr'13
▪ Designed an Android app to deliver educational videos to masses as part of the 12 <sup>th</sup> Five year Plan	
<b>Runner, GE India Innovation Award, Research Expo, Shaastra 2013</b>	Jan'13
▪ Received award for implementation of Bus fleet monitoring system in campus of IIT Madras	
<b>Special Recognition, Volvo Sustainable Mobility Award, Sweden-India Nobel Memorial Week Seminar</b>	Oct'12
▪ Part of team which won award for innovative solutions & efforts in public transport for city of Chennai	

## SOCIAL &amp; COMMUNITY RESPONSIBILITY

<b>Volunteer, Free Software Movement of India- Software Community</b>	June'17-Present
▪ Active member of community working on data policies, data standards and digital issues	
▪ Volunteer to open source projects in the domain of maps, transport and cities.	
<b>Member, Disaster Management Committee, IIT Madras</b>	Aug'12-May'13
▪ Developed disaster management <b>models, safety</b> measures and awareness programmes for IIT Madras community	

PROPERTY PLUS

## A drill in time saves lives



**D. Ajitha Simha**

HYDERABAD, JULY 20, 2012 18:08 IST

UPDATED: JULY 20, 2012 18:08 IST

With the mushrooming of high-rise buildings in all metros, it is scary to think of the built-in disasters waiting to happen. Fire drills have to be in place, warns D. Ajitha Simha

For those living in high-rises, the fire drill is a very important safety aspect. governing fire safety of people.

The NBC (National Building Code) has extensively covered guidelines for fire drill and evacuation procedures for high-rise buildings.

### **Utmost importance**

Unfortunately they have been completely ignored by all, including the occupants, the fire department and the property management agency. Therefore, it is of paramount importance to conduct fire drills to create awareness among all concerned about the hazard which may lead to fatalities.

This may also help the occupants themselves to start evacuation of people in the event of a blaze without waiting for the fire personnel to arrive.

According to the NBC, fire drills shall be conducted once in three months. At least for a start the drill can be started once in six months.

### **Fire officer**

Each high-rise shall have a fire officer with experience available on the premises. With the mushrooming of high-rises in all metros, it is scary to think of the built-in disasters waiting to happen.

### **Aspects of a fire drill**

\* At least 40 per cent of the occupants of a building should be trained in fire prevention, fire fighting and evacuation procedures by the local fire brigade. This is actually incorporated by the fire department while issuing a no objection certificate for occupying the building. If such training is imparted the occupants themselves could save a lot of lives.

\* A fire safety plan should be prepared and available all the time.

\* A few leaders among the trainees should be identified to fight the fire, so that they can organise a systematic evacuation without causing panic and also start fighting the fire with appliances available to thwart spread of fire. Panic is the worst cause of fatalities.

\* A fire drill should be announced to check the reactions of the occupants in the event of an actual fire.

The sequence of fire drill could be

- 1) inform the fire brigade immediately that fire is noticed giving the location of the building and the location of fire
- 2) the leaders already designated should rush to the public address system and announce the same and ask all the occupants to remain calm and wait for further instructions, and not panic and rush out
- 3) ask the occupants of the floor on fire, those in above and immediately below to go to the staircase for going down, and not use the lift.
- 4) Alert the other trainees to help evacuate the elderly and children
- 5) Direct some more trainees to operate the fire fighting equipment to fight the fire and prevent its spread.
- 6) All these operations should be undertaken simultaneously and accomplished in about 15 minutes.

This is because the fire brigade cannot normally arrive before 15 minutes after notification of fire.

7) The high-rise should have an internal storage of water to fight fire for at least 15 minutes. And residents need to be aware of using the equipment to draw water and fight fire. After 15 minutes the fire brigade can take over and draw water from the street hydrants if available or other sources.

#### **Periodic inspection**

For all this to happen on expected lines, a periodic inspection has to be in place, and all vulnerable fire hazards have to be removed. Clear passage ways, maintain fire fighting equipment and clear all encroachments that would disturb access to the building. But everything is ignored.

The fire brigade, after issuing the no-objection certificate, pleads inability to undertake periodic inspection for various reasons, including inadequacy of staff. The residents are unaware of the need for periodic inspection from the point of view of fire safety.

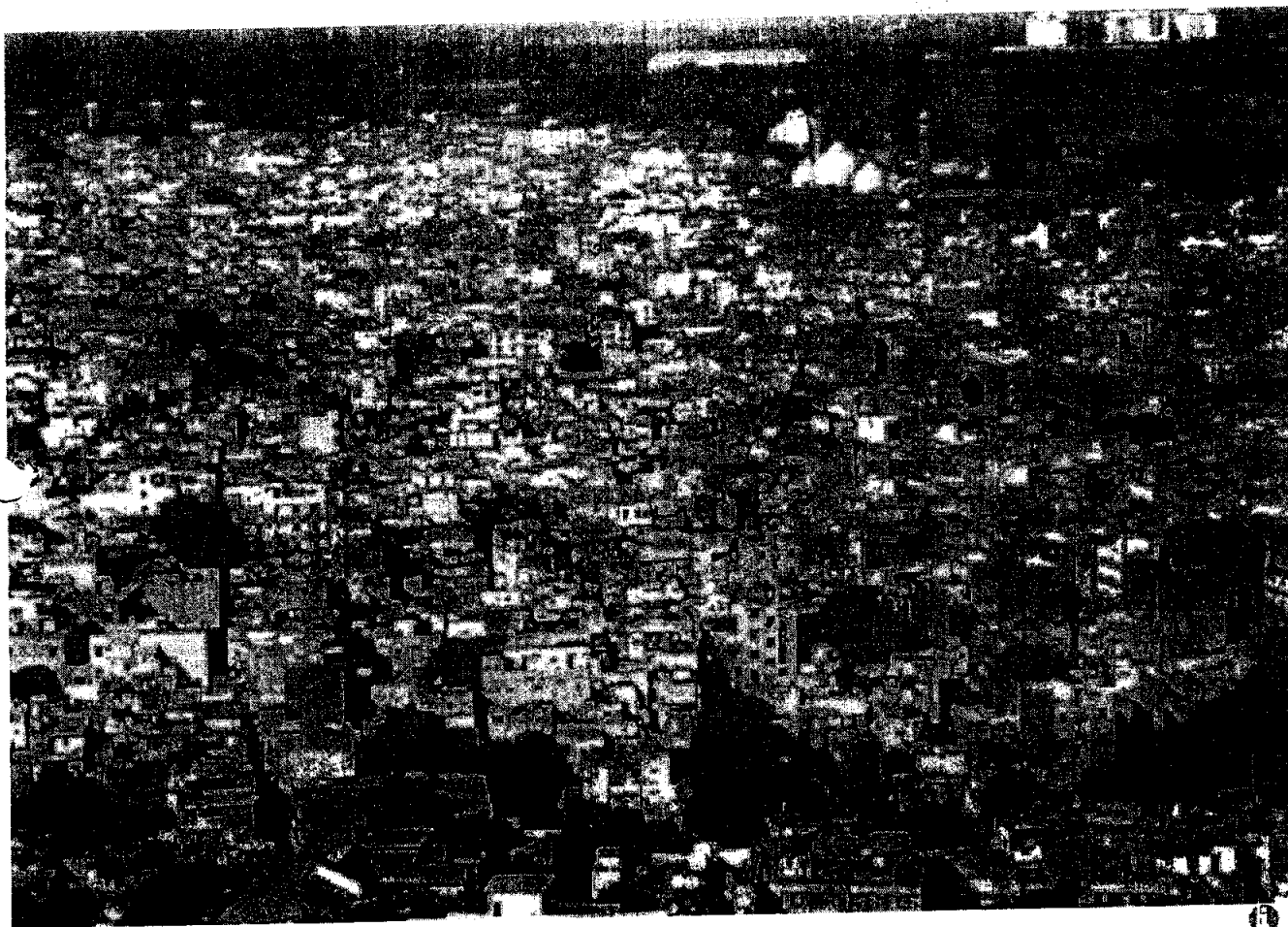
Therefore the solution lies in asking some external inspection agencies of repute to inspect the premises based on the requirements of the NBC, at least once a year to gather more knowledge about the conditions prevalent and inform both the fire office and the owners of the building about the lacunae in terms of fire safety.

*(to be continued...)*

*(The author is Retd. Dy. Director-General, Bureau of Indian Standards, New Delhi; and former U.N. Consultant for Basic Approach to Writing of Building Code, Habitat Centre, Nairobi, Kenya)*

DELHI

## A disaster waiting to happen

**Atul Mathur**

APRIL 26, 2015 00:00 IST

UPDATED: APRIL 26, 2015 12:29 IST

### **The unchecked growth of unauthorised colonies has compounded the problem**

Delhi and NCR may have escaped the wrath of Saturday's earthquake but it is virtually sitting on a faultline. A major earthquake measuring six or more on the Richter scale may spell disaster in the city, which is seeing unbridled construction for the past few years.

While on one side there are uncountable high-rise commercial and residential buildings that have turned Delhi and satellite towns of Gurgaon, Noida, Faridabad, Ghaziabad, and Sonapat - which fall in seismic zone 4 - into cities of concrete, the unchecked growth of unauthorised colonies have compounded the problem.

Experts believe there could be serious issues in structural designs and implementation of building codes making the high-rises susceptible to strong vibrations. The concrete

structures that have come up in unauthorised colonies do not meet even the basic requirements of building codes.

The 2010 Lalitha Park building collapse, which left 71 dead and more than 200 injured, is a case in point. The five-floor residential building, which housed more than 200 tenants and had several sweatshops running on its premises, had flouted all rules of building construction.

“Such structures in unauthorised colonies and Lal Dora area are quite vulnerable. A large number of such structures have come up along the banks of the Yamuna where the severity of earthquake increases due to loose soil. While the new government in Delhi should look at this issue carefully, the civic agencies are also required to look at the old structures in the Walled City, which require strengthening,” said RC Kehar, former chairman-cum-managing director, National Building Construction Corporation.

Delhi currently has close to 2,000 unauthorised colonies, which are in different stages of regularisation. Close to 50 lakh people live in these colonies.

While there are strict building codes for high rises in Delhi and NCR, experts agree that many structures still lack structural safety. Illegal changes in shape and design of the structure during the construction stage make these buildings vulnerable.

“There are enough codes and practices published by the Bureau of Indian Standard BIS on how to design earthquake resistant structures. But implementation is an issue. It is the job of structural engineers to give proper shape and form to a building, which has strong vertical load bearing capacity as well as face the horizontal forces in times of earthquake. But structural engineers are rarely involved in overall design, planning and construction of the building,” said Mahesh Tandon, president, Indian Associations of Structural Engineers.

Dikshu Kukreja, managing director of prominent architectural firm CP Kukreja and Associates also concurs on this. “The concept of getting structural stability certificate came up only a few years ago. Numerous changes are made in the structural design during the construction,” Mr. Kukreja said.

EDITORIAL

## Improve fire-safety compliance

MARCH 28, 2010 23:35 IST

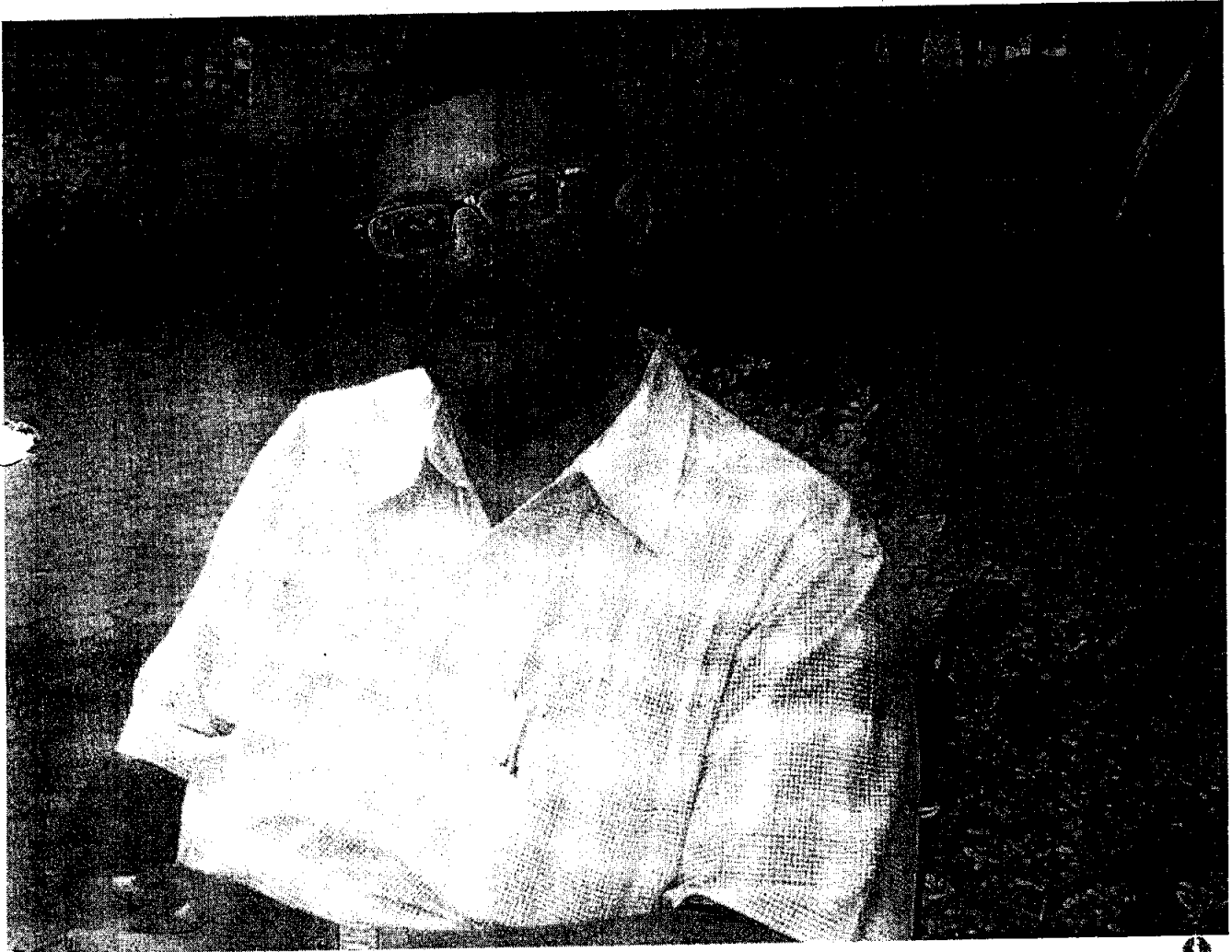
UPDATED: NOVEMBER 18, 2016 21:46 IST

Fire accidents happen with dismaying regularity in buildings in Indian cities causing heavy casualties. Nine people were killed and 68 injured in Bangalore last month when a fire broke out in a commercial building. This week, in a worse accident at Kolkata's Stephen Court building, 34 lives were lost. Authorities are still looking for some more people who are missing. Some of the bodies were so charred that family members were unable to recognise them and sought the help of DNA examination to ascertain identity. As in most previous accidents, precious lives would have been saved had fire safety norms and building rules been followed. The fifth and sixth floors, which were gutted, have been found to be unauthorised constructions, with the fire safety rules flouted with impunity. Much of the Bangalore tragedy could have been averted had the corridors leading to staircases not been encroached upon, had fire exits been kept open, unsafe old electrical cables replaced, and the hoardings removed. What is clear is that lessons have not been learnt from the heart-breaking calamities of Kumbakonam (2004), where more than 90 children were burnt to death, and Uphaar Cinema, Delhi (1997), where 59 people lost their lives.

There is little point in the State government rushing to adopt a new set of fire safety regulations, of which there is no dearth. The National Building Code (NBC), published in 1970 and last updated in 2005, prescribes the minimum fire safety and rescue measures to be provided in buildings. In addition, cities have their own rules for multi-storey structures and procedures for periodical checking of fire safety systems. What is missing is a real and measurable improvement in the enforcement mechanisms. Simultaneously, transparency in giving building permissions must be enhanced and public access to building safety data, a practice common in other cities of the world, made easier. Governments must also desist from protecting unscrupulous owners and builders who violate norms. Ordinances such as the ones passed in Delhi and Chennai, which protect unauthorised constructions including those flouting fire safety norms, must be discouraged. The tragedy at Stephen Court, a 150-year-old heritage structure, reminds us that many such old buildings made of combustible materials and lacking fire exits need urgent retrofitting. Foreseeing this, the NBC has classified heritage buildings as a special category and stipulated separate norms. The old and the new structures must comply with the mandated rules. The duty of the state is to ensure enforcement and compliance.

WORLD VIEW COLUMNS

## Reforms and the disabled

**Javed Abidi**

AUGUST 04, 2016 00:30 IST

UPDATED: OCTOBER 18, 2016 13:43 IST

**The history of codification of the rights of the disabled coincides with the era of reforms.**

Any assessment of the economic reforms of the past 25 years could well do with some understanding of their impact on people with disabilities in India. Indeed, in view of the negligible levels of participation of people with various impairments in economically productive activity, the influence of these sweeping policy changes would seem at best minimal. In the event, even the staunchest critic of liberalisation would have to acknowledge that the greatest legislative and policy changes since Independence that affect such a large section of our population have been initiated in the post-privatisation phase. A



plausible explanation of this post-protectionist paradox may be found in the need for greater regulation under more market-oriented conditions.

#### Codifying rights for the disabled

Most curiously, the history of codification of the rights of people with disabilities coincides more or less with the commencement of the era of economic reforms. Even though legal guarantees enshrined under the Constitution were read into judicial and executive decisions during earlier decades, they were notably few and far between, informed largely by an ad hoc approach to addressing issues, or at times a spillover from an activist judiciary.

It was the landmark Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, over four years after the reforms, which stipulated specific provisions concerning equal opportunities to basic education, employment, and accessibility. Every policy advance, or its absence, witnessed since that path-breaking legislation has turned on these three fundamental ingredients critical to a better quality of life. Since the passage of that comprehensive law, the lot of the disabled had moved, one might say, from a mode of thinking akin to the Directive Principles of State Policy discourse, to a more robust, Fundamental Rights approach to matters.

Any serious evaluation of what people with disabilities have gained in these past 25 years would probably have to begin with showcasing the political will India's leadership displayed to generate the very tools to arrive at such an independent and impartial assessment. That was the bold decision the National Democratic Alliance government took to canvass disabilities in the 2001 decennial population census. The real import of the measure becomes apparent when we consider that the 1981 census was the lone exception to the otherwise routine exclusion of this category from the countrywide exercise since Independence.

As per the 2011 enumeration, India is home to 26.8 million people with disabilities, whereas other estimates put the figure at about thrice that number. Census 2011 also shows that 54.5 per cent of people with disabilities in India are literate – a 5.2 percentage point improvement over the previous decade.

#### Jobs and the open economy

Under liberalisation, employment opportunities have expanded into the private sector, almost unthinkable hitherto. Employers such as ITC, Lemon Tree Hotels, Mphasis, Wipro, and so many others have seen the economic wisdom behind playing on the strengths, rather than the impairments, of our manpower. Notable here are also the equality and diversity norms that the corporate sector is beginning to incorporate in its hiring practices. It would be hard to overlook the direct benefits flowing from the adoption of an open economy in these respects.

In the arena of state employment, the more industrious and enterprising among the disabled have, aided by the Supreme Court's proactive interpretations of the equal

opportunities provisions in the 1995 law, entered the corridors of the administrative services. There are athletes with disabilities who have brought laurels to the country. Access at polling booths seems to have become almost irreversible since the apex court's landmark 2004 ruling stipulating easy access through ramps. The greater visibility for disability-related concerns in our media is also part of this broad picture of inclusion, howsoever restricted.

The Government of India has ratified the UN Convention on the Rights of Persons with Disabilities and corresponding domestic legislation is in the making. Prime Minister Narendra Modi's flagship initiatives such as the Sugamya Bharat Abhiyan – designed to bridge physical barriers – are encouraging signs. Yet, they cannot conceal the impatience among disabled people with the glaring disparities that stare us in the face every day.

The census and other data discussed above in fact capture this dismal reality. Of the literate among the disabled, only 8.5 per cent boast a graduate degree, as per the 2011 census. A mere 21.1 per cent of Indian schools adhere to inclusive education for children with disabilities; just 1.32 per cent of teachers have been equipped with the relevant special skills training. This finding of a survey by the National Council of Educational Research and Training points to the challenges in relation to employability. As much as 73.9 per cent of disabled people in the employable age are either non-workers or marginal workers.

These are the numbers that should worry us, and prod us into action. Women with disabilities are most vulnerable to exploitation, as also people with psycho-social impairments and those hard of hearing. The revised National Building Code of India and the corresponding revision of State bylaws can potentially break many of these barriers provided elements of universal design are incorporated.

*Javed Abidi is Honorary Director of the National Centre for Promotion of Employment for Disabled People and founder of the Disability Rights Group.*



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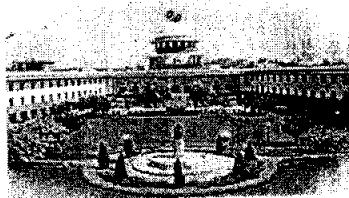
On a Legal Framework in a Virtual World: Collaborative, Open Democracy with  
Lessons from the VirtualLife Project LexPop

Apr  
22  
2011

### INDIAN KANOON - THE GENESIS AND THE LEGAL THIRST

Demand for free access to law, Demand for public access to legal information,  
free access to law, india, information retrieval, Innovation in legal technology,  
Public access to legal information, Relevance ranking in legal information retrieval

Add comments




*Indian Kanoon* is a free search engine for Indian law, providing access to more than 1.4 million central laws, and judgments from The Supreme Court of India, 24 High Courts, 17 law tribunals, constituent assembly debates, law commission reports, and a few law journals.

The development of *Indian Kanoon* began in the summer of 2007 and was publicly announced on 4 January 2008. Developing this service was a part-time project when I was working towards my doctorate degree in Computer Science at the University of Michigan under of guidance of Professor Farnam Jahanian of Arbor Networks fame. My work on *Indian Kanoon* continues to be a part-time affair because of my full-time job at Yahoo! India (Bangalore). Keep in mind, however, that I don't have a law background, nor am I an expert on information retrieval. My PhD thesis is entitled *Context-Aware Network Security*.

#### The Genesis

*Indian Kanoon* was started as a result of my curiosity about publicly available law data. In a blog article, *Indian Kanoon - The road so far and the road ahead*, written a year after the launch of *Indian Kanoon*, I explained how the project was started, how it ran during the first year, and the promises for the next year.

When I was considering starting *Indian Kanoon*, the idea of free Indian law search was not new. Prashant Iyengar, a law student from NALSAR Hyderabad,  [borgestotalibrary.jpg](#) faced the same problem. The law data was available but the search tools were far from satisfactory. So he started *OpenJudis* to provide search tools for Indian law data that were publicly available. He traces the availability of government data and the development of *OpenJudis* in detail in his *VoxPopuLII* post, *Confessions of a Legal Info-holic*.

Prashant Iyengar traces the genesis, successes, and impacts of *Indian Kanoon* in a more detailed fashion in his 2010 report, *Free Access to Law in India - Is it Here to Stay?*

#### The Goal

I have to make it clear that *Indian Kanoon* was started in a very informal fashion; the goals of *Indian Kanoon* were not well established at the outset. The broadest goal for the project came to me while I was writing the "About" page of *Indian Kanoon*. From this point on, the goals for *Indian Kanoon* started to crystallize. The second paragraph of this page summed it up as follows:

"Even when laws empower citizens in a large number of ways, a significant fraction of the population is completely ignorant of their rights and privileges. As a result, common people are afraid of going to police and rarely go to court to seek justice. People continue to live under fear of unknown laws and a corrupt police."

#### Recent Posts

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Ntoso Authentication of



### The Legal Thirst

During the first year after the launch of *Indian Kanoon*, one constant doubt that lingered in the minds of everyone familiar with the project (including me) concerned just how many people really needed a tool like *Indian Kanoon*. After all, this was a very specialized tool, which quite possibly would be useful only to lawyers or law students. But what constantly surprises me is the

increasing number of users of the Website. *Indian Kanoon* now has roughly half a million users per month, and the number keeps growing.

The obvious question is: Why is this legal thirst — this desire for access to full text of the law — arising in India now? I can think of umpteen reasons, such as an increase in the number of Indian citizens getting on the Internet, which is proving to be a better access medium than libraries; or that the general media awareness of law, or the spread of blogging culture, is fueling this desire.

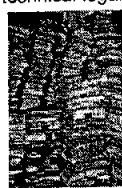


On further reflection, I think there are two main drivers of this thirst for legal information. The first one is the resources now available for free and open access to law. Until very recently, most law resources in India were provided by libraries or Websites that charged a significant amount of money. In effect, they prohibited access to a

significant portion of the population that wanted to look into legal issues. The average time spent per page on the *Indian Kanoon* Website is six minutes; this shows that most users actually read the legal text, and apparently find it easier to understand than they had previously expected. (This is precisely what I discovered when I began to read legal texts on a regular basis.)

The spread of the Internet, considered by itself, is not an important reason for the current thirst for law in India, in my view. Subscription-based legal Websites have been around for a while in India, but because of the pay-walls that they erected, none of them has been able to generate a strong user base. While the open nature of the Internet made it easy to compete against these providers, the availability of legal information free of charge — not just availability of the Internet — has removed huge barriers, both to start ups, and to access by the public.

The second major reason for this thirst for legal information — and for the traffic growth to *Indian Kanoon* — lies in technological advancement. Government websites and even private legal information providers in India are, generally, quite technologically deficient. To provide access to law documents, these providers typically have offered interfaces that are mere replicas of the library world. For example, our Supreme Court website allows searching for judgments by petitioner, respondent, case number, etc. While lawyers are often accustomed to using these interfaces, and of course understand these technical legal terms, requiring prior knowledge of this kind of technical legal information as a prerequisite for performing a search raises a big barrier to access by common people. Further, the free-text search engines provided by these Websites have no notion of relevance. So while the technology world has significantly advanced in the areas of text search and relevance, government-based — and, to some extent, private, fee-based — legal resources in India have remained tied to stone-age technology.



### Better Technology Improves Access

Allowing users to try and test any search terms that they have in mind, and providing a relevant set of links in response to their queries, significantly reduces the need for users to understand technical legal information as a prerequisite for reading and comprehending the law of the land. So, overall, I think advances in technology, some of which have been introduced by *Indian Kanoon*, are responsible for fostering a desire to read the law, and for affording more people access to the legal resources of India.

### The Road Ahead

Considering, however, that fear of unknown laws remains in the minds of large numbers of the Indian people, now is not the time to gloat over the initial success of *IndianKanoon*. The task of *Indian Kanoon* is far from complete, and certainly more needs to be done to make searching for legal information by ordinary people easy and effective.

Sushant Sinha runs the search engine *Indian Kanoon* and currently works on the document processing team for Yahoo! India. Earlier he earned his PhD in Computer Science from the University of Michigan under the guidance of Professor Farnam Jahanian.

digital legal information  
Authentication of  
electronic legal  
information CanLII CEN  
MetaLex collaboration  
Constitutional law information  
systems data deletion Digital law libraries  
Durham Statement on Open  
Access to Legal Scholarship  
FRBR free access to law GATE  
IndianKanoon Jeremy Bentham John  
Sheridan **Law.gov** Law  
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He received his bachelor and masters degrees in computer science from IIT Madras, Chennai and was born and brought up in Jamshedpur, India. He was recently named one of "18 Young Innovators under 35 in India" by MIT's *Technology Review India*.

*VoxPopuLii* is edited by Judith Pratt. Editor in chief is Robert Richards.

Posted by admin at 3:41 pm

Tagged with: Indian Kanoon, IndianKanoon, Sushant Sinha

### 7 Responses to "Indian Kanoon – The Genesis And The Legal Thirst"

1. **robert\_richards** says:  
May 27, 2011<sup>o</sup> at 12:03 am



RT @sushantsinha @vvenkatesan Absolute treasure. Working on making debates searchable in hindi/english on Indian Kanoon. Very excited to see how they r used.

2. **robert\_richards** says:  
June 2, 2011 at 3:17 am



RT @sushantsinha Quite a detailed discussion with @richards1000 on Indian Kanoon and free law access & innovation in India on slaw.ca <http://bit.ly/mhKSJA>

3. **Rajeev** says:  
September 1, 2011 at 4:50 am



Indian Kanoon demonstrates how free legal information search can empower the general public in enriching their legal knowledge.

4. **Ramesh Vaghela** says:  
May 27, 2012 at 8:29 am



I have written several articles on legal topics and they have been published in law journals particularly the Gujarat Law Reporter. I would like to share a couple of these articles with the persons utilizing the Indian Kanoon. Please tell me how I could do this. Thanks

5. **Ani** says:  
September 6, 2012 at 9:24 pm



I would like to contact Dr. Sinha. Is that possible? Does he have an email address which is publicly available?

6. **Suryanarayana Rao** says:  
February 6, 2013 at 8:31 am



Its amazing. Very helpful. Indian Kanoon is indispensable. Thanks a lot.

7. **LegalCrystal** says:  
May 25, 2013 at 3:52 am



Check out <http://www.legalcrystal.com/> LegalCrystal is far better than IndianKanoon!

## Slaw

June 1 st 2011

Posted in: Legal Information

### Indian Kanoon: Sushant Sinha on Innovation and Free Law in India

by Robert Richards

Indian Kanoon; Dr. Sushant Sinha's innovative free-access-to-law service for India, has recently received attention from several sources in the technology world.

First, Indian Kanoon (the Hindi word "kanoon" means "law") has been included by La Chaire en information juridique de la Faculté de droit de l'Université de Montréal in its IDRC-funded global study of the sustainability of free-access-to-law services. Second, MIT's Technology Review India in March 2011 cited Indian Kanoon in its recognition of Dr. Sinha as one of India's "Top Innovators Under 35." Most recently, Indian Kanoon was the topic of Dr. Sinha's VoxPopuLII post entitled "Indian Kanoon: The Genesis and the Legal Thirst."

In May, Dr. Sinha spoke with me from Bangalore about Indian Kanoon's technology and services, and about his views concerning innovation in legal technology and the significance of free access to law in India. The following is an account of our discussion.

#### **Product Differentiation**

We began by discussing product differentiation: How does Indian Kanoon distinguish itself from other free-access-to-law services in India, such as India Legal Information Institute (ILII) and Legal Information Institute of India (LII)? Dr. Sinha responded by pointing to two factors: search functionality, and comprehensiveness of full-text content. The other free-law services for India "are not there," said Dr. Sinha, in terms of inclusiveness of legal content — there is "not much comprehensiveness" in their content, he said — or sophisticated information retrieval. He underscored the role that innovation plays in this kind of function-based product differentiation. Given the pace of technological change, he said, he must continually innovate to improve Indian Kanoon's search functionality, in order for that functionality to remain qualitatively distinct from his competitors' services.

#### **Advertising**

I asked Dr. Sinha about advertising, since one notable way in which Indian Kanoon differs from ILII is that the former does not display advertising on its user interface, whereas the latter does. In explaining his experiences with advertising on Indian Kanoon, Dr. Sinha noted that his advertising experiments thus far had not yielded desirable results, because the ad strategy was not targeted. "Advertising has to be targeted to be delivered" effectively, he said. Dr. Sinha said that he hopes soon to explore more targeted advertising in the form of an online lawyer directory. He explained that the availability of listings in such a directory might also offer incentives for lawyers to contribute content to Indian Kanoon's online forums, where citizens can ask legal questions and receive answers from legal professionals. He noted that India's laws prohibiting lawyer advertising posed a challenge respecting designing a compliant online lawyer directory and offering other ways in which lawyers could identify themselves on the site.

Dr. Sinha noted that he promotes Indian Kanoon via social media (such as his Twitter and Facebook accounts and his blog), through the indexing of the site's full text documents and forum comments on Google and other search engines, and via display of the "Indian Kanoon" brand name on documents downloaded from the site. Dr. Sinha told of his delight at learning recently that groups of lawyers in Delhi regularly download large quantities of PDF documents from Indian Kanoon at cyber cafés, since these documents, by displaying the Indian Kanoon brand name, serve as advertisements for the site.

#### **The Forums**

Currently, Indian Kanoon offers several online forums on substantive legal topics — where citizens can post legal questions to be answered by lawyers — as well as forums about the site's functionality, where Dr. Sinha

responds to users' questions about *Indian Kanoon's* features and services. I noted that some of the forum discussion concerns not just the meaning of existing law, but also criticism of that law, and proposals for revising or reforming the law. In that way, the forums seem to provide a venue for public participation in policy making, albeit on a site hosted not by government but by a civil society organization. Dr. Sinha acknowledged this. He then expressed a desire to improve the functionality of the forum software, which he has written himself, and which he described as "not up to the mark." When I asked what improvements he planned to make to the forum software, he identified "threaded discussion, email notification [when a new post has been added to a thread], voting for comments, characterization of comments, search in the forums," and ways for lawyers to list their "affiliations" and "phone numbers." Dr. Sinha said that these features, which he plans to code himself and to introduce in the next few months, would improve interactivity and data transparency in the forums.

### Users and Usage

I asked Dr. Sinha what types of users he had originally hoped to attract to *Indian Kanoon* when it launched in 2008, and what types of users most frequently use the site today. "In the beginning, of course, I hoped that common people," ordinary citizens, "would use the site," he replied. But today, he acknowledged, the data he has gathered suggest that "more than half [of the site's users] are lawyers or law students."

Dr. Sinha then discussed usage data for *Indian Kanoon*. One month after the site launched in 2008, *Indian Kanoon* received "500 page views per day, and 100-200 [daily] visitors." A year later, in 2009, the figures had risen to "8,000 page views and 2,000 users" per day. Today, the figures are "80,000-90,000 page views per day, and 15,000-20,000 users" per day; or more than 400,000 users and approximately 2.5 million page views per month.

He said that page views per person have remained steady at 4 to 5, a figure that he interprets as indicating that most users are not just downloading documents, but actually reading documents on the site.

Dr. Sinha related that "most users are from Delhi," India's "litigation hub," and noted again the anecdote described earlier of lawyers' downloading *Indian Kanoon* documents at Delhi cyber cafés. "Ninety percent [of *Indian Kanoon's* Web traffic] comes from India," he explained, while "UK and US users make up 10%."

He noted that *Indian Kanoon's* "search" page views — that is, the number of pages of lists of search results viewed by users — seem to be increasing, compared to "document" page views — that is, the number of pages of retrieved documents viewed by users. Today, he said, approximately "50% [of total page views] are search page views, and 50% are document page views," and "search [page views] used to be lower." He attributed this shift to improvements in *Indian Kanoon's* search functionality that he has introduced over time, improvements that he announces in the forums. (See, e.g., [this post](#) explaining changes to the search engine's stemming function, and the expansion of abbreviations in the site's index.)

Dr. Sinha observed that lawyers and law students had contributed much feedback respecting proposed improvements to *Indian Kanoon's* search functionality, and that most of the improvements to that functionality had been made in response to that feedback.

Positive user reception of these search enhancements also seems to be reflected in the fact that today there is "more searching on the site" than before. Earlier, most retrieval from the site occurred through queries executed in Google, which indexes *Indian Kanoon's* content. But today, a higher percentage of search queries are being executed directly on the site. In addition, today more queries take the form of "navigation queries," indicating that more users are engaging directly with *Indian Kanoon* — as opposed to retrieving its content through Google or another search engine — and using *Indian Kanoon's* search and navigation functionality to identify and use desired information.

How did Dr. Sinha receive feedback from users about *Indian Kanoon*? I asked. He replied that, although social media services had not yielded much user feedback, the *Indian Kanoon* forums had produced "very good feedback," respecting both ideas for enhancing software functionality, and the identification of content problems, such as "outdated laws." He added that "email and phone" are also valuable channels of user feedback. He related that many of the ideas about software enhancements that lawyers had contributed — notably suggestions for adding advanced search features, such as restricting search queries to the "author"

field (to enable searches of opinions by particular judges) and the "citation" field (to enable quick retrieval of known sources of law) — had come via telephone and email inbox.

### Technology

Dr. Sinha then described the technology underlying *Indian Kanoon*. Scraping programs that he has written harvest — on a daily basis — full-text court decisions, administrative decisions, statutes, and regulations from dozens of Indian federal and state government Websites, and report in a log problems with or changes to these government sites' interfaces. I asked Dr. Sinha about the challenge of frequently updating scraper programs to fit constantly changing government Websites. He acknowledged that at first this had been quite difficult, but that it had recently grown much easier, due to automatic notification of government Website changes via the log, and due to the relative stability of many government Websites, especially those of the judiciary. "Many [government Websites] are pretty stable, pretty consistent," he said.

I asked Dr. Sinha whether he believed that the Indian national and state governments would continue in the future to publish full-text law free of charge on their Websites. He responded optimistically, noting what he perceived to be a strong commitment on the part of many Indian government technologists — and particularly the "in house technology" personnel at India's Ministry of Law and Justice and the Indian national judiciary, to whom, he said, "much credit must be given" — to make full-text law available free of charge to the public. I asked Dr. Sinha whether he had met with government technologists to discuss harvesting data from their sites. He said that no such discussions had occurred, and that Indian government technologists tended to keep their distance from civil society technologists like himself. He asserted that, nonetheless, he had ascertained indirectly that many of these government technologists were committed to making law available to the public free of charge via the Internet.

After *Indian Kanoon*'s scrapers have harvested full-text legal documents from government Websites, the documents — which originally are in a variety of formats, including PDF, HTML, and word processed formats — are processed and stored in a PostgreSQL relational database, which Dr. Sinha has customized with some of his own code. ([Click here for details on these modifications.](#)) Some of the document metadata are stored separately in XML, Dr. Sinha said, but the main full text documents are not marked up in XML.

PostgreSQL also furnishes the search engine for *Indian Kanoon*. As noted above, Dr. Sinha has modified the search engine with his own code, in order to customize it to accommodate queries from non-lawyers, and in response to requests by users who are lawyers or law students. Notable functions of the *Indian Kanoon* search engine include stemming, expansion of abbreviations, and relevancy ranking. The advanced search page lets users search by keyword, words in the title, citation, author, venue, and date; limit the search to statutes, court decisions, administrative decisions, or other material types; and specify whether results should be sorted by relevance or date. If the latter function is not used, search results by default are ranked by relevance, but the results display allows users to re-sort results by date — from most recent to oldest, or from oldest to newest — with a single mouseclick.

Respecting document output, Dr. Sinha uses HTMLDOC open source conversion software to deliver individual documents as HTML and PDF. Individual documents are output initially as HTML, and the interface displays a "Get the document in PDF" button that enables rapid delivery of a PDF version of the document.

Other components of *Indian Kanoon*'s architecture include Django open source Web applications software, the Linux kernel, and the Apache Web server.

Respecting new technology to be added to the site in the near future, Dr. Sinha identified — in addition to the improved forums and possibly a directory of lawyers — an online document assembly service. This service, which Dr. Sinha is developing from scratch, would enable legal professionals, for a fee, to assemble and download litigation, transactional, or advisory documents that include content from *Indian Kanoon*. Dr. Sinha said that he hopes to launch this new service in the next year or two.

### Open Source

I asked Dr. Sinha whether, as the operator of a free-access-to-law service, he felt an ideological commitment to using free, open-source software (FOSS) in the architecture of that service. His answer was complex, and



reflected an interesting perspective on the role of innovation, entrepreneurship, and information sharing in the free-law sector. Dr. Sinha acknowledged that practical considerations played a “very important” role in his decision to build *Indian Kanoon* with FOSS. Yet he said that ideology also played some part in this decision. Characterizing the entire *Indian Kanoon* code base as “open source,” he observed that he adheres to a principle of publicly disclosing all of his original code (much of the code has been posted on Google Project Hosting) — including the code for the forums, which he has developed from scratch — and, where that code consists of modifications to FOSS, of always contributing the code back to the relevant FOSS community. (Dr. Sinha provides more detail in this post.) He admitted to taking pride in the fact that several of his original PostgreSQL patches had been incorporated into the main PostgreSQL code. He said that his motivation for fully disclosing his code and contributing it back was to participate in the common enterprise of innovation that characterized these FOSS communities. Open sharing of code “helps a lot of other products to come in, new products that could not be envisioned” by programmers working entirely on their own, he observed.

Dr. Sinha further underlined the benefits of the division of labor within the FOSS communities. Each developer acquires expertise in particular areas or functions, or gains in-depth knowledge of the needs of particular user communities, and that distinctive knowledge gives rise to fine-grained innovations. If all of the resulting innovations are shared with the entire FOSS community, then community members can pick and choose from a great variety of finely customized features, to meet their particular local needs. It would be inefficient for a programmer who is unfamiliar with users of legal information to create new software features adapted to those users’ needs, he observed. “I’m the best person to do that,” he concluded.

### “The Thirst for Law”

In his recent post for *VoxPopuLII*, Dr. Sinha interpreted the *Indian Kanoon* usage data as suggesting a remarkable hypothesis: that the provision of free access to law via the Internet was actually increasing demand for access to law among ordinary citizens; Dr. Sinha called this rise in demand “the thirst for law.”

I asked Dr. Sinha about the evidence that had given rise to that hypothesis. He replied that he had observed in the *Indian Kanoon* transaction logs a consistently high percentage of “descriptive queries” — search statements consisting of non-legal language used to represent legal issues. He noted that he was struck by the contrast between these queries and the many queries in the log that used legal language with great precision. He concluded that the descriptive queries must be entered by non-lawyer citizens with no formal knowledge of law, whereas the precise legal queries must be coming from legal professionals, or citizens with substantial legal knowledge. In addition to this, he said that he had seen much anecdotal evidence, in the form of comments in the forums — such as this — and direct communications from users.

But the most persuasive evidence, he said, came from two kinds of usage statistics. The first is the very large numbers of users — which Dr. Sinha interprets as indicative of a user community numerically much greater than the community of lawyers in India. The second is the consistently high rate of page views per user, which suggests that a very large percentage of users are reading full-text documents online. Dr. Sinha expressed his belief that the latter behavior is more characteristic of non-lawyers than lawyers, who might be expected most often to search for and download known-item documents to be read off-line. Dr. Sinha concluded that, taken together, this evidence suggested that a very large and growing number of users of *Indian Kanoon* were non-lawyer citizens who had little knowledge of the law, and whose interest in acquiring legal information was being fueled by free access to such information through services like *Indian Kanoon*.

If we assume this theory to be correct, I then asked Dr. Sinha, were there particular attributes of free-law services that might foster or inhibit this “thirst for law”? Dr. Sinha pointed to the two factors he identified in his *VoxPopuLII* post as encouraging the increase in desire for access to law: the absence of paywalls, and improved search technology. Dr. Sinha speculated that the mere removal of pay barriers initially attracts large numbers of non-lawyer users to a free-law service. Then, when non-lawyers use the high quality — and very “forgiving” — search functionality of the site, their experience of quickly receiving relevant information, coupled with the absence of a charge for that information, gives rise to a desire for additional legal information.

Dr. Sinha’s notion of the “thirst for law” reminded me of the role that knowledge of legal rules plays in Professor Amartya Sen’s theory of “development as freedom.” In his book of that title, Professor Sen asserts that citizens’ access to law, and knowledge of law, are necessary conditions of certain basic human freedoms or capabilities for living. These include the freedom to participate effectively in markets, to make informed

political decisions, to hold government officials accountable, and to vindicate one's rights to basic social services such as education, health care, and emergency food supplies. This framework suggests how a "thirst for law" might arise in a developing nation: As citizens and small business owners use free-law sites to increase their knowledge of laws that relate to their lives and their freedoms, those users may come to believe that such knowledge of law contributes significantly towards increasing their freedom and their capacity to live well. That belief could well create a desire for access to other laws that relate to the users' lives and freedoms. Thus, within the "development as freedom" framework, free access to law via the Internet could generate increased demand for access to law.

I asked Dr. Sinha whether he thought the "development as freedom" framework was consistent with the evidence he had seen for the "thirst for law." He acknowledged that he had "no evidence" directly supporting the "development as freedom" explanation for the "thirst for law" phenomenon. However, he said, he found the explanation quite plausible, because of particular attributes of India's governments and society. Free access to legal information, he asserted, "is far more important in India" than in the U.S., because of the vast social inequality, great disparities in power, and the pervasiveness of government abuse and corruption in India.

Dr. Sinha illustrated this point by citing two examples. The first concerned Mohammad Adil Hossain, a student in mass communication at Aligarh Muslim University, who, after criticizing university officials online, reportedly was suspended and banned from campus in 2010 on the ground of "tarnish[ing] the image of the University by resorting to and misusing the internet." During the administrative proceedings, the university purportedly refused to disclose its evidence to Mr. Adil Hossain. Mr. Adil Hossain researched the law, using services including *Indian Kanoon*, and found precedents in which courts had upheld students' freedom of expression and required due process in university administrative proceedings respecting discipline of students. Mr. Adil Hossain appealed the university's decision to the Allahabad High Court, which reportedly reversed and remanded the university's decision. On remand, the university reportedly "revoked the suspension" and reinstated Mr. Adil Hossain.

Dr. Sinha then related a second circumstance, in which gated communities in India purportedly assert control illegally over public roads, and prevent members of the auto-rickshaw union from using those roads in the course of business. In his recent post on this topic, Dr. Sinha explained that he had researched the law, and found that the applicable law prohibited assertions of private control over public roads, and that such assertions of control may also violate the right to freedom of movement protected by the Indian Constitution. This legal information could potentially be used by members of the auto-rickshaw union to compel gated communities to open their public roads to union members and other members of the public.

Both of these instances, Dr. Sinha contended, were consistent with the "development as freedom" view of free access to law. Not only did free access to legal information enable citizens — actually in the first instance and at least potentially in the second — to vindicate their legal rights. One could also plausibly argue that the citizens in both examples could experience such access as affording them knowledge that increases their freedom, their capability to live fully, in one instance free from unfair restraints on speech and from unfair treatment by university officials, and in the other, free from impediments to their rights to move freely and to earn their livelihood. "This [free access to law] is very important" to ordinary citizens, he concluded.

### Partnerships

I noted that, after several years of operating independently, *Indian Kanoon* had recently reached out to another organization: Dr. Sinha agreed to allow the new Legal Information Institute of India to harvest content from *Indian Kanoon*.

I asked whether Dr. Sinha foresaw *Indian Kanoon*'s engaging in additional partnerships in the near future. Dr. Sinha replied that *Indian Kanoon* was currently involved in such a partnership, with PRS Legislative Research, which provides research and legislative history services to members of India's national and state parliaments. In its partnership with PRS, *Indian Kanoon* is adding to its content the full text of debates of the Indian National Parliament from 1998 to the present. Dr. Sinha said that this content was currently being loaded and indexed in *Indian Kanoon*, and should be available in the coming months.

This partnership with PRS illustrates an interesting kind of relationship that often arises between civil society-based free-access-to-law services, and government users of legal information. As Tom Bruce recently

noted at the Princeton Law.gov Workshop, many free-access-to-law services have reported — to researchers conducting the IDRC-University of Montreal study described earlier — that government employees constitute one of their core user groups: Many government personnel find that free-law services offer access to law superior to that offered by the government itself. Through its partnership with PRS, *Indian Kanoon* will offer additional evidence of this phenomenon by delivering key legal information to Indian government officials — Indian legislators and their staffs. By enhancing a government's access to its own information, free law services like *Indian Kanoon* can be said to serve as components of that government's own technology services — its "e-government" services. By supplementing inferior government information technology, free law sites can contribute to the efficiency of governmental operations and the improvement of governmental services offered to citizens. This kind of complementarity between civil society-based free-law services and government seems consistent with the model of public-sector information provision set forth by Robinson et al. in their influential paper, *Government Data and the Invisible Hand*.

### Business Models and Sustainability

I asked Dr. Sinha to describe his current business model, and how he expected that business model to change in the coming months and years. Dr. Sinha answered that he currently funds the operations of *Indian Kanoon* entirely from his own resources. He said that he plans in the coming months to develop revenue streams for *Indian Kanoon*, notably the fee-based online document assembly service and, possibly, the lawyer directory service mentioned earlier.

Dr. Sinha set out a two-tiered business model for *Indian Kanoon*. "Search [of *Indian Kanoon*'s full text primary legal content] will always be free," he affirmed, explaining that charging for access to primary legal information "doesn't make sense" and "is not going to help people." However, he acknowledged, value-added services on *Indian Kanoon* — such as the planned document assembly service, and possibly also access to legal commentary, "judgment summaries," or other kinds of secondary legal information — may be provided in the future on a fee basis. Revenue from such sources are intended to make *Indian Kanoon* sustainable in the long-term.

I observed that this two-tiered approach resembles models being adopted by other organizations in the online legal publishing sector, in which services for retrieving primary law are considered to have become commoditized. As a result, large, for-profit legal information providers are abandoning those services and concentrating on more lucrative value-added services, while smaller for-profit providers are experimenting with free or low-cost primary legal search, funded or supplemented by advertising or by moderately priced value-added services. Dr. Sinha affirmed that "*Indian Kanoon* is a for-profit" enterprise, and his business model going forward is consistent with that view.

### Conclusion

Several themes emerge from Dr. Sinha's account of *Indian Kanoon*. First, innovation is a value that informs several aspects of the organization. In Dr. Sinha's account of *Indian Kanoon*'s distinctiveness as a product, superior search performance is the key, but constant innovation is required to maintain that superiority. Dr. Sinha identifies the opportunity to participate in the culture of innovation that characterizes the open-source software development community as one of his primary motivations for adopting an open-source approach to *Indian Kanoon*'s technology. The challenge of innovation also marks Dr. Sinha's decision to create and improve *Indian Kanoon*'s forums using his own, original code, rather than relying on software created by others.

Second, and relatedly, Dr. Sinha adopts an entrepreneurial approach to legal information provision. His model has several dimensions, including a desire to serve the needs of ordinary citizens; a willingness to take substantial risks, including funding the organization in its initial stages entirely with his own capital, creating key services with original code, and offering all code back to the community as open source; an interest in filling a market niche; a willingness to continually adapt the service to accommodate the needs and desires of key users and to stay one step ahead of competitors; a strong interest in operational independence coupled with a willingness to enter into selected, beneficial strategic partnerships; and a basic, long-term profit motivation.

Third, Dr. Sinha insists that a commitment to serving the public interest — by providing free, high quality access to primary law — is consistent with a for-profit business orientation. He argues persuasively that,

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particularly in the Indian context, citizens must have free access to law in order to vindicate their legal rights and enjoy their fundamental freedoms, and that both government and civil society organizations have an obligation to facilitate that access. But he also asserts confidently that such a commitment to free law accords fully with the view that charging fees for value-added legal information services or access to secondary legal information created in the private sector is appropriate. In Dr. Sinha's view, fee-based services — by providing revenues that enable sustainability — facilitate and complement free-law services.

Within this framework of innovation, entrepreneurship, and commitment to public service rooted in sustainable business practices, Dr. Sinha envisions a bright future for *Indian Kanoon*.

## Comments

*Robert Richards*

June 1st, 2011 at 11:00 pm

Some of the Twitter discussion of this post is being tracked at Topsy: <http://tinyurl.com/3e8e6mb>

*Rajesh*

June 4th, 2011 at 9:19 am

I thank the innovation of providing all the judgment in open source accessible to all but I am unable to download the citations. please guide me

*Robert Richards*

September 26th, 2011 at 7:21 pm

RT @sushantsinha My home town Jamshedpur is the 22nd ranked city with the most unique visitors to Indian Kanoon as the total grows to three-quarter millions.

*subhash kulkarni*

October 7th, 2011 at 10:03 am

Thank you very much Mr.Sushant Sinha for providing such a useful website open to all at any time. It is of utmost importance to senior citizens like me to acquire so much information about law and related subjects that too at no costs .God bless you and your team.

*ANIL*

November 6th, 2011 at 9:04 pm

Dr. Sushant sinha has done a very good service to young and upcoming advocates. I am a regular visitor of Indian kanoon. Keep it up.