



सूचना के जन अधिकार का राष्ट्रीय अभियान

NATIONAL CAMPAIGN FOR PEOPLE'S RIGHT TO INFORMATION

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We are happy to learn that the Ministry of Information Technology and Communications has come out with a progressive policy regarding access to digital information and data held by the government. The draft policy on 'open standards for e-governance' appropriately recognizes the need to 'ensure reliable long term accessibility to public documents and information' as one of its key objectives. For this purpose it seeks to mandate single and royalty-free standards in e-governance, whereby citizens can have free and unhindered access to government information and data systems, which is the spirit behind the Right to Information (RTI) Act.

The RTI Act explicitly includes the right to access information held in digital form (Section 2 (j)). In fact, in recognition of the role of digital systems in making public information universally available, the Act enjoins public authorities to 'ensure that all records that are appropriate to be computerised are, within a reasonable time and subject to availability of resources, computerised and connected through a network all over the country on different systems so that access to such records is facilitated' (Section 4(1) (a)). This makes the proposed draft policy on 'open standards for e-governance' very important for realizing the letter and intent of the RTI Act.

We understand that NASSCOM (and some other IT industry associations), at the behest of certain software companies, is lobbying with the government for the proposed policy to allow multiple and royalty-fee based standards in e-governance.

Standards are by definition single so that every user can access any product if it is built to this common standard. Multiple standards result from a failure of the standardisation process and defeat the objective of providing a common basis for every user. Allowing multiple standards in e-governance would mean that the citizen will have to use multiple pieces of software to access government data. Incorporating royalty based standards as NASSCOM has suggested will introduce a private "tax" on every user of government data and documents for the benefit of the license/patent holders. Royalty based standards would also create monopolies (or retain monopolies) for products of certain software companies. It is unacceptable that public authorities should notify a standard, especially in the area of governance, which forces citizens to pay royalties to private parties or buy only from companies who have a

monopoly over certain products. Those suggesting otherwise are attempting only to subvert developing single, free and public standards, which is the basic intention of the proposed 'open standards' policy.

Multiple and Royalty based standards would therefore force the citizens to buy the products of specific companies for accessing government information, or interacting with the governments. Citizens having to depend on, and pay royalties to, private players for accessing government information is clearly in violation of the RTI Act, which stipulates that information will be made available to citizens at no other cost than that of duplication.

We understand that the draft already appropriately and adequately deals with exceptional circumstances of allowing royalty based standards only when appropriate open and free standards are not yet available and only as a transitional measure. To make the exceptional and the transitional as the norm as NASSCOM seems to be suggesting, would be a travesty of open standards. We, the Working Committee of the National Campaign for People's Right to Information (NCPRI), therefore appeal to the Ministry of Information Technology and Communications that the present progressive draft should not be diluted with respect to the mandatory provisions of single and royalty free standards for e-governance in India.

Sincerely

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