

GOOD SEED MAKES A GOOD CROP

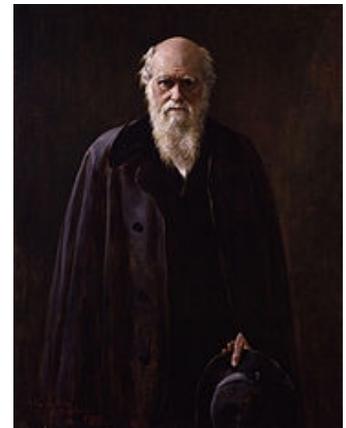
{Summary: This paper explains moral and legal implications of open format and suggests ways to implement it.

This text of Talk was to be delivered by Justice Yatindra Singh on August 26, 2009 in the Third International Open Document Format User Workshop organised by SERPRO (Federal Service for Data Processing - Ministry of Finance, Brazil) and Caixa Econômica Federal in collaboration with the OpenDocument Format Alliance (ODF Alliance), at Brasilia, Brazil. However due to unavoidable circumstances, he could not participate in the workshop but this text was sent for circulation.

To read it in **Portuguese** (titled as 'Uma Boa Semente Faz Uma Boa Colheita') in pdf format – click on the link or copy and paste in the browser
<http://docs.google.com/fileview?id=0B99bqhRDT0eSMWE1Mml5ZjgtNzkzOS00Y2VkLWE2YjQtMTA4NmNiZGNjN2U2&hl=en> }

If there is any country that I wanted to visit in 2009, it is Brazil. And there is a reason for the same.

About 175 years ago, on 27th Dec 1831, HMS Beagle started its second voyage. Aboard was a naturalist, born on 12th Feb 1809. The first important stop of Beagle was at Bahia, a north eastern part of Brazil. The naturalist was struck by the beauty of the Brazilian forests. In 1845, he published his memoirs—'The Voyage of the Beagle'. He wrote,



'BAHIA, OR SAN SALVADOR. BRAZIL, 29thFeb.—The day has past delightfully. Delight itself, however, is a weak term to express the feelings of a naturalist who, for the first time, has wandered by himself in a Brazilian forest. The elegance of the grasses, the novelty of the parasitical plants, the beauty of the flowers, the glossy green of the foliage, but above all the general luxuriance of the vegetation, filled me with admiration. A most paradoxical mixture of sound and silence pervades the shady parts of the wood. The noise from the insects is so loud, that it may be heard even in a vessel anchored several hundred yards from the shore; yet within the recesses of the forest a universal silence appears to reign. To a person fond of natural history, such a day as this brings with it a deeper pleasure than he can ever hope to experience again.'

So much awe-stricken was he, that he started his own journey: a journey that changed the World; changed our thinking how we came about. The young

naturalist was Charles Robert Darwin, one of the greatest scientist of all times. And irrespective of faith, his theory on 'The Origin of Species' changed perception of our origin. The World over, this year is being celebrated as his bi-centenary birth year. It is for this reason that I wanted to be in Brazil, to see the beauty of the country that inspired him to take that extraordinary journey.

Thank you so much for giving me an opportunity to be in Brazil in this memorable year.

It's 16th Century Proverb,

'Good seed, makes a good crop'

And before we talk about, as to why open format is a good seed, let's discuss what is it about.

WHAT IS OPEN FORMAT?

Formats are particular ways of encoding or a method of storing information so that a computer programme or a device may, understand, reproduce and, if the need be, render it for modifications.

Formats may be proprietary. They could be,

- Secret and protected as a trade secret; or
- Published and yet protected as a patent (as was the gif format for images).

This is not true of open formats. There is no exact definition of open formats but broadly they are,

- (i) Documented and published - sufficient to implement them in any computer programme or device.
- (ii) Made available irrevocably to everyone without any royalty or fee.
- (iii) Maintained by a neutral body, where decisions are taken with consensus or majority thus catering to the needs of all.

OPEN FORMATS AND THEIR IMPORTANCE

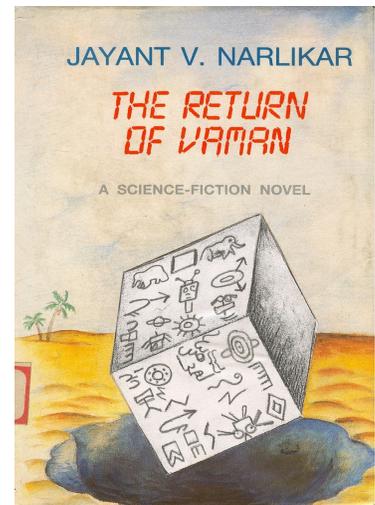
Open Formats are important. Let me tell you a story to illustrate my point.

The Return of Vaman

Jayant V. Narlikar is a leading Astrophysicist in the World. He has worked with Fred Hoyle and like him writes science fiction. He has written a novel by the name

of 'The Return of Vaman'.

The novel revolves around three characters: an archaeologist, a physicist, and a computer scientist. The physicist wanted to experiment with gravity and a deep hole was being dug. In the process, the team came across a plaque first and then a cube. They could neither understand the script written on the plaque nor the figures on the cube. It was a perfect cube of unknown substance. They knew that it was from some advanced civilisation. They decided to open the cube but could not make head or tail out of it.



There was a figure on the cube showing two elephants pulling the cube in the opposite direction without any success. They were reminded of an experiment done in the seventeenth century by the German scientist Otto Von Guericke in Magdeburg, Germany. He had joined the two copper hemispheres of 51 cm diameter and air inside was pumped out. Thereafter 8 horses on each side could not pull them apart. The team realised that the air from the cube has been removed. A thin hole was drilled in the cube, the air rushed inside, and the cube opened instantly.

It was a time capsule from an advanced civilisation that existed twenty thousand years ago. There was no indication as to how it came to an end or what happened to it. The time capsule also informed them how to make an advanced computer. They make it and name it 'Guru'—the teacher.

'Guru' tells them how to make a meter high advance Robot. This robot is like the robot 'Andrew' (starring Robin Williams) in the science fiction film 'Bicentennial Man' (based on the story 'The Bicentennial Man' and the novel 'The Positronic Man' written by Isaac Asimov).

The robot is named 'Vaman' after Hindu mythological story. Vaman, (like Andrew), is extremely advanced; learnt quickly and is able to take independent decisions. But his intentions are different. He keeps on requesting his creators to teach him how to replicate itself so that humanity may be served better. This was not being done. The team was observing caution as there was no trace of the advanced civilisation.

A conspiracy was hatched: Vaman gets itself stolen by others on the promise that it will be taught replication.

The answer to the mystery, as to how that advanced civilisation perished, lay in the plaque that was also found. But no one could understand the script. It was only when the script was deciphered that the reason could be known—too many Vamans serving the humanity and then it so happens that they go on strike—and hell breaks out: humans had become too used to them; they could not do any work.

'Utopia, if there is one, is end of life.'

It became imperative to destroy Vaman so that it may not replicate itself and history may not be repeated.

This is the broad plot of the novel but the reason that I have narrated this story is,

In the physical world, the information lies in the script. Loose the ability to read the script: you loose the information.

In the digital world, the information lies in the format. If the format is closed then the information may be lost forever.

It is only when we store information in open format that we can be sure of owning information. It is then that it can never be lost. It is for this reason that they are important.

GOOD SEED

Open formats not only avoid monopoly but also encourage healthy competition. Apart from other advantages,

- There is no fear of patents or licensing;
- They work across the operating systems—Open source software supporting ODF exists for every operating system;
- The files can never be lost as they will always be accessible.
- They can be implemented in any software making the users true owners of their files;
- The information can be truly owned

This is the reason that they are good seeds and they do produce good crop. If any proof is needed then Information technology is a good example. It has best flourished in the open standards: the Internet, the web, the protocol transfer are all

based on open standards.

ODF – PROBLEMS AND SOLUTIONS

ODF, despite its advantages, has some glitches. Here are some suggestions to make it more popular:

- **People/ Government/ Policy makers are neither aware nor understand its importance:** More regional conferences may be held to make them aware e.g. in India, e-governance conference is held every year. It is organised by government of India. Other countries may be having similar conferences. The discussion on open formats may be included in such conferences;
- **Catch them young:** Programmes implementing ODF may be included at the school level. Children adopt to new software easily;
- **Enforce IPR:** Urge governments to enforce IPR.
- **There should be better support of the regional languages in the programmes implementing ODF:** Take the case of Hindi Keyboard. Hindi is written in Devnagri script. It is being standardised in Unicode. SCIM, provides the Hindi keyboard in Linux. The most popular keyboard in Hindi is Remington Keyboard. Yet, this Keyboard was not available until last year in SCIM. Now it has become available but it does not have all characters.
- **Increase awareness regarding open source applications among the vendors and people:** Last year, on Software Freedom Day, I had delivered a talk entitled 'WHERE CAN PENGUINS FLY' at the University of Allahabad. We also distributed a CD containing popular open source programmes on Windows and demonstrated their working. One such programme was OpenOffice.org suite. I was informed that in the computers of the Allahabad University, OpenOffice.org suite was not taken for the reason that the vendors informed them that this programme is difficult to use. They were surprised to find OpenOffice.org suite to be so good and so simple to operate.
- **Use, promote, and popularise open source programmes:** All of these have ODF as default option.
- **Promote use of Linux or any other open source operating system:** They include open source programmes implementing ODF.

EASY WAYS TO ADOPT

This is what we did and found it to be effective: easy ways to adopt open formats,

- **Use Open Source Programmes:** In our court, we use the computers for word processing, sending and receiving emails, and Internet. Some of us also use it for making presentations. We just started purchasing new computers with GNU-Linux Operating System. The default format in its programmes is open format. Every one was lured to use new powerful computers with LCD screens but it only had GNU-Linux and OpenOffice.org Suite. Before shifting, we also gave extensive training on OpenOffice.org suite too. The shift to ODF was not only automatic but smooth too.
- **Remove FUD:** The Government has a peculiar way of functioning. It is not afraid of spending money. It measures its progress in terms of money that it spends rather than what it saves. Being cost effective, is no incentive to use open source: rather there is hurdle in using it. It is called FUD i.e. fear, uncertainty and doubt. We had started with Fedora, but our computer centre always feared a problem—though we never had any. Ultimately, we shifted over to Red Hat enterprise version. It is not free of cost but money is charged for the service. I don't remember using their service but they provide soothing balm against FUD; a psychological stability that in case anything goes wrong they are there to depend upon.
- **Give freedom to the employees:** The GNU-Linux distributions by default come with the programmes that can play audio and video files but they cannot play files of all formats as some of them are proprietary. The misfortune is that popular formats are proprietary. However there are good open source programmes that can play those files too after installing proper codecs. We ensured that they had all such programmes, codecs (for the audio and video formats), add-ons (for Mozilla Firefox and Thunderbird) and plug-ins (like Flash, Mplayer) and Sun 'java run-time environment' (jre) for Firefox and other browsers). We wanted that our employees should get a feeling that it is as user friendly as any other operating system. However when laptops with GNU-Linux were distributed, this mistake was committed. In this case, decision was not taken by our court but was taken by the committee for all courts. We are trying to reverse it by including appropriate programmes, codecs, add-ons and plug-ins.

OPEN SOURCE, OPEN FORMAT—INTERTWINED

Shifting to open source, automatically shifts one to open format by default. In fact open source and open format are intertwined together. They have the same philosophy. They,

- Use the IPR to prevent the hoarding of technology;
- Invite others to participate in its development.

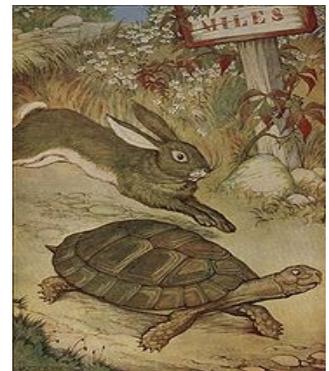
They also do one other important thing. Let me illustrate it with the story of 'The Tortoise and the Hare' from Aesop's fable that has been modified in recent times.

The Tortoise and the Hare

In the story, the tortoise and the hare run a race. The hare took the lead, thought he can always win and decided to rest. He went off to sleep and lost the race. The moral of the story is,

'Slow but steady wins the race.'

In the modified story, they run three more races and resulting into different morals.



In the second race, the hare did not rest and won the race easily. The moral changed to,

'It is better to be fast and reliable.'

The course of the third race included a river as well. The hare reached up to the river before the tortoise but could not swim. The tortoise reached much after the hare but as he could swim, won the race. The moral changed to

'Everyone has weak and strong points—play on your strong points.'

The fourth and the final race was run on the same course as the third one but rules were changed. On the ground, the hare carried the tortoise on his back and on the river, the tortoise carried the hare on his back. The result was that both of them reached the destination quickly, saved time, and enjoyed the race too. The moral is,

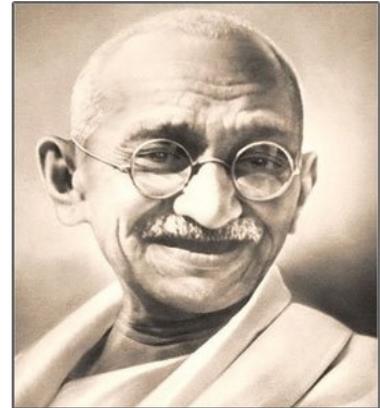
'It is best to consolidate strong points.'

This is what open formats and open source do. They consolidate strong points. This is the reason that they are not only good seeds but good means too. And it is

important to have good means as Gandhi rightly said,

'Means are more important than the end: it is only with the right means that the desired end will follow.'

It is not only a philosophical idea but a sound principle of law too. Lord Denning, one of the greatest judge of 20th century, in *R Vs IRC Exparte Rossminster Ltd* 1979 (3) All ELR 385 held,



'But it is fundamental in our law that the means that are adopted ... should be lawful means. A good end does not justify bad means.'

We have started with good means, good seed. The desired end will come: we are on the verge of harvesting good crop.

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