



## The Federal Lawyer in Cyberia

by Mike Tonsing

# Changing India, One Click at a Time: A Digital Model of Courage and Creativity for All of Us

### Last month, my wife and I attended a reunion of

her 1992 Stanford University Senior Executive Program (SEP) class. An extraordinary group of people drawn from 34 different countries attended a program during that summer at Stanford two decades ago and they and their significant others formed a bond that persists to this day. Every two years, the Class of '92 gathers somewhere in the world where a cluster of classmates exists and they celebrate their friendship with educational meetings and broadening cultural experiences.

### Meeting in India

This time we gathered in Bangalore, India, where classmate Radha Basu and her husband Dipak hosted an extraordinary series of meetings and events that showcased India's emergence as a technology and entrepreneurial giant.

Radha and Dipak spent the first half of their lives as highly placed executives with Hewlett-Packard and Cisco Systems, respectively, and are now spending most of their time working for the betterment of India and its 1.2 billion people in part through a nonprofit organization they founded, the Anudip Foundation. Back in the '80s, HP was one of the first multinational corporations to establish a substantial presence in southern India. Radha led that initiative. In the ensuing decades, more American companies arrived and other foreign and domestic high-tech businesses sprouted up. Bangalore, Radha's beachhead, was transformed into a major technological hub and it is now known as "the Silicon Valley of India." Radha has commented that the avalanche of business activity that followed the HP beachhead convinced her that technology has the power to reshape economic opportunities around the globe.

After leaving HP, Radha founded the company that has now become Support.com, a very successful domestic technology enterprise that has been mentioned quite favorably several times in this column in years past. It was only recently that I learned that Radha was its founder. Since stepping down as the CEO there in 2006, she has focused most of her energy on finding ways to leverage the inherent capacity of technology to change lives. She's taken on a number of roles geared toward focusing the power of entrepreneurship and tech-

nology on the big problems of the developing world, like poverty, disease, and hunger. India has always been a prime target of her energy.

### Passage to Mysore

We were taken by bus from teeming Bangalore to nearby Mysore, about 90 miles to the south, where we toured the world headquarters of Infosys Technologies, India's huge and hugely successful software service firm.

Inside the high security steel gates at Mysore, it seemed that no expense has been spared in an effort to impress the new Infosys hires who check in there each week for their 14-week new employee orientation and training program. We saw a high-tech bowling alley, a palm-tree-studded infinity pool, one of the largest gyms in India, and a geodesic dome that houses three movie theaters and looks as if it was transplanted from Disney's Epcot Center in Florida.

Infosys has been expanding its worldwide workforce at an astonishing rate for many years. We had the altogether stunning opportunity to meet as a small group with the founder of Infosys, the almost legendary Narayana Murthy. He spoke to us in one of the domed theaters for nearly an hour. This year, *Fortune* magazine named Murthy as one of the "12 greatest entrepreneurs of our time." Murthy, who came across as a brilliant but humble and unassuming man, recently conveyed his personal sense of leadership and purpose, saying:

Whenever I am down, I recall what the late Robert Kennedy once said, which he borrowed from George Bernard Shaw: "Most people see things as they are and wonder why. I see things that never were and say why not." Once our leaders start with this mindset, the solution is very simple. We have to see beyond the constraint, using it as an opportunity. It's all in the mind.

Indeed, the Mysore campus demonstrates that Murthy saw things that never were, and acted on his vision.

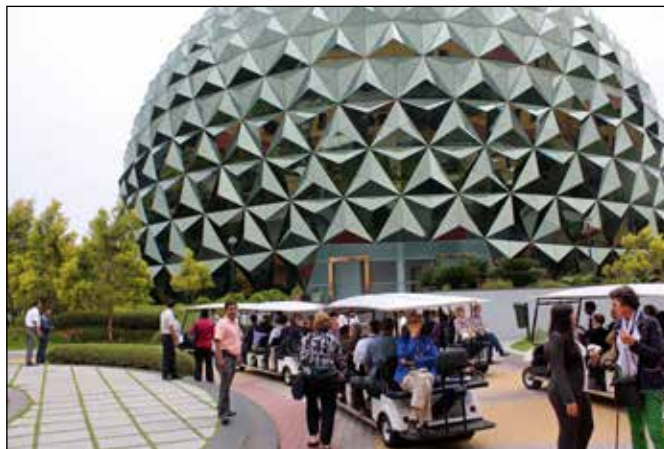
As *Fortune* said in a 2007 article about Infosys and its incredibly expanding workforce:

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These [new hires] are India's chosen. Securing a position at Infosys is more competitive than gaining admission to Harvard. Last year the company had more than 1.3 million applicants for full-time positions and hired only 1 percent of them. (Harvard College, by comparison, accepted 9 percent of applicants.) While many global firms are preoccupied with downsizing, pension cutting, and benefit slashing, Infosys and several of its Indian competitors face a rare and welcome challenge: boundless growth.

Such boundless growth has slowed its pace as the world has plunged into a recession. Now a senior citizen, Murthy stepped down as CEO last year. He now bears the title of chairman emeritus and is the head of the Infosys Foundation. But Infosys itself continues to prosper, albeit at a somewhat slower rate. It remains one of India's flagship companies. And, its campus may well be the world's most impressive corporate training site. Its current training capacity is approximately 14,000 students at any one time. If you'd like to vicariously tour the Mysore campus, the one I visited, go to [www.youtube.com/watch?v=DQ5Zn8WFavE](http://www.youtube.com/watch?v=DQ5Zn8WFavE).



The SEP Reunion group leaves the Infosys geodesic dome using electric trams, following an inspiring dialogue with the company's visionary CEO emeritus, N.R. Narayana Murthy. Pictured center, heading toward a tram with her back to the camera, is Cecilia Tensing, the illustrious-in-her-own-right wife of a noted Cyberian columnist.

## An Epiphany in Bangalore

As impressive as our visit to the jaw-dropping Infosys campus in Mysore was, for me, the most impressive moment in our two week India excursion occurred during a panel discussion back in Bangalore led by Radha that included a few of the entrepreneurs whose careers she and her husband and their foundation have fostered. The panelists and their projects exemplified ways in which technology can change the world for the better.

Among others, we heard from a quiet American-educated Indian woman named Swati Ramanathan. She described two technology-based initiatives that she and her husband have started that are already gaining traction. Ramanathan and her husband and their nonprofit foundation (called Janaagraha, which literally means "people power") have built two websites that are changing the way people relate to the government of Bangalore.

The first site is a little less revolutionary and less subversive, but it has become an amazing instrument for positive change. It is called "IChangeMyCity.com." I cannot explain it better; let me simply quote at length from the site's homepage:

[IChangeMyCity.com] is Janaagraha's path-breaking initiative to cultivate and nurture the spirit of active citizenship.

*Why is citizen participation important?*

It is because participation from citizens in governance related

matters makes our local elected representatives accountable. We elect those who govern us, and therefore our participation is the only way to get them to deliver to our satisfaction. Also, participation allows us to be part of the decision making table at the local level, at the footprint that matters to us most -- our neighbourhoods. This means decisions on our local water supply, our roads, our sewage, our traffic, approvals for land use and zoning and so on.

While urban areas continue to struggle to have basic infrastructure and services meant to ensure liveability, making it happen is not the responsibility of the government alone. The democratic process does not end with voting. We, the residents of a city's locality are as much responsible for it as are our elected representatives and civic agencies, and need to take ownership of it as individuals and a community.

Fixing our drains, our roads, our garbage, our water, our traffic, therefore, is fixing the nuts and bolts of our democracy. It takes the ideals of democracy into the realm of concrete action. And this is what *ichangemycity* is all about; active citizenship to facilitate action, and to bring about change on the ground.

*How does the site engage with you?*

*Ichangemycity* is a locational online social networking platform for civic action. The site uses the power of the internet to connect people locally, and helps them discuss and act on their civic issues. By helping people come together and collaborate as an online community, it transforms citizens into change agents.

The site provides news and in-depth information on civic issues, celebrates heroes in the city striving to make a difference, and offers a map based tool to view one's ward, political boundaries, elected representatives, polling parts, and nearest local civic agency. The site also helps people find out their quality of life, voter information, local groups working on improving urban quality of life and so on.

*Resolving issues:*

A key feature of the site is its complaint box, a tool that allows people to post their complaints regarding civic issues, track other complaints on civic amenities in their neighbourhood, participate in conversations with the community, and find solutions together.

Being an information exchange platform with the requisite tools for community engagement, the site encourages bubble-up thought leadership and solutions from one and

In light of its history of narrowing the field of what is patentable, particularly in *Prometheus*, we think the Roberts Court will tell the Federal Circuit, once again, that it got this one wrong. The case was originally remanded so that the Federal Circuit could consider the impact of *Prometheus* on this decision. The Federal Circuit indicated that the holding in *Prometheus* should be limited to method claims and thus cannot be applicable to Myriad's DNA composition claims (emphasizing that, while isolated DNA molecules are prepared from products of nature, so is every other composition of matter). By granting certiorari, it appears that at least some members of the Court disagree. Our crystal ball suggests that Roberts and his colleagues will side with the overwhelming number of amicus briefs imploring the Court to reverse the Federal Circuit's decision, and we believe the patentability of human genes will be limited, perhaps significantly. ☉

## Endnotes

<sup>1</sup>547 U.S. 388 (2006).

<sup>2</sup>549 U.S. 118 (2007).

<sup>3</sup>550 U.S. 437 (2007).

<sup>4</sup>*Id.* at 454–55.

<sup>5</sup> \_\_\_ U.S. \_\_\_, 131 S. Ct. 2060 (2011).

<sup>6</sup>*Id.* at 2069.

<sup>7</sup>550 U.S. 398 (2007).

<sup>8</sup>*Id.* at 427.

<sup>9</sup>*Id.* at 403, 427.

<sup>10</sup> \_\_\_ U.S. \_\_\_, 130 S. Ct. 3218 (2010).

<sup>11</sup>*Id.* at 3220.

<sup>12</sup> \_\_\_ U.S. \_\_\_, 132 S. Ct. 1289 (2012).

<sup>13</sup>547 U.S. 28 (2006).

<sup>14</sup>553 U.S. 617 (2008).

<sup>15</sup> \_\_\_ U.S. \_\_\_, 132 S. Ct. 1670 (2012).

<sup>16</sup>The Supreme Court also affirmed the Federal Circuit in *Board of Trustees of Leland Stanford Junior Univ. v. Roche Molecular Sys., Inc.*, \_\_\_ U.S. \_\_\_, 131 S. Ct. 2188 (2011). However, as this holding focused on the effect of federal funding under the Bayh-Dole Act on patent ownership rather than directly on issues of patent law, we excluded it from this analysis.

<sup>17</sup> \_\_\_ U.S. \_\_\_, 131 S. Ct. 2238 (2011).

<sup>18</sup> \_\_\_ U.S. \_\_\_, 132 S. Ct. 1690 (2012).

<sup>19</sup>*Minton v. Gunn*, No. 2011-326942, 355 S.W.3d 634 (Tex. 2011), cert. granted (U.S. Jan. 16, 2013) (No. 11-1118).

<sup>20</sup>*Id.*

<sup>21</sup>*Monsanto v. Bowman*, No. 2010-1068 (Fed. Cir. Sept. 21, 2011), cert. granted (U.S. Jan. 16, 2013) (No. 11-796).

<sup>22</sup>*Ass'n for Molecular Pathology v. Myriad Genetics Inc.*, 689 F.3d 1303 (Fed. Cir. 2012), cert. granted (U.S. Nov. 30, 2012) (No. 12-398).

<sup>23</sup>*Id.*

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all. Through the spirit of active citizenship, ichangemycity intends to help improve the quality of life in the city.

It appears from press accounts carried on the site that this website is already enabling Indians who have no special clout to have a genuine effect on the priorities of the government of Bangalore, improving the quality of life. One wonders why every city in the free world does not have such a forum!

The second site is much more breathtaking in its audacity. It directly confronts a moral evil that is a deeply entrenched way of life in India, and seeks to eradicate it by shining a light on it as never before. "Uncover the market price of corruption," proclaims the banner on the homepage of IPaidABribe.com. And, it further states its pledge to visitors: "We protect your anonymity, so you can share your story." (And, so far it apparently has, perhaps because any prying eyes from the government would doubtless be subject to embarrassing exposure.)

Yes, this amazing site bills itself as a place where Indians can compare notes on what they are paying under the table for the same services, enabling them to adjust their bribes to the market price and thereby lower the total price of corruption. It also allows Indians to measure for the first time the total amount being paid under the table in their country. What a concept! Ordinary people get to share their experiences of bribery—what governmental service a bribe was for, where it took place, and how many rupees were involved.

To some degree, the website allows ordinary people to expiate their personal guilt by going public. In her presentation to the SEP group, Swati Ramanathan observed that a bribe corrupts both parties. The person paying the bribe may feel that there is no other way that they can get what they need, whether it is a driver's license, a chance to see their newborn baby in the hospital, or to get a connec-

tion to the local water supply for their small restaurant. Yet, despite their feeling that there is no alternative, they also feel morally diminished by their experience. While the person accepting the bribe may rationalize their conduct by believing that every other person in their government department is doing the same thing, they also are personally morally diminished by their experience.

Thus, Swati observed, in order to raise the level of civic morality in India, a site like hers was sadly necessary. It was obvious to her and to her husband, when they first considered creating the website, that the government itself was in a state of total denial or deep corruption, to the point where the problem was so endemic that it would never be solved without this sort of technological intervention.

Launched in August of 2011, the site is already having a profound effect in her homeland. BBC Radio Online has reported as follows:

The website has evolved into a consumer comparison site where people can also get information and advice in different languages on how to avoid paying bribes.

So far, nearly 10,000 bribe experiences have been reported across 347 cities and 19 government departments.

As the numbers mount, Swati Ramanathan hopes the website will become a powerful tool for shaming government departments into tackling corruption.

"There is so little risk to being corrupt in our country and so high a reward," she explained. "The moment you change the equation and you make it riskier, the reward becomes less.

ests, potential impact beyond Historic Tax Credits, including New Market Tax Credits and Renewable Energy Tax Credits, and potential for new IRS guidance. Featured panelists included David Blair, Crowell & Moring; Jeffrey Davis, Mayer Brown; Allison Carmody, IRS Office of Associate Chief Counsel; and Jerry Breed, Bryan Cave.

#### *Young Tax Lawyers Meet and Greet*

On Nov. 14, the Young Tax Lawyers Group hosted a networking event at Penn Quarter Sports Tavern in downtown Washington, D.C. Over 60 lawyers (public and private sector) and law students (LLM and JD) attended the “meet and greet.” The event was a great opportunity for prospective FBA members to meet current members of the FBA Section on Taxation, as well as other D.C. tax practitioners. In early 2013, the Young Tax Lawyers Group will host a substantive panel discussion for FBA members and is also organizing a low-income tax return preparation volunteer effort. For more information about the Young Tax Lawyers Group, please contact co-chairs Ryan Kelly ([ryan.kelly@bakermckenzie.com](mailto:ryan.kelly@bakermckenzie.com)) or Mark Milton ([mark.c.milton@usdoj.gov](mailto:mark.c.milton@usdoj.gov)).

### **Transportation & Transportation Security Law Section**

#### *Counsels’ Reception Honors Transportation Security Lawyer of the Year*

On Oct. 18, the section held its annual Counsels’ Reception in honor of the Transportation & Transportation Security Law general counsels and chief counsels and the recipients of the section’s awards. This year, the FBA is pleased to recognize Marc L. Warren as the Transportation Security Lawyer of the Year. Marc L. Warren had previously served in the U.S. Army Judge Advocate General’s Corps, from which he retired in 2007 after having been selected

for promotion to Brigadier General. He was the American Bar Association Outstanding Young Army Lawyer and has received the Florida Bar Association Clayton B. Burton Award of Excellence, and is in the University of Florida Hall of Fame. He currently works as the Deputy Chief Counsel at the Federal Aviation Administration. For the first time, the section bestowed to the Office of Aviation Enforcement and Proceedings, Department of Transportation, a Meritorious Award for their hard work and service this year. Hector Huezo, immediate past section chair, was honored for his dedication and commitment to the section. ☉



**Transportation and Transportation Security Law Section:** At the Counsels’ Reception—(l to r) Immediate Past Section Chair Hector Huezo, Transportation Security Lawyer of the Year Marc L. Warren, and Section Chair Monica Hargrove.

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You make it riskier by making it public.”

One of the website’s early successes has been with the State Transport Department of Karnataka, which was repeatedly cited in bribe reports - prompting transport commissioner Bhaskar Rao to invite the I Paid A Bribe team to present their findings to his staff.

“I wanted to use that website to cleanse my department,” he said. “If I try to do things on my own here, I may run into rough weather... But the evidence on this website gives me some internal support to bring about reforms.”

“People in the office are realizing that if they take money, it definitely is not something just between the giver and the taker. It is spreading out of this room, and now across the globe, on the web. “So everybody in the world gets to know that this office is not a good office and institutional pride is hurt.”

The website team helped Bhaskar Rao’s department to identify the procedures most prone to corruption. Twenty senior officers have been cautioned, and technology is now being introduced to minimise the opportunities for bribe-taking.

It cannot be doubted that Swati Ramanathan and her husband are already having a compelling effect on civic life, and civic morality, in Bangalore.

### **Conclusion**

India clearly is an amazing country. Our two weeks there hardly scratched the surface, despite our hosts’ attempts to provide us with detailed information and perspective, and to open doors that only a privileged few can enter. Deplorably, my rather superficial knowledge of India had stemmed largely from a few Rudyard Kipling and E. M. Forster books and a few movies.

It was inspiring and refreshing to observe the good works spawned by the generosity of the very talented team of Radha and Dipak Basu and their Anudip Foundation, by the resourcefulness of Narayana Murthy (and his wife, who heads the Infosys worldwide charitable foundation), and by the breathtaking courage of Swati Ramanathan and her husband and their Janaagraha foundation.

All saw things that never were and said “why not?” They all responded with technological solutions that have made India, and the world, a better place. I submit that there is a profound lesson to be learned by all of us in Cyberia from this new “passage to India.” ☉