

Date: 02 June 2016

To,
Mr. M. A. Ganapathy (IPS)
Joint Secretary (Internal Security-I)
Ministry of Home Affairs
North Block
New Delhi- 110001

Subject: Suggestive comments and critical appraisal for the draft of ‘*Geospatial Information Regulation*’ Bill 2016.

Respected Sir,

Digital Empowerment Foundation (DEF) is a not-for-profit organisation, working with a mission of empowering people digitally - especially for marginalised communities living in socio-economic backwardness and information poverty. Thus, we believe that we own the responsibility to discuss the **Geospatial Information Regulation Bill 2016** (draft) in the public domain and highlight how the passing of an Act like this can affect day-to-day communication and services for the common man, thereby going against the basic principle of the Digital India plan.

In an effort to bring more awareness about the implications of the Bill and to take the voices of the people to the authorities concerned, DEF launched an online campaign through the digital platform of Change.org¹. This campaign, which was launched a week ago has received a more than 138 digital signatures against the Bill.

The definition of this Bill is so wide², that it not only affects big business houses but also a common man. Restrictions on using geospatial data means people cannot share their location with their loved ones via Internet messaging apps, people cannot use Global Positioning System (GPS) to navigate through traffic, people cannot check-in on Facebook, geo-tag photos, hail a cab through an app or even order food online. Additionally, geospatial data is not limited to digital forms but expands to hard copies of maps, atlases. Particulars of coordinates also count. Arguing these issues was our petition **Save Your Right to Use the Map: Geospatial Information Regulation Bill 2016** (Annexure I). Comments raised by the public on this petition, raising concern over the Bill’s implications, are listed on the next page.

¹https://www.change.org/p/ministry-of-home-affairs-save-your-right-to-use-the-map-geospatial-information-regulation-bill-2016?recruiter=547580501&utm_source=petitions_show_components_action_panel_wrapper&utm_medium=copylink

² Bill defines geospatial data as “geospatial imagery or data acquired through space or aerial platforms such as satellite, aircrafts, airships, balloons, unmanned aerial vehicles including value addition; or graphical or digital data depicting natural or man-made physical features, phenomenon or boundaries of the earth or any information related thereto including surveys, charts, maps, terrestrial photos referenced to a co-ordinate system and having attributes”.

Comment 1: *“It is a very useful tool for navigation. Security interests should be dealt with, but should curtail individual freedom to use technology for legitimate purposes”*

Comment 2: *“Keenly interested to know that ‘Geospatial Information Regulation Bill, 2016’ is really going to affect those students who are using India’s and its States map for showing the location of their study area (Master’s dissertations, M. Phill. and Ph.D. especially). We the people also have to fill an application along with requisite fees to the concerned authority”.*

Comment 3: *“Government cannot go ahead with such restrictive practices that would affect so many people in so many different ways”*

Comment 4: *“Forget about geotagging photos for social media posts or checking-in on Facebook, Twitter, Instagram, and Snapchat. You can also forget about hailing a cab through Ola or Uber; or sending an SOS alert to one of those safety apps. And food will no longer be delivered through Food Panda or Zomato. And, of course, there will no point of downloading Google Maps on your phone because, well, you’re don’t have the license to use navigation apps”*

Comment 5: *“I use maps on my mobile regularly and I would like to retain the use for personal and safety of my family”*

Comment 6: *“This is ridiculous. I step forward ten steps backward. What does the government fear? Their fears destroy the freedom and ease of the common man to share maps of not so relevant areas. Cannot have a blanket ban, this is just not on”*

Comment 7: *“This law is not only an unwarranted and brutal restriction, it forgets that mapping is now done from the air and not the ground, so such a law will ensure that everyone can freely use a map of India except for Indian citizens”*

Comment 8: *“There is something so wrong with this proposed bill that one can only hope the error will be recognized and the bill drastically amended to serve the purpose it is really meant to scare and not end up criminalizing most of us who look upon mapping as an empowering and enabling tool, to make a better India”*

Comment 9: *“Planning digital mapping of heritage in Indian cities - What a lost opportunity for present & future students if they can no longer benefit from such interesting technology!”*

Comment 10: *“Unnecessary restriction; and unfounded fears of misuse”*

Comment 11: *“This issue is getting unnecessarily politicized, expression of spatiality is not just a territorial issue. Give us back our maps and the passion for inquiry about maps places and all things spatial! This is a violation of freedoms at many levels”*

Comment 12: *“This is comical in an age of free information and contrary to GOI initiatives! How can you push the country backward?”*

Comment 13: *“the bill is too broad and goes well beyond dealing with issues of security, sovereignty, and Indian integrity”*

Comment 14: *“I am an Indian citizen, belonging to largest democracy in the world, which includes the individual freedom to use and handle maps without censure from our democratically chosen government of the people!”*

Comment 15: *“My Country Security is more important because my identity is my country”*

Comment 16: *“Coordination, communication, and knowledge sharing to the friends and social media circle”*

Comment 17: *“The proposed law is regressive and can be easily misused”*

Comment 18: *“This is absurd at so many levels, how did they even come up with such a Draft!”*

Comment 19: *“The guideline of this draft bill is absurd. They have to be reworked to be more consumers friendly and at the same time ensure safety of our country”*

Comment 20: *“in today's digital age it is impossible to live without map facility.”*

Comment 21: *“Technology must remain an ENABLER. Restrictions such as are conceived in the present draft will only place obstacles in the free use of the technology for our own security and comfort. Also, it will allow Authority to keep a tab on the locations of all those who may apply for a license. This must not happen as a rogue element may misuse the authority/information. As it is, cell phone gives enough information about location of the individual”*

Comment 22: *“Trying to limit personal and social freedom”*

Comment 23: *“This is curtailment of the rights of the people in India”*

Comment 24: *“This bill certainly is against the rights of humanity and our freedom is violated. That why I am signing and we should be opposed to all people”*

Comment 25: *“I am signing because I do not agree with the terms and conditions of the bill”*

Comment 26: *“IT'S MY RIGHT”*

Comment 27: *“This is attack on right to information and right to communication”*

Comment 28: *“I need the right to freedom!! This includes freedom of speech and expression, assembly, association or union or cooperatives, movement, residence, and right to practice any profession or occupation, the right to life and liberty, protection in respect to conviction in offenses and protection against arrest and detention in certain cases. I don't think that the geospatial/ map information used by a common citizen of the country goes against the security of the State, friendly relations with foreign countries, public order, and decency or morality”*

Comment 29: *“Accessing Map and Geospatial Data is everyone's right. I am living in an information Age, and I don't need anyone tell me which Information is right and which is wrong”*

Comment 30: *“I use maps on a daily basis and I am not ready to either get a licence to use it or go to jail”*

We, as an organization, have similar emotions and arguments against the Bill. The opinion of DEF can also be reiterated though a column that I wrote in the Mint newspaper on May 25, 2016. A copy of the column can be found in Annexure II.

We urge the government to reconsider the Bill, especially if it truly envisions a Digital India.

Regards,

A handwritten signature in blue ink that reads "Osama Manzar". The signature is written in a cursive style and is underlined with a horizontal line.

Osama Manzar
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Annexure I: The Petition on Change.org

Title: Save Your Right to Use the Map: Geospatial Information Regulation Bill 2016

The Ministry of Home Affairs has released the draft Geospatial Information Regulation Bill 2016 on 4 May 2016. According to the draft, which is up for suggestions and comments till 2 June 2016, this bill intends to regulate acquisition, dissemination, publication or distribution of geospatial data to protect security, sovereignty and integrity of India.

The draft defines geospatial data as “geospatial imagery or data acquired through space or aerial platforms such as satellite, aircrafts, airships, balloons, unmanned aerial vehicles including value addition; or graphical or digital data depicting natural or man-made physical features, phenomenon or boundaries of the earth or any information related thereto including surveys, charts, maps, terrestrial photos referenced to a co-ordinate system and having attributes”. This definition is so wide, that it includes anything and everything, to understand how it applies to our ordinary lives, geospatial data can also mean: sharing our location among loved ones over the internet, using GPS to navigate through traffic, checking in on Facebook, hailing a cab through an online app, ordering food online, taking photos during our travels etc. In addition, geospatial data here does not limit to digital forms, hard copies of maps, atlases, particulars of coordinates also count.

Now, what the bill is asking us to do before we share or use any type of geospatial information, e.g. sharing your location over WhatsApp if you're stuck in an emergency situation, is apply for a license with the Security Vetting Authority (SVA) and get each record of geospatial information vetted by the SVA. The SVA will then take a minimum of three months to may or may not provide you with the required license.

The bill does not only apply to Indian citizens living in India and outside, it also applies to foreigners in India. In addition, geospatial information acquired in the past, before the bill has been enforced, also requires an individual to hold a licence to legally use the said information. At this point, one wonders what happens if they use this geospatial information without a license, i.e. illegally or happen to acquire, view, draw the Indian map depicting any perceived wrong territorial boundaries either in hard copy or digitally. The answer is, they either get fined Rs 1 crore (10 Million) to 100 crores (1 Billion) or jailed for seven years.

What the drafters do not realise is that the draft is in absolute contradiction with the Government of India's (GoI) wonderful promises of development, that include initiatives such as Digital India Plan or Start Up India plan and the Open Government Data online platform. They also do not seem to understand how the internet or geospatial information function in real time as well as the

ever expanding usage of the two. The long-term implications on the work of academics, scientific or social researches, civil society, IT tool developers, humanitarian or relief workers to name a few, have not been considered. The passage of this bill will give the GoI powers to infringe on our privacy, perform surveillance and monitoring of our personal data to make sure compliance with the regulations. Moreover, the security agencies will have the powers to confiscate any data considered illegal, according to the bill. Ordinary, innocent citizens will have to bear unnecessary restrictions without having any intention to harm the security, sovereignty and integrity of the country. We will not be able use the Right to Information Act, to seek information either, because that would also require us to possess certain geospatial data, either physically or electronically.

In reality, this bill will push the map based, geolocation service applications and businesses like Ola Cabs, Uber etc. to end their operations because getting each and every geospatial record licensed and vetted is impossible.

With this petition, we urge you to help us raise support to demand that the Geospatial Information Regulation Bill 2016 be dropped and draft the bill in line with programmes like Digital India and Startup India, which would encourage Indian citizens and startups to use geospatial data in everyday lives and create businesses that serve India. Send your comments and suggestions to the Ministry of Home Affairs via email, on this address: jsis@nic.in before 2 June 2016. The more the number of emails, the greater an impact we'll make.

The passage of this bill will have a huge negative impact on education, economic and recreational opportunities, in addition to putting unreasonable restrictions and penalties on innocent civilians.

In this regard, we request you to sign this petition and pass this petition to your family and friends.

Annexure II: Osama Manzar's column in Mint

Map is a consumer product, don't kill it

Geospatial Information Regulation Bill will tremendously complicate how we use navigation and apps on our phones

If the Geospatial Information Regulation Bill, 2016, becomes a law, many things you have come to take for granted will become out of bounds for you.

You won't be able to geotag photos and post them on social media. You won't be able to check in on Facebook, Twitter, Instagram or Snapchat. You won't be able to record your running, cycling, driving or walking activities, tagged with location, on smartphone apps. You won't be able to share your location with friends and family over WhatsApp. You won't be able to send your location through a food delivery app when you are hungry and not willing to cook. You won't be able to use safety apps that share your location when an SOS alert is sent. You won't be able to book an Ola or a Uber cab by making your location available to the driver. You won't be able to geotag your property for maintenance of land records.

A civil society group won't be able to survey a community or region by collecting their coordinates. An organization won't be able to prepare charts that represent an analysis on the basis of geography. Universities will not be able to show map-based research. A fisherman will not be able to share weather and tidal updates with others. Citizens will not be able to share their location on social media during rescue operations.

The draft of the bill proposes "to regulate the acquisition, dissemination, publication and distribution of geospatial information of India which is likely to affect the security, sovereignty and integrity of India".

So no, it's not just the big crowd-mapping-technology-using companies or Apple Maps and Google Maps that will be affected, but everybody who uses a smartphone will be subjected to obtaining a licence for sharing any geo-tagged information before acquiring, disseminating and publishing it. This means several hundred millions of smart-devices users would need a licence, and we can all only wonder how the government is geared to do that.

The art of map making has for centuries been known as cartography. A map has always been a subject dealt with by experts and government officials having specialized knowledge or interest. But in the last 10 years, because of the digital revolution, especially camera phones and photo-sharing social networking platforms, the map has become a consumer product. In fact, we use a

map for various personal and professional purposes almost as much as we use a packaged consumer product—and we don't really need a licence to use a shampoo or eat bread, do we?

If you look at the maps and value additions generated by consumers in this digital era, you'll understand how powerful a tool it is for the benefit of the larger community and the government as well. Not only are people from the ground sending out information, but people across the globe (including governments) are also receiving the data through crowd-sourcing and crowd-mapping technologies.

There should be no control over that.

On the one hand, the government has introduced the ambitious Digital India programme under which it wants to connect everybody and, on the other hand, there is this bill waiting to be tabled that just destroys every pillar of the Digital India charter. When the government says that it wants all citizens, ministers and members of Parliament to be connected and active on social media, does it not realize—by looking at the character of social media—that geo-tagging of locations is one of the most basic ingredients of social media, which consciously or unconsciously also introduces transparency in governance.

With access to the Internet and encouragement to connect with the masses, political leaders are constantly updating their location on social media in an effort to allow ordinary people to reach out to them. Teachers and students are using Geographic Information System based technology tools to inform their respective state education departments about the functionality of their school, availability of water in their toilets and whether or not mid-day meals are being served. The efficiency of fair price shops (ration shops) can also be tracked using geospatial information. Rescue teams zero in on disaster victims who put out an SOS on Twitter or Facebook, along with their location. All this, and more, is possible through Radio Frequency ID tagging or geo-tagging today.

And the entire logic surrounding protection of the way our national boundaries are depicted seems bizarre because there are already several laws, regulations and Acts under which the depiction of the map of India falls. And so, the use of maps for daily use should not be hampered.

If you think this bill is not going to affect the common man eventually, you're wrong. According to the draft, those covered under it include “individuals, companies, firms, trusts, associations of persons, artificial juridical persons, and agencies or offices or branches owned by any of these”. It's a massively large umbrella of applications.

Frankly speaking, this bill should have never been drafted in the first place.