

New Delhi, 29 May 2016

To,  
Joint Secretary (Internal Security-I)  
Ministry of Home Affairs,  
North Block, Secretariat Building  
New Delhi - 110001

**Subject:** Submission of comments on The Geospatial Information Regulation Bill,  
2016

Dear Sir/Madam,

The Digital Empowerment Foundation wishes to thank the Hon'ble Ministry for the opportunity to submit our comments on the draft of "The Geospatial Information Regulation Bill, 2016".

Digital Empowerment Foundation is a New Delhi-based not-for-profit organisation. It was born out of the deep understanding that marginalised communities living in socio-economic backwardness and information poverty can be empowered to improve their lives almost on their own, simply by providing them access to information and knowledge using digital tools.

We recognise that geospatial information is a key element in the process of making informed policy decisions, promoting sustainable development, augmenting research & academics and to aid CSO's in their work. Indeed, geospatial data has gained a level of ubiquity in the ways that we interact with each other, the internet and with the world at large.

Our comments on the draft bill are in line. It is our hope that the Hon'ble Ministry consider redrafting the bill to reduce its wide applicability and make it align with international standards of openness and democratic access to information.

My colleagues, Ms. Ritu Srivastava and Mr. Rajat Kumar, who have drafted our response can provide additional material and DEF is happy to provide any further support to the Hon'ble Ministry.

Yours sincerely,



Osama Manzar  
Founder & Director  
Digital Empowerment Foundation

## General Comments

There is no doubt that geospatial information about secure locations in our country must be protected. However, this bill would hamper the use of maps in the day to day activities of individuals, businesses and even organisations that work towards the public good. This bill, in fact, seems contradictory to a democratic and participative society like India. Sections of this bill place unfair restrictions on the activities of individuals, businesses, universities, civil society and other organisations, which are explained below. It also places asymmetric power in the hands of the various Authorities created by this Bill.

Our comments to various sections of this bill are in line.

---

### Section 1(2), read with Section 2(1)(j)

The applicability of the bill to citizens of India, individuals, companies and the other categories in Section 2(1)(j) would place difficulties in the day to day activities and work of these persons. India had 28.3 million smartphone units shipped in Q3, 2015<sup>1</sup> and this trend is expected to rise. Therefore, the number of individuals using devices with mapping capabilities will increase dramatically over the next few years. This bill would have overreaching powers to regulate their activities on mapping platforms.

### Section 2(1)(e)

The definition of “Geospatial Information” is needlessly broad and includes sources of geospatial information that would place any benign use of geographical data or geo-referenced media by citizen, business or other organisation liable for penalties under this legislation. Specific issues may be raised with the phrases “value addition” and “terrestrial photos referenced to a coordinate system”.

- **“Value addition” has no specific definition contained within the draft.** Therefore, it stands to reason that the term refers to any work that can be referenced on a map or using geospatial information would be needed to be licensed such as visualisations, surveys and charts. This would place major hindrances in the work of researchers, academics, mobile application developers, civil society actors, activists, relief workers amongst others. **The lack of a specific definition and broad potential applicability is a point of serious concern.**
- **“Terrestrial photos references to a coordinate system”** refers to any photograph that may contain geo-references or geotagged information contained within the metadata. It stands to reason that even a photo taken of snowfall in the Himalayas or even a selfie on a smartphone would be subject to review under this bill. This is an unnecessarily broad application to the bill that, in its good intention, would have the effect of regulating innocuous activities by ordinary and innocent civilians.

---

<sup>1</sup> <http://www.statista.com/statistics/298097/smartphone-shipments-india/>

### **Section 2(1)(o)**

The logistical hurdles for the Security Vetting Authority (SVA) to screen the credentials of end-users and end-use applications has not been considered during the drafting of the bill. If we assume that only 50% of the previously stated statistic of smartphones shipped in Q3, 2015 (28.3 million), use mobile maps and location services, that would still mean over 14 million individual licences would need to be approved by the SVA per quarter, in addition to the number of licenses for businesses and organisations.

Additionally, the sheer scale of data generated that has geo-spatial information is almost incalculable. Big Data analytics to improve service delivery deals with millions of data points generated constantly. The hardware, software and expertise requirements the SVA needs to possess to accurately analyse this data towards exercising its duty has not been considered.

### **Section 3(1) & 3(2)**

This is an archaic restriction that would place under its ambit, some activities that ordinary citizens of India, with no ill-intention or malice in heart, undertake. Such activities include but are not limited to taking photos, sharing one's location with other persons, locating businesses, tracking logistics packages, conducting research, teaching etc. It stands to reason that even a drawing that a child may create tracing a pre-existing map of India would need to be regulated and licensed.

This shows that the government has not considered the resource and technical system requirements for every citizen and organisation to submit all their maps or geospatial data either on phones or hard copy maps to be approved by the vetting authority.

**Section 3(2)** seeks to place a remarkably restrictive clause on pre-existing geospatial data in the possession of ordinary citizens and organisations. The difficulty for a person or organisation to collect all geospatial data that he/she/it has dealt with and place it for security vetting has not been considered. The lack of a starting reference date for the pre-existing geospatial data coupled with the 1 year for presenting it all for security vetting will inevitably lead to violations and comes across as a section aimed at entrapment. This section also places a seemingly implausible target on the shoulders of the three members of the Security Vetting Authority; to approve requests for licences.

### **Section 4**

This section is vaguely worded and in its current form, would outlaw a wide variety of activities that pose no threat to the security, sovereignty and integrity of India. It would make something as inoffensive as a family member sharing their location over a messaging platform or taxi application for the sake of safety; illegal.

It would also create bureaucratic hurdles in a space where none have existed and none are needed.

### **Section 5**

This is another section of this bill that is problematic and has an unimaginably wide scope of application. It is our concern that even if this bill were to pass, would a person with an existing license, require to have a separate one for transmitting/publishing any geospatial data to an end-user outside the jurisdictional boundary of the country.

### **Section 6 read with Section 15**

We agree that the appropriate depiction of the map of India and its international boundaries is an important consideration. However, the penalties laid down in Section 15 are too stringent and may be used against an innocent person who has no malicious intent.

### **Section 9**

We once again reiterate our concern regarding the requirement of a licence to acquire, disseminate, publish or distribute any geospatial data of India. Another key issue that arises is with regards to the Right to Information Act, 2005. As per the RTI process, data requested may be presented in an appropriate form; text, spreadsheets or maps. A concern that arises is that would the individual who places a request for data, be required to apply and procure a licence for the acquisition and use of the geospatial data.

### **Sections 12, 13, 14, 15 and 16**

Considering that this act would affect ordinary citizens who are at risk for accidental violations of the terms of this act, the penalties imposed are prohibitively high and will affect innocent individuals the most. It is our hope that the penalties will be graded according to the power to pay of the

### **Section 17**

The scope of the monitoring and surveillance as stated in sub-section 3 has not been defined and the current broad definition leaves cause for concern in the limits of the Enforcement Authority's power of surveillance.

### **Section 18(2) and 19(2)**

These sections give the Enforcement Authority undue power in confiscating and all computer resources and publications for the purposes of enforcing the mandate of the bill. This would be unfair to individuals and unduly affect the work of smaller organisations that may run afoul of this bill.