

Industry Concerns in the Draft Geospatial
Information Regulation Bill 2016

Government of India has consistently come out with liberalized open mapping policies keeping in view easy geospatial data accessibility by all stakeholders without compromising national security. The under mentioned important policies have been issued by the government in this directions:

- I. National Map Policy, 2005
- II. Aerial Photographic Policy 2006
- III. Remote Sensing Data Policy 2011
- IV. The National Data Sharing and Accessibility Policy, 2012
- V. Draft- National Geospatial Policy [NGP-2016]

The above policies have helped significant growth of the geospatial industry, which has now become an integral part of the mainstream IT/ITES industry.

According to a recent report, in India, the market for GIS based technologies has been expanding at such a substantial pace that it is estimated to touch the figure of USD 10 billion by 2019. The geospatial industry is growing exponentially contributing significantly in national economy generating most valuable, critical geospatial data required for national development, disaster management and security.

Digital India program envisages 'Leveraging Geospatial Information Systems (GIS) for decision support systems & development'. The availability of timely, accurate and precise data needed in the national projects will save project over-run costs and could make a substantial difference in the overall results achieved in the program. Some of the important national projects using geospatial data include inter-linking of rivers, modernization of cadastral mapping, smart cities, infrastructural development projects etc. Planning and implementation of these projects are critically dependent on high resolution geospatial data acquired, processed, and disseminated by the geospatial industry.

GIS based information systems for defense such as battlefield management system(BMS), C4I2SR systems require high resolution data for hinterland and trans border GIS maps created /generated by geospatial industry with high end system applications suitable for 3D analysis and GIS based strategic/tactical decision support system. The above systems are used as force multiplier for internal security, counter-terrorism, emergency response, disaster management operations by government agencies.

Further, all Location Based Services are dependent on the data and applications developed by geospatial industry. Geospatial industry provides services to various verticals in non-government sectors, such as automotive, power, utilities, retail, banking, ecommerce, educational institutions as well as to hundreds of millions of consumers and farmers. Coming to industry applications, automotive organizations providing navigation, mapping companies providing map and traffic information services, taxi aggregators won't be able to provide their services because they need the customers' location and also the taxis location.

Growing segment of E-retailers will not be able to provide their services because customer location will not be available for delivery. Courier companies will not be able to carry out last mile delivery and pickup services because their platforms use locational data.

In view of the above, the present Geospatial Information Regulation Bill 2016 has been deeply analyzed by members of SAMA and the summarized views/suggestions are submitted as follows for your kind perusal and revisit to policy provisions.

The acquisition, storage, dissemination and distribution of the data as envisaged in the draft bill needs a fresh relook so that

- ❖ The growth of the industry is not adversely impacted.
- ❖ The benefits that citizens of India have started enjoying due to geo spatial technology should not be taken away or reduced.
- ❖ The digital India initiative of the government do not get adversely affected for lack of industry support.

SAMA had detailed discussion with the Indian geospatial companies engaged in Surveying and mapping business, generation of geospatial data to meet the growing national requirement since past decade for government as well as private organizations.

Following are our observations on draft bill 2016 for your kind consideration.

- I. Regarding applicability of the bill 2016 as in Chapter I, Clause 2, SAMA is of the view that the need for such an act has arisen due to few organisations not correctly depicting India's international boundaries and depicting the sensitive locations like airbases, military bases, airport internals as per Government of India guidelines, thereby affecting country's sovereignty, integrity and security. As there being no act currently to take appropriate action against such defaulters, SAMA suggests that the bill should be focussed primarily to deal with organisations which default on compliance of Indian statutory laws and regulatory framework, rather than citizens and organisations which have helped in growth of the country by providing geospatial information for development and enhancement of country's infrastructure while safe-guarding country's security interest.
- II. Regarding acquisition of geospatial information of India in Chapter II clause 3 **Under regulation of geospatial information of India**, SAMA is of view that geospatial industry in India is a fairly matured industry and will be committed/expected to behave responsibly with self-regulatory guidelines. It may be considered that after a due permission (whether as licensee or as a registered body) the data acquired/developed by the concerned company can be put to commercial use simultaneous to its submission for vetting. Clear self-regulating guide lines will help meeting the industry need of quick commercial usage of data it acquires and security concerns for data to be eventually vetted. The objectionable elements in data (if any) found in violation to guidelines will render company liable for punitive measures as per government guidelines.

Further to the above SAMA proposes following suggestions for regulation of geospatial information of Indian territory:

- ❖ Geospatial/LBS/GIS organizations can be registered with single agency notified by GOI after self-attestation by the organization
 - ❖ Only registered organizations should have authority to operate, generate, disseminate, publish or distribute geospatial data.
 - ❖ These organizations can be registered in following categories:
 - As service providing organizations
 - For content creating and data product organizations
 - As both service and product providing organizations
- III. Regarding Chapter 4 **Licensing and Security Vetting** SAMA submits that in the past due to government's initiative geospatial industry has grown substantially. The way the word 'license' has been used takes us back to the license Raj of India from which today the industry has moved on. Instead of license, the better way to follow is registration of organizations including educational institutions duly registered with competent authorities, engaging in geospatial data creation (creators) and publishing, as the purpose of the government is to know who is engaged in these geospatial activities and to prevent the few amongst those who violate the sovereignty, integrity and the security of the nation.
- The clause 11 point 4, along with the fact that there is no mention of the responsibilities of the Security Vetting Authority, implies that all business and financial losses as a consequence of their decisions, is to be borne by the Licensee and asks indemnification from the licensee. The clause is completely biased against the Licensee and can be challenged as discriminatory. Hence this clause should be deleted.

Further to the above SAMA proposes following for security vetting of geospatial data. Separate guidelines may be issued for service providers and product providers

- For service providing organizations-
 - ❖ These are organisations that create geo-spatial data on project basis for government and private organisations specifically; and such data is not meant for publishing in public domain.
 - ❖ An automated mechanism may be defined wherein these companies can upload area of interest to a designated server (for both new and existing geospatial data). Vetting agency may issue specific guidelines to be followed for that specific geospatial data, in addition to the standard guidelines.
 - ❖ In case of non-issuance of any specific guideline, the standard guidelines shall be followed.
 - ❖ Service providing companies may be asked to follow KYC norms. In case of any national security concern government may ask for above details.
- For content creating and data product organizations-
 - ❖ The vetting process needs to be better detailed out and has to acknowledge real time data being collected. Good way would be for geospatial data creators to provide access to its data to the vetting agency in a form that is practical and efficient and which protects the IP rights of the creator. And anyone publishing/disseminating a map should

clearly depict who has the IP ownership i.e. who is the creator of the map so that if map is wrong, the publisher and the creator can be asked to fix the map.

- ❖ Punishment should be that the publisher should be asked to take down the map till it is fixed. Repeated offenders can be fined monetarily.
- ❖ Nodal agency to issue guidelines to companies disseminating any geospatial data through public facing website and punishments can be defined for not following it up or not removing objectionable content for misrepresented geospatial data.

- IV. Regarding clause 4 **Dissemination, Publication or Distribution of the Geospatial Information of India** this needs to be reconsidered as it has potential of abuse as apparently due to context and semantics in the bill there is no differentiation between an organised mapping activity of acquisition, dissemination, publication, distribution or possession of geospatial information and that of an individual's private possession, acquisition by camera/mobile phone, social sharing etc of geospatial information. Provisions of this bill require vetting of all data which is geo-coded. This leads to an over stretched but apparently a legal interpretation that the data captured by a digital camera/smart phones (a geo-coded image of any manmade or natural feature by the definition falls into the category of geospatial data) is also required to be submitted for vetting.

Further, anyone publishing/disseminating a map should clearly depict who has the IP ownership/publish their registration number i.e. who is the creator of the map so that if map is wrong, the publisher and the creator can be asked to fix the map. Punishment should be that the publisher should be asked to take down the map till it is fixed. Repeated offenders can be fined monetarily.

- V. Regarding Clause 6 **Wrong depiction of map of India etc.** SAMA is fully supportive of this part of draft bill.

To avoid any misrepresentation or wrong depiction of international boundary SAMA recommends that government provides the same at a high resolution to all the registered organizations. Or otherwise, the creator should get it vetted by the vetting agency. International boundary has to be respected and no errors in the same shall be condoned and that there should be a punishment for any wrong depiction of International boundary.

Further SAMA understands in general the nature of geospatial data is prone to errors. Therefore, there should not be any punishment rather it should be brought out to the knowledge of the creator. For security-sensitive installations, government should provide broad guidelines on categories of places like defense installations, which should be blurred in images, and whose attribute/internal data should not be shown in maps.

- VI. Regarding Chapter VII **Miscellaneous clause 37 Act not to apply to Indian governmental bodies**, SAMA is of view that geospatial information of India is generated by government bodies, Indian and foreign organizations. Therefore, government and its employees should be included along with all other entities and personnel involved without any discrimination.

The impact of this act, if passed in same form as current draft, will have a drastic domino effect on the industry and India's growth. It will severely impact the geospatial industry. The drafters of this bill have clearly left out the issue of how to protect the sovereignty of the country and how to protect India from external threats. SAMA definitely favours the need of a Geospatial Information Bill, but it has to be an enabling and encouraging act that makes for faster and better implementation of the national programs and consumer aspiration and economic growth. The draft bill need to be revisited de novo to support IT/ITES/GIS/LBS industry growth without jeopardizing national security concerns.