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Centre For Legal Policy

BETTER LAWS. BETTER GOVERNANCE

SUBMISSIONS TO THE MINISTRY OF HOME AFFAIRS, GOVERNMENT OF INDIA, ON THE GEOSPATIAL INFORMATION REGULATION BILL 2016

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EXECUTIVE SUMMARY

The Geospatial Information Regulation Bill 2016 ('Bill') imposes sweeping and overbroad restrictions on the acquisition, dissemination and publication of geospatial information. Very harsh penalties are prescribed for contravention of the provisions of the Bill.

Geospatial information is a valuable tool to strengthen environmental democracy. Individual citizens and civil society groups regularly add to and use geospatial information to critique Environmental Impact Assessment reports and to participate in the environmental decision-making process.

Requiring a prior licence and permission from a Security Vetting Authority for such uses of geospatial information would impose a very heavy administrative and financial burden on ordinary citizens and civil society groups working on environmental governance.

The unreasonable restrictions imposed by the Bill also violate the right to access environmental information and the right to participate in environmental decision-making, which constitute an integral aspect of the fundamental right to life and a healthy environment under Article 21 of the Indian Constitution. These rights have also been repeatedly recognised by the Central Information Commission, the National Green Tribunal, the High Courts and the Supreme Court of India, as well as in international legal instruments like the United Nations Declaration on Environment and Development 1992 ('Rio Declaration') and Agenda 21.

The provisions of the Bill also obstruct the right of citizens to receive and impart information, a well-recognised component of the Constitutional and international human right to freedom of speech and expression. The Bill cannot be upheld as a reasonable restriction under Article 19 (2) because the measures that it proposes are disproportionate to the object it seeks to achieve i.e. the protection of the security interests of India.

These interests are already adequately protected by existing policies that govern the use of geospatial information, such as the National Map Policy 2005, the Remote Sensing Data Policy, the National Data Sharing and Accessibility Policy 2012, and the National Geospatial Policy 2016. These policies classify different categories of geospatial information according to their degree of sensitivity, and accordingly tailor restrictions on their use, unlike the blanket restrictions imposed by the Bill. These policies also encourage a collaborative approach to the building and sharing of geospatial information, in direct contrast to the provisions of the Bill.

The Bill, in its current form, ought to be withdrawn since it is redundant. If at all legislation is deemed desirable, it ought to be framed adopting an approach similar to that reflected in the policies mentioned above. Alternatively, a provision ought to be inserted clarifying that the provisions of the Bill will not apply to the use of geospatial information for the purpose of environmental research or for participation in environmental decision-making provided for under any other law in force. Rules and regulations framed under the Bill also ought to make a similar provision for exemption. If the Bill is enacted in its present form, it will have a damaging effect on environmental democracy.

I. EFFECT OF BILL ON ENVIRONMENTAL RESEARCH

The Bill will have an adverse impact on independent environmental research and will prevent effective participation in the public hearing process under the Environment Impact Assessment Notification 2006 ('EIA Notification'). This is because of the overbroad manner in which the Bill defines 'geospatial information' as well as the severe restrictions that it places on the acquisition, use and dissemination of such information.

A. Scope and Extent of the Bill

Clause 2 (e) of the Bill defines geospatial information as follows:

“Geospatial Information” means 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;

According to this definition, any map or landscape photograph with explicit geographic positioning information included within it would, in fact, constitute geospatial information. Today, geospatial information can be acquired using a variety of technologies. Land surveyors, census takers, aerial photographers, researchers, and even common citizens with a GPS-enabled cell phone can collect geographically referenced data that would fall within the definition of geospatial information.

Geospatial information as defined under the Bill would also include information available online through private companies, government agencies and non-profit organizations. For example, Google Earth and Google Maps are examples of Geographic Information Systems (GIS) owned by a private company, while Bhuvan is a platform developed by the Indian Space Research Organization ('ISRO'), freely available on the internet, which hosts a variety of geo-referenced thematic information of attributes such as mineral resources, land use, land cover, census, erosion, agriculture, water resources, flood, and urban sprawl. Similarly, the Water Resource Information System (WRIS) is another portal (developed by the Central Water Commission in collaboration with ISRO), where citizens may access online information on the hydrological features of the country free of charge. Most importantly, citizens can also contribute to the collection of geospatial information through community-driven GIS platforms such as Open Street Maps and Wikimapia. Such platforms allow citizens to collaborate and produce value-added user maps.

Given the wide manner in which geospatial information has been defined in the Bill, the provisions of the Bill would extend to all the different kinds of information described in this section.

B. Use of Geospatial Information in Environmental Governance

Geospatial information is an important and highly effective tool of environmental democracy in India. It plays a particularly important role in the EIA process. The EIA process requires the collection of important geo-referenced information like the coordinates of the project boundary, land use and land cover map, the location of nearby forests and area drainage maps, based on which the impact of the proposed project on the surrounding environment is gauged.

All letters issued by the Ministry of Environment, Forests and Climate Change ('MoEFCC') granting environmental or forest clearance must state the geographical coordinates of the project boundary. This means that such letters as well as other EIA documents such as the EIA report would fall within the definition of geospatial information in clause 2 (e) of the Bill. The process of public consultation under the EIA Notification allows citizens to use these documents to form and *express* their own assessment of the impact of the proposed project. Thus, participation in the EIA process necessarily requires the use of geospatial information, as well as its dissemination to and by the public.

A computer literate person may use GIS applications like Google Earth/Bhuvan/LANDSAT viewer, and overlay the project boundary (as set out in EIA documents) and available remote sensing data to personally verify the topography of the area and its nearness to ecologically sensitive areas such as wetlands, rivers, forests or even the slope of the terrain. Citizens have successfully used such techniques to publicly critique EIA reports and challenge environmental and forest clearances granted to projects at the National Green Tribunal ('NGT').

For instance, the environmental clearance granted to the National Thermal Power Corporation's Bijapur thermal power plant was suspended by the NGT in March 2014 in the case of *MP Patil v Union of India*¹ because EIA documents stated that the site was barren, while satellite imagery and other evidence demonstrated that the site was mostly agricultural land. In *Forward Foundation v State of Karnataka*², the NGT took cognizance of Google Earth images provided by the petitioners to show that construction activities in the catchment areas of the Agra and Bellandur Lakes, Bangalore had commenced even before the grant of environmental clearance.

Similarly, the use of geospatial information has also been crucial in disputes over forest land which is recorded as non-forest land in revenue records, as well as in demonstrating encroachment on forest land by project proponents. The advanced development of remote

¹ Appeal No. 12 of 2012, order dated 25 January 2012.

² Original Application No. 222 of 2014, judgment pronounced on 7 May 2015.

sensing and GIS techniques, such as multi-temporal images (images collected repeatedly over a long duration of time), multi-layered images (superimposing images from different satellites) and multi-spectral images (involving bandwidth other than infrared radiation) when collaborated with ground-truth data, provide accurate information about the present land use and land cover. The use of geospatial information by citizens becomes particularly important given the generally poor quality of EIA reports and the misrepresentation and concealment of critical topographical data by project proponents.

However, the provisions of the Bill hinder the use of geospatial information in environmental governance in the manner described below.

C. Restrictions Imposed by the Bill

Clause 3 of the Bill prevents any person from acquiring geospatial imagery or data, including *value addition*, unless the general or special permission of the Security Vetting Authority has been obtained. This would effectively put an end to some of community-driven GIS platforms referred to earlier, as well as to ground-truthing. All such additions to geospatial information would require a licence for which an application would have to be made to a single Security Vetting Authority constituted by the Central Government.

A similarly sweeping restriction is placed on the dissemination, publication and distribution of geospatial information under clause 4. The restriction extends to the use of information in the physical and electronic form as well as to the dissemination and visualisation of the information through the internet and other online services. Such use will also require an application for a licence to be made to the Security Vetting Authority. The Authority is to make its decision to grant or refuse a licence within 3 months of the application.

A contravention of either of these provisions attracts the harsh penalty of a fine ranging up to Rs. 100 crore and imprisonment for a period up to 7 years.

It is evident that this requirement to obtain a licence imposes a tremendous financial and administrative burden on the resources of independent environmental researchers and civil society groups. It is also practically impossible to make an application for every separate acquisition or distribution of geospatial information. By the time the Security Vetting Authority reaches its decision to grant or refuse a licence, the public hearing component of the EIA process might already have taken place, frustrating the purpose for which the licence to disseminate geospatial information was sought.

Apart from the unworkability of such a provision, the next sections also argue that these provisions of the Bill impose unreasonable restrictions that violate domestically and internationally recognised environmental rights as well as the right to the freedom of expression.

II. VIOLATION OF THE RIGHT TO ACCESS ENVIRONMENTAL INFORMATION AND PUBLIC PARTICIPATION IN ENVIRONMENTAL DECISION-MAKING

Clauses 3 and 4 of the Bill violate the right to access environmental information and to public participation in environmental decision-making. These rights have been recognised by the Indian Supreme Court, the NGT as well as the Central Information Commission ('CIC').

In *Research Foundation for Science, Technology and Natural Resource Policy v Union of India*,³ the Supreme Court ('SC'), in the context of a case that dealt with the environmental and health impacts of ship-breaking, stated that the right to information and community participation is a right that flows from Article 21, which guarantees the fundamental right to life. It also stated that Governments had a duty to motivate public participation. The right to public participation was articulated in greater detail in a judgment of the Delhi High Court in *Samarth Trust and another v Union of India*,⁴ where the Court recognised that the objective of a public hearing was not only to allow citizens to express their opinion, but to also require such opinion to be *informed*. In particular, the Court also observed that a public hearing provided citizens with an opportunity to 'get information about a project that may not be disclosed ... or may be concealed by the project proponent.'⁵

The NGT has similarly upheld the right to access environmental information in a series of cases that deal with the duty of public authorities to make environmental clearances publicly available.⁶ In *Ossie Fernandes v Union of India and Others*,⁷ petitioners moved the NGT against the illegal conduct of public hearings that were held for the preparation of Coastal Zone Management Plans. The petitioners alleged that maps were not made available to the public, making it impossible for the public to participate effectively in the public hearing process. The NGT ordered the plans to be prepared afresh. The plans were to be placed in the public domain, after which public hearings were to be held again in order to allow stakeholders to

³ Writ Petition (Civil) No. 657 of 1995, Order No. 34 of 2006.

⁴ Writ Petition (Civil) No.9317 of 2008, Judgment dated 28 May 2010.

⁵ *Samarth Trust and another v Union of India*, para [17].

⁶ See *Save Mon Region Federation v Union of India and Others*, Miscellaneous Application No. 104 of 2012, Judgment dated 14 March 2013; *Medha Patkar and Others v Ministry of Environment and Forests*, Review Application No. 9 of 2013; *Gram Panchayat, Tiroda v Ministry of Environment and Forests*, Appeal No. 2 of 2013 [Western Zone].

⁷ Application No. 141 of 2014 [Southern Zone].

effectively voice their views. In another important judgment⁸ concerned with the right to access geospatial information, the NGT stated that the objective of a public hearing was to hear the objections of the public in relation to ‘all facets of the proposed project.’ As a result, it ordered maps of the study area as well as of environmentally sensitive areas within some distance of the project boundaries to be furnished.

The importance of the right to make environmental information publicly available has also been recognised by the CIC. For instance, it laid down a duty to upload documents related to applications for environmental and forest clearances in *Shibani Ghosh v Ministry of Environment and Forests*.⁹ In the context of an application seeking information on the safety evaluation and site analysis of the Kudankulam Nuclear Power Plant, the CIC held that citizens ought to have access to the Safety Evaluation Report in order to be able to comprehensively assess the impact of the project. More importantly, for the purpose of these submissions, the CIC also held that the purpose of disclosure of such information was ‘to facilitate an informed discussion between citizens based on a report prepared with their/public money.’

The above cases demonstrate that the right to access environmental information and the right to participate in environmental decision-making are part of the constitutionally protected fundamental right to life. This right is reaffirmed in the jurisprudence of the NGT as well as in the orders of the CIC. The right to access geospatial information has been explicitly recognised. The right to access such information is essential in order to be able to participate effectively in a public hearing.

In the form that it stands, the Bill violates these rights and Article 21 of the Indian Constitution. For instance, if a person wished to contradict geospatial information in an EIA report at a public hearing by disseminating geospatial information gathered individually, the provisions of the Bill suggest that such person would have to obtain a licence from the Security Vetting Authority for this purpose. This would constitute an unreasonable restriction on the right of other members of the public to access environmental information, and would deny everyone the right to participate meaningfully in a public hearing.

The rights to access environmental information and to participate in environmental decision-making are also well-recognised in international environmental law, most prominently in Principle 10 of the Rio Declaration, which requires States to ‘facilitate and encourage public awareness and participation by making information widely available.’ The preamble to Agenda 21 also encourages States to promote the ‘broadest public participation and the active

⁸ *SP Muthuraman v Union of India*, Review Application No. 20 of 2015; Judgment pronounced on 1 September 2015.

⁹ Complaint No. CIC/SG/C/2011/001409.

involvement of non-governmental organisations and other groups.’ However, the provisions of the Bill violate both the letter and the spirit of these international legal obligations of India.

III. VIOLATION OF THE FREEDOM OF EXPRESSION

Clauses 3 and 4 of the Bill also violate the right to freedom of speech and expression, especially the right to receive and impart information. These rights are protected under Article 19 of the Indian Constitution as well as under international human rights instruments.

It is a well-established principle that the fundamental right to freedom of speech and expression under Article 19(1)(a) of the Indian Constitution includes the right to acquire and disseminate information. Some relevant excerpts from judgments of the Supreme Court affirming this principle are reproduced below.

In *Union of India v Motion Picture Association*,¹⁰ the Court observed that:

“A free exchange of ideas, dissemination of information without restraints, dissemination of knowledge, airing of differing viewpoints, debating and forming one’s own views and expressing them, are the basic indicia of a free society. This freedom alone makes it possible for people to formulate their own views and opinions on a proper basis and to exercise their social, economic and political rights in a free society in an informed manner.”

In *People’s Union for Civil Liberties v Union of India*,¹¹ the Court held that the freedom of speech:

“embraces within its scope the freedom of propagation and interchange of ideas, dissemination of information which would help formation of one’s opinion and viewpoint and debates on matters of public concern.”

While the latter case was concerned with the dissemination of information relating to prospective candidates for election, the observations of the Court would be relevant to the restriction of geospatial information by the Bill as well. For instance, the Court observed that disseminating information about candidates would ‘enlighten and alert the public’ and also allow an informed voter ‘to fulfil his responsibility in a more satisfactory manner.’¹²

Article 19 (2) allows reasonable restrictions to be imposed on the right to free speech and expression in the interests of the ‘security of the State’, among other interests. However, the provisions of the Bill are disproportionate to its intended objective of preserving state security, and are liable to be struck down as unreasonable under Article 19 (2). For one, it is unreasonable to expect all applications for a licence to use geospatial information from all across the country to be made to a single, Central Security Vetting Authority. Second,

¹⁰ (1999) 6 SCC 150, para [13].

¹¹ (2003) 4 SCC 399, para [82]. See also *Union of India v Cricket Association of Bengal* AIR 1995 SC 1236.

¹² (2003) 4 SCC 399, para [94].

requiring prior permission in the form of a licence is itself likely to be held unnecessary for the protection of security interests, because of the existence of other, less restrictive methods of protection. (These are discussed in greater detail in the next Part). Finally, the penalties prescribed by the Bill are too harsh. All these provisions read together constitute an unreasonable restriction on the fundamental right to freedom of speech and expression, including the right to receive and impart information.

Additionally, the Delhi High Court has also held that the ‘scientific, strategic and economic interests of the State cannot be at cross purposes with the requirement to protect the environment.’¹³ This case, which dealt with an application under the Right to Information Act for the release of a copy of the report of the Western Ghats Ecology Expert Panel, laid down the proposition that policies framed with the ‘sole object of advancing the scientific and economic interests of the State, but in breach of the State’s obligations of public disclosure under the Environment Protection Act...would be vulnerable to challenge.’ Thus the Court rejected the argument that the disclosure of the report would harm the scientific, strategic and economic interests of the State. This reasoning may be extended to suggest that the Government, while protecting its security interests through this Bill also ought to have taken into account the impact that it would have had on the right to access environmental information and to participate in environmental decision-making.

Apart from violating a fundamental right under the Constitution, the Bill also violates the internationally recognised human right to freedom of opinion and expression, especially the right to ‘seek, receive and impart information’ protected under Article 19 of the Universal Declaration of Human Rights and Article 19 of the International Covenant on Civil and Political Rights 1966, to which India is a party. The enactment of the Bill would therefore place India in breach of its international legal obligations.

IV. CONTRADICTION WITH EXISTING GEOSPATIAL POLICIES

Apart from violating several domestic and international legal obligations, the Bill is also unnecessary for fulfilling its ostensible purpose i.e. the protection of India’s security interests. There are sufficient safeguards in existing policies on the use of geospatial information that would protect strategic security concerns. Moreover, these policies, which encourage a collaborative approach to the use and dissemination of geospatial information, are fundamentally at odds with the unusually restrictive provisions of the Bill.

The relevant portions of these policies are reproduced below:

¹³ *Union of India v G Krishnan*, Writ Petition (Civil) No. 2651 of 2012.

A. National Map Policy 2005

One of the two objectives of the National Map Policy is ‘to promote the use of geospatial knowledge and intelligence through partnerships and other mechanisms by all sections of the society and work towards a knowledge based society.’ This clearly indicates a collaborative approach to the use of geospatial information, unlike that set out in the Bill.

The policy clearly states that only Defence Series Maps (‘DSMs’) will be classified and cater to defence and national security requirements. Open Series Maps (‘OSMs’), as per the policy, will be made available to the public after a one-time clearance from the Ministry of Defence. Consequently, the policy allows users to publish OSMs in hard copy or on the web, along with GIS database. However, an exception has been made for maps that depict international boundaries, which require certification from the Survey of India (‘SOI’). Contours and the heights of restricted zones will not be made available under the policy. Therefore, the concerns of the Bill are already addressed in this policy.

The OSMs can be disseminated by the SOI through a sale or through an agreement with a user agency after a registration process. The user agency is allowed to add value to the maps and prepare its own value-added maps. It may also disseminate the map to others, but will require such sharing to be logged in the Map Transaction Registry.

B. Remote Sensing Data Policy 2011

The Remote Sensing Data Policy was adopted by India in order to protect security interests because of the availability of very high-resolution images from foreign and commercial remote sensing satellites. The Department of Space, Government of India is the nodal agency for all actions under this policy. The policy designates the National Remote Sensing Centre (‘NRSC’) as the authority responsible for acquiring and disseminating all satellite remote sensing data in India, both from Indian and foreign satellites. The NRSC is also required to maintain a systematic National Remote Sensing Data Archive, and a log of all acquisitions/sale of data for all satellites. However, for the grant of licences for the acquisition/distribution of Indian Remote Sensing data outside India, the designated authority is Antrix Corporation Ltd.

The policy prescribes the following guidelines for the dissemination of the satellite remote sensing data in India:

- i) All data of resolution up to 1 m shall be distributed on a nondiscriminatory basis and on an “as requested basis”.
- ii) With a view to protect national security interests, all data of higher than 1 m resolution shall be screened and cleared by the appropriate agency prior to distribution; and the following procedure shall be followed:

- Government users namely, Ministries/ Departments/ Public Sector/ Autonomous Bodies/ Government R&D institutions/ Government Educational/ Academic Institutions, can obtain the data without any further clearance.
- Private sector agencies, recommended by at least one Government agency, for supporting development activities, can obtain the data without any further clearance.
- Other private, foreign and other users, including web based service providers, can obtain the data after further clearance from an inter-agency High Resolution Image Clearance Committee ('HRC'), already in place.
- Specific requests for data of sensitive areas, by any user, can be serviced only after obtaining clearance from the HRC.
- Specific sale/ non-disclosure agreements to be concluded between the NRSC and other users for data of higher than 1 m resolution.

This policy clearly differentiates between different categories of users and different categories of geospatial information (depending upon its sensitivity), and accordingly tailors the procedure to be observed for each category. This is a more nuanced approach than the sweeping restrictions imposed by the Bill.

C. National Data Sharing and Accessibility Policy 2012 ('NDSAP')

The National Data Sharing and Accessibility Policy applies to all data and information created, generated, collected and archived using public funds provided by the Government of India directly, or through authorized agencies by various Ministries/Departments/Organizations/Agencies, or Autonomous bodies. The policy makes provisions for the classification of geospatial data into shareable and non-shareable categories, but does not impose an umbrella ban on all geospatial data unlike the Bill.

The difference in the approach of this policy and the Bill is evident from the fact that the policy cites Principle 10 of the Rio Declaration (referred to above), as well as S 4(2) of the Right to Information Act 2005, which specifically imposes a positive duty on public authorities to proactively disclose as much information to the public as possible.

The policy also classifies data, including geospatial data into open, registered and restricted categories, depending upon the degree of accessibility. Portals like Bhuvan and WRIS have both free and registered access to data. For example, in WRIS, which is a Government-owned geospatial portal, most of the spatial information is available only after user registration (some information on the Ganga river basin is classified and therefore not available even after registration).

This policy demonstrates that there are other less restrictive ways to regulate the use of geospatial information than the provisions of the Bill.

D. National Geospatial Policy 2016

The National Geospatial Policy was published by the Department of Science and Technology with the following objective:

'The objective of the policy is to empower people through GDPSS (Geo-spatial data, products, solutions and services). This would involve creation, management, access, sharing and dissemination of quality assured products, services and solutions through standards to enable government, academic, private organizations and NGOs more effective economic and social benefits.'

The policy is applicable to geospatial data based products, solutions and services offered by governments, private organizations, NGOs and individuals. Some of the principles on the basis of which this policy has been drafted are completely in conflict with the provisions of the Bill. These relevant principles have been excerpted below:

- Geospatial data of any resolution being disseminated through agencies and service providers, both internationally and nationally be treated as unclassified and made available and accessible by Indian Mapping and imaging agencies.
- A very high resolution and highly accurate framework to function as a national geospatial standard for all geo-referencing activity through periodically updated National Geospatial Frame [NGF] and National Image Frame [NIF] by ensuring open standards based seamless interoperable geospatial data. This would facilitate exchange of geospatial data amongst geospatial data stakeholders for implementation of policies, standards and technology.
- Availability of all geospatial data collected through public funded mechanism to all users, and to government agencies at no cost.
- All geospatial data generating agencies will classify the GDPSS into restricted, registered (fees may be charged if needed) and open, based on features and not on geographies.
- An independent agency- National Geospatial Accreditation Bureau will facilitate the certification and quality assurance of all GDPSS as per national and international standards such as BIS, ISO etc.
- Government institutions / agencies are mandated to make geospatial data available to all other government institutions / agencies at no cost. For others, the pricing of data will be decided by the respective data owners in a rational manner.
- Satellite / aerial images of resolution other than those currently made available on websites can only be classified for restricted access.
- For GDPSS, there shall not be any restriction on data acquisition, value addition and dissemination for any of the geographical areas outside the country.
- Ground based data collection for surveying, mapping and attributes to be permitted as per the guidelines to be made available.

- To strengthen the research and capacity building in geospatial technology in private sectors, NGP will ensure their active participation in application development.
- GDPSS will be inclusive of all emerging and contemporary technologies such as UAVs, LIDAR, Mobile Mapping, Terrestrial LIDAR, GPR, crowd sourcing and geospatial cloud, etc.

The policy also proposes the formation of three committees—Steering Committee (chaired by a former Secretary-level officer of the Government), Implementation Committee (co-chaired by Department of Science and Technology and Department of Space) and Oversight Committee (chaired by the Deputy National Security Advisor), which will be responsible for the inter-ministerial convergence, implementation of the policy and suggestions on security aspects.

Rather than incorporating these committees within its text, the Bill proposes the constitution of four entirely different bodies. First, is the Apex Committee which will be responsible for overseeing the implementation of the act, making rules & regulations, preparing guidelines for licensing and prescribing fees for the use of geospatial information. Second, is the Security Vetting Authority with an officer of the rank of Joint Secretary in the Government of India as its Chairman. This authority will grant licences to those applying to acquire, publish or disseminate geospatial information. Third, is the Enforcement Authority, comprising a technical and national security expert in addition to a Chairman, again of the rank of Joint Secretary. This authority will monitor compliance with the licences granted under the Bill and will additionally have the power to inquire into contraventions, and make adjudications. The fourth body is the appellate authority, to which appeals from decisions of the Security Vetting Authority or the Enforcement Authority will lie.

It is unclear why the Bill proposes a completely new regulatory framework when a well-defined mechanism is already in place, under the supervision of bodies with the necessary technical expertise, such as the Department of Space, the Department of Science and Technology, and the Ministry of Defence.

V. CONCLUDING OBSERVATIONS

From the above discussion, it is evident that there already exists an adequate mechanism to regulate geospatial information and safeguard India's security interests. Consequently, the Bill is redundant and uses disproportionate measures to achieve its objective. In the bargain, it also violates the right to freedom of speech and expression, including the right to receive and impart environmental information, and the right to participate effectively in

environmental decision-making. This is in violation of Constitutional and international legal provisions.

The following actions are therefore recommended:

First, the Bill in its current form must be withdrawn. If it is felt that legislation is still required, a Bill that incorporates the provisions of the existing policies on geospatial information reproduced in Part IV above ought to be drafted.

In the alternative, a provision that exempts the use of geospatial information for the purpose of conducting environmental research or participating in environmental decision-making under any other law in force from the provisions of this Bill ought to be introduced.

If such a provision is not introduced, such an exemption should instead be set out in the rules and regulations framed under the Bill. A draft of such rules and regulations should also be drawn up simultaneously with any revised draft of the Bill.



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