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Mapping and its Discontents: The Geospatial Information Regulation Bill, 2016

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The Government's attempt "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", has faced criticism.

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*The new Geospatial Information Regulation Bill proposed by the Ministry of Home Affairs attempts to regulate the flow of digital and cartographic information about India and its territory. By criminalising any unauthorised distribution over any media of such geospatial information, the government is attempting to not just control, but also staunch the flow of such information. In this article, The Hindu Centre for Politics and Public Policy's Chief Coordinator of Research, **Vasundhara Sirnate Drennan**, argues that while the framing of the Bill seeks to unify the control and dissemination of geospatial information, the reasons for doing so and on which the Bill rests, remain*

unconvincing, and do not factor in the reality of democratised digital economy where everyone has access to digital mapping technology.

I

If the Ministry of Home Affairs gets its way, soon a graduate student looking to do an in-depth study of the geographic spread of flood-affected areas in a place like, say, Chennai, may find herself in some hot water with the Indian government. A project like the one suggested will rely (and should, methodologically speaking) on mapping techniques, like GIS mapping. However, the proposed Geospatial Information Regulation (GIR) Bill, will possibly curtail the ability of such a student to release her information, via a GIS map, into the public domain. Currently, the Bill is before Parliament and has already stirred up a diplomatic storm. Pakistani representatives wrote to the United Nations about the “incorrect and legally untenable” boundaries assigned to Jammu and Kashmir on any Indian map¹. The GIR Bill, if ratified and implemented, contains a provision that will penalise anyone, who demonstrates any part of India in a manner not in accordance with government-approved mapping.

The GIR Bill has been drawn up “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”². It also has a rather comprehensive view of what “geospatial information” means. The Bill says that 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.”³

Anyone who tries to map any aspect of India that involves a visual map without prior permission from a Security Vetting Authority (SVA) that will conduct “sensitivity checks”, will find herself against a government that will fine her between Rs. one and Rs. 100 crores and/or make her serve a prison sentence of up to seven years. If one is already in possession of any type of geospatial information, they have one year from the date of commencement of the Act to submit their information to the SVA and petition for a license to use this information and data. And if you think you can write your dissertation’s data chapter that uses mapping on board a ship in international waters; think again. The Bill clearly says that the provisions apply to all Indians everywhere, including those on boats and ships.

II

So why should we care about this Bill and what are its implications for all of us? First, the Bill proposes to set up an Enforcement Authority that will have the power “to do surveillance and monitoring”⁴. According to Section 18(2), the Enforcement Authority “if he has reasonable cause to suspect that any contravention of the provisions of this Act, rules or regulations made thereunder has been committed, shall have access to any computer resource, any apparatus, data or any other material connected with such system, for the purpose of searching or causing a search to be made for obtaining any information or data contained in or available to such computer system.” So essentially, in simple English, the Indian government is creating an agency with civil court powers that will have the power to snoop, legally; acquire people’s personal digital data, legally; and penalise them if found in violation; legally, for the perceived crime of putting a map up that the government has not okayed.

If this isn’t enough, the government will, under this proposed Bill, also create an Appellate Authority for the times when someone, who is being charged, needs to get a “get out of jail” card. However, and this is almost amusing if

it were not potentially so dangerous, this Appellate Authority “shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908, but shall be guided by the principles of natural justice and, subject to the other provisions of this Act and of any rules made thereunder. The Appellate Authority shall have the powers to regulate its own procedure including the place at which it shall have its sittings.” In essence, this state institution may basically not be bound by procedure laid down by law.

Sumandro Chattapadhyay and Adya Garg argue in an article in *The Wire* that sovereignty and integrity are not terms found in any of the existing policies that govern cartography in India. This governance occurs through the National Map Policy, 2005, the Remote Sensing Data Policy, 2011 that regulates satellite-based mapping, and the Civil Aviation Requirement, 2012. As they convincingly write, “As is often the problem with such precise devices that also want to be exhaustive, the Bill promises much more collateral damage than actual solutions – it ends up killing the map in the name of protecting the territory ⁵.”

III

So why are modern states so obsessed with mapping and cartography? If we look at the history of the origins of cartography and its link to sovereignty, as demonstrated in Jordan Branch’s work, we find that with the rise of coloured maps in medieval Europe, state rulers started to have a clearer idea of where their territories began and ended. This marked a shift, as Branch argues, to a modern state characterised by three key factors - “homogenization of territorial authority, the linearisation of political boundaries, and the elimination of non-territorial forms of organisation” Branch (2011b).

Space, once territorially linearised, became political space, and to control it, there arose a very particular kind of authority, which we today call the modern nation-state. The practices that this type of state used were learned through the process of *colonial reflection* (Branch, 2011a), which prioritised territorial exclusivity. Much later in the decolonising world, the same ideas were inherited back by leaders leading to the creation of post-colonial states that openly mimicked their European counterparts.

Not surprisingly, cartography and mapping have been very important to states. Benedict Anderson’s work *Imagined Communities*, also for instance, says that “maps, museums and census” are important links to understanding the sustenance of an idea of nationalism (Anderson, 2006). Also not surprisingly, any anti-state group that poses as a rival to the state’s authority begins with one step - it first and foremost defines for its community a territorial homeland.

What happens if a state takes control of the creation and distribution of mapping like the GIR Bill proposes to do? One basic level of analysis is at the level of economic activity. We live in a digital era. Most services including grocery and food delivery, taxi services, dating services and so on, now rely on mapping technology. The GIR Bill suggests that people who run the MHA do not seem to have come to grips with the rise of a digital economy, where mapping technology is free and democratised enough that anyone with a smart phone can avail themselves of or provide such services based on mapping tools. But corporations can take hits and pay fines and apart from seeing the state as an annoyance they usually have little patience with governmental policies of this type and can either follow procedure or find other ways out.

Second, how does this Bill infringe on the rights of a common citizen? Let me go back to the graduate student I talked about at the start of this piece. She is in the middle of writing a doctoral dissertation and in an era of quantified social science, needs to use data visualisation through GIS maps to make her argument about flood-affected

Chennai. Perhaps she files her papers before the SVA and they don't respond in time, like most Indian governmental institutions. Perhaps, she doesn't think she will get into any trouble if she doesn't. Whichever way you look at it, her fundamental right to express an argument she is making based on original data has been curtailed by a state policy. Perhaps the visualisation she submits in her dissertation could enable policy changes. Essentially, the state is bringing back another License Raj that is strongly aimed at curtailing her ability to express, freely, which is a fundamental right under the Indian constitution.

The GIR Bill suggests that a certain amount of Orwellian impulse has permeated through the framework of the Bill. The MHA has proposed the setting up of an alternative bureaucracy, parts of which will have powers of prosecuting citizens. Using vague terms like "security" and "sovereignty" can only push the logic of this Bill so far. Today, everything can be seen as a threat to Indian security and sovereignty, from the death of a cow to a novel to an actual nuclear bomb. It is imperative to curtail impulses by the state, which imagine the country in a state of exception and use this imagination to enact laws that aim at suspending the rights of citizens.

More importantly, and at a level different from ones I discuss above, the proviso in the Bill that does not allow for an alteration in the borders of India basically uncouples the state from claims made by disputed territories against it. In adding to the Bill the clause that to change or modify the borders of India is to seek punishment, is a backhanded way of denying territorial claims made by groups that do not consider themselves Indian. It is also a backhanded way of legitimising some form of punishment that comes with a jail sentence to those who may make such claims. The Bill, with this clause, stifles debate about disputed territories like Jammu and Kashmir. It in fact goes a step further and derecognises the existence of such disputed territories and in doing so manages to run one step away from democratic practice.

References:

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Branch, J. 'Colonial reflection' and territoriality: The peripheral origins of sovereign statehood. *European Journal of International Relations*, page 1354066110383997, 2011a.

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Endnotes:

1. [^] **The Hindu, 2016.** "[Geospatial Bill: India upset as Pak. moves UN](#)", May 18. Last accessed: June, 20, 2016.

2. [^] **Government of India, 2016.** The full text of "[The Geospatial Information Regulation Bill, 2016 \[Draft\]](#)". Ministry of Home Affairs, May 4. Last accessed: June, 20, 2016.

3. [^] **ibid.**

4. [^] **ibid.** Chapter VI, 17(3), pp7.

5. [^] **Chattapadhyay, S., and Garg, A., 2016.** "[History of Killing the Map in Order to Protect the Territory](#)", *The Wire*. May 16. Last accessed: June 20, 2016.

Related Video from *The Hindu*: Draft Geospatial Information Regulation Bill 2016: what is it about? An explainer on why the Bill is not just about depicting a wrong map of India.

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