



# DAKSHINBANGA MATSYAJIBI FORUM (DMF)

Trade Union Regn. No.20474/92. Affiliated to National Fishworkers' Forum (NFF)

Head Office: 20/4, Sil Lane, Kolkata – 70015. Phone & FAX: 033-23283989 e-mail: dmfwestbengal@gmail.com

June 1, 2016

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

Sir,

With reference to the request for comments / suggestions on draft “The Geospatial Information Regulation Bill, 2016” made by the Ministry of Home Affairs, Dakshinbanga Matsyajibi Forum (DMF) is submitting its observations, comments and suggestions on the instant bill.

Yours faithfully,

Pradip Chatterjee  
President



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## Detailed observations, comments and suggestions on the draft “Geospatial Information Regulation Bill, 2016”

Dakshinbanga Matsyajibi Forum (DMF) is an organisation of small scale fishing communities of West Bengal. More than 10,000 fish workers, working both in marine and inland fisheries, are members of DMF.

We have been informed that the Government of India has come up with a draft “Geospatial Information Regulation Bill, 2016”. Since there is no Bengali translation of the draft Bill, we had to rely on oral and partial translations of the same to facilitate discussion on the instant bill among the fishing communities. This infringes upon the right of the Indian citizens to be adequately and properly informed about national policy in their respective vernacular. Government of India cannot and must not deny this responsibility. We demand that the text of the instant draft bill be officially translated and circulated in all Indian languages and the time for public comments be extended accordingly.

1. The Preamble states that this is “A Bill 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 and for matters connected.”

**Comment:** Efforts to safeguard the security and sovereignty of the country are welcome. However, the proposed bill does little to actually curb the designs of those with evil intent towards India. Geospatial data, through satellite imagery, is universally available and no license can effectively preclude its utilization with evil intent. License can never be a replacement for surveillance and monitoring.

On the other hand, what this bill can really do is encroaching upon the rights of citizens. It is a long established principle that *a democratic society requires an informed citizenry*. The citizens of India, to be able to adequately and properly discharge their responsibility to effectively participate in governance or fight corruption, must have unhindered access to geo-spatial data.

In other words by denying citizens free access to and use of geospatial information, the bill prevents citizens from fulfilling their constitutional and democratic duty to contain



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corruption in public office and hold governments and their instrumentalities accountable. Here, it goes against the mandate of the Right to Information Act, 2005.

The draft bill also goes against the draft National Geospatial Policy 2016 which aims to draw out a policy that makes good quality geospatial data easily available and accessible to anyone interested in using it. This intention is in sharp contrast with that of the Geospatial Bill, which restricts every single act in relation to geospatial data.

As fisherfolk, we find that the bill contains language that will criminalise our daily activities, and rob us of tools to practise our trade, safeguard our livelihood spaces, respond to emergencies and take on governmental or non-governmental offenders.

The following are a few ways in which fisherfolk use geospatial information for legitimate purposes, including particularly retaining or restoring the ecological integrity of the coast and coastal wetlands:

1. Identify, update and share information about fishing grounds
2. Identify, update and share information about land required for pre and post harvest activities including our habitat.
3. Share information about dangerous submarine or submerged reefs for navigational safety;
4. Map routes from shore to fishing grounds and back for the purposes of efficient GPS-aided navigation;
5. Share locational information in times of distress to facilitate rescue;
6. Notifying Coast Guard or other relevant authorities in the event any suspicious movements by unidentified or questionable vessels at sea;
7. Using freely available downloadable time-series maps to generate evidence to challenge illegal or ecologically damaging land- or water-use changes;
8. Assisting the regulatory agencies, including District Coastal Zone Management Authority and the State Coastal Zone Management Authority, enforce the Coastal Regulation Zone Notification, 2011, by identifying and generating evidence on violations of the Notification.



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9. Assisting the State Coastal Zone Management Authority in preparing the statutory Coastal Zone Management Plans by offering information on fishing grounds in seas and tidal waterbodies, routes to fishing grounds, and traditional use of livelihood commons.

10. Averting and defusing potential conflicts over fishing grounds, particularly in inland water bodies, by demarcating traditional fishing grounds belonging to different fishing hamlets.

11. Assisting governmental and rescue efforts during times of floods and other water-related disasters.

Given our exhaustive use of “geospatial information” as described above for both private and public interest, we find that the bill places unpractical restrictions on our rights with no collateral benefit for security or sovereignty interests of India. If we were to comply, the Vetting Authority would drown under the deluge of applications only from fisherfolk.

Unless the bill applies itself to enforcing a standardised depiction of India's boundaries, or restricting the acquisition, use or distribution of information related to intelligence, military or other security establishments and installations, it will end up harming livelihoods, innovation and entrepreneurship, and compromise the ability of citizens to involve themselves in governance.

## What the Bill says

Section 3(1) :Save as otherwise provided in this Act, rules or regulations made thereunder, or with the general or special permission of the Security Vetting Authority, no person shall acquire geospatial imagery or data including value addition of any part of India either through any space or aerial platforms such as satellite, aircrafts, airships, balloons, unmanned aerial vehicles or terrestrial vehicles, or any other means

## What the Bill should say

Section 3(1) :Save as otherwise provided in this Act, rules or regulations made thereunder, or with the general or special permission of the Security Vetting Authority, no person shall acquire *or value-add* geospatial imagery or data *from or of areas specifically listed as restricted by the Ministry of Defence in any part of India* either through any space or aerial platforms such as satellite, aircrafts, airships, balloons, unmanned aerial vehicles or terrestrial vehicles, or



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whatsoever.

Section 3(2) Every person who has already acquired any geospatial imagery or data of any

part of India either through space or aerial platforms such as satellite, aircrafts, airships, balloons, unmanned aerial vehicles or terrestrial vehicles or any other manner including value addition prior to coming of this Act into effect, shall within one year from the commencement of this Act, make an application along with

requisite fees to the Security Vetting Authority for retaining such geospatial information and grant of licence thereof.

#### 4. Dissemination, Publication or Distribution of the Geospatial Information of India.-

Save as otherwise provided in this Act, rules or regulations made

thereunder, and with the general or special permission of the Security Vetting Authority, no person shall disseminate or allow visualization of any geospatial

information of India either through internet platforms or online services, or publish or distribute any geospatial information of India in any electronic or

any other means whatsoever.

Section 3(2) Every person who has already acquired any geospatial imagery or data ***from or of areas listed as restricted by the Ministry of Defence in*** any part of India either through space or aerial platforms such as satellite, aircrafts, airships, balloons, unmanned aerial vehicles or terrestrial vehicles or any other manner including value addition prior to coming of this Act into effect, shall within one year from the commencement of this Act, make an application along with

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physical form.

any geospatial information *from or of areas listed as restricted by the Ministry of Defence in India* in any electronic or physical form.

9. Licence to acquire, disseminate, publish or distribute any Geospatial Information of India.-

9. Licence to acquire, disseminate, publish or distribute any Geospatial Information [Delete “of India”] *that includes or pertains solely to data from or of areas listed as restricted by the Ministry of Defence in India.-*

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(1) Any person who wants to acquire, disseminate, publish or

distribute any geospatial information of India, may make an application alongwith

distribute any geospatial information of India *that includes or pertains solely to data from or of areas listed as restricted by the Ministry of Defence in India*, may make an application alongwith requisite fees to the Security Vetting Authority for security vetting of such geospatial information and licence thereof to acquire, disseminate, publish or distribute such Geospatial Information in any electronic or physical form.

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