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ROUNDTABLE ON THE MAPPING THE DIGITAL MEDIA IN INDIA REPORT

Draft Report

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INTRODUCTION

The Centre for Communication Governance at National Law University, Delhi in collaboration with the Centre for Culture, Media & Governance at Jamia Millia Islamia, the Centre for Internet & Society and Maraa - Media and Arts Collective, and supported by Open Society Foundations, organised a round table on the [Mapping the Digital Media in India report](#) ('MDM Report') over a two day period, from 10:30 a.m. to 5:00 p.m., on May 20, 2014 and the following day at National Law University, Delhi.

This roundtable was in continuation of three previous consultations that had been held around the report. The first consultation based on the report was hosted by the Alternative Law Forum, the Centre for Internet & Society and Maraa - Media and Arts Collective in Bangalore in [October 2013](#). This was followed by a consultation in Delhi in [December 2013](#) hosted by the Free Speech Hub at the Hoot, the Centre for Culture, Media and Governance at Jamia Millia Islamia and the Centre for Communication Governance at National Law University, Delhi. The last consultation was also held in Delhi in [February 2014](#) and was hosted by the Centre for Culture, Media and Governance at Jamia Millia Islamia, Maraa - Media and Arts Collective and the Centre for Communication Governance at National Law University, Delhi.

The roundtable was meant to:

- (a) evaluate the requirement and feasibility of subsequent iterations of the Report, including its possible role both in generating the necessary knowledge and calibrating policy reform;
- (b) reflect on the efficacy of draft Recommendations stemming from the Report put together by a subset of contributors, and also taking into consideration the wider body of recommendations cumulatively put forward to government and trade bodies; and
- (c) explore opportunities for policy advocacy indicated by the findings and arguments in the Report and by policy windows in the new legislative dispensation.

The day's programme was divided into four sessions:

Session 1 on updates since the MDM Report was written,

Session 2 on the future of the Report,

Session 3 on the recommendations,

Session 4 on advocacy that may emerge from the Report and the process surrounding it.

DAY 1

Session 1: Updates since the Mapping the Digital Media Report was Written

The first session opened with the moderator, Vibodh Parthasarathi's introductory remarks about the session and the day's agenda.

Alam Srinivas, co-author of the MDM India Report, mentioned that since the Report came out, there had been a lot of developments related to convergence, coverage, sting operations, etc. He highlighted four important points. The first was the changing definition of sting operations. He discussed two developments to make his argument: (i) Arvind Kejriwal, as Chief Minister of Delhi, took sting operations to the masses by encouraging citizens to sting public servants and report corruption; (ii) the Supreme Court ruled that conducting a sting operation can be treated as a crime if the person conducting it commits a crime (for example, giving a bribe) during the course of the operation. The ruling also carved out an exception for journalists conducting these operations, as long as they were not receiving favours directly benefitting them.

The second point related to the impact of social media on news and journalism. Alam pointed out that while a lot of news is disseminated through the social media, journalists also use the social media to source newsworthy information. Alam's third point was that the manner in which convergence was taking place had changed over time. He spoke of how convergence earlier meant *physical* convergence, with print and online journalists moving into a single building so they could interact, where now, print journalists carry video cameras to interviews. He cited the example of *Businessworld* releasing simultaneous online videos and print stories, as an experiment that is likely to influence a lot of other things.

Finally, Alam discussed new developments in the debates around ethics in media and in journalism. He cited the controversy around the Times Now-ORG exit polls, where ORG said they'd not done it, but it turned out that some other organization called ORG had done it. He opined that this was technically correct but ethically dubious.

Shantanu Sen, OSD to the CEO, Prasar Bharti, began by responding to the comments on convergence. He observed that convergence is an economic issue at its heart, and that it would

be interesting to investigate what drives the phenomenon. He cited the instance of language convergence among press journalists, where reluctant vernacular journalists had finally joined English language dailies. The same phenomenon is now noticeable in television journalism. Mr. Sen also commented on the content of television news, and pointed out that it was not clear how much thought goes into modulating content based on consumer need and interest.

Mr. Sen then discussed the Pitroda Committee Report on Prasar Bharti (which was released after the publication of the MDM Report), and highlighted the Committee's observations on terrestrial broadcasting. Prasar Bharti has over 1400-1500 towers all over the country, and the expenditure on towers is tremendous, especially considering that terrestrial consumers are shrinking rapidly (down to about 6 million, but pending the results of a new survey - may drop further). In light of this reality, he specifically noted the absence of any scientific analysis of whether Doordarshan should continue broadcasting in all modes.

Mr. Sen also pointed out that the lack of data comparing Digital Terrestrial Television (DTT) and Direct To Home (DTH) transmission and their relative effectiveness was a problem. The Pitroda Committee Report had recommended the monetisation of Prasar Bharti's immovable assets, but that would not be a complete solution because it does not have the power to implement its decisions or recommendations, and the Ministry of Information & Broadcasting (MIB) does not respond adequately to it. Additionally, it is unclear whether terrestrial transmission will be 'killed' after DTH proliferation. That proposal would also face resistance from engineers and other technical staff at Prasar Bharti who fear a loss of their jobs.

Finally, Mr. Sen also drew attention to Prasar Bharti's lack of autonomy. He used three examples to demonstrate this point. Regarding radio, he explained how Vividh Bharti, the strongest revenue-earner for All India Radio, was unavailable on Frequency Modulation (FM). The ballpark cost of FM coverage throughout India is about Rs. 500 crores, while Prasar Bharti has property on the outskirts of Delhi valued at Rs. 2000 crores. So, even though Prasar Bharti has enough funds to carry out large policy changes, the lack of decision making powers seriously limit its effectiveness. In respect of the mandatory carrying, Mr. Sen explained how a rule mandating that sports events of national importance be carried on Doordarshan (DD) National - DD's only profitable channel, earning Rs 10-12 lakhs per primetime slot – meant that Prasar Bharti was needlessly losing revenue because sports events are aired during primetime in lieu of revenue earning shows. If Prasar Bharti could choose to air these telecasts on DD

Sports, for example, it would prevent losses. This lack of autonomy also existed in the news broadcasting space. Prasar Bharti cannot recruit or decide the terms of employment of DD News employees, who are drafted from the Indian Information Service and regulated by the MIB.

Chinmayi Arun, Research Director, Centre for Communication Governance at National Law University, Delhi, spoke about emerging concerns on the Internet. She discussed the manner in which the Internet has been leveraged by social movements, threats directed at end-users and intermediaries, as well as issues of surveillance and astro-turfing on social media.

She drew attention to a number of developments since the release of the MDM Report. She began with the formation of the Justice Verma Committee, which conducted an open public consultation, sourcing inputs over the Internet on proposed changes to legislation on sexual violence against women, and then actually used the inputs submitted. She also discussed how the a young woman's blog post reporting attempted sexual harassment by Justice AK Ganguly, a former Supreme Court judge, garnered much support online, was reported in the national news, and finally resulted in a proceeding against the judge in question. She juxtaposed this with the subsequent case of another young woman who made a similar complaint concerning Justice Swatanter Kumar, another Supreme Court judge. The Delhi High Court had severely restricted the ways in which the media could report the matter, and the result was a widespread chilling of reporting on this case.

Chinmayi also drew attention to a number of other efforts, both positive and negative. A petition on Change.org by acid attack survivor Lakshmi gathered 27,000 signatures and allowed her to push the government to regulate acid sales. The Aam Aadmi Party utilized the Internet to mobilise supporters and voters before the 2013 Delhi Assembly election, as did the Bharatiya Janata Party before the 2014 general election. At the same time, an investigation conducted by *Cobrapost*, titled "Operation Blue Virus", discovered a substantial amount of astroturfing (where a sense is created of a crowd existing where none actually exists or a majority are paid) which found that there were PR companies that could be hired to manipulate political visibility and coverage.

Chinmayi then discussed the use of Section 66A of the Information Technology Act (which criminalises offensive speech online), pointing out that despite Government guidelines, cases continued to be filed even in 2014, thereby placing users at direct risk.

She also expressed concern over the increasing incidence of horizontal attacks on speech, through the vehicle of strategic lawsuits against public participation (“SLAPP suits”). The process typically involves large companies serving legal notices threatening criminal action and civil suits for vast amounts in damages to silence content critical of them. She cited the examples of Paranjoy Guha Thakurta (a journalist who had received multiple such notices) and Aparajita Lath (a law student who was sent a legal notice by Times Group for a blog post that she had written).

She mentioned section 79 of the Information Technology Act, which provides immunity from liability for content to online intermediaries, such as ISPs, provided they exercise ‘due diligence’. Instead of clarifying the definition of ‘due diligence’, Rules framed under this section create a notice and takedown regime. So, once an intermediary receives a notice alleging that content is illegal, that alone is considered actual knowledge of the illegal nature of the content. Chinmayi pointed out that there was no incentive to protect the content in question because intermediaries typically receive extremely large numbers of requests, making individual verification of these notices difficult if not impossible. A study conducted by the Centre for Internet and Society, Bangalore, where intermediaries promptly responded to frivolous takedown requests and removed content, confirms his absence of an incentive.

Chinmayi also discussed the Blocking of Access Rules, which empower the Government to send to Internet service providers (ISPs) lists of websites and webpages it requires to be blocked. She drew attention to Rule 16 of the Blocking of Access Rules, which allows the Government to refuse to disclose any information concerning the blocking, and argued that this rendered the the entire process highly opaque and also in conflict with the Right to Information Act.

Chinmayi then turned to surveillance, which can take place in two ways. Under the first route,, the Government is authorised to intercept phone conversations under the Telegraph Act read with the license regulations for telecommunication service providers. This procedure has only limited safeguards in the form of senior bureaucrats being authorised to conduct surveillance,

and a review committee that oversees all requests for surveillance. Responses to questions in Parliament suggest that the number of requests for interception is very high, and that seriously limits scope for application of mind by the review committee. *Secondly*, under the upcoming Central Monitoring System, the Government will be able to conduct surveillance directly, bypassing even the existing safeguards and review process.

Archna Shukla, co-author of the MDM India Report, observed that there had been many changes in policy and regulation since the release of the MDM Report. She began by mentioning changes to the Foreign Direct Investment (FDI) Policy, where there had been recent changes in FDI caps (Press Note 6 of 2013), with the cap in sectors like Direct To Home (DTH) and cable Multi-System Operators (MSOs) raised to 74% (although caps in print and news uplinking remain at 26%). She also cited regulations and interventions by the Telecom Regulatory Authority of India (TRAI), including TRAI's consideration of the problem of cross-media holdings, as well as the case where Star had tied up with distributor Den, and then with Zee to distribute their channels together through Den - leading to broadcaster bundling and content-warehousing, which tied the hands of Local Cable Operators. She pointed out that while the UPA Government did not change *status quo* with media (FDI, public service broadcasting etc), the new government may lead to changes.

Archna pointed out that when the Report was written two years ago, it was unclear whether digitization would change media drastically. This has been the case in India. Revenue splits have not moved in favour of 'digital'. She cited HT Media's balance sheet as an example to show that while digital revenues may be growing fast, print revenues still outrun the digital.

This was followed by a brief discussion involving Archna, Shantanu, Vibodh, Sukumar Muralidharan and Paranjoy Guha Thakurta on the changes brought about by digitization of the broadcast space. In the first phase of digitisation covering the metros, carriage fees were reduced by 20%, and subscriptions rose by 300%. However, the second phase of digitization changed things around dramatically, with carriage fees having risen again. This was a result of the digital 'loop' remaining incomplete in non-metros – while Set Top Boxes (STBs) have been put in place, there were no smart cards, no operator cover, etc. It was observed that the two large broadcasters, Star and Zee, are unaffected by whether there is digitization or not, because in the absence of cable, they have the option of pushing their respective DTH platforms. In this context, it was noted that while TRAI had attempted a consultation on ownership, to which CCG

at NLUD and CCMG had responded, the consultation received responses that were overwhelmingly from industry. The lack of regulatory clarity between TRAI and the Competition Commission of India (CCI) was also noted.

Smarika Kumar, Researcher, Alternative Law Forum, discussed three cases in which questions of ownership arose before the CCI. In *Consumer Owner and Foundation v. Tata Sky & Others*, the complainants argued that broadcasters and DTH suppliers had engaged in anticompetitive agreements by not making STBs interoperable with each other's services (despite interoperability being a condition in the DTH license). The CCI conducted an investigation, but found no anti-competitive activity. It ruled that it was not technically feasible to make STBs interoperable, because there were two kinds of technology in the market for STBs (MPG2 and MPG4), and migration between these two is not possible. There are Bureau of Indian Standards (BIS) standards regarding this, but the change in technology happened after the standard was set and the standards have not been updated since. It also found that DTH was at a nascent stage in India, that providers had not even broken even. As a result, the CCI concluded that the market was not mature enough to sustain anti-competitive agreements or cartelisation. On the question of whether there was 'collective abuse of dominance', the CCI only held that Section 4 of the Competition Act did not include collective 'abuse of dominance'. Smarika opined that this was a shaky interpretation of section 4 and added that the decision is pending appeal.

The remaining cases related to disputes between DTH providers and MSOs at the CCI. In *JAK Communication v. Sun Direct*, the complainant alleged predatory pricing by Sun Direct. The CCI found that there was a need to consider whether DTH providers and MSOs were part of the same 'relevant market', and found that the services provided by both were not substitutable from the perspective of pricing, technology, customization, etc. Smarika pointed out, however, that from a consumer's perspective, they were substitutable, and that CCI had overlooked this. In *Dish TV v. Hathway*, the DTH service provider alleged collective abuse of dominance by MSOs, who were levying high carriage fees from providers. The CCI dismissed the petition on the ground that India did not recognize 'collective abuse of dominance'. This case is also pending appeal before the Competition Appellate Tribunal. Smarika also mentioned the 2012 draft amendment to Section 4 of the Competition Act, to include collective abuse of dominance, and TRAI's discussion of abuse of dominance by MSOs in its June 2013 consultation paper.

Smarika also briefly discussed issues relating to competition in online integration of services. She pointed out that the CCI had begun to investigate Google's anti-competitive practices. Beginning with the *Bharat Matrimony* case, the CCI has fined Google for non-cooperation with investigation in March 2014 and again in May 2014. It investigated Google again for search result 'optimisation' conditions and for predatory pricing of Google's online ad service (which also raised issues of transparency, of whether Google was promoting its own products against advertisers' products, etc.).

Paranjay Guha Thakurta, independent journalist and educator, discussed media ownership and convergence, observing that traditional media advertising and expenditure have suffered. He identified the issue at hand as the blurring of lines between telecom and broadcasting. Two main telecom players, Reliance and Airtel Bharti, may become the dominant players in the 4th generation market. Since there is an inverted pyramid of providers, intensified competition at any level of the pyramid may not lead to greater consumer choice. Pointing out that the existing ratings system is flawed and inadequate, he emphasised on the need for a better, more transparent system for audience measurements. He discussed the absence of an overall regulator in the media space, with the Press Council of India being largely toothless, and the three self-regulatory bodies – the Broadcasting Content Complaints Council (BCCC), the Advertising Standards Council of India (ASCI) and News Broadcasters Association (NBA) - having inherent limitations. He pointed out that India does not have a model like the FCC or the Ofcom - instead, there is a complex ministry structure, and TRAI, which he opined was no true regulator. He suggested that the intensification of competition and media structures need to be captured in updates to the MDM Report. He added that an unprecedented amount of money had gone into the media in the last few months in the run-up to elections, and that this nexus of money and content, of big business, government and media (and the Internet) was likely to continue and deepen. He concluded by arguing that greater reporting and scrutiny of media companies was necessary and important.

Session 2: Report Futures

The second session began with the moderator, Alam Srinivas, providing an introduction to the session. Alam outlined four themes: the feasibility of producing such a benchmark country report on India in the future; the need for a Hindi translation; the need to bring out regular reports on MDM India; and whether current Report chapters should be spun off into separate, comprehensive reports of their own.

Sameer Padania, Programme Officer, Programme on Independent Journalism, Open Society Foundations (OSF), discussed the future of the MDM project. He said that the MDM Report series was completed, and that the OSF's focus is on exploring certain issues (starting, not exhaustive, with media ownership) more deeply, and on creating networks to further this research. He admitted that OSF's biggest drawback was their failure to use data, for instance, for visualisations, etc. He said that OSF wished to extract quantitative data, and to scale it up. He felt that it was important to collect the data, to collate it and to make it publicly available.

Sameer cited the example of Latin America, where grantees from the MDM project (8 organisations from different countries in the region) integrated their data into a Wiki and are looking at common challenges and into developing an understanding across borders. He opined that spinning off specific sections or chapters into separate reports with greater focus was a very shrewd idea. As to translations, he said that since the Report is intended to be a living document, updating and translating it simultaneously should be seriously considered.

Finally, Sameer flagged two further questions for consideration. The first was how a report like this could translate into useful policy reform, and the second was to consider what this Report can initiate in terms of new research, coalitions, and initiatives.

Ram Bhat, Vice-President, Community Radio Forum and co-founder, Maraa, began with a focus on the data, which he felt would be useful in a wide variety of contexts. He pointed out that while the MDM Report did use data to arrive at conclusions, it was necessary to make this data come alive. He emphasised the need to look closely at data collection (for instance, data concerning wireless mobile operators, terrestrial analog TV homes, how important social media would be in the coming elections). Specifically, he pointed out that there was a need to question and

investigate who was collecting the data, their interests and motivations and the methodology they adopted.

Once this has been done, Ram argued that there was a need to render the information into visual formats. He opined that while it was not necessary to *replicate* the Report, the possibility of visualizing certain parts of the Report “more intelligently” could be considered, since some of its parts lent themselves to visualisation more easily in the online format (for instance, digital standards, spread of digitization, etc.). He agreed with the suggestion to spin off chapters into different reports. He pointed out that as things stood, each of those in the space only saw parts of the puzzle rather than the whole. Ram argued that this was a barrier to strategic advocacy, and suggested that if data could be strategically visualized, then many organisations could strategise and co-ordinate policy advocacy. While one idea at the beginning was to collate and host this data at the TRAI or Planning Commission, he said that it might also make sense to bring different organisations and stakeholders together to collate existing data already existing in the public domain from different sources (websites of the TRAI, DOT, WPC, Planning Commission, Prasar Bharti etc). While it would take time to mine and analyse this data, it would also enable everyone to continue the momentum of the report without being burdened by its template.

Sukumar Muralidharan, Print Journalist and Fellow, National Institute of Advanced Studies, Shimla, said that the distribution and dissemination of the Report had to be better managed, so that it reaches a wider audience. He argued that this expansion was necessary because the industry is fast-moving, commercial possibilities are changing and inter-relationships among companies and industry are becoming complex. For instance, the Securities and Exchange Board of India (SEBI) issued a circular requiring media companies to make ownership information public, but with the exception of The Hindu and Mint, this was not reported in the media. Similarly, the SEBI chairman's comments on television news anchors owning stakes in media companies went unreported. Sukumar emphasised the need for more regular updates than the present practice of doing so annually, and for a regular discussion forum, so that public attention could be kept focused on these issues. Responding to an earlier comment by Paranjoy regarding the ongoing litigation at the Supreme Court on news broadcasting by private FM players, he pointed out that if the Court were to rule in radio's favour, the result would be that existing dominant news players (regional more than national) would flock to radio, and issues of cross-ownership would again be swept aside.

On the point of data, Sukumar noted that the media industry was the most opaque in India, with no disclosures and complex corporate structures. Print media relies on advertising for about 65% of its revenue and TV gets about 65% from subscription fees, so that the advertising industry is able to exercise a significant degree of control. This has a direct effect on media coverage. There was a split within the media on allowing foreign direct investment in the Indian media, and only India Today and Hindustan Times covered the issue in any detail. When CNN-IBN laid off employees, only Mint, The Hindu and Caravan covered the issue.

Finally, on gathering more data, Sukumar saw market research and its relation to advertising (cross-holdings) as an important issue. For instance, it would be relevant to understand that Hansa, which conducts exit polls, is now integrated into Omnicom. He suggested that this was relevant to news content as well. Editorials are often driven by political agendas, and political agendas in turn are driven by public relations and advertising.

Sukumar argued that it was necessary to keep public focus on all of these issues, through whatever medium, and highlighted the importance of creating a space where all this critical commentary could be presented.

Shantanu Sen then emphasised that public engagement should be seen as important as early in the process as in framing the debate and setting the terms of reference, a task undertaken by the MIB and TRAI alone. For instance, the Pitroda Committee Report did not question the relevance of continuing DD despite declining terrestrial viewership. Also, Doordarshan was unable to confirm veracity of its own viewership figures.

Mr. Sen also mentioned that one of the problems faced while drafting the Pitroda Committee Report was that it had 11 expert groups, and about 110 ideas evaluate and choose recommendations from. Most of these were normative recommendations rather than actionable points, and it became necessary to form follow-up groups to consider each issue closely in order to, transform the ideas submitted into actionable points. All of this work was still pending at the Ministry.

Mr. Sen then emphasised the need to dig deep into data and understand its implications. He cited the instance of the Government allocating funds to the setting up of DTT. While this was commendable at the face of it, the grant is to be disbursed over a 25 year period, by which time

the technology would have become obsolete. So, the efficacy of this policy option ought to be questioned. He saw placing it on the negative list in the plan document as a more pragmatic option.

Chinmayi Arun then discussed the importance of transparency in the context of the Internet. She saw a disconnect between what Government says it does and what it does in fact. For instance, simply making the relevant information available would resolve the question of whether the Government is utilizing its blocking powers on legitimate and legal grounds or otherwise. She also highlighted the need to unpack data after it was obtained. For instance, there is data about the number of Internet users – but unpacking this data reveals that 39% of these users are women, and 9 out of 10 mobile Internet users are men. Socially, this raises issues of women's access to technology in the context of Khap panchayats penalizing women for using technology, for instance. She also raised concerns about how digital technology facilitates control. For example, after the Delhi rape incident of December 16, 2013, there has been a proliferation of apps that help people track women for their own safety. Likewise, she pointed out that technology had begun complicating the exercise of privacy rights, citing examples of online voter lists and databases of family court judgments which did not redact parties' names. This was followed by a brief discussion on privacy.

Sandeep Bhushan, Project Fellow, Tracking Access under Digitalisation Project at the Centre for Culture, Media & Governance, Jamia Millia Islamia, discussed the absence of any tradition of writing on the media, both print and electronic. He contrasted this with the West, which had a richer tradition of reporting the media, citing the example of Peter Arnett, CNN reporter during the Gulf War, but also pointed out that journalists writing about other journalists remained a very niche area.

He identified the small number of sources dealing with media matters, listing P. Sainath, Arundhati Roy and Paranjoy Guha Thakurta, and publications like *The Hindu* and *The Hoot* as examples of good work on the subject. He drew attention to Paranjoy's report on paid news for the Press Council of India in particular, citing it as an important milestone that had played a key role in exposing the practice. He also acknowledged that the print media draws on a long tradition of journalists writing memoirs or non-journalistic accounts of their experiences. He discussed Vinod Mehta's memoir, "Lucknow Boy", which contained useful descriptions of Giriraj

Singh and Thapar. He views the Nira Radia tapes as the breakthrough in bringing media matters to public attention.

Sandeep then moved on to considering the electronic media, and observed that while it has a great deal of impact these days, is the least accountable, functioning as a fourth 'state' rather than as the fourth estate. With practically no one writing about the electronic media despite its impact, it has been presented as some kind of an extension of the state, instead of as the interlocutor between the people and the state. As a result, there has been a great deal of public outrage directed towards journalists in electronic media. For instance, during the Anna Hazare movement, one prominent journalist was driven away from India Gate. Sandeep also opined that the electronic media does not permit interactivity, a feature for which there is great demand. He was unsure of how much relevance digital media would have, given that the MDM Report indicated that people are mostly confined to portals of news channels or newspapers online. He also raised concerns about infrastructure, noting that broadband penetration is only 1.1% and observed that a lot needed to be done to improve reach.

Sandeep was unsure of how sustainable blogs would prove and of how seriously blogger journalists would be taken. He concluded by emphasising the importance of having more sustainable interventions, given the 'overkill' in the electronic media. With the flood of new journalists attempting to enter the sector, job security has been compromised, salaries have collapsed, and technologies have made labour redundant.

Session 3: Recommendations

Sukumar Muralidharan, moderator, opened the third session by commenting on Sandeep Bhushan's remarks from the earlier session. He observed that salary scales had risen sharply: while in his early days, an editor would get paid about five times as much as an entry-level journalist, today, it may be twenty or thirty times as much. Regarding the media writing about the media, he referred to P. Sainath writing about paid news by Monsanto in the Times of India and about Ashok Chavan in Sakal. He argued that it was important to keep this practice alive, because the absence of any institutional record or memory of these activities means that they are easily forgotten.

Moving to the recommendations, he provided a quick overview of them and opened the floor to comments on specific recommendations. He flagged the intense racketeering in ratings, where media industry companies themselves sponsor audience ratings, as well as the total opacity and lack of data in the public debate on the media as serious issues.

Shantanu Sen focused on [Paragraph 9.2.1](#) of the recommendations and pointed out that the Pitroda Committee did include evaluating DTT as part of its mandate, and recommended that Prasar Bharti adopt DTT only in areas where it is clear that there is commercial private sector support and participation. The committee had also pointed out that putting DD slots in all areas was not useful, and suggested retaining four slots for DD channels for DTT, and auctioning the remaining four to private players to incentivize private sector involvement. The committee had estimated that about Rs. 1000 crores would be required to replace old STBs, and that there was reason to believe that revenues from auctioning slots would be able to recover part of the costs. If the number of DTH channels can be scaled up, then it would become possible to recoup costs and losses. He pointed out that every TV set could be required to have a DTT decoder, but that there was no plan yet from the Government even to make it mandatory for TV manufacturers to install a DTT decoder in every set.

On the point of TV DTH penetration, Mr. Sen suggested that one way of popularising it would be to publicise the shift from MPEG2 to MPEG4, which offers more channels and better viewing quality, and then ask viewers to turn in their STBs. He suggested that, left to Prasar Bharti, this would become an extremely bureaucratic process. It would therefore be necessary to co-opt Post Offices and Public Sector Banks and keep subscriber requirements simple and limited to

name, address proof and ID proof, so that greater penetration can be achieved. He pointed out that that if the migration could happen smoothly, it would enable DD to receive greater revenues.

He also noted that while the draft recommendations spoke of digital dividend only from the perspective of vacation and re-monetisation of spectrum, there were also physical assets such as land and towers available with Prasar Bharti that could be monetised. He suggested that there was a need for standard setting in respect of STBs and that they should be sourced from proprietors. The Pitroda Committee also sees savings in the shift to DTH boxes.

Satya N. Gupta, Secretary General of NGN Forum India, spoke about using spectrum for non-broadcasting purposes. He said that standardised interoperability of STBs, possibly by BIS, would make them cheaper and address a lot of issues. Observing that these recommendations have been around for 10 years, since CAS, he suggested that a single, interoperable and platform-agnostic technical standard – applicable to DTH, DTT, satellite, cable, etc. – could be considered. He added that such standards already exist at the international level.

On convergence, he mentioned the urgent need to complement convergence in video and data, especially given new technologies. He opined that the point of convergence was to eliminate the analog and switch completely to digital, so that increases in quality could be achieved without increasing costs. He also argued that access should be available regardless of medium – cable, satellite, voice, etc. In the context of DTT, he suggested that the technology be used to deliver broadband in addition to video, so that the same infrastructure carries two services, and costs can be split between the two.

Sukumar observed that the flip side of this type of convergence is the risk of commercial monopoly, and that ensuring interoperability of DTH, DTT, etc. was an ambitious agenda. He also flagged transparency as an issue, and specifically pointed out that there was a need to ask for more stringent disclosure norms than those available in the Companies Act. He observed that in both the first and second Press Commission Reports, recommendations of disclosure have gone unmet.

Sameer Padania responded on the point of transparency, by asking whether it would be relevant or useful to speak of moves for corporate disclosures in other jurisdictions, specifically

referencing recommendations that were made to the Council of Europe. On the point of regulation, he referred to a chapter on the Indian sector in an OECD study on competition and regulation in the TV industry, which attempted to treat mobile, broadband and TV as one package, with medium-neutral regulations. He mentioned that some jurisdictions have tried to focus attention on these factors, and observed that it would be useful to peg the MDM recommendations to international standards.

Ram Bhat commented on the recommendations on spectrum, observing that there are two considerations on how we look at the issue. The first consideration related to scarcity/efficiency, while the second concerns localisation of content. He saw the question of facilitating local content as one that needs closer examination. If the public broadcaster is going digital, about 600-800 MHz of spectrum would be freed up. While some of it would be used to provide 4G, there was no clarity as to what would happen to the rest. Even if it were to be allocated to community TV, as TRAI recommended, he expressed doubts as to the availability of receiver sets for community TV, and as to how community TV would work in a completely digital space.

Regarding data, Ram argued that that it was necessary to first look at data, and then at transparency, because there were concerns regarding the quality of the data itself. Once good data is available, transparency would become much more effective. He added that there was a need for more data – and to have a ‘meta-level’ discussion about what kind of data is needed but is unavailable.

A brief discussion followed on whether transparency or data ought to come first, which Sukumar characterised as a chicken-and-egg situation. *Geeta Seshu*, *Vibodh Parthasarathi* and *Sandeep Bhushan* spoke about issues with existing data sets and how it was possible to improve the quality of the data that was available.

Alam Srinivas commented on the recommendations on media ownership, suggesting that it would be useful to push for data on media ownership, especially in TV news channels, which would add to the cross-media ownership debate and provide a good data set which the government could act on. He also mentioned that a lot of cross-media ownership studies found that corporatization and political ownership in the media has increased.

This was followed by a brief discussion on disclosure norms and the procedure for disclosure. Chinmayi proposed graded disclosure norms, depending on the size of companies, as well as disclosures by individual journalists. Geeta Seshu and Alam commented on strategies for ensuring corporate disclosure. Alam made reference to the existing procedure under the Companies Act using the website of the Ministry of Corporate Affairs. He opined that while it was a time consuming process, it was usually effective, as was evident by the increasing number of stories in the media about celebrities having stakes in various corporate entities.

Session 4: Advocacy Futures

Sameer Padania, moderator for the fourth session, began by pointing out that the Report and its recommendations were written in the context of a very specific political scenario. He suggested that the Report and recommendations be put aside for a moment, and that the issues be revisited in the context of the new political scenario and government, which may have different policies. He asked participants to consider what things they thought were feasible or desirable to press for immediately and whether there were things that are possible at present but that might not have been earlier. He also asked that participants identify opportunities that have arisen, and allies that it might be useful to connect with. Observing that this project provides a 56-country comparative perspective, he suggested that there were possibilities for India to reach out on media policy issues and think about connecting with other researchers and groups. He emphasised the need to think about using the data and final research in a multiplicity of ways, including to secure policy change and media change.

This prompted a discussion among the participants. *Sukumar Muralidharan* pointed out that the media have been particularly active of late, and have played a big role in the 2014 general election. He flagged the phenomenon of integration in media ownership in national as well as regional media houses. *Prof. Kannamma Raman, Faculty at the Department of Civics and Politics, University of Mumbai*, expressed concern that the new government is likely to be more regressive about opinion formation and diversity, and that regimes of surveillance are likely to become stronger. She observed that there are certain advancements, which we may want to protect from change and that while it was necessary to reach out to other groups, caution was advisable to ensure that undesirable changes do not come about.

Chinmayi suggested that it might be possible to leverage the technocratic nature of the regime to seek greater transparency and accountability measures. Ram Bhat opined that the new regime would be open to considering advocacy that has economic and technical efficiency, such as the DTH-DTT debate and policy. While agreeing with previous speakers that this election has been won by the TV, he also noted that there was much greater awareness among the public, which he suggested would translate into greater interest and public support for institutions to work on issues of media ownership. He also observed that while it may be possible to digitize and centralize information, it does not necessarily mean there will be openness, so there may have to be a separate push for that.

Satya N. Gupta discussed the possibility of convergence becoming a reality, observing that for carriage, TRAI is a converged regulator while there is an urgent need to create a content regulator too. In the wake of the new government getting a clear majority in Parliament, he advocated the revival of the Convergence Bill, on the ground that it would address issues of spectrum and content regulation. He suggested that the digital dividend would do a lot of good for broadcasting as well as broadband, citing the example of the NFS Network For Spectrum scheme where the government would create a parallel network for the defence forces in lieu of them vacating a particular chunk of spectrum. He proposed that a similar scheme be followed with the public service broadcaster as well.

Smarika was skeptical about convergence, pointing out that while vertical integration may result in better pricing for consumers, the public interest in diversity in the media itself, in who controls the media, and in freedom of expression was put at stake. Convergence may protect certain consumers, but free speech may suffer. She pointed out that even the United States, despite strong anti-monopoly provisions, has concentrated media and strong First Amendment protections.

Sukumar, Alam and *Prof. Raman* mentioned instances of people being arrested for speech, including Sudhir Dhavle and the Palghar girls, and raised concerns about increasing intolerance for speech. *Chinmayi* pointed out that it would be interesting to see how the new Government deals with restrictions on speech such as Section 66A of the Information Technology Act, because they had been critical of it while in opposition. *Vibodh* added that in the years when the free speech issue was being discussed, a Kannada correspondent, Naveen Soorinje, was in jail for about 9 months, but the media never reported it. Coverage of net neutrality in the media has been less than the coverage of free speech issues. While there has been some momentum in the past to change this and report more on structural issues, this is likely to decline with increased coverage of free speech issues. This wave has occurred in the past as well - historically, there has been a build up towards structural reform. But this has collapsed each time, with a change of Government, the onset of the Emergency, etc.

Smarika then turned the focus to analysing free speech issues from the perspective of access. She highlighted the Supreme Court cases dealing with freedom of speech from the 1960s to the 1980s, which dealt not with content, but with structural issues, such as the availability of

newsprint. She spoke of a need to shift focus back from content to the access perspective which treats media infrastructure as a point of access to information, since without a medium for communication, there would be no speech. In addition to access, she argued that there was a need to focus on plurality and take up ownership issues. *Vibodh* agreed that the focus has always been on speech, but not on the mediums or infrastructure that foster speech.

Sameer then asked the participants, in terms of public conversations needing to be pushed forward, whether there was something to be learnt or leveraged from the anti-corruption movement. *Smarika* responded by stating that the anti-corruption sentiment was clearly expressed by the Supreme Court in the 2G case. However, she cautioned that while the ruling was well intentioned, the rule of law gets lost in cases like these, where the directives, while being good on facts, have the potential for misuse. *Prof. Raman* questioned the appropriateness of analogising the cases on corruption and natural resources, as the anti-corruption movement pitted itself against the government, while the natural resources movement has been pitted against large private companies. *Chinmayi* added that it would be unwise to place too much emphasis on the judiciary, given contrary judgments declining to interfere with economic policy.

Sameer further sought the participants' thoughts on the need for some sort of an observatory in Asia that is genuinely research-based and independent. *Ram* mentioned that there was a need for discussion and it would be useful to have a South Asian forum on media policy issues. He mentioned that in the community radio space, there is now South Asia forum of the World Community Radio Forum, and that Bangladesh has more or less duplicated India's community radio policy. *Prof. Raman* emphasised the need for collaboration in research, as well as for systematic access to data, both of which were currently non-existent. She gave the example of the Election Commission of India's social media guidelines being preceded by Bhutan.

Vibodh suggested that the multilingual market in India has been a significant impediment to analysis in India. Since all the analysis and scholarship relating to other jurisdictions is by scholars in monolingual markets, their tools and conclusions were of severely limited use in analyzing the Indian multilingual market. *Sukumar* cited an ASCI study which revealed that diversity was a concern in Malayalam, Tamil and Telugu media but not in English or Hindi. *Chinmayi* pointed out the existence of global observatories which were proving to be useful in the Internet policy space.

Sameer explained how the Inter-American Court of Human Rights' Special Rapporteur, who knew about the MDM project, called a meeting of experts in Latin America to see whether standards could be derived and a collective group set up to do so, including financial support. He mentioned Uruguay's model broadcast law, whose author had been funded by OSF, which is being used as a way to bring governments together to implement public consultations, run pilots, engagement with policy-makers and so on. He also added that UNESCO is funding a study on how media affects developments post-2015 in terms of regional cooperation, media policy, media cooperation, etc. *Vibodh* concluded by pointing out the need to determine common interests in Asia and leveraging this as a means by which to coordinate efforts.

DAY 2

Day 2 of the round table on Mapping the Digital Media in India took place from 10:00 a.m. to 5:00 p.m. on 21st May 2014 at National Law University, Delhi.

The proceedings on May 21 began with *Sameer Padania, Programme Officer, Open Society Foundations*, providing some background to the Mapping Digital Media project. He said that the result of the project was a benchmark report for 56 countries, done on an international template which gives a comparative perspective about the manner in which different issues have been dealt with by disparate countries. He explained that the purpose of the roundtable was to run through three of the key issues that arise in this Report, and that the discussions today would both update and try and delve into what the future might be.

Vibodh Parthasarathi, Associate Professor, Centre for Culture, Media and Governance at Jamia Millia Islamia and co-author of the MDM Report, began by observing that the significance of the report lay in the fact that for the first time, it offered an opportunity to map the Indian media landscape across various sectors, an effort which was particularly important to India, which is among the many countries that do not have an annual report of activity in the sector.

He explained that the report looks at three kinds of digital media - print, broadcasting and digital. Like all industries in their initial stages, he said that the digital media is in a state of flux, and that this could raise questions about the validity and contemporariness of the data. He saw the report as an attempt to arrive at a framework that would help map these transitions, and use as a benchmark. Being a multinational study, Vibodh thought that the framework also created a global benchmark.

[Note: The discussion at these sessions was conducted under the [Chatham House Rule](#), which prohibits revealing the identity or affiliation of individual speakers, and generally discourages the implicit or explicit identification of speakers and participants. The names of speakers have been mentioned at the beginning of each panel, sans affiliation, but these should ideally be removed.]

Session 1: Spectrum Licensing

Speakers: Shyam Ponappa, Ram Bhat, Dr. Rekha Jain, Dr. Mahesh Uppal

The major themes discussed in the first session were the foundations of spectrum policy, allocation design system, procedural issues, digital dividend and the importance of wireless.

The session began by discussing spectrum policy. It was noted that spectrum formed an integral part of essential communications networks. The key issues flagged were defining the objectives of a spectrum policy and the need to have a clear conception of public interest by harmonising conflicting objectives (of maximising short term government revenue and increasing competition on the one hand and ensuring efficient use on the other). The need for the policy to ensure that spectrum was used effectively and efficiently was specifically mentioned. This would depend on three factors: demand, administrative rules and procedures, and technology (such as wireless broadband as an alternative to fixed broadband, shared spectrum as with Mexico's 700 MHz band and shared government spectrum as in the EU and US).

It was emphasised that all of this and the project of properly understanding each stakeholder's interests requires multidisciplinary inputs and co-ordination. The importance of increasing local manufacturing in India was also highlighted. An increase in local manufacturing, besides reducing costs, would increase local benefits and participation and reduce the dependence of imports, which are increasing at unsustainable rates, and are likely to cross oil imports by 2020.

The negative impact of procedural issues and the allocation design system on spectrum was highlighted with reference to community radio. The procedure requires applicants to make multiple trips between the Ministries of Communications & IT (MCIT) and Information & Broadcasting (MIB), in order to obtain a license and spectrum, both of which then are subject to renewal. The entire process can take up to 5-7 years. In urban areas, applicants are being rejected because frequency is unavailable, while rural areas face a shortage of community radio stations. A mapping exercise of all the radio stations in the country, undertaken using an online tool (<http://communityradio.technology/>), revealed serious gaps in coverage as well as quality. As a result of sustained advocacy, the Ministries concerned have now promised to invite future applications from areas that have not been covered. The vision for advocacy in the future was an online portal for advocacy on radio, which would bring the various stakeholders together in one place.

The discussion on digital dividend raised several questions, including its intended purpose and its beneficiaries. These questions were considered in light of the contrasting views expressed by the MCIT (which proposed 4G) and the MIB (which proposed Digital Terrestrial Television (DTT)). In a situation where urban and rural populations had similar profiles in terms of penetration of television and of digitisation, several questions about DTT were raised. These included questions concerning who was driving it, whether it was to be integrated with existing infrastructure (such as the National Optic Fibre Network (NOFN)), and the associated costs. It was suggested that it was time to think of the delivery of DTT as a socio-economic objective, and that an independent, supra-ministerial committee was necessary to consider these questions.

The discussion also focused on the treatment wireless spectrum as a solution to the problem of connectivity, and the need to prevent the idling and wastage of spectrum in the public interest. It was suggested that auctions were necessary to allocate spectrum, in the interests of transparency, given that the demand for spectrum exceeds supply particularly for commercial applications. The need for designing better auctions and for shifting focus away from revenue as the sole consideration, was also emphasised. It was suggested that one method by which auctions could be improved was by linking roll-out criteria to spectrum allocation. Experiments of linking spectrum allocation to the number of users which had resulted in over-reporting and promoted users rather than usage, which had failed in the past were highlighted as examples of methods to be avoided.

Another flaw that was identified in the system was the ban on sharing spectrum, even for commercial purposes. The need for far more nuanced inputs into usage and policy was emphasised.

There was also a brief discussion on net neutrality. This focused on the need to design policies that will create incentives to expand networks. It was pointed out that given the way policy is structured and the high prices of spectrum, ISPs are able to enter into unsavoury deals with private content providers, creating 'walled gardens' and incentivizing particular kinds of Internet usage over others. It was also recognised that the net neutrality debate in India was not as simple as the FCC slow/fast lane binary in the US.

Session 2: Digital Journalism

Speakers: Saikat Datta, Raheel Khursheed, Kian Ganz, Meera K, Shivam Vij, Geeta Seshu

The session on digital journalism focused on new forms of reportage, issues of credibility, surveillance, freedom of expression, citizens' empowerment, funding, diversity and the opportunities and limitations of digital media. It was observed that the digital journalism chapter from the MDM Report had become redundant in the short span of time since the release of the Report.

One major challenge that was identified as a result of digitization of journalism was in sourcing and verifying information. The example of niticentral.com, a news website with a very strong pro-Modi ideology, was cited as a way in which the BJP was able to spread publicity but get around campaign spending limits during elections. It was also observed that traditional rules and ethics of journalism had changed in the digital era. For instance, in an Anumeha Yadav story about 4 Dalit girls alleging rape against upper caste men, the sarpanches and police were not contacted for statements.

It was suggested that the shift of information online and into packet data would have a greater impact on investigative journalism, because of surveillance issues. Further, the culture of secrecy in India was identified as an area of concern, where even digitized information is not consistently accessible and lots of information is still protected under the Official Secrets Act. The need for empirical data and evidence was emphasised.

The importance of social media in digital reporting was also highlighted in the context of the 2014 general election, with 51 million election-related tweets between January 1 and May 15. An analysis of these tweets showed that election results were predicted through tweets, and that newsrooms used tweets from politicians as their sources for a story. Likewise, data about the use of Twitter during the elections also became an important story. It was pointed out that Twitter gives journalists unprecedented ability to break news as it happens, and that this was the next stage after live TV news put print journalism in a spot. It was suggested that the challenges that social media create for traditional media are also a new opportunity.

The importance of the online space as a free marketplace of ideas was discussed in the context of anyone being able to break a story and be judged on their merits. The common misconception about constraining laws or orders making it difficult to write about certain things was debunked, with the counter-point made that it was usually easier to fly under the radar. The example of the legal journalism website, *Legally India*, writing about sexual harassment allegations against Justice Swatanter Kumar was cited as an illustration. Despite an interim order from the Delhi High Court in a defamation suit filed by the judge, which barred the publication of information concerning the proceedings and of photos of him, *Legally India* continued writing about the legal issues involved and even put up pixelated photos of the judge on its site while the mainstream media stopped reporting the issue entirely. *Legally India* received multiple legal notices from Karanjawala & Co., but continued to write about the issue as well as its responses to the notices. Being an online platform, they were able to report the faster, and more persistently than the mainstream media. It was suggested that *Legally India's* persistence may even have resulted in mainstream media picking it up again.

The focus on hyper-local news and issues was highlighted as a useful way of empowering citizens through the digital media. The example of *Citizen Matters*, an online citizen journalism and local news platform in Bangalore, was used to illustrate how the digital media could cover news and analysis focused on the city, while making the process as participative as possible. This was in contrast with the mainstream media's limited focus of a small number of pages on city news without analysis. It was pointed out that digital media allows for a story to be studied in depth, without the constraints of word limits, and for citizens to follow it through. One example illustrating the depth of coverage in the online media was how the problem of Cauvery river water not reaching homes in Bangalore was reported – an investigation by *Citizen Matters* revealed that while citizens all had to connect pipes to their homes, no connections existed because there was a general unwillingness to pay for home-connectivity. It was also suggested that citizen journalists are usually accurate and effective because people know what they want, and have the ability to pursue local government authorities.

On the point of credibility and rigour, it was pointed out that citizen journalists had existed for decades, and that citizens were far more involved than it appears. It was also suggested that digital media is more credible than the mainstream media, because of greater visibility and interactivity, through corrections and comments, resulting in feedback and response on a large

and quick scale, as opposed to the mainstream media which had lost some credibility after the Radia tapes. Further, while all kinds of platforms circulate some amount of misinformation, digital media allowed for quick responses with counter-information. It was suggested that vested, corporate interests in traditional media had created structural credibility issues for the mainstream media and that peer sharing online was an indicator of credibility.

In this context, the example of *Kafila* was cited to demonstrate that digital media provided a huge opportunity to reach out and draw attention to issues. Using the example of scroll.in, which met its annual audience targets within 3 months of its inception, the ease with which social media such as Facebook and Twitter could be leveraged to share information was pointed out. It was suggested that to succeed online, it was necessary to have catchy headlines to grab viewers' short attention span, and to build an audience.

The question of whether digital journalism allows for profit, and the issue of obtaining funding without any external bias or influence were also discussed. In the context of independent media, Oorvani Foundation was cited as an example of an organisation promoting credible, independent, community-driven journalism, by raising funds from high net worth individuals and sponsors. The need to break free of the ill-effects of advertising was also considered. Citing the examples of Cobrapost and Gulail, it was pointed out that investigative reportage takes time, money and energy, and that the funding for newsgathering was still accessible to the traditional media alone.

It was pointed out that it was optimistic to be able to map out how digital journalism *should* be able to work. It was recognized that the Report had devoted some attention to ideas about digital journalism. It was suggested that journalism ought to be non-hierarchical. Concerns were also raised about the quality of the debate deteriorating as a result of the high degree of interactivity, requiring moderation of comments online. However, it was also observed that the benefits of digital media could be exploited fully only if it could be made completely participatory.

On the point of convergence, it was observed that while *Mint* and *India Today* had a digital policy, not much data had actually been put out. It was also observed that the traditional media today were disinclined to cross-credit each other and to dig deeper into existing news stories. The importance of open content newsletters and pamphlets in propagating information in communities was also discussed. It was pointed out that even on digital media, there was not

enough diversity, and not enough attention was being paid to this concern. The examples of CGnet Swara and Dalit camera were cited as platforms providing feedback of a particular area and trying to “find a space” to raise voices.

It was pointed out that credibility meant the accuracy and verifiability of the information. The mainstream media used to “vet” (and also filter) information, and took responsibility for its accuracy. In digital media, where information was judged and collected in a participatory manner, it was observed that humility from those collecting was required. Experiments being done on digital platforms across the world, including Help Me Investigate, which provided information on investigative journalism techniques and brought together a network of people committed to investigating and working with information of a particular issue, were also discussed.

Session 3: Digital Activism

Speakers: Shubranshu Choudhary, Bishakha Datta, Anjali Bharadwaj, Amrita Johri, Anja Kovacs

The third session focused on bridging the digital divide in activism, issues of gender and other barriers to access, the intersection between online and offline movements, and the democratisation of the digital space.

It was pointed out that the debate on the relative utility of online and offline activism was redundant and that both online and offline activism are important. It was felt that the most effective situation would be when all media are used together for activism, although, in certain contexts, only one of them would be relevant.

The gap between policy and ground realities was illustrated with the example of activists in rural Chhattisgarh who were using mobile phones for communication, despite having difficulties accessing electricity and mobile signals. In this context, emphasis was placed on the importance of educating citizens on how to use digital tools and technology to access information. The role of non-state actors, such as the Maoists, in blocking access to digital technology like mobile phones, was also highlighted. It was pointed out that concepts like broadband and FM-based community radio were alien to remote adivasi villages and that short-wave or medium wave radio would be a better alternative there.

Focusing on social media, the Twitter hashtag #questionsforamnesty was cited as an example of bringing issues online for the first time. The hashtag was used by Amnesty International in a campaign to decriminalise sex work, and it was suggested that the online response, which was mostly positive, could direct offline activism around the issue. Citing the example of the lesbian community in Lebanon, it was also pointed out that women's groups use online activism, especially where offline 'coming together' is difficult. Another example was of an organisation with rural Dalit women reporters in eastern Uttar Pradesh, who aspire to become enter the digital media and create an activist space. Thus, digital spaces have enabled people to become activists in their individual capacity. The importance of access to information for groups like these was emphasised, and it was suggested that this could be achieved through a combination of computers and mobiles. At the same time, a note of caution was sounded against excessive

euphoria over the online, observing that technology is sometimes embraced as though it provides a new solution, whereas it is just a tool. The significance of language as a barrier to online activism was also highlighted, focusing on how much less material was available in languages other than English.

Two aspects of access were also flagged as reasons for social movements and activism not taking to the digital media in a big way. One aspect is the inaccessibility of internet infrastructure and even computer hardware, with access being an issue even in cities. The other is language and how information is represented - examples of election spending information, consisting of files full of unintelligible acronyms (“P/L of CCR” instead of “providing and laying cement concrete roads”, for example), were cited to show how even where data is available, it is often impossible to understand. On the other hand, section 4 of the Right to Information Act requires proactive disclosures by the government, and this has been used to ensure that all NREGA information is online. While these disclosures are a way to put out accessible information, language remains an issue. Nevertheless, there is an increasing recognition that there is a population that wants to engage digitally but cannot contribute in the same manner as traditional activism.

The Right to Information movement was used as an example to illustrate how an attempt was made to bring the online and offline spaces together. One example was of an attempt made by to amend the RTI Act to exclude political parties. In protest, the RTI movement started work on the ground, drafting petitions, seeking signatures, and so on. Despite these efforts, a Bill was introduced in Parliament. The movement responded with a number of initiatives, such as, an online petition on change.org which received a lot of support, a ‘Call-A-Thon’, encouraging people to phone their MPs, and the use of social media to reach out to MPs. Over one lakh signatures to the petition were obtained in equal measure from the ground and from social media. A BJP MP tweeted saying he was not in support, and the Bill eventually lapsed. People separated by physical distance were able to engage through these efforts.

Another example that was cited was the movement around the Whistle Blowers Protection Bill, where, alongside a dharna being staged in Delhi, there was an active campaign on social media. The Bill was eventually passed in Parliament. Finally, the fact that many MPs are on Twitter has allowed citizens to engage with MPs. Through online MP Report Cards, people have questioned MPs on their records over the course of their five year term.

It was observed that when the Report was written, there were three broad streams of digital activism: the *first* was the Hindu right-wing, the *second* was composed of political movements in Kashmir and the north-east which tried to draw wider attention to stories about these regions, and *third* was composed of, middle class initiatives such as a campaign against over-charging by autorickshaw drivers in Bombay which created a debate online. However, it was pointed out that even an initiative like CGNet Swara needed middle class involvement, and that the India Against Corruption movement would not have taken off without support from the mainstream media.

Since then, things have become more complex. The major shift came with the street protests against the Delhi gang rape case, which were well publicised by the online media. The publicity resulted in larger numbers of citizens learning about and participating in the protest. Movements like Dalit Camera were also cited to show that there is now broader engagement.

The impact of these changes on the democratisation of the online space was discussed. A number of threats were identified. Among these was section 66A of the Information Technology Act, which led to a great deal of self-censorship among bloggers and journalists. Another aspect that was highlighted was that it was the Hindu right-wing that dominated the space and set the rules. Attention was also drawn to problem of the prevalence of a strong patriarchal outlook, which has led to gender inequalities being embedded into the online space, and consequently to limiting its utility. On a positive note, it was observed that after the Delhi rape, many young men began discussing the problem of patriarchy online. In this context, the importance of social movements, of having expertise and of being visible online in order to prevent the online movements dissipating was emphasised. Reference was made to a study by Asha Achuthan which concluded that in India, technological growth came with the rise of neoliberalism. In conclusion, it was suggested that the Internet has also become more neoliberal, and that there was a need for everyone to become more involved in its governance in order to be able to reconfigure the space.

Session 4: Next Steps

The fourth session was an interactive discussion where panellists provided feedback on the draft recommendations to the MDM Report. The recommendations were directed largely at agencies in Government who deal with these issues, and focused on areas such as ownership, public broadcasting, transparency and access to data where there was not much advocacy.

There were several comments on the recommendations related to DTT and public service broadcasting. The treatment of DTT as a key requirement was questioned. It was pointed out that the cost of DTT was likely to be prohibitive, and that a better idea would be to encourage IPTV networks. It was also suggested that the recommendations focus on the other uses of spectrum, in addition to radio. In response, it was clarified that DTT was chosen as an entry point because it appears to be broadcasting but has implications on other aspects of communication and the functioning of the public service broadcaster. Further, this was done before the Pitroda Committee Report, which has favoured investment in DTH over DTT.

It was also suggested that the more focused recommendations be detailed in a separate section, so that the conversation proceeds beyond the structure of the public service broadcaster and its future. In the context of media policy and law, it was recognized that it might be useful to look pre-emptively at upcoming work from TRAI on over the top services and at the Convergence Bill. A counter point was raised that it might be a better idea to educate people first, before undertaking public consultations.

It was suggested that with some of the problems being discussed with access to media, the recommendations should also devote attention to media education. It was pointed out that an informal network of faculty interested in media policy already exists and could be used. The fact that the numerous journalism schools while in public universities, there are refresher courses every year, faculty in private schools do not get this time off.

Another comment was that while the issue of access has been raised at multiple meetings, no clear solution has been evolved. It was suggested that there was a need to look at existing interest groups and how their efforts could be taken forward. The nature of the groups involved was cited as a reason for access not having progressed, and it was observed that efforts towards improving their diversity. The need for taking ownership of the issue by one of the

groups was also pointed out. Further, the need for technical and financial depth to address the access issue, and for getting heavyweights on board was emphasised. A larger round table on access alone was proposed as a starting point.

There was also a brief discussion about concerns around surveillance and attacks on freedom of speech. The growing concerns about the surveillance issues and the rigidity of the enforced rules with the new government were also flagged. One suggestion was to bring these issues to the notice of new members of Parliament. It was pointed out that while the Snowden issue brought a great deal of attention and activism to the international data privacy issues, efforts towards data localization had not been treated the same way. It was also pointed out that in India, there has been a more serious privacy concerns, such as the Radia tapes, had existed even before the Central Monitoring System emerged as a problem. One suggestion was to focus on transparency in procedure, as the process is what gives the people the means to challenge 'legal' surveillance. It was also observed that there had not yet been a broad debate on surveillance in India because of a perception that it was not something that affected *everyone*, and that there was a pressing need to open it up. The privacy bill and related debates were also mentioned.

Regarding free speech, it was observed that fragmentation of the debate on free speech would negatively affect the whole movement, as it had done in the debate around Section 295-A and Wendy Doniger. One solution that was offered was to have a general idea about the policy in question which should be made clear in the beginning itself, as the Right to Information movement had done. It was pointed out that the free speech movement had focused on only on specific issues so far and that this approach had not been unsuccessful. It was also pointed out that while this fragmentation may be problematic, the creation of a 'loophole', such as an exception for academic purposes, would be a step in the positive direction. Further, it was also emphasised that contradictions such as journalists supporting free speech in the media but pushing for regulation online should be avoided.

In conclusion, the discussion moved to how these issues could be taken forward. It was proposed that observatories modeled on a similar observatory set up by the authors of the authors of the Latin American MDM Report be created to look at these issues, that a repository of laws be created, and that those doing this work be adequately supported. Efforts with a public

face and the creation of opportunities to highlight these issues in a public way were also presented as an option.

The creation of an opt-in mailing list was agreed on as an initial step in this process.