

Beyond Acquiescence and Surveillance: New Directions for Media Regulation

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The increasingly complex and elusive media landscape has thrown fresh challenges to an unsettled ecosystem of media policy in India. This paper traces some of the challenges posed by the new communications technologies and the variegated field of media practices to argue that the fragmented media policy framework requires a complete makeover in terms of its regulatory objectives, strategies and public media obligations. Emphasising the need for incorporating anthropological and technologically informed perspectives on the nature and implications of current media expansion, the paper proposes that the policy framework should include a modular and unbundled approach to media regulation. Policymakers should also invest research energy into the exercise of mapping the diversity of media practices and multiple logics driving rapid proliferation of media across the country. In the context of growing state practices of surveillance and staggered acquiescence to corporate interests, policy interventions should move beyond the contradictory impulses of “policing” the media and media-enabled development to craft innovative ways of leveraging the benefits of current media architecture as well as several recent legal provisions aimed at enhancing the capacity of public information.

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A suicide attempt by a minor in Bangalore following his television-inspired curiosity to “check” the consequences of hanging has reminded us again on the potential harm of unregulated scheduling of television programmes in the burgeoning private media in India. Concerns have been raised over the discordant, if not completely dysfunctional media policy of the Indian state, which has attracted sharp criticisms for failing to meet even the basic objectives of content regulation concerning minor protection. If content regulation is the most visible element of regulation, the increasingly complex and elusive media landscape has thrown fresh challenges to an unsettled ecosystem of media policy in India. On the one hand, advanced communications technologies have unleashed a new rush for spectrum, inspiring and enabling multifarious ways to co-opt the labyrinths of internet and convergence architectures. The debate over multicasting technologies that could benefit all content providers versus proprietary forms of content-catching benefiting capital heavy private players is the latest case in point. On the other hand, the spread and reach of conventional media such as the print and broadcasting have proceeded at an even more accelerated pace of expansion. The two critical aspects of media – carriage and content – are thus more intricately laid out before the policymakers than in the earlier phase of having to deal only with bundled communications technologies such as broadcasting.

At first glance, heated discussions around the ways to draw democratic benefits from internet-enabled media spaces appear quite futile in a country like India with internet penetration as low as 8%. However, the impact of new communications technologies is more widespread than what this statistic can reveal. Advanced communications technologies have fundamentally altered the ways in which information and meanings are delivered, organised and received. They have, for example, increasingly blurred the boundaries between content givers, carriers and distributors – a trend often captured in the phrase “convergence technologies”. Akin to the countries in the west, India is not far behind in embracing these new technologies. With 246 million mobile phone connections in 2008, India is one of the largest mobile phone markets in the world. According to Media Partners Asia, the subscriber base for DTH television in India is slated to increase from 17 million in 2009 to 45 million in 2014, overtaking the United States (US) by 2012. The same report forecasts digital cable to grow to 17 million subscribers, and cable broadband to three million household subscriptions by 2014.

Conventional media such as the print has witnessed an explosive growth in the last two decades, while private television has

rapidly proliferated across the country. Between 1995 and 2007, more than 300 satellite networks entered the Indian market. While many of them provided a variety of entertainment content, there was also a rapid expansion of the news media. More than 50 of the satellite networks were 24-hour satellite news channels, broadcasting news in 11 different languages (Mehta 2008). In contrast to the shrinking print news markets in the west, news media in India has expanded across platforms, regions and languages. With a total of 325 million readers, India's newspaper industry generated Rs 172 billion (\$3.8 billion) in sales in 2010, according to the World Association of Newspapers. KPMG estimates that this figure is set to rise by 9% per year over the next four years to Rs 267 billion (\$5.9 billion) (Pagnamenta 2011). Circulation of leading newspapers has been on a steady rise, even as several niche papers continue to explore and capture new market segments. According to the World Newspaper Congress held in Hyderabad in 2009, India has more daily newspapers than any other nation and leads in paid-for daily circulation, surpassing China for the first time in 2008. Twenty of the world's 100 largest newspapers are Indian. Television channels and newspapers are thus multiplying, alongside new forms of media such as video-on-demand, video games, digital media and social media which are slowly, yet surely, expanding.

In the context of rapid expansion of multiple media forms, policy debates should adopt a multi-pronged approach towards analysing and drawing benefits from the complex media architecture. This involves simultaneous attention to conventional media and new media, and the diverse ways through which they co-constitute publics and politics. This article seeks to take a step in this direction, beginning with an outline of the nature of mediatisation underway in India today followed by a brief discussion of the media policy paradigms which have shaped state-media relations in the post-independence years. Following these regulatory concerns, the article argues that the policy framework should adopt a technologically and anthropologically informed approach to the media. It proceeds to propose and elaborate three policy imperatives in the subsequent sections – the need for mapping diverse news fields within India; the reimagining and revival of public media systems; and the regulatory models suitable for the private media. While each of these interlinked strands of policy debate is significant in addressing the existing policy gaps, they are by no means exhaustive. Instead, the article hopes to flag them as ways of drawing attention to the increasingly complex media landscapes of India and re-emphasise the need to initiate a wider public debate on the issue.

1 'Massification' and Visibility

While there are different vantage points to approach and analyse the nature of current media expansion, two interlinked phenomena stand out significantly. Massification and visibility are two aspects of the recent media expansion in India, which have together marked a shift from the earlier phase of state-led media agendas fed by the mutually constitutive ideas of modernisation and nationalism. There is a certain degree of "massification" of media because of the sheer increase in the volume of media audiences and media production. Television and new media outlets

(including small-sized newspapers, cable television, pirated video and new media) have extended the reach of the public domain to include more people and sections of people than in the earlier phases. In this sense, the media has clearly come out of an elite model of media production in the colonial and post-independence period; all the more so because of the widespread pirate culture in which thousands of fakes of media products "clandestinely" circulate the market. This massification or widening of mediated public space is distinct from what the Frankfurt School derided as the "culture industry". It would be an overstatement to propose that the deluge of media images has turned the Indian audience into a passive, consuming, homogeneous, uncritical, overwhelmed "mass", or transformed *prekshakaru* (viewers) into *jana* (people) under the aegis of culture industry.

There are at least two observations that support this claim. First, there is the sheer heterogeneity of the audience and cultural representations circulating in the Indian media. Many forms of media and their defined audience groups collide, overlap, and distinguish themselves within the networks of media production. Both the cultural product and its audience are therefore dispersed, fragmented and unavoidably messy. If scores of fly-by-night newspapers circulate around *Vidhana Soudha* (secretariat) to blackmail police officers and titillate gossip-hungry government employees, hundreds of cable television networks beam the latest Bollywood (pirated) cinema on neighbourhood television sets far and away from the power centre. There is also the mighty national television network, and even mightier regional language television channels that give a heady cocktail of crime, politics and melodrama; smattered with tropes of tradition and superstition.

Second, television audiences are not surely and merely uncritical. While it is difficult to gather evidence to substantiate this point, the sheer increase in the number of studio-based debates on "current affairs" and other forms of mediated activism point to an active middle class citizenry voicing their concerns and fighting for justice. This signals new forms of political culture emerging on the terrains of television channels and other media platforms. In its best manifestation, it has turned audience into "demanding" and critical citizens who participate in studio talks challenging the politicians; who organise protests to save their roads and trees and invite the media to cover the rally; who approach a television reporter before thinking of lodging a police complaint; who lead campaigns on the internet and garner support worldwide (e.g., the pink *chaddie* campaign). In a profound sense, visibility has penetrated governance, making the ruling bloc partially (and at times erroneously) accountable to the media and mediated publics. A striking illustration for this new form of mediatised political activism is the rise of the *Lokayukta* (public ombudsman) as a new vanguard of citizen rights against corruption in Karnataka in south India. The offenders are government officials who are laid in traps by the Lokayukta vigilance team during the course of accepting bribes from common citizenry. These traps rarely become full-fledged "legal" traps in which officials get convicted for their crime and condemned for legally sanctioned punishment. Instead, it is a trap of visibility, a

trap in which the offender squirms under the raging gaze of the media and through the media with innumerable audience watching. This critical visual trap alludes neither to the Frankfurt School's overwhelmed spectator nor to Kant's detached aesthete. In this, visibility is itself a political practice. At its best, it unfolds as an "exposure" and provides the much-needed democratic intervention in governance. At its worst, it is what Walter Benjamin would term as "aestheticised politics" in which the ruling bloc "sees its salvation in giving these masses not their right, but instead a chance to express themselves" (2001: 63). Thus, the result may not necessarily be substantive political change, but only public expression and even evacuation of citizen activism after a brief period of heightened visibility. The recent Anna Hazare movement bears out this danger of abbreviated, yet intense forms of mediated political activism.

This is also precisely the ambiguity of contemporary media production and explosion of affect-intensive spaces of media visibility in India. Simultaneously, against the dizzying backdrop of multiple media, the "mainstream" English news entities continue to be active in cementing the ideologies of market-led growth, corporate leadership and "urban boosterism".¹ For any meaningful policy and public engagement with the contemporary media, it is imperative to discern the growing dominance of mediated visibility in contemporary politics and the commercial drives that shape its intended and unintended consequences.

2 Media Policy Paradigms and Current Conundrums

Alongside the questions of cultural autonomy and purity which drove much of regulatory dilemmas for the broadcasting sector in the 1970s and 1980s, media regulation is today confronted with newer challenges of advanced communication architectures, accelerated privatisation of news, burgeoning media content and rapidly mutating genres which have blurred the boundaries between information, entertainment, speculation and spiritual pedagogy. The new advancements in communications as well as content explosion via multiple channels call into question the efficacy of existing policy approaches to media, including the still dominant conventional media.

The multiple regulatory bills introduced in the last decade to keep pace with the changing communications technologies and media expansion reveal a fragmented framework shaped as much by the Indian state's staggered acquiescence to corporate interests as by the entrenched colonial structures of governance aimed at "containing" and "reining in" the media. This sits uncomfortably with the ideology of engaging and employing certain media technologies, especially the broadcast sector and now the internet, to advance state-led developmental goals. The media policy paradigms in India are thus built on the contradictory impulses of restriction, technology-led development and deregulation (Chakravartty 2004; Naregal 2000; Parthasarathy 2010; Rajagopal 2001), even as several informalised media practices constantly perforate the policy framework, at times to the advantage of many sections of people excluded by the legitimising discourse of the state. Simultaneously, the commercialisation of the news media in particular is increasingly normalised through discourses fuelled by the corporate sector which club

news media and entertainment together as a single business category. Industry auditing agencies such as KPMG and PricewaterhouseCoopers (PwC) assess and predict the financial indicators of what they have christened as "media and entertainment sector", which considers news, cinema, internet, mobile phone and other emergent categories as a single industry.

If media policy objectives are in a state of flux, institutional framework for media regulation is also equally uncertain and fragmented. Regulatory authority is currently divided between several government departments even as the regulatory bills including the much-acclaimed Communication Convergence Bill (2001) and the Broadcasting Service Regulation Bill (2007) are still far from realising their stated objective of introducing a comprehensive and coherent policy framework. It is thus one of the most crucial moments for media policy discussions to funnel their energy towards a meaningful debate, since, as Christian Sandvig rightly comments on internet architecture, "the unsettled character of today's advanced communication systems is not our burden; it is our chance to act" (2006: 115).

With a firm normative stance to enhance public interests rather than state or business interests, and backed with a clear understanding of the contradictory objectives underpinning current regulatory frameworks, media policymakers should urgently incorporate two important approaches. First is the recognition of the changing technological landscape of media. Policy energy should be directed at comprehending and more fully incorporating the latest technological changes which have pushed the communications sector towards a functionally unbundled and modular form of organisation where communication functions are distributed across different platforms through interoperable standards. These standards serve as a "connective tissue" which enables the devices and entities to perform different communication functions in network architecture. In contrast, contents, services and transmissions are yoked together in a single entity in a bundled architecture.

Media policy scholars are advocating a "layered approach" to media regulation to address and benefit from these latest changes in the communications sector. Since several entities can simultaneously take up or withdraw from communications services, a vertical orientation of regulating specific communications technologies through specific laws should give way for a horizontal orientation towards addressing different functional components of communications delivered through multiple entities and technologies. This implies that proprietary control and other regulatory issues should be verified at each functional layer of communications – most prominently content and physical infrastructure layers – since single entity need no longer deliver these two together. Second is the recognition of the intricate layers of control, ownership and media praxis which are driving rapid expansion of conventional as well as new media at the ground level. Thus, the broader policy approach should be simultaneously attentive to the technological changes and the ground realities of media organisation, a combination of technological, legal and anthropological insights into the nature and implications of media expansion. The three policy areas discussed in the subsequent sections serve to highlight the importance of such an approach. The focus is on the

news media and public service broadcasting since they are normatively positioned to play a crucial role in democratic politics.

3 Mapping the Diversity of News Media Fields

Any meaningful policy effort for the rapidly expanding news media in India should begin with the recognition that the structure and nature of news production is not uniform across the country. To consider the news media as a single entity in India would be a policy blunder, since there is vast diversity across different languages and regions. This diversity runs parallel to convergence tendencies at the technological level. An urgent task before the policymakers is to invest research energy to map these overlapping, yet distinct news fields within India. If in some states like Karnataka, the market dominance of national commercial news groups such as the *Times of India* (TOI) remains relatively uncontested in the last two decades, other news markets such as Tamil Nadu are structured firmly through political partisanship resulting from direct ownership of television news channels by political parties. Even more alarming is the concentration of carriage, content and transmission in a single entity owned by an influential political group. Sun Network, the largest broadcaster in the region, also controls local cable television transmission. In Karnataka, these trends of vertical integration are less visible in the electronic media but consolidation is evident in the print industry since the Times group owns the largest circulated English as well as Kannada (regional language) newspapers.

To consider the case of Karnataka more closely, the recent expansion of the print media in the region is deeply interlaced with the rise of Bangalore as a “global city” and concomitant shifts in the urban landscape. Relaunching itself in 2007 in Bangalore, the TOI boosted its circulation and advertisement volumes through aggressive marketing strategies, price wars, polychromatic appeal, new forms of “reader-connect” programmes as well as city campaigns demanding better urban infrastructure for the corporate sector and middle class residents of the city. The rapid rise of the TOI on all market indicators pushed the existing players to defensively revisit their news policies, resulting in considerable measure of mimesis across the news field in terms of layout designs, news themes as well as organisational practices of aligning the editorial team more closely with the marketing division. The daily cadences of editorial decisions came to rely on market research data on readership, often handed out by the same set of market research agencies for competing papers. This was at a time when the news organisations felt the pressure to adopt seemingly “systematic, impersonal and reliable ways” of mapping the readers in order to “institutionalise their quest” to comprehend them (Gitlin 1983: 31).

Bangalore’s rising status as a global city was important for the revised news agenda and organisational practices of the post-1990s TOI and other newly launched English newspapers because the city appeared to have demonstrated what the private sector could achieve if the “obstructing state” retreated from its regulatory impositions. If, on the one hand, Bangalore emerged as a key destination for outsourced hi-tech and back-office work, on the other, the English media, especially the TOI, relied on the image of “successful” Bangalore to articulate and validate its pro-market

discourse. Expanding on its market innovations in other news markets in the country, the TOI sensed the changes in Bangalore earlier than its competitors and was prescient in recognising the demographic shifts within the city resulting from its growing importance as a global outsourcing destination. Within a decade following the tech boom in the late 1980s, there was an influx of migrants from various parts of the country drawn to the high paying technology jobs of the global industry, as well as a new transnational class of returning diasporic tech workers within the city (Upadhyaya 2009). The TOI identified these migrants and “home-grown” hi-tech professionals as a new lucrative readership market, constituting a subculture distinct from the non-IT “native Bangaloreans”. In its efforts to target, serve and co-construct this new class of readers, the paper fuelled the discourse of a “new reader” by offering what I call the “new regimes of mediated desire” as legitimate aspiration of the urban middle class. As a result, strong votaries of liberalisation such as the TOI continue to shape urban publics charged with “desire-as-aspiration”, in ways that “desire” itself extends beyond the realm of consumer commodities, into new imaginations of ideal citizenship, civic activism, lifestyle, cultural ascent, social mobility, body and self.

The increasing commercialisation of the news media mediates desire-as-aspiration, since leading English newspapers such as the TOI seek to simultaneously expand commodity markets (advertisers) and their own readerships through innovative strategies of connecting with the readers by relying on and cementing the ideologies of urban revival and urban boosterism. The global-urban desires represented and co-created by the TOI’s revised strategies span the emblems of consumer modernity such as “Page 3” and luxury real estate as well as include new imaginations of corporate leadership for the city. The ideological arsenal of corporate excellence, a decadent state and aspirational middle class underpins the revised news priorities and news practices of the paper. The organisational pedagogy of the new management and the English journalists’ own sense of victimhood at the hands of the postcolonial, “corrupt” state reinforced neo-liberal new-speak in terms of legitimising the positive pole of the corporate and individual, and the negative pole of the state and public (Chakravartty and Udupa 2011).

Despite the trends towards consolidation and neo-liberal new-speak of the dominant news group, anthropological enquiry into the field of news practices reveals that commercial logic of expansion and profit aggrandisement advanced by many media groups comes into direct confrontation with a wide array of cultural logics which are themselves set within the overarching matrix of global and regional capital. Underwritten by a long history of “print communalism” in princely Mysore, the caste practices in the news field both build on and diverge from a distinct form of journalism which arose at the turn of the 20th century during the course of journalists’ active role in the non-brahmin movement (Udupa 2010). “Print communalism” referred to the print-mediated pan-caste and pan-religious non-brahmin struggle to procure greater political benefits for three elite non-brahmin groups: Lingayats, Vokkaligas and Muslims. Distinct from “print capitalism” (Anderson 1991), it entailed a relationship between a community-driven agenda and print which was fundamental in early

20th century Mysore (as with print and market in 19th century Europe). Shaped by this long and complex history of caste-journalism nexus, the news field in Karnataka is defined by caste-based practices at various levels of journalistic production, which draw on and feed into the larger caste-based political culture of the state. Among journalists and news proprietors, there are blurred boundaries between affective bonds, instrumental ties and professional networking. Often, these multiple strands converge in caste identities. Hence, *jāti bala* (caste-based strength), *jāti samikaraṇa* (caste attraction) and *jāti network* (caste-based news networks) remain as interlinked aspects of journalistic sociality perpetuated by, and perpetuating, caste-based allegiances. Brahmin-dominated Kannada newspapers such as *Kannada Prabha*, *Samyukta Karnataka* and *Vijaya Karnataka*² confront and seek to contest the pro-backward class voices of *Prajavani*, Vokkaliga mouthpiece such as *Ee Sanje* and the Lingayat lobbies traversing several news organisations. These power struggles render mediated visibility to several publics, while at the same time, excluding and eclipsing a range of structural and experiential questions around the marginalisation of dalits as well as critical issues that lie beyond the pragmatic and opportunistic networks of caste politics.

Equally significant in the news dynamics are language-based solidarities which are reframed and revived in the context of ongoing liberalisation projects of the state. Within the field of news practices in the region, different grievances of multiple publics come to acquire meaning and intelligibility through the signification of Kannada. Because of its unstable nature, the figure of Kannada embraces a range of positions, values and meanings, which can at best be termed as a constantly mutating constellation of meanings. This constellation of meanings and demands is largely forged in relation to the “expelled other”: English bourgeois, global consumption and corporate sector interests, which have together acquired reasonable clarity under the strict editorial directions of newspapers such as the *TOI*. As a result, overlapping political, cultural, social and economic concerns of a heterogeneous group of news publics are increasingly expressed through Kannada, which serves as a partial empty-signifier (Laclau 2005). The partial embodiment of this signifier rests on the associated meanings of *nāḍu-nuḍi-saṅskṛiti-samudāya* (region-language-culture-community) shaped and authenticated by Kannada *vāgmayā* (linguistic *ecumene*). The unstable, fissured, yet effective forms of politics assembled through the logics of what I call the bhasha media confound modernist assumptions of rational critical public discourse, but nevertheless hold democratic potential for a range of publics, just as they equally efficiently curl back to reactionary cultural politics and fail to articulate a progressive alternative to the growing dominance of technocratic visions of the city, collusion between caste and capital, and marginalisation of the urban poor. Bhasha embodies the interlinked aspects of cultural distinctness, perceptions of temporal primacy, intimate address and inextricable connections with formal politics, which together have serious ramifications for the meanings assigned to Kannada by the journalistic community in the course of their interaction with language-based movements and caste politics in the state. Bhasha does not denote a realm severed from the larger ethos of market centrality, rather it is self-consciously

set within the overarching context of urban transformation and consumer modernity, and defined by its organic links with the domain of formal politics. It embodies a “surplus of connotations” (Pandian 1996: 3323),³ with its moments of subalternity in terms of giving voice to the subaltern-as-disenfranchised (Chattopadhyay and Sarkar 2005: 359),⁴ but overlaps also with elite politics based on caste and linguistic territoriality.

Alongside the contradictory moves of the bhasha media, news channels owned by politician-businessmen have rapidly expanded the presence of politically partisan news media in the region since many powerful politicians have forayed into the media and bought a stake in it. These include Janata Dal leader and former Chief Minister H D Kumaraswamy (Kasturi channel) and the Reddy brothers of the mining mafia (Janashree), together with a range of commercial media groups such as TV9. The multiple logics of the bhasha media and ownership patterns structuring the news field in Karnataka might not map out in the same way in other news markets in the country.

Party-Affiliated News Media

The rapid expansion of the news media in Andhra Pradesh, for example, is accompanied by explicit political partisanship and open advocacy of political interest groups. While the older news groups in the region had always relayed their partisan positions, the recent expansion of the news media is marked by direct forms of political party control and ownership. Such has been the influence of the newly launched party-affiliated news channels that the news field is today clearly demarcated along the political divide between the Congress I on the one hand, and a fragmented oppositional political field led by YSR Congress (of Jagan Mohan Reddy) and Telugu Desam Party (TDP) on the other. If the Eenadu news group has a long history of promoting anti-Congress politics, especially the TDP, the mandate before Sakshi, the newly launched media group by Jagan Mohan Reddy, is to contest the anti-Congress and pro-TDP bias in the existing news entities by providing the perspectives of Congress, and later the newly launched YSR Congress Party of Jagan. From the very beginning, *Sakshi* aimed to stay ahead of *Eenadu* on all counts – circulation, layout, technology and readership. Such heavy investments into newspapers and television channels, often unmindful of commercial returns, reveal the deeply politicised intentions fuelling news media expansion in the region. A commentator piquantly remarked that the news proprietors in Andhra Pradesh are “either politicians, prospective politicians or politicians by hobby”.

The rivalry between various news proprietors is underwritten by the Kamma-Reddy caste divide which shapes the wider field of Andhra politics. “Namaste Telangana” and “T-News”, the two recent entrants into the news field, are the media outlets for the Telangana movement, which have deepened a revived axis of conflict within the partisan press. The close association between formal politics and local cinema adds yet another dynamic to the news field. These forces together animate the complex triangulated axis of power comprising caste leaders, cinema stars and news proprietors. The practical moorings of news production are thus anchored to the particular, at times shifting, political priorities of the news proprietors and their strategies of political manoeuvring.

Simultaneously, all the major newspapers, and to a lesser extent news channels, give a daily combination of a variety of news themes and political news with diverse perspectives, eluding the delegitimising label of a “party mouthpiece”. At times, caste-based allegiances too are obscured within the news field since caste leaders of Kammas and Reddys populate both Congress and TDP in varying measures. The blurring of caste loyalties for self-serving political interests has occurred alongside rapid commercialisation of the news media and large investments into television channels, often by diverting the capital from other business ventures. The blunting of political partisan positions is hence effected by the expanding business interests of various news groups. As a pivotal case, *Deccan Chronicle* and its sister publication in Telugu (*Andhra Bhoomi*), commonly perceived as a highly commercial news group, manoeuvres its political position to enhance and safeguard its burgeoning business interests in a range of enterprises. The news group treads a more ambiguous, if not neutral, political position, since they have rapidly expanded into new areas of business including the ownership of a private cricket league in India – the Indian Premier League (IPL). If the *Deccan Chronicle* group provides a striking case of collusion between business interests, media capital and strategic political alliances, the owners of other prominent news groups in Andhra also have wide business interests including ventures in information technology, consumer products, chit funds, private cricket teams, hotels, film production, real estate, cement, as well as active role in regional politics – a trend reflective of the longer history of “print capitalism”, as Robin Jeffrey (2000) has convincingly argued.

This brief discussion of Andhra and Karnataka reveals that there are many overlaps between caste-politics, cinema-business nexus underpinning media expansion in all the four southern states, including Tamil Nadu and Kerala. But there are also important divergences in the region and across the country, owing to distinct histories of language, capital formation and notions of territory. These structural factors, especially the patterns of ownership and nature of capital flow into the media sector as well as the ideologies of market-led growth deeply influence news praxis and their potential to advance democratic participation. There is a rich literature to compare news systems across different nations and transnational regions, such as Hallin and Mancini’s (2007) pioneering work on different models of journalism existing in North America, continental Europe and Mediterranean countries. Similar exercise in mapping the news fields within India will benefit policymakers to at once address multiple loyalties structuring the news field and differences in patterns of control, ownership and media practices. While specific policy recommendations can only emerge after such a detailed analysis of the media fields, the discussion of the two states strongly suggests that the broader policy approach should consider media as variegated and not limited even to the frequently invoked distinction between the English and vernacular media.

4 Modular Approach to Public Service Media

More importantly, the rhizomic existence of heterogeneous news practices in the commercial sector call for a robust public service media and innovative forms of state and community interventions.

The landmark judgment of the Supreme Court of India in 1995 set a new paradigm by stating that the airwaves are “public property” and therefore, freedom of the press should be understood not merely as freedom of media enterprises to engage in their businesses, but a substantive right of the public to have access to avenues of expression and public debate. The right to expression has to be approached comprehensively as the right to be heard as well as right to say and hear. This important judgment pushed the regulatory debates beyond the dichotomy of the regulating state and free media by emphasising the need to protect diversity and public interests in media production. However, the crucial public media thrust of the judgment was obscured by the private sector-led interpretations, which presented it as the judiciary’s call for ending state monopoly of broadcasting to allow private players into the sector (Parthasarathi 2010).

In this context, policy approaches to public service media should be charged both by ideological contestations as well as technological innovations. Although important, top-down regulation based on the assumption of bundled communications architecture is not sufficient to create a vibrant, inclusive and reflective media ecosystem. Recognition of the functionally unbundled nature of communications architecture was evident in the Convergence Bill (2001). However, the broad policy objective underpinning the bill was still anchored to the *raison d’être* of media control through a centralised authority rather than to the wider objective of leveraging the benefits of network architecture of advanced communications for democratic practice.

In their recommendations to the Federal Communications Commission (FCC) in the US, Ellen Goldman and Anne Chen (2010) proposed a comprehensive plan to revive public service broadcasting precisely through a modular and unbundled approach to media. These recommendations have pushed the layered model of regulation beyond the rationale of state control to instead help policymakers to design innovative environments for public media interventions. While several of their recommendations are rooted in the American experience of rapid digitisation and several more are aspirational even by the standards of developed countries, some lessons can be drawn for the Indian context. For instance, while many readers are cognisant of the growing phenomenon of paid news, it is still difficult to discriminate a large crop of paid content from non-paid news content in the mainstream news media. Nor is it apparent even for the most discerning audience if a news story is tied to covert and overt forms of product placements and political partisanship. Content regulation through a co-regulatory model can address this problem in some measure, but more effective would be the efforts to connect and re-energise a wide array of state and community networks of information sharing, which have always been a mainstay for decentralised governance. The government should focus its policy energy to revive the extensive public service broadcasting facilities and other state-supported institutions already available in the country to enhance the capacity of communities to reflect on and engage mainstream commercial media. Although Prasar Bharati (the Broadcasting Corporation of India) is vested with many of the lofty ideals of public media, it has still remained an object of political gambit for successive governments.

In this context, Goldman and Chen's application of layered model of regulation for public service broadcasting throws fresh insights into ways of recharging and reaffirming our public media objectives. Using the layered and network architecture of internet, they propose that different streams of communications engaged in public service media should be connected, scaled up, curated and transmitted through the available and revived facilities of public service media. They contend that the state should move away from considering television and radio as the sole recipients of state support. Instead, public service media should encompass a wider range of content providers and information activists through a decentralised mechanism that addresses all the four layers – physical infrastructure, connection (between various platforms engaged in public service media), curation (supporting content and services of public value) and creation (creating content which the market insufficiently or erroneously addresses).

While the current structure of Prasar Bharati firmly holds the physical infrastructure layer, policy innovations in connecting and curating non-commercial and community media in a network model are yet to be charted in generative ways. Content creation and curation are instead left to the vagaries of political interventions and the troubling limitations of bureaucratic action. Underpinning many efforts of the corporation is the deep-seated policy assumption around state pedagogy via technology – an assumption that dates back to the techno-optimism shared by diffusion theorists and the newly empowered technocrats of Nehruvian India charged with development goals. As Ashish Rajadhyaksha⁵ (2009) has rightly argued, this approach collapsed technological solution to the “last mile” problem with democratic growth, alongside favouring the broadcast model. This came at the cost of overlooking a limited number of success stories of participatory communication evident even within the realms of conventional media.

There are many platforms available today to generate useful public media content and practices – community radio, non-governmental organisations, innovative news portals, anti-corruption civil society watchdogs, public ombudsman and activist groups comprising several villages at sub-regional levels under various cultural and language-based political repertoires. While these diverse entities cannot be clubbed into a single category, nor can their motivations be assumed as uniformly innocent, Prasar Bharati should connect useful public service media functions available across these channels in a network model of content aggregation and curation. The corporation should actively connect, curate and scale up these networks in a multilateral way, instead of relying only on the hub-spoke model of connecting national broadcast stations with regional stations. For instance, several non-media actors have worked laboriously to generate vital information on the vexed issue of mining in Karnataka, which could be connected with similar insights across India, such that specific theme-based information portals and media practices are scaled up and made available for the larger public as well as for the political-bureaucratic machinery. This involves a deeper ideological shift from technology-led state pedagogy to a network model of communication and community building.

Another institutional site needing a similar makeover is the press academies instituted in several states in India to promote sound journalism. In contrast to Prasar Bharati, these are much smaller but have the advantage of engaging journalists and conventional media actors locally, often at intimate levels of address. The Press Academy in Karnataka rechristened itself as Karnataka Media Academy to involve the growing tribe of television journalists. The name change notwithstanding, these academies neither have the financial strength nor technical expertise to engage a growing community of content and information activists who have been using a wide range of platforms including local newsletters, community radio, online portals and mobile phones. Doordarshan, AIR, Media Academy, professional media associations drawing state support (however minimal) as well as non-media information activists should form part of a larger network of public service media in which various streams of non-commercial content are linked and curated to maximise their effect, reach and appeal.

5 Regulatory Models

If the “productive” side of content regulation call for new imaginations, the “restrictive” dimensions of content regulation need an equally rigorous reassessment. The three regulatory models widely discussed in the international forums relate to the options of state-led regulatory mechanism, self-regulation or co-regulation. The merits and demerits of each regulatory model and their specific regulatory structures have been extensively discussed within other national contexts including the us, Germany, Australia, Spain and the United Kingdom. In the state-led regulatory model, all regulatory activities spanning from rule making (drawing the code of ethics and professional rules) and implementation to supervision and sanctioning (incentives/punitive measures) are vested with the state authorities. While this ensures compliance through strict statutory institutions and processes, the dangers of command-control model of state regulation in the Indian context cannot be overstated. There have been several instances lately to hold evidence that state interventions specifically target dissenting voices. If the National Emergency in 1975 was the most severe of state-imposed restrictions on the press, there have also been several other measures by national and regional governments to have a blanket-ban approach to certain regulatory concerns. An important case is the enactment of Andhra Pradesh Prevention of Dangerous Activities of Communal Offenders Act, 1984. After retaining all the provisions of the National Security Act, 1980, the Andhra Pradesh bill also included specific provisions related to the press (Shatrugna 1984). These provisions gave the government the power to close down any printing press involved in publishing articles dubbed as “communal writings”. A more recent legal attempt to impose restrictions on the media relate to Chhattisgarh Special Public Security Act (2005) which provides provisions to bar the media from reporting any activities considered by the state as “unlawful activities”, primarily targeting Maoist dissent in the region. Splintered across different regions and justified on the grounds of specific regional “problems”, such legal provisions continue to evade concerted nationwide debate. Any formalised mechanism

to implement state regulation of the media bears the risk of further cementing the restrictive tenor of regulation, not to speak of the dangers entailed in indiscrete use of regulatory provisions by bureaucrats as well as multifarious forms of political interventions.

As an alternative model, self-regulation holds out the promise of greater compliance for content code and ethics of conduct through mechanisms of peer surveillance. To avert possible government interventions, the News Broadcasters Association (NBA), a professional association for private news broadcasters, has drawn a code of ethics and has also set up News Broadcasting Standards Disputes Redressal Authority comprising 14 members representing 30 news channels. While these measures ensured considerable restraint in the coverage of Ayodhya verdict, at least among a section of private news broadcasters, the practicalities of everyday media production and intense competition and mimesis within the media field suggest that the professional guidelines drawn up by self-regulatory bodies are most likely to remain as sacred tenets of the holy cow that no one read or followed. A recent incident involving violation of professional guidelines by a private news broadcaster reveals the inadequacies of self-regulatory mechanism. When NBA imposed its disciplinary measures on the erring channel and asked the channel to telecast the compulsory scroll of apology for the mistake, the channel quickly withdrew its membership from the association. In such cases of non-compliance among wilful transgressors, self-regulatory model has little choice to ensure compliance. At the same time, this regulatory model bears the risk of fragmentation and lack of legitimacy.

More importantly, the structural issues of ownership and consolidation can hardly be addressed by a self-regulatory model. The rapid expansion of media and advertising sector is facilitated and accompanied by extensive financial restructuring of the media sector. In recent years, the sector has become more aligned with, and dependent on, private equity holders, foreign direct investment and share markets (Kohli-Khandekar 2006) even as the ownership structure of the media reveals the continued

dominance of "individual owners". Following the trend which began during the colonial years, regional and national capitalists continue to invest in the media as part of the larger agenda to advance their business and political interests (Jeffrey 2000; Nair 2003). According to the Ministry of Information and Broadcasting, newspapers owned by "individuals" still enjoy 53% of the total circulation in India, followed by joint stock companies (39%); trusts (2.9%); societies/associations (2.4%); and firms/partnerships (2%).⁶ Cross-ownership and economic consolidation have become more complex in the recent years since many news entities are part of the large family-owned business houses in India and several more new entrants are linked to new political-economic elites emerging along the murky networks of global capital and local power within particular regions in the country. Whereas there are signs of vertical integration, but less consolidation at the national level,⁷ regional media markets reveal a different story. In an extensive quantitative survey of the multi-lingual news market in India, Chandrasekhar and Ghosh⁸ point to growing concentration within specific regional language news markets of India, especially those which have large circulation volumes: "Underlying the diversity and disparity implicit in the segmented markets created by language is a basic tendency towards concentration in larger markets among those languages. Overall, barring an exception like Hindi, a larger circulation is accompanied by greater dominance." Similarly, the annual media industry report prepared by the Federation of Indian Chambers of Commerce and Industry (FICCI) and KPMG (2009) has found that in almost every major language segment and in most states three dominant players together control between 65% and 75% of the news market.

Conceiving a Co-Regulatory Model

A finely crafted co-regulatory model can provide an effective regulatory mechanism to address content issues as well as the most fiercely debated issues concerning ownership and carriage.

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The experiences of regulatory authorities of several countries in imposing restrictions on cross-holdings and consolidation provide a sober reminder of the inadequacies of the existing regulatory bodies. A pivotal case is the well-established regulatory authority of the UK, OfCom, which has silently absolved itself from the responsibility of imposing restrictions on cross-ownership, bowing to corporate pressure. Simultaneously, it has increasingly lent its departments for market-friendly research, including the much hyped “hyperlocal media” promising business models for local media entities at neighbourhood levels. However, FCC, OfCom, Australian Communications and Media Authority and other regulatory bodies have been active in experimenting several models to allocate regulatory functions to public as well as private entities. Many of the reasonably successful efforts in regulation in these countries have adopted a co-regulatory model involving distribution of regulatory functions between public and private players.

Co-regulatory model can be conceived in two ways: distribution of regulatory functions in a single regulatory strand (e.g., drafting of content code as opposed to enforcement of content code), and distribution of different aspects of regulation (e.g., ownership as opposed to content) between private players and public authorities (usually independent statutory body). For instance, there are certain in-built incentives evolved by the industry and the monitoring mechanisms of FCC to ensure diversity in content and representation of minority voices. Similarly, in Germany, co-regulatory models retain the state’s regulatory power through certification of code and non-state regulatory bodies while allowing sufficient institutional space for the industry associations to administer and monitor regulation. These

approaches have been particularly successful for minor protection in audio-visual services. As Wolfgang Schulz, media regulation scholar emphasises, effective regulatory structure entails a fine balance between regulatory power of the state and incentives built in the self-regulatory models. Since self-regulation can assure greater degree of flexibility and active industry involvement, the industry should lead the first layer of regulatory mechanism – especially drawing content code and guidelines for ethical media practices as well as their monitoring. However, these layers should be legally linked to an autonomous statutory body with clear processes for escalation of complaints and findings. The autonomous statutory body should have provisions of sanctions after exhausting industry-led mechanisms of restraint and incentives. It should also intervene in specific forms of productive regulation of content and include a modular approach to regulating ownership, consolidation and other structural issues, as discussed in the second section. At the same time, there should be other innovative ways of encouraging compliance – publication of outcomes of compliance, publicity to regulatory mechanisms, and a discursive turnaround media regulation to emphasise the positive aspects of regulation that could prompt media entities and media professionals to approach regulation as ways to enhance the trustworthiness of brands. Even before any of this is set in motion, the government should have sufficient data and insights on different media fields and patterns of media practices within the country, as pointed out in the third section. If the burden appears huge today, it will only escalate with the rapidly multiplying and even more rapidly mutating media landscape of tomorrow.

NOTES

- 1 Kate Oakley (2004), “Developing the Evidence Base for Support of Cultural and Creative Activities in South East England”, <http://www.semmlac.org.uk/docs/Oakley%20Report%2012.4.04.pdf>, accessed on 5 October 2008.
- 2 *Vijaya Karnataka*, owned by Lingayat businessman and politician Vijaya Sankeshwara had a strong presence of brahmin journalists at all editorial levels. The paper underwent significant transformation after the TOI group acquired Vijayanand Publishers in 2006. There were more advertisement-friendly news features and paid content in the newspaper in the later years of acquisition, and a thorough restructuring of the editorial team.
- 3 Pandian himself does not use the term *bhasha*.
- 4 This builds on Chattopadhyay and Sarkar’s invitation to examine the effects of “relaxing the Gramscian assumption that the subaltern is defined by insufficient access to modes of representation”, and how this can redefine our theoretical practice and empirical investigation (2005: 359).
- 5 Ashish Rajadhyaksha (2009), “A Provisional Definition for the Cultural Last Mile”, <http://www.cis-india.org/raw/histories-of-the-internet/blogs/rethinking-the-last-mile-problem/definition/>, accessed on 5 July 2011.
- 6 Ministry of Information and Broadcasting, Government of India Report 2005. Sourced from www.indiastat.com, accessed 20 March 2009.
- 7 Vibodh Parthasarathi, “Media under Corporate Control”, *Combat Law*, www.combatlaw.org, pp 31-36.
- 8 C P Chandrasekhar and Jayati Ghosh (2003), “On the Economics of Media Diversity”, *Macroscan*, <http://www.thehindubusinessline.com/2003/08/26/stories/2003082600260900.htm>, accessed on 28 April 2009.

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