



The Ambivalent State and the Media in India: Between Elite Domination and the Public Interest

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The inability of the state in India to either translate existing media policies into practice, or create media policies and regulatory processes that correspond with the emergent reality of convergent media, is a reflection of its ambivalence—caught as if were between the demands from its interests groups and the compulsions stemming from the need to engage with a populist politics. This article explores issues related to the emerging political economy of communications in India with a specific emphasis on the nature of media ownership and control within a media market that is increasingly controlled by business interests and political parties. It also tries to make sense of the efficacy of counter-movements including community radio, free and open source software.

The emergence of the BRICS (Brazil, Russia, India, China, and South Africa) nations and, in particular, the rise of China as an economic powerhouse have led to analyses of real and imagined power shifts in the contemporary global political economy (see The BRICS Report, 2012; Kobayashi-Hillary, 2008). There is little evidence of BRICS being more than an ideological gathering of nations, given that the economies of the BRICS nations are integrated with the global economy and in some ways are tied to U.S. interests. Close to 80% of India's software exports are, for example, to the U.S. market. A report by Simon (2011) authored for the European Union highlights the growth that has occurred in ICT sectors in the BRICS nations along with their continuing dependencies on overseas firms.

Despite the achievement of pioneering firms from India and China which have become global players the ICT sector is dominated by foreign companies. EU firms operate in Brazil (mostly from the telecom sector: Telefonica, Portugal Telecom, Telecom Italia . . .), India (Ericson, Telenor, Vodafone, Siemens, Nokia . . .), China (Alcatel-Lucent, Nokia Siemens, Network, Orange FT Group, Sony Ericson, Telefonica . . .) (p. 14)

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Whether the BRICS nations represent the rise of a countervailing power bloc to the developed world is yet to be established, given the existence of real divisions within this club. An example of such a division is the Indian government's backtracking from its support for a UN Committee on Internet Related Policies supported by Russia and China as an alternative to the Internet Corporation for Assigned Names and Numbers (ICANN) (see P. Singh, 2012). Although the government of India initially had reservations on the continuing monopoly exercised by the U.S.-based Internet Association for Assigned Names and Numbers (ICANN) in the matter of Internet governance in line with the declaration made at the fifth India, Brazil, South Africa Forum, held in Pretoria in 2008, it has been reported that its position has altered and that it is now more open to negotiating with ICANN for developing world representation on the four ICANN advisory committees. The government's position, to some extent, has been shaped by the disquiet expressed in the domestic IT sector and by civil society on the consequences stemming from the "Balkanization" of Internet governance (S. Singh, 2012). However and rather intriguingly, in contrast to its position on Internet governance, at the ITU-sponsored World Conference on International Telecommunications held in Dubai, December 3–14, 2012, the government of India backed UN control over global telecommunications (Chandrasekhar, 2012). This article argues that, although the study of global power shifts is required, it is also necessary to complement this with studies of the shifting balance of power within nation-states, the nature of allocative rationalities, and their impact on the structuring of communication, and other benefits and opportunities. The article focuses on India and also argues the case for interstate differentials in the exercise of this power by highlighting the case of the southern Indian state of Kerala, a state whose socialist leanings have led to a qualitatively different access to information from that experienced by citizens in other states in the country.

The continuing political gridlock faced by successive coalitional governments in India has led to what Bardhan (2003) has described as the "system" settling "for short-term particularistic compromises in the form of sharing the spoils of the system in an elaborate network of subsidies and patronage distribution, to the detriment of long-run investment and economic growth" (p. 131). This is best illustrated by the numerous scams related to the allocation of public resources, including the 2G spectrum scam that is reputed to have cost the exchequer close to \$40 billion in lost revenues (Khetan, 2012a). Other scams involve mining (the "Coalgate" coal mining allocation scam of 2012 cost \$33 billion—Khetan, 2012a, 2012b), real estate, and the wholesale misappropriation of the commons. That such scams involve regional political parties, their representatives in central government, the media, and the corporate sector is indicative of a shift in the tenor of allocative rationalities that is increasingly being shaped by tainted capital.

However, despite the state's embrace of neoliberalism and the market, it remains committed to the lives of millions of its citizens who are dependent on its welfare provisions, including health, employment, and access to food and shelter. Legal provisions such as the Right to Information Act (2005) and the National Food Security Bill (2011) have given the public the means to demand accountability and transparency.

It can be argued that such contradictory tendencies have contributed to a weak democracy that is high on rhetoric for outside consumption but low in terms of the ways it has contributed to the lives of its citizens in the areas of justice, equality, and freedom (Kaviraj, 2010). India is, of course, rather

famously known for the systematic way in which adult franchise has been operationalized and for its many trappings of democracy, which include a strong constitution, democratic institutions, and the rule of law. However, and at any given moment, the fault lines that divide the country across caste, class, gender, religion, and ethnicity and the vast disparities between rich and poor suggest that the frameworks for democracy have not been infused with the required political will. The extraordinary efforts taken by the state to quell Maoist struggles across India's central and eastern regions is just one example of the state's war against its own impoverished minorities (Chakravarti, 2008; Navlakha, 2012; Pandita, 2012). One wonders whether, in this context, it would make a lot more sense to apply the framework of "competitive authoritarianism"—often used to make sense of its neighboring states—to make sense of India, since behind the veneer of democracy is the palpable persistence of the cultures of patronage and feudalism that facilitates the distribution of resources (see, e.g., Sud, 2009, on the great Indian land grab).

Lloyd Rudolph and Susanne Rudolph (1987), in their classic text *In Pursuit of Lakshmi: The Political Economy of the Indian State*, describe the ambivalent state thus:

Like Hindu conceptions of the divine, the state in India is polymorphous, a creature of manifold forms and orientations. One is the third actor whose scale and power contribute to the marginality of class politics. Another is a liberal or citizen's state, a juridical body whose legislative reach is limited by a written constitution, judicial review, and fundamental rights. Still another is a capitalist state that guards the boundaries of the mixed economy by protecting the rights and promoting the interests of property in agriculture, commerce, and industry. Finally, a socialist state is concerned to use public power to eradicate poverty and privilege and tame private power. (pp. 400-401)

This article explores the management of media power by the state in India and argues that, despite its location within, and contribution and commitment to a neoliberal economic order, it exhibits an inherently ambivalent stance in its support for and allocation of communication resources. On the one hand, the state's continuing control over the allocation of communications resources, including infrastructure and frequency distribution in a context of weak media regulation, is characterized by increasing correspondences between state and private capital. On the other hand, its support for deliberative democracy and public communications through provisions such as the Right to Information Act and public-sector software is indicative of the complex compulsions that drive the Indian state's tryst with its publics.

This article is divided into four sections. It begins with an analysis of the state's episodic but largely ineffectual efforts to regulate media ownership. This is followed by a section on the consequences of weak regulation, illustrated by the case of the Sun TN network in the state of Tamil Nadu. This section highlights the close correspondence between politics and the media. The third section deals with state manipulations of media power and in particular the state's role in the licensing of community radio. The final section examines free and open-source software (FOSS) solutions in e-governance as an illustration of the compulsions of a socialist state that is caught between the need to serve its markets and its publics.

The State and Media Ownership in the Context of "Lite" Policy

While media monopolies are a feature of many so-called democracies the world over, what makes the Indian case different is that much of what is happening in and to the media is taking place under the radar, as it were, in a largely policy-less vacuum that is closed to public scrutiny. The repeal of the Monopolies and Restrictive Trade Practices Act of 1969 and the establishment of the Competition Commission of India (CCI) in 2009 have yet to make a qualitative difference to state investigations of monopolies and cartels. Although the CCI has begun to investigate, among other things, Google's role in online advertising, it has yet to make rulings on corporate media cartelization and its abuses of media power. Bhattacharjea and De (2012) have highlighted an instance in which, despite evidence of cartelization, the CCI refused to take action against "three associations of Hindi film producers (together representing 27 film producers or production companies, many owned by the biggest names in Bollywood)" that "had instructed their members not to release new films for exhibition, so as to secure a more favourable revenue sharing arrangement from multiplex owners" (p. 15). Media consolidations include the Reliance-Anil Dhirubhai Ambani Group's 2006 purchase of controlling stakes in Adlabs, making it one of the largest corporate media houses in the country, and the more recent acquisition by the P V Group of a 69% stake in Cinemax multiplexes. As G. Singh (2012) has observed, "With PVR's 213 screens and Cinemax's 138, the consolidated group has now overtaken Inox (256 screens) to become the largest multiplex operator in India" (p. 18). It is widely recognized that for close to two decades India has lagged behind in its antitrust investigations, resulting in the growth of monopolies and concentrations in numerous industry sectors, including the media.

Contrary to the newer broadcasting, cable, and satellite sectors, the issue of monopoly press ownership has been debated since the 1950s and was discussed at length by two Press Commission reports that were submitted in 1954 and 1982 and the Inquiry Committee on Small Newspapers. These reports were shelved, although there was an occasion when the deputy minister for information and broadcasting, Nandini Satpathy (1966-1969), did propose the dispersal of shares owned by the proprietors of large newspapers in the hands of public trustees. S. K. Goyal and Chalapathi Rao, in a report for the Second Press Commission, advocated the "public takeover of the top eight newspaper establishments because it was essential to delink the press from monopolistic media houses" (2001, p. 98). From the 1980s onward, large newspaper chains in both English and the vernacular languages began to diversify their ownership of the media, beginning with broadcasting and followed by telecommunications and the Internet. With the advent of economic liberalization in the 1990s, media houses began venturing into nonmedia businesses, and flagship industrial conglomerates such as the Tatas and Birlas made extensive investments in telecommunications, the Internet, and mobile telephony. The Indian journalist P. Sainath (1997), in an article in the journal *Seminar*, describes findings from a study on media ownership carried out by the Indian Institute of Public Administration for the Second Press Commission that showed abiding and extensive nonmedia business interests, including "cement, jute, steel, shipping, aluminium, chemicals, real estate, agro-chemicals, textiles, fabrics, sugar, rubber, tea, coffee, tyres, automobiles, plantations, transport, hotels, electronics, films, trading, excise contracts, finance, machinery, paper, processed foods, gypsum mining and cola" (p. 59).

A key issue related to media ownership today is the lack of an effective, independent press and/or broadcast regulatory regime. Internal conflicts between the broadcasting and telecommunications ministries and turf wars have effectively stymied broadcast regulation, which, at the moment, sits uneasily within the remit of the Telecom Regulatory Authority of India (TRAI), established in 1997. Even the smallest sector within broadcasting, community radio, is currently regulated by TRAI. While the government has mooted the establishment of a Broadcast Authority of India, on the lines of TRAI, this is yet to materialize. I have argued elsewhere (ICA Preconference, 2010) that a situation characterized by “no policy” or “lite” policy is actually a kind of policy, since it is precisely within this opaque environment that the extraordinary growth in cable and satellite television and FM radio has taken place during the last two decades. In other words, it can be argued that in an era that has seen an extensive lifting of restrictions related to economic investment across all sectors, there has been a corresponding lack of interest in ensuring that the airwaves as public property are treated as such. In fact, and to the contrary, there has been a collusion between political parties and the media, resulting in large-scale investments in cable and satellite—and, in particular, news channels. These channels exist to support party political interests, and they have become an abiding feature of the media landscape in India. Even the move toward the digitalization of broadcasting that has been enshrined in law with the Television Networks (Regulation) Amendment Bill of 2011 has been placed on hold for political reasons—mainly because owners of cable operations, often owned by regional politicians, are part of strong lobbies (see Kaushik, 2012) that have consistently underreported viewing figures and hence paid lower taxes, are loathe to discontinue such practices, and are involved in filibustering the attempts to switch from analog to digital. A trade report by the Associated Chambers of Commerce and Industry of India (2012) highlights one of the consequences of inaction:

If the current analogue cable distribution model remains in place and digital penetration is limited, there would be cumulative value of the tax receipts lost by the government (some estimates put this at US\$11 billion over the next decade or US\$1 billion per year). (p. 15)

The Indian media sector, unlike in the past, now attracts capital from multiple sources. Traditionally, the Indian film industry had a reputation for being bankrolled with money from dubious sources: tax evaders, smugglers, and others in the underground economy in Mumbai, Dubai, and other places (see Pendakur, 2003, pp. 51–56). Although the Indian government has tried to regulate an unregulated industry, film financing remains a gray area and is prone to investments that cannot be made elsewhere. As Padmaja Shaw (2008) observes of the film industry in Andhra Pradesh, it is controlled by five oligopolistic families.

The industry is known to be a high risk, high return industry, which absorbs a good deal of the resources from the black economy of the liquor industry, real estate, finance companies thriving in the state. This economic power is used to control political power through direct participation or through proxy control. It was as late as 2000 that the government of India gave the film industry the status of an industry . . . opening up the possibility of financing films through legitimate means. However, the Telugu film industry continues as an oligopoly. (p. 6)

Today the television industry is heavily subsidized by real estate, and news channels, in particular, are backed by numerous regional political interests throughout the country.

State control over media based on the preferential disbursement of government advertisements in exchange for favorable coverage is an issue in some states, including Chhattisgarh. Suvojit Bagchi (2012), in an article in *The Hindu* newspaper, names a number of television channels that have benefited from this arrangement, including "Z24, a franchisee of Zee News, Sahara Samay, ETV Chhattisgarh, Sadhna News and other smaller, local networks" (p. 15).

Consultation Paper No. 13/2008 on media ownership, issued by the Telecom Regulatory Authority of India (TRAI) on September 23, 2008, is the clearest indication that issues related to media ownership continues to be of concern, at least at the level of government ministries such as the Information and Broadcasting Ministry and TRAI. The issues flagged in the report include whether restrictions are required in the matter of vertical and horizontal media integrations and the consolidation of market share of any medium in a given geographical area (p. 18). Its mandate is described:

The reference under consideration cuts across the broadcasting sector and the issues of cross-media restrictions are to be addressed in an inclusive manner covering broadcasting services, print media and other miscellaneous ownership within the fold of telecom, information, and broadcasting. (p. 2)

As the paper notes, with the exception of FM radio and direct-to-home services, there are currently no restrictions in the ownership of print, cable TV, IPTV, and mobile TV. The provisions and clauses related to restricting media ownership are impossible to implement since they are either based on "voluntarism" (media houses voluntarily giving up on excess media stock) or retroactive, regulation-based media-load shedding in response to any future cross-media legislations. The consultation paper explores three types of restrictions: cross media ownership across electronic and print media, vertical integration within particular media segments, and market share-based restrictions. The paper refers to existing cross-media ownership restrictions in the United Kingdom, United States, Australia, Canada, and other countries, although in section 5.9 (p. 74), it also offers observations on the benefits of media consolidation—including economies of scale and scope in news gathering, access to better news management, access to overseas capital, and improved editing and dissemination technologies. What is interesting about this paper are the responses received from 29 major media players, including Zee TV, Star India, Reliance, Malayala Manorama, Tata Sky, Bennet Coleman and Company, and FICCI, and from five individuals, including the media critic Sevanti Ninan. For the most part, the responses from media corporations are either defensive or point to the unworkableness of the proposed solutions.

The most extensive investigation of media ownership in India to date is the *Study on Cross-Media Ownership in India* (Dasgupta, Ramachandra, & Allamraju, 2009), which was commissioned by the Ministry of Information and Broadcasting. While this study and its findings were rather inexplicably shelved for 2 years, it (again rather inexplicably) was resurrected in 2012 by the Information and Broadcasting Ministry and has become the basis for an investigation by TRAI. TRAI will explore both horizontal and vertical aspects of cross-media ownership, and the objective is to come up with a

consultation paper. It must be noted that, in 2008, TRAI had released a previous consultation paper on media ownership that was rather vague and inconclusive in its recommendations. Although the report identified a range of markets in which there was evidence of cross-media ownership, little effort was made to investigate these findings any further. This report highlighted media monopolies and cross-media ownership in English, Hindi, and other vernacular languages (Telecom Regulatory Authority of India, 2008, p. 83).

It would seem that the inability of the government to investigate media ownership issues any further reinforces the perception that foot-dragging is one aspect of a situation characterized by "no policy." The 2009 *Study of Cross Media Ownership in India* does include interesting findings that ought to be explored further. The study includes a section on current media groups and their cross-sectoral ownership interests that is perhaps the most extensive mapping of media ownership in the country. What is clear from this study (Dasgupta et al., 2009, pp. 129–130) is that the only restrictions related to media ownership relate to vertical integrations. FM radio licenses are restricted to one per city, although there is no limit to ownership of FM radio across multiple cities, which is the case today. There are currently no restrictions related to cross-media ownership by broadcasters, cable operators, and publishing groups. As the study categorically reports, "There is currently no cross-media ownership regulation in India" (p. 145). The report highlights significant concentrations of cross-media ownership in the regional language markets, particularly in Tamil Nadu, Andhra Pradesh, and Kerala, and less evidence of such concentrations in the more national Hindi and English markets. The report also advises closer cooperation between TRAI and the CCI in the investigations of cross-media concentrations. However, the findings related to a spike in concentrations of regional media fail to mention the links between these media and political parties. Padmaja Shaw (2009), a Marxian scholar from Hyderabad, in an article that explores media ownership in the southern state of Andhra Pradesh, has highlighted the links between dominant castes, political parties, and ownership of the media:

The economic base of Congress (I) is essentially drawn from the Reddy entrepreneurial caste, while the TDP (Telugu Desam Party) draws its economic muscle from the rival Kamma entrepreneurial caste. Elite from both the parties dominates agriculture, industry and now services sector. Both have a significant presence in the media industries in Andhra Pradesh. (p. 5)

While a handful of academics and media critics (Ranganathan & Rodrigues, 2010; Shaw, 2008, Thomas, 2010) have explored issues with media ownership in India, veteran broadcaster and journalist Paranjay Guha Thakurta (2012) has written informative pieces on media ownership in India on the Web portal The Hoot. These short pieces by an insider provide a compelling map of the media landscape in India, the involvement of political parties and real estate, the entry of nonmedia groups into the media sector, the growing concentrations of media ownership in the country, press barons moving into broadcasting and vice versa, mergers between telecommunications and broadcasting companies, and incidences of vertical, horizontal, and lateral media concentrations.

The Dravida Munnetra Kazhagam, Sun TV, and the Politics of Patronage

The relationship between the regional Tamil political party, the Dravida Munnetra Kazhagam (DMK), and the SUN TV network is the most cogent example of the relationship between politics, the media, and patronage in India today. While this relationship has had its ups and downs, reflecting the politics and political fortunes of two closely related families (the Marans are owners of the Sun TV network, and close relatives of the ex-chief minister Karunanidhi), the synergies between these families have molded the shape of politics in contemporary Tamil Nadu. The DMK has had a close relationship with the film industry ever since its formation in the 1950s, and successive chief ministers of this state, including the incumbent, Jayalalitha, from the rival AIDMK party, have been associated with this industry. The history of the DMK is fascinating; it began as a party committed to social justice, an anticaste party that was anti-Brahmin and rationalist in its outlook. The media, and in particular cinema, has been extensively employed as a populist tool by successive governments in this state. A number of studies (Hardgrave, 1973; Pandian, 1992) have shown the extraordinary relationship between cinema and Tamil, Dravidian identity (distinct from the upper caste-based Aryan, Brahmanic identity), the creation of mass-based personality cults, and cinematic heroes and heroines becoming real-life politicians and heads of state.

In the early 1990s and with the advent of cable and satellite television, this regional party used television as the means to extend party identification with people. The DMK, backed by the SUN TV network (established in 1993 by the Maran family), is the most profitable broadcaster in Asia today. Established in 1993, the SUN network, currently consists of 32 television stations, 45 FM radio stations, 3 daily newspapers, 6 magazines, direct-to-home television, film production and distribution companies including Sun Pictures, and an airline (Spice Airways). It also owns Sumangali Cable Vision, a multiservice operator this holds a virtual monopoly in a state that has the highest penetration of television in the country. The former union communications minister in the United Progressive Alliance government was the urbane Dayanidhi Maran, a scion of the family that owned the SUN Network and during whose tenure the SUN network vastly expanded its operations in a range of media sectors. He has been accused of giving preferential treatment to this network over its rivals, and it is widely recognized that the story and fortunes of the SUN network is closely connected to patronage and politics. The film industry in Tamil Nadu is also controlled by members of this family. Kalanidhi Maran's Sun Pictures, Stalin's Red Giant Entertainment, and Azhagiri's Cloud Nine Pictures are major players, and together these firms control both consumption—theater complexes, marketing—and distribution (see Mohan, 2011, p. 41). This family also has extensive interests in cable and satellite television, FM radio, and the press; exercises a monopoly over cable distribution; and has media interests in neighboring states (Ghatak & Thakurta, 2012; Thomas, 2010).

In other words, the patronage that stems from this relationship between the media and the DMK has resulted in the control by the Maran family over the lucrative film business related to Tamil cinema, monopoly control over the distribution of cable and satellite television, and preferential licensing of family-owned media. The involvement of the DMK as a coalitional partner with the ruling Congress government at a central level has been used as a means to secure multiple FM radio licenses. DMK politicians, including members of the family, were closely involved in one of India's largest scams involving the

allocation of 2G mobile licenses. This scam, which led to the exchequer losing \$40 billion in lost revenues in 2011, has (at least temporarily) dented the fortunes of the Maran family and the DMK political party. However, despite the incarceration of key players involved in this scam, the compulsions of coalitional politics, as it is widely observed, will result in the mere loosening of media control by this family and not to any extensive loss of control over this sector.

Eight out of 10 people in Tamil Nadu own a television set—figures that were boosted by a populist free television scheme for the poor organized by the previous government. Seven out of every 10 television sets are connected to cable, and 6 sets out of 7 subscribe to the Sumangali cable network. Not to be outdone, the present government is involved in a program to provide a free laptop to each child. One can argue that such populist schemes have indeed democratized access to information, entertainment, and education and that, as a result, there has been both cultural and economic enfranchisement. Nonmedia goods, too, are widely distributed to poorer families. However, despite such handouts, there are no guarantees of long-term citizen-party identifications, since citizens have become adept at procuring entitlements and voting for the party that offers them the most favorable suite of goods and services.

A “lite” environment has indirectly enabled media ownership patterns favorable to both capital and political parties. It has also provided the space and continued opportunities for regulating the community radio sector. The continuing hold exerted by the government over radio stands in marked contrast to its presiding over the privatization of cable and television. So it can be argued that the story of the media in liberalizing India is not just about the extreme concentrations of the media and its capture by political interests, but also about the attenuated growth of citizen’s media—in particular, the community radio sector.

Restricting Community Radio: The Issue of Licensing

The space for the community radio sector has been made within a needlessly top-heavy licensing process that is a throwback to an earlier era—popularly referred to as the “license Raj.” The acquisition of a community radio license remains convoluted, a labyrinthine process that offers the government in power ample opportunities to delay or reject an application if the applicant is not seen to be fit enough. James Rajasekheran, the station manager for the community radio station 91.2 FM in Madurai, Tamilnadu, explained in a personal interview (February 2010) that he had to wait 27 months before a license was awarded. He had applied for a license in 2007, and it was not until June 2009 that he was given a license. During the 27 months, his queries were routinely ignored, applications lodged were misplaced, and his case was misrepresented to the Home Ministry in New Delhi. The licensing of community radio in India requires numerous clearances from multiple government sectors, including the Civil Aviation, Defence, Home Affairs, Telecommunications, and Communications ministries; the Wireless Planning and Coordination Committee; and from the Standing Advisory Committee on Radio Frequency Allocation. Prospective licensees are expected to travel to New Delhi and negotiate with bureaucracies (Ramakrishna, 2008). Given this process, it is not surprising that grassroots organizations have found licensing an onerous process. One of the consequences of this licensing process is that it has been easier for established intergovernmental agencies, large nongovernmental organizations (NGOs), and government-

run educational institutions that have a track record in development and education to procure licenses, while less well-known, smaller NGOs have had to wait for months to be awarded a license. This has led to the development of skewed ownership patterns in community radio, resulting in large intergovernmental agencies becoming dominant players. While the Supreme Court in 1995 ruled that the airwaves are public property, it would seem that the airwaves and spectrum along with all manner of nonmedia public assets, including the urban and rural commons, have become privatized.

As Sajan Venniyoor, a community radio expert in India has observed:

As things stand CR [community radio] growth has been stymied by security concerns and a telecom ministry which treats a wireless license application from a small, rural CR station in exactly the same way as it treats a mobile tower application from a telecom major, leading to a merry paper chase. (Shankar, 2012)

Although a Community Radio Support Fund had been mooted by the government in 2011, and the Directorate of Audio-Visual Publicity had in April 2012 “announced a quadrupling of advertising revenues for CR stations to Indian rupees 240 (4.5 dollars) per minute” (Shankar, 2012), development and growth in this sector, has occurred in fits and starts and is conditioned by the whims of the broadcasting ministry. In July 2012, for example, the Ministry of Communication and Information Technology announced a hike to the license fee for community radio from Rs 19,700 to Rs 91,000. This was an entirely arbitrary decision that was taken without any consultation with the community radio sector. This hike was withdrawn after sustained protest by citizen’s groups, but it is another example of the pressure faced by the community radio sector that has thus far been treated as the poor cousin of broadcasting in India (Thomas, 2011).

While the state periodically has expressed its intent to speed up licensing, there is little indication of licenses given to organizations involved in the development sector. In fact, the vast majority of community radio licenses given to date, 76 out of 126, have been granted to government-funded educational institutions. The conflation of campus radio with community radio is another example of the state defining the very purpose of community radio in India. Internal security concerns have led to entire regions—such as northeastern India and Kashmir—being refused community radio licenses except in the campus radio category. The state’s involvement also includes its conferment of an annual community radio award and its management of a Facebook page on community radio.

Public Sector Software in India and Kerala as an Exceptional Case

There is a critical, strategic reason for government commitment to public sector software. Governments tend to be among the biggest consumers and manufacturers of information, and, from a government perspective, it makes infinite sense for this information to be made available to all its citizens. However, for this to happen, there has to be a commitment to standards that allows for interoperability—vertically, horizontally, and across sectoral boundaries.

The moves to explore possibilities for public-sector software were precipitated by (1) the realization by the government of India of the extensive nature of public-sector investments in the digital revolution, inclusive of the informationalization of services and infrastructure development; (2) recognition of the critical roles played by information and knowledge in society and the economy; (3) evidence of vendor lock-in, particularly the overwhelming presence of a single, dominant software player in the public sector (i.e., Microsoft) and the financial costs associated with licensing that are related to the political economy of intellectual property; (4) the growing recognition of the strengths particularly access to software code, interoperability, flexibility, and acknowledgment of the lower costs associated with free and open-source software; (5) the billions of dollars worth of investments in e-governance and issues related to software deployment and access to information; and (6) broader public domain issues articulated by champions of open access both within and outside the public sector in different parts of the world.

Moves to establish public-sector software are best illustrated by the nature of investments in the resourcing of e-India, including Rs 20,000 crores (US\$18 billion) investment by the government of India in the National e-Governance Plan (Kanungo, 2010), e-governance projects, and existing research and development initiatives related to FOSS supported by the Indian Institutes of Technology, the National Resource Centre for Free and Open Source Software, the National Informatics Centre, the Centre for Development of Advanced Computing, and policy initiatives such as the Ministry of Information and Communication Technology's Draft Policy on Open Standards for e-Governance (2009).

While a mixed approach is favored by a number of governments, there is increased wariness of the power that dominant vendors such as Microsoft continue to exert throughout the world. A number of governments have experienced the lock-ins that are a result of the deployments of proprietary software in e-governance projects, and there is a growing consensus that software used to generate, manage, and process public data needs to be publicly owned and operated. Ghosh, Glott, Schmitz, and Boujraf (2008, p. 23) have noted that lock-ins to, for example, a proprietary system for Web server administration can result in limits to future enhancements that have to be bought from that same vendor and consequentially for all users to also become customers of that vendor. If standards are controlled by any given vendor, it can result in a lack of compatibility between existing hardware, operating systems, and file formats that have been deployed in e-governance, e-administration, and e-government initiatives. While interoperability remains an issue within national territories, it can be an even more complex issue in the context of supranational states such as the European Union, where member states use different standards. This can lead to higher transactional costs and inefficiencies in information flows (Thomas, 2012).

To some extent, public-sector software is an aspect of the new approach to public management in India that is an outcome of internal reform as well as external pressure—such as public-sector adoption of the right to information. This new approach is based on increased efficiency, decentralization, increased accountability, improved resource management, and marketization (Heeks, 1998). One can also argue that public-sector software in the context of e-governance enables the growth of the information and knowledge commons. Given that information is largely a nonrivalrous resource, the key issues in the context of its public provisions are access, affordable use, and relevant content. The “tragedy of the commons,” to use a phrase popularized by the biologist Garrett Hardin (1968) to describe the pressures of

overgrazing of cattle on common pastures due to overpopulation, is not applicable to the information commons, given that consumption of any given digital resource does not deplete it in any way. There is, however, a tragedy of the anticommons that can be blamed on market-based, profit-driven attempts to enclose intellectual property, thereby restricting innovation and creativity. As Michael Heller (1998) has observed:

A tragedy of the commons can occur when too many individuals have privileges of use in a scarce resource. . . . A tragedy of the anticommons can occur when too many individuals have rights of exclusion of a scarce resource. The tragedy is that rational individuals, acting separately, may collectively waste the resource by underconsuming it compared with a social optimum. (p. 677)

The southern Indian state of Kerala in many respects has been at the forefront of experimenting with the project of substantive democracy in India. Kerala has been globally lauded for its social indices—including women's literacy and health, which have been consistently above national averages—and for its many projects linked to participatory planning in development. Much of Kerala's social successes can be attributed to its unique political history and traditions of advocacy supported by a number of passionately committed civil servants and civil society activists. So in some ways, it is not surprising that this state is also involved in citizen-focused, FOSS-based solutions through a variety of public-sector projects, notably in education. The Kerala government's 2007 IT Policy (2007) is intentional in its advocacy of and preference for FOSS.

2.10 The Government realizes that Free Software presents a unique opportunity in building a truly egalitarian knowledge society. The Government will take all efforts to develop Free Software and Free Knowledge and shall encourage and mandate the appropriate use of Free Software in all ICT initiatives. (p. 4)

In 2011, the government of Kerala established The Centre for Advanced Training in Free and Open Source Software. The organization is involved in both FOSS training and the development of low-cost software solutions.

Public support for FOSS-based solutions has translated into numerous practical projects. The FOSS-based IT@School project in Kerala is the world's largest simultaneous deployment of FOSS in the education sector; it has led to ICT-enabled education in 12,000 schools in the state and has involved the training of 160 master trainers, 4 million students, 130,000 teachers, and 5,600 IT coordinators (selected from teaching staff). Software innovation for the visually impaired has been a significant component of this scheme. The IT@School project began in 2000, and its major aim was to impart IT-enabled education. The publicly owned software has been bundled into a single CD for a one-point installation—not achievable in the context of the use of proprietary software. The operating system in use in all government aided schools in the state is the IT@School GNU/Linux/Ubuntu system. Perhaps the most significant aspect of this project is the massive investment in teachers and students as co-learners and foot soldiers of FOSS in Kerala. From the very beginning, there was a strong commitment to teachers and students taking responsibility for the development of FOSS. This was an important innovation given that

the norm in IT in education projects is for outside consultants or vendor employees to fix bugs and malfunctioning hardware and software. Such dependence can be costly both in terms of time and expenditure, and this accent on disintermediation is one of the most important characteristics of this project.

Conclusions

This article highlights the ambivalence of the Indian state in its allocation of communication resources. On the one hand, the Indian government has presided over the corporate carve up of India's economic resources inclusive of its media. The Indian state has also, on the other hand and rather paradoxically, enacted progressive policies from the right to information to the food security bill and tolerated—even encouraged—projects such as public-sector software pursued by states such as Kerala. There has been an increased concentration of economic and media resources in the hands of the corporate and political classes and enhancements of citizen participation and access to information that are a result of both populist and a people-oriented politics. In addition, the state's seeming ambivalence related to the global governance of the Internet is indicative of its position, caught as it is between competing political interests—from the United States and the BRICS nations on the one hand and local, domestic interests on the other. This ambivalence is also a reflection of the tensions, interests, and contestations within the public sector involved in IT and software in India and the presence of competing interests supportive of privatization along with maintaining India's sovereignty and independence in matters related to IT and software. The state's open relationship with civil society on Internet and IT-related issues also needs to be factored into this equation. In the context of the rise of China as an economic and military powerhouse, India's strategic interests have become more aligned with that of the United States, which is investing in the project of grooming India as a countervailing force to China in the region. This power is highlighted in the example of a shift in the government of Tamil Nadu's initial decision to include open-source platforms based on Linux in all laptops in its free laptop scheme, to proprietary software (Windows Starter Edition) following a visit from U.S. government officials and senior Microsoft employees in 2011. However, despite such exercises of power, there are no guarantees that such relationships will endure given that post-Independent governments in India have been flexible and ambivalent in their policies and in their relationships with global superpowers. There is an urgent need for a new language and theoretical frameworks to understand the compulsions of complex states such as India that are caught between ensuring the success of neoliberal economics and the growth paradigm and maintaining their independence and sovereignty. One can argue that, in the context of exploring global power shifts and the rise of the BRICS nations, it is absolutely critical to eschew essentialist understandings of these emerging countries and their interrelationships in favor of frameworks that allow for an interrogation of complexities.

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