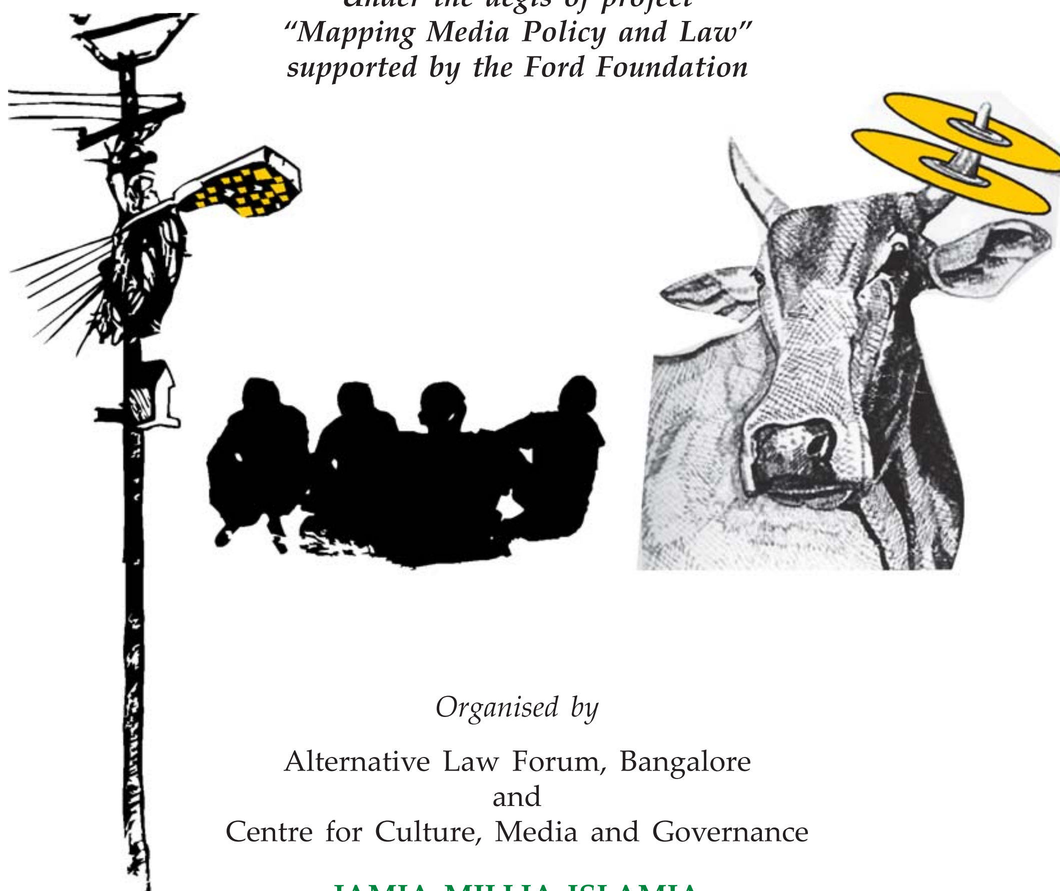
WORKSHOP REPORT

Teaching Media Policy & Law

A Faculty Workshop (South Zone)
24-25 April, 2012

Under the aegis of project
"Mapping Media Policy and Law"
supported by the Ford Foundation



Organised by

Alternative Law Forum, Bangalore
and
Centre for Culture, Media and Governance

JAMIA MILLIA ISLAMIA
New Delhi

VENUE:
National Law School of India University, Bangalore

CONCEPT NOTE

Current Issues in Media Environment and Challenges to Law

The landscape of the media, including the grammar of media-forms themselves, has become increasingly complex due to intense transformations at the commercial, technological and cognitive orders of the media industries. But even as these changes imprint various facets of contemporary India, the field of media/communication studies has been unable to systematically engage with this transformation. This is principally because the standing emphases — thematic, conceptual and theoretical — in teaching of mass communication, journalism, and media studies and media law are delinked from a critique of the evolving milieu.

To what extent does the umbrella term 'policy literacy' provide an entry point to start bridging the gap between media pedagogy and the media milieu? What are the appropriate forums to discuss and advocate issues concerning the broad field of media policy and law in India?

In some countries media regulators are taking an active interest in this direction—some like Of Com having a specific remit to promote media literacy[1]. In other cases, national, sectoral trade bodies have sought to address the pedagogical challenges arising out of the current media milieu. And in still other cases, international peer associations in the field of media studies have tried to take on this challenge—either by platforming the complexities of such concerns[2] or by transforming select concerns into concrete activities[3]. Parallel to all this, there have been attempts within academic institutions to bridge the silos of pedagogy and policy, although their trajectory and track record in India have been found wanting[4].

Background of the Workshop

The roots of the proposed interaction amongst faculty lie in the project *Mapping Media Policy and Law* underway at CCMG, JMI and ALF[5]. Driven by the core objective to

[1] Salomon, E. (2009) 'The Role of Broadcasting Regulation in Media Literacy', in D. Frau-Meigs & J. Torrent (Ed.) ***Mapping Media Education Policies in the World***, UNESCO, New York (pp.197-209) p207-208

[2] 'India and Communications Studies', Pre-Conference at ICA-Chicago, May 20-21, 2009 (see http://www.cis-india.org/news/ica-preconference)

[3] For instance, see the IAMCR-led Global Media Policy initiative http://iamcr.org/s-wg/mcpl/gmp

[4] For a recent overview of these trends in India, see B. Das & V. Parthasarathi (2011) 'Media Research and Public Policy: Tiding Over the Rupture', in R. Mansell & M. Raboy (Ed.) ***The Handbook on Global Media and Communication Policy***; Blackwell, London (pp.245-260)

[5] Kindly see Project Design presentation, Annexure 1

promote Media Policy & Law as an academic field in India, this collaborative initiative has provided the opportunity to:

- Rethink post-graduate syllabus of papers pertaining to themes in media policy and media law;
- Develop modules of classroom instruction and student exercises on such themes;
- Aggregate necessary documents/resources required to implement such modules & workshops;
- Conduct these modules in regular teaching programmes at CCMG and select other post-graduate courses[6].

After various cycles/iterations of developing, implementing and refining these pedagogical modules over the last 2 years, the project felt the need to broaden the constituency of its initiative. This need was buttressed by two other factors: first, recognising other initiatives at curriculum development/reform within the country; and second, recent debates in other quarters, be it research platforms[7], professional forums[8] and the wider field of media education[9]. Thus, broadening this initiative beyond CCMG, JMI and ALF was as much to widen the ambit of pedagogical engagement with media policy and law (MPL) as to share experiences of teaching and curriculum with, and by, faculty from different parts of the country. This led to planning two workshops with post-graduate faculty, one each in the northern and southern regions, teaching various aspects of media policy and media law.

Scope of the Workshop

The workshops are to draw in faculty located in different disciplinary and institutional settings—i.e. mass comm/journalism departments, media studies departments & law schools, offering post-graduate degrees, diplomas or integrated LLBs. The first such workshop at Bangalore seeks to bring together change-agents in different academic

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6 Sikkim by CCMG , St. Josephs and Mount Carmel College in Bangalore by ALF.

7 LASSNET www.lassnet.org/, ICA www.icahdq.org/about_ica/sectioninfo.asp IAMCR http://iamcr.org/welcome-to-iamcr-aboutiamcr-375

8 Foundation for Media Professionals http://www.fmp.org.in/index.php?page_id=36 & Network of Women in Media, India http://www.nwmindia.org/

9 UNESCO's recent initiative http://www.unesco.org/new/en/communication-and-information/resources/publications-and-communication-materials/publications/full-list/mapping-media-education-policies-in-the-world-visions-programmes-and-challenges/ In particular, see B. Das (2009) 'Media Education as Development Project', in D. Frau-Meigs & J. Torrent (Ed.) ***Mapping Media Education Policies in the World***, UNESCO, New York

settings in southern India to reflect on existing post-graduate teaching on themes connected with media policy and law. More specifically, the workshop aims to:

- Understand the varying scope and subject matter of media policy & law as a field of inquiry and teaching;
- Review trends in teaching of Law and Media especially from the standpoint of media policy & law;
- Platform experiences of developing pedagogical experiments and teaching tools;
- Devise mechanisms to share teaching resources, tools and expertise;
- Think of ways to continue such structured interactions at periodic levels.

Key Questions

Discipline	• How is media law variedly interpreted in the teaching of Law, Mass Comm/Journalism and Media Studies/Policy? • How has the near absence of policy studies (in other fields) in India impacted the teaching media policy?
Method	• Why does the doctrinal trap persist in the teaching of (media) law in Mass Comm/Journalism courses? • Why and how do (media) students outside law schools engage with case law? • What is the relevance of social science frameworks in courses like Mass Comm., Journalism and Law?
Influence	• What concerns underlie recent experiments in pedagogy and creating teaching resources in media policy/law? • Has the spurt in media advocacy and legal activism imprinted curriculum themes and classroom emphases? • Has international collaboration or comparative research shaped approaches or issues in teaching media law/policy?
Approach	• What could provoke a shift from an instrumental to an institutional perspective in teaching media policy/regulation?

	• What are the entry points to integrate themes in media policy/ regulation in Law and Mass Comm/Journalism curriculum?
Tools	• What is the efficacy of available teaching tools in the fields of media policy and media law? • What are the barriers to accessing and disseminating relevant teaching resources?

PROGRAMME

Day 1: 24th April, 2012

Session 1, 9:30 am to 11:30 am
Inaugural Session
Chair: Professor Biswajit Das, Director, CCMG, Jamia Millia Islamia

Welcome Address - Professor (Dr.) R. Venkata Rao, Vice Chancellor, NLSIU, Bangalore

Introduction to Workshop - Siddharth Narrain, Legal Researcher, Alternative Law Forum

Introduction to MPL Project -Vibodh Parthasarathi, Associate Professor, CCMG, Jamia Millia Islamia

Introduction to Ford Foundation's Initiative - Ravina Aggarwal, Program Officer, Advancing Media Rights and Access Program, Ford Foundation

Keynote Address: "***The Need for Paradigm Shifts in Media Pedagogy***", Sashi Kumar, Chairman, Asian College of Journalism (ACJ), Chennai

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Tea/Coffee Break 11:30 am to 11:45 am

Session 2, 11:45 am to 1:15 pm
Trends in Teaching
Chair: Prof. G. Ravindran

1) Prof Amita Dhanda, *Teaching Law, Thinking Justice*
2) Prof Biswajit Das, *Trends in Media Education in India*
3) Prof Srikrishna Deva Rao, Media Curricula in India: Some Preliminary Thoughts

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Lunch Break 1:15 pm to 2:15 pm

Session 3, 2:15 pm to 3:45 pm
Media Forms & Political Contestations
Chair: Prof. Srikrishna Deva Rao

1) Ms. Kalyani Ramnath, *Unruly Ideas and Unlawful Associations: Themes in a Legal History of Press Freedoms*
2) Mr. Daniel Elam, *Notes on Circulation*

Tea/Coffee Break 3:45 pm to 4:00 pm

Session 4, 4:00 pm to 5:30 pm
Understanding Regulatory Governance
Chair: Dr. Ravina Aggarwal

1) Ms. Chinmayi Arun, *Teaching Lawyers Regulatory Theory: What a Media Regulation Course Can Do*
2) Prof. Sudhir Krishnaswamy, *Is a Medium Neutral Media Regulation Policy Viable?*
3) Ms. Aradhana Sharma, *Mapping Media Policy Shifts: Grappling with Re-Regulation*

Day 2, 25th April, 2012

Session 5, 9:30 am to 11:45 am
Approaches to Pedagogy
Chair: Prof. Amita Dhanda

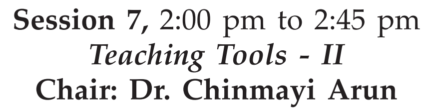
1) Ms. Padma Rani, *Teaching Media Laws and Policy: Different Possibilities*
2) K.V. Nagesh, *Experiments in Media Law and Pedagogy*
3) Danish Sheikh, *The Students versus Larry Flynt: Popular Culture as a Pedagogic Approach*
4) Dr. Kannamma Raman, *Teaching Cyberpolitics: Grappling with Pedagogical Issues*
5) Dr. Shuaib Haneef, *A Review of the Curriculum and Pedagogy of Media Law and Ethics in Communication Schools in Tamil Nadu and Pondicherry*

Tea/Coffee Break 11:45 am to 12:00 pm

Session 6, 12:00 pm to 1:00 pm
***Teaching Tools* - I**
Chair: Dr. Chinmayi Arun

1) Ms. Geetha Hariharan and Ms. Sahana Manjesh, *Moot Point: Mooting as a Tool to Teach Media Law*
2) Mr. Sushant Sinha, *Adhoc Learning in an Online World*

Lunch Break 1:00 pm to 2:00 pm



Session 7, 2:00 pm to 2:45 pm
Teaching Tools - II
Chair: Dr. Chinmayi Arun

1) Dr. Madabhushi Sridhar Acharyulu, *Educate Media: Empower People*

Tea/Coffee Break 2.45 - 3.30 pm

Session 8, 3.00 pm to 4:00 pm
Interdisciplinarity
Chair: Mr. Vibodh Parathasarathi

1) Professor Gopalan Ravindran, *Some Reflections on the Alternative Approaches to the Pedagogy of Media Law and Policy*

2) Mr. Lawrence Liang, *Reframing Media Law: Interdisciplinary Challenges*

Concluding Remarks: Mr. Vibodh Parathasarathi

WORKSHOP PROCEEDINGS

INAUGURAL SESSION
(9:30 am. to 11:30 am)

Chair: Professor Biswajit Das, Director, CCMG, Jamia Millia Islamia

Welcome Address – Prof. R. Venkata Rao, Vice Chancellor, NLSIU, Bangalore

Introduction to Workshop – Mr. Siddharth Narrain, Legal Researcher, Alternative Law Forum

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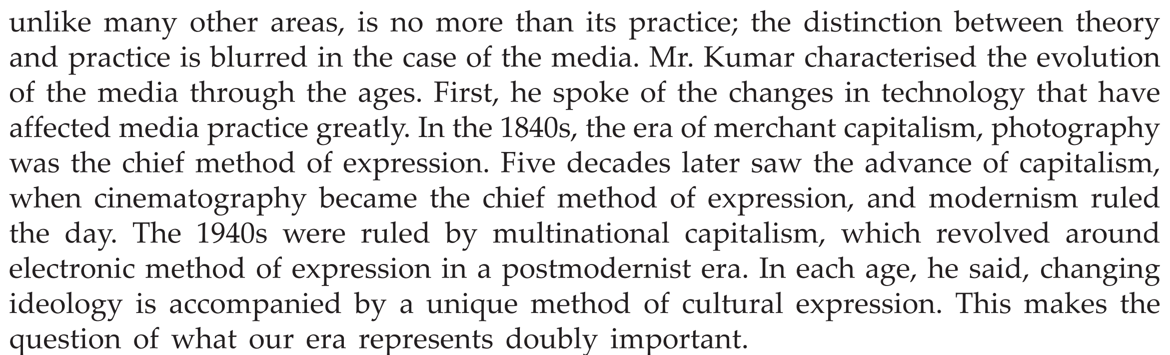
Keynote: "The Need for Paradigm Shifts in Media Pedagogy", **Sashi Kumar**, Chairman, Asian College of Journalism (ACJ), Chennai

The inaugural session of the Media Pedagogy conference began with the keynote address by Sashi Kumar, moderated by Prof. Biswajit Das of Jamia. Mr. Kumar expressed great pleasure at being amongst a gatheing of a focus group that thinks, teaches and focuses on the media. As a 'media-touched society', we are constantly devising ways to teach media law and journalism, but there is an unfathomable divide between what is taught and the real world. This, according to Mr. Kumar, is the foremost problem of media law.

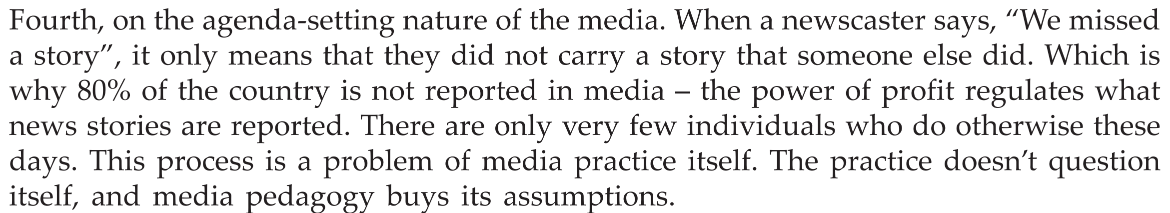
Recognising the vastness of media practice in India today, Mr. Kumar nevertheless chose to limit his observations primarily to journalism. He hypothesised that the media,



unlike many other areas, is no more than its practice; the distinction between theory and practice is blurred in the case of the media. Mr. Kumar characterised the evolution of the media through the ages. First, he spoke of the changes in technology that have affected media practice greatly. In the 1840s, the era of merchant capitalism, photography was the chief method of expression. Five decades later saw the advance of capitalism, when cinematography became the chief method of expression, and modernism ruled the day. The 1940s were ruled by multinational capitalism, which revolved around electronic method of expression in a postmodernist era. In each age, he said, changing ideology is accompanied by a unique method of cultural expression. This makes the question of what our era represents doubly important.

According to Mr. Kumar, digitisation is the salient feature of expression in our era. In this context, there is a tension between the breadth and depth of cultural expression. Given the preponderance of the information revolution over the industrial revolution in our era, the breadth is a more dominant feature than depth. Taking Susan Sontag's post-Nietzschean philosophy as our basis, it is important to recognise that this sense of breadth is leading to a perspective of the world as 'flatism': we see the world as flat. There is an urgent need to interrogate whether breadth is indeed a more profound concept than depth, for today, all of media is revelling in the breadth of expression. Even media jargon – "surf", "scan" – are all indicative of breadth. Since this is the dominant feature of our cultural expression today, it is important to see how we can incorporate this into our media law teaching. But the breadth is merely one feature of modern media. The digitisation, bringing with it massively convenient technological shifts (such as the spectrum), is of equal significance. Mr. Kumar hypothesised that the shift from analog to digital has created a shift in the way we understand the world. Descartes' pivotal maxim has been upended in today's world of the media: there is no thinking in front of a television, but a constantly shifting discourse with shifts from traditional hierarchies. Media law teaching must take this also into account.

Third, on representation, what is the representative role of the media in the context of these shifts? To explain on the basis of certain age-old concepts: *Pratyaksha* (obvious), *anumana* (deductive knowledge), *smriti* (memory), *aaptavakya* (witness accounts). All these are relevant for media dictums, but the media, instead of reporting what is obvious, now relies on deductive reporting. The analogy is that of Kalidasa's *Shakuntalam*, indicating the inability to see what is obvious. The media today relies extensively on similar secondary sources with little cross-checking, and has totally distorted the sense of representation of reality. Media law teaching must necessarily account for this, given the increasing power of the media over opinions and dissemination of fact.



Fourth, on the agenda-setting nature of the media. When a newscaster says, “We missed a story”, it only means that they did not carry a story that someone else did. Which is why 80% of the country is not reported in media – the power of profit regulates what news stories are reported. There are only very few individuals who do otherwise these days. This process is a problem of media practice itself. The practice doesn’t question itself, and media pedagogy buys its assumptions.

It is in media research institutions that these seminal questions can be raised. Is objectivity desirable in the media? Newspapers have largely become editorials – there is no point in printing facts, for they appear on the Internet within minutes of occurrence, but analysis of facts is important. Journalism schools are, however, still teaching fact-giving. TV journalism’s hourglass model is also becoming obsolete because of technological innovations. The process of production of media – the line between producer of news and consumer – is reducing. Media practice and pedagogy are at a melting point. The challenge is to remain on top of the situation.

SESSION 2:
(11:45 am to 1:15 pm)

Trends in Teaching

“Teaching Law, Thinking Justice”, Professor Amita Dhanda, Dean of Academics, Nalsar University of Law, Hyderabad

“Trends in Media Education in India”, Professor Biswajit Das, Director, CCMG, Jamia Millia Islamia

“Media Curricula in India: Some Preliminary Thoughts”, Professor Srikrishna Deva Rao, Registrar, National Law University, Delhi

Chair: Prof. G. Ravindran, Head, Department of Journalism and Communication. University of Madras

How Does Teaching Happen?

- Primarily doctrinal
- Case Law Driven where the law is seen in self contained terms
- Black letter law materials
- Media on the Sidelines

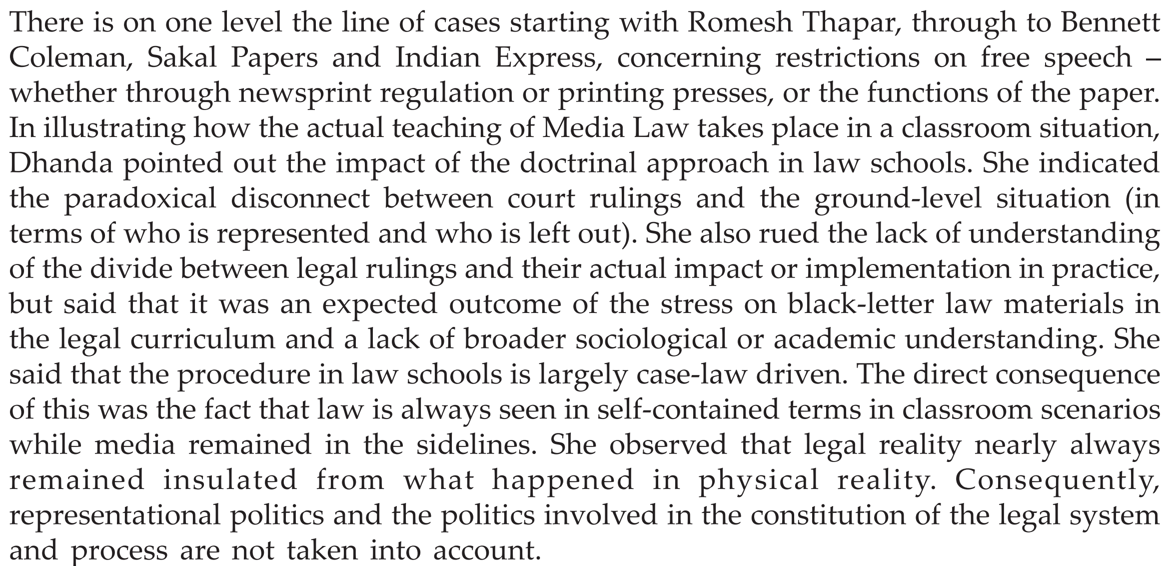
Amita Dhanda shared her experiential views on the teaching of

media law in her presentation. She stressed on the fact that since the workshop and the project was aiming to look at policy deficits in the realm of media law – one could not possibly seek to address these deficits unless one conducted a broader social analysis. She also articulated further concerns of the workshop aimed at facilitating the floating of electives on media law and studies by helping participants in the conference to run the gamut of concerns which academic administrators may have about the viability and purpose of media law courses.

Her experience as a professor of law conducting various kinds of pedagogic experiments with students naturally indicated to her that one could not talk about teaching law without contextualizing it in some way. Curriculum and courses in legal education institutions are chosen with particular ideals and lecturers too have their own ideas about legal pedagogy. Thus, the focus of her presentation revolved around two basic questions. One centered on finding the locus of media law in the broader legal curriculum. The other, more personal question, revolved around the question of finding her own role in the field of media law pedagogy.

She concurred with Sashi Kumar's views on the appropriate role of a law teacher. The latter wanted the aim of media pedagogy to be teaching students to challenge or confront. She advocated a pedagogical structure that allowed for media students and teachers to have a sense of their own social role. Both agreed that experiential engagement played a huge role in the teaching of law. Basic, but essential questions like, 'How will I contribute to the marketplace of ideas?' or 'How will I contribute to the democratization of knowledge?' that often confront media practitioners, teachers and students alike needed to be answered through the structuring of media law pedagogy.

Dhanda's presentation was divided into two parts. The first part of the presentation dealt with the place of Media Law in the general legal curriculum. Dhanda mentioned that media-related issues generally tend to come up in the 'Public Law and Policy' curricula of law schools where media law pedagogy could be used to question power dynamics in society. She elaborated on different ways in which Media Law tends to come up in the Public Law and Policy course.



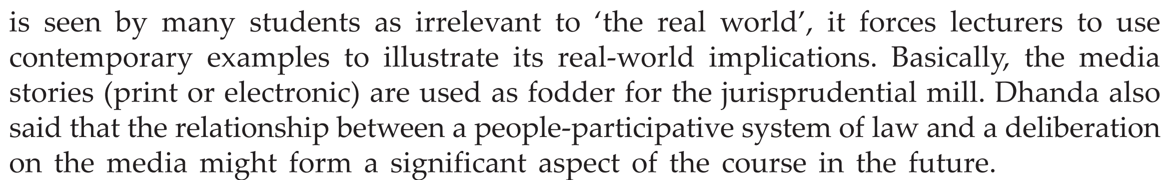
There is on one level the line of cases starting with Romesh Thapar, through to Bennett Coleman, Sakal Papers and Indian Express, concerning restrictions on free speech – whether through newsprint regulation or printing presses, or the functions of the paper. In illustrating how the actual teaching of Media Law takes place in a classroom situation, Dhanda pointed out the impact of the doctrinal approach in law schools. She indicated the paradoxical disconnect between court rulings and the ground-level situation (in terms of who is represented and who is left out). She also rued the lack of understanding of the divide between legal rulings and their actual impact or implementation in practice, but said that it was an expected outcome of the stress on black-letter law materials in the legal curriculum and a lack of broader sociological or academic understanding. She said that the procedure in law schools is largely case-law driven. The direct consequence of this was the fact that law is always seen in self-contained terms in classroom scenarios while media remained in the sidelines. She observed that legal reality nearly always remained insulated from what happened in physical reality. Consequently, representational politics and the politics involved in the constitution of the legal system and process are not taken into account.

Dhanda later went on to talk about the primary ways in which Media Law questions may come up in a classroom situation. Both ways were indirect but necessitated an understanding of sociological realities through media. The first way was in discussing the Poverty Law segment of the legal curriculum. An understanding of media itself was necessary in comprehending the business of filtering information in society. Students need to understand how representation happens and the process in which ideas are disseminated not by their merit, but by the capacity of the medium to distribute it. Dhanda said students were required to form an understanding of how issues were sensationalized or sentimentalized and the rampant inequality in the marketplace of ideas. All these formed the grounds of how students formed an appraisal of the concepts of free speech and censorship on grounds of public order and morality.

Twin Track Strategy

- Make a case for dedicated courses
- Dedicated Courses allow for deep learning
- Push to conquer new frontiers
- With the realization that there is space that you occupy in the heart of the legal curriculum

Another way in which media questions may crop in the legal curriculum is through the student's interaction with the realm of legal theory. Dhanda clarified that the course at Nalsar presently does not engage with the media - but does make use of it. Since legal theory



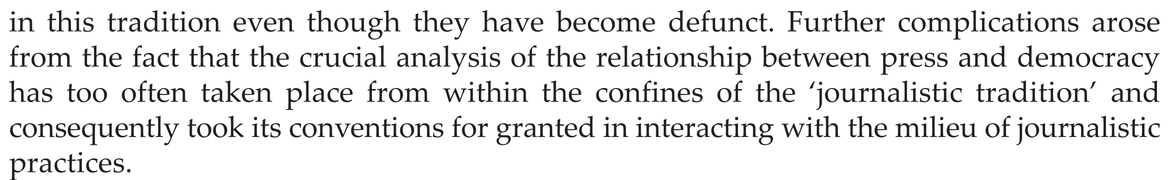
is seen by many students as irrelevant to 'the real world', it forces lecturers to use contemporary examples to illustrate its real-world implications. Basically, the media stories (print or electronic) are used as fodder for the jurisprudential mill. Dhanda also said that the relationship between a people-participative system of law and a deliberation on the media might form a significant aspect of the course in the future.

Explaining on her choice to use media in the above cases to teach, she said that it's a given tendency in students to look upon these subjects as abstract. Therefore, the usage of media in these modules renders them relevant for students. In the course of discussing the latest newspaper or, television report and even what does not get reported in the media – the students learn to correlate legal issues with real events by situating them in an immediate context.

Dhanda concluded her presentation with suggestions about promoting a cafeteria approach to information where students could also get some element of choice. At the same time, she said, there was a case for dedicated courses in media studies since they allow for in-depth learning and specialized knowledge accumulation. However, she strongly asserted that in order to make a case for dedicated courses, the space that Media Law and Policy occupied in the heart of the Media Law curriculum should not be given out.

Prof. Biswajit Das' presentation provided a brief overview of the history of communication studies curricula in India and the underlying policy contestations. The emphasis of his presentation laid in an appeal for media studies to engage with the 'constitution of modernity'. Das said that despite several decades to define and institutionalize the field, there has been no general agreement on the subject matter of 'communications'. It has rarely been theorized and consequently, 'communication' has been located in different societies in different universities, namely, humanities, social sciences, information technology etc. The resulting traditions of communications pedagogy were therefore based on diverse practices.

Prof. Das elaborated on the four main intellectual traditions in communication studies. The first of these, he located in the journalistic tradition that formed the initial point of communication studies pedagogy but definitely not the sole tradition in Indian context. He critiqued the present context of journalistic pedagogy saying that references to the 'fourth estate' have been insufficiently analyzed and few studies have been conducted in India about the political economy of the press. Das opined that the concept of a 'fourth estate' is a cliché in the present context. Journalism faces a total de-link from its purported fourth estate function that originated from antiquated ideas of polity. He said concepts like agenda-setting, gate-keeping theories continue to be taught diligently

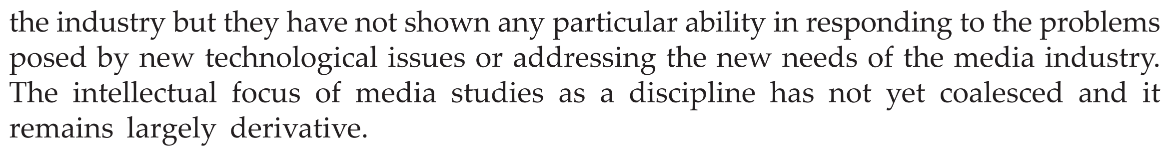


in this tradition even though they have become defunct. Further complications arose from the fact that the crucial analysis of the relationship between press and democracy has too often taken place from within the confines of the 'journalistic tradition' and consequently took its conventions for granted in interacting with the milieu of journalistic practices.

The second of these intellectual wings Das located in the Cultural Studies tradition that had its roots in the Freedom Struggle movement and yet began as an academic tradition (as distinct from a mere subfield) from the 1980's. The third, he said, lay in the recent fascination with Media Management and Business traditions. And finally, the last intellectual foci lay in the Social Science tradition of communication studies. Das said this tradition had its roots in the 1950's with the proliferation of rural development, national development and planning movement programs; towards all of which the social science tradition made major contributions.Das' critique of media pedagogy in the different traditions lay in the fact that despite promoting a theoretical approach, media schools in India had left the subject of media itself beyond the pale of theory and policy inspection. He said that although the field of media studies has grown in size and stature, it continues to retain significant shortcomings, particularly with regard to compartmentalization and specialization in the field.

Das cited several reasons for this state of affairs. According to him, Media Studies as an intellectual discipline has tended to grow vertically, but not horizontally. Media disciplines have tended to develop in isolation, engaging only in techno-philic discourses about society. Perhaps as a consequence, scholars in the field are unwilling or unable to engage with significant developments outside their niche. As a supporting example, Das urged the audience to look at academic papers coming out of the media studies field. He observed that media studies papers rarely cited sources or references from outside the field, and as a consequence, were rarely cited outside their field. He said that the entire field had become too fragmented and media studies, as a discipline, have become disconnected, insular and all but invisible. The scholars, as a result were often increasingly specialized but, with little interdisciplinary experience.

Enumerating the problems that resulted in the above consequences, Das talked about the lack of theoretical discussions in the field along with the intellectual trade deficits stemming from the rapid transformation of media and technology landscape in society. As a consequence, phrase like 'new media' has proliferated without any analysis of their historicity. Das also pointed out the lack of ontological and epistemological debates in media studies perhaps due to the industrial demand of intense specialization (various aspects of the media, cinema, journalism, etc – each demanding its own curriculum and approach). The expansion of media courses could be a result of greater demand from



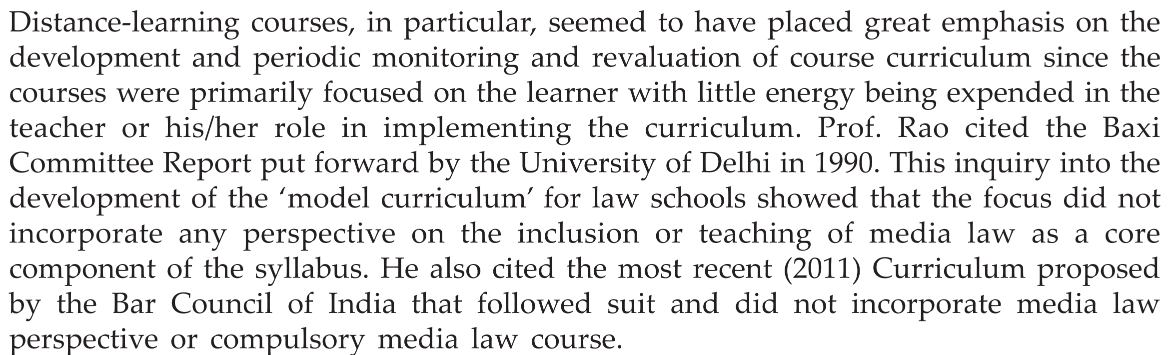
the industry but they have not shown any particular ability in responding to the problems posed by new technological issues or addressing the new needs of the media industry. The intellectual focus of media studies as a discipline has not yet coalesced and it remains largely derivative.

Das concluded his presentation with observations about current deficits in the philosophical leanings of the media studies discipline. He pointed out the traditional disinclination in media studies courses to engage with developments in legal studies beyond the scope of legally-imposed ethics. The clamor over freedom of press has resulted in a lack of theoretical understanding both at the constitutional and societal level. The fascination with technological objects that the discipline has displayed has also failed to produce a broader theoretical understanding of their social construction. Das suggested that there was an urgent need to talk about regulation and policy in the media studies discipline rather than its proclivity to dwell on ethics. While his opinion remained that media studies was still, at best, a work in progress in the Indian context – he also expressed hope that the fragmentation in media studies will occur on a horizontal rather than a vertical axis in the future.

Prof. Srikrishna Deva Rao presented a survey of media curricula from the various national law schools in India. His emphasis on the place of curriculum in the field of education came from his experiences with Open-Distance Learning Programs. Rao put strong emphasis on the fact that in more direct courses, teachers generally don't tend to involve themselves much with the curriculum, opting instead to continue with whatever is prescribed. This scenario is changed drastically when teachers do not have direct interaction with the students and the proverbial figure of authority can only be evoked through the course curriculum that the student must go through.

Rao mentioned that media issues generally tended to crop up in this pedagogical domain of criminal law and human rights in relation with the Indian Penal Code and the Criminal Procedure Code. He observed that there seemed to be a policy attention deficit in the case of the subject of Media Law since the policies forwarded by the Bar Council of India did not reflect emphasis on Media Law and no compulsory courses were suggested.

While sharing his experiences with legal curricula at prominent centres of legal education in India, Rao opined that there had been insufficient faculty review of curricula with which the faculty had been provided particularly at NLSIU and NALSAR. Consequently, this led to a lack of importance as well as understanding in the potential role of media in such curricula. However, in contrast to this, newer universities like the Indira Gandhi National Open University, have been more innovative in development of curricula.



Distance-learning courses, in particular, seemed to have placed great emphasis on the development and periodic monitoring and revaluation of course curriculum since the courses were primarily focused on the learner with little energy being expended in the teacher or his/her role in implementing the curriculum. Prof. Rao cited the Baxi Committee Report put forward by the University of Delhi in 1990. This inquiry into the development of the 'model curriculum' for law schools showed that the focus did not incorporate any perspective on the inclusion or teaching of media law as a core component of the syllabus. He also cited the most recent (2011) Curriculum proposed by the Bar Council of India that followed suit and did not incorporate media law perspective or compulsory media law course.

In the next part of his presentation, Rao concentrated on his own findings from the survey of legal curricula conducted by him. He also elaborated on the difficulties and limitations of conducting such a study. He observed that there were significant limitations in discovering which universities teach media law courses since there were such a large number of law schools currently functioning in India. The 12 major national law schools as well as many private law schools such as Jindal, Amity, etc. conducted law courses with highly specialized nomenclature as well as esoteric ideas of course structure. In addition to this, there was ofcourse the added difficulty of the inertia of the status quo, i.e., the difficulty of getting responses from many academics on a lengthy introspection about course curricula. Despite all these problems, however, he managed to gather around 10 curricula from different Indian universities and law schools.

The collected information threw up the following highlights. As can be expected, in conventional law faculties, teachers lacked the freedom to design curricula or follow idiosyncratic approaches in implementing the existing curriculum. However, at the National Law Schools, teachers did have greater freedom to design and approve curricula although they might not have engaged with the process to a great extent.

A variety of approaches seemed to be put in action as far as media law pedagogy was concerned as there was a potential in approaching media law through different segments of the curriculum, like as part of criminal law, as part of development law, or even as a core component of intellectual property law. Rao also pointed out the policy deficits currently at play in the teaching of media law where there remained a sore need to reflect on how legal education persisted and informed media law. He commented on the lack of an inter-disciplinary approach in media law curricula that contributed to a lack of interest and also observed a gaping lack in the discussion of law and policy issues that were missing from media law curricula. Coming to the extent of Media Law courses in the legal curricula, Rao found that NLSIU does not offer a separate course

on media law. The Nomenclature of Courses at other national law schools and conventional universities tended to vary widely as can be evidenced below:

Nomenclature of courses:

National Law Schools

HNLU Raipur: 'Media and Law'

NALSAR: 'Media Law'

NUJS Calcutta: 'Entertainment and Media Law'

NLU Jodhpur: 'New Media and Communications Law'

Gujarat National Law University: 'Media Law'

Conventional Universities:

Ambedkar College of Law, Andhra University: 'Media Law including right to information'

University Law College, Bangalore: 'Media Law'

University of Lucknow: 'Mass Media Law'

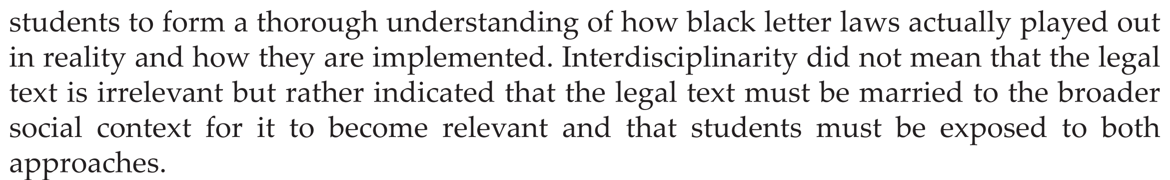
Symbosis Law College: 'Media Law'

He noted that University of Bombay does not offer a media law course, despite being at the heart of India's press industry.

Questions/ Comments from the floor

Commenting on the session's presentations, Ravindran observed a strong linking point between ideological movement outside India and the one inside India in the creation of the field of 'media studies'. He also said that Rao's survey threw into relief the fact that different institutions deal with the teaching of media laws differently. There was a variety of teaching methods (compulsory classes v. seminars) in place, as well as levels of teaching (LLB course v. LLM course) and disciplinary approaches (criminal law, intellectual property law, etc) through which media law pedagogy could be facilitated.

The participants came up with a vibrant discussion on the various topics highlighted during the course of the presentations. Most agreed with the view that black letter theoretical comprehension needed to be grounded in experiential understanding for



students to form a thorough understanding of how black letter laws actually played out in reality and how they are implemented. Interdisciplinarity did not mean that the legal text is irrelevant but rather indicated that the legal text must be married to the broader social context for it to become relevant and that students must be exposed to both approaches.

Since courses in media law tended to deal with a small 'universe' (turning to a large extent upon the Indian Penal Code), it was perhaps possible to do a mishmash of a variety of topics in a media course, or alternatively opt for a more limited focus – with a range of electives to allow for specialization. While most participants agreed that a teacher must combine a constitutional law framework of understanding with a willingness to integrate it with a broader approach to media law and policy, they were also cautious of the fact that there could be no single uniform 'approach' to media studies prevailing across all disciplines. Individual approaches were bound to depend upon the creativity and perspective of the teacher, as well as their scholarly background. Not much has changed in the Media Law and Ethics courses in the last four decades and there was an urgent need to address this aspect as well. Many participants opined that a strong philosophical underpinning to media studies was necessary since even legal or communications scholars who are well-informed about media studies could lack such a shared underpinning in their writings (as distinct from merely disconnected perspectives). The practice of the media could be the proverbial crucible from which further discussions might proceed. Mere references to 'free speech' lacked both theoretical and philosophical depth. At the same time, the issue of industry interference needed to be taken stock of. Media groups such as the Times of India have already made it clear that they believe in management rather than media and what this meant for future media practitioners needed to be analyzed and evaluated.

Participants agreed that there was an urgent need for a broader concept 'map' to go into the plan and structuring of legal curriculum. The false but pervasive understanding of the term curriculum as simply course material needed to be done away with. Curriculum amounted to both a collective engagement inside and outside the classroom as well as a broad ideological perspective on the field of study.

Responding to a question as to whether inter-disciplinarity was being proposed as an antidote to the doctrinal approach, Prof. Dhanda clarified that a solid background of black letter studies was crucial to a critical study of law. Inter-disciplinarity could never render the legal text irrelevant. At the same time, however, the idea of inter-disciplinarity versus curriculum was a much larger issue and amounted to a discussion of collective engagement.

SESSION 3:
(2:15 pm to 3:45 pm)

Media Forms & Political Contestations

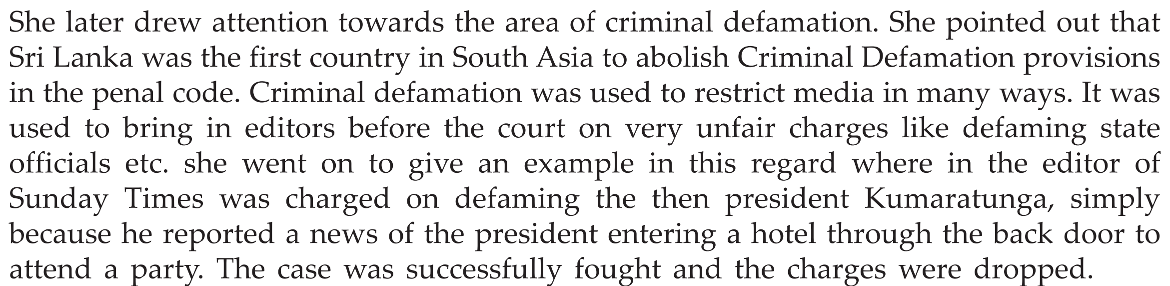
Chair: Prof. Srikrishna Deva Rao, Registrar, National Law University, Delhi

"Unruly Ideas and Unlawful Associations: Themes in a Legal History of Press Freedoms", Kalyani Ramnath, Visiting Faculty, National Law School of India University, Bangalore

"Notes on Circulation", Daniel Elam, Northwestern University, USA

The session began with an unlisted talk by **Kishali Pinto**. She began by saying that she felt nostalgic listening to the discussions that were happening and she recollected the extreme relevance of the discussions to Sri Lanka 10 years back in the teaching of media studies. She even expressed her fear of the lack of such discussions becoming an issue. Kishali spoke about the role that active journalism had in driving the PIL movement in Sri Lanka, which she had witnessed when she was practicing as a lawyer in the courts of Sri Lanka. She spoke about people from journalism and media law faculties who appeared as petitioners in cases impacting, shaping and driving the expansion of media rights in Sri Lanka and driving the definitions of media law in Sri Lanka.

To describe the way in which media theory and media law became very visibly a practical reality in the Sri Lankan context in the 1980s and the 90s, she concentrated on four specific areas in which particular interaction was visible. First she spoke about the status of Right to Information in Sri Lanka, which is not constitutionally guaranteed. All that was there was a very generic freedom of expression. The first onslaught on the restrictive media rights as perceived at that time was the coming together of the media academics and media practitioners, journalists, editors, lawyers to urge the Supreme Court of Sri Lanka to expand the RTI as the part of the right to freedom of expression. They believe that the court responded to their cry. Kishali recollects a recurring trend she observed in the earlier discussions in the day, wherein there was a confusion that some people saw between rights to expression in general and rights of the media in particular. To this she pointed out that the Sri Lankan courts at that point of time made the distinction very clearly in the case analysis, which was drawn from them in both practice and teaching. The Sri Lankan Supreme Court at that point warned very specifically that the media does not possess special rights over and above ordinary citizens possessing right to freedom of expression and RTI. This caution was particularly emphasized within the media and the teaching of media.

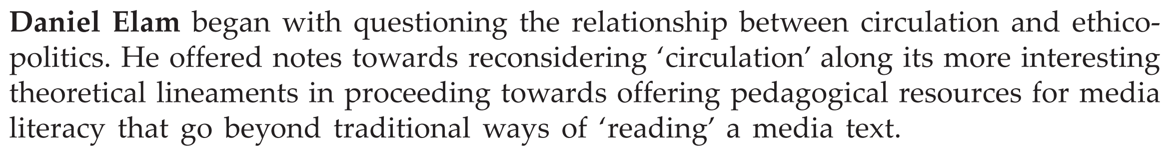


She later drew attention towards the area of criminal defamation. She pointed out that Sri Lanka was the first country in South Asia to abolish Criminal Defamation provisions in the penal code. Criminal defamation was used to restrict media in many ways. It was used to bring in editors before the court on very unfair charges like defaming state officials etc. she went on to give an example in this regard where in the editor of Sunday Times was charged on defaming the then president Kumaratunga, simply because he reported a news of the president entering a hotel through the back door to attend a party. The case was successfully fought and the charges were dropped.

The third area which Kishali spoke about was the area of censorship. She mentioned that due to the initiatives taken up by the media and law fraternity, the court laid down the ambit and parameters as to what could be censored very clearly. She then focused on the issue of contempt of court, which she mentioned was very dear to her. She said since there is no law regarding the same in Sri Lanka, contempt was used by the judges to restrict the journalists in particular. This was made use of whenever the judge was under the impression that the article was touching the matters regarding the dignity of the court, which is different from the traditional ambit of contempt. A lot of public opinion was bought about to modify the interpretation of the judiciary in this regard. People from various fields came together in this cause to bring about reforms in the law.

These reforms had a strong impact on the teaching of the media law, which was later given significance in the university curriculum. She brought to the panels notice that there was little importance given to the media responsibilities unlike the focus given to the critical questioning of the court's judgments. The focus was regarding the traditional aspects of media law pertaining to the print media. There was sedition, preventive measures, contempt of court, parliamentary debates but there was no copyright law, intellectual property law, new media. These aspects were not really looked on as part of the media law course in the 1980s and the 90s.

She expressed her disappointment with regards to the disappearance of the activism with respect to the media law and the deterioration of its study, which was found in the 80s and the 90s due to the growth of the military state in Sri Lanka. She ended her talk by posing a question as to a situation wherein the basic freedoms have been disregarded by the government and the state - where and how does media law and it's teaching fit in the whole scenario? Where can one look at the media law in a country wherein the judiciary is completely politicized? How to overcome the problems in a situation where one is not sure what confronts them? Finally she concluded by saying that there is a major difference between the media theory and media practice.



Daniel Elam began with questioning the relationship between circulation and ethico-politics. He offered notes towards reconsidering 'circulation' along its more interesting theoretical lineaments in proceeding towards offering pedagogical resources for media literacy that go beyond traditional ways of 'reading' a media text.

He positioned his argument on two levels: one, that it would be crucial for us to determine the precise ways in which certain forms of circulation create and/or enable particular regimes of power which we will want to critique and contest. Second, that greater attention to alternative (or possibly resistant) modes of circulation allow us to see with greater clarity the possibility of an ethico-politics of circulation, which may provide us tools for a more precise understanding of how political contestations occur in our unevenly globalised modernity. He put his presentation forward as an idea of how teachers may conceive of the bibliographic pastiche required for teaching circulation as a theoretical approach.

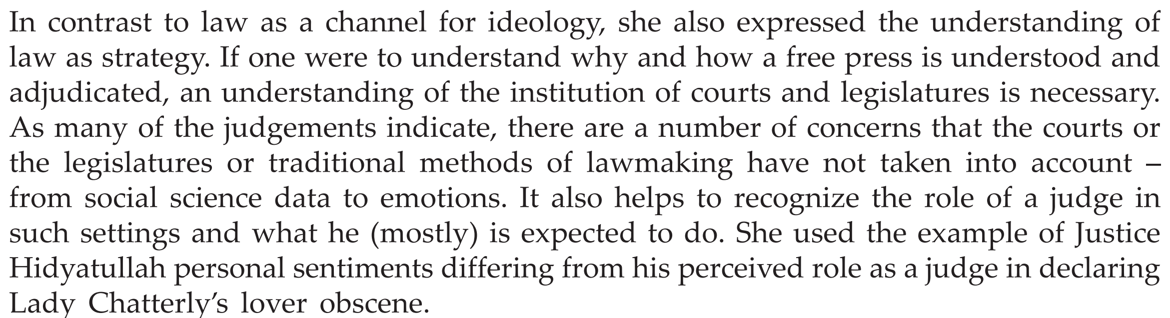
Circulation, he noted, has been used to describe a variety of flows: of print, things, people, ideas, finance, and affect. Rarely, however, do studies of circulating things attend to the messiness of circulation itself. More clearly, is at stake in circulation. He further said that studies of circulation must account for the knotted and intimate relationships between what we may otherwise deem to be circulation's accretions. It is precisely through the insistence on circulatory processes rather than their accreted products that we are able to begin to make sense of what 'circulation' might teach us. He used the example of the Zong massacre where 133 African slaves were thrown off a ship to allow for the Captain to later collect their value in cash as insurance. The horror of slavery is revealed not insofar as it makes commodities out of humans, but that it, relying on emergent flows of insurance capital, elides the object of the slave in order for it to have value.

Circulation stood at the center, both in terms of the movement of individuals-as-slaves across the Atlantic Ocean, but also because their movement was already determined by a set of circulatory processes of abstract capital, one which would only be made concrete in their demise. The Atlantic Ocean slave trade, he posited, might also provide us a new way for configuring a countermodernity, which offers us, via attention to circulation, alternative aesthetic, ethical, and political practices. Attention to the transatlantic slave trade forces us to reconsider the role of black intellectual and expressive cultures as products of a globally circulating set of ideas across the Atlantic Ocean. Between the UK, the US, and Europe – not to mention the experience and lingering traumas of original black diaspora from the west coast of Africa – emerges a different relationship to the project of modernity, identity, diaspora, and authenticity.

Kalyani Ramnath noted how free speech jurisprudence in India has evolved in and out of courtrooms. Her primary propositions were that historical debates on free speech in colonial India could inform our understanding of the contemporary, and that there was a link between a legal history of media, broadly understood and policy.

Presently, the mainstream history of press "freedom" in colonial India picks up on two different themes – one, of the role of the press in the national movement and two, of the censorship of political writing and art. In both cases, the law is seen to be playing a central role – as an example of the former case, the case of the Vernacular Press Act, 1878 while for the latter, any of the sedition trials in the High Courts in British India. However, it is also important to note that the reverse trends have also been mapped out – the role that the press played in the shaping of legal institutions. Kalyani proposed to highlight specific themes and perhaps provide a couple of illustrations in each case where a legal history of print media might inform our discussions of media forms in their engagement with the state. By doing so, she hoped to speak to the concerns of interrogating concepts as a practical pedagogical matter. By seeing legal ideas and institutions through the lens of an aspiring historian, she sought to provide an alternative means of reading case law for non-lawyers as well as lawyers. Further, she stated that the formulation of media policies would benefit from such an inquiry.

She used criminalities to understand how "free" speech was in colonial India, and therefore, who had access to generate knowledges, and therefore, power. As one peruses the labyrinth of statutes, regulations and case law on restricted speech and expression in colonial and postcolonial India, an overwhelming number of them refer to 'public safety', 'public tranquility' and 'public order'. It would appear that an unrestrained press is a constant liminal threat to society. These patterns expand our understanding of how colonial difference works – not just through criminalizing certain forms of speech by speaker/ author, but on reconfiguring the spaces where freedoms can be invoked, thus making them illusory.



In contrast to law as a channel for ideology, she also expressed the understanding of law as strategy. If one were to understand why and how a free press is understood and adjudicated, an understanding of the institution of courts and legislatures is necessary. As many of the judgements indicate, there are a number of concerns that the courts or the legislatures or traditional methods of lawmaking have not taken into account – from social science data to emotions. It also helps to recognize the role of a judge in such settings and what he (mostly) is expected to do. She used the example of Justice Hidyatullah personal sentiments differing from his perceived role as a judge in declaring Lady Chatterly's lover obscene.

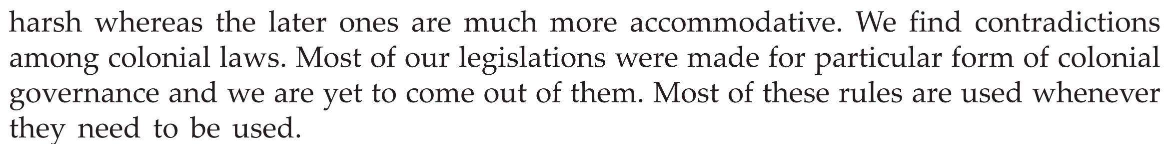
She put forward examples that sought to highlight the importance of having a non-court centric narrative of free speech in the classroom or at the very least, a more comprehensive understanding of the judicial narratives. However, given that judgment texts continue to exert a powerful influence on the lawyerly imagination, it might well be necessary to work with them as a starting point.

She finally addressed the question of whether the legal history of media can have an impact on media policy. As debates have shown, the question is not whether colonial continuities exist, but rather what has been retained. Further, colonial continuities exist not just in terms of what was retained, but also in the ways in which colonial logics were reproduced in other institutional forms. If the colonial rulers feared disaffection directed against the government, what challenges does a free press face today before courts, legislatures and state-like institutions?

Questions/ Comments from the floor:

Biswajit remarked that a circulation is a very old idea in communications. Circulation gives a new meaning and understanding of communications. Communication is circulation of ideas and articulation of social relations. Media schools in India are still based on very medium centric understanding of communication. Communication is seen as transmission, but then transmission is the idea of industrial revolution. It should be noted that communication existed from time immemorial. If one looks at global capitalism the idea of communication linked through the trade and commerce, with circulation of coins itself. In India one is still struggling to look at the different definitional contours of communication.

He further addressed Kalyani, remarking that when one looks at colonialism per se, colonialism is very paradoxical not monolithic, the way in which various laws and legislations evolved over a period of time. There is a definite shift and a different trend seen when comparing the later period to the early colonialism. Early laws were extremely



harsh whereas the later ones are much more accommodative. We find contradictions among colonial laws. Most of our legislations were made for particular form of colonial governance and we are yet to come out of them. Most of these rules are used whenever they need to be used.

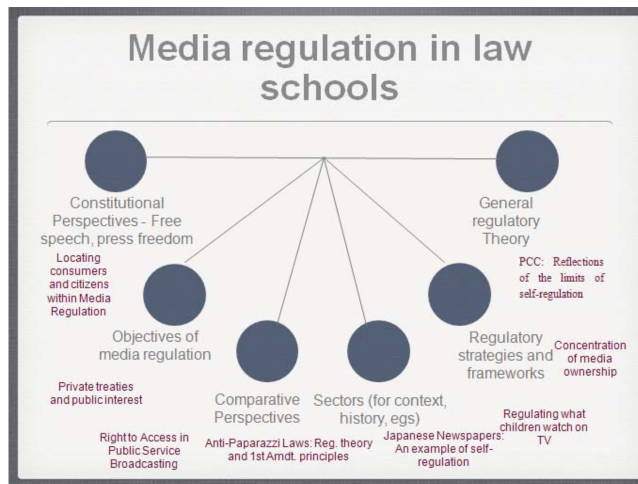
Look at colonial and post-colonial as different categories with particular sets of character attributed to both and various shifts and ruptures found in them. The various Press Acts up to the Vernacular Press Act of 1910 in the age of repression and everything between the 1920s and the 1940s is the era wherein there was a stringent demand for independence and rights and liberties of various kinds were articulated. How is speech and expression as a movement controlled then? If there have been no amendments to laws, does that mean that they have always stayed like that? What are the other ways in which control of speech and expression happen? Section 144 serves as a very important section only that people are not aware when it is applied unless reports appear in news.

Kishali was asked about the challenges faced by the media in Sri Lanka like the targeted assassinations and killings of journalists were discussed further. What sorts of debate are relevant in the Sri Lankan context? She expressed how Sri Lanka emerges as one of the most dangerous countries for journalists along with Iraq and Afghanistan. The attacks and killing of journalists are very common. The situation is worse than when the war was going on. There is an escape mentality among the senior journalists now for various reasons like self-interests. The media is in a way completely infiltrated. There is no definite way of censoring the media. Things will not get better when they need to be in the months to come. There is a struggle to retain even the minimum amount of professionalism in the media. There is a feeling of anger, disillusionment, outrage which comes about. We need to have more experience and in the field where journalism goes head on with the government.

Kalyani was asked about the question of non-judicial narrative of free speech, in some way Arun Chowri's journalistic account of the Bandua Mukti Morcha case and what happened to bonded labor after that; Rohit De's recent work on what are the people's history at the Indian Supreme Court, who are the Qureshis? What do they do when these cases are concerned? Is it that kind of concern that her work follows?

She answered that even if there are no restrictions found in substantive crimes, which are identified for controlling speech and expression, we still find it in various other ways like bureaucratic procedures and other administrative procedures. There is a need to start examining other materials in conjunction which legal texts, like judicial memos, parliamentary papers etc. Since very few papers and cases make it to the court, we need to look at other sources. It is not like underplaying the importance of the court, it is of no doubt very important.

A comment was made on Daniel's presentation that circulation is seen in the context as counter modernity i.e. resistant cultures and how do they circulate. The connections made by Leela Gandhi in the 'Heart of the Empire' were referred to - when Gandhi goes to UK the connections he makes with cranks and outcasts of the empire, the vegetarians and anti-colonialists. He makes fascinating connections including the people in the margins.



Rao commented on how Kalyani's presentation was trying to look at how do we read the case and how do we look into the conceptual formulation in the colonial and the post-colonial era and the case laws. She also looked at how the colonial continuities extended to present times. He expressed his shock about the situation in Sri Lanka and expressed the relief with respect to the freedom one has with regards to teaching even in the state of emergencies in India.

SESSION 4:
(4:00 pm to 5:30 pm)

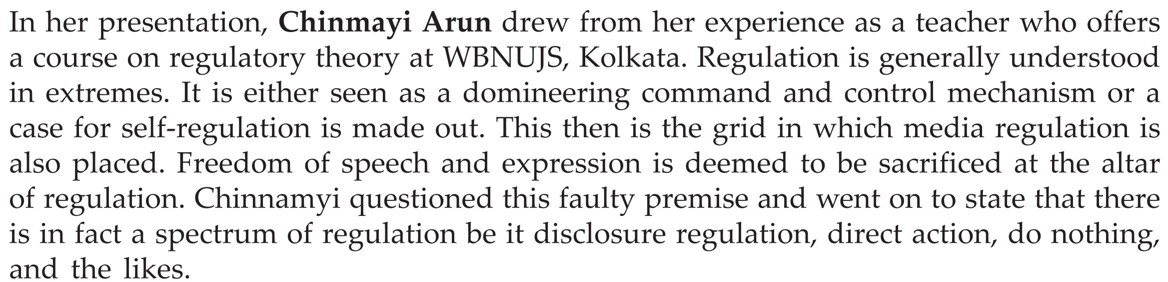
Understanding Regulatory Governance

Chair: Dr. Ravina Aggarwal, Program Officer, Advancing Media Rights and Access Program, Ford Foundation

"Teaching Lawyers Regulatory Theory: What a Media Regulation Course Can Do", Chinmayi Arun, Assistant Professor, National University of Juridical Sciences, Kolkata

"Is a Medium Neutral Media Regulation Policy Viable?", Sudhir Krishnaswamy, Professor of Law, Azim Premji University, Bangalore and Founder, Centre for Law and Policy Research, Bangalore

"Mapping Media Policy Shifts: Grappling with Re-Regulation", Aradhana Sharma, Project Fellow, Centre for Culture, Media and Governance, Jamia Millia Islamia, New Delhi



In her presentation, **Chinmayi Arun** drew from her experience as a teacher who offers a course on regulatory theory at WBNUJS, Kolkata. Regulation is generally understood in extremes. It is either seen as a domineering command and control mechanism or a case for self-regulation is made out. This then is the grid in which media regulation is also placed. Freedom of speech and expression is deemed to be sacrificed at the altar of regulation. Chinnamyi questioned this faulty premise and went on to state that there is in fact a spectrum of regulation be it disclosure regulation, direct action, do nothing, and the likes.

What then is regulatory theory? The traditional first generation of regulation is regulation of the command and control variety. The second generation of regulation saw an increasing role being played by the market, where economics and competition law steered the manner of regulation. We are however currently in the third generation of regulation where regulation is not necessarily influenced by the government or atleast not only by the government, but instead by social norms. This then is what makes inter-disciplinary learning necessary.

Chinmayi then discussed the importance of the architecture of the media, which is in fact an oft disregarded, albeit important manner of regulating media. The set-top-box, for instance, has affected the contours of the medium of broadcasting and hence how it is received. She stressed on the need to have a complete perspective to comprehend regulation. For instance, understanding the Doordarshan Act alone is insufficient; the larger phenomenon of public broadcasting must also be understood.

She went on to present her understanding of the various schools of media regulation – constitutional perspective, objective of media regulation, comparative perspective, sectors, regulatory strategies and frameworks and finally general regulatory theory.

She then explained these various schools. The constitutional perspective requires reading of cases on free speech and authors like Barendt. Then there is literature on the importance of access to the market place of ideas and hence this ties in with the objective of media regulation. The comparative perspective requires appreciating regulation across jurisdictions. The various sectors of media warrant different treatment, for instance the regulation of press and later broadcasting and currently the internet, all have their unique stories. Chinmayi however warned the audience against simplifying the manner in which regulation takes place in different countries because the contexts are different. One cannot always borrow from extreme jurisdictions such as China.

She then illustrated some instances in which her students have taken their learning of regulatory theory forward – participation in the Monroe E. Price Oxford Media Law

Moot Court Competition, research in India with the Programme in Comparative Media Law and Policy, internships with CIS and Star TV, articles in law journals using regulatory perspective and research assistance in privacy. Chinamyi stated that her aim was to make the learning from this course on regulatory theory a part of the conversation of the student community and this seems to have been achieved, going by the successful and diverse manner in which her students have out their learning to use. She offers this course as an optional but believes very strongly that this must be made a compulsory subject in all law schools.

Ms. Aradhana Sharma then explained the nuts-and-bolts exercise conducted in a workshop for the students at the Centre for Culture and Media Governance, Jamia Milia Islamia. The objectives of teaching media policy analysis, she explained, is to build capacity in the academic field for media governance and to inculcate an understanding of the policy making environment in the media sector.

Her class had a basic theoretical grounding in media policy and document analysis. However she believes graduates of law and mass media communication can also be a target audience for these classes. She divided regulation in theory and practice into the following – policy thrusts, engaging with interest groups and grappling with re-regulation. The workshop worked with the last of these. The objective was to club both theory and practice. The aims of the workshop then were to comprehend the operation of key concepts, identify shifts in trends and examine the larger question of access to public good and equity.

Aradhana's class was divided into two groups of six students each with six verticals and three cores with sixteen sessions of the duration of ninety minutes each spread over a term. Students were asked to read primary documents, secondary documents and other documents. So, for instance, a student working on telecom and broadcasting policy would have to look at the National Telecom Policies of 1994 and 1999 along with the Broadband Policy of 2004 and also the National Broadband Action Plan of 2010, all of which would constitute primary sources. Secondary documents would consist of

government documents such as statutes and public statements, industry documents and also citizen charters. Finally, the last category of material includes academic writing and interviews with experts. While the primary sources are identified by the teachers of the course, students must make an effort to collect material under the other two heads. There is thus a range of documents at disposal.

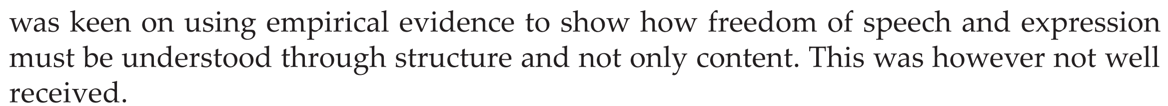
Evaluation of the work of students is what she next spoke of. Literature review which is sector and vertical specific was required. In the interim, even as students were working on their papers, individual narrative reports had to be submitted. The final outcome was a group narrative report.

The substantive portions of the workshop included the following – evolution (eg. to look at media reform over time), license norms (to understand ownership, etc.), allocation of resources, universal structure, policy communities and management interests. One important manner of looking at material is to follow it in a chronological order in order to understand shifts in policy and compare with other sectors.

Aradhana then went on to discuss how mapping is done. She did this with the help of an illustration. For instance, if licensing is the topic, then this would require looking at ownership norms, licensing criteria as also privacy and tax norms when going over policy documents. Further, ownership norms would in turn require appreciation of eligibility criteria, stipulations for mergers and acquisitions as also reselling of licenses. Thus, the mapping process requires identifying the various angles from which to assess the material on hand and thereby identifying larger underlying themes.

According to Aradhana, the skills learnt in this process are the following – locating the range of documents, identifying key issues, using relevant quantitative data, receiving academic literature, identifying and interviewing relevant people and finally compiling and structuring reports.

Finally, **Sudhir Krishnswamy** touched upon several issues that teaching of media law involves. He explained how as a student pursuing an undergraduate course in law, he



was keen on using empirical evidence to show how freedom of speech and expression must be understood through structure and not only content. This was however not well received.

He then went on to discuss how both journalism schools and law schools originated as craft schools. However, he believes, law schools are now obsessed with statutes while schools of journalism are tailored to reduce risk vis-à-vis the law without really understanding the law. There is a stark difference in how these two schools work. While in law schools there is case law, journalism schools use case studies to teach. Neither evaluating the regulatory side of media, atleast not in enough depth.

He spent some time in understanding two interests in regulation – that of structure and practice. Regulatory structure includes and involves content. For instance, he considered radio stations. How is it that there are no serious radio stations? The reason for this can be found in the licensing approach adopted by the government to regulate the medium. However, the structure of regulation is the best way to understand the constitutive character of regulation. But technology makes it hard to understand the nuances of regulation.

He further went on to discuss how the question is not always about the choice of the regulatory model. The humanistic angle has also to be incorporated. The politics of production and the risk of distribution for instance have to be appreciated. Most lawyers, he said, are aware of the three layers of regulation – the content, physical and logical layers. However, he senses a tendency to push for media uniformity even while the question of whether should all move to a normative model of regulation remains unanswered. It is his opinion that unity will not work because the model of regulation is dependent on the layer and the medium. For instance, if self-regulation were the chosen model, could it be applied across all three layers and that too across media? He doubts it. Thus the push in India for uniform regulation is, according to him, a bad move.

He then took the example of illegal filming of footage of public individuals, and the not so public ones. While this may be reduced to a content problem and policy is framed around it, the medium and audience also have to be factored in. There is great inter-relationship between all these facets. The recent incident of the tussle between the media and lawyers in the premises of the Karnataka High Court was used by Sudhir to show how there was no organized response by journalists, while the lawyers did just that. Perhaps then the special rights of the media ought to be questioned?

Finally, he discussed how the phenomenon of the internet is challenging all known theories. Nobody is ready to call themselves the gatekeepers of this medium. How this medium and its regulation will span out is thus an exciting thing to look out for.

Questions/ Comments from the floor:

In response to Sudhir's urge to look at the humanistic angle while understanding regulation, Chinmayi clarified that she did incorporate this in her course. For instance, transparency, legitimacy, accountability are all questions that have been grappled with through readings such as Zittrain and instances such as the Wiretappers' Ball.

Ravina clarified that clearly several courses were required to cover all that falls within the realm of regulation.

It was asked whether there is space for normative thinking beyond existing laws. For instance, how do you represent content that affects communities? If ideas are a market, then that means that inherently, unpopular ideas do not win. How then can the discourse on regulation be broadened? Aradhana in her response clarified that her course was about appreciating content only, and hence such questions were not being asked. However, ultimately it is about what the aim of the exercise is. If the aim is to promote diversity, then that can be done too.

Chinamyi told the audience about how she in fact does a section on diversity in her course. She alluded to a famous debate between Baker and Christopher. To Baker, the question of diversity is about what democracy and public space you want to create. For Christopher there seems to be dilution of public space due to the stake holders in the field. She also stated that it is time to move beyond the question of dominant social norms. The internet for instance has changed the debate. In the question of common carriers (when technology is neutral), curating must only be resorted to when there is a better reason than censorship.

A student posed the question: There are old laws, even as there are new media. How then is changing technology to be understood in classrooms? Is it the onus of the teacher or the students?

Aradhana responded that there is a real need to understand technology and hence they made sure that technology experts were invited to bridge the gap. Chinamyi said that she constantly called on her students to help the class understand questions of technology. The challenge however is to maintain a balance between details of technology necessary to understand the course and that which is not.

Dr. Ravina in her closing comments observed that there are several intersections between models, theories and ideologies. The trick with pedagogy is to not create clones.

SESSION 5:
(9:30 am to 11:45 am)

Approaches to Pedagogy

"Teaching Media Laws and Policy: Different Possibilities", Padma Rani, Associate Professor, Manipal Institute of Communications, Manipal

"Experiments in Media Law and Pedagogy", K.V. Nagesh, Assistant Professor, Centre for Media and Cultural Studies, Tata Institute of Social Science, Mumbai

"The Students versus Larry Flynt: Popular Culture as a Pedagogic Approach", Danish Sheikh, Legal Researcher, Alternative Law Forum, Bangalore

"Teaching Cyberpolitics: Grappling with Pedagogical Issues", Kannamma Raman, Reader in Public Administration, Department of Civics and Politics, Pherozeshah Bhavan and Research Centre, University of Mumbai

"A Review of the Curriculum and Pedagogy of Media Law and Ethics in Communication Schools in Tamil Nadu and Pondicherry", Shuaib Haneef, Assistant Professor, Department of Mass Communication, Pondicherry University

Padma Rani began by briefly outlining the syllabus of her media law course, taught to undergraduate students. An important part of the course, she explained, was about the police's powers of arrest and prosecution and the guidelines laid down in the D.K. Base case. She also said she taught her students about understanding the boundaries of their work and the importance of learning media law. The importance of communicating the last aspect was stressed upon.

A critical aspect that Padma focused on was the teaching method (hers mostly followed an analysis of case law). The challenge lay in explaining the law to students from non-legal backgrounds while retaining their interest, since most students either had a general disinterest in it or were intimidated by verbose and long-winded judgements and other legal documents. She then explained how she tried to overcome this challenge by using contemporary and popular developments involving the interface between media, ethics and the law, as themes for discussion, including media overage of the Arushi Talwar murder case and coverage of Aishwarya Rai's pregnancy.

K.V. Nagesh opened his talk with a comment on how "media" and "law" were not discussed as separate entities thus far through the conference, and how he was

going to make an attempt to do so in his talk, instead of treating them as an organic whole.

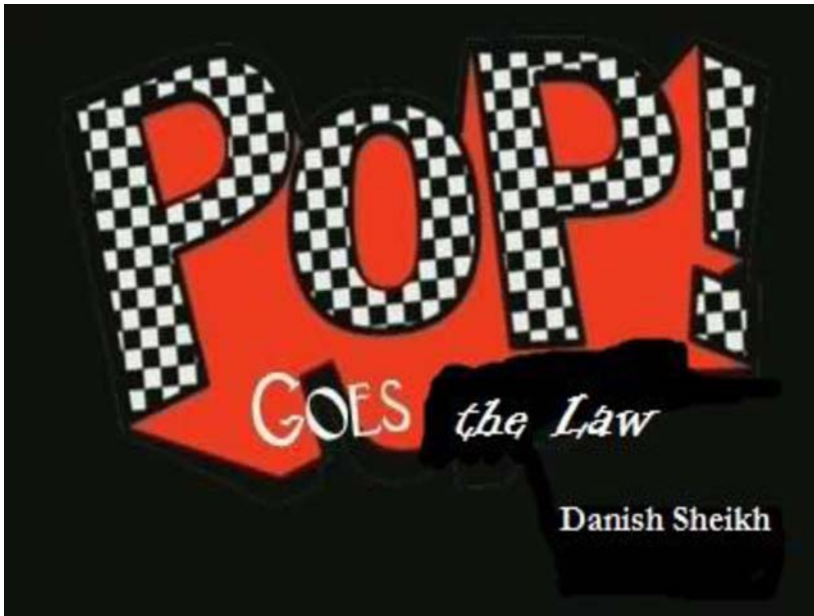
He narrated the outline of his course at TISS, which was essentially a media and culture studies module taught at the M.A. level. Besides the regular classroom component, the course also featured a graded internship component which involved working with communities in a field setting. Three modules made up the course. Module I was an overall analysis of the Constitution and free speech laws. Module II involved an analysis of criminal law on the point. Module III was a broad-based press law component, which included within itself a study of regulation of community radio, the internet, television studies and broadcast policy.

Nagesh spoke about some of the issues that were discussed as part of the course, including the need to update the law to keep pace with changes in technology (citing community radio which continues to be governed by archaic regulations prohibiting the broadcast of news, for instance). He also discussed the importance of participatory communication and the opportunities it offered in engaging with issues in real-time. He concluded by screening a short film *352: Remembering Emergency*.

Towards a Curriculum

- Why law and popular culture?
- Popular Legal Culture: Images of law and lawyers, Substance and Procedure.
- Reading – Movies/ Books/ Music/ Sports/ Art
- Narrative theory – famous trials

Danish Sheikh began with describing an instance of him screening a movie in an obscenity class only to have a number of students reacting by finding that movie itself obscene. He weaved this anecdote into making a case for the use of popular culture in studying media law. At the outset, he observed that part of this was an organic exercise, considering that the subject matter of much of media law often



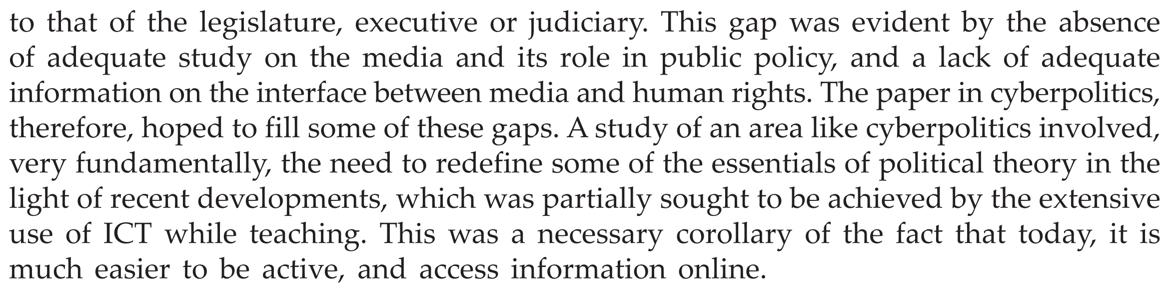
involved items of popular culture. All one had to do was integrate them into the curriculum.

He then explained a range of reasons as to why such integration was an important exercise. Starting with the banking education concept of Paulo Freire and Duncan Kennedy's writings on the legal education system, he spoke of how the harshly black letter tradition risked incapacitating students. Popular culture could then step forward as a liberating exercise. This was premised on a number of reasons. First the value of law and popular culture as a "law and society" subject. Any theory of the law that was an autonomous one risked falling into Gunther Teubner's epistemic trap. The study of law and popular culture on the other hand, flowed from a tradition of looking at how law affected social culture, and how that culture in turn played out with respect to the law. His next argument was based on how the use of popular culture tools made a difference in terms of classroom participation and liberating students in terms of thinking through the course itself.

Danish concluded by returning to his opening anecdote. He spoke of how the class' reaction to the film opened the floor for a highly productive conversation on the nature of obscenity, and pushed the class discussion to a more vibrant level.

Prof. Kannamma Raman gave a detailed presentation on her course on cyberpolitics, newly introduced by her at the University of Mumbai. Kannamma first described the need for the paper and the background to the course, and then went into an explanation of the course content, concluding by narrating some of the roadblocks she ran into enroute.

Speaking about the necessity for such a course, Kannamma remarked how in conventional discussions, the role of the fourth estate was relatively ignored compared



to that of the legislature, executive or judiciary. This gap was evident by the absence of adequate study on the media and its role in public policy, and a lack of adequate information on the interface between media and human rights. The paper in cyberpolitics, therefore, hoped to fill some of these gaps. A study of an area like cyberpolitics involved, very fundamentally, the need to redefine some of the essentials of political theory in the light of recent developments, which was partially sought to be achieved by the extensive use of ICT while teaching. This was a necessary corollary of the fact that today, it is much easier to be active, and access information online.

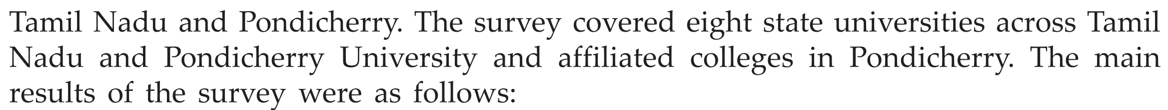
Some of the classical theoretical concepts which needed re-examination included the following:

- "*Nation*" and "*national law*" - in light of the development of the internet, whether these terms are being liberated from geographical boundaries?
- "*Community*" - does it necessarily have to be a physical entity? What about the virtual world?
- "*Identity*" - what is its significance in the anonymous world of the internet? Is the internet erasing identity?
- "*Public*" and "*private*" - where do the boundaries between the two lie, especially in light of the proliferation of personal data? Is being online at home public or private?

A re-look at all of the above in light of contemporary trends was one of the reasons behind introducing the cyberpolitics course. Since this was the first time the course was being taught, some lessons were learnt. The uncertainty of the field's boundaries led to greater width in terms of the number of topics covered, but sacrificed depth. Some of the themes that were explored were: Internet Governance, cyber-democracy, public sphere, cyber activism, digital divide, privatization and censorship.

Finally, Kannamma spoke about the procedural and bureaucratic challenges she had to face while instituting this course. The rigid assessment scheme mandated by the University was unsuited to a course like this. Further, the attempts to incorporate some new-age pedagogical techniques such as requiring the students to maintain a blog were only partly successful, due to lack of page views etc. The poor quality of writing of the students was also a problem. Above all, there were administrative difficulties posed by the university bureaucracy who were highly resistant to change.

Shuaib Haneef offered empirical analysis in the form of the results of a survey that he conducted to assess the teaching of media law and ethics courses across colleges in



Tamil Nadu and Pondicherry. The survey covered eight state universities across Tamil Nadu and Pondicherry University and affiliated colleges in Pondicherry. The main results of the survey were as follows:

The course structure was generally quite similar, initially focusing on press laws (freedom of speech and Constitutional aspects) and then eventually transforming into a media laws and ethics course. In several colleges, the course was non-existent due to its dissolution by merging into other courses - during the creation of new courses in a college, media laws and ethics was inevitably the casualty.

The timing of the course was also problematic. Ideally suited to be taught, according to Haneef, in the second or third trimester, it was often pushed to the fourth trimester when the students were often occupied with fieldwork, hence greatly reducing its value for the students in terms of takeaways from class. Further, the course itself generally lacked a clear framework and objectives thereof were rarely identified upfront.

Use of case studies was haphazard and followed a cookie-cutter approach. Several aspects of the course, according to Haneef, could have been usefully supplemented through guest lectures by practising lawyers, but this method was rarely used. Finally, the ethics component of the course rarely followed any pragmatic philosophy and was taught more as a formality.

Questions/ Comments from the floor

Haneef was questioned on how the ethics course is becoming a casualty, whether that was a disturbing trend, and what are the consequences of that? He said that the main problem was that the “why” element would go missing – students needed to critically engage with and reflect on texts and gain a perspective on issues, and that was something the ethics course provided a gateway for.

Padma and Danish were questioned on how their techniques representing law through non-legal/technical methods might risk losing the strict technical understanding of legal doctrine. They both felt there wasn’t such a danger because using popular culture/ current examples was more of a way to make the subject interesting and attract attention. The black letter theory would still be provided to students.

Danish was also asked – when using popular cultural products, what an individual chooses to view depends on socio-economic background, language, etc. When choosing a particular piece of pop culture, could it hinder some students from accessing the topic in mind? He answered that it was a question of how to pitch the class, and that he was

interested in pitching the class at the highest level but also left the door open for other students to approach him in case his lectures were inaccessible to them.

Lawrence tied in all the themes which he felt weren't particular to law and media. He pointed towards the methodological challenges that arise with lawyers and social scientists doing cross-disciplinary work. Legal archive is so rich that social sciences model find it easier to dip into – and when lawyers use critical theory, again it is easy to pick out without getting into its intellectual genealogy. How do we consider the social life of doctrine? For example, the idea of Hicklin test and tendency to deprive and corrupt. There is a manner in which this permeates within the realm of politics and social imagination. To Kannamma, he pointed out that if one were to take the earlier debates vis-à-vis online practices, it allows us to imagine how we think of the question of law itself. He used the example of the Lambda Moo case where a sophisticated legal system grounded on an organic theory of law was created by an online gaming community. What would online practices with their own social contract mean for our legal imagination? She responded saying that was something she had been thinking about; every time a cyber crime took place and there was a question of whether real world laws needed to be applied to it, she did have second thoughts.

The group was asked whether as teachers, they were more concerned with creating practitioners, or with developing the students as well rounded individuals. Nagesh answered – the idea is to imagine them as multi-faceted people, not just as practitioners. It was important to have faith in the students. Padma agreed, and said that she left it up to the students, and pointed out that it wasn't always by choice but by a combination of various other factors that one took a particular path.

SESSION 6:
(12:00 pm to 1:00 pm)

Teaching Tools - I

Chair: Dr. Chinmayi Arun, Assistant Professor, National University of Juridicial Sciences, Kolkata

"Moot Point: Mooting as a Tool to Teach Media *Law*", Geetha Hariharan and Sahana Manjesh, IV Year, B.A., LL.B. (Hons.), NLSIU, Bangalore

"Adhoc Learning in an Online World", Sushant Sinha, Indian Kanoon

"Educate Media: Empower People", Dr. Madabhushi Sridhar Acharyulu, Professor of Law and Coordinator, Center for Media Law and Policy, NALSAR, Hyderabad

Geetha and **Sahana**, students from NLSIU, Bangalore, elaborated on the process of mooting in law schools and examined its pertinence to a media law course. Talking from an experiential viewpoint, the duo cautioned people that mooting was not a process that could be enjoyable to everyone or even pertinent to subjects beyond law. They enumerate several prerequisites to mooting that included identifying issues, researching them thoroughly to anticipate possible sources of information and the applicable field of law and legal framework. The process of mooting was rooted in an interactive and information-rich environment of internet and new media since that is where the primary step of research was conducted and the speakers expressed uncertainty as to how the process would function in an old-media environment.

The duo went ahead to give a brief sketch of the process of mooting. The first step involved identifying the broad area of the problem and streamlining the issues. The second step constituted the actual research process for the moot. This was extremely rigorous due to the competitive nature of mooting and alternative sources including, but not limited to, interviews with specialized sources of information apart from all available textual and virtual information. Since moots generally tended to revolve around very specific issues, they consequently required extensive research in a broad area of inquiry in depth. For their specific instance of a moot process, for instance, a thorough understanding of the architecture of the internet platform, licensing procedures as well as the politics and the delegated legislation (across various jurisdictions) pertaining to it were required since they ultimately determined how the Internet actually functioned at the ground level. For this purpose they consulted specialized sources of information like the Center for Internet and Society, Electronic Frontier Foundation etc.

They were also required to understand the concept of internet activism, debate unresolved questions of internet regulation and governance and realize the proverbial threshold of the freedom of speech and expression. They realized mooting as a completely self-reliant and self-motivated process of extensive research and continuous introspection

since as Sahana mentioned, "To raise a constitutional question, it could never be enough for us to extrapolate print architecture and regulation to internet!"

The speakers said that their particular case in the Oxford Moot Competition introduced them to the extensive case-laws of international courts (including the European Court of Human Rights). However, the information pertaining to some jurisdictions (such as Africa) was outdated or simply not available. The experience also taught them that the balancing of laws was of utmost importance as it works out differently in different contexts. Since the rules of mooting necessitated arguments both for and against the motion, the speakers were forced to form a balanced perspective and thoroughly debate both sides of the argument. The time restriction component of mooting also necessitated a fine balance of clear and cohesive expression in writing (with strict word limits) as well as different moods of argument that could appeal to different juries. The written presentation differed completely from persuasively presenting the case verbally to different judges (who had their own ideas, convictions, unique philosophical and legal leanings) within time constraints and precise logical requirements.

The speakers' particular case concerned balancing of privacy and free speech against national security. Upon consideration, the case gradually emerged as potentially a mere international law problem, not an international human rights issue. The process of the research modified not only the vast area of the problem presented initially, but the issues that the participants believed they were dealing with previously. Apart from discovering their own interests in the field, the research process led the moot participants to view the issue in a political and social sense, rather than as a mere competition. In fact, this led them to question their previous well-meaning assumptions regarding issues such as freedom of speech.

To add to the level of complexity involved in the process, the judges and those who listened to the mooter's arguments often came to the bench with their own set of ideas as to what the issues involved were as well as opinions regarding the right and the wrong. For instance, in India, judges tended to have presumptions as to the role of national security in trumping rights.

In a moot court, one could hear multiple perspectives (from both judges and opposing teams) from a range of cultural perspectives (E.g. In the UK, the NLSIU team went up against a Chinese team, who had unique perspectives on free speech and national security). The speakers considered themselves lucky since their judges in the UK had been involved in media law for years and had extensive advocacy and policy-drafting experience. This gave them the chance to discuss how regulation happened and their experience contributed to the speakers' own understanding. They also realized that

being able to understand how law is interpreted and contextualized in other countries helped one to interpret and contextualize law in one's own country. To round it off, analyzing the real-life experiences of persons involved in media law controversies, placing a human face and human consequences into abstract debates always helped in making the debate more immediate, material and perhaps, beneficial.

The speakers then went on to talk about the limitations of mooting as a process. They opined that while course curriculum imposed structure and even perhaps an ideological view, the process of mooting forced one to create a structure anew. Dealing with fictional case scenario always had obvious limitations but participating in one perhaps exposed a student to the fact that classroom discussions and learning could never replace experiential understanding. While contextualizing incidents and laws in other countries and foreign cultures would always remain a challenge, there was perhaps a case yet to be made for mooting as a teaching aid.

Comparing it with formal education

- Organized and wholesomeness
  - Major benfits of formal education
  - An entire graduate degree divided into courses and each course divided into chapters
  - Chapters cover specific sections of law explaining the wordings in detail
  - In the online world it is scattered across judgments.
  - Can software do what erudite legal scholars who write books have done?

Adhoc learning in an online world

-Sushant Sinha

Indian Kanoon (http://indiankanoon.org)

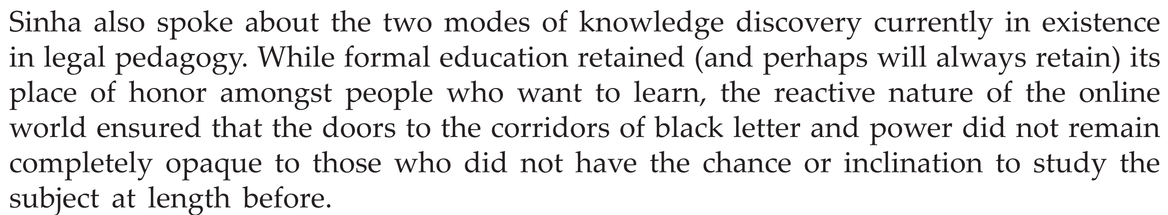
Sushant Sinha, the brain behind the immensely popular website "Indian Kanoon" shared his personal and somewhat quirky 'layman's approach' to grappling with the law. Mr. Sinha hailed from a complete science and technology-oriented background that had nothing to do with the law. He described himself back then as "terrified to speak before lawyers".

He described his first introduction to the black letter subject matter through

blogs that discussed Indian court judgments (Spicy IP India, Law and Other Things). He tried reading judgments himself in order to better understand criticisms of various judgments and came up with the following observations: that they were written in plain and accessible English, words were generally applied in their commonsensical meaning of the term and not the legalistic terminology and tended to explain certain sections of the law in great detail. He also found few axioms and significant amounts of citation to other judgments in order to support arguments. His other, more important discovery lay in the fact that he saw court judgments would often refer to a particular section in the law as the main issue requiring clarification and this puzzled him considerable since it seemed to require a specialized and extensive study of the law in order to know the pertinent sections in specific instances. He hit upon a technological solution to the logical riddle in the form of citation metrics that could indicate inclusion of sections in pertinent places by following a pre-established pattern.

However, all was not fine as he found the procedures very hard to understand and sections of the Criminal Procedure Code and the Civil Code seemed little better than the Latin quotes often incorporated. There seemed to be hidden axioms in determining legal procedures and the court judgments applying these sections were also very hard to understand. However, he continued to peruse other minor sources of information like Wikipedia (that had many good summaries of certain Supreme Court judgments), legal reports in newspapers (that covered court cases and explained the gist of the case in easy and comprehensible terms) and many other excellent blogs and articles often linked by other users through social networking sites like Facebook and Twitter.

While he wholeheartedly supported the view that ad-hoc learning could never replace the organized and holistic approach of formal education in law, he also argued that each had a strong potential to support, inform and complement the other. He also wondered if software in the future would be able to emulate what erudite legal scholars have done in print. For instance, he gave an example of legal scholars who did the difficult job of factoring upon which sections of the law were important to a specific case or which judgments could form important precedents. According to Sinha a 'rough first cut' of the same job was being done by Indian Kanoon that used a basic model of relevance.



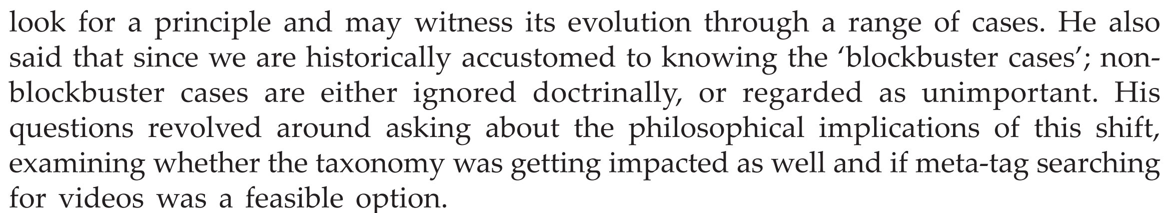
Sinha also spoke about the two modes of knowledge discovery currently in existence in legal pedagogy. While formal education retained (and perhaps will always retain) its place of honor amongst people who want to learn, the reactive nature of the online world ensured that the doors to the corridors of black letter and power did not remain completely opaque to those who did not have the chance or inclination to study the subject at length before.

In a segment entitled "Legal Education Beyond Lawyers", Sinha expounded on the need for common people to familiarize themselves with the basic framework of law in their country. He observed how signing legal documents is routine in day-to-day life and opined that while a man could afford to lead a life without a detailed understanding of basic physics and chemistry, it had nearly become essential to have at least some understanding of law in our commercialized, urban existence. Even if one could afford to contract specialized legal expertise, nothing could beat the confidence ensured by a basic comprehension of the legal architecture. He cautioned the audience it could always prove dangerous to 'experiment' when one has limited knowledge of the law (despite the ubiquity of law and legal documents).

Sinha also spoke of the growing demand for ad hoc legal learning as most people cannot consult a lawyer or get documents reviewed by them for every little need. That is why it has become almost necessary for basic validation to be done on one's own since signing legal documents is a necessity when compared to other sciences or engineering in day-to-day life. While alternatives like verbal contracts are tempting, they are not feasible and cross-verification is also extremely important. This is the knowledge gap that sites like Indian Kanoon seek to address – the need for trigger-based instant verification. With Indian Kanoon, one can quickly cross-verify one's own understanding by reading court judgments and only consult lawyers as a last resort. Other people's search queries can provide a trigger too. Sinha also spoke of other fields facing similar revolution like bureaucracy and administration in India facing huge scrutiny in light of RTI applications, medical diagnosis being increasingly questioned as to the certainty of medication and procedures and software developers increasingly saying that they are unable to work with software that has no source available.

Questions/ Comments from the floor

Lawrence Liang commented that traditionally if someone needed to do legal research, he would go to the indexes of case reports, but online databases have changed the way in which one thinks about knowledge. The shift has been from subject-based to taxonomy-based understanding of knowledge. For instance, in Indian Kanoon, one can



look for a principle and may witness its evolution through a range of cases. He also said that since we are historically accustomed to knowing the 'blockbuster cases'; non-blockbuster cases are either ignored doctrinally, or regarded as unimportant. His questions revolved around asking about the philosophical implications of this shift, examining whether the taxonomy was getting impacted as well and if meta-tag searching for videos was a feasible option.

Sushant replied that he had not previously thought of this as he had never used the offline research tools. He also said that meta-tag searching might be a future possibility.

Sahana opined that Indian Kanoon could be very difficult to sort through for a lay-person who has never read a decision before in his/ her life since it has thousands of cases on display and inquired about Sushant Sinha's take on that. Sushant replied that although Indian Kanoon was predominantly being used by lawyers and students of law, statistics showed that 50% of the incoming traffic on the site came from frequent visitors while the other half came from non-frequent visitors – numbers that could perhaps indicate a strong client base of users from a non-legal background. He also added that the attention span for non-frequent seemed more with each averaging 6-7 judgment readings at a stretch while frequent visitors generally limited themselves to 2-3 judgments per visit.

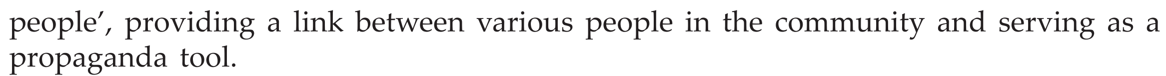
SESSION 7:
(2:00 pm to 2:45 pm)

Teaching Tools - II

Chair: Dr. Chinmayi Arun, Assistant Professor, National University of Juridicial Sciences, Kolkata

Madabhushi Sridhar Acharyulu, began by noting how, even before he was a law student, his articles (written in Telugu) were censored before the Emergency. Some of his articles survived censorship because the relevant censor could not read Telugu. When he first floated his media course, he faced significant resistance: who would teach the course? How would it run? However, he prevailed over such opposition, despite only 2 students turning up to his first class.

He listed the functions of the media as informing (or reporting to) the people, as an opinion leader, as allowing for policy analysis, providing space for the 'voice of the



people', providing a link between various people in the community and serving as a propaganda tool.

Media is growing in relevance and importance as an essential field of inquiry. This field of inquiry is highly inter-disciplinary. Media and communication studies need to be reformed. At the moment, such studies involve very little about media law, and nothing about law. In the absence of timely resistance by civil society and media against bad laws, such laws will rule and ruin a society. Media should assist in making good laws (such as RTI) and control debates over what are good and bad laws (such as the Lokpal). The media's active discussion of pros and cons of various Lokpal bills offers fantastic information for the people to develop their own opinions

The different facets of Media and Law include: law relating to media (e.g. regulations, restrictions, etc), law relating to profession (e.g. advertising standards), constitutional issues (e.g. contempt of court, right to know, RTI, privileges of parliament), violating the rights of the people (e.g. invasion of privacy, negligent damage), and expression-Related Crimes (e.g. ss153A-153B).

The audiences for media law include law students, journalism students, journalists, public relations personnel, police and advocates. He listed as an example the Media Law Seminar Course for law students at NALSAR. Consisting of 5 modules in about ten classes, evaluation involved a seminar paper on a chosen topic of media law worth 100 marks. The modules included history and concept of media, the constitutional foundation of media law, criminal law relating to expression, broadcasting media and internet, and regulation of media.

He noted the significant breadth of ignorance in media regarding media law. The media is unaware of, for example, prohibitions on exposing the identity of a rape victim. Fake encounters, further, cannot be justified, and neither can accusations of adultery or illicit relations be hurled recklessly behind every homicide or suicide. He recommended that journalism and mass communication courses should have a compulsory paper (course) on media law. Further, that was very important to promote legal literacy within the media, and that some of the definitions of crimes and criminal procedures should be known to every reporter.

Questions/ Comments from the floor

Kalyani gave a brief overview of how she came to prescribe an actual property law course in her class. The Legal Clinic at NLSIU received a matter of property law that was later brought into Kalyani's notice through a co-operative and she suggested that

her students could go over it in class. Although she opined that such an exercise was easier to do it in a law school given the extent to which instruction and testing depend on problem questions, it was nevertheless enjoyed by students and improved understand of relevant issues.

Sidharth Chauhan concluded the session by saying that mooting was a tried-and-tested method that had also been used in non-law schools. However, the usage of the method in India, may have been influenced by the lack of engagement in conventional classrooms.

SESSION 8
(2:45 pm to 4:00 pm)

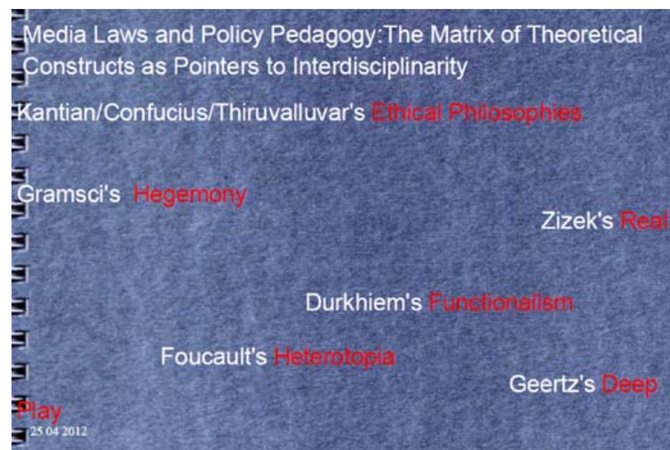
Interdisciplinarity

Chair: Vibodh Parathasarathi, Associate Professor, CCMG, Jamia Millia Islamia

'Some Reflections on the Alternative Approaches to the Pedagogy of Media Law and Policy', Gopalan Ravindran, Head of the Department of Journalism and Communication, University of Madras

"Reframing Media Law: Interdisciplinary Challenges", Lawrence Liang, Legal Researcher, Alternative Law Forum, Bangalore

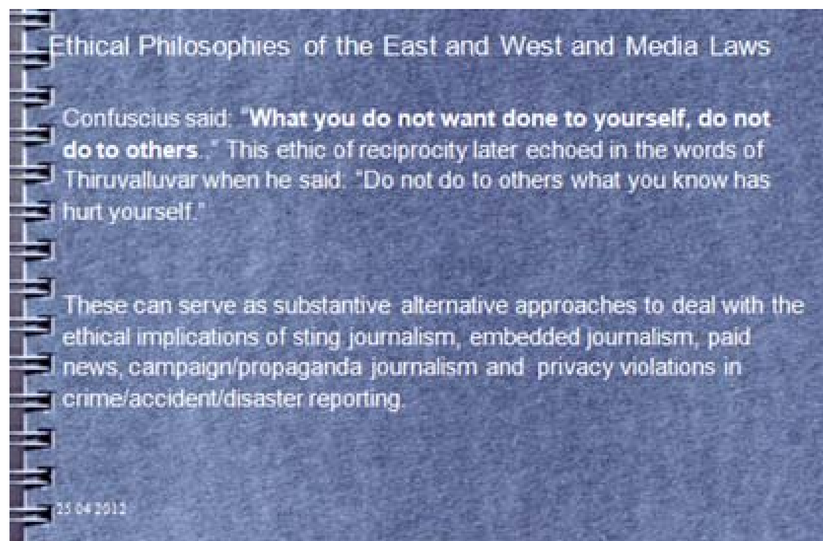
Subversion is necessary, if ideological possibilities, otherwise to be neglected, may be properly explored. Subversion is particularly necessary given the ossified structure and nature of the Indian media; the organizational structure of the Indian media as 'feudal in character', and irrelevant to a nation attempting to evolve from a feudal society to a modern one. Given such subversion is necessary if student constituencies can transform themselves, and in order to ensure that contemporary students will, in future, remain critically engaged. **Prof. Gopalan Ravindran**, in discussing subversion, discussed a number of new and emerging disciplinary approaches, with particular reference to the works of Gramsci



(on hegemony), Geertz (on 'deep play'), Durkheim (on functionalism), Foucault (on 'heterotopia'), Zizek, Kant, Confucius and Thiruvalluvar.

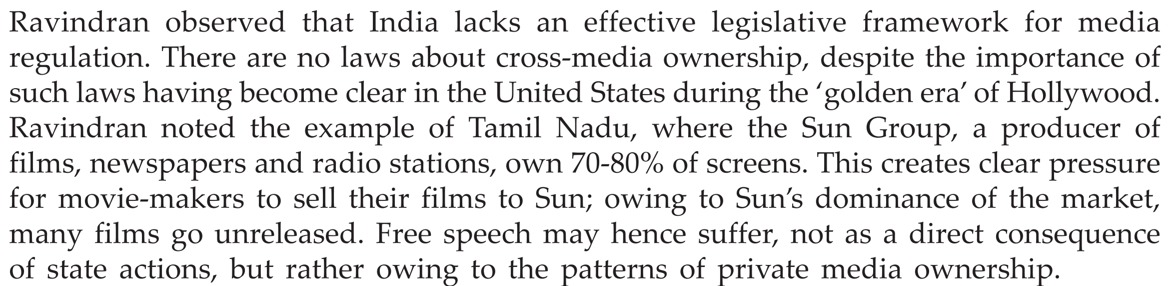
Ravindran stressed that communication studies when taught in India, must take account of the Indian context. At present, communication studies is taught in 'a very American way', without regard to the various forms of hegemony imposed by the Indian class system, and without regard to Indian ethical philosophy. In this respect, Ravindran stressed the long history of ethical philosophy in India and China, asking: 'What happened to the Indian ethical universe?'

Ravindran declared that Indian communications teachers should direct students to 'unlearn' mainstream approaches in communication pedagogy, in order to ensure that students may become aware of their 'social reality'. To teach media law in isolation from their social, political and cultural context hence fails to give students a 'holistic account'.



Ravindran noted the unique characteristics of communication studies in the US, reference is not made to the status of the media in law, but rather to laws about communication. In the American context, free speech is understood as pertaining to the rights of individuals, not corporations (including media and press corporations); it is, first and foremost, an individual right. He noted that he teaches his students to be self-aware and critically-minded, and to subvert the logic of the mainstream.

He referred to Clifford Geertz's notion of 'deep play', as articulated in his book '*The Interpretation of Cultures*' (1973). The notion of 'deep play' (first derived from Bentham) refers to a form of 'play' where the stakes of competition are so high that none may rationally 'enter the arena'. (Geertz's ethnography in '*The Interpretation of Cultures*' concerns Balinese cockfighting, as a reflection of Balinese culture and masculine identity.)



Ravindran observed that India lacks an effective legislative framework for media regulation. There are no laws about cross-media ownership, despite the importance of such laws having become clear in the United States during the 'golden era' of Hollywood. Ravindran noted the example of Tamil Nadu, where the Sun Group, a producer of films, newspapers and radio stations, own 70-80% of screens. This creates clear pressure for movie-makers to sell their films to Sun; owing to Sun's dominance of the market, many films go unreleased. Free speech may hence suffer, not as a direct consequence of state actions, but rather owing to the patterns of private media ownership.

Ravindran observed that Geertz's notion of 'deep play' is applicable to the Indian context. In the media 'arena', the stakes are both extremely high (equivalent to participants in Balinese cockfights, who bet large amounts of money) and yet so high that many media organization cannot rationally enter the 'arena'. In this sense, the state is akin to the 'umpire': noticeable by its absence in the arena, owing to the lack of cross-ownership laws to regulate media ownership. As he pithily observed, 'fairness' is not a part of 'deep play'.

In India, communication education is generally only a field of study, not a discipline; it generally consists of sociologists and anthropologists teaching journalism students. Ravindran then addressed the relevance of Slavoj Zizek, the neo-Marxist and neo-Lacanian, to modern communication studies. Zizek explores the 'real' as a psycho-analytical concept; the 'real' is not 'in the world', but belongs to the subconscious. This bears clear relevance to studies of obscenity, giving rise to two 'approaches' to dealing with obscenity: the historical Indian approach, and 'Zizek's approach'. Applying the latter, Ravindran notes that, in ancient India, pornographic symbols proliferated on temple walls (representative of attitudes towards sex in that society); during the Victorian period, the British, shocked by such representations, covered them. In this way, 'the possible became an impossibility'.

Ravindran further noted the relevance of Emile Durkheim to communication studies. In '*The Elementary Forms of Religious Life*' (1912), Durkheim examines profane and sacred sites, and the contestation between the two; in a comparable manner, defamation laws aim to maintain the balance between the profane and the sacred. Ravindran proceeded to consider the link between media pedagogy and 'ethical philosophy', as represented by Kant, Confucius and Thiruvalluvar. Kantian ethics (the notion that one should do only what can be universally upheld, not what is appropriate to circumstances or context – the 'catagorical imperative') and the ethical reciprocity championed by Confucius and Thiruvalluvar are applicable to studies of 'sting journalism'. He drew upon examples from Tamil Nadu; in the vernacular media, murders and deaths are

widely reported, even though such things would *not* be printed if the dead were the families of the media owners (a clear violation of the ethic of reciprocity).

Ravindran concluded by discussing the applicability of Foucault's distinction between utopias and 'heterotopias' – utopias being 'not real' spaces, heterotopias consisting of collections of 'real' sites. The media, in bringing together many conflicting sites, is a 'heterotopia'; these conflicting sites converge into a single heterotopia, that of the 'media'.

Lawrence Liang opened with a biographical narrative, about how, as an undergraduate, he had greatly enjoyed his seminar on media law. This course coincided with the trial of OJ Simpson, raising constant issues of 'justice as theatre'. He wryly noted that, although he worked hard at the course, he only received a B+; he now teaches a course called 'Rethinking Media Law'.

Liang observed that, while interdisciplinarity can be a luxury in some fields, it is an inevitable necessity in other fields. Media law is one field where an interdisciplinary approach would appear inevitable if one is to sharpen the object of one's enquiry. He noted that the proliferation of media in public life implicates everyone, and every discipline, as participants and witnesses.

Despite this clear demand for an interdisciplinary approach, historians, media theorists and lawyers have all traditionally played distinct roles in media studies. In Liang's view, this division of labour has constrained the traditional definition of what amount to 'media laws', and seriously hinders scholarly understanding of the law's understanding of 'what it is that the law does when it encounters media forms'.

A standard media course would begin with the Constitution, fleshing out the 'reasonable restrictions' under article 19(2); this approach is characterized by 'free speech formalism', whereby media forms are 'flattened out'. All disputes over the forms and practices of different media are hence converted into doctrinal questions centring on freedom of speech and expression. This is the dominant approach in teaching media law and the doctrinal history of freedom of speech and expression. Liang suggested, instead, a move away from this 'repression hypothesis' towards a 'more complex account', simultaneously encompassing doctrine, media history, cultural theory, and the move from a 'repression model' to a 'productive model'.

Liang accused lawyers of undue adherence to 'doctrinal accounts' (reducing diverse legal cases on the media to a mere doctrinal history of freedom of speech and expression), while accusing media theorists of ignoring issues of law and policy – despite the fact that law and policy determine the social world. To this effect, he quoted Toby Miller

(1998): ‘Culture has always been about policy’, both in terms of questions of aesthetics and in the ‘all encompassing’ anthropological sense.

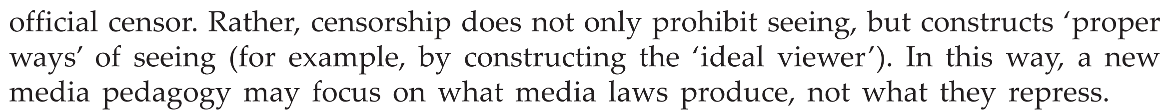
Interdisciplinary approaches concern the *intersection* of different disciplines, not just the conjoining of such disciplines. Through such interdisciplinary approaches, academics should ideally render the discipline ‘uncanny to itself’.

Liang distinguished the ‘descriptive’ from the ‘constitutive’ power of law. By describing particular phenomena, the law also defines the boundaries of the object described (for example, particular cultural practices); in this manner, law both ‘describes’ and ‘constructs’ its objects. As an example, he noted that cinema was, historically, believed to have a pernicious effect on native populations, as it was said that they could not distinguish between reality and fiction; however, this claim arose from anxiety about how to regulate the film industry. In this sense, he notes that the underlying relationship between law and cinema has not been as clear as it traditionally seems to be, challenging the dominant notion that cinema is a pre-existing phenomenon which the law merely describes.

Similarly, Liang noted that censorship boards do not merely censor, but also construct theories of what ought to be seen. Every film must be certified; in fact, the ‘ubiquitous censor certificate’ is the first shot seen by the audience of any Indian film, reminding the audience that the film has already been watched by someone else. Such construction may take alternate forms; for example, when film-makers are required by the Film Board to replace shots with equivalent, alternative shots. He used the example of a famous documentary filmmaker, asked by the Censor Board to replace a shot – a poetic meditation on a ladder placed on a wall – on the ground that it was ‘not cinema’, and that another shot, suggested by the Censor Board, would be superior.

Liang noted that, in the process of certification, legal authorities may conflate the narrative of the film with the film itself – constituting a ‘flattening out’ of the film. The Censor Board hence does not merely decide what to censor, but produces a theory of ‘that which ought to be seen’, deriving from a range of registers (such as citizenship, taste, ideas of the public good, development, etc).

Liang drew upon and discussed Annette Kuhn’s *Cinema, Censorship and Sexuality* (1998), which examines practices of film censorship; in Liang’s analysis, Kuhn’s work attempts to redefine questions surrounding ensorship. Scholarship on censorship is dominated by a ‘prohibition/institutions’ model; Kuhn, by contrast, notes that (contrary to the ‘prohibition model’) the power of the censor is more than the power to restrict what we see, and that (contrary to the ‘institutions model’) this power is not restricted to the



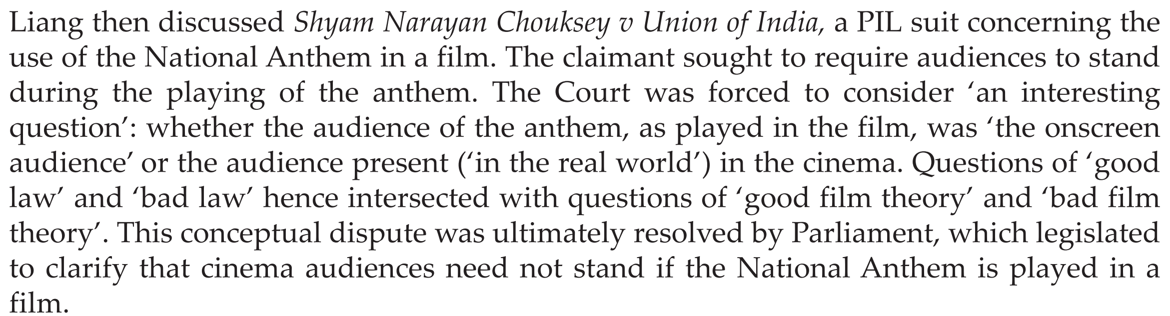
official censor. Rather, censorship does not only prohibit seeing, but constructs 'proper ways' of seeing (for example, by constructing the 'ideal viewer'). In this way, a new media pedagogy may focus on what media laws produce, not what they repress.

Liang then embarked upon a detailed discussion of the case of *Mutual v. Ohio,* 236 US 230 (1915), 'my first piece of evidence'. Mutual, a film production company, made a family film (unlikely to encounter trouble from censors); however, it refused to submit this film to the Ohio censorship Board (established under statute), on the grounds that the Board should not have control over Mutual's business practices and that compliance with the Board's censorship test would prove significantly costly in terms of money and time. (Significantly, no philosophical objection to control over free speech and expression actuated the company's initial stance.) It was only when a plea that compliance would cost Mutual money and time, and interfere with their control over their own business affairs, failed, that Mutual attempted to challenge the powers of the Board on free speech grounds. Despite their failure in this respect, *Mutual v Ohio* 'set the stage' for claiming first amendment rights for film.

The Court in *Mutual,* in finding for Ohio, concluded that cinema, though a medium of thought, may ultimately be 'capable of evil'. Liang noted the impact of the Court's finding in *Mutual* on subsequent media discourses: newspapers and court decisions on film have frequently proven obsessed with the 'evil influences of cinema', the 'capacity of film for evil' and its 'evil impacts'. He notes the tie between this discourse and that of 'visual suspicion', deriving from the Enlightenment tradition's hostility towards various forms of visual trickery (and related to cinema's emergence from a tradition of 'visual magic'). The Khosla Committee report, for instance, distinguished between film and other forms of media (like books), owing to its unique effect as a 'sensational form': media's special capacity to manipulate the senses may blur the boundaries, for the viewer, between real and artificial worlds.

Liang proceeded to consider *Norowzian v Arks* (1999), which questioned the ontological status of film; the case considered whether a dance, featured in an advertisement, could amount to a breach of copyright. The Court, in determining whether the object was primarily a 'dance' or a 'film', were forced to decide between the contrasting approaches of 'physicalism' and 'formalism'. The Court ultimately determined that the film of the dance did not amount to a breach of copyright.

As Liang put it, *Norowzian* 'reveals a peculiar set of dualisms' in how copyright law 'thinks' about film; these dualisms may render law's protection of films both 'over-inclusive' and 'under-inclusive' at the same time. These dualisms in law's approach to film is exemplified by the physicalism/formalism dyad.



Liang then discussed *Shyam Narayan Chouksey v Union of India,* a PIL suit concerning the use of the National Anthem in a film. The claimant sought to require audiences to stand during the playing of the anthem. The Court was forced to consider 'an interesting question': whether the audience of the anthem, as played in the film, was 'the onscreen audience' or the audience present ('in the real world') in the cinema. Questions of 'good law' and 'bad law' hence intersected with questions of 'good film theory' and 'bad film theory'. This conceptual dispute was ultimately resolved by Parliament, which legislated to clarify that cinema audiences need not stand if the National Anthem is played in a film.

Liang proceeded to consider the question: 'What does the presence of film do to the law?' He noted that this draws upon a turn from 'representation' to 'affect': the judges function as 'intermediaries' between the realms of the 'personal' and the 'public', intercepting the transmission of 'affect' and considering whether persons may suffer hurt as a result.

The law is assumed to transcend individual cases; this is exemplified by the blindfolding of Justitia. Justice, as blind, is unable to see the uniqueness of each case. Jane Malmo, by contrast, argues that justice is not 'blind', but rather does not wish for us to see her eyes; we should be incapable of perceiving that the legal gaze is not objective, nor able to see what the legal gaze can and cannot see. Cinema, however, returns 'sight' to the law.

As an example, Liang cited the case of *Anonymous Letter Un-Signed v Commissioner of Police and ors* (Andhra Pradesh, 1996), where the court sent two 'lady advocates' to see a film concerning which a complaint had been made; the advocates were told to leave, as the film 'was not appropriate for women'. Ashis Nandy observes that Hindi films reveal the secret politics of Indian desires; building upon this, Liang speculated that censored films may reveal the 'secret politics of the law's desires'. It is the law which knows the 'secrets' of such films (rendering it able to judge them). The law's own desires are articulated by its choices as to what to 'censor', as in, for example, the distinction created between 'hard' and 'semi-hard' pornography.

Liang noted the examples of *New (*2004), an Indian remake of *Big,* and Dick Hebdige's reading of Genet's *The Thief's Journal.* In *New,* a girl smokes a cigarette while explaining how to tempt a man; Hebdige observes that, in *The Thief's Journal*, the protagonist's object, a tube of Vaseline, is a 'dirty, wretched object proclaiming his homosexuality to the world.' In Liang's reading, the cigarette takes on the same role as the tube of Vaseline: 'an object of fetish', created not so much by the object itself but by the fantasies of the fetishiser. In the same manner, an offensive object may be 'created'

through its incorporation into the law, with legal judgment about obscenity 'replacing' the allegedly obscene object and indeed 'becoming' the obscene object.

Liang used an analogy: if the law is 'corpus juris' (or 'body of law', the body of cases acting as precedent), then the text of legal decisions are the 'skin' of the body – its point of contact, and source of its sensations. Liang notes that to read legal texts as 'skin' is 'to encounter the tingling excitement, the horror and sometimes just the shock that media forms are able to induce in the law'.

Liang, in conclusion, noted four distinct approaches:

- a shift form a prohibitive to a productive model – asking what kinds of discursive knowledge may be produced when law interferes with media;
- the move from representation to affect, and back into doctrine;
- the perspective that legal history cannot distinguish between 'media' and legal events;
- the notion that doctrines are problematized when 'the law becomes media'.

Questions/ Comments from the floor

The Chair observed that both talks started at different sites, but similarly examined the ontology of media studies. Both talks sought to bring about new interpretations of interdisciplinarity.

Sidharth Chauhan asked about the distinction between prohibition and creation – he noted that textbooks seek to consolidate doctrine far more than actual court decisions do. He also noted that there is pressure, as a teacher, to cover certain material; he asked if, in light of this, it was possible to take a different approach in the classroom?

In reply, Lawrence Liang referred to Annette Kuhn's prohibitive v. production distinction. He said that teaching need not be about 'displacing the doctrine', but rather concern the way in which doctrine 'gets its expressive life' – seeking to develop understanding as to how doctrine is embedded in certain social practices.

Kalyani Ramnath referred to the English case of *Lady Chatterley's Lover.* She cited an article in *The Guardian,* contemporary to the case, reporting the responses of people leaving the courtroom; the verdict of witnesses to the case was that the book was not obscene.

In reply, Lawrence Liang noted that the judge in the Indian case of *Lady Chatterley's Lover* discussed 'great art', and noted that he was required to view the work 'from four

perspectives', the last being that of a dispassionate judge. This requirement of multiple perspectives must necessarily involve a certain schizophrenia.

Sidharth Chauhan noted Justice Holmes' dissent on the nature of the 'reasonable man'.

Lawrence Liang noted that, in the United States, there are various interdisciplinary approaches – law and economics, law and literature, and critical legal studies – which, in India, are all condensed into 'law and society'. As a result, there is not as rich a body of work as there is in the United States. However, as legal studies in India do not comprise such a 'professionalised body', it can hence have more interaction with the law. It is more 'promiscuous' (which Liang took care to note is not a bad thing).

Prof. Gopalan Ravindran noted that law belongs to neither the humanities nor to the social sciences – while media indisputably belongs to the humanities, with its association with the social sciences a 'marriage of convenience'. Ravindran noted, however, that media and law are associated with different schools depending upon the preferences of individual universities; media may even sometimes belong to information departments (principally concerned with mathematics), resulting in remnants of mathematical approaches in some traditions of media studies.

Prof. Ravindran stressed that Indian models of media studies have been imported from the United States, without importing the accompanying traditions.

A student asked whether an affect-based account, which necessarily involved an aesthetic judgment, is outside the scope of the law. In response, Lawrence Liang noted that the law *does* have an aesthetic – that of Kantian order (the view that there is no beauty like order). He noted that censorship pretends to know the effect of certain media on the audience – denying 'the touchy feely things' – whereas, in fact, the law itself *can* be excited and *can* be disgusted.

Closing Remarks

The Workshop brought together faculty from across different disciplines to engage in a range of pertinent discussions around the contours of media pedagogy in the country. Where some sessions focused on the kinds of research questions that would translate into important pedagogic moments, others benefited from an engagement with pedagogic methods themselves. The workshop thus ranged from providing broader outlays of media education in the country, to tuning into the minutiae of different teaching techniques. Mr. Vibodh Parthasarathi brought the proceedings to a close, reflecting on the various panels and thanking the participants and volunteers from NLSIU.

THE PARTICIPANTS :

Amita Dhanda teaches Administrative Law, Law and Poverty, Law and Literature and Judicial Process. Dr. Dhanda joined NALSAR after a fifteen-year stint on the Research Faculty of the Indian Law Institute, Delhi. She has written extensively on the legal position of persons with mental disability. Legal Order and Mental Disorder, her book on the legal status of persons with mental illness is a pioneering effort in the field. The Government of India and the Supreme Court of India have utilised her services to suggest far reaching legal and policy reform in the field of disability rights. She is assisting the Government of Gujarat in formulating a rights sensitive mental health law. Her research expertise has been drawn upon by international and national institutions such as the WHO, UNICEF, NHRC, NCW, and NIMH. At present Dr. Dhanda is strengthening the research base of law reform and legal education by actively engaging with policy and law in the field of mental health, child rights, disability and environment.

Aradhana Sharma is a Project Fellow for the Media Policy and Law Project, at Center for Culture Media and Governance, Jamia Millia Islamia, Aradhana is also pursuing a PhD at CCMG on representation of conflict in the media, under the larger rubric of Media Studies. Prior to this Aradhana has worked as a journalist, for over a decade, in the mainstream print and electronic media in India.

Biswajit Das is the Professor and Founding Director of Centre for Culture, Media & Governance, an interdisciplinary centre on Communication engaged in research and teaching in Jamia Millia islamia, New Delhi. He has three decades of teaching and research experiences in Communication Studies, Development Communication and Sociology of Mass Communication. Prof. Das has contributed to Media theory, history, Ethnography and Method. He has been a visiting fellow at the University of Windsor, Canada, East-West Centre, Hawaii and Indian Institute of Advanced study, Shimla. His research has been supported by the Indo-French Scholarship, Shastri-Indo Canadian Institute, Charles Wallace India Trust, Ford Foundation, UNESCO,UNDP, University Grants Commission and ICSSR. Currently, Prof. Das is the member of Innovation Council, Ministry of Information & Broadcasting, GOI and Member of Interministerial task force on Media and Communication, MHRD, GOI. Prof. Das has co edited three volumes on Communication Processes from Sage Publication: Media and Mediation, 2005; Social and Symbolic,2007; Communication, Culture& Confrontation,2011. Prof. Das has published articles in various national

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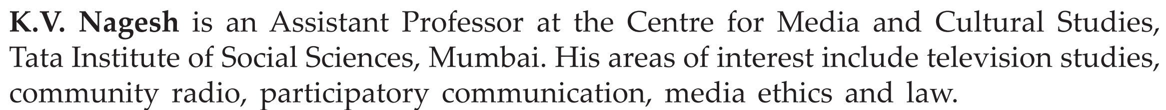
Chinmayi Arun is Assistant Professor of Law at NUJS. She has taught law students regulatory theory and media regulation, and is a research coordinator for the 'India Media Law Research Project', a research initiative of the Programme in Comparative Media Law and Policy, University of Oxford. She has an LL.M. focusing on New Media Regulation and Regulatory Theory from the London School of Economics.

Daniel Elam is a Ph.D. candidate in the Rhetoric and Public Culture Programme at Northwestern University (Illinois, USA). His work focuses on the ethics of Indian, African, and African-American leftist thought in the early decades of the twentieth century. His work draws on theories of circulation and cosmopolitanism to show the historical and literary connections between these three bodies of thought. In addition to working on Dhan Gopal Mukerji, and he also writes on Lala Har Dayal, Madame Cama, Emma Goldman, and W.E.B. DuBois. He is affiliated with the Department of History at Delhi University and the Centre for Global Culture and Communication at Northwestern University.

Danish Sheikh has graduated from Nalsar University of Law. Currently a legal researcher at Alternative Law Forum, he has taught media law at St. Joseph's College, Bangalore. His areas of interest are media law and pedagogy, copyright and popular culture.

Geetha Hariharan and **Sahana Manjesh** are both in their fourth year of law at the National Law School of India University, Bangalore. Last year, they were semi-finalists and best oralists at the Monroe E. Price Oxford Media Law Moot Court Competition, organised by the Programme for Comparative Media Law and Policy ("PCMLP") at the Centre for Socio-Legal Studies, the University of Oxford. Currently, they are research assistants for PCMLP, and are pursuing India-related research on ISP licenses and Internet surveillance.

Gopalan Ravindran had his PhD in Journalism and Communication from University of Madras. He taught at Nagoya University, Universiti Sains Malaysia and Manonmaniam Sundaranar University before joining University of Madras. He is interested in the areas of digital cultures, film cultures, diasporic cultures and critical media studies.



K.V. Nagesh is an Assistant Professor at the Centre for Media and Cultural Studies, Tata Institute of Social Sciences, Mumbai. His areas of interest include television studies, community radio, participatory communication, media ethics and law.

Kalyani Ramnath graduated from National Law School of India University and Yale Law School with degrees in law. Her research and teaching interests include constitutional law, comparative law and legal history.

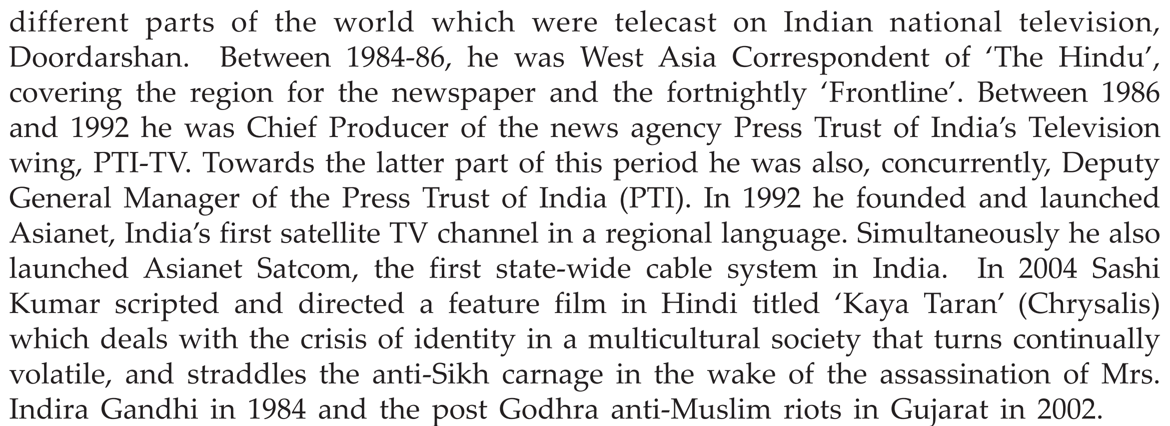
Kannamma Raman has been teaching for over three decades (makes me feel really ancient) political science and public policy. She has special interest in areas related to health, human rights and gender. She is presently teaching for the first time a course in cyberpolitics. She is very interested in innovative and creative methods.

Lawrence Liang is a legal researcher at the Alternative Law Forum, Bangalore. His key areas of interest are law, technology and culture, the politics of copyright and he has been working closely with Sarai, New Delhi on a joint research project on Intellectual Property and the Knowledge/Culture Commons. A keen follower of the open source movement in software, Lawrence has been working on ways of translating the open source ideas into the cultural domain. Lawrence is a Visiting Faculty at Delhi University.

Madabhushi Sridhar switched over to law teaching after fifteen years of active career in journalism and is now coordinator of center for media law and policy at NALSAR University. He designed PG Diploma in Media Law for NALSAR, and offers seminar course in Media Law, besides teaching Media Law in several journalism schools. Sridhar regularly writes in both Telugu an English newspapers, magazines and websites on law and journalism.

Padma Rani has a post-graduate degree and doctorate in Sociology from Jawaharlal Nehru University, New Delhi. She also holds a Masters degree in Mass Communication and Journalism and diploma in Human Rights law from NLSIU, Bangalore. She was Head of the Communication Department at M. O .P. Vaishnav College for women, Chennai for a period of three years. She has taught post-graduate students for four years at Ethiraj College for women, Chennai. She has presented twenty research papers in national and international conferences. Her special areas of interest are media laws, ICT, gender and Human Rights. Currently she is an Associate Professor at Manipal Institute of Communication, Manipal University, Manipal, India.

Sashi Kumar is Chairman of the Media Development Foundation and Asian College of Journalism, Chennai. In the late seventies he was among the earliest Newscasters in English on Doordarshan, India's national TV network. In the mid eighties he produced a series of eventful documentaries on international issues traveling extensively to



different parts of the world which were telecast on Indian national television, Doordarshan. Between 1984-86, he was West Asia Correspondent of 'The Hindu', covering the region for the newspaper and the fortnightly 'Frontline'. Between 1986 and 1992 he was Chief Producer of the news agency Press Trust of India's Television wing, PTI-TV. Towards the latter part of this period he was also, concurrently, Deputy General Manager of the Press Trust of India (PTI). In 1992 he founded and launched Asianet, India's first satellite TV channel in a regional language. Simultaneously he also launched Asianet Satcom, the first state-wide cable system in India. In 2004 Sashi Kumar scripted and directed a feature film in Hindi titled 'Kaya Taran' (Chrysalis) which deals with the crisis of identity in a multicultural society that turns continually volatile, and straddles the anti-Sikh carnage in the wake of the assassination of Mrs. Indira Gandhi in 1984 and the post Godhra anti-Muslim riots in Gujarat in 2002.

Shuaib Hanif is an Assistant Professor, Centre for Electronic Media and Mass Communication, Pondicherry University. His research interests include identity and self in interactive cyberspace, hypertextual and interactive reading performances in social networking and information websites, affect and games, and technology-enabled education.

Siddharth Narrain is a lawyer and legal researcher at the Alternative Law Forum, Bangalore. His areas of interest include issues related to gender and sexuality, media laws and censorship, and the politics of the judiciary. He has worked as a journalist for Frontline Magazine and The Hindu newspaper in New Delhi.

Srikrishna Deva Rao is currently the Registrar of the National Law University, Delhi from August 2010. Prof Rao holds a Master's degree in Law from Kakatiya University, Master of Philosophy in Law from NLS, Bangalore and PhD from DU. Prof. Rao was the founding Director of School of Law at IGNOU, New Delhi from May 2007 to May 2010. He has worked with three National Law Schools in India; Bangalore, Hyderabad and Ahmedabad, in addition to short stints at Delhi University and the Jawaharlal Nehru University. A member of the UGC expert committee to transform legal education in India, He was a consultant to the Indian Medical Association (IMA), Swedish Development Cooperation (SDC), Sir Dorabji Tata Trust (SDTT), Child Rights and You (CRY) and Swedish National Science Foundation (SNSF). His areas of specialisation include Criminal Law, Human Rights, and Community Legal Education.

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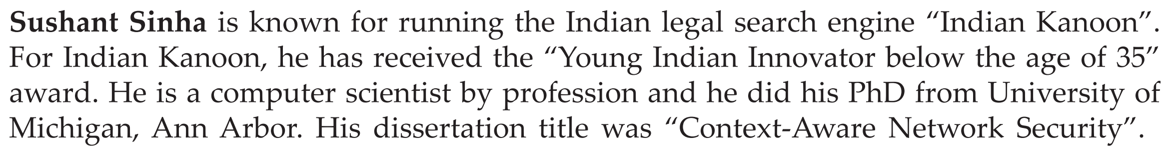

Sushant Sinha is known for running the Indian legal search engine "Indian Kanoon". For Indian Kanoon, he has received the "Young Indian Innovator below the age of 35" award. He is a computer scientist by profession and he did his PhD from University of Michigan, Ann Arbor. His dissertation title was "Context-Aware Network Security".

Vibodh Parthasarathi is an Associate Professor at CCMG, Jamia Millia Islamia. Over the last 15 years, Mr. Parthasarathi has maintained a multidisciplinary interest in media theory, communication & development policy, and comparative media practice. Mr. Parthasarathi's research explores the trans-national history of the music industry, Indian communication industry under globalisation, comparative media policy, and environmental movements & communication practices. His association with the media industry in India and abroad has varied from being a consultant, television producer and documentary director; his last film Crosscurrents: A Fijian Travelogue (2001) explored the experiences of reconciliation in Fiji after the decade of military coups. Mr. Parathasarathi currently serves on the Board of the Centre for Internet & Society (Bangalore), and on the International Advisory Board of the India Media Centre, University of Westminster (London)

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