

Social Media for Participation and Equal Access to Information

Global Ethics Forum 2014

3-4 January 2014,

Indian Institute of Management, Bangalore

Presentation at Workshop Session W12

Sukumar Muralidharan

Fellow, Indian Institute of Advanced Study

Certain key questions have been posed by the moderator of this discussion, which I will proceed now to answer in serial order.

All questions are in bold and my responses in normal font.

Question 1: How is digital technology changing the way media can influence the achievement of different developmental goals?

What developmental goals are we talking about? Is it about improving living standards for all and ensuring reasonable opportunities for future generations to develop their skills and capabilities in a productive and rewarding fashion? We are today in the grip of the theology of growth. Media commentary and the dominant policy discourse tell us that conditions should be optimised for achieving the highest possible rate of economic growth. Development will take care of itself. But growth is not development. It is what a society seeks to achieve with its material resources and means that determines the potentialities for “development”.

This brings us to another of the theologies of the modern discourse on economics: that the market knows best. This of course is a thought that would come as rather conducive to those at the higher end of the scale of income and wealth. Those at the lower-end are believed to gain their benefits through the “trickle-down” effect. This

seeming benign concept – of “trickle-down” – actually masks a rather noxious premise: that the poor have no recourse other than feeding off the crumbs that trickle down from the banquets of the rich. It denies the poor an agency in their own development. As we will see this denial of agency is related in the domain of the media, with a denial of voice.

The reality which is evident from all of recorded history, is that the market does not work for those without capital unless it is regulated – and before there is a shockwave of outrage over the mere mention of that unmentionable word – let me add that I mean regulation by institutions of civil society, rather than the government.

The principle of countervailing power: the market works only when there are institutions in civil society that enable a fair bargain over the distribution of the fruits of the economy. Markets work best when there are institutions that contest its will. If markets work for those who own the assets, those who don't deserve a fair voice in determining the distributive bargain. We need not just well developed markets, but also strong institutions in civil society -- trade unions, consumer associations, media watchdogs, public services ombudsmen and political parties – to make sure that markets deliver fairly and well to all.

Where does the media come in here – and in particular, where does digital technology play its role?

Traditional media has the following characteristics: single point of origin; a mass audience. It is information produced on an industrial scale for a mass audience. The product is sold at two points: to the advertiser and then to the audience. The advertiser precedes the audience in temporal sequence. Of late, the advertiser has begun to supersede the audience in terms of the value he brings to the media organisation. Advertiser influence over media content is now growing and since the advertiser by the nature of things is interested only in the audience that inhabits the higher percentiles in the distribution of income and wealth, there is a structural bias in media content against those lower in the scale.

Basic figures:

Number of internet users	137 million
Number of broadband connections	15 million
Smart phone population (based on number of post-paid connections)	100 million
Mobile phone population	~ one billion

Post-paid mobile is where the potential for the new digital technologies is seen to lie. With that segment of the population not increasing in pace with the number of mobile phone connections, cellphone service providers are seeking ways of monetising the pre-paid connection. But these remain a limited means of seeking the full promise of the new digital technology.

So the short answer to the question here is simply: we are yet to find out.

What are the key aspects and dimensions of inequality concerning citizen journalism and the various digital media platforms?

The inequalities of the old media have been imported into the new domain in the phenomenon known as the “digital divide”. Just as the old media, driven by the advertising model, had no time for those at the lower end of the scale of income and wealth, the new digital media is yet to prove its utility – for the cost involved – for these very strata. A number of limited benefits have accrued to new media users in terms of their ability to detect market processes and make best use of available information: as with the fishing communities of Kerala that use their cellphone access when they reach the shore to identify the best place to land their catch to optimise price benefits. But this is not really a new phenomenon. Nor is it a characteristic of the new digital technology. Back in the 1980s, a study by the World Bank on telecommunications and development, found that farmers had managed to leverage their access to the PoTS (plain or telephone service) to become price makers in a limited sense, rather than simple price takers. They could bargain for the best deal they believed was theirs by rights. Kerala’s fishing communities are not really doing very much that is different.

What then is really different about the digital technologies?

To go back to the fundamentals, under the new digital technologies, we have multiple points of origin of information and potentially uncountable consumers. These consumers could all retransmit the message with their own meaning attached to it. This creates a social dialogue in which a larger meaning could potentially emerge.

Tarek Mohamed Bouazizi may well have been a name vanishing into the well of historical anonymity as yet another victim of a capricious and callous ruling order. But his self-immolation on 17 December 2010 – leading to his death on 4 January 2011 – set off a tidal wave of protests in Tunisia, leading ultimately to the resignation of a “life-time” president and contributing to a wider uprising in the Arab world that was then heralded as a new “spring” but is now rapidly transforming itself into a bitter winter.

Unsurprisingly, national security concerns have been brought up front and centre in the policy discourse on the new media. In January 2012, Naresh Chandra, who heads the newly minted body called the National Security Advisory Board – and in a long career as a civil servant, has transited through numerous sensitive positions to reach there – delivered a lecture instituted in honour of the founder of India’s top overseas intelligence agency. The occasion determined the audience, which was closely attuned to the discourse of “national security” and needed no guidance through its basic premises. The prerogative of intruding into private conversations in the cause of national security was after a fashion, taken for granted within this audience. Naresh Chandra’s worry was not so much the legitimacy of this practice, as the prospect that these conventional modes of intelligence gathering would prove inadequate in dealing with the brave new world of digital networking technologies. “A revolution in communication and the tremendous expansion of the internet has created a new situation”, he said: “The utility of monitoring telephonic conversation or intercepting messages on wireless is hardly sufficient any more”. Aside from print and TV, “the social media has now a reach which runs into millions with extremely fast communication capable of creating a surge of public opinion and movement faster than any government agency can monitor, let alone control”. Through the year 2011, “highly centralised governments” had been “taken by surprise (by) movements springing on to the streets in unexpectedly large numbers united with a common intent”.

Yet, while flagging this “new destabilising phenomenon”, Naresh Chandra had words of comfort too. The “impact of such events” he concluded, would “fortunately” be “less in democracies where the media is free and open”.

At a meeting of the country’s top police officials on November 21, Prime Minister Manmohan Singh spoke of the misuse of the social media (and this includes the text message service provided by most mobile phone services). He drew pointed reference to the mass exodus of people of north-eastern origin from this very city in August last year, following rumours circulated over the phone network, that they were being marked for a special vengeance from certain putatively international forces. And then of course, the recent communal riots in Muzaffarnagar, where the ground was prepared by a doctored visual images circulated through the mobile phone network, was another case study – among several that are available – or how the social media can be abused for causing harm. With all this, the Prime Minister came down on the side of the positives, saying: “It is widely accepted that social media facilitates exchange of knowledge, information and ideas and can be used for constructive purposes. Therefore, in preventing its misuse we need to find creative solutions which do not unreasonably curb the freedom of expression and the ease of communication that social media does provide.”

What are the generic principles that should provide the ethical platform for citizen journalism and other forms of social media?

Do no harm. That is the main principle involved. But does this amount to an undue restriction on the freedom of speech? If all that we say is constrained by the potential that some harm could ensue to certain people who we are quite probably not aware of, then what does that leave for us by way of freedom and autonomy?

I think the same standards that are applicable to the exercise of free speech through the old media should be used with the new media. As we all know, the right to free speech is protected by Article 19 of the Constitution, subject only to certain “reasonable restrictions” that are specified in a sub-clause to the article.

The difficulty here of course, is that very few firm guidelines have emerged through over sixty years of working the Indian Constitution, on the application of the “reasonable restrictions” on free speech.

Clearly suggesting that they are more worried about the multiplicity of players who could potentially be part of the new media – than about the relatively manageable numbers who were active in the old media – the legislative authorities have brought in a law (section 66A of the Information Technology Act) that criminalises a wide variety of speech acts over the new media.

The uses of this clause have been hotly contested in recent times but so far there has been no real momentum for the reform of the law.

What are your observations as best practices to help addressing the inequalities and what are the recommended actions?

Summary powers of action under the law have in recent times been used on various occasions, always to great public outrage. But the long-term corrective still remains to be applied. To begin with, all such powers should indefinitely be held in abeyance. Another provision of the law – that of intermediary liability – also needs to be reviewed. This manner of holding the messenger liable for the words he conveys, is unsound in principle. However, internet giants which rake in huge advertisement money through their function as “intermediaries” in the exchange of information, also need to clarify how the scanning of user “metadata” is an acceptable principle where it comes to ad placements, but nowhere near as fine when it comes to the security anxieties that those in governmental authorities may harbour.

The principle of individual responsibility has to be upheld. Prior restraint on the exercise of the free speech right has to be decisively repudiated as principle. Any manner of accountability should be enforced after the fact. And in enforcing such accountability, a rigorous test of intent should be applied. There should be a judicial process that ascertains when the right is abused. And because there is invariably a longish hiatus between an speech act which could be controversial and the judicial determination of its rights and wrongs, there is always scope for various societal actors to take the law into their own hands and enforce their conception of legality. There has to be a strong social norm evolved against this manner of lawless conduct, no matter who the protagonists and however powerful they may be in the political domain.