

Free media, labour and citizenship rights in a democracy

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Abstract

India is the most populous democracy in the world. In the early years after attaining independence, as a new democracy, Indian development strategy was driven by what Francine Frankel (2005) calls the "the Gandhian-socialist consensus" that was predominantly value oriented. Frankel enumerates the areas of consensus - first, there was the general agreement that economic policy should aim for the progressive removal of inequalities in Indian society, and ultimately result in the complete disappearance of class distinctions. Second, the Gandhians and the socialists concurred on the need to limit sharply the existing scope of the acquisitive instinct in Indian economic life, and to create a new set of cooperative motives.

The Nehruvian socialist state envisioned a strong industrial base under state ownership (Frankel, 2005) and wage labour was seen within the ethical context of productive employment and as a defining frame for good citizenship. This and the Constitutional guarantee of Fundamental Rights helped to give legitimacy to wage labour's expectation of citizenship rights through provision of jobs, better working conditions, better social services and healthcare.

By the 1990s, after economic liberalization, the basic premises of this vision were discarded even in populist political rhetoric, while the state embraced neo-liberal ideology and economic policies. The changed economic agenda impacted severely on the working classes. Primarily because of the nature of growth and specifically because of the pressure from the Indian industrial houses, the policies encouraged relaxation of the already weakly implemented labour laws.

This paper will examine the role media played in debating these issues. As media are event oriented and not process oriented in their coverage, coverage of labour issues is unlikely on an ordinary news day. This paper, therefore, will examine the news and opinion pieces that have appeared in mainstream media when the CEO of a multinational auto component manufacturer, Graziano Transmissioni, located in Noida, India, died following an altercation with the dismissed workers of the factory.

The paper will begin by giving a background to the industrial dispute that provoked the event, followed by the perspectives on the role of media in a democracy. Prof Noam Chomsky and Prof Amartya Sen are two of the great contemporary philosophers who have written extensively on media's role in society, though from different analytical perspectives. The coverage of the event itself in the media will be presented and the paper will discuss the coverage from the two theoretical perspectives on media expounded by professors Sen and Chomsky.

Keywords: Media studies; Labour; Democracy; Citizenship

Citizenship and the working class

Historically, citizenship rights have been denied to the working classes, 'justified by the premise that the workers were uneducated and property-less, and therefore could have no reason to maintain social order' (Wallerstein, 2010). Through out the nineteenth and twentieth centuries, 'fear of the masses, the concern with order, was the motif ... always underlying the actions of the ruling class' (Moorhouse, 1973). And 'to be

poor means not only economic, material deprivation, but also to be submitted to cultural rules that convey a complete lack of recognition of poor people as subjects and bearers of rights.' (Dagnino, 2005).

Referring to the late nineteenth century history of the working class struggles, Wallerstein (2010) says, the workers regarded themselves as the working classes. The upper strata tended to think of them as the dangerous classes. A large part of the tactical struggle on the part of the workers revolved around how they could lose the label of "dangerous" and acquire that of citizens.

T. H. Marshall (1950) called citizenship the "basic human equality associated with ... full membership of a community". Marshall's definition of citizenship identifies, political, economic and social rights of citizenship. Political and civil rights constitute defences against the abuse of power by the state, whereas the social rights are those that require the active intervention of the state to equalise citizens' opportunities to enjoy the political and civil rights to which all are equally entitled (Gledhill, 2005).

Marshall (1950) states that the single uniform status of citizenship that replaced differential status associated with class, function and family, provided the foundation of equality on which inequality could be built. The growth of the institution of citizenship 'coincides with the rise of capitalism, which is a system, not of equality, but of inequality.'

According to Marshall (1950), by late nineteenth century, trade unionism has ... created a secondary system of industrial citizenship parallel with and supplementary to the system of political citizenship. The opposing principles of capitalism and citizenship have been at war in twentieth century (Marshall, 1950). However, Marshall concludes by stating that, 'social rights in their modern form imply an invasion of contract by status, the subordination of market price to social justice, the replacement of the free bargain by the declaration of rights.

India is one of the best-known examples of a society marked by privileges and disabilities between groups rather than equal rights of citizenship among individuals (Beteille, 1996). The division of society into castes gave a framework for the distinctions of status perpetuated by styles of life, religion and traditional law. With the advent of modern forms of production under the colonial rule in the deeply hierarchy-bound Indian society, the nationalist movement, sections of it influenced by socialist thought, pursued the anti-imperialist struggle and articulated a 'powerful language of rights'. This influenced the early post-independence perspectives on working class and citizenship rights. The early seeds for welfare thinking too were sown during the anti-colonial struggle. Free and vibrant media were seen as essential for democratic politics and freedom of speech constitutionally guaranteed.

In post-independence India, the Indian Constitution formally set aside the hierarchical social distinctions and attempted to universalise the rights of citizenship. The Indian Constitution includes Fundamental Rights and the Directive Principles of State Policy to ensure protection of citizenship rights and to provide a

framework of social justice for the policy makers. However, the Directive Principles of State Policy, which incorporate substantial social rights, are non-justiciable, and remembered mostly in the popular rhetoric at pre-election rallies.

As Marshall (1950) describes, civil rights gave legal powers whose use was drastically curtailed by class prejudice and lack of economic opportunity. The common purpose of statutory and voluntary effort was to abate the nuisance of poverty without disturbing the pattern of inequality of which poverty is the most obviously unpleasant consequence. In India, after 60 some years of independence, while legal rights are poorly enforced, social rights such as education, health and work are at a minimum and are not adequately addressed, intensifying the distress of an already deeply hierarchical and unequal society.

From the mid 1980s and 90s, the Indian state embraced the neo-liberal economic agenda through the imposition of strict financial and budgetary discipline by abandoning radical policies of nationalization and redistribution of resources. The state also embraced the cost recovery/users' payment measures in place of cross-subsidization of services for the poor, the privatization of public enterprises and support for labor market flexibility in an export-oriented economy.

The earlier attempt to co-exist in a mixed economy began to give way to the overwhelming predominance of the private sector in India. According to a recent report, ("Enterprise India", 2010) in the decade of 2000-2010, the private corporate sector overtook the public sector both in terms of net sales and net profits. The private sector' share in the net sales of manufacturing and services sector output increased from 48.83 percent in 2000-01 to 68.55 percent in 2009-10, with the public sector's share consequently falling from 51.17 percent to 31.45 percent. Similarly, the private sector's share of net profit in the non-agricultural economy increased from 39.17 per cent to 63.86 per cent for the same period, with a decline in public sector share from 60.83 per cent to 36.14 per cent. In short, the report concludes, the past decade has seen India's "mixed economy" become an essentially private enterprise economy.

This process of private sector predominance was facilitated by a slew of policy changes that had a direct impact on the rights of the working class. A major initiative of the government to encourage exports was the creation of export promotion zones. Based on the recommendation of the Tandon Committee Report of 1981 that free trade zones would generate exports if they are exempted from various controls and regulations, four export promotion zones were created in 1984 at Noida (Uttar Pradesh), Falta (West Bengal), Cochin (Kerala) and Chennai (Tami Nadu). In 2006 the Special Economic Zones policy came into effect with the primary objective of attracting investments (Dey, 2010).

According to Tripathy (2008), "the state governments of Andhra Pradesh, Gujarat, Karnataka, Madhya Pradesh and Maharashtra have proposed to seek relaxation in some provisions of the central laws, so as to facilitate the setting up of SEZs and Special Enclaves in their respective states. These proposals broadly

relate to regulating the working hours, empowering the Development Commissioner to fix minimum wages, making provisions for allowing women workers to work night shifts, etc.’.

Other areas of government (central and state) intervention to attract investments was to amend trade union acts to make it difficult to organize and register trade unions, make sections of the minimum wage acts non-applicable in special economic zones, ‘freeing’ the employers from the responsibility of maintaining records of working hours and number of people employed in the zones (Dey, 2010). According to the Union Labour Minister, Mr Oscar Fernandez, the percentage of workers in the organized sector has dropped from 7 to 6 over the last several years.

As a consequence of the globalization policies, between 1999-2000 and 2004-05, the number of workers in the unorganised sector went up from 343 to 397 million. Though in the organised sector the number of workers went up from 54 to 93 million, informal workers accounted for the entire increase. Daily earnings of workers have declined for most categories. Most jobs that are created today are casual or informal, with decreasing levels of unionization, lower benefits and high uncertainty without any reliable social safety net. This process of shrinking of the social responsibilities of the state is accomplished through a redefinition of citizenship. This new phase of capital accumulation, with the active collusion of the territorial state is ‘transform(ing) bearers of rights/citizens into the new villains of the nation, privileged enemies of political reforms ...’ (Dagnino, 2005). A large section of working population is left without access to means of representation, resources, and means of survival that is leading to a deep sense of disenfranchisement. The existing form of democratic framework in India is leaving few means of legitimate articulation of grievances and fewer institutions that allow a free and fair debate on issues.

Perspectives on media power in democracies

According to Prof Amartya Sen, “... in contemporary political philosophy the view that democracy is best seen as ‘government by discussion’ has gained widespread support” (Sen, 2009). Prof Sen cautions against merely characterising democracy in terms of elections and ballots, as a ‘great many dictators achieve gigantic electoral victories by censorship to thwart expressions of public views, informational exclusion and a climate of fear, along with the suppression of political opposition and the independence of the media, and the absence of basic civil rights and political liberties’ (Sen, 2009). A significant part of Prof Sen’s discussion of role of media in a democracy here and elsewhere (Ram, 1986; Sen & Dreze, 1995) lays emphasis on expression of views in public, access to information, freedom from fear and the necessity of independent media. In *The Idea of Justice*, Prof Sen says, “Indeed, reasoned value formation is an interactive process, and the press has a major role in making these interactions possible. New standards and priorities ...

emerge through public discussion, again, that spreads new norms across different regions". (Sen, 2009). The presence of free media, according to Prof Sen, prevents extreme events like famines because media work as early warning systems, while being quite unsuccessful in preventing long-term problems like endemic hunger (Sen & Dreze, 1995).

In *The State of Democratic Theory*, Ian Shapiro (2003) describes two normative traditions popular among theorists: the aggregative and deliberative traditions. The aggregative tradition has bequeathed a view of democracy in which competing for the majority's vote is the essence of the exercise, and the challenge for democratic theorists as they conceive it is to come up with the right rules to govern the contest. Deliberative theorists, according to Shapiro, by contrast, concern themselves with the ways in which deliberation can be used to alter preferences so as to facilitate the search for a common good. For them, the general will has to be manufactured.

Shapiro (2003) acknowledges that "sometimes people's interests are incredibly at odds, precluding the possibility of converging on a common good. In the world of actual politics, people confront one another in massively unequal power contexts - most obviously owing to the role of money in politics." Shapiro suggests, "Deliberation theorists tend to confuse problems associated with the unequal power context in which deliberation occurs with a deliberation deficit ... Some contend that what is of interest for democratic politics is what deliberation would produce under ideal, non-coercive conditions. In any case," Shapiro argues that, "if such conditions prevailed, the facts about politics that lead people to call for deliberation would no longer exist."

Another approach for furthering "understanding of how ideological power and meanings intersect with political-economy and social class" (Jeffery, 2009) is the propaganda model propounded by Professors Noam Chomsky and Edward S Herman. "The Propaganda Model's (PM) basic proposition is that news media coverage is systematically shaped in favour of elite state and corporate interests by the operation of five structural 'filters'. These include ownership arrangements, reliance on advertising revenue, dependency on elite sources, concern to avoid 'flak' (in the form of complaints, lawsuits, career penalization and so forth) and ideological conformity (originally anti-communism, but subsequent revisions include pro-neoliberalism and anti-terrorism) (Thompson, 2009).

Thompson (2009, p 79) suggests that several critical analyses of the communication industries have demonstrated how media corporations have helped to cultivate capitalist/consumerist ideology, legitimize governments or politics expedient to corporate interests and circumscribe the scope of deliberative, democratic participation. According to Thompson (2009), although the Propaganda Model does not specify the precise nature of the media's influence on audiences, Herman and Chomsky's account of the filters and

examples of systematic misrepresentation of events and issues suggests that the media play an important role by shaping public opinion ... and legitimizing the actions of governments and corporations.

PM's supposition that the media are complicit in constraining the formation of public opinion within ideologically acceptable parameters (Thompson, 2009, p 82) is further reinforced by the real life practices that are behind corporate news. It is a well-established practice for corporations to employ high-powered public relations professionals to 'spin' information to suit corporate interests and to ensure positive news in news columns and erasure of negative news.

The Incident

Graziano Transmissioni (Zora & Kumara, 2008) is a global conglomerate that supplies gears and transmission systems to agricultural machinery and automobiles including such luxury ones such as Ferrari and Lamborghini. Graziano Transmissioni is a part of the Noida Special Economic Zone (SEZ), on the outskirts of the Indian capital Delhi. Noida and other SEZs enjoy land grants, huge tax breaks, lax enforcement of labour laws, work and safety standards, and other benefits and are administered by a Development Commissioner.

(Govt. of India website on SEZ policy)

According to a fact-finding report of a team of the All India Central Council of Trade Unions (AICCTU) that visited the spot after the September 22 2009 incident in which the CEO of the company died (Krishnan, 2009), out of the 1200 workers employed in the factory, only 500 were regular workers and the rest were on contract. Graziano paid its regular workers Rs 3200 a month for working 12 hours a day and contract workers were paid Rs 2200 per month. Most workers were not locals but migrants from other states. Nine months before the incident, the company began laying off most of its permanent workers and employing contract workers in their place. This was in violation of the law that prohibits employing contract labour on the shop floor for core operations. The report also states that the workers were not allowed to go out of the factory premises during working hours and were forced to eat at the factory canteen where meal prices had been hiked. The management also employed an unregistered 'security agency' to keep the workers in line.

According to the report (Krishnan, 2009), the workers attempted to register a union, but thrice the registrar rejected their application. On the day of the incident, the police kept away at the behest of the management as Graziano authorities were planning to 'get the leading elements of the agitation beaten up after getting them inside the factory premises on the pretext of talks. They (workers) say that while the workers' delegation was inside and being assaulted, one worker ran out to the gates (which were shut) and

told those assembled outside that their comrades within were being beaten. Then, workers stormed in and the confrontation took place, which resulted in the CEO being killed. Certainly, the "official" version of the lynching calls for a serious investigation by an impartial agency.' (Krishnan, 2009)

According to a report in The Hindu ("CEO of Greater Noida", 2008) "It all happened around noon when a group of former employees of the company who were dismissed a couple of months ago turned violent during a meeting with the management and allegedly attacked Lalit Kishore Chaudhury, CEO and Managing Director of Graziano Trasmissioni India Pvt. Ltd, at Udyog Vihar with lathis and rods. He was taken to a nearby hospital where doctors declared him dead.

"The management had invited the dismissed employees for talks to sort out the matter, but an altercation broke out between the employees and the members of the management over some issue. Following this, a security guard opened fire in the air and a mob of over 100 people waiting outside stormed inside the premises of the manufacturing unit. Mr. Chaudhury, who was in his cabin, came down on hearing the commotion and was battered to death," said Superintendent of Police (Greater Noida) Baburam.

Over two-dozen people were injured in the clash between the agitating former employees and the private security guards of the company."

News coverage of the incident

There are seven CNN-IBN reports on the event available on the net.

The first report put up on the net on 22 September 2008 at 17.34 pm ("Sacked Employees Lynch CEO", 2008) mentions that the workers beat the CEO of the company to death. It also mentions that the dismissed employees were protesting outside the factory, while their representatives went in to negotiate. When the negotiations broke down, according to the report quoting SSP Noida Mr RK Chaturvedi, "a number of representatives of labours in the meeting who conveyed to those waiting outside that they were manhandled. This led to protestors barging inside." The report concludes with a quote from the SSP, "The company should have asked for police protection. The nearest police station is two or three kilometers away from the office. We have no verification regarding firing inside the office premises." While the quote is speaking of a firing in the office premises, the report makes no further effort to elaborate on it or investigate it from other sources within the factory.

From the subsequent report onwards, failure of the police to arrive on the scene of 'crime', 'concern about growing crime in Noida area' and the government's 'failure to protect' the people are emphasized. In the story titled: 'CEO lynching: 136 held, 13 booked for murder' (CNN IBN, 2008), the report says

'A day after the shocking incident, questions are being raised about security in an area that's becoming the country's crime zone.

Could the police have saved the Chaudhary's life? Reports suggest just two policemen arrived, an hour after they were called by the plant employees.

Just six armed policemen were posted at the factory when the trouble started and reports have it the private security men at the plant had locked themselves inside.

There was no police officer to give orders in case of trouble and the agitating workers were not stopped despite a court injunction that they should not be allowed within 300 meters of the plant

Choudhary was allegedly attacked and beaten to death by a furious mob of workers who were fired two months ago and were protesting against their dismissal.'

In the entire report, there is no attempt to find out about the nature of dispute and the workers' point of view on what really happened inside the premises.

The report concludes:

'While police maintain the company was working at a solution when the situation went out of control, employees have other complaints.

"I called the police but they came after 45 minutes. Even when inspector came, there were only five constables," says an employee.

SSP Noida RK Chaturvedi told CNN-IBN the SHO has been suspended. "Definitely the response was not fast enough we have suspended the concerned SHO. This was a sudden incident. It was a regular compromise meeting which went bad because of the contents of the apology letter. Over 125 people have been arrested. We have charged 63 people with rioting and murder. It was a sudden incident, neither they nor us was expecting trouble. We have provided security to all other firms also and to this one in earlier days," he said'.

This concluding section of the report indicates that a junior police officer is made a scapegoat for the problem through suspension. The quote from the police officer also indicates that the death of the CEO was not the result of a deliberate act of 'murder' or 'lynching' as some of the news media chose to characterize it repeatedly. No trouble was expected and things went out of control when negotiations broke down. The headline of the story itself indicates that in its anxiety to be seen to act swiftly, as many as 136 workers were rounded up and 13 charged with murder.

As many as 150+ workers are summarily rounded up and charged with serious crimes, whether or not they were directly involved in the altercation. Bread winners of 150+ families already crushed under the burden of loss of wages and employment for months, are in custody. None of the following news reports addressed

or even mentioned this in passing as a violation of the rights of the workers who may not have been involved in the incident.

The whole incident is instantly converted from an industrial dispute into a crime and dealt with as such from the second report onwards.

The subsequent reports quote industry representatives to emphasize the crime angle and the lack of security scaring away foreign investors, in an effort to make industrial unrest appear like general crime:

‘President of the Association of Greater Noida Industries Aditya Ghildyal said that thefts, robberies and car jackings are rampant in Greater Noida despite the area having four police stations.

“How can industrialists or their employees feel secure here?” Ghildyal said.

Some software executive working in Greater Noida asked how can the general workers and staff be safe if the CEO of a multinational is not safe within the premises of his company.

Industry lobby Associated Chambers of Commerce and Industry (Assocham) President Sajjan Jindal said that Uttar Pradesh, the country’s most populous state in which Greater Noida falls, has already lost industrial glory and will increasingly find it difficult to attract investments unless it eradicates lawlessness.’ (“CEO Lynched, Minister Asks Firms to Learn Lesson”, CNN-IBN, 2008.)

The industry bodies systematically tried to equate labour unrest arising out of poor wages, working conditions and oppressive management practices to general crime in the district. The ‘lawlessness’ is attributed only to the protestors and not to the industry managements which were systematically violating labour laws.

Interestingly, despite the anti-labour policies of the government and abysmal implementation of existing labour laws, it was the Labour Minister who sounded the first note of sympathy. However, through the corporate media the corporate sector (fondly called ‘India Inc.’ by the media), swiftly and decisively attacked the Minister and forced him to apologise (CNN IBN 23 Sept 2008, 20.06pm).

Times of India report (23 Sept 2008, 1.24am and linked videos) says,

MD-cum-CEO of the India unit of Italian MNC, Graziano Trasmissioni, was bludgeoned to death by a 200-strong armed mob of dismissed workers which had barged into the company premises and indulged in large scale violence.

The linked video of the same story mentions shooting by security guards inside the factory, which, as in the case of CNN IBN report, is not followed up for detail. The report cites unconfirmed reports.

In the second linked video, a sound bite from one of the workers reveals what transpired:

‘They were summoning us in one at a time. It was decided at the DLC that we were to write an appeal accepting that whatever mistakes we made earlier would be condoned and, from now on we would work with sincerity and loyalty. This was decided and the boys were writing this. But they

started saying, you won't write that but write that you have indulged in vandalism inside, went slow on work and did not want to work. The boys refused saying that they won't write any such thing. That's when they began to abuse and insist that the boys will have to write that and began to threaten the boys and beat them up.'

Following the worker's bite a police official is shown speaking to the reporters. To the reporters' questions about the firing on the premises of the factory, the official says it's being looked into. To another question about whether any one from the management of the factory has been arrested, the official says no (with a shake of the head implying 'the issue does not arise') ("CEO Lynched", 2008).

The text report goes on to emphasise the delayed response of the police to repeated requests for help by the employees.

In an edit page article, The Times of India ("An Ominous Warning", 2008) discusses the incident and says,

'..any subsequent linkage of this (death of the CEO) to the so-called hire-and-fire policy employed by companies is specious, an attempt to create a straw man. The existing regulations wherein industries employing more than 100 workers must seek prior permission from the government before layoffs creates a framework that leaves them little choice but to opt for non-payroll labour.'

It also says,

'Extra-constitutional means are no answer to the undeniable vulnerability of contract workers to company policy changes and unscrupulous labour suppliers. Workers enjoy every right to protest unfavourable terms legally. What is worrying is the perception of violence as a viable alternative, ranging from bandhs to far more overt measures To judge by Fernandes's statements, the workers arrested in Greater Noida are part of this paradigm, forced to extreme action by extreme circumstances. By all means, let them be granted their right of due process. Just let it not be forgotten that they are not the victims. Choudhary and his family are.'

Another story titled 'Oscar Fernandes apologises for justifying CEO's murder' (2008), quotes the minister saying that the class four employees were appointed on contract basis and many a times the contractors did not pay even minimum wages. The minister is also quoted as saying that there were disparities in the wages of permanent employees and contract workers and his feeling that workers should not be pushed so hard that they resort to whatever has happened in NOIDA. The report also contains reactions of industry bodies expressing shock and dismay at the incident itself and the minister's point of view.

In the story, 'The Untold Story About Noida CEO's Murder' (Mitta, 2008) published in The Times of India, 6 October, the story puts forth the thesis that the dispute was not about contract workers protesting against the hire and fire policy, but about the 'non-issue' of 5 trainees out of 70 trainees not being absorbed into

regular employment. The story also narrates the role played by a particular external union leader in the dispute. The report concludes by saying:

‘Quite apart from apologizing for his facile remarks, Fernandes should now actively seek exemplary punishment for the murderous workers so that a warning goes out to every reckless labour leader against adopting strong-arm tactics.’

In a story titled, ‘Outraged industry condemns CEO killing in G Noida’ in Economic Times (23 Sept 2008), the entire story is a compilation of reactions from industry bodies, the main thrust being how India’s image will be sullied in the eyes of global investors. Indo-Italian Chamber of Commerce and Industry’s Northern Region Chairman is quoted as saying that unions should realise that companies are working in a liberalised environment and industrial peace is essential for economic development. All the industry bodies have called for ‘stringent’ action against the workers.

Another story in Economic Times titled ‘CEO killing: Unions back Fernandes’ (25 Sept. 2008), the report gives the stand point of various labour unions (CITU, AITUC, INTUC). The report quotes the unions condemning the killing of the CEO but stating that the government was allowing multinational firms to ‘blatantly’ violate labour laws in the name of attracting foreign investment. The union representatives also endorsed the views of the Minister that there were disparities between contractual and regular workers and that managements should deal with workers’ problems with compassion.

A report in the Business Standard (Menon, 2008) says, ‘About 200 permanent workers of the Italian firm Graziano Transmission are either in jail or underground, following the murder of the company’s managing director at the hands of the agitating workers Casual workers queue up at the gates ... Meanwhile, the UP government has responded to the killing and protests from industry bodies by setting up an industrial relations committee comprising CEOs of the companies in Noida and Greater Noida and senior district police officers. This is seen as an attempt to sideline the labour department (which is usually pro-worker)... According to the Centre of Trade Unions and Hind Mazdoor Sabha, no trade union has been registered in Greater Noida in the past two years.... CITU secretary W R Waradarajan says that unions are on their way out in the whole area. ... without unions to represent the workers, and with perceptions differing sharply on what is the problem that needs to be tackled, the people who now have the state on their side are the businessmen not the workers.’

In a follow up story titled ‘The siege within’ (Bansal & Menon, 2008), the reporters narrate the experiences of the management who were targeted on the day of the conflict and the workers and the consequences being faced by their families. The report cites labour officials as saying that the company did not appear keen to resolve the issue as its production improved by 30 per cent thanks to substitute workers who were hired to replace the ‘locked-out’ and sacked employees. Since the monthly revenue grew from Rs 26 crore

to Rs 34 crore, there was no economic compulsion to negotiate a settlement in a hurry, according to the official.

Quoting the trade union leaders, the report says, the company hired 400 substitute workers who carried out core functions like permanent employees. The Graziano executive does not divulge statistics on 'substitute' employees but adds that during the periods of the lockout, the company had to continue supplies to its export customers. Quoting the workers protesting at Jantar Mantar in New Delhi, the report says that the workers wanted to form a union as the company has adopted a hire-and fire policy. According to the protesting workers, the company fired 1,200 people in the last few years.

In an editorial in Hindustan Times ("Struck down by strikes", 2009), the paper says, '... the foreign investor must be made aware that Indian workers enjoy rights unavailable in many parts of emerging Asia. These have to be respected. No country has developed without going through an industrial revolution and India's unlikely to be an exception. The scramble for investment can't be at the cost of a brutalised workforce. The central government needs to look more closely at what's happening in Gurgaon if it intends to pitch India as an investor-friendly destination without diluting labour rights.'

Analysis

From the news reports discussed above, it is clear that television and newspapers did try to report the story both from the industry management point of view and the point of view of the workers. Some channels and newspapers found a fairer balance than others. A significant element missing from the entire coverage is the management of Graziano. In none of the reports, any senior manager of Graziano is questioned about the dispute. Only expressions of shock by the representatives of Italian parent company are quoted.

The Graziano did not have to speak for itself. The entire defence of the management of the company is done through industry bodies and newspaper columnists while tarring the workers as criminals and asking for the severest punishment in the reports. None of the reports investigated the management hiring 'security' to keep the workers in line, management practices, the ways in which labour laws were being violated, the failure of negotiations or what specifically led to the provocation of the workers. If by some good fortune, the conflict did not lead to the CEO's death, some 150 workers would have escaped getting branded as criminals and would have been free men.

Another significant omission is the union affiliation of the workers. None of the reports bothered to clarify to which union the workers owed their affiliation at the time of the incident. It is well known that there are unions that are formed specifically to benefit the employers, by selling out, by creating unreasonable trouble and some times by strike-breaking. It is important to identify the union under which the strategy for

strike and subsequent negotiation were worked out. By not doing this, the 'generic worker' as part of a 'mob' is blamed for the way the event unfolded. The same logic was, perhaps, applied by the police in rounding up 150+ workers and charging several of them with serious crimes.

The reportage reflects 'securitization' of the labour conflict, by repeatedly emphasising the need for more security, law and order, and the need for protecting the managements.

Going by the news reports almost a year after the incident, industrial unrest continues in Gurgaon, Noida and other areas (Jain, 2009; Doval, 2009) despite the Union Minister for Labour expressing concern at the workers being pushed into conflict situations because of gross labour law violations. The death of the CEO has not made any difference to the companies as they continue to profit from exploitative practices.

The business press like Business Standard and Economic Times did report both sides of the story with varying emphasis. Television reports (CNN-IBN) also reported extensively on the event, some times quoting elite sources like the industry lobby, some times quoting the police and a few instances when they quoted the workers. The overall emphasis of the coverage was however on the impact such events have on the investment climate and the 'criminality' of the working class that needs to be firmly beaten down to ensure economic growth.

Professor Sen (2009, p 335-6), discussing the role of the press and the media, identifies the distinct contributions an unrestrained and healthy media make to the advancement of public reasoning:

First: It improves the quality of our lives, helps us understand the world in which we live.

Second: The press has a major informational role in disseminating knowledge and allowing critical scrutiny. Investigative journalism can unearth information that would have otherwise gone unnoticed or even unknown.

Third: Media freedom has an important protective function in giving voice to the neglected and the disadvantaged, which can greatly contribute to human security.

Fourth: Informed and unregimented formation of values requires openness of communication and argument. The freedom of the press is crucial to this process.

Given this framework, when one looks at the news event discussed so far, it is clear that the media brought the information to the public. But it is also as evident that the media did not attempt to pursue important leads in the story that would have helped to reveal more information about the circumstances that led to the event. The media also failed to perform the protective function by giving adequate voice to the neglected and the disadvantaged, and contribute to human security. In fact, sections of the media vociferously highlighted the responses of the owners of the industry to the exclusion of the demands of the working people who are also displaced, migrant, poorest of the poor families who do not have meaningful

citizenship rights. They may be citizens of the country in a technical sense but they do not have the means to exercise their right to live, work, educate their children or protect their families from hunger.

Only one of the stories by Menon describes how the casual workers queued up in front of the factory gates, willing to work under whatever conditions and whatever pay, soon after the incident and the imprisonment of over 150 permanent workers on serious charges of murder.

The media powerfully reinforces the prevailing middle class consensus that already defines the working people as criminals by highlighting and equating industrial unrest with crime in several of the stories. The middle class consensus is aggressively on display in the comments sections of each of these news stories on the web. Out of several hundreds of comments, one or two may be pro-working class. The media have chosen to exercise their freedom to reinforce the prejudices of that class of public, which is its primary constituency. There is no attempt to generate an informed debate. It is no secret that the media, which can be the most open form of communication, in instances of class conflict espouse the interests of the dominant classes.

Looking at the same event from the framework of Profs Chomsky and Herman, it is clear that the news reports quote elite sources, with a few exceptions, and include marginalised voices as a cursory nod to the other side of the story (to avoid flak), and are deeply motivated by the ideological bogey of communism. Irrespective of the social and economic origins of policies, the media have advocated patience to the working class and profits to the owners of the enterprises. One report interestingly concedes that the workers have all the right to protest and seek legal recourse, while it is well known that the protests have been going on for months, people have had no work and therefore no income for months. The industry, meanwhile, can get policies changed; employ PR agencies to control the damage to their reputation in the media. Graziano has gone on to prosper while the labour issues raised by the event have not been addressed and industrial unrest continues in NOIDA and Gurgaon.

An important aspect of this coverage is also the fact that the business newspapers have given more balanced coverage than the news channel (CNN-IBN) studied here. CNN-IBN is a mainstream television news organization, with greater reach and greater 'prestige'. The business papers (Business Standard in particular), whose primary niche readership is the business community, described the problems faced by the working class and the failure of policy with greater sympathy. This open debate, aimed at the 'target community', ideally should lead to better conditions. But the reality is clearly in contradiction to this.

As Shapiro states, in this instance, there is no deficit of democratic debate, but the pegs set by the powerful hemmed-in the debate. In a deeply unequal society, is free and unfettered debate possible on media? The media that had a greater reach covered the news with a narrower focus, while the business press with narrower reach covered the event more realistically. Even in instances where extensive debates

occur, there is so much of self-interest involved, that the debate may merely serve as a cathartic social activity without resulting in any policy/behaviour change. Increasingly, such 'free and open' debates provide a welcome platform for 'rogue opinions' that justify denial of basic rights to the poor. Some times, over a long term, media may succeed in creating awareness about social issues like the small family norm. Here too, wherever entrenched economic and power equations are involved, as in the case of the dowry system, the reality changed little despite extensive debates on media.

Michael Parenti (1986, p 84-85) identifies seven basic "generalizations" that typify media treatment of labour struggles:

1. Portrayal of labour struggles as senseless, avoidable contests created by unions' unwillingness to negotiate in good faith
2. Focus on company wage "offers" omitting or underplaying reference to take backs and employee grievances, making the workers appear irrational, greedy and self-destructive
3. No coverage given to management salaries, bonuses and compensation and how they are inconsistent with concessions demanded of the workers
4. Emphasis on the impact rather than the causes of strikes, laying the blame for the strike totally on the union and detailing the damage the strike does to the economy and the public weal
5. Failure to consider the harm caused to the workers' interest if they were to give up their strike
6. Unwillingness or inability to cover stories of union solidarity and mutual support
7. Portrayal of the government (including the courts and the police) as a neutral arbiter upholding the public interest when it is rather protecting the corporate properties and body-guarding strike-breakers.

Some 24 years later, much of the media coverage in India about labour issues largely conforms to the seven basic "generalizations" identified by Parenti.

Conclusion

From the above discussion, it is clear that in 'democratic' societies, media may be free, but not necessarily fair. In a deeply unequal society, the spaces in media for articulating the demands for equal citizenship rights are severely constricted. In the name of free debate, media seem to act as a tool for 'kite flying' to sense the public mood on behalf of the state-capital nexus and 'spin' the debates to legitimize disenfranchising policies. The debate itself can be seen as an important element of a free society, but when there is an *a priori* policy consensus among the ruling elite and capital, justice can be subverted institutionally by not implementing protective legislation (as is the case with labour laws).

Prof Sen's view of the role of media in a democracy is ideally desirable. But in practice, it is evident that Prof Chomsky's critique of media's role is closer to reality. A study (Puette, 1992) on media portrayal of labour issues two decades ago found that the media systematically, overtly and covertly, hide/highlight issues to paint a negative image of organised labour. The democratic right to free speech has not been used by the media to protect the interests of the poor whether in India or elsewhere, when the issues are fundamentally economic or political in nature. Free and unfettered media may be necessary for a democracy, but they do not seem sufficient to ensure equal rights to all.

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