

DECLINING LEGAL PROTECTION AND DEEPENING REPRESENTATION- INSECURITIES IN MEDIA WORK: THE CASE OF PRINT-JOURNALISTS IN INDIA

—BABU P. REMESH¹

The paper discusses the current scenario of intensification of job insecurities among print-media journalists in India. Two central themes followed up in the essay are the declining trend of legal protection and the growing representation-insecurities in the print media sector. The paper begins with tracing the rise and fall of legal protection for journalists, through a focussed discussion on the decline of the protective legislation, Working Journalists Act, 1955 and its associated wage-fixation machinery, the 'Wage Boards'. Subsequently, a detailed discussion on the decline of collective bargaining and trade union activities in print-media sector is attempted. While establishing and elaborating the growth of insecure employment among journalists, it is argued that, temporally, there has been a visible reversal in the erstwhile role of the state as the guardian of fair labour standards in the print-media sector.

Key words: Wage-Boards, Working-Journalists, Representation-Insecurities

I. INTRODUCTION

In India, since 1980s, there have been marked changes in the print journalism (and the media sector as a whole). These include: advent of new media forms; changes in business models; emergence of new work organization patterns; use of new technologies in news production; and shifting approaches in the policy framework that govern the sector. All these changes have arguably intensified the

¹ Professor and Dean, School of Development Studies, Ambedkar University Delhi (AUD), New Delhi. E-mail: babu@aud.ac.in. Draft version of this paper was presented at the 4th Conference of Labour Law Research Network (LLRN) titled, "A Global Conversation on Labour Law", Valparaíso, Chile from 22-6-2019 to 25-6-2019. The author gratefully acknowledges the comments received during this conference.

job insecurities of journalists. A closer examination of the mounting insecurities and vulnerabilities in the world of work suggest that there are two central trends underlying the insecurities of journalists and other employees in print media. These are: (a) the decline in legal protection for journalists; and (b) the decline of organized collective bargaining in the sector. The present paper intends to provide detailed discussions on these two trends.

The discussion in the paper is largely based on the findings of an ongoing research-study² for which more than 120 journalists (including reporters, editorial staff and photographers) are interviewed in Delhi and Aligarh (in Uttar Pradesh) during November 2017 to October 2019. As the study was exploratory in nature, the interviews were conducted in a semi-structured way. Though focus of the study was mostly confined to journalists in print media (i.e. those who are working with English, Hindi and Urdu newspapers), attention was also given to gather relevant information from other newspaper employees (e.g. press-workers) in print media and from journalists, working with television news. Detailed discussions were also held with some of the activists of journalists' trade unions and researchers working on media and related areas³. These interviews and discussions were helpful in identifying and pursuing the central themes of this paper (i.e. the decline of legal protection and trade unionism in print media), with the aid of supplementary evidences including policy documents, court-verdicts, records of trade unions and other relevant literature.

II. THE GOLDEN AGE OF LEGISLATIVE PROTECTION IN PRINT MEDIA

At the time of India's independence (1947), the media sector has only two major segments – the print-media (newspapers) and radio-broadcasting. The business of the former segment was mainly run by private/corporate capital, the latter segment (radio-broadcasting) was a sector of state's monopoly⁴. During this period, the term 'journalists' were more or less exclusively used for print-media (newspaper) journalists and due to an overall conducive environment, they were with better working conditions, attractive salaries and freedom at work. They were among the first to get the benefits of a legally-backed wage setting mechanism and were provided with unique benefits such as payment of gratuity, way back in 1955⁵.

² This study is being carried out with the support of a research grant from the Indian Council of Social Science Research (ICSSR), New Delhi. The author is grateful to ICSSR for awarding this research grant.

³ A focussed group discussion was held involving trade unionists and activists (in collaboration with Delhi Union of Journalists) on 27-12-2019 at the Press Club of India, New Delhi.

⁴ The entry of private/corporate capital into radio broadcasting happened much later. Even now, the radio news is a monopoly area of the State and the private broadcasters are allowed to operate only entertainment-based channels.

⁵ This is many years before the passing of Payment of Gratuity Act in 1972.

Soon after the Independence, the Union Government of India constituted the First Press Commission (1952) with Justice V.G. Rajadhyaksha as the Chairman⁶. The Commission was mandated to recommend on many aspects concerning the Print media, including the decision regarding whether to consider print media as a commercial activity or as a public service. In its report submitted in 1954, the Commission viewed that newspapers and journalists need to be assured a fair and free environment to work. And to ensure this, the commission recommended that, the wages and conditions of services in newspapers '*should be such as to attract talent*' and which allows their continuous upgradation of knowledge and competencies.⁷

Among the major recommendations of the First Commission, enactment of a protective legislation for the working journalists was the most important one. Following this, in 1955, both the Working Journalists (Conditions of Service) and Miscellaneous Provisions Bill was introduced in both the houses of the Parliament. This Bill, essentially, extended the protective provisions of Industrial Disputes Act, 1947 to journalists. The major protection suggested in this Bill was safeguarding from arbitrary dismissal and abusing treatment from employers. While presenting the Working Journalists Bill in the Parliament, the then Information Minister, B.V. Keskar remarked that it is '*for the better working of press, better security of our journalists and for ...better freedom of press*'.⁸ Eventually, the Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 (WJA, 1955) was passed with wider support from all political parties.

WJA, 1955 provided basic norms on crucial matters concerning work and workers in the print media including: working conditions, hours of work, leaves, number of night shifts, bonuses and other entitlements for all employees (both journalists and non-journalists). It also provided clear directions on stipulating pay-scales and revision of compensation packages besides specifying designations and tasks for Journalists and newspaper-employees. Protective provisions to safeguard journalists and other employees from arbitrary dismissal and mass retrenchment were the other important features of the Act.

In accordance with WJA, 1955, the First Wage Board for journalists came into existence from 1956. So far, 6 such Wage Boards were constituted from time to time. The wage boards for newspaper and news agency employees (including journalists) are statutory in nature. The prime responsibility of implementing

⁶ (The overall supportive approach of the Government towards the welfare of journalists was a crucial factor, during this period. Kuldip Nayyar, a Veteran Journalist, views that Government of that time "wanted the press to be a critic of the Government and point out where it had erred"). See Kuldip Nayyar, "*Beyond the Lines: An Autobiography*" (Roli Books, 2012).

⁷ Sukumar Muraliedharan, "Journalists' Rights: Why the Wage Board Process is Important?", article in the DUJ Annual Souvenir, (Delhi Union of Journalists, 2011).

⁸ *Ibid.* (p. 26).

the recommendations of the wage board rests with the governments of various states and union territories.

With the implementation of awards of initial few wage boards, the print media has become an exemplary sector for decent working conditions and fair wages. Journalists are provided with dignified jobs with attractive salaries and better working conditions, compared to the employees of other sectors⁹. WJA and wage boards together ensured fair working conditions and job permanency, thereby ensuring ample freedom for the journalists to work independently and objectively¹⁰. Contractual employment was unheard of in print-media during this period and the employees (journalists and non-journalists) were absolutely free to pursue their collective interests through trade union activities. This situation of legal protection, along with the overall supportive attitude of the state *inter alia* helped maintaining an invisible big-wall between news reporting and corporate interests in media. Trade unions and worker collectives had flourished during this period and organized collective bargaining became a characteristic feature of print media. Many of the respondents in the present study pointed out that due to strong presence of trade unions in journalism in the initial decades following India's independence, the journalists and newspaper employees could successfully get the awards of earlier wage boards, despite the resistance from some of the media houses. During this period, the trade unions of journalists had actively fought legal battles, effectively organized strikes of longer duration and quite successfully negotiated with the managements on issues concerning terms of work. Most of the newspapers had plant level trade unions, which were often affiliated to national and state-level confederations of journalists.

In brief, enactment of WJA, 1955 and introduction of wage boards led to an overall favourable environment for effective labour mobilization and welfare in the print-media sector. Financial safety, job satisfaction, dignity of employment and collective-strength of employees together ensured more freedom for press, empowering the journalists to carry out their function, fairly and fearlessly. Over time, the protected, permanent in-house journalists in print media (who are widely referred to 'wage board journalists'¹¹) also became a source of strength to the collective bargaining and trade union activities in the sector. Insulation from arbitrary dismissal and massive retrenchment as per provisions of WJA, 1955 empowered these 'wage-board employees' to take up their genuine issues with media managements to fight for it, whenever the situations demanded.

⁹ For instance, since the passing of WJA, 1955 payment of gratuity was applicable for journalists. This is much before the introduction of Payment of Gratuity Act, which came to existence in 1972.

¹⁰ *Supra* note 5. To Nayyar, during those days the Government was supportive of an effective participation of media as a constructive opposition to the largely single party politics existed in India.

¹¹ The term "Wage Board workers" was attributed due to the reason that the salaries and welfare provisions these employees are based upon the recommendations of Wage Boards.

However, this “golden age” of labour welfare in the print media was rather short-lived. From early 1980s onwards there have been considerable changes that visibly altered the worlds of work and workers in the print media. These include large scale contractualisation of media work, advent of new media forms, large scale entry of business interests in newspaper industry, introduction of new business models and revenue generating strategies, massive changes in the technology of producing news and so on. As a cumulative effect of these factors, there has been a visible collapse of the legal protection in print media. Coeval to this trend, there is also a discernable decline of trade unionism and collective bargaining among the journalists and newspaper employees. As a cumulative outcome of all these transformations, in recent years, there has been a noticeable decline in the efficacy of the WJA, 1955, which *inter alia* led to a collapse of the Wage Board mechanism.

III. DECLINING LEGAL PROTECTION: THE STORY OF ‘KILLING A WAGE BOARD’

Despite the fact that the WJA, 1955 and the wage boards laid down fundamental norms for decent work conditions in the print-news industry, it is wrong to understand that these legal mechanisms came into existence without any opposition from the most adversely-affected party (financially), i.e. the owners of newspapers.

In 1957, soon after the approval of the award of Divathia Wage Board (the First Wage Board constituted in 1956) by the Government of India, Express Newspapers (P) Ltd moved to court challenging the award and questioning the constitutional validity of WJA, 1955. In *Express Newspaper (P) Ltd. v. Union of India*¹² the industry argued that by implementing WJA, ‘rights and benefits of a class of workers are given preferential enforceability’, which is a violation of article 14 of the Constitution that guarantees equality of all before the law. The complainants also viewed WJA as an ‘irksome intrusion’ into the freedom of press.¹³ However, appreciating the spirit of the First Press Council’s view in 1958¹⁴, a constitution bench of the Supreme Court upheld the Act and held it to be *intra vires* the Constitution.

Here onwards, the tensions between media houses and employees (journalists and other press workers) had begun. Every time, when the wage boards announced their recommendations (awards), the owners of media groups pointed out the negative implications of these awards on the industry and tried to delay the implementation, forcing the employees and trade unions to take legal recourse

¹² AIR 1958 SC 578.

¹³ *Supra* note 6.

¹⁴ The First Press Commission in its report submitted in 1958 strongly recommended to provide better wages for journalists to attract and nurture talents as well as to provide a free and fair environment for them to perform their duties.

against the non-compliance. But, till recently, despite all the resistances from media houses, the awards of wage boards were realized, thanks to favourable verdicts from the courts from time to time and to the strong trade union movement in the sector.

In earlier times, fighting for their benefits was easier for journalists and newspaper staff, as 'wage board employees' constituted a considerable proportion of the total staff. The unions of journalists were also very strong in this period, due to higher participation from the 'wage-board journalists and employees'. Better salaries, improved working conditions and protected jobs, they were free from employment (tenure) insecurities. Naturally, this segment of workforce had been more prominent in terms of their participation in trade union activities and organized collective bargaining. Given this, in earlier times, the journalist unions were successful in realizing the stipulated salaries and benefits as per Wage Board awards, announced from time to time. However, the above favourable situation had changed considerably over time¹⁵.

The most recent episode of resistance of media houses against the implementation of the wage board recommendations began with the award of the 'Majithia Wage Board' (chaired by Justice G.R. Majithia) in 2010¹⁶. The award contained recommendations for higher salaries to wage-board employees, the rate of which was stipulated as per the 'paying capacity' of the newspapers. Further to this, there were several welfare suggestions in the award such as post-retirement benefits, suggestions for formulation of promotion policies, measures to improve enforcement of the wage board's recommendations, the possibility of granting paternity leave to male employees, extension of the retirement age, exploring pension scheme possibilities and so on. In October 2011, the union cabinet approved the recommendations of Majithia Wage Board. However, the award was firmly resisted by majority of the media houses by not extending the recommended benefits to their employees. Ultimately, the case was brought into the court of law, by some journalist's trade unions, which was fought aggressively by some of the big media houses and the Indian Newspaper Society, a major industrial lobby.

During the litigation, the media owners claimed that the wage board recommendations implied an additional burden to the print media industry that

¹⁵ This aspect will be elaborated in the next section of this paper.

¹⁶ [Two Wage Boards headed by Justice Majithia (popularly referred to as Majithia Wage Boards) were constituted in 2007. The first one was for journalists and the other one was for non-journalists (newspaper employees). This was the 6th Wage Board constituted as per the Working Journalists and Other Newspaper Employees (Conditions of Service and Miscellaneous Provisions) Act, 1955(WJA, 1955). The final report of Majithia Wage Boards was submitted on 31-12-2010]. See Report of the 6th Wage Board, Gazette Notification of Ministry of Labour and Employment dated 11-11-2011 <<https://labour.gov.in/sites/default/files/55aerco4355caGazetteNotification.pdf>>. Accessed on 12-1-2020.

would force the small firms to close down¹⁷, while considerably affecting the financial viability¹⁸ of the big firms. The employers once again challenged that WJA is *ultra vires* the Constitution (as it violates the fundamental rights of equality of all before the law). However, in its February, 2014 judgment, the Supreme Court had again rejected this view of media capitalists and upheld the government's decision to accept the recommendations of the Majithia Wage Board.¹⁹ The SC verdict categorically stipulated that the revised salaries were to be paid from April 2014 and the arrears to be settled in four installments within a year of the verdict. However, even after five years since the verdict, there are several media firms where employees are yet to get the benefits of the award, either fully or partially²⁰. Many of the respondents of this study pointed out that this act of non-implementation of Majithia Wage Board's recommendations amounted to contempt of the verdict of the Supreme Court, a matter which is now being taken to the court again by media activists.

Long-stretched path of litigations and their heavy financial implications makes legal recourse as a fight between unequal parties. While the media proprietors are in a better position to finance the legal battle, the journalists and worker unions find it assiduous to continue with their struggles. While media houses hire expensive lawyers, the journalists and press workers had to mobilize resources by collecting money, through donations from the already poorly paid or retrenched employees. To quote from the writings of an activist,²¹

"...the judicial process takes years before decisions finally emerge, usually too late to be much of benefit to the victimized employees. In our judicial system, outcomes often depend on which rich lawyer argues one's case, rather than the rightness of one's case"

¹⁷ While this view was largely borrowed and propagated by some of the major media houses, the irony is that some of the smaller firms in the industry (e.g. Assam Tribune) had implemented the Wage Board's award much before the final verdict on this matter by the Supreme Court.

¹⁸ [Interestingly, financial viability was a factor that was considered by the Majithia Board, which classified the newspapers into 8 categories (Class I to Class VIII) according to their gross revenues (paying capacity). As per the Board's calculations the additional financial burden of the new award will not be very high. In respect of newspapers in Class I to Class IV, the additional burden will be only 3.5% and for Classes V to VIII, it will be just 3% of the total revenue] See the journal article Samrat, " 'Malicious and Unjust': Powerful Media Houses vs Journalists", 52(4) Economic and Political Weekly, (28-1-2017).

¹⁹ Though this case ultimately ended with a verdict of the Supreme Court of India in favour of implementing the award, the media firms could successively defer the implementation of the Wage Board's recommendations for about 4 years after its award.

²⁰ Babu P. Remesh, "Unpaid Workers and Paid News: Working Conditions of Journalists in India", Chapter 6 in Adrian, Athique, Vibodh Parthasarathi, & Srinivas, S.V. (eds.): *The Indian Media Economy*, Vol. II: *Market Dynamics and Social Transactions*, (Oxford University Press, 2018).

²¹ Sujata Madhok, DUJ Over the Years, Article in the DUJ Annual Souvenir, (Delhi Union of Journalists, 2011).

From the early 1980s onwards, contractual jobs have been rising continuously in the print media²². Flouting the protective provisions in WJA, most of the media houses are into the recruitment of journalists and supportive staff on short term contracts (of three years or less)²³. By now, most of the media houses have a sizeable majority of journalists and an employee, including editors, whose tenure of appointment is only for 2 or 3 years²⁴. Unlike the wage-board workers, these contractual employees can be fired on short notice of one to three months with insignificant benefits.²⁵ As per WJA provisions, the minimum notice period for retrenchment is six months for editors and three months for other working journalists²⁶. WJA also stipulates on the settlement of terminal benefits, including gratuity and provident fund benefits, for the wage-board employees.²⁷ As against this, the unprotected contract workers are now found being retrenched at a few days' notice, as they do not have any legal protection vis-à-vis their 'wage-board counterparts'²⁸. Activists and trade unions working in the media sector accuse that going for one-side contract is a strategy devised by the media houses to scuttle the implementation of wage board awards.

Due to all the above efforts of the employers, there has been a steady decline in the proportion of 'wage board' employees in all media firms. In 2017, Bennett and Coleman Company Limited (BCCL), the publisher of *Times of India*, which employed around 50000 workers, had only 263 wage-board employees - of which only 34 are working journalists.²⁹ Similarly, in big media houses like *Hindustan Times*, currently there are only about 50 employees falling under the benefits of wage-boards³⁰. Through natural retirement, Voluntary retirement schemes (which are not so voluntary) and through other strategies, more and more workers are being pushed out of the wage-board benefits, year after year. So, even if the next wage board is announced, its benefits will be applicable to a minuscule of the total working population in media. Thus, the saga of Wage Boards and Working Journalists Act, 1955, intended as an enabling mechanism for wage revision in the sector, is seemingly nearing its demise due to a lack of eligible beneficiaries.

Apart from recruiting the majority of the new employees on contract basis, the media houses are also found indulged in a variety of 'pernicious practices' to ensure a steady decline in the proportion of wage-board employees in their

²² *Supra* note 19.

²³ Information gathered through field survey held during November 2017 to October 2019.

²⁴ *Ibid.*

²⁵ *Supra* note 17.

²⁶ Working Journalists and Other Newspaper Employees (Conditions of Service and Miscellaneous Provisions) Act, 1955<http://labour.bih.nic.in/Acts/working_journalists_act.pdf>accessed on 11-3-2020.

²⁷ *Ibid.*

²⁸ *Supra* note 22.

²⁹ *Ibid.*

³⁰ *Ibid.*

payrolls. For instance, some contracts for hiring journalists even contain clauses that restrict the employee from proceeding with any legal recourse in the event of non-implementation of wage board awards.³¹ In certain cases, existing 'wage board employees' are lured or pushed by the managements to come out of the wage board's protection in some way or other. In some media houses, journalists were provided options to leave the wage-board employment and to rejoin the same organization as contractual employees with more attractive pay-packages³². In certain other cases, the employees were forced to take Voluntary retirement schemes (VRS) which often take the form of 'CRS' (compulsory retirement scheme)³³. For instance, many respondents in the present study suggested that there were instances where journalists have opted for VRS to avoid transfer to far-off places. Yet another method in play is the introduction of company pay scales, with relatively attractive provisions vis-à-vis wage board benefits. Special salary schemes introduced by *The Hindu* and *Business Standard* are examples of this.³⁴ During the field study conducted for the present study, several respondents told that many of the business houses offer better remuneration for contract journalists, especially at higher levels, mainly to tempt them to step out of the wage board schemes and to rejoin as contract employees. In some larger firms, the managements were even claimed to be using more coercive measures to push permanent employees to short term contractual employment. Quite often, such pressures for opting contractual positions or even VRS, are backed with threats of transferring those who are not falling in line to faraway places. In brief, media firms are found creating compulsive conditions for 'wage board' employees to forfeit their employment (tenure) security. Activists of journalist unions describe this situation as a process of '*killing the wage board*'³⁵ and many of them doubt that there will be any basis for constituting another wage board in the future, given the rapid rate of extinction of this protected category of employees.

The scenario is getting murkier as the protective stand of the state towards journalists also changed considerably in recent decades. Trade unions working on issues of journalists accuse that neither there are effective mechanisms nor enthusiastic involvement from the side of central and state governments to ensure timely implementation of awards made by various wage boards³⁶. The matter of announcement of the next wage board is long pending with the Government and recently it is clarified that no active proposal regarding this matter is currently being considered³⁷.

³¹ EPW, 'The Not-so-Fine Print', Editorial, Vol. XLIX Economic and Political Weekly, No.13 (2014).

³² *Supra* note 22.

³³ *Supra* note 19.

³⁴ *Ibid.*

³⁵ S.K. Pande, 'The Art of Crushing Newspaper Journalists', NewsClick (2018) <<https://www.news-click.in/art-crushing-newspaper-journalists>>. Accessed on 28-1-2020.

³⁶ Information gathered through focussed group discussion. *Supra* note 3.

³⁷ (In a letter to National Alliance of the Journalists, the Government informed that there was no proposal being considered to announce the next Wage Board for journalists) *supra* note 34.

At present, a new Labour Code on Occupational Safety, Health and Working Conditions, 2019, which is under consideration with Government is intending to repeal WJA, 1955 and Working Journalists (Fixation of Rates of Wages) Act, 1958³⁸. Acceptance of this new labour code will be the death-knell of wage boards in the print media. Further to this, it will also imply dilution of some of the protective clauses concerning employment-security in the sector, such as retrenchment norms.³⁹

IV. DWINDLING COLLECTIVE BARGAINING: UNDERSTANDING REPRESENTATION-INSECURITIES

The most striking feature of media work in contemporary times is the decline in collective bargaining and trade unionism. Non-implementation of the 6th Wage Board's awards for a long period of time did not even lead to visible protests or opposition from the working journalists in the industry⁴⁰. Even the legal fights seeking the implementation of wage board awards are actively fought and backed by only a few scattered journalists' unions and activists, spread across the country⁴¹. Such a situation of increasing docility of workers is striking in an industry which has a long track record of trade unionism and collective bargaining dating back to the 1950s.

During the first few decades following Independence of India, collective bargaining among journalists and press workers were promoted by the government by facilitating the setting up and functioning of trade unions and collectives⁴². As mentioned earlier, in the initial years since Independence, there had been deliberate moves to strengthen the press so as to make it an effective critic and opposition to the government.⁴³ During this period, the media proprietors also allowed the journalists to carry out their profession without interfering in the freedom of the press⁴⁴. Such a favourable scenario led to a situation that

³⁸ The other Acts to be repealed along with WJA by the Draft Labour Code on occupational safety, health and working conditions include: the Factories Act, 1948, the Mines Act, 1952, the Building and Other Construction Workers' (Regulation of Employment and Conditions of Service) Act, 1996, the Contract Labour (Regulation and Abolition) Act, 1970 and the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979.

³⁹ For instance, it is believed that new Labour Codes will result in dilution of certain protective norms regarding retrenchment of journalists. As per WJA, 1955 in order to retrench an editor, there is a need for serving 6 months' notice; and for a working journalist, it is 3 months. But, as per new Labour Code (which will be in line with the Industrial Disputes Act, 1947), the notice period for retrenchment is only one month, irrespective of the position of the employee.

⁴⁰ *Supra* note 22.

⁴¹ *Ibid.*

⁴² The patronising attitude of the Government enabled many trade unions and collectives of journalists (e.g. Delhi Union of Journalists) to set up their offices in prime locations in Delhi.

⁴³ *Supra* note 6.

⁴⁴ Even the industrial groups which financed some of the media houses viewed their involvement as a sort of "corporate social responsibility", as pointed out by one of the trade union leaders, during the field study.

almost all the newspapers had very powerful plant-level unions, which were provided with enabling conditions such as office space and freedom for organizing regular meetings. All these were very effective in ensuring fair working conditions and freedom to the journalists and non-journalists working with print media organizations.

In those days, trade unions in print media were very influential that they could quickly take up and resolve their issues with top authorities. Vats recounts an anecdote in 1957 with the then Prime Minister, in which the trade unionists, who wanted an immediate intervention on the matter of arbitrary retrenchment of a legal correspondent of a national newspaper, hurriedly sent a letter to the Prime Minister with stated, “*we are coming to meet you tomorrow to discuss some important issues and we would be liked to be received by you.*” and the Prime Minister had accommodated such an audacious request!⁴⁵

The collective strength of trade unions in the 1950s and 1960s was very crucial for extending the benefits of WJA to non-journalists who were earlier not included in the Act. In 1963, when the government appointed two wage boards, one for journalists and one for non-journalists, with Justice Shinde as Chairman, the newspaper employers strongly resisted this, citing that the wage board for non-journalists was not statutory⁴⁶. But, even with this resistance, the journalists could successfully get the award implemented for non-journalists also, by putting pressure on the government to amend the WJA. This was regarding the inclusion of the latter category of employees as well⁴⁷. The role of All India Newspaper Employees Federation, a powerful national federation of journalists and non-journalists led by Aruna Asaf Ali, was very crucial in realizing this amendment.⁴⁸

Till the end of 1980s, journalists’ unions were very powerful and thus could retain an edge in terms of collective bargaining⁴⁹. Organized strength had helped the unions to realize the wage board benefits and related protective measures from time to time. In those days, the trade unions were also very successful in organizing very effective strikes. One of the remarkable strikes held by journalists and non-journalists together was in 1968. This strike which lasted for 67 days was very effective in cities like Mumbai, Calcutta and Delhi (in terms of mobilization of newspaper employees).

⁴⁵ B.R. Vats, Birth of DUJ, article in the DUJ Annual Souvenir, (Delhi Union of Journalists, 2011).

⁴⁶ *Supra* note 35.

⁴⁷ *Ibid.*

⁴⁸ Madan Phadnis, Legacy of Wage Boards and Evaluation of the Law Relating to Conditions of Service of Newspaper Employees Embodied in the Working Journalists Act, Article in the DUJ Annual Souvenir, (Delhi Union of Journalists, 2011). The author notes that altogether there had been eight amendments to WJA. These include amendments on extending the Act to non-journalists, applying the Wage Board machinery to non-journalists, appointment of tribunals in cases when Wage Board machinery fails and so on. All these amendments were favourable to the employees.

⁴⁹ *Supra* note 35.

During their golden age, the worker collectives in Print media even waged protests against the decisions of wage boards. For instance, in 1980s, when Justice Bachawat initially recommended an interim relief of 7.5 per cent, the journalists and non-journalists opposed this proposal and went on for strike for three days, which forced the government to revise the rate of increase to 15 per cent.⁵⁰ Some of the respondents recollected that, during those days, they used to stop plant level operations effectively through lightning-strikes (strikes without notice), most of which were done on strategically decided dates/days to ensure maximum impact.

However, in recent decades, trade unionism in the sector has declined considerably, owing to a number of reasons including: decline in the strength of permanent workers (contractualisation in the industry); decline of legal protection (redundancy of WJA, 1955 and Wage Boards); the use of new production techniques (e.g. outsourcing; tele-reporting; on-line reporting); and the changed business models in the sector.

Large scale penetration of contractual jobs is perhaps the single largest factor that debilitated the collective bargaining in print media. Since 1980s, there has been a considerable decline of proportion of permanent employees (wage board employees) in newspapers and almost all the new jobs created in the sector are mostly of informal nature. Accordingly, working with short term contracts or with output/project specific assignments have become the norm for majority of the workers in this sector. Based on rough estimates Remesh points out that even in the established media houses the proportion of contractual workers range between 40-60 per cent.⁵¹ This kind of spread of informal work is happening, in spite of the extant regulations that restrict engagement of contractual workers in larger numbers and shares, especially in works of perennial nature. Obviously, these contractual employees are not covered by the protective legislations like WJA, 1955. Further, many of the interviewees in the present study informed that, they do not receive any benefits from other applicable labour legislations (e.g. Contract Labour - Regulation and Abolition Act, 1970).

In a large number of cases (especially for the new entrants), contractual jobs mean inferior salaries and less attractive working conditions. During the field study, it was understood that, in most of the media firms, the permanent (wage board) journalists are provided with certain additional benefits, which are not available to their temporary/contractual counterparts. These, though vary from firm to firm, include: medical coverage; contributions towards provident funds; different kinds of paid leaves (including maternity leave); extra pay for overtime/night work; food allowance; provision of office vehicle and so on.

However, it is not true to conclude that all contractual jobs in print-media sector are inferior in terms of salaries and associated terms vis-à-vis permanent

⁵⁰ *Ibid.*

⁵¹ *Supra* note 19.

jobs. In certain media houses those journalists who are on senior level positions are found receiving very attractive salary packages, though their employment is purely on contractual basis. Also, in some of the newspaper organizations, those journalists who were ready to forfeit their wage-board positions are found provided with better salaries, perks and flexibilities at work in their new contractual appointments. Thus, here, the trade off is between 'job protection' and 'short-term benefits'. A major chunk of the respondents who opted for the latter were found to be those who were with several years of work experience and were prepared to shift their jobs, in case they find the new contractual arrangements problematic. With this sort of an approach, attrition rates have also soared in print media, in recent times⁵².

Spread of contractual work in print media resulted in a major division within the workforce into 'Wage board workers' and contract workers. Permanent in-house journalists (wage-board employees) are with more 'protected' jobs. They are free from employment (tenure) insecurities, as the job is permanent until superannuation and employers cannot fire them at will, being bound to follow a set of procedures as per the governing statutory guidelines in WJA. Naturally, this segment of workforce had been more prominent in terms of their participation in trade union activities and organized collective bargaining. Given this, in earlier times, the journalist unions were successful in realizing the stipulated salaries and benefits as per Wage Board awards, announced from time to time. However, this favourable situation had changed drastically, over time, the contractual employees are found less inclined towards organized collective bargaining⁵³.

Another factor that added to the division within the working class is the intensification of income-inequality. Over time, the wage-gaps in print and other media sectors have increased manifold and the salaries of a small segment of top and highly paid journalists have increased exponentially. It is widely noted that these highly paid journalists are not normally interested in fighting for the causes of their less-paid counterparts (such as wage-board employees in print media and contractual employees in print and other media forms). Massive emergence of new forms of (television and online journalism) in the past few decades also deepened the divisions among the working class and affected the collectivity of journalists and other employees considerably. There are close linkages between the work and workforce in both these sectors. When the television news channels came into existence in late 1980s (and on a massive scale in 1990s), many journalists from print media moved to television news, as this new field provided them better salaries, better public image and opportunities for skill upgradation. On the one

⁵² From the field survey it was evident that shifting jobs three or four times has been a characteristic feature of most of the interviewees who had worked for a longer period — e.g. for 15 or 20 years.

⁵³ The contract workers are usually not in a favourable position to actively participate in trade union activities, as they are working under continuous threat of termination/discontinuation of the contracts.

hand, this exodus of journalists towards television sector reduced the strength of permanent and wage board protected journalists in the print media. On the other hand, some of these workers who had left the print media were very active trade unionists, thereby creating a void in the trade union front of print journalists. Also, over time, as the television journalists are not concerned with wage-board⁵⁴ and related matters, the gap between interests of print and television journalists got widened considerably, thereby limiting the scope for their unity for collective bargaining.

Due to the continuing opposition of media managements against WJA and Wage Boards, employees who were active in trade union matters were considered as 'anti-management personnel'. Accordingly, many of the media houses were found resorting direct and indirect vindictive measures towards such employees. Transferring activists to far-off places is a most common strategy, reported by many respondents in the present study, in addition to other malicious practices such as humiliations at workplace, denial of promotions and work opportunities, social isolation and so on. In certain cases, even editors were got transferred to some places where the newspaper does not have an edition! As mentioned elsewhere, in some other cases, the new recruits were asked to agree to restrictive clauses in their contract which prevent them from joining trade unions. As a result, over time, almost all of the plant level unions in print media had become redundant, which *inter alia* resulted in the weakening of state and national level worker collectives.

Near absence of collective bargaining in the sector helped the media firms to impose many anti-labour practices, as the employees are not in a position to effectively resist these measures. The restrictions imposed by Bennett, Coleman and Company Ltd (BCCL) — publisher of the Times of India and Economic Times in August 2014 is a glaring example for the helplessness of the journalists, who are deprived of both legal protection and effective freedom of association.⁵⁵ In August 2014, the media house directed all its journalists to of either surrender their credentials of their personal social media accounts (e.g. Facebook; twitter) or to create a new account for the organisation's use. The employees were asked not to post any news links on their personal social media accounts, whereas the company can post any material to these accounts as it deems fit. When this kind of direct attack on the freedom of journalists was made, there was no effective resistance from the employees. It is only due to certain agitation in social media, the company had to finally dilute its stand.⁵⁶

With the advent of new technologies and new ways of production organisation, downsizing has become a major concern and priority for many of the

⁵⁴ The television news channels and other new media forms are not coming under the purview of WJA and the Wage Boards.

⁵⁵ *Supra* note 35.

⁵⁶ *Ibid.*

media managements, leading to massive retrenchment of the employees. The massive retrenchment of employees in *Hindustan Times* is a telling case of miseries of media workers, who were sacked without any reason by the newspaper management. 272 employees in the printing division of *Hindustan Times* (HT) were fired from 3 October 2004 onwards⁵⁷. Since then, these employees are fighting a legal battle against the management for 14 years to reinstate their jobs.⁵⁸ After a long-stretched litigation, the Delhi High Court in 2018 ordered for the immediate reinstatement of the sacked workers, providing them all the benefits of continuity of services, for which they are entitled to before their termination⁵⁹. But, the episode did not end there. The HT management filed an appeal and review petition against the High Court order and now the litigation has entered into another round.

Yet another case is the retrenchment of 297 non-journalist staff across India of the Press Trust of India (PTI)⁶⁰ on 29 September 2018. Without any prior notice and discussions, these employees were given a retrenchment notice and the payment dues were transferred to the bank accounts of these employees. As per management's view, the retrenched employees were limitations for the firm to introduce innovations that the organisation wanted to do for quite a long period. But, the employee's unions viewed this act of retrenching (all but 52 of non-journalists of PTI) as a definite move towards killing the wage-board mechanism. Apparently, the organisation first tried to float a voluntary retirement scheme (VRS) and since the plan was not picking up momentum, this quick act of retrenchment was resorted.

The above mentioned anti-labour practices and retrenchments are only a few which are mostly brought out by social media and/or media watch-dogs in the internet (e.g. news laundry, news click, the quartz and so on). Many such stories go unnoticed as the media owners are found effectively utilizing their newspapers and other media forms for propagating their views, whereas worker's views,

⁵⁷ Amit Bhardwaj, *Hindustan Times Versus 272 Workmen*, article in NewsLaundry, (5-9-2018) <<https://www.newslaundry.com/2018/09/05/hindustan-times-versus-272-workmen-delhi-high-court-order>>. Accessed on 15-11-2019. [In 2002, the HTL floated HT Media Ltd. (HTML) and the entire printing works of the newspaper was shifted to the new company. Following this, 272 workers were terminated w.e.f. 3-10-2004 under S. 25-FFF of the Industrial Disputes Act, 1947].

⁵⁸ *Ibid.* The protracted process of litigation implied severe hardships and miseries to the sacked employees. 24 of them died till 2018. Many of them were bedridden. Loss of income source and requirement of meeting expenses towards litigation pushed most of them into debt traps. Many had to exhaust their savings and sell the properties and lands to make both ends meet. They also had to keep the protest against the HT management live. One of them, stayed in a makeshift shed for 13 years in front of the HT office till he died a few months before the court verdict came.

⁵⁹ *Ibid.* The High Court also expressed its concern on the miseries of the media workers by observing that "it is a case of long checkered and tumultuous history where the workmen have still not seen the light at the end of the tunnel despite the Tribunal having passed the award in their favour 6½ years ago."

⁶⁰ Press Trust of India is the most prominent news agency in India, which is governed by a Board of Directors elected from top most media house owners in the country.

struggles and miseries are completely blacked-out. The same strategy was also clearly visible in their fight against wage board implementation.

V. CONCLUSION

From the foregoing discussion, it is evident that the print-media sector in India provides a typical example of declining labour protection, where a very effective protective legislation and its associated wage fixing-machinery (the wage boards) have gradually got paralyzed due to multiple reasons, including contractualisation of jobs and decline of organised collective bargaining in the sector.

A major factor that intensified the trends of declining protective legislation and dwindling collective bargaining is the changed role of the state. It is evident from the preceding discussions that the patronage and privileges enjoyed by journalists in the first few decades since Independence have become stories of the past. Alongside this, the state's active participation in implementation of protective legislations (like WJA, 1955) has also declined considerably. Notwithstanding the final verdict of the Supreme Court in 2014 uplifting the Majithia wage-board's award, even now, many of the media houses have not fully implemented the recommendations of this wage-board till date. While the onus of this laxity in implementation of wage board awards largely lies with various state governments, there are visible changes in the position of the central government also.

It is close to more than three and a half decades that a Press Commission is appointed to recommend measures for strengthening labour welfare in the print media sector. The second Press Commission, which submitted its recommendations in 1982, is the last of its sort. In fact, trade unions and worker collectives in media sector have been repeatedly demanding the appointment of a Media Commission (which addresses the issues of media sector as a whole), which is similar to Press Commissions, appointed by the central government in the past. Also, there have been unmet demands for setting up a Media Council of India, in the line of Press Council of India.

Though there were some steps initiated by the state to check pernicious media practices such as paid news, sometime ago, as of now there is no headway on such matters too⁶¹. Thus, it is evident that the position of the state vis-à-vis the matters concerning journalism and welfare of journalists have changed considerably over the past few decades.

It is also important to note that there have been no focussed move in strengthening the labour standards in the sector by adequately revising the labour

⁶¹ Though a sub-Committee appointed by the Press Council of India to investigate the controversy broke out on Paid News after 2009 elections. Though this sub-Committee submitted its report in 2010, full report was suppressed under pressure, and a truncated report was released, which was not very effective to arrest paid news and other unhealthy practices.

laws governing print media and the new media forms emerged in the past few decades. Despite the fact that there was a massive proliferation of television channels in the past few decades, there is no effective legislation in place to address the labour issues of the television journalists. Same is the case with the workers and journalists in other media forms (e.g. on-line journalism). Timely revision and strengthening of legislative measures like Working Journalists Act, 1955 is very important as the divide between print and electronic media (and other medium forms) has blurred considerably in the recent times. In this changed situation, it is quite common to see the same journalist working for multiple media forms at the same time. This sort of transformation in media work obviously brings in a new set of labour issues including redundancy of acquired skills, need for reskilling and emergence of new kinds of vulnerabilities and job insecurities. What is important at this juncture is to think about ways and means to resist the trend of declining legislative protection and to strengthen collective bargaining in this sector - so that the print journalists can regain their lost worlds of decent work.