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EDITORIAL ANALYSIS

India at 157 — What World Press Freedom Day Means for Democratic Accountability

 **THE HINDU**3 May 2026 · **GS2** **GS4**

CURATED & WRITTEN BY

**Bharat Choudhary**

UPSC Educator & Content Creator

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THE EDITORIAL ARGUMENT

Each year on May 3, the **World Press Freedom Index** published by **Reporters Without Borders (RSF)** provides an uncomfortable mirror for democracies. India at **157th out of 180** in 2026 — down six places from 151st in 2025 — is not a number that can be dismissed as the verdict of a Western NGO with a partisan agenda. It is a composite of specific, documented patterns: journalists arrested under preventive detention laws, criminal defamation FIRs filed in multiple states simultaneously, digital media platforms pressured through ownership agreements, and the steady erosion of investigative journalism in the regional language press.

The question for today's World Press Freedom Day — themed "**Shaping a Future at Peace**" by UNESCO — is whether India's democratic institutions are structurally capable of self-correcting this trajectory.

THE CONSTITUTIONAL PROMISE

Article 19(1)(a) of the Constitution guarantees freedom of speech and expression. The **Supreme Court** has repeatedly — from *Romesh Thappar v. State of Madras* (1950) to *Bennett Coleman v. Union of India* (1972) to *Shreya Singhal v. Union of India* (2015, striking down Section 66A of the IT Act) — affirmed that **freedom of the press is implicit in free speech** and that it serves a **public function** in a democracy: holding power accountable.

Article 19(2) allows reasonable restrictions on free speech on grounds of sovereignty, security, public order, decency, defamation, and contempt of court. The keyword is **reasonable** — the Supreme Court has emphasised that restrictions must be proportionate, not blanket. The problem documented by RSF is not that restrictions exist, but that they have become **disproportionate** instruments of harassment rather than genuine protection of legitimate state interests.

THE THREE MECHANISMS OF PRESS SUPPRESSION

1. Legal Weaponisation

India's legal framework offers multiple instruments that can be deployed against journalists:

- **UAPA (Unlawful Activities Prevention Act)** — bail is near-impossible; trial delays are routine
- **IPC Section 124A (Sedition)** — under constitutional review by the Supreme Court; still used in practice
- **IPC Sections 499-500 (Criminal Defamation)** — unlike civil defamation, carries criminal penalty; disproportionate to publication errors
- **IT Act Sections 66A (struck down), 69A (website blocking), 79** — platform liability creates chilling effect

The specific harm is not each individual law, but their **simultaneous deployment** — multiple FIRs in multiple states for the same publication, forcing defendants into multi-state legal battles that exhaust resources regardless of eventual outcome.

2. Ownership Concentration

India's media landscape is increasingly concentrated in the hands of large industrial conglomerates. The **Telecom Regulatory Authority of India (TRAI)** has studied cross-media ownership without yet recommending binding divestiture. When media owners are also dependent on government contracts, regulatory approvals, or public sector advertising, the editorial independence of their publications is structurally compromised.

The **Press Council of India** — established under the **Press Council Act, 1978** — is a statutory body with adjudicatory powers over print media, but its powers are limited to censure; it cannot impose financial penalties or revoke ownership. It has no jurisdiction over television or digital media.

3. Financial Pressure

Government advertising through **DAVP (Directorate of Advertising and Visual Publicity)** represents a significant revenue stream for small and medium regional publications. The threat of DAVP ad withdrawal — or its actual withdrawal — creates an incentive for self-censorship in exactly the outlets that cover local governance most closely.

WHAT WOULD CHANGE INDIA'S TRAJECTORY?

- 1. A Media Ownership Regulation Act.** Binding limits on cross-media ownership, prohibition on vertically integrated media (industrial conglomerates owning both regulated industries and media), and mandatory editorial separation from ownership control.
- 2. Decriminalisation of defamation.** Move defamation entirely to civil law — as recommended by the Law Commission and multiple press freedom advocates. Criminal defamation (Sections 499-500 IPC) is disproportionate and inconsistent with the principle that speech-related disputes are civil matters.
- 3. Bail reforms for speech-related cases.** UAPA's near-total bail denial for journalists charged under national security provisions is inconsistent with *the principle of proportionality* affirmed in *Anuradha Bhasin v. Union of India* (2020) and *Zulfiqar Thana v. NCT of Delhi* (2024).
- 4. RTI strengthening.** The **Right to Information Act, 2005** — one of India's strongest transparency laws — has been progressively weakened through RTI Amendment Act 2019 (downgrading CIC independence) and delays in appointments. RTI is the indispensable partner of investigative journalism.

UPSC RELEVANCE

PAPER	ANGLE
GS2 — Polity	Article 19(1)(a), freedom of press, Press Council of India, RTI Act
GS2 — Governance	Media regulation, DAVP, TRAI, cross-media ownership
GS4 — Ethics	Media ethics, public accountability, self-censorship

Mains Keywords: World Press Freedom Day, RSF Index, Article 19(1)(a), Press Council of India, DAVP, cross-media ownership, UAPA and journalists, criminal defamation IPC 499-500, RTI Act 2005, *Anuradha Bhasin v. Union of India* (2020), *Shreya Singhal v. Union of India* (2015), media independence

Prelims Facts Corner

ITEM	FACT
World Press Freedom Day	May 3 (UNESCO, 1993)
RSF 2026 India rank	157th / 180 (down 6 from 151st in 2025)
2026 theme	“Shaping a Future at Peace”
Press Council of India	Statutory body; Press Council Act, 1978; adjudicates print media complaints; can only censure
Article 19(1)(a)	Freedom of speech and expression (includes press freedom)
Article 19(2)	Reasonable restrictions on free speech
DAVP	Directorate of Advertising and Visual Publicity — controls govt ad spend
Shreya Singhal case (2015)	SC struck down Section 66A of IT Act — chilling effect on online speech
Anuradha Bhasin case (2020)	SC laid down proportionality principle for internet shutdowns
RTI Amendment Act 2019	Changed CIC appointment/service conditions — criticism of weakening independence

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Bharat Choudhary

UPSC Educator & Content Creator

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