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CITIZEN JOURNALISM IN INDIA: A LEGAL ANALYSIS

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INTRODUCTION

India is growing digitally every day, and in this era of Digital India, news spreads more through smartphones and citizen journalism than through news broadcasting channels. A smartphone can now do what once needed a press van: record, caption, and broadcast within minutes. Ordinary people film public events, question officials, expose civic problems— and often reach more viewers than major news broadcasting channels. On 31 August 2026: A YouTuber in Pune posted a video confronting a legislator about why his car lacked a high-security registration plate (HSRP). Later, the creator was arrested on a separate complaint about other online content.

This is not merely an illustration; it raises a legal question. Does an ordinary citizen who performs journalistic functions get the same constitutional protection as traditional reporters, and where does that protection end? This article argues that citizen journalists rely mainly on Article 19(1)(a)— the right to freedom of speech and expression. But Indian law doesn't provide citizen journalists with separate or automatic immunity. They remain subject to the ordinary law of defamation, privacy, contempt, obscenity, copyright, public order, and more.

UNDERSTANDING CITIZEN JOURNALISM

Citizen journalism means people outside traditional newsrooms gather, report, and publish information of public interest. It may involve filming public events, reporting on local problems,

interviewing someone, exposing official misconduct, or publishing news on social media, YouTube, and blogs.¹

Three categories of journalism have arisen over time: an ordinary social-media user, someone just sharing their own thoughts; a citizen journalist, who regularly gathers and shares news for everyone's benefit; and a professional journalist, working for a news institution and following its editorial rules. So, the key legal issue isn't whether a person holds a press card, but whether the expression is constitutionally protected and whether any lawful restriction applies.²

THE CONSTITUTIONAL FOUNDATION

Article 19(1)(a) guarantees all citizens the freedom of speech and expression, subject to reasonable restrictions on the grounds listed in Article 19(2). The Constitution doesn't mention "freedom of the press", but the Supreme Court has consistently included it as part of the guarantee. Because the right belongs to every citizen, it doesn't depend on whether the speaker is a news reporter.³

In *Romesh Thappar v. State of Madras*, the Supreme Court held that freedom of speech includes freedom to circulate opinions and struck down a ban on a journal's entry into a State, stating that restricting distribution is the same as silencing speech.⁴ Later, in *Sakal Papers v. Union of India*, the Court held that the State cannot try to control newspaper economics by applying restrictions on circulation, and in *Bennett Coleman v. Union of India*, it looked to the effect of a measure, not its stated purpose.⁵ *Indian Express Newspapers v. Union of India* extended that press freedom exists to serve the public's right to know, so taxes and regulations that burden the press get judged by the standards of Article 19(2). Their relevance to citizen journalism is that the protected interest is the public's access to information, not the publisher's status.⁶

The shift from print to digital is where citizen journalism enters. In *Secretary, Ministry of Information & Broadcasting v. Cricket Association of Bengal*, the court recognised the right to share and receive information through new forms of media.⁷ *Shreya Singhal v. Union of India*,

¹ For a Madras High Court observation that a YouTuber regularly commenting on public affairs enjoys the same Article 19(1)(a) rights as journalists, see *YouTuber Has Same Rights as Journalists*: High Court, LatestLaws (Dec. 15, 2021), [<https://www.latestlaws.com/latest-news/youtuber-has-same-rights-as-journalist-high-court-180481>].

² India Const. art. 19(1)(a), 19(2).

³ India Const. art. 19(1)(a), 19(2); *Brij Bhushan v. State of Delhi*, A.I.R. 1950 S.C. 129 (India).

⁴ *Romesh Thappar v. State of Madras*, A.I.R. 1950 S.C. 124 (India).

⁵ *Sakal Papers (P) Ltd. v. Union of India*, A.I.R. 1962 S.C. 305 (India); *Bennett Coleman & Co. v. Union of India*, (1972) 2 S.C.C. 788 (India).

⁶ *Indian Express Newspapers (Bombay) Pvt. Ltd. v. Union of India*, (1985) 1 S.C.C. 641 (India).

⁷ *Sec'y, Ministry of Info. & Broad. v. Cricket Ass'n of Bengal*, (1995) 2 S.C.C. 161 (India).

the Supreme Court applied it to the internet and struck down Section 66A of the IT Act as vague and overbroad, and distinguished mere discussion or advocacy from incitement.⁸ In *Anuradha Bhasin v. Union of India*, the Court held that freedom of expression on the internet is protected by Article 19(1)(a), and that indefinite internet shutdowns and restrictions must be proportionate and open to review.⁹ Together, these cases form the backbone of legal protection for the platforms that citizen journalists use.

PROTECTION WITHOUT SPECIAL PRIVILEGE

The Constitution protects everyone's right to speak or report, but it doesn't put journalists above the law. In India, law gives the first to every citizen but the second to no one. In *Vinod Dua v. Union of India*, the Supreme Court quashed a sedition case against a YouTube show, holding that every journalist is protected as long as the speech does not incite violence, but declined to set up any extra screening for FIRs against senior journalists, calling that a legislative matter.¹⁰

The Court also held that Article 19(2) lists the only grounds to restrict speech; liability must come from a valid law, not from the speaker's identity.¹¹ That leads to the main idea here: citizen journalism gives people the right to report, but it doesn't give them a licence to publish without legal consequences.

THE LEGAL BOUNDARIES OF CITIZEN JOURNALISM

Article 19(2) permits reasonable restrictions on free speech when it comes to protecting the country's sovereignty, integrity, security, public order, decency, contempt of court, defamation, or incitement to commit an offence. The main boundaries for citizen journalists are as follows:

DEFAMATION

Defamation means harming another person's reputation by publishing a damaging imputation. Section 356 of the *Bharatiya Nyaya Sanhita, 2023* (BNS), makes this a criminal offense, subject to exceptions if the statement is true and published for the public good, or if it's a good-faith comment about someone's public conduct.¹² In *Subramanian Swamy v. Union of India*, the

⁸ *Shreya Singhal v. Union of India*, (2015) 5 S.C.C. 1 (India).

⁹ *Anuradha Bhasin v. Union of India*, (2020) 3 S.C.C. 637 (India).

¹⁰ *Vinod Dua v. Union of India*, W.P. (Crl.) No. 154 of 2020 (India June 3, 2021); see *Journalists Entitled to Protection: Supreme Court Quashes Sedition Case*, *Business Standard* (June 3, 2021), [https://www.business-standard.com/article/current-affairs/journalists-entitled-to-protection-supreme-court-quashes-sedition-case-121060301346_1.html].

¹¹ *Kaushal Kishor v. State of Uttar Pradesh*, (2023) 4 S.C.C. 1 (India).

¹² *Bharatiya Nyaya Sanhita, 2023*, No. 45 of 2023, § 356 (India).

Supreme Court upheld criminal defamation, saying reputation falls under Article 21 and balancing it against free speech.¹³ For a citizen journalist, this means that truth, public good and honest opinion are defences, but an unsupported allegation presented as fact is not protected merely because the subject is of public interest.

PRIVACY

Journalists sometimes clash with privacy rights when their reporting exposes someone's personal life. In *R. Rajagopal v. State of Tamil Nadu*, the court allowed publication based on public records but protected the privacy of private citizens.¹⁴ Later, in *K.S. Puttaswamy v. Union of India*¹⁵, the court confirmed that privacy is a fundamental right. Recording and publishing are not the same legal act: filming in a public place might be legal, but publishing a private conversation, the identity of a victim, or personal data is often against the law.¹⁶

OBSCENITY AND ONLINE CONTENT

Online publication attracts Section 67 of the Information Technology Act, 2000 (publishing obscene electronic material) and the BNS provision on obscene material.¹⁷ Section 66A was struck down in *Shreya Singhal* and is not a current offence, but the Court upheld the blocking power under Section 69A, so online speech remains subject to constitutionally valid restrictions.¹⁸

CONTEMPT AND COURT REPORTING

Article 19(2) expressly lists contempt of court. The Contempt of Courts Act, 1971 protects fair reports of judicial proceedings but not scandalising the court or interfering with justice, and the Supreme Court has held a citizen's tweets capable of contempt.¹⁹ Social-media "trial by public opinion" can prejudice a fair trial, and courts may order postponement of publication where there is a real risk.²⁰

COPYRIGHT AND REPRODUCTION

¹³ *Subramanian Swamy v. Union of India*, (2016) 7 S.C.C. 221 (India).

¹⁴ *R. Rajagopal v. State of Tamil Nadu*, (1994) 6 S.C.C. 632 (India).

¹⁵ *K.S. Puttaswamy v. Union of India*, (2017) 10 S.C.C. 1 (India).

¹⁶ *Bharatiya Nyaya Sanhita*, 2023, No. 45 of 2023, § 72 (India); *Juvenile Justice (Care and Protection of Children) Act*, 2015, No. 2 of 2016, § 74 (India).

¹⁷ *Information Technology Act*, 2000, No. 21 of 2000, § 67 (India); *Bharatiya Nyaya Sanhita*, 2023, No. 45 of 2023, § 294 (India).

¹⁸ *Shreya Singhal*, (2015) 5 S.C.C. 1; *Information Technology Act*, 2000, No. 21 of 2000, § 69A (India).

¹⁹ *Contempt of Courts Act*, 1971, No. 70 of 1971, §§ 2(c), 4, 5 (India); *In re Prashant Bhushan*, (2021) 1 S.C.C. 745 (India).

²⁰ *Sahara India Real Estate Corp. Ltd. v. SEBI*, (2012) 10 S.C.C. 603 (India).

Citizen journalists own what they create, but cannot freely copy another's photograph, video or broadcast because it concerns news. The Copyright Act, 1957 allows only fair dealing for purposes such as reporting current events.²¹

CITIZEN JOURNALISM IN THE COURTS

Reporting often reaches courts and tribunals. In *Municipal Corporation of Greater Mumbai v. Ankita Sinha*, the Supreme Court made it clear that the National Green Tribunal can act suo motu, a case that itself began with an online news article on a dumping ground.²² This shows how citizen reporting on environmental harm can draw real institutional attention, as seen in the coverage of Ameenpur Lake.²³

In *Abhishek Upadhyay v. State of Uttar Pradesh*, the Supreme Court barred coercive steps over a journalist's article on caste in administration, saying that simply criticizing the government shouldn't lead to criminal charges.²⁴ In another case, *Imran Pratapgadhi v. State of Gujarat*, the Court quashed an FIR over a poem posted online and said police must read or hear the words before registering an FIR.²⁵ But the courts also protect privacy—*Shazia Ilmi v. Rajdeep Sardesai* showed that recording someone without consent crosses a line, and misleading posts don't get legal protection. Citizen reporting can promote accountability, online reporting can attract legal scrutiny, and courts must balance expression with other rights.²⁶

CITIZEN JOURNALISM IN PRACTICE: RECENT INDIAN INCIDENTS

Pune, September 2026. The HSRP video raised public accountability: questioning a public figure about a legal requirement. The arrest followed a separate complaint, filed on 3 September, about other content, under BNS provisions and Section 67 of the IT Act; the numberplate exchange itself is not the alleged offence. The creator's lawyer disputes the allegations and the procedure under Section 35 BNSS. These remain claims for a court.²⁷

Uttar Pradesh, 2024. A journalist's article led to an FIR; the Supreme Court granted interim protection, raising the question of criminal law against critical reporting.²⁸

²¹ Copyright Act, 1957, No. 14 of 1957, §§ 51, 52(1)(a)(iii) (India).

²² *Mun. Corp. of Greater Mumbai v. Ankita Sinha*, 2021 SCC OnLine SC 897 (India Oct. 7, 2021).

²³ National Green Tribunal Act, 2010, No. 19 of 2010, §§ 14, 15 (India).

²⁴ *Abhishek Upadhyay v. State of Uttar Pradesh*, W.P. (CrL.) No. 402 of 2024 (India Oct. 4, 2024).

²⁵ *Imran Pratapgadhi v. State of Gujarat*, 2025 INSC 410 (India Mar. 28, 2025).

²⁶ *Shazia Ilmi v. Rajdeep Sardesai*, 2025 SCC OnLine Del 2135 (India Apr. 4, 2025).

²⁷ Purohit, *supra* note 1.

²⁸ *Abhishek Upadhyay*, W.P. (CrL.) No. 402 of 2024.

Ameenpur Lake, Telangana, 2024. A News Meter citizen-journalism piece by an advocate-activist alleged construction in the lake's buffer zone and cited earlier NGT orders; it shows how local reporting can inform institutional oversight, though the report itself is an allegation.²⁹

Delhi, 2024-25. In the Shazia Ilmi matter, privacy and verification were at issue; the High Court also imposed costs on the plaintiff for suppressing tweets, showing both sides must come with clean hands.³⁰

Gujarat, 2025. The Pratapgadhi poem case shows the limit of police action against online expression.³¹

Obscenity and influencers, 2025-26. In the Allahbadia litigation, the Supreme Court granted interim protection but criticised the remarks and pressed for regulation of online content; by an order of 14 August 2026, it settled the matters without framing guidelines.³²

Delhi, 2026. In Khansa Juned v. Nidish Gopalkrishnan Nair, the Supreme Court declined to interfere with an interim order directing a journalist to remove posts naming a co-passenger she accused of harassment, noting the right to reputation; the defamation suit continues, so no finding on the allegation is implied.³³

These matters show that Indian law has no single rule for citizen journalism. The position depends on the nature of the speech, the method of publication, the subject matter and the applicable restriction.

THE EMERGING REGULATORY QUESTION

The existing framework is the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, which impose due-diligence duties on intermediaries and a

²⁹ V. Ravikrishna, Citizen Journalism: Illegal Construction on Ameenpur Lake in Sangareddy Led to Pollution from Industrial Waste, NewsMeter (May 9, 2024), [<https://newsmeter.in/hyderabad/citizen-journalism-illegal-construction-on-ameenpur-lake-in-sangareddy-led-topollution-from-industrial-waste-728995>].

³⁰ Delhi HC Grants Part Relief to BJP's Shazia Ilmi in Defamation Case Against Rajdeep Sardesai but Imposes Cost on Her for Suppressing Tweets, LiveLaw (Apr. 4, 2025), [<https://www.livelaw.in/high-court/delhi-high-court/delhi-high-court-shazia-ilmi-defamation-rajdeep-sardesai-288451>].

³¹ Imran Pratapgadhi, 2025 INSC 410.

³² Supreme Court Settles India's Got Latent Cases, but Doesn't Rule Out an "Influencer Code", Internet Freedom Foundation, [<https://internetfreedom.in/supreme-court-settles-indias-got-latent-cases-but-doesnt-rule-out-an-influencer-code/>].

³³ "You Went to Social Media for This?" Supreme Court to Journalist Who Posted About Molestation by Male Co-Passenger, LawChakra, [<https://lawchakra.in/supreme-court/social-media-journalist-molestation/>].

code for digital news publishers.³⁴ Parts of the 2021 Code of Ethics were stayed by the Bombay High Court in 2021.³⁵

On 30 March 2026 MeitY released a draft Second Amendment, which proposes to apply Part III oversight to news and current-affairs content hosted by users who are not publishers. It is a proposal, not enacted law, and reports describe it as at the consultation stage.³⁶ The unresolved question: how should Indian law protect citizen journalism without allowing digital platforms to become spaces of unchecked misinformation, invasion of privacy or reputational harm?³⁷

CONCLUSION

Citizen journalism occupies a distinctive place: constitutionally protected expression, plus democratic accountability, with no automatic journalistic immunity and with legal responsibility. The cases from Romesh Thappar to Anuradha Bhasin protect the medium and the audience's right to know, while defamation, privacy, contempt, copyright and other laws protect interests that are equally legitimate.

Any future framework should preserve the citizen's ability to question institutions and report matters of public interest, with safeguards for reputation, privacy and justice, and should come through clear, proportionate law that courts can test under Article 19(2).⁴¹ The smartphone may have turned every citizen into a potential reporter, but the law continues to hold every publisher, professional or otherwise, accountable for what is placed in the public domain.

³⁴ Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, G.S.R. 139(E) (Feb. 25, 2021) (India).

³⁵ Sound the Alarm: IFF's First Read on MeitY's Draft IT Rules Second Amendment, 2026, Internet Freedom Foundation, [<https://internetfreedom.in/sound-the-alarm-iffs-first-read-on-meitys-draft-it-rules-second-amendment-2026/>] (noting the stay of 14 August 2021).

³⁶ Ministry of Electronics & Info. Tech., Notice Inviting Feedback on Draft Amendments to the IT Rules, 2021 (Mar. 30, 2026), [<https://www.meity.gov.in/static/uploads/2026/03/a71a21d35c107f2e528363d3eb17646a.pdf>]

³⁷ Khaitan & Co., ERGO: IT Rules (Proposed Second Amendment) (Apr. 8, 2026).