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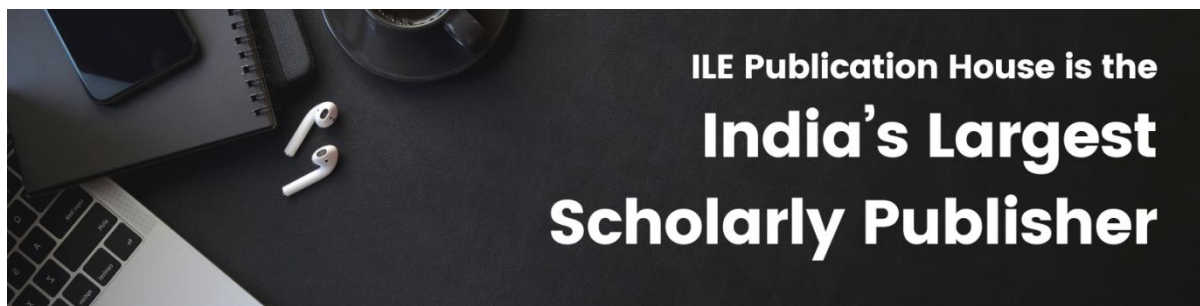
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LEGAL PROTECTIONS AGAINST MEDIA INTRUSIONS: EXAMINING FAMILY HARASSMENT IN HIGH PROFILE CASES

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THEORETICAL FRAMEWORKS:

In today's fast-paced digital world, where news spreads quickly and people's curiosity seems endless, the clash between privacy rights and media ethics is becoming a bigger issue—especially in high-profile court cases. The media's role in sensationalizing legal disputes and trials raises serious concerns about protecting people's dignity, privacy, and mental well-being, particularly in a democracy like India. Here, freedom of the press is a constitutional right, but so is the right to privacy, as seen in the important *K. S. Puttaswamy v. Union of India* ruling. This research aims to look at the delicate balance between two competing rights: the public's right to know and an individual's right to keep their life private. It will look into how Indian laws, constitutional guidelines, and ethical standards try to manage media behavior, especially in cases involving victims, the accused, and their families. By examining both court rulings and media ethics principles, this study will consider how courts, journalists, and society handle this complicated relationship. The research will also look at the psychological and social effects of media intrusion, shedding light on how sensational stories and public scrutiny can lead to more victimization, social isolation, and lasting emotional distress for those involved in legal issues. By reviewing cases like the Kathua rape case and the Gudiya case, this project aims to show how unchecked media actions can undermine justice, erode trust, and cause long-term harm. In the end, this work will argue for a media landscape that is more mindful of ethics and fairness, encouraging journalism that respects democratic values without stepping on the basic rights of individuals in the public eye.

LEGAL THEORIES SURROUNDING PRIVACY RIGHTS AND MEDIA ETHICS:

Privacy is key, protecting your personal space, body, and info from unwanted eyes—whether it's the government, the media, or anyone else. It covers a lot, from keeping your data safe to making your own choices about your body, life, and relationships without everyone snooping around. In India, privacy is tied to Article 21 of the Constitution, which promises the right to life and personal freedom. The *K.S. Puttaswamy v. Union of India* case in 2017 was a game-changer. The Supreme Court said that privacy is a basic part of the right to life and freedom under Article 21. The ruling protects personal data, decision-

making freedom, and keeps people safe from unwanted spying, even from the media. Recognizing privacy as a basic right is super important for protecting people, especially now that the media is everywhere, often poking into the lives of both famous and regular folks. The Court made it clear that privacy isn't absolute. It can be limited if it's truly necessary and balanced with public interests, like free speech.

The Indian Constitution helps balance privacy with other rights, like free speech under Article 19(1)(a). This freedom supports press freedom in India, which is vital for a healthy democracy. The press is super important for sharing news, influencing what people think, and keeping the



government in check. But, this right has its limits. Article 19(2) allows for sensible limits on free speech, especially if it puts national security, public order, or morals at risk. When the media steps over the line, it's tricky to decide if their right to report is more important than someone's privacy. Things get even messier when the media claims public interest to justify their actions, especially when covering big legal battles. The Puttaswamy case made it understood that the media needs to be careful when reporting on the private lives of public figures or people involved in court cases. The Court said that any invasion of privacy must be necessary and balanced, meaning the public interest must be weighed against the damage to someone's reputation or dignity⁵⁸⁰.

MEDIA ETHICS AND SELF REGULATION:

Legal rules keep an eye on the media, but ethical principles are also key for media groups. Media ethics say that reporters and news groups should be honest, fair, and careful. In India, groups such as the Press Council of India (PCI) and the News Broadcasting Standards Authority (NBSA) help keep journalism ethical. The Press Council of India Act, 1978, and the NBSA rules push for good journalism by⁵⁸¹:

- **Being respectful of privacy:** Media groups shouldn't make personal stuff a big deal or invade people's privacy, mostly in tough times like issues of sexual violence or family arguments.
- **Being correct when reporting:** The media should try to give correct and fair reports so they don't hurt reputations or spread wrong info.
- **Being thoughtful of victims and families:** When there are legal fights or sad events, reporters should know how families feel and not cause more pain with nosy reporting.

Even with these ideas, media ethics in India have often had problems with trying to make news stories overly exciting, especially in famous court cases. Over-the-top reporting can hurt reputations, cause mental health problems, and create a bad image for people and families mixed up in legal stuff.

CASE STUDIES OF ETHICAL BREACHES IN INDIAN MEDIA:

The Gudiya case, the false claims against the Delhi teacher, and the Kathua rape case really show how much damage the media can do when it doesn't play fair. In each of these situations, the media failed to stick to basic ethical rules—like respecting privacy, checking facts, and being sensitive—which caused big problems for those involved. These cases show what can happen when the media cares more about being sensational and entertaining than reporting the truth. It shows why ethics are so important in the media world. These examples make it obvious that the media needs to regulate itself to make sure people's privacy and dignity are respected. Journalists should be responsible and stick to ethical guidelines to avoid causing harm and to keep the public's trust. Ethical reporting is super important if the media wants to stay credible and protect people from unnecessary suffering and damage to their reputation.

THE RISE OF SENSATIONALISM IN INDIAN MEDIA:

In Indian media, there's a worrying trend of sensationalism, where stories are pumped up to get more eyeballs and boost ratings. The need for higher TRPs and social media buzz often leads to reporting that twists the truth for entertainment. This kind of sensationalism hurts the media's trustworthiness and spreads bad info. Complex topics are often dumbed down into overblown, untrue stories⁵⁸². Sure, it might give ratings a short-term bump, but it damages the reputations of people involved and the news

⁵⁸⁰ 'SOCIAL MEDIA TRIALS: A THREAT TO THE LEGAL SYSTEM BY - ANISHA KUMARI' <<https://www.ijlra.com/paper-details.php?isuur=2280>> accessed 7 March 2025

⁵⁸¹ 'Regulation of Media in India - A Brief Overview' (PRS Legislative Research) <<https://prsindia.org/theprsblog/regulation-of-media-in-india-a-brief-overview>> accessed 7 March 2025

⁵⁸² 'Sensationalism over Serious News, Newspapers' Struggle, "rampant" Paid News on Par Panel's Agenda' *The Economic Times* (30 January 2025) <<https://economictimes.indiatimes.com/news/india/sensationalism-over-serious-news-newspapers-struggle-rampant-paid-news-on-par-panels-agenda/articleshow/117745859.cms?from=mdr>> accessed 7 March 2025



outlets that put out the stories. It also makes the public trust journalism less, which messes with the media's duty to keep things fair in a democracy.

ETHICAL RESPONSIBILITIES OF JOURNALISTS:

Journalists have a duty to stick to some key principles, which helps them treat people with respect and keeps their profession honest. These principles include⁵⁸³:

- **Accuracy:** Get the facts right and tell the truth.
- **Fairness:** Report without bias, and be impartial.
- **Sensitivity:** When covering tough topics, be mindful of how it affects the people involved, especially victims and their families.
- **Accountability:** Own up to mistakes and fix them when they happen.
- **Legal compliance:** Follow the laws that protect people's privacy and rights, like not revealing the identity of a rape victim.

The Balance Between Liberty and Regulation in a Democracy: Freedom of the Press and Public Interest

In a democratic society, a free press is super important for transparency, accountability, and justice. The press lets reporters and news outlets keep people in the know about important stuff like what the government's up to, court cases, and social problems. But this freedom isn't absolute. It has to be balanced with other rights, like privacy and the right to a fair trial. Finding this balance is a key thing for a democracy to work well.

THE ROLE OF THE PRESS IN A DEMOCRACY:

A free press is super important in a democracy. It keeps the government and powerful groups honest. Journalists should report on things that matter to people, like exposing corruption,

pointing out when the government messes up, and giving people the info they need to make good decisions. The media also helps protect human rights and make sure public figures are held responsible. Like, when the government suggests new rules, the press should explain them to us so we know how they'll affect our lives. The media also plays a big part in covering court cases, especially when famous people are involved. Without the media, it would be hard for us to get the info we need to form our own thoughts and participate in how our country is run⁵⁸⁴.

THE CONFLICT BETWEEN FREEDOM OF THE PRESS AND PRIVACY:

The media is important for keeping things open and honest, but sometimes it goes too far and invades people's privacy. You see this a lot with famous people. The media often reports private details, even when it's not really important for the public to know. Sometimes news companies share very personal stuff, such as someone's health or family problems, which isn't fair. People in lawsuits or scandals are also at risk of having their privacy invaded. This is where things get tricky, balancing what the media can say and what people have a right to keep private. The media usually argues that sharing personal info is important so the public knows what's going on. But others believe everyone should have the right to keep some things private, especially if it's not something the public really needs to know. It's a hard balance to strike⁵⁸⁵.

PROPORTIONALITY: A LEGAL TOOL TO BALANCE MEDIA FREEDOM AND PRIVACY

Courts usually deal with this by using something called proportionality. Basically, this means that any action, like reporting, shouldn't go further than what's needed to achieve a good goal, like keeping people informed. The media shouldn't

⁵⁸³ 'Five Principles of Ethical Journalism: Implications for Media Representations of Autism Treatment' (*Association for Science in Autism Treatment*) <<https://asatonline.org/for-media-professionals/ethical-journalism-autism-treatment/>> accessed 7 March 2025

⁵⁸⁴ 'Role of Press in Democracy | Media's Role in a Democracy' (*GeeksforGeeks*, 22 January 2024) <<https://www.geeksforgeeks.org/role-of-press-in-democracy/>> accessed 7 March 2025

⁵⁸⁵ Law F, 'Free Law: Get Free Headnotes & Judgments' (*Free Law: Get Free Headnotes & Judgments*) <<https://www.freelaw.in/>> accessed 7 March 2025



dig into someone's private life more than needed to make the public aware. When courts are checking if the media's actions are okay, they think about things like how the information matters and if the privacy damage is too much. Like, they might let the media report on a politician's crime case but stop them from sharing private stuff about the politician's family or health, if that stuff doesn't really matter to the public. Proportionality helps protect privacy, but it can lead to a chilling effect. This is when the media gets too scared of legal stuff and doesn't report things, limiting free speech. This isn't good for democracy because a free press is super important for keeping powerful people in check.

THE CONSTITUTION OF INDIA: PROTECTING PRESS FREEDOM AND PRIVACY

In India, the Constitution protects press freedom with Article 19(1)(a), giving everyone the right to speak and share ideas, including through media. But this isn't a free-for-all; there are limits to keep the country safe, maintain order, and protect others' rights. So, the press can be restricted if it endangers national security or causes public chaos. India's Article 21 also protects privacy, shielding people from unwarranted snooping. Back in 2017, the Supreme Court said privacy is a basic right, a big deal after the Justice K. S. Puttaswamy case. Basically, privacy is essential for feeling human and independent, so the media can't just barge in without a good reason. Balancing press freedom and privacy is tricky. Courts have to look closely at each situation to see which right is more important. Lots of times, the public's need to know wins out over someone's privacy, especially if the info helps people. Still, courts also know that privacy should come first if the media's actions cause someone serious harm⁵⁸⁶.

THE IMPACT OF MEDIA TRIALS ON THE JUSTICE SYSTEM

One big worry about how the news covers court cases is what we call media trials. This is when news outlets decide if someone is guilty or not even before the court gets a chance to finish the case. News people often create a story around a case, which shapes what the public thinks and can even pressure judges to rule a certain way. The trouble with these media trials is that they mess up the idea that you're innocent until proven otherwise. In many big cases, the media spreads stories about people before they even go to court, usually making them look bad. This can scare the public and make them think poorly of the person accused. Even if the court later says the person is not guilty, their reputation might already be ruined forever. The Indian Supreme Court has said that media trials can be really bad, hurting someone's name and messing with their right to a fair trial. The media can create a situation where the public judges someone, which can stop them from getting a fair shake in court⁵⁸⁷.

LEGAL LANDMARKS IN INDIA ON MEDIA FREEDOM AND PRIVACY

In India, the courts have made some important calls about balancing what the press can say and people's privacy. Take the Shreya Singhal v. Union of India case in 2015. The Supreme Court canned Section 66A of the Information Technology Act. This section was used to punish people for what they said online if it was seen as offensive. The court said this move protects free speech on the internet. Then there was Joseph Shine v. Union of India in 2018. Here, the Supreme Court said that privacy is a basic right. They even said it includes a right to be forgotten. Basically, people can ask websites or search engines to take down their personal info in some cases. These rulings show that Indian laws are trying to protect both what people say and their privacy in this digital age.

⁵⁸⁶ Jain A, 'A Conflict of Rights under the Indian Constitution: Freedom of Press vs. Right to Privacy' (2023) 5 Issue 2 Indian Journal of Law and Legal Research 1
<<https://heinonline.org/HOL/Page?handle=hein.journals/injllw11&id=55&div=&collection=>>

⁵⁸⁷ 'Trial by Media: An In-Depth Analysis and Impact on Judiciary' (Testbook) <<https://testbook.com/ias-preparation/trial-by-media>> accessed 7 March 2025



THE WAY FORWARD: ENSURING A FREE AND FAIR MEDIA

Lately, a lot of people are worried about the government getting too much say in what the media does. Some worry these controls could stop journalists from doing their job and keeping powerful people in check. Even with these worries, the media in India still has a decent amount of freedom. Journalists are still important for exposing corruption, abuses, and when the government messes up. Still, we need to think more about how the media is controlled to make sure they don't go too far. The press needs to do its job without stepping on people's rights, like privacy and the right to a fair trial. The courts need to keep an eye on the media and find a good balance that protects both press freedom and people's rights. Finding the right balance between freedom and control in a democracy is tricky and always needs fine-tuning. Press freedom is super important for keeping things open and fair, but it has to be balanced with other rights. In India, the Constitution and the courts try to protect these rights, but it's still hard, mainly with everything going on online. As India moves forward, we have to keep talking about and improving how press freedom and individual rights fit together. This way, we can make sure the media stays a strong force for democracy while still respecting people's privacy and dignity.

EFFECTS OF MEDIA INTRUSION ON VICTIMS AND FAMILIES: A SOCIOLOGICAL AND PSYCHOLOGICAL ANALYSIS:

For victims and their families, media intrusion can have real social and mental impacts, especially in big court cases. It's tricky because their lives get put under a microscope. People judge them, and the story often gets twisted. This chapter looks at how media messes with victims and their families, using some important social and psychological ideas to explain what's going on.

PUBLIC PERCEPTION AND STIGMATIZATION:

The way the media covers big trials, especially the crazy ones, can make things even worse for victims and their families. Instead of seeing them as real people with full lives, the media often just focuses on the worst thing that happened to them. Sociologists even have a term for this: secondary victimization. It means victims get hurt even more by how society and the media react. The media often changes how we see victims, taking away their control and turning them into just symbols in a story (Cohen, 2002). The idea of how society shapes who we are is also a big deal when the media gets involved. Victims and their families might feel like their public image, created by the media, clashes with who they really are. This can make them feel lonely and like they're not even human, because the media usually misses the little things that make them individuals. For example, think about how the media covered cases like Emma Kershaw or the Leveson Inquiry in the UK. These show how the media can create a public image of a victim or their family that only focuses on their suffering. This adds to the pain and stigma, especially for families trying to heal after something awful⁵⁸⁸.

SOCIAL ISOLATION AND MEDIA EXCLUSION:

Media harassment can make victims and their families withdraw from society. Because the media is always watching them, it can be tough for them to stay connected with friends and their communities. Some victims say they avoid going out in public to get away from bad press and public attention. The negative image created by media reports can lead to feeling alone, as individuals and families might worry about being judged or stigmatized because of media distortions. This lack of social support is a big factor in the long-term effects of media intrusion. Studies have shown that victims who get a lot of media exposure often feel isolated and unsupported. Friends, coworkers, and even

⁵⁸⁸ 'How the Media Can Shape Our Perceptions of Mental Health & Mental Illness (Even At Work)' <<https://www.linkedin.com/pulse/how-media-can-shape-our-perceptions-mental-health-even-doman-m-a->> accessed 7 March 2025



family members might distance themselves to avoid being linked to the situation or because of the awkwardness caused by public gossip.

THE BREAKDOWN OF SOCIAL TRUST:

Okay, so media involvement can also lead to people not trusting each other as much. Because the media can shape what people think, folks might get suspicious of organizations and even their friends and family. When the media gets too involved, people might wonder if those around them have good intentions. They might feel like their lives are being changed or exposed without them even agreeing to it. Families can get really upset when private stuff gets out, which causes problems at home and with others. This lack of trust can also extend to the media itself. People who've been through tough times often feel betrayed when the media uses their stories to get attention or make money. Over time, this distrust can spread to other places, like the courts or the police. People might start thinking these systems care more about looking good than actually being fair and protecting privacy⁵⁸⁹.

PHYSIOLOGICAL IMPACTS OF MEDIA INTRUSION:

Media harassment can really mess people up, not just in how society sees them, but also mentally for both the victims and their families. You often see folks struggling with anxiety, depression, and even PTSD because of it. Losing control of your privacy like that, especially when the media is all over your personal life, can be seriously damaging to someone's emotional state.

TRAUMA, ANXIETY AND PTSD:

Media stories that hit hard can really mess with people who've already been through tough times, like getting hurt. When the news keeps showing these stories, it's almost impossible for some to escape what happened, which makes it harder to get better. Being constantly reminded of what they suffered can make

anxiety, sadness, and PTSD worse, and can even make mental health problems they already have even harder to deal with. Psychologists have looked into how the news affects mental health, and many say that when the media gets too involved, it just makes the trauma last longer for the person⁵⁹⁰. Take Princess Diana, for example. The way the paparazzi chased her all the time made her really upset, causing her a lot of anxiety and making her feel like she had no control.

FAMILY DYNAMICS AND PSYCHOLOGICAL STRESS:

Media harassment doesn't just hurt the people targeted. Families often get dragged in, experiencing trauma, too. Parents, siblings, and kids of victims might find it hard to cope, trying to protect their loved ones while dealing with pressure from the outside world. Sometimes, family members can feel torn apart as they try to be strong for the victim and also deal with the media and public opinions. A good example of how media messes with families is the Casey Anthony case in the US. The huge media spotlight on the victim and her family really took a toll, mostly on her parents. They were stuck between what the public thought and the media stories, which didn't always match how they felt⁵⁹¹.

FEAR OF JUDGEMENT AND IDENTITY CONFLICT:

One more way media messes with people's heads is by making them worry about being judged. It can be really tough when who you really are doesn't match how the media portrays you. Victims and their families might feel like their stories are twisted, which can cause a real identity crisis. Trying to match your real self with the media's version can be emotionally draining. Always being scared of what people think can make victims and their families feel left out and helpless. The pain of a

⁵⁸⁹ Hekponhoue NB Mamadou Abdoulaye Diallo, Sylvain, "The Effects of Media Exposure on Institutional Trust" (*Globaldev Blog*, 22 January 2025) <<https://globaldev.blog/the-effects-of-media-exposure-on-institutional-trust/>> accessed 7 March 2025

⁵⁹⁰ 'A News Media Guide for Victim Services Providers: Impact On Victims of Specific Crimes' <<https://www.victimprovidersmediaguide.com/specific.html>> accessed 7 March 2025

⁵⁹¹ BridgetownMarketing, 'Victims and the Media: Navigating a Complex Relationship – NCVLP' (9 October 2024) <<https://ncvlp.org/victims-and-the-media-navigating-a-complex-relationship/>> accessed 7 March 2025



decision is even worse knowing that the media's version of events can stick around for years, messing with their reputations long after things are over.

LEGAL AND ETHICAL CONSIDERATIONS IN MEDIA INTRUSION:

Media harassment can really mess people up, both mentally and socially. That's why we urgently need laws to protect people from it. Victims of media harassment and their families have the right to privacy, respect, and a fair trial, especially when the media is all over a case. To protect the mental health and well-being of those involved, we need a legal system that shields them from excessive media attention and ensures they're presumed innocent until proven guilty⁵⁹².

PRIVACY LAW AND MEDIA REGULATIONS:

Privacy laws are a big thing when it comes to keeping the media from being too intrusive; they put rules on how sensitive topics can be covered. When these laws are actually followed, they can stop people from getting unwanted attention and protect the right of victims and their families to keep their lives private. This helps keep their dignity. It's super important for the media to be ethical here. If they stick to what's right, it's easier to protect victims from more harm and let them heal⁵⁹³.

In conclusion, the debate about balancing what the media can freely report and people's personal rights shows we need to keep updating how the media is regulated. The media needs to keep people informed, but not at the expense of someone's well-being. We need new laws so that victims and their families don't get their mental health, dignity, and privacy ruined by the media. Media intrusion really changes how people see things and how victims and their families feel. The social and

mental effects of this are big, so we need laws to prevent more damage. Looking at how the media works, what happens in society, and the mental results, it's clear ethical reporting and legal protection are really important for reducing the damage media intrusion does to vulnerable people and their families.

CONCLUSION

The ongoing tug-of-war between the right to privacy and press freedom is a tough issue in India's growing democracy. The media plays a crucial role in shaping opinions and holding authorities accountable. But when it gets out of hand, it can step on dangerous territory, especially in high-profile cases where public opinion often overshadows actual legal proceedings. Looking at past court decisions, psychological insights, and real-life cases, it's clear that unchecked media involvement can seriously harm fair trial rights and judicial integrity. It can also inflict emotional and social pain on victims, the accused, and their families. The line between what the public deserves to know and what's just sensationalism is often blurred, showing a real need for changes in how things are done. To protect privacy rights under Article 21 without stepping on freedom of expression covered by Article 19(1)(a), India needs a balanced approach. This means finding a way to be open while respecting people's dignity, holding the media accountable while also calling for restraint, and encouraging responsible journalism alongside press freedom. We can achieve this by improving independent media oversight, setting clearer guidelines for ethical journalism, and creating legal standards that penalize biased or sensationalist reporting. In the end, the goal shouldn't be to silence the press but to ensure that justice and humanity thrive in our democracy. In a world where media stories can often impact legal outcomes, it's crucial to protect both privacy and due process—not just as a legal must, but as a moral responsibility.

⁵⁹² Yellowbrick, 'Legal Considerations for Journalists: A Comprehensive Overview' (Yellowbrick, 16 November 2023) <<https://www.yellowbrick.co/blog/journalism/legal-considerations-for-journalists-a-comprehensive-overview>> accessed 7 March 2025

⁵⁹³ 'Legal Considerations in Investigative Journalism - Vakilssearch' (4 November 2024) <<https://vakilssearch.com/blog/investigative-journalism/>> accessed 7 March 2025



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