
A CONFLICT OF RIGHTS UNDER THE INDIAN CONSTITUTION: FREEDOM OF PRESS VS. RIGHT TO PRIVACY

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ABSTRACT

Freedom of the press and the right to privacy are two fundamental rights that are often in conflict with each other. On the one hand, freedom of the press is crucial for promoting democracy and ensuring transparency in society. On the other hand, the right to privacy protects individuals' personal information and dignity and is essential for their autonomy and well-being. This research paper examines the legal frameworks for balancing freedom of the press and the right to privacy in different jurisdictions. The paper begins with an overview of the historical and philosophical underpinnings of both rights and the tensions between them. The paper also analyses the challenges and limitations of these legal frameworks, including issues of proportionality, public interest, and journalistic ethics.

The research finds that while the legal frameworks in different jurisdictions vary, they share common principles such as the importance of proportionality, balancing competing rights, and upholding ethical standards in journalism. The paper concludes by suggesting ways in which these legal frameworks can be improved, such as strengthening data protection laws, providing clearer guidance for journalists, and promoting dialogue between stakeholders. This comparative study contributes to the ongoing debate on the relationship between freedom of the press and the right to privacy, and provides insights for policymakers, journalists, and civil society actors on how to balance these rights in practice.

Keywords: Democracy, Journalism, Individual, Ethics, Public Interest

CHAPTER 1: GENERAL INTRODUCTION

1.1. Introduction

The Indian Constitution enshrines fundamental rights that are essential to the democratic fabric of the country. These rights are not absolute, but subject to reasonable restrictions. Two such rights that are often in conflict are the freedom of the press and the right to privacy. While the freedom of the press is essential to the functioning of a democracy, the right to privacy is a fundamental right that must be protected. This research chapter aims to examine the conflict between these two rights in India and how it has been addressed by the judiciary. The freedom of the press is an essential component of a democracy. It is enshrined in Article 19(1)(a) of the Indian Constitution, which guarantees the right to freedom of speech and expression. The press plays a vital role in informing the public, exposing corruption, and holding those in power accountable. It acts as a watchdog and ensures that those in power do not abuse their authority. The freedom of the press has been recognized and protected by the judiciary in India. In the landmark case of *Romesh Thappar v. State of Madras*¹, the Supreme Court held that the freedom of the press is an essential part of the freedom of speech and expression. The court observed that the freedom of the press includes the right to criticize, the right to dissent, and the right to inform. The court further stated that the freedom of the press is necessary for the functioning of a democracy. The right to privacy is a fundamental right that is enshrined in Article 21 of the Indian Constitution. The right to privacy includes the right to be left alone, the right to control one's personal information, and the right to confidentiality. The right to privacy is essential to the dignity and autonomy of the individual. It allows individuals to make personal choices without interference from the state or others. The right to privacy has been recognized and protected by the judiciary in India. In the landmark case of *K.S. Puttaswamy v. Union of India*², the Supreme Court held that the right to privacy is a fundamental right that is essential to the dignity and autonomy of the individual. The court observed that the right to privacy includes the right to be left alone, the right to control one's personal information, and the right to confidentiality. The court further stated that the right to privacy is necessary for the exercise of other fundamental rights. The freedom of the press and the right to privacy often come into conflict. Journalists may publish information that infringes on the privacy of individuals, while individuals may seek to restrict the publication of such information to protect their privacy. In such cases, the courts must balance the competing interests of the freedom of

¹ AIR 1950 SC 124

² (2017) 10 SCC 1

the press and the right to privacy. The Supreme Court has recognized the importance of balancing the freedom of the press and the right to privacy.

1.2 Objectives of the study

The paper will mainly focus on the conflict between the Rights enshrined under the Constitution of India while other objectives being :

1. To examine the constitutional framework of freedom of press and the right to privacy in India and their respective scope and limitations.
2. To analyse the existing legal and regulatory framework concerning the freedom of press and the right to privacy in India, including relevant case law, legislation, and policies.
3. To identify and analyse the conflicts that arise between freedom of press and the right to privacy in India, with a focus on real-life case examples.
4. To critically evaluate the legal and ethical considerations that arise when balancing freedom of press and the right to privacy in India, including the role of media, the state, and other stakeholders.
5. To propose possible solutions and recommendations for reconciling the competing interests of freedom of press and the right to privacy in India, with a view towards promoting democratic values and protecting individual rights.

1.3 Research Problem

1. How can society balance the constitutional right to freedom of the press with an individual's right to privacy in the digital age?

This problem is particularly relevant today, where the rise of social media and digital communication has led to an increase in the amount of personal information that is available to the public. On the one hand, the press has a crucial role in informing the public and holding those in power accountable. On the other hand, individuals have the right to control their own personal information and to keep certain aspects of their lives private. Therefore, the research question could focus on exploring potential solutions to this conflict. For instance, the study could examine the effectiveness of legal frameworks or industry self-regulation in protecting individuals' privacy while still allowing the press to report on matters of public interest. Alternatively, the research could explore the attitudes of the general public and various stakeholders towards this issue and the different trade-offs they are willing to make between privacy and freedom of the press. Overall, this research problem aims to provide a nuanced

understanding of the challenges and opportunities associated with balancing freedom of the press and the right to privacy in today's digital age, and to offer insights on potential solutions that can help protect both individual rights and the public interest.

1.4 Research question

The two research questions this paper attempts to deal thoroughly with, are :

- 1. To what extent does freedom of the press conflict with the right to privacy, and how can these two fundamental rights be balanced in the digital age?**
- 2. How have legal frameworks evolved to address conflicts between the freedom of the press and the right to privacy, and what implications do these frameworks have for media ethics and professional practices?**

1.5 Literature Review

In India, the Constitution provides for both freedom of speech and expression, which includes freedom of press, and the right to privacy. However, conflicts arise when the press reports on individuals' private lives, and the right to privacy is compromised. In the case of *R. Rajagopal v. State of Tamil Nadu* (1994), the Supreme Court of India recognized the right to privacy as a fundamental right. The court held that the publication of a person's private affairs without their consent amounts to an infringement of their right to privacy.

However, the Supreme Court has also recognized the importance of freedom of press in a democratic society. In the case of *People's Union for Civil Liberties v. Union of India* (2013), the court held that the press has a right to report on matters of public interest, even if it involves the private lives of individuals. The court further held that the right to privacy is not an absolute right and has to be balanced with the right to freedom of speech and expression.

Several scholars have also debated the conflict between freedom of press and the right to privacy. Some argue that the press has a duty to report on matters of public interest, even if it involves the private lives of individuals. They argue that the public's right to information outweighs an individual's right to privacy. Others argue that the press should be responsible in reporting on private matters and should obtain consent from individuals before publishing any such information.

CHAPTER 2: LEGAL FRAMEWORK OF FREEDOM OF PRESS AND RIGHT TO PRIVACY IN INDIA

The concept of freedom of press and right to privacy is an integral part of any democracy, as it ensures transparency, accountability, and protection of individual rights. India, being the largest democracy in the world, also recognizes the importance of these fundamental rights and enshrines them in its constitution. The historical and legal background of these rights in India is an interesting and complex topic that requires a comprehensive understanding of India's constitutional history, social and political context, and legal system. India's journey towards freedom of press and right to privacy started with its independence from British colonial rule in 1947. The Constitution of India, adopted in 1950, is the supreme law of the land that guarantees fundamental rights to all citizens, including freedom of speech and expression (Article 19(1)(a)) and right to privacy (Article 21). These rights were essential in ensuring the free flow of information, media independence, and protection of individual liberties.

2.1. Freedom of Press under Indian Constitution

In accordance with Article 19(1)(a) of the Indian Constitution, freedom of expression is a guaranteed right. However, the exercise of this right is subject to certain restrictions, as specified in Article 19(2) of the Constitution, which can be enforced by the State in the interests of state sovereignty and integrity, state security, friendly foreign relations, public order, decency, or morality, or in relation to contempt of court, defamation, or incitement to an offense.

When examining the rights of freedom of expression and privacy, a fundamental question often arises concerning the relative importance of these rights. In an open democracy, an individual's right to express opinions is valued, even when it conflicts with another person's right to privacy. While some people view the freedom of expression as a counter to an individual's right to privacy, it is noteworthy that the right to privacy was, in part, derived from the right to freedom of speech. In the case of *Kharak Singh v. The State of U.P.*³, the Supreme Court of India recognized, for the first time, that Indian citizens have a fundamental right to privacy, which is an integral part of the right to liberty under Article 21 of the Constitution, as well as the right to freedom of speech and expression under Article 19(1)(a) and the right of movement under Article 19(1)(d). It is important to note that the relationship between the freedom of expression

³ AIR 1963 SC 1295

and privacy need not be a zero-sum game. Rather, it can be a positive-sum game, where both rights not only coexist without diminishing each other but actively support and enhance each other.

2.2. Right to Privacy - A Legally Protected Interest

Due to the recent development of privacy law, an exhaustive definition of the term "privacy" is difficult to provide. The right to privacy is a fundamental element in any individual rights system, designed to support and protect individuality in relation to collective society. Privacy is a broad term, encompassing various aspects of individual life, such as protection from press intrusion and unreasonable government surveillance. In a civilized society, respect for an individual's autonomy over their affairs is of utmost importance, and an individual should have complete discretion over their personality traits and what they wish to expose to the world. Journalists or the press who disclose an individual's private affairs for their vested interests and without regard for propriety or decency are unworthy. In India, privacy refers to the use and disclosure of personal information and applies only to individuals since personal information is a manifestation of an individual's personality. In the case of *Kharak Singh v. State of UP*⁴, the Supreme Court recognized the right to privacy as an integral part of the right to life and personal liberty under Article 21 of the Indian Constitution, which guarantees fundamental rights to every individual in India, as stated in the minority opinion of Justice Subba Rao. This right was subsequently elaborated further in the case of *Gobind v. State of Madhya Pradesh*.⁵

In the Indian legal framework, while there is no specific statutory enactment that guarantees a general right to privacy, the Indian courts have recognized various elements of this right, which are traditionally contained in common law and criminal law. These elements include principles outlined in the Indian Penal Code, 1860, such as Section 228A which prohibits the disclosure of the identity of victims of certain offenses, as well as principles related to nuisance, trespass, harassment, defamation, malicious falsehood, and breach of confidence. The right to privacy in India has been derived from two sources: the common law of tort and constitutional law. In the Indian legal system, Article 21 of the Constitution may seem like a simple provision that states, "No person shall be deprived of his life or personal liberty except according to procedure established by law." However, it has been interpreted by the Indian Courts to encompass the Right to Privacy, which has been described as "The Right to be let alone" by the Supreme

⁴ AIR 1963 SC 1295 (India)

⁵ AIR SC 1378 (India). 1975

Court. The concept of right to privacy was first introduced in the case of *Gobind v. State of Madhya Pradesh*⁶, where Justice Matthew cited the Preamble of the Constitution of India that aims to uphold the dignity of individuals. While Freedom of press is not explicitly mentioned in Article 19 of the Constitution, it is a part of the general freedom of speech and expression guaranteed to all citizens. Nonetheless, this freedom is not absolute, and reasonable restrictions can be imposed under Article 19 (2). Initially, it was understood that the press should not infringe upon an individual's privacy, but with the rise of professionalism, the press seems to have forgotten its duties and only remembers its rights. Due to the absence of privacy as one of the grounds for reasonable restrictions on freedom of the press, it can escape from its misdeeds, and there is a need for adequate regulation.

The need of the hour is to strike a proper and harmonious balance between the rights of citizens and the press. There are certain statutory provisions contained in various Acts like the Criminal Procedure Code, 1973 (Section 327 (1)), the Indecent Representation of Women (Prohibition) Act, 1980 (Sections 3 and 4), the Medical Termination of Pregnancy Act, 1971 (Section 7(1)(c)), the Hindu Marriage Act (Section 36), and the Juvenile Justice Act that seek to protect women and children from unwarranted publicity.

CHAPTER 3: THE CONFLICT BETWEEN FREEDOM OF PRESS AND RIGHT TO PRIVACY

The rights to privacy and freedom of expression often intersect, but there are situations where they may conflict. For example, privacy claims may be used to prevent the dissemination of information about individuals to limit reporting on matters of public interest, which can mislead others. However, the unwarranted revelation of private information may significantly impinge on the right to privacy, particularly for vulnerable individuals. To create a transparent framework for the protection of both rights, particularly in online spaces, it is necessary to consider relevant provisions in international and regional human rights instruments, such as the UDHR, ICCPR, African Charter, American Convention, European Convention, and EU Charter.

As a global resource, the internet should be managed in the public interest. Digital technologies have greatly improved access to information and freedom of expression, but they also pose

⁶ *Supra*

significant risks to individuals' privacy and personal data. These risks need to be addressed, particularly when large amounts of data are released for societal benefits.

The Puttaswamy case primarily dealt with government intrusion into privacy; however, its reasoning can be applied to private litigations involving conflicts between press freedom and privacy. According to the Supreme Court, individuals have a reasonable expectation of privacy and a "zone of privacy" where they can be free from public scrutiny and judgment. Although celebrities may not have the same expectation of privacy as ordinary individuals, their public persona and interest in their private life cannot eliminate their expectation of privacy entirely. This observation is a significant development in Indian privacy law. When balancing privacy and press freedom, it is important to consider the rationale behind press freedom. The Supreme Court has explained that press freedom exists to benefit citizens in a democracy and to advance the public interest by providing diverse sources of facts and opinions. Without such sources, the democratic electorate cannot make responsible judgments.

While the conflict between the right to privacy and freedom of the press has been acknowledged, some argue that it is a false issue. It is well-established that freedom of the press is not absolute and can be limited by the law of libel. When recovery is allowed in a privacy action, press freedom has also been limited. However, early on, freedom of the press was suggested as a basis for denying the existence of any right to privacy, assuming the exact question under consideration is whether the First Amendment protects the publication in question. Freedom of the press includes two inseparable elements: the right of the publisher to publish and the right of the people to an adequate press. The clash between the privacy doctrine and freedom of the press focuses attention on the latter aspect of the concept, as a publication is privileged because it contributes material that enables the public to be well informed. Responsible self-government depends on a well-informed public, and an adequate press will furnish the reader with facts, thoughts, and feelings of the world to be a reflective citizen. Recognizing this basic need, the courts almost universally hold that a publication is privileged if it contains "news, education, or information." While distinctions are made in finer classifications such as "general concern," "current news," "legitimate news," "current interest," and various mixed classifications, they provide little analytical assistance. If published material falls within the above trichotomy, the current method of determining a legally actionable invasion involves weighing the value to be derived from the information against the degree and character of the intrusion. This weighing process has had a checkered development, historically using the public figure-waiver concept. Under this view, an individual waived their right to

privacy by becoming a public person, often a public official. However, this doctrine is now generally recognized as inadequate, as illustrated by a California case holding that a woman who jumped from the twelfth floor of an office building had thereby waived her right of privacy.

The idea that the emphasis of judicial attention should be placed toward the effect of the publication upon the public rather than upon the individual's alleged desire to surrender his right to privacy is implicit in the public interest test used by some courts. This viewpoint gave little weight to the individual's perspective and focused mostly on the publication's content and tone. Whilst there was some ambiguity in the definition of the phrase "public interest," examples include "[t]hat indefinable quality of interest which attracts attention"⁷ and "[p]ublic interest will vary with the conditions involved."⁸ As a publication may garner public interest in the sense that many people are eager to read it, but this is a one-sided test, its flaws are obvious. The public decency criteria, which was recently adopted, gives optimism for a better outcome in the resolution of the underlying problems. The publication's goal, or "public interest," is nevertheless taken into consideration when determining the outcome; it is not the only one. Realistically, cases in this area should include balancing the interests by weighing the plaintiff's degree and type of invasion against the public interest. It is common for judges to communicate this idea by asking whether the publication under consideration offends the social conscience of the time and place. The most challenging part of the balancing process, however, is not revealed by a review of the nature and scope of the invasion.

Lack of a realistic estimation of the weight to be placed on the other end of the scale prevents the mores test from being implemented in an acceptable manner. How much of the publication's audience is it satisfying? Or, to put it another way, which newspapers need to be protected in order to give consumers access to a sufficient press? Declaring that the content must be news, instructional, or informative consistently determines whether it is of genuine public interest. What will, however, satisfy the criterion that content be newsworthy, instructive, or informative? To give these statements some sense, decisions and remarks reflect the fuzzy thought. Decisions that are mostly based on preconceived notions about the publication medium only serve to further exacerbate this misunderstanding.

⁷ Associated Press v. International News Service, 248 U.S. 215, 219 (1918).

⁸ Sweenek v. Pathe News, 16 F. Supp. 746, (S.D.N.Y. 1936)

CHAPTER 4: BALANCING THE CONFLICT: THE ROLE OF THE JUDICIARY

In India, various legislations prohibit the infringement of the Right to Privacy. The relevant instruments include the Indian Penal Code (1860), the Code of Criminal Procedure (1973), and other laws that limit freedom of expression in India. The government has the power to declare certain publications "forfeited" under Section 95 of the Code of Criminal Procedure. According to the Court in *R. Rajagopal v. State of Tamil Nadu*⁹(1994) and *People's Union for Civil Liberties v. Union of India*¹⁰ (1996), the Right to Privacy is a fundamental aspect of the Right to Life.

*In Titan Industries Ltd. vs M/S Ramkumar Jewellers*¹¹(2012), the Delhi High Court stated that when a famous person's identity is used in advertising without their consent, the issue is not that no one should commercialize their identity, but that the famous person should have the right to decide when and how their identity is used. The Right to Publicity encompasses the ability to control the commercial use of one's identity. The principles established in this case were reaffirmed in *Rajat Sharma & Anr vs Ashok Venkatramani & Anr*¹²(2019). The need for privacy is a natural human instinct. Establishing separate boundaries with near-perfect isolation is a fundamental demand of a person. Privacy, in its broadest sense, refers to the non-disclosure of information, sexual affairs, corporate secrets, and the lack of observation by others. Before concluding, it is crucial to shed light on the background of the Right to Privacy in today's context briefly. The Right to Privacy was not previously recognized as a fundamental right in the Indian Constitution. Since neither the Constitution nor any other legislation in India specified the concept of privacy, it was the responsibility of the judiciary to recognize it. However, if we examine numerous legislations in India to see where the notion of privacy stands, we will find several measures that have been implemented to protect privacy. Additionally, the ancient law of Dharma Shashtraas also acknowledged the concept of privacy. The law of privacy has been well-explained in historical legal texts. In the Arthashastra, Kautilya lays out a step-by-step process for ensuring the Right to Privacy when consulting with ministers. However, the concept of "private" has never been defined in either ancient or modern law. It is gratifying that the developing trend of new constitutionalism in our judiciary recognizes the need for legislation that safeguards one's privacy and dignity. Furthermore, the

⁹ (1995) 2 SCC 161

¹⁰ (2013) 10 SCC 591

¹¹ (2018) 4 SCC 44

¹² (2019) 2 SCC 163

Right to Privacy is recognized and protected in Article 12 of the Universal Declaration of Human Rights, Article 17 of the International Covenant on Civil and Political Rights, and Article 8 of the European Convention on Human Rights.

There are situations in which companies monitor all of their employees' emails, which is a blatant violation of the Right to Privacy. Additionally, many mobile phone providers have launched a tracking system in which the user's phone displays the name of the location wherever he or she goes. This creates the impression of being followed or stalked, which is a classic example of arbitrary restriction on one's freedom of movement. In any case, the Right to Privacy will inevitably have to be developed on a case-by-case basis. Even if the Right to Personal Liberty, the ability to freely roam within India, and the freedom of expression constitute an independent right to privacy, it is an emanation from them that can be considered a fundamental right, but the right is not absolute.

Courts, including the Hon'ble Supreme Court of India, have consistently disapproved of the growing trend of using media while a matter is sub-judice. In the case of *State of Maharashtra v. Rajendra Jawanmal Gandhi*,¹³ the Supreme Court made the following observation:

"There is the procedure established by law governing the conduct of trial of a person accused of an offence. A trial by press, electronic media or public agitation is very antithesis of rule of law. It can well lead to miscarriage of justice. A judge has to guard himself against any such pressure and is to be guided strictly by rules of law. If he finds the person guilty of an offence he is then to address himself to the question of sentence to be awarded to him in accordance with the provisions of law"

In the case of *Rajendra Sail v. Madhya Pradesh High Court Bar Association and Others*¹⁴, the Hon'ble Supreme Court saw the importance of a free press and an independent judiciary in promoting the rule of law and maintaining an orderly society. Both institutions are essential for bringing out the truth, which is often found in shades of grey. This is especially crucial in a 'new India,' where the public is becoming more aware and sensitive to their surroundings. The role of the press and the judiciary cannot be emphasized enough in ensuring an orderly society. It is vital to maintain a delicate balance between the two pillars, as the country cannot function

¹³ (1997) 8 SCC 386

¹⁴ (2005) 6 SCC 109

without them. The people of India trust these institutions the most, and they play a crucial role in upholding the democracy and ensuring that the truth is brought to light.

In the case of *State of U.P. v. Raj Narain*,¹⁵ the Matthew of Justice ruled that “the people of this country have a right to know every public act.” This right comes from the concept of freedom of speech, which is an essential component of democracy. The press is the primary means by which this right is exercised, as it provides a platform for citizens to voice their opinions and hold those in power accountable. However, the freedom of the press is not absolute. It must be balanced against other important considerations, such as national security and the right to privacy. The press must exercise responsible journalism and avoid sensationalism, which can undermine the public's trust and confidence in the press. Similarly, an independent judiciary is crucial for upholding the rule of law and ensuring that justice is served. The judiciary must remain impartial and independent, free from any external influence or pressure. It must also be accountable and transparent in its functioning to maintain the public's trust and confidence.

In conclusion, the Hon'ble Supreme Court's observations in the case of *Rajendra Sail v. Madhya Pradesh High Court Bar Association and Others*¹⁶ highlight the critical role that a free press and an independent judiciary play in promoting the rule of law and maintaining an orderly society. These institutions must be protected and upheld to ensure that the truth is brought to light and justice is served.

CHAPTER 5: CONCLUSION

In contemporary society, there is growing concern over the invasive nature of media that is driven by commercial interests, which has resulted in a serious infringement of individuals' right to privacy by exceeding the limits of press freedom. It is imperative to strike a balance between the right to freedom of speech and expression enjoyed by the press, and the right to privacy of individuals. It is essential to ensure that the media does not overstep the boundaries between public and private interests. As the process of balancing the right to privacy against freedom of the press is complex and requires sensitivity to both interests, precision is necessary.

With great power comes great responsibility. The freedom of speech and expression guaranteed under Article 19 (1) (a) of the Constitution of India is correlated with the duty not to violate

¹⁵ AIR 1975 SC 865

¹⁶ *Infra*

the law. If citizens and organizations are left unchecked, it may lead to conflicting rights and ultimately result in disorder and anarchy. Therefore, while exercising such rights, it is essential to keep in mind the fundamental right to dignity and privacy of the individual concerned as guaranteed under Article 21 of the Constitution of India. Similar to other countries, India does not have a specific codified law on the right to privacy, but it has acquired constitutional recognition and was interpreted creatively from the fundamental right to life under Article 21 of the Constitution. Despite this recognition, certain aspects of the right to privacy still require thorough revision.

In recent times, there have been numerous incidents where courts had to intervene and prevent newspapers and other media from intruding into individual privacy. Journalists often argue that such disclosures are privileged because they are newsworthy and fall under the 'public interest' defence. While newspapers play a crucial role in bringing critical issues to the forefront, it is crucial to exercise restraint when reporting such news. Every piece of information or speculation about individuals cannot and should not be reported without due consideration for their right to privacy. The court advises the public to seek legal recourse after suffering loss or damage. However, it is always better to prevent such harm in the first place. Thus, the government should introduce a specific law that provides clear guidelines for the press in handling sensitive issues as soon as possible. It is imperative to have a comprehensive law on privacy, but unfortunately, such legislation is still far from being enacted.

CHAPTER 6: WAY FORWARD

To strike a balance between the freedom of press and the right to privacy, it is essential to adopt a nuanced approach. The following are some suggestions that can help resolve this conflict:

1. **Responsible Journalism:** The press must exercise responsible journalism and avoid sensationalism. They must ensure that the information they publish is accurate and verified, and that it is in the public interest. This will prevent the violation of an individual's right to privacy while still allowing the press to exercise their right to freedom of speech and expression.
2. **Guidelines and Regulations:** The government can develop guidelines and regulations that balance the freedom of press and the right to privacy. These guidelines can provide a framework for journalists to follow while reporting on sensitive issues such as national security, public order, and the right to privacy.

3. **Self-Regulation:** The press can also adopt self-regulation mechanisms to ensure that they are not violating an individual's right to privacy. This can be achieved through the development of a code of ethics that outlines the standards of reporting and the need for protecting an individual's right to privacy.
4. **Public Interest:** The press must consider the public interest when reporting on sensitive issues. They must balance the need for freedom of expression with the need for protecting an individual's right to privacy. The public interest should be the guiding principle in such cases.
5. **Judicial Intervention:** In cases where there is a conflict between the freedom of press and the right to privacy, the judiciary can play a crucial role in balancing these two rights. The courts can provide guidelines and regulations that balance the two rights and prevent the violation of an individual's right to privacy.

The conflict between the freedom of press and the right to privacy is a complex issue that requires a nuanced approach. While the freedom of press is essential for a free and democratic society, it must not come at the cost of an individual's right to privacy. By adopting responsible journalism, developing guidelines and regulations, self-regulating authorities for proper oversight are some of the measures that could help curbing the impact of media trials and restore fairness and positive journalism in the society,