

FREEDOM OF SPEECH AND SCIENTIFIC ACCURACY: A CRITICAL ANALYSIS OF LEGAL CHALLENGES IN SCIENCE COMMUNICATION

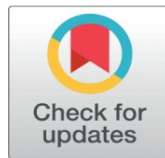
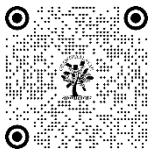
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ABSTRACT

As science communication becomes increasingly popularized through diverse media channels, including social media, podcasts, documentaries, and public lectures, legal systems are confronted with unprecedented challenges in defining boundaries of responsibility, accountability, and potential liability. In this context this article explores the emerging legal frameworks governing the dissemination of scientific knowledge, analyzing the intricate balance between scientific integrity, public understanding, and regulatory oversight. The research paper critically examines several key dimensions, like Liability and Misinformation regarding, investigating legal mechanisms to address scientific misinformation, exploring potential legal consequences for intentional or negligent misrepresentation of scientific findings, analyzing the tension between freedom of speech and scientific accuracy.

1. INTRODUCTION

As science communication becomes increasingly popularized through diverse media channels, including social media, podcasts, documentaries, and public lectures, legal systems are confronted with unprecedented challenges in defining boundaries of responsibility, accountability, and potential liability. In this context this article explores the emerging legal frameworks governing the dissemination of scientific knowledge, analyzing the intricate balance between scientific integrity, public understanding, and regulatory oversight. The research paper critically examines several key dimensions, like Liability and Misinformation regarding, investigating legal mechanisms to address scientific misinformation, exploring potential legal consequences for intentional or negligent misrepresentation of scientific

findings, analyzing the tension between freedom of speech and scientific accuracy. Regulatory Governance by analyzing emerging national and international legal frameworks, exploring regulatory approaches to science communication standards and investigating potential legislative models for ensuring scientific communication quality. Ethical and Legal Accountability by Examining professional liability for science communicators, developing legal standards for scientific communication practices and addressing potential conflicts between academic research and public communication. The article employs a comparative legal analysis, drawing on interdisciplinary research from law, science communication, media studies, and ethics. By synthesizing case studies, legal precedents, and theoretical frameworks, the research provides a comprehensive overview of the legal landscape surrounding science communication. The research article employs doctrinal legal research, qualitative case analysis, and comparative legal studies to offer nuanced insights into the evolving relationship between legal systems and scientific communication practices. The research ultimately argues for adaptive, responsive legal frameworks that can accommodate the dynamic nature of scientific communication while protecting public interests, scientific integrity, and the fundamental principles of knowledge dissemination.

2. WHAT IS SCIENCE COMMUNICATION

Science communication refers to the practice of informing, educating, and engaging diverse audiences about scientific topics, findings, and processes. It aims to bridge the gap between scientists and the public, policymakers, or other stakeholders to promote understanding, appreciation, and application of scientific knowledge.

2.1. IMPORTANCE OF SCIENCE COMMUNICATION IN SOCIETY

Science communication refers to the practice of informing, educating, and engaging diverse audiences about scientific topics, findings, and processes. It aims to bridge the gap between scientists and the public, policymakers, or other stakeholders to promote understanding, appreciation, and application of scientific knowledge. It enables informed decision-making by providing scientific knowledge that helps individuals make better choices regarding their health, environment, and daily lives. When complex topics like vaccines, climate change, or genetic engineering are clearly explained, citizens can participate more meaningfully in democratic processes and personal choices. In bridging the expert-public gap as scientists and researchers often work on highly specialized topics using technical language. Good science communication translates this expertise into accessible terms without losing accuracy, helping to close the knowledge gap between experts and the general public. In combating misinformation in an age of rapid information spread through social media, effective science communication helps counter misconceptions and pseudoscience. By explaining scientific methods and findings clearly, communicators can help people distinguish between reliable evidence and unfounded claims. Science communication inspires future generation also because when science is communicated engagingly, it sparks curiosity and interest, especially among young people. This helps cultivate the next generation of scientists, researchers, and innovative thinkers. It also helps in building public trust clear as honest communication about both the capabilities and limitations of science helps build public trust in scientific institutions. This includes being transparent about the scientific process, acknowledging uncertainties, and explaining how conclusions are reached.

Supporting Policy Development Policymakers rely on understanding scientific evidence to make informed decisions about public health, environmental protection, and technological innovation. Effective science communication helps ensure that policies are grounded in solid evidence.

2.2. FREEDOM OF SPEECH VIS-A VIS DISSEMINATION OF ACCURATE SCIENTIFIC INFORMATION

The relationship between freedom of speech and dissemination of accurate scientific information is quite complicated, however these two principles are integral to democratic society, which may be in conflict with each other. Freedom of speech is a fundamental right that allows individuals to express opinions, share information, and challenge prevailing ideas without fear of government censorship. It is essential for democracy, intellectual progress, and the protection of individual liberties. Scientific knowledge is vital for informed decision-making in public health, climate policy, technology, and education. The dissemination of accurate scientific information helps societies respond effectively to crises like pandemics, environmental issues, and technological advancements. While free speech protects the right to express opinions, it also allows for the spread of false or misleading scientific claims. Examples include

vaccine misinformation, climate change denial, or pseudoscientific medical treatments. If misinformation leads to public harm such as discouraging vaccination or spreading false health claims in that situation there is vital issue is how far freedom of speech should be regulated. Governments and social media platforms face ethical dilemmas in balancing public safety with free expression. A democratic society must protect free expression while also ensuring that misinformation does not cause harm. The key lies in education, responsible communication, and transparent governance. Here the role of media becomes very crucial.

2.3. FREEDOM OF SPEECH AND OPEN SCIENTIFIC DISCOURSE

The Constitution of India enshrines the right to freedom of speech and expression as the cornerstone of every strong democracy. As the world's largest democracy, it guarantees freedom of speech and expression under Article 19(1)(a) of the Constitution. Though this right is not absolute and is subject to reasonable restrictions under Article 19(2) to ensure public order, morality, decency, and sovereignty. This basic right has evolved and been extended throughout time to include the digital sphere, where people can use online platforms to express their freedom of speech, criticism, and engagement in public debate. In India's media history, the issue of media ownership and political sway has often come up. India's digital transformation has been accelerated by technological advancements, notably the growth of mobile devices and reasonably priced data plans. Digital expression became more accessible to a wider range of people in this scenario fake information; misinformation may cause a wider and harmful impact if accurate scientific information is not reached to the public at large. Science communication in India is crucial for addressing challenges such as public health (e.g., infectious diseases), environmental conservation, and technological advancements. The popular meaning of science communication is the practice of informing, raising awareness of science-related topics, and also getting involved with audiences that include, at least in part, people from outside the science community. Science communication is more complex than simply translating the jargon of science into language the public understands. Its complexity stems from the diversity and interconnectedness of its many elements, including the goals for communicating, the content being conveyed, the format in which it is presented, and the individuals and organizations involved. (National Academies of Sciences, Engineering, and Medicine, 2017). Accurate science communication is essential for public health, education, policymaking, and environmental sustainability in India. Strengthening it through media, education, and grassroots outreach will help build a scientifically informed society, driving the country towards a more progressive and innovation-driven future. But the tension between freedom of speech and scientific accuracy is evident in debates over pseudoscience, misinformation, and the impact of legal frameworks.

2.4. SCIENTIFIC ACCURACY IN INDIAN POLICY AND SOCIETY

India's relationship with scientific thinking has deep historical roots, from ancient mathematical and astronomical achievements to the modern scientific infrastructure established post-independence. The nation's constitution explicitly mentions "developing scientific temper" (constitution of India) as a fundamental duty of citizens, reflecting the founders' vision of a scientifically oriented society. But having this constitutional mandate media and public communication poses altogether a different challenge because of limited scientific journalism capacity and wider scope of media platforms at present. Rapid spread of pseudoscientific claims through social media which has access to public at large is also creating a problem in the domain of science communication. There is need for better science communication frameworks though in this direction significant strides have been made in establishing frameworks and institutions, substantial but challenges still persist. Success requires a balanced approach that respects cultural heritage while promoting evidence-based decision-making and scientific literacy and last but not the least, growing but insufficient fact-checking mechanisms is a cause of concern at present time.

The relationship between traditional knowledge and modern science requires careful adaptation wherein value in traditional ecological knowledge and sustainable practices could be authenticated. Also, there is need to distinguish between evidence-based traditional practices and unfounded claims for accuracy in science communication. Furthermore, it is imperative to have respectful dialogue between scientific and cultural perspectives for accuracy in science communication otherwise the threat is regarding persistence of superstitious beliefs, resistance to evidence-based policy changes and gap between scientific community and general public. scientific communication faces significant challenges in the context of India because of low media literacy which causes limited public understanding of scientific concepts resulting in the spread of misinformation, Traditional practices often intersect with pseudoscience

which complicates efforts to promote accuracy because of cultural beliefs, further India lacks comprehensive laws specifically targeting scientific misinformation, relying instead on general laws like the Information Technology Act, 2000.

2.5. LEGAL CHALLENGES: INDIAN CASE STUDIES

When we talk about freedom of speech is guaranteed in India which is a catalyst for accurate science communication there are so many instances when this right has been suppressed taking the help of loopholes in the law. When we talk about freedom of speech, most of the times it acts like a double-edged sword. Under the guise of freedom of speech there are large sections of media (caution- not all mainstream media) propagating fake or misleading science communication on the other hand the problem is that when any person raises their voice against this fake or misinformation this right substantially curtailed by the use of different set of laws like defamation laws and their voice is silenced by the use of/ through strategic lawsuits. There are many examples Sterlite Copper Plant Case Environmental activists opposing the Sterlite Copper Plant in Tamil Nadu raised concerns about pollution and health hazards. Some activists faced legal actions under defamation and other charges, raising questions about the silencing of scientific critique through lawsuits. The conflict illustrated how freedom of speech for whistleblowers can be curtailed under the guise of defamation or sedition. (Sangomla, 2018).

Dr kunal saha case represents a landmark decision in India that intersects medical accountability, scientific communication, and freedom of speech. (DR. BALRAM PRASAD vs. DR. KUNAL SAHA & ORS, 2013) In this case Dr. Kunal Saha challenged the West Bengal Medical Council's attempt to restrict his public statements about medical malpractice. The case originated from his criticism of specific medical practices and his advocacy following his wife's death due to medical negligence The Medical Council had attempted to censure him for making "derogatory statements" about medical practices. This case shows legal significance for science communication and protect freedom of expression in scientific discourse. The Supreme Court upheld Dr. Saha's right to publicly discuss medical malpractice and established that professional bodies cannot restrict legitimate scientific criticism and distinguished between defamation and valid scientific critique. This case also highlights the public's right to information about healthcare practices. Court emphasized about Scientific Accuracy Standards that factual, evidence-based criticism cannot be suppressed, set precedent for protecting whistleblowers in medical profession and established that professional bodies cannot use their authority to silence legitimate criticism. Implications of the case the case is the Legal Protection for Science Communication by Strengthened protection for scientists and medical professionals speaking out, the next legal implication is that it Created precedent for defending evidence-based public statements and Limited the power of professional bodies to restrict scientific discourse The case remains significant for science communicators and medical professionals in India, establishing crucial protections for evidence-based criticism while maintaining professional standards. (Sengupta, 2014)

2.6. PATTERNS IN LEGAL CHALLENGES

Common Legal Strategies Used Against Whistleblowers in systematic manner like cases were filed in Multiple Jurisdiction simultaneously which ultimately creates financial burden through legal fees the person who raised the cause were forced to travel to multiple locations. They were threatened by High Damage Claims like high compensation demands which Creates psychological pressure and financial intimidation through potential liability. Trends also shows that Interim Injunctions were also sought which in result prevents further public discussion and creates immediate career impact.

2.7. LEGAL SAFEGUARDS AVAILABLE IN INDIA

At the apex level Constitutional Protections are available in form of Article 19(1)(a) which guarantee Freedom of Speech and expression covers scientific expression, protects academic freedom which also includes right to criticize. Article 14 which guarantee Right to Equality protects against arbitrary action, provide equal protection under law and due process requirements. In a landmark judgement recently, supreme court held that "Article 19(1)(a) (right to free speech) serves as a vehicle through which dissent can be expressed. the right to dissent disagree varying and individualistic point of view inheres in every citizen of this country. (Mahapatra, 2023)

3. FOR REFORM

Legal Reforms

Anti-SLAPP Legislation

Anti-SLAPP laws protect against "Strategic Lawsuits Against Public Participation" (SLAPP). These are lawsuits typically filed not to win on legal merits, but to silence critics through the burden of legal defense costs and time. Anti-SLAPP legislation is a crucial legal framework that protects public participation and free speech, particularly relevant for science communicators and researchers who may face intimidation through lawsuits. In the context of science communication, Anti-SLAPP legislation becomes particularly important for protecting Scientists and Science Communicators. When researchers or science communicators publish findings or critique problematic scientific claims, they might face lawsuits from Companies whose products or practices are challenged by scientific evidence, Advocates of pseudoscientific claims who feel threatened by factual rebuttals, Organizations whose financial interests are affected by scientific findings. The Anti-SLAPP Legislation will enable Evidence-Based Discussion. It help ensure that Scientists can publish peer-reviewed research without fear of retaliatory litigation, Science journalists can report on scientific findings and their implications, Public health officials can make evidence-based recommendations, Fact-checkers can debunk misleading scientific claims. The Anti-SLAPP Law also give procedural Benefits like Early dismissal of frivolous lawsuits, Staying discovery until the court rules on the Anti-SLAPP motion, Recovery of legal fees if the SLAPP suit is dismissed. In the context of scientific integrity and accurate communication, whistleblower protection complements Anti-SLAPP legislation by safeguarding individuals who expose scientific misconduct (data falsification, research fraud), suppression of research findings that affect public health/safety, misuse of research funds or grant fraud, corporate interference with scientific findings, manipulation of scientific data for regulatory compliance. The key difference from Anti-SLAPP is that whistleblower protections specifically shield employees who report wrongdoing internally or to authorities, rather than protecting public speech broadly. (Vining & Matthews, 2022).

4. REGULATING MISINFORMATION

In India, there isn't a single comprehensive law specifically targeting misinformation, but several existing laws and regulations address different aspects of it. The Press Council of India Act, 1978 Establishes guidelines for accurate reporting, Can censure newspapers for publishing false or distorted information and Issues periodic advisories on responsible journalism, The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 Requires social media platforms to remove misinformation when flagged, Mandates grievance redressal mechanisms and Establishes due diligence requirements for online platforms (Information Technology Rules, 2021, 2023), Disaster Management Act, 2005, Particularly relevant during public health emergencies (National Disaster Management Authority, 2005) Information Technology Act, 2000 under which Section 66D Punishes cheating by personation using computer resources, Section 69A Allows blocking of public access to information online and Section 79 Defines intermediary liability and takedown obligations (Information Technology Act 2000, 2023), Bhartiya Nyay Samhita Punishes promoting enmity between different groups through false information, Addresses public mischief through false statements, Causing fear or alarm to the public (MINISTRY OF LAW AND JUSTICE, 2023), Ministry of Health established a dedicated unit to counter health-related misinformation, Indian Council of Medical Research (ICMR) issued guidelines for scientists about communicating research on social media and in November 2019, PIB established a Fact Check Unit (FCU) with the purpose of tackling the issue of fake news pertaining to the Government of India, its various ministries, Departments, Public Sector Undertakings, and other Central Government organizations. (Press Information Bureau, 2019).

The Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954 plays a crucial role in regulating scientific communication about medical treatments and health claims in India. This act is related to freedom of speech and scientific accuracy because it affects Science Communication by prohibiting false claims. It Bans advertisements claiming to cure "Miracles" or "magical" remedies, restricts false claims about treatment of specific diseases, prohibits misleading statements about drug efficacy, Regulates claims about traditional medicine systems. This act also balances freedom of speech and science accuracy by demanding verifiable scientific basis for medical claims, requiring proper documentation of treatment efficacy and by setting standards for evidence-based health communication. This act Impact Science

Communication on different ways like Protects public from pseudoscientific health claims, provides legal framework for challenging false medical advertising, supports evidence-based health communication and helps maintain scientific integrity in medical marketing. The Act essentially balances free speech rights with the need for scientific accuracy in health communication which is nothing but a form of science communication. (Nayudu, 2023)

4.1. PRACTICAL CONSIDERATION IN BALANCING RIGHTS

There is Practical consideration in restricting speech to promote scientific accuracy, as this restriction touches on the fundamental tensions between truth, freedom, and societal wellbeing. Restricting false claims may paradoxically hinder the scientific process itself, which relies on challenging established ideas. The history of science shows that minority views, initially dismissed as incorrect, sometimes prove revolutionary. There's a risk that today's "misinformation" could be tomorrow's scientific breakthrough. Science relies on specialized knowledge and peer review but excessive deference to authority can create unhealthy power dynamics. The analysis of the research suggests that while some restrictions may be necessary in extreme cases, the focus should be on building better systems for scientific communication and public understanding rather than primarily restricting speech.

5. CONCLUSION

In India the right of freedom of speech and expression acts like a double edged tool in the context of accurate science communication because those who are promoting science communicating protected by this constitutional right, same time those who giving fake/sensational or misinformation also claim this right to shield them from any action. In this context intersection of freedom of speech and scientific accuracy presents complex legal challenges in science communication, as evidenced by the multifaceted legal framework in India. The legal landscape, comprising Anti-SLAPP legislation, whistleblower protections, and specific regulations like the Drugs and Magic Remedies Act, creates a protective framework for science communicators. But there exist significant gaps in addressing modern challenges, particularly in digital communication and rapidly evolving scientific fields.

The landmark case of *Dr. Kunal Saha vs. Medical Council* (2013) demonstrates the judiciary's crucial role in protecting evidence-based scientific discourse while establishing boundaries between professional regulation and legitimate criticism. This case set important precedents for protecting scientific communicators who challenge established practices or expose malpractice, reinforcing the essential role of transparent, evidence-based discussion in advancing scientific knowledge.

India's approach to regulating misinformation through various legal mechanisms shows both promise and limitations. Laws like the IT Act and BNS provide tools for combating false information, their broad scope and potential for misuse highlight the delicate balance between protecting scientific accuracy and preserving free speech. The challenge lies in creating specific regulations that can effectively address scientific misinformation without stifling legitimate scientific debate or hindering the advancement of new theories. Regarding some concrete suggestion there need some modernization of existing laws to address digital-age challenges in science communication, development of specialized legal frameworks for scientific misinformation that protect both accuracy and academic freedom, strengthening of institutional mechanisms for rapid fact-checking and correction of scientific misinformation, enhanced protection for scientists and researchers engaging in public communication and it also requires clear guidelines for distinguishing between protected scientific speech and harmful misinformation.

The evolving nature of science communication, particularly in digital spaces, necessitates a dynamic legal framework that can adapt to new challenges while preserving core principles of scientific integrity and free speech. Future legal developments must balance these competing interests while providing clear, enforceable standards for scientific accuracy in public communication.

The success of this balance will significantly impact public trust in science, the advancement of scientific knowledge, and the ability of researchers to communicate effectively with both peers and the public. As science communication continues to evolve, legal frameworks must adapt to protect both scientific accuracy and the essential freedom to engage in open, evidence-based scientific discourse.

CONFLICT OF INTERESTS

None.

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