



FACULTY OF JURIDICAL SCIENCES

COURSE: LL.M. 1st Semester

GROUP: Constitutional Law

SUBJECT: Media Law

SUBJECT CODE: LL.M. 110

NAME OF FACULTY: Ms. Anjali Dixit

Lecture-21



LECTURE 21: LAW OF LIBEL AND DEFAMATION

LAW OF LIBEL AND DEFAMATION:

Defamation simply means tarnishing some body's image. It is an injury to a man's reputation. It means speaking or writing something damaging or diminishing the status or personality or prestige of a person or an Organization. There are two types of

Defamation:

Libel: It is a written form of defamation.

Slander: It is a spoken form of defamation

Section 499 of the Indian Penal Code defines defamation as:

'Whoever, by words either spoken or intended to be read, or by signs or by visible, Representations makes or publishes any imputation concerning any person intending to harm, or having reason to believe that such imputation will harm the reputation of such person, is said except in cases hereinafter excepted to defame that person'.

There are four explanations and 10 exceptions of section 499. The four explanations are as follows.

It may amount to defamation:

- o To impute anything to a deceased person, If the imputation would harm the reputation of that person if living, and is intended to be hurtful to the feelings of his family or other near relatives;
- o To make an imputation concerning a company or an association or collection of persons as such;
- o To make an imputation in the form of an alternative or expressed ironically;
- o But no imputation is said to harm a person's reputation unless that imputation directly or indirectly in the estimation of others lowers the moral or intellectual character of that person or lowers that character of that person in respect of his caste or his

calling, or lowers the credit of that person or causes it to be believed that the body of that person is in- a loathsome state or in a state generally considered as disgraceful".

There are ten exceptions in this Act. These are:

o First Exception: It is not defamation to impute anything, which is true concerning any person, if it were for the public good that the imputation should be made or published.

Whether or not, it is for the public good is a question of fact.

o Second Exception: It is not defamation to express in good faith any opinion whatever respecting the conduct of a public servant in the discharge of his public functions, or respecting his character, so far as his character appears in that conduct and no further.

o Third Exception: It is not defamation to express in good faith any opinion whatever respecting the conduct of any person touching public question, and respecting his character, so far as his character appears in that conduct, and no further.

o Fourth Exception: It is not defamation to publish a substantially true report of the proceedings of a court of justice, or the result of any such proceedings.

o Fifth Exception: It is not defamation to express in good faith any opinion. Whatever respecting the merits of any case, civil or criminal, which has been decided by a court of justice or respecting the conduct of any person as party witness or agent, in any case such of respecting the character of such person as far as his character appears in that conduct and no further.

o Sixth Exception: It is not defamation to express in good faith any opinion. Whatever respecting the merits of any performance, which its author has submitted to the judgement of the public, or respecting the character of the author so far as his character appears in such performance and no further.

o Seventh Exception: It is not defamation if a person having over another any authority, either conferred by law or arising out of any lawful contact made with that other to pass in good faith any censure on the conduct of that other in matters to which such lawful authority relates.

o Eighth Exception: It is not defamation to prefer good faith an accusation against any person to any of those who have lawful authority over that person with respect to the subject matter of accusation.

o Ninth Exception: It is not defamation to make an imputation on the character of another provided that imputation is made in good faith for the protection of the interest of the person making it or of any other person, or for the public good.

o Tenth Exception: It is not defamation to convey a caution in good faith to one person against another provided that such caution in be intended for the good of the person to whom it is conveyed, or of same person in whom that person is interested, or for the public good.

PUNISHMENT FOR DEFAMATION:

Three sections of the Indian Penal Code deal with the punishment for defamation. These are: Section 500, Section 501 and Section 502.

Section 500 of the Indian Penal Code lays down, "Whoever defames another shall be punished with simple imprisonment for a term which may extend to two years or with fine or with both".

Section 501 of the Indian Penal Code lays down, "Whoever prints (or engraves) any matter, knowing or having good reason to believe that such matter is defamatory of any person, shall be punished with simple imprisonment for a term which may extend to two years or with fine or with both".

Section 502 of the Indian Penal Code lays down, "Whoever sells or offers for sale any printed or engraved substance containing defamatory matter, knowing that it contains such matter, shall be punished with simple imprisonment for a term which may extend to two years or with fine or with both".

SELF-TEST QUESTIONS

S.NO	Question	Option (a)	Option (b)
1.	Defamation simply means tarnishing some body's image	True	False
2.	Defamation means speaking or writing something damaging or diminishing the status or personality or prestige of a person or an Organization.	True	False
3.	Defamation is an injury to a man's reputation.	True	False
4.	Libel: It is a written form of defamation	True	False
5.	Slander: It is a spoken form of defamation	True	False

Answers: 1-(b),2-(a), 3-(a),4-(a),5-(a)