

LAWXPERTS.

WHY YOU SHOULD STUDY THIS ?

1. HIGH QUALITY.
2. BASED ON STANDARD SOURCES
3. POSSIBILITY OF DIRECT QUESTIONS
4. COMPLETELY SYLLABUS-ORIENTED.

LAWXPERTSMV

PRIMER ON - DEFAMATION

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GENERAL MEANING: the action of damaging the good reputation of someone

CONSTITUTIONAL VALIDITY OF SECTION 499 AND 500 # *Subramanian Swamy v. Union of India (2016)*, was held to be constitutional.

ESSENTIAL INGREDIENTS OF 'DEFAMATION': -

(i) making or publishing any imputation concerning any person # **Bilal Ahmed Kaloo v. State of Andhra Pradesh.**

(ii) such imputation must have been made by-

(a) words, either spoken or intended to be read; or

(b) signs; or

(c) visible representations # **Monson V. Tussauds**

(iii) such imputation must be made with the intention of harming or with the knowledge or with reasons to believe that it will harm the reputation of that person.

This broad definition is subject to four explanations and ten exceptions.

EXPLANATIONS SUMMARIZED :

EXPLANATION 1: DEFAMATION AGAINST DEAD PERSON

EXPLANATION 2: DEFAMATION AGAINST COMPANY/ASSOCIATION/GROUP OF PERSONS

EXPLANATION 3: IRONY AMOUNTS TO DEFAMATION

EXPLANATION 4: DEFAMATION= LOWERING CREDIT/CHARACTER/CASTE OF PERSON IN ESTIMATE OF OTHERS ## **Som Mittal v. Government of Karnataka (2008) 3 SCC 753**

EXCEPTIONS:

- **First Exception:** TRUE STATEMENTS FOR PUBLIC GOOD NOT DEFAMATION # **Kokan Unnati Mitramandal and Others versus Bennett Coleman & Company Limited and Others**
- **Second Exception.**—Public conduct of public servants # OPINION IN GOOD FAITH ON PUBLIC SERVANT - DISCHARGE OF HIS FUNCTION/ OFFICIAL CHARACTER NOT DEFAMATION.

- **Third Exception.**—Conduct of any person touching any public question # OPINION ON PUBLIC QUESTION/PUBLIC CONDUCT OF PERSON IN GOOD FAITH NOT DEFAMATION.
- **Fourth Exception.**—Publication of reports of proceedings of Courts # TRUE REPORTING OF COURT PROCEEDINGS NOT DEFAMATION.
- **Fifth exception:** TRUE COMMENT IN GOOD FAITH ON COURT PROCEEDINGS NOT DEFAMATION.
- **Sixth Exception:** OPINION IN GOOD FAITH ON MERITS OF ONE'S PUBLIC PERFORMANCE- SUBMITTED TO PUBLIC NOT DEFAMATION
- **Seventh Exception:** COMMENTS PASSED BY LAWFUL AUTHORITY IN GOOD FAITH NOT DEFAMATION
- **Eighth Exception :** ACCUSATION MADE IN GOOD FAITH BY AUTHORISED PERSON IS NOT DEFAMATION.
- **Ninth Exception:** IMPUTATION MADE FOR PROTECTION OF OTHER NOT DEFAMATION.
- **Tenth Exception:** CAUTION GIVEN FOR PUBLIC GOOD IS NOT DEFAMATION

R. Rajagopal versus State of Tamil Nadu # PRIOR RESTRAINT BEFORE PUBLICATION ON ACCOUNT OF DEFAMATION NOT ALLOWED.

PUNISHMENT: Section 500: simple imprisonment for a term maximum two years or with fine or with both.