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DEFAMATION LAWS IN INDIA: CONCEPTUAL ANALYSIS- Deergha¹**ABSTRACT**

Defamation laws in India are limited by Article 19 of the Indian Constitution, which grants people the right to free speech. The Indian Penal Code of 1860 provides a definition of defamation, which is when someone makes or publishes an imputation about another person using words that are not meant to be spoken or read, signs, or pictures with the intent to harm that person's reputation. Ten exceptions are included in the list of exceptions maintained under section 499 of the law. A seminal case in Indian defamation law is the bridegroom case, where a widow woman was accused of adultery by her nephew. The court dismissed the claim, ruling that because the fraternity's panchayat had recognised the woman's innocence, there had been no harm done to the woman's reputation and that the accused would be punished. Defamation must be done with intent to harm the individual, and publication of the statement or opinion is a prerequisite. Seditious is the legal term for defamation of the state, and Section 153 of the Indian Penal Code protects the legal person's and organization's rights. Defamation of a deceased person is also possible, and the deceased's close family members may file a claim for damages.

INTRODUCTION

Respect, Honour, and Reputation are also seen as rights granted to people in a civilised society. While Article 19 of the Indian Constitution grants everyone the right to free speech, there are still some limitations in place. We define restrictions as those that stop us from disparaging both the person and the government.

¹ Student at New Law College, Bharati Vidyapeeth University, Pune.

What is Defamation

Defamation refers to the damage done to one's reputation and honour. Indian law has provisions that grant rights to prevent people from being disparaged.

Sections 499 to 502 of the Indian Penal Code now include a clause relating to the law of defamation. The Indian Penal Code of 1860 provides the following definition of defamation:

When someone makes or publishes an imputation about another person using words that are not meant to be spoken or read, signs, or pictures with the intent to harm that person's reputation or when they know or suspect that such an imputation will harm that person's reputation, barring certain exceptions, they are committing defamation.

This section of the Indian Penal Code explains the components of defamation. This section also includes a list of exceptions. Ten exceptions are included in the list of exceptions maintained under section 499 of the law.

Components of libel:

Negative comments or claims must be-

The remarks or assertions must be offensive. The Court will decide what is unacceptable based on the evidence and the situation.

A seminal case in Indian defamation law is the bridegroom case. A widow woman was accused of adultery in this incident from the period of independence by her nephew, who said that a man had left the woman's home after two in the morning and that he must have gone to have sex with her.

The woman was later found to be innocent after the case was brought before the Biradari Panchayat. Later, the lady filed a lawsuit for defamation against the person who was charged, but the court dismissed the claim, ruling that because the fraternity's panchayat had recognised the woman's innocence, there had been no harm done to the woman's reputation and that the accused would be punished. presumed not guilty.

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The goal should be to degrade -

In order to be charged with defamation, intent is crucial. Any action or inaction must be done with the intent to harm the individual.

The defendant must be the target of the insulting remarks or statements.

Publication of the statement or opinion is a prerequisite, and the plaintiff must also be informed of any other parties.

This is a crucial prerequisite that must be met in order for the remark to appear there. For instance, it won't be regarded as defamation if we label someone a thief and no one else in the world hears or says anything about it except for them.

Another method of defaming a deceased person is

The deceased individual was also held accountable for defamation according to the section's explanation. The deceased's close family members may potentially file a claim for damages. If the aim behind such comments or phrases is to harm the deceased person's honour and reputation, it will be deemed defamatory.

Sedition is the legal term for defamation of the state, which is prohibited by section 124A of the Indian Penal Code. Section 153, sometimes known as "riot," of the Indian Penal Code prohibits defamation of any community.

This clause also safeguards the legal person's and organization's rights.

According to this section, a company or organisation is also considered a person. In addition, anyone who is a legal person may be defamed.

What methods are there for defamation?

- speaking the words
- by words meant for reading
- through signs
- by images

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There are ten exceptions listed in this section. The following exceptions apply, and they exclude cases from being classified as defamation:

Exception 1: is that it is not defamation to impute or publish information that is negligent of the general welfare.

Exception 2: In the course of performing his official duties, a person may speak in good faith any view, for any cause, regarding the behavior or character of a public worker, but only to the extent that his conduct alone reveals such character. It isn't libelous speech.

Exception 3: It is not defamatory to express an opinion in good faith about a person's conduct in regard to a matter of public benefit, as well as about his character inasmuch as his conduct appears, but only up to that point.

Exception 4: Publishing legal court proceedings or a true account of such procedures is not defamation.

Exception 5: If the case has been resolved by the court, expressing or publishing in good faith the strength of the case, the evidence, and the behaviour of other parties in court.

Exception 6: It is not defamatory to express or publish any work in which the performer, acting in good faith, extols the virtues of the public.

Exception 7: Blasphemy committed in good faith by a person in a position of legitimate authority over another person is not considered defamation.

Exception 8: Making a sincere accusation against a legitimate person is not considered defamation.

Exception 9: An imputation made in good faith by someone to safeguard their own or another person's interests is not considered defamation.

Exception 10: Caution that is not defamatory and is given or intended for the benefit of another person or the general welfare.

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A person's comment does not constitute defamation if it meets one of these criteria, and he is safe in that circumstance.

Criminal and civil laws both apply to defamation. Both of the defamation charges were brought by Nitin Gadkari, as was the case with Kejriwal. Both cases involved the civil court system and section 500 of the Indian Penal Code. To obtain compensation, the civil case was filed.

What are the cures and penalties for libel?

Both criminal and civil courts will hear cases involving defamation.

If it is a civil offence, the injured party can file a civil complaint in the High Court or District Court using the Tort Law and also make a financial claim for the harm done to his reputation as a result of the defamatory comment. Can do.

Sections 499 and 500 of the Indian Penal Code, which treat libel and slander as crimes, allow for the filing of criminal complaints against those who are accused.

In criminal instances, the recommended punishment consists of either a fine or a maximum two-year sentence in prison. The crime is a non-cognizable, bailable offence that can also be compounded.

Who Can Establish Defamation?

The burden of proof falls on the plaintiff (victim) to establish that the statement, action, or writing made about him or her was false or made any defamatory comments to the plaintiff. For the aggrieved party to file a claim, it must be demonstrated that the statement was made.

Conclusion

Why do you need a lawyer in such cases?

If you have been charged under defamation law, it is advisable to contact a lawyer for that. Defamation is also considered a crime in India, if convicted by the court in such cases, the

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person can also face jail. An attorney can represent you in court, and provide defense for any such allegation.

If you are defamed by someone else, you can contact an attorney who will file a defamation claim on your behalf and represent you in court.



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