**E-CONTENT**

**MJMC,  SEM-IV, PAPER-XIV (CC-402)**

**Topic : Defamation**

**Date : 28-01-2020, TIME : 2.00 P.M.-3.00 P.M.**

**PREPARED BY : AMIT KUMAR**

**Defamation**

Defamation is an infringement on the Right to Reputation of an individual or

group of people. Every person in modern society has an inviolate right to the preservation of his reputation in the society. Therefore any person who intentionally defames him and communicate such matter to a third person infringes his right for social reputation. An injury to reputation is more damaging and disturbing than loss of wealth or property.

Reputation is a part of the personal property of a person. In the case of Kanwar vs State the court observed that, “Nobody can use his freedom of expression as to injure another’s reputation or to indulge in what may be called character assassination.” Defamation is an intentional false communication, either published or publicly spoken, by words, signs or visible representations, that injures another’s reputation or good name.

**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 knowing or having reason to believe that such imputation will harm, the reputation of such person, is said except in specified cases, to defame the person.” Defamation is distinct from insult, and abuse. Because, insult or abuse is not communicated to a third person with the intention of bringing the other’s reputation in public. Some wrongful actions like a banker “dishonouring its customer’s cheque in spite of being in funds is not counted as defamation.

**Types of Defamation**

Defamation is classified into libel and slander. When some defamatory material is written, printed or published, with words, photos, etc, it is libel. When it is communicated through words of mouth, gestures, facial expressions, body movements it is slander.

**What amounts to Defamation**

Any direct or indirect comment,

Imputing 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.

Stating anything that lowers the moral or intellectual character of that person, or lowers the character of that person in respect of his caste or of his calling, or lowers the credit of that person, or causes it to be believed that the body of that person is in a loath some state, or in

a state generally considered as disgraceful.

Printing or engraving any matter, knowing or having good reason to believe that such matter is defamatory of any person,

Selling or offering for sale any printed or engraved substance containing defamatory matter, knowing that it contains such matter.

**The following are some more examples of defamatory actions:**

publishing that a barrister is a quack lawyer and an imposter

publishing that a particular woman has been raped or ravished

publishing that a man is a villain or insane or unfit to be trusted with money

publishing an obituary notice of a living person

publishing an unskillful reproduction of an artist’s work

burning a man’s effigy

accuse a doctor/architect/official of incompetence

Some examples for slander are:

Imputation of crime

Imputing unchastity or adultery to a woman or girl;

Imputation of a contagious or infectious disease like leprosy, veneral

disease etc. so as to ostracise one from the society

Reading out a published defamatory statement to a person.