

The law of this land not only protects the life, liberty and safety of the citizen but also protects his name, fame, reputation and dignity. Any body tarnishes the image or reputation of another either by word, writing or gesture shall be penalized or made to compensate. Defamation may be by words, either spoken or intended to be read, or by signs or visible representation. Any person who makes or publishes any imputation concerning any person, knowing or having reason to believe that such

The law of this land not only protects the life, liberty and safety of the citizen but also protects his name, fame, reputation and dignity. Any body tarnishes the image or reputation of another either by word, writing or gesture shall be penalized or made to compensate.

Defamation may be by words, either spoken or intended to be read, or by signs or visible representation. Any person who makes or publishes any imputation concerning any person, knowing or having reason to believe that such imputation will harm, the reputation of such person, is said, to defame that person.

CRIMINAL DEFAMATION

You can file a criminal complaint before the Magistrate seeking penalizing of the person defamed you. Under section 500 of IPC the punishment prescribed is simple imprisonment for a term which may extend to two years, or fine, or both. Criminal complaint should be filed before the magistrate and not before the police.

CIVIL DEFAMATION

If you have undergone mental agony and your name, fame and reputation is tarnished due the defamatory imputations, you can sue against the person defamed you for compensation before the civil court. You need to deposit the court fees.

There are ten exceptions to the act of defamation. Those are

1. It is not defamation to impute anything which is true concerning any person, if it is for public good that the imputation should be made or published.
2. It is not defamation to express in good faith any opinion whatever regarding the conduct or character of a public servant in discharge of his public function.
3. It is not defamation to express in good faith any opinion regarding the conduct or character of any person touching any public question.
4. It is not defamation to publish a substantially true report or result of a Court of Justice of any such proceedings.
5. It is not defamation to express in good faith any opinion regarding the merits of any case, which has been decided by a Court of Justice, or the conduct of any person as a party, or the witness or the agent, in such case.
6. It is not defamation to express in good faith any opinion regarding the merits of any performance which an author has submitted to the judgement of the public.

7. It is not defamation if a person having any authority over another person, either conferred by law or arising out of a lawful contract, to pass in good faith any censure on the conduct of that other in matters to which such lawful authority relates.
8. It is not defamation to prefer in 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.
9. It is not defamation to make an imputation on the character of another person, provided it is made in good faith by person for protection of his or other's interests.
10. It is not defamation to convey a caution, intended for the good of a person to whom conveyed or for public good.

If the case fall under the above category it is not defamation.

By

M VINOD KUMAR

ADVOCATE