

INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

Volume 6 | Issue 1

2023

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Law of Defamation & Cases in India: A Critique

SANTOSH PRATAP SINGH¹

ABSTRACT

An easy internet browsing on defamation makes it clear that it includes any form of endeavour that ambitions to injury or reason damage to the proper recognition of an individual. But the time period 'defamation' has each explanation and exceptions connected to its definition when viewed via the lenses of Indian laws. The top purpose for understanding the legal guidelines governing the statutorily regarded offence of defamation is to guard one's dignity, as has been assured by means of Article 21 of the Indian Constitution. With altering times, defamation has been a misused offence in the fingers of many, thereby inflicting an upward thrust in the debate on it with admiration to the hindrance on free speech. What calls for in this regard is the want for modern questioning with the altering wishes of Indian society. This article goals to discover the criminal facet connected to defamation in India, judicial upbringing on the same, and the street in advance for it. An accused character needs to have created or disseminated defamatory content material for an offence to be proven. While 'creating' normally refers to authorship, any person who deliberately or knowingly duplicates or copies defamatory content material (with intent, for example) may additionally be held accountable. A man or woman who is now not the creator or writer can declare that the defamatory textual content was once allotted by accident if intent can't be shown. The reason for defamation regulation is to shield a person's activity from their reputation. However, it has been substantially modified to make sure that the public.

"Defamation of character" is a catch-all time period for any assertion that hurts a person's reputation. Written defamation is known as "libel," whilst spoken defamation is referred to as "slander." Because written statements remain longer than spoken statements, most courts, juries, and insurance plan organisations reflect on consideration on libel greater detrimental than slander. Defamation is now not a crime in most states; however, it is a "tort" (a civil wrong, as a substitute for a crook wrong). The man or woman who has been defamed (the "plaintiff") can sue the man or woman who did the defaming (the "defendant") for damages.

Defamation regulation tries to stability competing interests; on the one hand, one mustn't be in a position to destroy your existence by telling lies about you; on the different hand,

¹ Author is a Research Scholar at Dr. Bhimrao Ambedkar University, Agra, U.P., India.

human beings must be in a position to talk freely despite the concern of litigation over each insult, disagreement, or mistake. Political and social debate is necessary for a free society, and we, of course, do not all share equal opinions or beliefs. For example, political opponents frequently attain contrary conclusions from identical facts, and editorial cartoonists regularly exaggerate records to make their point.

Keywords: *Defamation, Libel, Slander.*

I. INTRODUCTION

Having a good reputation plays a unique role in everyone's life. People are outstanding in reference to their honour and integrity as those who outweigh others in terms of their lives. The constitutional legitimacy of the offence over culpable blame was contested in *Subramanian Swamy v. Union of India* (2016), but the Supreme Court upheld that the right to popularity is protected by Article 21 of the Constitution of India, 1950. According to the Indian Penal Code, 1860, defamation is defined as the act of harming another person's reputation by making and disseminating false comments about them. It might intend to mislead, defame, or lie. Libel is rebuking in a form that is partially permanent, such as writing, printing, etc., while reproach is rebuking through spoken words or gestures.

II. OFFENCE OF DEFAMATION

The Indian Penal Code, 1860 has the defamation-related provisions under Sections 499, 500, 501, and 502. A thorough decision regarding defamation and its exceptions is laid down in Section 499. According to these laws, the third and final element of the offence is as follows.

Making yet another booklet on impugnation: A person's impugnation has been implemented or published. Either libel or slander should be used. When a statement is made using only words and gestures, it is referred to as slander; when it takes on an eternal form, it is referred to as libel.

It means to impute: The imposition should have been established by the use of speech, writing, signs, and then visual representations. For the offence of defamation, editors, printers, publishers, and distributors may continue to be held liable. However, suppose the executive about a horoscope wanted to avoid the prospect for criticism against him/her by determining that libel was published without their knowledge but in their absence.

Intentionally damaging someone's reputation: This person must continue to enjoy defaming everyone else's reputation. Reputation refers to how people see a person in relation to other people. The pleasure of lowering a person's moral and intellectual standing in society must be

taken into consideration while assigning blame. The presence of mens rea is a sine qua non in cases involving defamation.

Explanations

In order to make Section 499 logical with regard to what constitutes defamation, there are four explanations:

- Defamation of the deceased: Provided that the statement is both defamatory of the deceased and guilty to his/her relatives, the section covers the offence of contempt directed towards a useless character.
- Defamation of a corporation and collection over persons: A crime of censure against a company may be established abroad if words are used to describe disorder or fraud in its commercial transactions.
- Using innuendo to smear someone's reputation: Sometimes people use language that seems to be non-defamatory while actually using stolen sarcasm to do so. Additionally, this amounts to slander.
- Meaning of reputation damage: According to Section 499's Explanation IV, reputation damage refers to a person's morale or mental state declining. Additionally, tarnishing someone's reputation by putting their standard of living on a lower footing and reducing their credit would be considered an offence.

Exceptions

Section 499 contains a few exceptions that allow people to imitate language that would otherwise be considered defamatory whether they speak, write, or post it. There are 10 circumstances in which libelous material is acceptable. The exclusions are as follows:

- Truth for the benefit of the community

If a true statement has been made or published for the benefit of the community, then it won't count as a defamation offence. It is important to note that, despite the fact that the assertion need not be taken literally, it must still largely be accurate.

- Public behaviour with ordinary servants

Under this exemption, views that are expressed against common servants while they are performing their common tasks are protected. Therefore, someone who has provided honest criticism or input has been protected under the condition that it was done so in good faith, meaning that it was done so without recklessness or negligence. This exception upholds the rule

that regimes should take precedence over systems that are centred on traditional nations.

- Character of someone in relation to anyone who questions them

Under the third exception, everyone statement made in accordance with superb law regarding any populace question is immune. For instance, in the case of *Jawaharlal Darda v. Manoharrao Ganpatrao Kapiskar* (1998), a publisher who made a statement critical of a consultant on the theft of government funds was dead not guilty of the offence of defamation.

- Reports on court complaint

Publication of articles that highlight the court's decision that was made that wasn't entirely in line with the defamation offence. The discussion of the fourth argument clarifies the court's ranking. "A Justice of the Peace but imply officer hold an enquiry in begin court preliminary in imitation of an analysis between a Court regarding Justice, is a court," the statement reads. The documentation must be orderly and must not just present one side of the dispute but also convey a favourable viewpoint toward the audience.

- Comment on cases

Comments and comments about the merits of the litigation are no longer considered defamatory salvos because they are related to the parties, witnesses, and agents in strong legal terms. A might say, "I assume Z's evidence regarding so experiment is then back as she must lie boring though dishonest," for example. A is inside it ignore condition she claims that this is among right faith; inside as like tonnes specifically the judgement he expresses respects Z's persona specifically it appears between Z's leadership as like a testimony then nothing more.

- Opinion regarding a public performance by someone

The performer has filed for feedback over the society, and the sixth elimination safeguards opinions regarding the merits of the workings. The decision should be made while adhering to the character between the performance and having to maintain among honest faith, nonetheless. Proviso A, for instance, states, "I am not shocked that Z's electronic book is inexpedient or indecent, because that is a weak soul yet a libertine." A is no longer included in that exemption due to the fact that his assessment of Z's personality is no longer intended to be taken from Z's book. Additionally, the justification added in accordance with this deduction states that "a performance may also lie submitted in accordance with the judgement concerning the people clearly yet through acts on the quantity about the creator which suggest certain inclination in imitation of the judgment on the public." For instance, a person who delivers a speech to the public submits that speech based on the opinion of the audience.

- Censure utilizing a person in a position of authority

Censure that has been exceeded by a person in supremacy is protected under the exceptions provided that the following criteria are met: Person is in a position of power over a constitutional provision, either through the system or with the help of another person.

- Censure is used to sincere belief and

The items that the constitutional power relates to are subject to censure.

- Strong property accusation in agreement with a designated person

Reproof does not count as chastisement if it is directed at a person of good faith since the person making the permanent allegation has legal precedence over the other party in the situation; as such, the mastery must have equal input into the situation. For example, if condition A among helpful worship accuses Z in front of a magistrate after that, enjoyment would still be free from that section.

- Imputation of interests for protection

When good religion is imposed in order to safeguard the interests of the person who is imposing it, a third of the population, or the general good, then such enjoyment does not amount to a violation of the law against defamation. As an illustration, A, a magistrate, makes a report in accordance with his personal good officer and makes a reference to Z's persona. A is the exception in this case, provided that the levy is applied to honest property and then for the benefit of the populace.

- Delivering a warning in good faith

The final exclusion states that if a warning is given to the truthful regarding another person's character or for the sake of the community, then the warning given in good faith is covered by the exclusions. The person giving the warning to the amount such is conducted in strong law then for the good of the people is responsible for providing the evidence. stability

III. PUNISHMENT FOR DEFAMATION

According to Sections 500, 501, and 502, defamation is punishable by harsh penalties. The following offences are punishable by simple imprisonment for a period of time that may also extend to 2 years or longer, along with both, in accordance with its provisions:

- Defaming a third party
- Printing then sculpting information that is known to be offensive

- Sale of printed or engraved materials that include libellous content.

IV. DEFAMATION CASES IN INDIA

1. Subramanian Swamy v. Union with reference to the Law Minister of India (2016)

In this case, the constitutional legitimacy of the offence punishable by imprisonment under Sections 499 and 500 of the Indian Penal Code, 1860, was contested by the proper party.

- Facts of the case

The constitutional validity of the offence of abuse under the Indian Penal Code was questioned in a summons appeal under Article 32 of the Indian Constitution. The petitioners argued that the offence of defamation violates the Indian Constitution's Article 19(1)(a) right to freedom of expression and disclosure.

- The petitioners' complaints

The petitioners stated that the right to solace about the matter is a crucial component of the Indian Constitution's straightforward framework, contains constitutional importance, and is a part of the republic.

The right to unrestricted speech or disclosure is not supposed to be restricted unless it interferes with the community interest because the right guaranteed by Article 19(1)(a) is about superior appreciation and takes precedence over evil rights in conflict situations.

Realistic limitations provided by Article 19(2) of the Constitution safeguard the interests of the common good rather than those of any one person. Therefore, Section 499 of the Indian Penal Code cannot be given constitutional protection. Since Article 19(2) is a parody of Article 19(1)(a) of the Constitution, it cannot be liberally construed or have its scope expanded.

The rationale behind the reasonableness test is that it cannot be disregarded if the limit violates a fundamental right in an excessive manner. Additionally, limitations must exist in a real-world manner between matter and procedure, yet the method for complaints must still include a reasonableness test since censure offences do.

The Indian Penal Code's Explanation IV to Section 499 provides a broad scope for the offence of defamation, or that approves a larger cover and border than anyone else's instruction, making it arbitrary.

- Contention involving the respondent

Respondents submitted that this is a crucial aspect of the right to live in safety under Article 21 of the Indian Constitution while underlining the respect for the right to reputation. Additionally,

that is a solid aspect of a person's persona that cannot be ignored.

Article 19(2) is still being considered as a clause regarding expression but not speech, hence it cannot be regarded as a complete right. As a result, the argument provided by Article 19 includes the crime of defamation (2).

The Preamble, which talks about institutions or states, "fraternity insuring the dignity over the alone then the cohesion then faithfulness over the Nation," is said to be the foundation of all constitutional laws. Thus, the restriction established by Section 499 fits the purpose of constitutional brotherhood because it aims to maintain the respect of both men and women.

Press must be able to influence public opinion or else it will have unchecked power. Even the Indian Penal Code's Clarification I following Section 499 does not justify facts other than those that are due to the general welfare of the community.

The argument that the law against peccant scorn protects just one person's hobbies no longer holds true, as defamation serves the public good and is therefore in the best interests of society, was also brought up.

Because it is associated with self-respect, honour, and dignity, reputation cannot be measured in terms of money. The claim that the petitioners may continue to get a civilian remedy for slanderous statements is therefore no longer valid.

- Observations concerning the Court

The Supreme Court's two-judge panel affirmed the validity of the defamation offence under the Indian Penal Code by making the following crucial observations

It was done in this way because there is no mystery about the diet's motivation for grouping broader phrases with terms with a smaller sense; as a result, the administration of noscitur a sociis, a regime for construction, cannot be used.

The Court concluded that "it is difficult to take place in accordance with a conclusion that the being on guilty scorn is without a doubt damnable in accordance with freedom concerning say then expression" because anyone cannot defame others within the fame over comfort regarding oration and expression.

Furthermore, the Court declared that "reputation preservation is a fundamental right. It is an ethnic right as well. Overall, it advances the mainstream interest. Due to the fact that this determines a monitoring that is not prohibited by the standard of reasonable restriction, we are unable to believe that the rules for after-guilty scorn are now not protected by the concept of proportionality.

2. Chaman Lal v State of Punjab (1970)

In that decision, the Supreme Court outlined the rationale for establishing the sincere property and genuine exclusions in accordance with Section 499 of the Indian Penal Code

- Facts of the case

According to the facts in that case, the President of the Municipal Corporation sent a letter that was critical of a service regarding the neighbourhood hospital. A complaint was made against the accused in accordance with Section 499 of the Indian Penal Code. The defendant said that if the accusations were true, she committed herself to them in good faith. Imputations have been sent out in accordance with the proper authority.

- Observations over the Court

The alleged accused used to be punished because of a simple gaol about twain months or the Supreme Court laid under the consequent basis regarding substantiation helpful religion then bona fides:

The situations under as the slip was once written yet phrases have been uttered.

- Whether there used to be anybody malice.
- Whether the accused taken anybody enquiry before that made the allegation.
- Whether even are reasons in imitation of take delivery of the model so that acted together with seriousness or caution.
- Whether there is even a strong likelihood of chance in that amount, the accused acted in good faith.

The Supreme Court accepted that, in accordance with the definition of an interest, a character's interest "needs to keep actual then legit when communication is done of safety on the pastime concerning the person make it. If this is the case, then right worship is automatically included into proper creed, which naturally no longer calls for intellectual infallibility.

3. M.K. Parameswara Kurup v. N. Krishna Pillai (1966)

This legal dispute brought to light the privilege of practising attorneys despite the fact that their administrative actions fall within the ninth deduction in accordance with Section 499 of the Indian Penal Code.

- Facts of case

A petition under Section 561-A of the Criminal Procedure Code of 1973 was submitted in order to substitute the virtue that the eminent Class Magistrate had outlined. The petitioner in this

case was a licenced attorney, nevertheless a fine was levied on him in accordance with Section 500 of the Indian Penal Code. The defence argued that the rebuttal affidavit made several false or defamatory accusations against the plaintiff. Before appearing before the court, the recommender had sworn to such affidavits.

- Observations regarding the Court

The Kerala High Court declared him not guilty as it had previously done in the event that the guidance might be found in the ninth argument under Section 499 of the Indian Penal Code and that she did not mistreat his position instead of making malicious accusations. The following are the major elements that the Court greatly praised in its case:

There is no offence against the lawyer, assuming that is what happened and that he was the one who wrote the written assertions. A tutor must fulfil his duty to his client or else he will not be able to faithfully carry out his client's instructions. After pleading these charges between the complaint or written statement, and poor pleadings, the counsel is responsible if the client makes severe allegations in opposition to a birthday celebration during a lawsuit. Without a doubt, the attorney must carry out his duties, use discretion, and essentially refrain from making claims that are manifestly irrelevant, irrational, angry, or brazen.

It is important to keep in mind that a speaker is not the court's judge and cannot determine whether or not the accusations made by his client are true or incorrect. He is required to deliver his client's remarks, barring exceptionally favourable conditions. If serious but false accusations are made, she may file a lawsuit for defamation. However, she cannot be successfully sued unless it is established that she acted intentionally and with a decline in her faith.

4. G. Narasimhan & Ors. etc. v. T.V. Chokappa (1972)

When the Supreme Court reviewed Section 499's law clarification number four, it stressed the idea that defamatory statements must refer to an incomplete person or group in order to be legally valid.

- Facts of the case

The Chairman of the Dravida Kazhagam's Reception Committee once filed a complaint against the editors or publishers of the periodicals *The Hindu*, *Indian Express*, and *Dinamani* under Sections 500 and 501 of the Indian Penal Code.

The convention of the society had issued a resolution pleading with the government to take the proper action to ensure that desiring another man's wife is no longer considered a crime under the Indian Penal Code. The newspapers, however, announced that the verdict was that "it must

not stay made an offence for a person's spouse in compliance with wish another man" when they published the news.

The issue that arose was whether the conference that Dravida Kazhkam organised was an identifiable entity so that anyone applying to it would be held accountable to the committee members.

- Observations about the Court

The lawsuits were dismissed by the Supreme Court before the Magistrate noticed the consonant points:

The court stated that in order to be viable in accordance with oration that together with definiteness that a group regarding specific persons, namely wonderful out of the rest of the community, used to be defamed, "such series regarding humans must keep an identifiable body in accordance with explanation that together with scope over explanation 2 in accordance with Section 499 over the Indian Penal Code." Therefore, in a lawsuit where reason 2 is used, the identity of the company and the affiliation or group of people must continue to be established in order to remain relatable in the wake of the defamatory statements and imputations. When a piece of literature criticises someone in general but in contrast to a particular way that men dress, for example, it is not libel. To be considered a libel, it must cease to be true to the facts and the people.

In relation to the case's convention, the court ruled that "it is impossible to hold a clear perspective as like after its composition, the number of people who attended, the ideas then ideologies after as she subscribed, yet whether or not whole over to them positively agreed to the resolution in question." The evidence was that no one rose to object to the resolution after it was read aloud by the person presiding, and everyone accepted it as their choice. The Conference was once no longer a recognisable but distinct entity, so to the extent that everyone who attended would have to be reported in accordance with stand its constituents who, excluding the conference was once criticised, would in turn, be recognised in imitation of stand criticized.

5. MP Pillai v. MP Chacko (1986)

The whole text of any information uploaded is taken into consideration in order to determine whether it is defamatory or not. This practise is common since it elaborates above the law with regards to anyone who submitted something.

- Details of the case

According to an essay titled "Syrian Christians then National Integrity," the count number was taken into account in that situation. It was split into two parts, the first of which praised the founding of the Syrian Christlike community while the second of which highlighted how the neighborhood had previously been plagued by unemployment and poverty as a result of some of the local women's preference for prostitution in order to feed themselves or their families. Priests and nuns had also received praise for their service to humanity. A complaint was being considered, stating that the treatise had, as expected, defamed the neighborhood.

- Observation regarding the Court

The Court noted that the article must be examined overall and specifically after determining its impact. Additionally, the historical context must be considered while determining if the composition is libelous or not.

The Hon'ble Court also stated that "Even the alleged defamatory imputations are primarily against partial among the Syrian Christlike girls work overseas and portion of the Syrian Christlike girls that became nuns." Probably their families would also like to be reported as having been slandered. These women then raised the girls who later became nuns, and only a portion of their houses are identifiable as belonging to the Syrian Christian Community. Among the Syrian Christian Community, they are the only ambiguous or indefinite people. The complainant is unable to express herself creatively, so she must choose to identify with that group in order to make the allegation that she was, in my opinion, slandered. There is no charge against the Syrian Christlike Community specifically because it is taken for granted that much and since the forward respondent was previously prepared to submit a complaint about it or to take the community's side.

6. Kanwar Lal v. State of Punjab (1963)

The distinctiveness and breadth of the eighth or ninth exclusions after Section 499 on the Indian Penal Code were emphasized in this case.

- Facts about the case

A police officer was given a price for making false accusations against his neighbour Ram Rakhi in a publication published after the District Panchayat Office in Ludhiana. The article in the newspaper claimed that Ram Rakhi had a bad reputation, had family members who were not legal, was dating a half-human, and had previously engaged in unethical behaviour.

The police officer was fired in accordance with domestic law by the Sessions as well as the High Court. The accused appealed to the Supreme Court, arguing that more should have been

granted protection under the eighth and ninth exceptions.

- Observation of the Court

In defiance of the appellant, the Supreme Court maintained the conviction. The Court made the following observations that were related to its understanding of the eighth and ninth exclusions to abuse under Section 499 of the Indian Penal Code:

In order to establish a defence under this exception, the accused would have to demonstrate that the person against whom the complaint was made had legal authority over the person being criticized in order to address the matter raised by the accusation. If the District Panchayat Officer had such lawful jurisdiction, the remaining article over the problematic dialogue would have warranted certain a request. However, such a plea lacks substance because of it.

The difference between the eighth and ninth exceptions, as was highlighted by the Apex Court, is that under the eighth exception, the person making the defamatory remarks must have constitutional authority, whereas under the ninth exception, the statements are made by whoever has activity in the count but the business about adhering to legal regulations is no longer required.

Further, according to the Court, "even if excellent faith stand performed in imitation of have been established, the imputation has to be done for the safety about the hobby of the person making it... barring the construction the imputation, the person in conformity with whom the imputations is received must have a common hobby together with the person making such as is served with the aid of the communication."

7. Dogar Singh Anr. v. Shobha Gupta or Anr.(1998)

The concept "good faith" was stressed in the judgement in that litigation and age three of the exceptions under Section 499.

- Facts of the case

Mrs. Shobha Gupta, the principal of Punjab Public School in Pugwara, filed a lawsuit against two people in this instance, claiming that they had made defamatory allegations in a letter they had given to the Deputy Commissioner of Kapurthala. The accused complained, "That the building over the aforesaid college is pretty unsafe or that may also convey in regard to some disaster upon the students about this faculty at some point; as the college students' waywardness is in imitation of an endless sum yet that has tooled a widespread problem for the nearby residents," in reference to the building's permanent condition. The principal, Mrs. Shobha Gupta, is detour a soiled listening towards the character about the students, so condition it now

are not sober in time, those might also end up a significant problem because the city. Neither the faculty has anyone ground for good accommodation; that that appears to amount it faculty has emerge as a meeting area for the both sexes. The claims against the accused were found to be false through an SDM investigation, but their objections were rejected. As a result, Mrs. Shobha Gupta is being prosecuted for inflicting hurt on the accused.

- Observation of the Court

The complaint was resolved by the Punjab and Haryana High Courts since it used to be without any substance and featured careless assertions. Under Deduction 3 of Section 499 of the Indian Penal Code, the accused cannot continue to be protected. The following case was rendered between it:

The Court stated: "The question of whether the accused acted in good faith would depend on the facts and circumstances surrounding each action - the disposition regarding the imposition made, the circumstances below as that used to be made, the reputation of the person making the imputation, the nature but other than malice in his mind now that he took the imposition, and whether or not she acted with due care then interest or wilfulness."

The complaint that the school is the gathering place for people of different sexes was brazen but done on purpose to bring the school principal into shame. She did not work in good faith, hence her lying cannot be justified by deduction 3.

8. MC Verghese v. TJ Ponnann (1969)

This decision addressed the issue of whether or not a conversation between a husband and wife falls under the viii exception to Section 499 of the Indian Penal Code as privileged communication.

- Facts of the Case

Mr. Verghese, who was the partner's father over TJ Ponnann, lodged a complaint. When his wife Ruchi was visiting her father in Trivandrum, the current had composed a bird about her in honour of her. The slip made disparaging remarks about Mr. Verghese. The country magistrate used to hear the complaint. The District Magistrate maintained that the husband and wife's contact did not amount to what was written in the book since he was confident that it did not follow European law. It was noted with the help of the magistrate that dialogue can be regarded as privileged and so does not add up to the offence of defamation. The Sessions Court overturned that decision, arguing that India's application of the Common Law norm that stipulates that a husband and wife are one flesh cannot continue, but the High Court overturned

the rule once more and maintained the District Magistrate's decision. The Supreme Court was therefore once directly involved in the lawsuit.

- Observations of the Court

The Supreme Court concluded that the action does not fall under the scope of privileged communication as of the eighth deduction under Section 499. In *Tiruvengada Mudali v. Tripurasundari Ammal* (1980), the Supreme Court made its decision based on that case. As a result, Section 499 was no longer required to be approved after its exceptions. "A person making libelous statements among his grievance straight before court is not sincerely sure between a guilty intending because of defamation, because under the viii exception then the illustration in compliance with Section 499, the statements are privileged only so it are," it was noted. There is authority therefore based on the profession that the courts do not intend to expand the scope on specific exceptions by using government unusual in English common law up to the expectation that the spouse and wife are regarded namely one when determining the criminal activity regarding any action under the IPC.

9. Jawaharlal Darda v. Manoharro Ganpatrao Kapiskar (1998)

This action follows the reputation for accurate and truthful reviews of meeting proceedings published by newspapers.

- Facts regarding the case

A complaint was made in accordance with Sections 499, 500, 501, or 502 of the Indian Penal Code, and it was claimed that the Chief Editor of the newspaper Lokmat should be charged with contempt for the book's coverage of the legislative proceedings in Maharashtra. The information included crucial details because after the minister had inquired about a possible misappropriation of an administration fund, she agreed that by saying as much as she did, the investigation had concluded that the money in question was indeed a misappropriation. She also spoke of expectations that have been raised regarding misappropriation and revealed 5 identities, including the complainant's.

- Observations concerning the Court

The Supreme Court very succinctly made the point that the newspaper's reporting was accurate or mathematical but still in good faith. Additionally, it was once said that "If the accused genuinely persuaded the Minister's model in order to publish the file in good faith, it cannot be alleged that she intended to hurt the complainant's reputation." It was a report about the common leadership of public workers who were trusted with the community and who were expected to

continue serving the community for its benefit. Thus the records and situations about the lawsuit divulge to that amount the news objects have been posted because of public good. All its components hold been overlooked by using the High Court”.

10. Mohammad Abdulla Khan v. Prakash K (2018)

This law examined the software about vicarious burden principle between the offence over criminal defamation.

- Facts concerning the case

In relation to the respondent, who was the sole owner of the letter known as Jaya Kirana, a complaint was made under Sections 500, 501, or 502 of the Indian Penal Code. In accordance with Section 482 of the Criminal Procedure Code, the complainant appealed the Sessions Court's dismissal of the case to the High Court. The High Court, however, has since passed away, thus the accusation of contempt is now solely directed against the sender of the message rather than its owner and there is no longer any mention of vicarious encumbrance under the criminal law. The High Court used to rule that postulate discipline would be announced by the owner because such behaviour would act in imitation of failing over justice. The prayer was categorically opposed to this High Court-related discipline.

- Observations over the Court

The Supreme Court set aside the High Court's ruling but made the following observations:

"The extent on the applicability about the precept on vicarious burden in criminal law, specifically within the connection of the offences pertaining to according to scorn requires a great test in great cases because the owner about a letter employs people to print, post, or promote the letter in exchange for a monetary gain on the said activity."

It was once established as being excellent that, if circumstances arose, both the newspaper's owner and writer, as well as those who provide goods or services in accordance with demand, might be expected to lie obediently in order to commit the offence of blame under Section 501 of the Indian Penal Code.

V. CONCLUSION

The list of situations in which someone should be held accountable for making false derogatory accusations is laid out in Section 499, along with situations in which their actions may be excused by the exceptions. The court system has played a crucial role in answering numerous questions as they come up despite the fact that the controversies surrounding that crime are well-known. Due to resolving the difficulties surrounding the offence, the Law Commission is

also helping with proposal development.

Since everyone needs a good name, the crime of abuse is equally important because it violates the right to address or express oneself in accordance with one's beliefs, which is protected by Article 19(1)(a) of the Indian Constitution.

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