

gibnwb (**defamation**) msjuš-wel tq t` I qvbx cÖZKvji i mybw` 0 weavb cÖqb Kiv  
hvq wKbv tmB wel tq AvBb Kugkbi mycwi k cÖt½ mi Kvji i weMZ 13 `ekvL, 1414  
e½vā, tgvZvteK 26 Gicj, 2007 Lít Zwi tLi tj t cÖ 214/07 bs cÖt i cwi tcÖtZ  
cÖZKZ Povš-cÖZte` b|

mi Kvji i Dtz wZ cÖtU cW Ktj t` Lv hvq th H cÖt wetkl Kti `ju wel tqi Dtz LKiv  
ntqtQ- (1) mser` cÖt ev MYgra` tgi myt\_ RwoZ eÖw³ MfYi we`tx `Üwera AvBtbi AvI Zvq  
gibnwb i gvgj v` vtiq Kiv ntj H eÖw³ MY `wqZj cvj tbi tPfT Ah\_v nqiwb i wKvri nb Ges  
dj kÖZtZ mser` cÖt I Ab`vb MYgra` tgi `waxbZv (freedom of press) ¶lbænq, Ges (2)  
MYgra` tgi myt\_ msuké-tckvRxex ev Ab`vb eÖw³ i tPfT gibnwb msúwKZ AcivaK kw` #hM  
Aciva wnmte MY` bv Kti DnvK t` I qvbx AcKvi (civil wrong) wnmte MY` Kti ¶wZctY  
(damages) cÖvbi weavb Kti gibnwb msjuš-wel tq t` I qvbx I tdsR` vix cÖZKvji i mybw` 0  
weavb cÖqb Kiv hvq wKbv, tm wel tq mycwi k cÖvb Kiv|

Dctiv³ cÖg wel qwU msútK©Avtj vPvri cÖi tÖc `Üwera AvBtbi gibnwb (defamation)  
msjuš-499 aviv Dtz LKiv cÖqvRb| `Üwera AvBtbi 499 avivq gibnwb i msÁv Gfvte cÖvb  
Kiv ntqtQ Ñ Øth eÖw³ Gifc AwfcÖtq ev Gifc tRtb ev Gifc wekjm Kivi Kvi Y \_vKv mtEj Kw\_Z  
ev cvtVi Rb` AwfcÖZ kávej x ev wPýw` ev `k`gb Kí g wZP mnvth` tKvb eÖw³ msúwKZ tKvb  
wbo` ver` cÖqb ev cÖvk Kti, thifc wbo` ver` H eÖw³ i mbvg bó Kti, tmPfT tmB eÖw³ AZtci  
ewyZ eÖwZmu g tPfT mg n eÖZxZ D³ eÖw³ i gibnwb Kti etj MY` nteÓ| Avgit` i Avtj vPvri  
wel qwUi tPfT eÖwZmu g tji GLvbt Dtz LKivi cÖqvRb tbB|

gibnwb i gj K\_v ntPQ Atb`i mbvg bó Kiv| gibnwb i Aciva msNUtbi Rb` cÖvkbv  
Acwvw h© GKwU wel q| tKvb eÖw³ msCwKZ mbvgbóKvix wbo` ver` cÖvk Ktj B msuké-eÖw³  
mwavi tYi tPvL tnq cÖZcbnb Ges GtZ H eÖw³ i mbvg bó nq| mser` cÖt Awemsew` Zfvte GKwU  
i "ZcY©cÖvk gra`g| hv wKQymsev` cÖt `vb cvq ZvB cÖwkZ etj MY` nq Ges tmRb`B tKvb  
eÖw³ msCtK©Dctiv³ msÁvi AŠf© tKvb wbo` ver` cÖqb I cÖvk Kvq cÖvk Kiv ntj tmB  
cÖvk bv Rb` mser` cÖt i msúv` K, cÖvkK Ges gj tKv `vq nq| msew` Kt` i gibnwb i AvBb  
msútK©l qwKenj \_vKv DIPZ, Kvi Y GKRb gvbj i mbvg AvBtbi tPvL Zvi metPq eo msúwE|  
KvRB tmB mbvg bó Kiv ntj ev Zv tKto wbtq tMtj Zvi h\_vme©B tKto wbtq hvI qv nq|

gvbnwb GKUv kw<sup>-</sup>thw<sup>M</sup> Aciva | `Úmeli 500 avivq gvbnwb i kw<sup>-</sup>+ wel tq ej v AvtQ th,  
th e<sup>w3</sup> gvbnwb i Aciva Ki<sup>t</sup>eb Zib Ab<sup>x</sup><sup>C</sup> ðeQi webvkj Kvi` tU ev A\_<sup>C</sup>tU ev Dfq ` tU ` Úb<sup>x</sup>q  
n<sup>t</sup>eb | GB avivi kw<sup>-</sup>-gvbnwb i Acivtai Rb<sup>-</sup> mKtj i tP<sup>#</sup> t c<sup>h</sup>hR<sup>-</sup> nq, tKej gv<sup>I</sup> m<sup>s</sup>ew<sup>I</sup> K ev  
Ab<sup>-</sup> tKb mgWqvi A<sup>S</sup>F<sup>B</sup> e<sup>w3</sup> b<sup>t</sup>nb |

501 avivi weavt<sup>b</sup> ej v ntqtQ th, th e<sup>w3</sup> Ggb tKb wel q gy<sup>I</sup> ev tL<sup>r</sup> vB Kti, hv tKb  
e<sup>w3</sup> i Rb<sup>-</sup> gvbnwbKi etj tm Rv<sup>t</sup>b ev Zvi GBifc wekjm Kivi h<sup>y3</sup>msMZ Kvi Y \_v<sup>K</sup>, Zvn<sup>t</sup>j tmB  
e<sup>w3</sup> ` ðeQi ch<sup>h</sup>gqvt<sup>t</sup> i webvkj Kvi` tU ev A\_<sup>C</sup>tU ev Dfqwea ` tU ` WZ n<sup>t</sup>eb |

502 avivi weavb nj th, th e<sup>w3</sup> gvbnwb i wel q m<sup>s</sup>ij Z tKb gy<sup>I</sup> Z ev tL<sup>r</sup> vBKZ e<sup>-</sup>  
gvbnwb i wel q m<sup>s</sup>ij Z tR<sup>t</sup>bI we<sup>t</sup>q Kti ev we<sup>t</sup>qi c<sup>h</sup>ve Kti, tmB e<sup>w3</sup> ` ðeQi ch<sup>h</sup>gqvt<sup>t</sup> i  
webvkj Kvi` tU ev A\_<sup>C</sup>tU ev Dfqwea ` tU ` WZ n<sup>t</sup>eb |

gvbnwb msju<sup>S</sup>-Úmeli AvBtbi 500 avivq wbawi Z kw<sup>-</sup>+ weavb m<sup>s</sup>avi YZ mKj e<sup>w3</sup> i  
tP<sup>#</sup> t c<sup>h</sup>hR<sup>-</sup> Kiv ntqtQ | W<sup>K</sup>S' 501 | 502 avivq ewY<sup>Z</sup> gvbnwb msju<sup>S</sup>kw<sup>-</sup>+ weavb m<sup>s</sup>ev` c<sup>t</sup>i  
m<sup>s</sup>uv<sup>I</sup> K, c<sup>K</sup>ukK, gy<sup>I</sup>ki ev we<sup>t</sup>q Kvi x<sup>t</sup> i tP<sup>#</sup> t c<sup>h</sup>hR<sup>-</sup> Kiv ntqtQ | c<sup>z</sup>ZU tP<sup>#</sup> t B ej v ntqtQ th,  
th e<sup>w3</sup> gvbnwbKi wel q ev gvbnwbKi wel q etj wekjm Kivi h<sup>y3</sup>msMZ Kvi Y \_v<sup>K</sup> m<sup>t</sup>E<sup>I</sup> Dn<sup>v</sup>  
gy<sup>I</sup> Y, tL<sup>r</sup> vB, c<sup>K</sup>uk ev we<sup>t</sup>q Kti tmB e<sup>w3</sup> gvbnwb i kw<sup>-</sup>+ Avl Zvf<sup>B</sup> n<sup>t</sup>e | AvBb mKtj i Rb<sup>-</sup>  
mgvb | 500 avivi kw<sup>-</sup>+ weavb m<sup>s</sup>avi YI tP<sup>#</sup> t c<sup>h</sup>hR<sup>-</sup> n<sup>t</sup>j , 501 | 502 avivi weavb m<sup>s</sup>ew<sup>I</sup> K,  
c<sup>K</sup>ukK, gy<sup>I</sup>ki | we<sup>t</sup>q Kvi x<sup>t</sup> tP<sup>#</sup> t GKBfvt<sup>t</sup> c<sup>h</sup>hR<sup>-</sup> n<sup>t</sup>e | KtRB 501 | 502 avivq ewY<sup>Z</sup>  
gvbnwb i Acivtai kw<sup>-</sup>+ weavb m<sup>s</sup>ev` c<sup>t</sup> ev MYgra<sup>t</sup>gi m<sup>t</sup>\_ msuk<sup>K</sup> e<sup>w3</sup> ev tckvRx<sup>t</sup> tP<sup>#</sup> t  
c<sup>h</sup>qM Kiv bv ntj Bnv msweavt<sup>b</sup> 27 Ab<sup>t</sup>"Q<sup>t</sup> ewY<sup>Z</sup> AvBtbi mgZv m<sup>s</sup>u<sup>K</sup>Z weavb j sNb Kiv n<sup>t</sup>e |  
AZGe gvbnwb i kw<sup>-</sup>-msju<sup>S</sup>-Úmeli 501 Ges 502 avivi weavb ewZj ev m<sup>s</sup>ew<sup>I</sup> K<sup>t</sup> i tP<sup>#</sup> t  
AKvhR<sup>I</sup> Kiv msMZ n<sup>t</sup>e bv ej Avgi v g<sup>t</sup>b Kvi |

D<sup>t</sup>j <sup>t</sup>Z c<sup>t</sup> t Avi I ej v ntqtQ th, m<sup>s</sup>ev` c<sup>t</sup> i ev MYgra<sup>t</sup>gi m<sup>t</sup>\_ R<sup>t</sup>oZ e<sup>w3</sup> M<sup>t</sup>Yi we<sup>t</sup>fx  
gvbnwb i Rb<sup>-</sup> ` Úmeli Avl Zvq gvgj v Kiv ntj Zv<sup>t</sup> i W<sup>S</sup> I we<sup>t</sup>eK<sup>t</sup> -<sup>t</sup>axbZv Ges evK<sup>t</sup> -<sup>t</sup>axbZv  
Z\_v MYgra<sup>t</sup>gi -<sup>t</sup>axbZv (freedom of press) P<sup>t</sup>bont<sup>t</sup> g<sup>t</sup>g<sup>C</sup>mi K<sup>t</sup>ti i wbKU c<sup>z</sup>Xqgb n<sup>t</sup>"Q | GB  
c<sup>t</sup>nt<sup>t</sup> ej v th<sup>t</sup>Z c<sup>t</sup> i th, W<sup>S</sup> I we<sup>t</sup>eK<sup>t</sup> -<sup>t</sup>Q t<sup>t</sup>L e<sup>-</sup>bo m<sup>s</sup>ev` c<sup>K</sup>uk KivB nj m<sup>s</sup>ev` c<sup>t</sup> tme<sup>t</sup> i  
c<sup>l</sup>g I c<sup>l</sup>avb ` wqZj we<sup>t</sup>eK KLbI tKb e<sup>w3</sup> we<sup>t</sup>k<sup>t</sup> i tWZ m<sup>s</sup>atbi W<sup>S</sup> Kiv ev c<sup>K</sup>uk Kivi K\_v  
ej te bv | Zte At<sup>t</sup> i tWZ m<sup>s</sup>ab m<sup>s</sup>c<sup>K</sup>Z tKb wel q g<sup>t</sup>b g<sup>t</sup>b W<sup>S</sup> K<sup>t</sup> j Zv<sup>t</sup>Z Zvi tKb tWZ n<sup>t</sup>e  
bv ev G<sup>t</sup>Z Zvi tKb gvbnwb n<sup>t</sup>e bv | W<sup>K</sup>S' hLbB tKb e<sup>w3</sup> i m<sup>s</sup>c<sup>P</sup>K wb<sup>t</sup> ver` m<sup>s</sup>u<sup>K</sup>Z tKb mg<sup>v</sup>

e<sup>3</sup>e<sup>..</sup>, c<sup>0</sup>Zte` b ev wj Lb c<sup>0</sup>K<sup>0</sup> K<sup>0</sup>q c<sup>0</sup>K<sup>0</sup>k K<sup>0</sup>i nq ZLb m<sup>0</sup>avi Y RbMY Gi Kg mgvPvi c<sup>0</sup>V Ki tZ L<sup>0</sup>  
Avb<sup>..</sup> teva K<sup>0</sup>i Ges G<sup>0</sup>Z ms<sup>0</sup>lk<sup>0</sup>e<sup>..</sup>w<sup>3</sup>i gvb-gh<sup>0</sup>vi Ac,i b<sup>0</sup>q P<sup>0</sup>lZ m<sup>0</sup>waZ nq| c<sup>0</sup>teB D<sup>0</sup>j l<sup>0</sup>K<sup>0</sup>i  
n<sup>0</sup>qtQ th, GB gvb-m<sup>0</sup>jb I gh<sup>0</sup>v GKRb gvb<sup>0</sup>l i Agj<sup>..</sup> m<sup>0</sup>u<sup>..</sup>| Guv gy<sup>Y</sup> I c<sup>0</sup>K<sup>0</sup>kbvi gva<sup>..</sup>g b<sup>0</sup>  
K<sup>0</sup>i n<sup>0</sup>j P<sup>0</sup>lZM<sup>0</sup>-e<sup>..</sup>w<sup>3</sup>tK Aek<sup>0</sup>B<sup>..</sup>Uw<sup>0</sup> AvB<sup>0</sup>bi Avk<sup>0</sup>M<sup>0</sup>tYi m<sup>0</sup>th<sup>0</sup>M w<sup>..</sup>tZ n<sup>0</sup>e| Freedom of  
Press Gi A<sup>..</sup>n<sup>0</sup>j t<sup>0</sup>tk msN<sup>0</sup>lUZ `k<sup>0</sup>gb e<sup>..</sup>w<sup>3</sup>b<sup>0</sup> ev c<sup>0</sup>K<sup>0</sup>Z m<sup>0</sup>sev` c<sup>0</sup>K<sup>0</sup>k K<sup>0</sup>i| Guv tK<sup>0</sup>b e<sup>..</sup>w<sup>3</sup>  
wtk<sup>0</sup>l i w<sup>0</sup>e<sup>..</sup>t<sup>0</sup>x Avb<sup>0</sup>ki ev gvb<sup>0</sup>l<sup>0</sup>ki w<sup>0</sup>g<sup>..</sup>q gy<sup>Y</sup> ev c<sup>0</sup>K<sup>0</sup>k K<sup>0</sup>i -r<sup>0</sup>axbZv b<sup>0</sup>| G<sup>0</sup>t<sup>0</sup>j v m<sup>0</sup>sev`  
ev m<sup>0</sup>sev` i tK<sup>0</sup>b w<sup>0</sup>el q<sup>0</sup>l b<sup>0</sup>|

Defamation ev gvb<sup>0</sup>l<sup>0</sup>b m<sup>0</sup>u<sup>..</sup>tK<sup>0</sup>m<sup>0</sup>avi Yf<sup>0</sup>te ej tZ tM<sup>0</sup>j ej v h<sup>0</sup>q th, Guv GKRb gvb<sup>0</sup>l i  
P<sup>0</sup>wi<sup>..</sup> ev gvb<sup>0</sup>l<sup>0</sup>b (reputation) Gi Dci GKUv gvi<sup>0</sup>K Av<sup>0</sup>gb ev AvN<sup>0</sup>Z m<sup>0</sup>o K<sup>0</sup>i| Guv GKRb  
e<sup>..</sup>w<sup>3</sup>i m<sup>0</sup>pr<sup>0</sup>gi Dci w<sup>0</sup>g<sup>..</sup>v Av<sup>0</sup>th<sup>0</sup>M Av<sup>0</sup>ivc K<sup>0</sup>i| Av<sup>0</sup>iv ej v h<sup>0</sup>q th, gvb<sup>0</sup>l<sup>0</sup>b GKRb e<sup>..</sup>w<sup>3</sup>i  
gvb<sup>0</sup>l<sup>0</sup>b (reputation) Gi w<sup>0</sup>e<sup>..</sup>t<sup>0</sup>x GK<sup>0</sup>U Ath<sup>0</sup>w<sup>3</sup>K, teAvBbx I w<sup>0</sup>g<sup>..</sup>v AvN<sup>0</sup>Z m<sup>0</sup>o K<sup>0</sup>i| c<sup>0</sup>l<sup>0</sup>K<sup>0</sup>q  
c<sup>0</sup>K<sup>0</sup>kbvi gva<sup>..</sup>g GKRb e<sup>..</sup>w<sup>3</sup>i w<sup>0</sup>e<sup>..</sup>t<sup>0</sup>x w<sup>0</sup>b<sup>..</sup>ver` t<sup>0</sup>tki m<sup>0</sup>Kj gvb<sup>0</sup>l i K<sup>0</sup>tQ c<sup>0</sup>K<sup>0</sup>k K<sup>0</sup>i nq|  
dj k<sup>0</sup>l<sup>0</sup>ZtZ H e<sup>..</sup>w<sup>3</sup> mgv<sup>0</sup>R GKRb N<sup>0</sup>YZ, Acg<sup>0</sup>l<sup>0</sup>Z Ges gh<sup>0</sup>v<sup>0</sup>l<sup>0</sup>l<sup>0</sup>ki (disgraceful) e<sup>..</sup>w<sup>3</sup> w<sup>0</sup>ntm<sup>0</sup>te  
c<sup>0</sup>wi<sup>0</sup>P<sup>0</sup>Z j v<sup>0</sup>f K<sup>0</sup>i b<sup>0</sup>| Gi d<sup>0</sup>j H e<sup>..</sup>w<sup>3</sup> Zvi PvK<sup>0</sup>i ch<sup>0</sup>nav<sup>0</sup>tZ c<sup>0</sup>v<sup>0</sup>i A<sup>..</sup>ev tK<sup>0</sup>b Av<sup>0</sup>d<sup>0</sup>m PvK<sup>0</sup>i c<sup>0</sup>obi  
ev PvK<sup>0</sup>i tZ c<sup>0</sup>t<sup>0</sup>v<sup>0</sup>l<sup>0</sup> t<sup>0</sup>¶t<sup>0</sup> ev e<sup>..</sup>emv ev t<sup>0</sup>ckv c<sup>0</sup>wi Pvj<sup>0</sup> b<sup>0</sup>i t<sup>0</sup>¶t<sup>0</sup>, Ggb<sup>0</sup>l<sup>0</sup>K w<sup>0</sup>ev<sup>0</sup>ni t<sup>0</sup>¶t<sup>0</sup> i  
c<sup>0</sup>ZeÜKZv m<sup>0</sup>o K<sup>0</sup>tZ c<sup>0</sup>v<sup>0</sup>i Ges Gf<sup>0</sup>te GKRb gvb<sup>0</sup>l i R<sup>0</sup>et<sup>0</sup>bi sense of satisfaction  
w<sup>0</sup>Pi<sup>0</sup>r<sup>0</sup> t<sup>0</sup>bi gZ w<sup>0</sup>eb<sup>0</sup> nq|

c<sup>0</sup>P<sup>0</sup>wi<sup>..</sup> Z Av<sup>0</sup>Q th, GKRb e<sup>..</sup>w<sup>3</sup>i UvK<sup>0</sup> c<sup>0</sup>qm<sup>0</sup> ev m<sup>0</sup>u<sup>..</sup> b<sup>0</sup> ev P<sup>0</sup>wi n<sup>0</sup>j w<sup>0</sup>ekl P<sup>0</sup>lZ nq bv, w<sup>0</sup>K<sup>0</sup>s<sup>..</sup>  
Zvi m<sup>0</sup>vg, P<sup>0</sup>wi<sup>..</sup> I reputation b<sup>0</sup> n<sup>0</sup>j R<sup>0</sup>et<sup>0</sup>bi m<sup>0</sup>ekQ<sup>0</sup>B n<sup>0</sup>wi t<sup>0</sup>q h<sup>0</sup>q| K<sup>0</sup>tRB c<sup>0</sup>Z<sup>0</sup>KUv gvb<sup>0</sup>l i  
Zvi m<sup>0</sup>vg ev reputation avi Y I i<sup>0</sup>¶Y K<sup>0</sup>i Av<sup>0</sup>A<sup>0</sup>K<sup>0</sup>i Av<sup>0</sup>BbMZf<sup>0</sup>te Zv<sup>0</sup>K c<sup>0</sup>v<sup>0</sup>b K<sup>0</sup>i Av<sup>0</sup>Q|  
tR<sup>0</sup>bi<sup>..</sup>t<sup>0</sup>b ev w<sup>0</sup>ekj<sup>0</sup>m K<sup>0</sup>i msM<sup>0</sup>Z K<sup>0</sup>i Y \_v<sup>0</sup>K<sup>0</sup> m<sup>0</sup>tE<sup>0</sup>l ev tK<sup>0</sup>b tK<sup>0</sup>b t<sup>0</sup>¶t<sup>0</sup> B<sup>0</sup>QvKZf<sup>0</sup>te c<sup>0</sup>l<sup>0</sup>K<sup>0</sup>q gy<sup>Y</sup>,  
c<sup>0</sup>K<sup>0</sup>kb I w<sup>0</sup>ep<sup>0</sup>q K<sup>0</sup>i gva<sup>..</sup>g th tK<sup>0</sup>b GKRb b<sup>0</sup>M<sup>0</sup>l<sup>0</sup>ki m<sup>0</sup>vg, gvb<sup>0</sup>l<sup>0</sup>v (reputation) Rbmgt<sup>0</sup>¶  
¶b<sup>0</sup>ekv<sup>0</sup> GKUv , "Zi Aciva w<sup>0</sup>ntm<sup>0</sup>te i<sup>0</sup>ayAv<sup>0</sup>g<sup>0</sup>t<sup>0</sup> i t<sup>0</sup>tk b<sup>0</sup>, c<sup>0</sup>Z<sup>0</sup>K t<sup>0</sup>tkB c<sup>0</sup>wi M<sup>0</sup>YZ nq Ges Guv  
GKUv t<sup>0</sup>d<sup>0</sup>S<sup>0</sup>R<sup>..</sup>v<sup>0</sup>x P<sup>0</sup>gv<sup>0</sup>l<sup>0</sup>b k<sup>0</sup>w<sup>..</sup>h<sup>0</sup>M<sup>..</sup> Aciva| GB k<sup>0</sup>w<sup>..</sup>+ w<sup>0</sup>K<sup>0</sup>i w<sup>0</sup>ntm<sup>0</sup>te Ab<sup>0</sup> tK<sup>0</sup>b w<sup>0</sup>avb c<sup>0</sup>Z<sup>0</sup>tekx i v<sup>0</sup>  
f<sup>0</sup>v<sup>0</sup>Z ev c<sup>0</sup>wi K<sup>0</sup>-t<sup>0</sup>bl w<sup>0</sup>g<sup>..</sup>vb t<sup>0</sup>b|

Freedom of Press ev w<sup>0</sup>P<sup>0</sup>š<sup>0</sup> I w<sup>0</sup>et<sup>0</sup>ki -r<sup>0</sup>axbZv m<sup>0</sup>u<sup>..</sup>tK<sup>0</sup>ej v c<sup>0</sup>l<sup>0</sup>qvRb th, evsj v<sup>0</sup> k  
m<sup>0</sup>leav<sup>0</sup>bi 39 Ab<sup>0</sup>t<sup>0</sup>Q<sup>0</sup> w<sup>0</sup>P<sup>0</sup>š<sup>0</sup> I w<sup>0</sup>et<sup>0</sup>ki -r<sup>0</sup>axbZv Ges c<sup>0</sup>Z<sup>0</sup>K b<sup>0</sup>M<sup>0</sup>l<sup>0</sup>ki f<sup>0</sup>ve c<sup>0</sup>K<sup>0</sup>tki -r<sup>0</sup>axbZv Ges  
m<sup>0</sup>sev` c<sup>0</sup>t<sup>0</sup>l<sup>0</sup>i -r<sup>0</sup>axbZvi w<sup>0</sup>D<sup>0</sup>qZv c<sup>0</sup>v<sup>0</sup>b K<sup>0</sup>i n<sup>0</sup>qtQ, w<sup>0</sup>K<sup>0</sup>s<sup>..</sup> GKB m<sup>0</sup>l<sup>0</sup>/ GB m<sup>0</sup>Kj -r<sup>0</sup>axbZvi Av<sup>0</sup>A<sup>0</sup>K<sup>0</sup>i Uv  
GKB Ab<sup>0</sup>t<sup>0</sup>Q<sup>0</sup> i Av<sup>0</sup>Zv<sup>0</sup> w<sup>0</sup>ef<sup>0</sup>b<sup>0</sup>f<sup>0</sup>te h<sup>0</sup>v Rbk<sup>0</sup>Lj v, ky<sup>0</sup>xbZv ev `b<sup>0</sup>WZKZvi -t<sup>0</sup>¶<sup>0</sup>W<sup>0</sup>kev Av<sup>0</sup>y<sup>0</sup>Z

Aegvbbv, gvbnwb ev Aciva msNUtb c̄i vPbv m̄úPK AvBtbi Øiv Av̄imcZ h̄y³msMZ evav-wbtl a  
 m̄tc̄P t̄fM Kivi K\_v ej v n̄q̄Q| GU GKUv wekRbx b̄xZ (universal principle) th tKvb  
 AiaKvi B absolute ev j M̄gnxb bq; Kv̄RB P̄šr, wēeK, fve c̄Kvk ev msev` c̄t̄i -̄axbZv  
 absolute ev j M̄gnxb bq| j M̄gnxb evK&ev fve c̄Kvtki -̄axbZv GKUv j vBtm̄ ntq h̄te Ges  
 tmRb-B Avgut` i mseavtbi AiaKvsk tḡj K AiaKvitKB h̄y³msMZ AvBtbi Øiv mxgve×  
 (restricted) Kiv n̄q̄Q| G c̄nt̄z GU ej v GKv̄šēqRb th, P̄šr I wēeKi -̄axbZv evK&I  
 fve c̄Kvtki -̄axbZv ev msev` c̄t̄i -̄axbZv KLtbvB GKRb ēw³ ev tKvb ēw³ tM̄oxi m̄pig,  
 gh̄v ev (reputation) i P̄ Kivi -̄axbZv webó Ki‡Z cvi te bv| Freedom of speech,  
 expression and freedom of press cannot overstep or damage a person's  
 right to maintain and preserve his/her reputation.

evsj vt̄t̄ki D"p Av̄yj ‡Z `Úewa AvBtbi 501 | 502 aviv mseavtbi 39 Abt"0t̄i  
 c̄i c̄š, GB ḡtḡt̄Kvb i vq c̄v b Kiv n̄q̄Q ej Avgut` i Rvbv tbB|

GLvtb D̄t̄j L̄Kiv c̄qRb th, tKvb P̄ZKi ev AmbóKi ev Akj+ wēl q m̄qj Z tKvb w̄tciU©  
 ev tKvb c̄i Kv ev m̄gqKv̄Z vj Lb, gj Y, c̄Kvk, ēUb ev wēl q BZw 1974 m̄bi wēekl P̄gZv  
 AvBtbi 16 | 17 aviv Avl Zvq wēfbœcKv̄i i wēfbœtgqvt̄i kw-#hvM Aciva w̄j , w̄KŠ  
 msev` c̄t̄mex̄t̄i `vxi tc̄t̄Z 1991 m̄bi 18 b̄t̄ AvBb Øiv GB `B̄U aviv wēekl P̄gZv AvBb  
 t̄t̄K ewZj Kiv n̄q̄Q| GLb msev` c̄t̄i gvbnwbKi ev P̄ZKi msev` ev c̄Zte`b c̄q b |  
 c̄Kvtki wēt̄x c̄ZKv̄i i Rb̄ T̄agv̄ `Úewa AvBtbi 501 Ges 502 GB `B̄U aviv wēavB  
 wē "gvb Av̄Q| GQvor gvbnwb msjuvšAb̄ tKvb -̄qsm̄cYAvBb (statute) Avgut` i t̄t̄k ej er  
 tbB| A\_P Bsj v̄t̄ Defamation Act of 1952 b̄t̄ GKIU c̄Yp̄ AvBb wē "gvb Av̄Q|

"Newspapers are subject to the same rules as other critics, and have no special right or privilege, and inspite of the latitude allowed to them, they have no special right to make unfair comments, or to make imputations upon a person's character, or imputations upon or in respect of a person's profession or calling. The range of a journalist's criticism or comment is as wide as that of any other subject, and no wider. Even if in a sense newspapers owe a duty to their readers to publish any and every item of news that may interest them, this is not such a duty as makes every communication in the paper relating to a matter of public interest a privileged one". (Mitha Rustomji Murzaban vs. Nusserwanji Engineer, (1941) 43 Bombay LR 631).

"Just because something interests the public, it is not necessarily in public interest to publish it". (London Artists Ltd. vs. Littler, (1968), 1 WLR 607, 615).

"Investigative journalism does not enjoy any special protection. Therefore, when newspapers publish accusations of criminal guilt against a person as a result of their investigation, they do so at their own risk and they do not enjoy any qualified privilege." (Grobbelaor vs. News group Newspapers Ltd. (2001)2 All ER 427 (CA)). (taken from Ratanlal and Dhirajlal's The Law of Torts, 24<sup>th</sup> edition reprint 2004) p -270).

GKRb m̄sew` K wg\_ v ḡbnw̄bKi w̄l q c̄KvK Kt̄j KL̄b̄B w̄ekl m̄eav cvl qvi AwaKvi x n̄eb bv, Kvi Y Zv‡` i c̄Kw̄kZ e³te" m̄avi Y RbMY w̄ekjm "vcb Kt̄i, Kv‡RB m̄sew` KMY Zv‡` i Kv̄h̄m̄aúr` bKv‡j wg\_ v m̄sev` c̄KvK bv Kiv t̄¶‡† m̄RwM ` w̄o t̄ q̄Uv Zv‡` i en̄Ei KZ@` | ḡbnw̄b ms̄juvš-Úm̄ia AvB̄bi w̄eavbvej x electronic media Ges print media ev Ab" t̄KvB MYgva" g m̄Kt̄j i t̄¶‡†B c̄ohvR" n̄te| Kvi Y Zviv t̄ t̄ki t̄Kv\_vq w̄K Nt̄Ut̄Q ev w̄K NUt̄Z hv‡"Q, w̄K fvj KvR n̄t̄Q ev w̄K g\_` KvR n̄t̄Q G m̄eukQB m̄sev` c̄†i cvZvq w̄LZfvte Ges electronic media t̄Z w̄nf c̄ w̄q c̄ k̄ Kt̄i, t̄i w̄vi i ḡva"t̄g c̄vvi Kiv nq, c̄y‡K ev leaflet G c̄KvK Kiv nq Ges m̄avi Y RbMY G ,t̄j v Lv Awm̄ mn̄Kv‡i t̄ L‡Z, i b‡Z I co‡Z \_v‡K| m̄z̄i vs m̄Kj w̄ḡn̄qvi m̄sew` Kivl c̄y‡K, leaflet i PwqZv I c̄KvK Kiv Zv‡` i th t̄KvB m̄sev` ev c̄o‡te` b c̄yqb I c̄w̄t̄ekb Kivl c̄e³ht̄\_ó c̄w̄ḡt̄b m̄ZKZv Aej x b Kiteb, Kvi Y th t̄KvB i Kg ḡbnw̄bKi e³e" ev c̄o‡te` b t̄ Lv ḡv† G ,t̄j v e³w³ t̄ t̄K e³w³ t̄ Z Qot̄Z \_v‡K Ges G‡Z ms̄uké-e³w³ i meðik nt̄q hvq|

Dt̄j w̄Z c̄†i w̄Zxq w̄l q A\_ ḡbnw̄b m̄c̄uKZ Aciva‡K kw"‡hM" Aciva w̄nt̄m̄te MY" bv Kt̄i GUt̄K civil wrong w̄nt̄m̄te MY" Kt̄i ¶w̄Zc̄iY (damage) c̄t̄ v̄bi w̄eavb Kiv c̄n̄t̄‡ GUv ej v c̄t̄q̄Rb th Avgv‡` i t̄ t̄k defamation ev ḡbnw̄b ms̄juvšel tq ` Úm̄ia AvB̄bi (1860 m̄t̄bi 45 bs AvBb) Gi 21 Aa³t̄qi Aš³f³ aviv 499 t̄ t̄K aviv 502 ch̄w̄eavbvej x e³ZxZ Ab" t̄KvB ms̄uiae x AvBb (statutory law) w̄ "ḡb t̄B hv" I Bsj v̄t̄Ü Defamation Act, 1952 bv̄g GKvU c̄Y% AvBb w̄ "ḡb Av‡Q| Zt̄e Avgv‡` i t̄ t̄k defamation ev ḡbnw̄bi Rb" t̄ I qvbx ` vqexZv w̄l tq settled principle w̄ "ḡb i t̄q‡Q| Zvnj GB th ḡbnw̄bi Rb" Dch³ †¶‡† ¶w̄Zc̄i‡Yi ḡvqj v ` v̄t̄qi Kiv hvq| Defamation ev ḡbnw̄b fvi Z Ges c̄uK"‡bI ` Úm̄ia AvBb Abjvqj GKvU t̄d̄S R` vix Aciva Ges GB ḡbnw̄bi Rb" t̄ I qvbx ` vqexZv m̄uKZ t̄KvB

mybow` @ AvBb Hme t` tkl we` "gwb tbB| Zte Bswj k Kgbj @ Gi weavb Abymib Kti t` I qvbx `vqe×Zv wba@Y Kiv thtZ cvti A\_ev equity, justice and good conscience Gi bwZ AbymY Kiv thtZ cvti |

Dctiv<sup>3</sup> Avtj vPbv t\_k K Guv cwi wi th, defamation ev gvbwnwb `Úweia AvBtbi AvI Zvq GKUv kw\_-#hM Aciva Ges `Úweia AvBbB gvbwnwb t@t@ c@hvR` GKgv@ ej er AvBb Ges GB AvBtbi AvI ZvqB gvbwnwb Rb` msew` K ev Ab`vb` e@w<sup>3</sup> i weitx kw\_-c@v@bi `vex Kti gvgj v `v@qi Kiv hq| Zte Dcti ewY@ wba@Z bwZgj vi AvI Zvq ¶Zc@tYi (compensation for damages) gvgj v t` I qvbx Av`vj tZ `v@qi Kiv thtZ cvti | t` I qvbx Acei` (civil wrong) intmte ¶Zc@tYi Rb` t` I qvbx gvgj v Kiv ntj I `Úweia AvBtbi AvI Zvf@` tdSR` vix gvgj v Kivi AwaKvi ¶b@enq bv, Kvi Y gvbwnwb Rb` AvBb I wba@Z weavb ms@ja e@w<sup>3</sup>tK `J c@ZKtii `vex Kivi AwaKvi w@tqtQ| D<sup>3</sup> `J c@ZKtii AwaKvi GK@U Ab@Ui weK@ ev alternative AwaKvi b@n, GKB m@h@ c@hvR` AwaKvi | Zte c@v@Zt gvbwnwb nj `Úweia AvBtbi 21 Aa@v@qi AvI Zvq kw\_-#hM Aciva |

tc@n KvD@Ytj `v@qi KZ gvgj vi AwaKskB gvbwnwb msju@nq| K@S` tc@n KvD@Ytj gvbwnwb Rb` kw\_-c@v@bi ev ¶Zc@tY c@v@bi AvBbMZ tKb ¶gZv tbB ev tKb ivq c@v@b Ki@j I Zv execution Gi tKb ¶gZv tbB| iayfr@bv Kiv thtZ cvti ej Rvbv hq| AZGe, `Úweia AvBtbi 21 Aa@v@q (499 t\_k 502 aviv) ewY@ gvbwnwb msju@S-kw\_-+ weavb mgnB ntj v c@KZ AvBbMZ weavb hv tKtU@ gva@tg c@q@M Kitz nq| Kv@RB `Úweia GB weavb mgnB Kv@Ri weavb| tm@, t@j v enqj ivLv GK@S-c@q@Rb|

Dtj wZ ct@i miKtii e@e` nj th, msev` c@t@metx` i weitx gvbwnwb gvgj v `v@qi Kiv ntj Zv@` i wP@`I we@t@Ki `vaxbZv Ges evK@`vaxbZv Z\_v freedom of press ¶b@enq| GB we@q@J m@ut@K@ct@B Avtj vPbv Kiv ntqtQ| msev` c@t@i `vaxbZv msju@S-msweavtbi 39 Ab@`Qt` I AvBtbi @iv Avt@wCZ h@msMZ evav w@t@l@ m@t@ct@| msev` c@t@i `vaxbZv w@DqZv`vb Kiv ntqtQ| Dcti Dtj wZ D@P Av`vj tZi w@v@S@gn t\_k KI t` Lv h@te th, msev` c@t@i Rb` tKb we@k@l weav (privilege) c@v@b Kiv nq@b| fvi@Zi msweavtbi GKB i Kg eY@v t` qv Av@Q| B.M Gandhi i@PZ Law of Torts, 3<sup>rd</sup> edition (pp 141) b@gK c@t@K ewY@ Av@Q th, "Right to freedom of speech and expression under Article 19 (1) of the Constitution is one of the seven freedoms guaranteed by it. This right is, however, subject to various restrictions under Article 19 (2); defamation being one of them. It is a universal principle that no right is absolute and

right to freedom is no exception" GKB cī †K Avtiv eWZ AvtQ th "As observed in the case of Dikshit (Y.A. Dikshit vs. Radha Krisna, AIR 1948 Oudh 226), there is no statutory law of defamation in India except what is contained in Chapter XXI of the IPC (section 499). As for civil liability for defamation however, it has long been settled in this country that an action for damages would lie in proper cases. The basis are the same as in England, viz. that every man has a right to have his name maintained unimpaired."

Dctiv<sup>3</sup> eYDv t\_‡K t` Lv hq th, i ay gvnwbi weq m¤uKZ ` Ünella AvBtbi 21 Aa"q (aviv mn 499, 500,501 I 502) e"ZxZ wfbetKub mybw @ AvBb tBb| GUv gvnwbi cÖZKvii i Rb" GKgv† tdSR`vix weavb| Dcti ej v ntq‡Q th, GB tdSR`vix weavb Qovl t` I qvbx AcKvi (civil wrong) wntmte MY Kti ¶ZCtY (damage) cÖvibi Rb" Avgv‡ i t` †k Bsij k Kgbj Gi AbKi tY wbaw Z bxZ we"gvb AvtQ, A\_ev principles of equity, justice and good conscience Abjny Kti I t` I qvbx cÖZKvi t` qv ntq \_v‡K| KtRB gvnwbi weq ` Ünella AvBtbi weavb nj GKgv† msuiae× weavb Ges t` I qvbx cÖZKvii weavb nj Bsij k Kgbj Ø Gi i"j Øviv wbañi Z GKU weq|

GLvb Dtj LKiv cÖqvRb th, t` I qvbx AcKvi (civil wrong) Gi AvI Zvq ¶ZCtYi ` vex‡Z gvgj v Kivi t¶t` ` vexKZ UvKvi AsK mybw @fvt Dtj LKti AviR tck KitZ nq Ges GB mybw @ AstKi UvKvi lcti Gvw f'tj vti g tKvUqid cÖvb Kivi cÖqvRb nq| KtRB t` I qvbx cÖZKvii Rb" gvgj v KitZ tek LiP j vM| t` I qvbx cÖZKvii gvgj vq ev` x (ms¶ä eW<sup>3</sup>) wñmu cüte wKbv Zv wñOZ Kti AñMj tKD ej tZ cüte bv| GgZve vq ev` x tgvUv As‡Ki UvKv LiP Kti t` I qvbx gvgj v Kivi ci hv` wñmu bv cüq Zvntj Zvi gvb-m¤ybl tMj, Dciš' Zvi c‡KU t\_‡K Avtiv A\_ñebó ntj v wKš' tKvb cÖZKvi B cüq ntj v bv| Gme cüwñZi Kvi tYB gvnwbi Øviv ms¶ä tKvb eW<sup>3</sup> GKgv† weEevb eW<sup>3</sup> Qovl t` I qvbx cÖZKvii w` †k th‡Z tgvUI AñMj teva Kti b bv| KtRB AvBtbi cÖ E cÖZKvii GKgv† cPij Z weavb nj ` Ünella AvBtbi 21 Aa"v‡qi 499 ntZ 502 avivq cÖ E cÖZKvi |

Ünella AvBtbi mwavi YZt wZb eQi ev Zvi teuk cügzb kw" #hM" Aciva‡K I qv‡i U (warrant) tKm wntmte tkYx web"vm Kiv nq, wKš' gvnwib msjuvS-500, 501 I 502 avivq ` eQ‡i i webvkg Kiv` tUi kw" + weavb Kiv mtEj 1898Bs mtbi tdSR`vix Kvhñella AvBb (1898 Bs mtbi 5 bs AvBb) Gi wZxq Zcümtj i gta" gvnwib msjuvS-500,501 I 502 aviv Aciva‡K 4 bs Kj v‡g I qv‡i U (warrant) tKm wntmte tkYx web"vm Kiv ntq‡Q| Gi A\_ñGB ` wovq th, ZLbKvi w` †bi AvBbKZñvI gvnwbi Aciva‡K AZ"ñ"Zj mnKv‡i wetePbv Kti tQb| mg‡qi weZ‡b eZ@vb cüwñZ‡Z Ünella AvBtbi eWZ gvnwib msjuvS-Aciva‡K kw" #hM" Aciva wntmte MY" bv Kivi tKvb AKvE hñ<sup>3</sup> Avgiv t` wL bv|

Dctiv<sup>3</sup> Avtj vPbv I ch‡j vPbv mg n wetePbvutg Avgv‡ i AvfgZ GB th, gvnwib msjuvSweq t` I qvbx I tdSR`vix Dfq cÖKvi cÖZKvii weavb Avgv‡ i t` †k we"gvb i tq‡Q|

G **me**I **þ**q bZb **t**Kvb AvBþbi c<sup>Y</sup>qb ev **me** ``g<sup>v</sup>b AvBþbi c<sup>w</sup>i eZ<sup>ø</sup> ev m<sup>s</sup>tkvatbi **t**Kvb c<sup>ø</sup>qvRbxqZv  
**t**bB e<sup>t</sup>j Avgiv g<sup>v</sup>b K<sup>w</sup>i |

Wt Gg, Gbvgj nK  
m` m``-2

**me**Pvi c<sup>w</sup>Z **t**gv<sup>t</sup> **m**ivRj Bmj vg  
m` m`` -1

**me**Pvi c<sup>w</sup>Z **t**gv<sup>-</sup> vdv Kvgyj  
**t**Pqvi g<sup>v</sup>b