

The Indian Penal Code 1860

Section 499 - DEFAMATION Whoever, by words either spoken or intended to be read, or by signs or by visible representation, makes or

a) A says "Z is an honest man; he never stole B's watch"; intending to cause it to be believed the Z did steal B's watch. This is defamation, unless it falls within one of the exceptions. (b) A is asked who stole B's watch. A points to Z, intending to cause it to be believed that Z stole B's watch. This is defamation, unless it falls with one of the exceptions. (c) A draws a picture of Z running away with B's watch intending it to be believed that Z stole B's watch. This is defamation, unless it falls, within one of the exceptions. First Exception : Imputation of truth which public good requires to be made or published It is not defamation to impute anything which is true concerning any person, if it be for the public good that the imputation should be made or published . Whether or not it is for the public good is a question of fact. Second Exception : Public conduct of public servants It is not defamation to express in a good faith any opinion whatever respecting the conduct of a public servant in the discharge of his public functions, or respecting his character, so far as his character appears in that conduct, and no further. Third Exception : Conduct of any person touching any public question It is not defamation to express in good faith any opinion whatever respecting the conduct of any person touching any public question, and respecting his character, so far as his character appears in that conduct, and no further. Illustration It is not defamation in A to express in good faith any opinion whatever respecting Z's conduct in petitioning Government on public question, in signing a requisition for a meeting on a public question, in presiding or attending at such meeting, in forming or joining any society which invites the public support, in voting or canvassing for a particular candidate for any situation in the efficient discharge of the duties of which the public is interested. Fourth Exception Publication of reports of proceedings of courts It is not defamation to publish a substantially true report of the proceedings of a Court of Justice, or of the result of any such proceedings. Explanation : A Justice of the peace or other officer holding an enquiry in open Court preliminary to a trial in a Court of Justice, is A court within the meaning of the above section Fifth Exception--Merits of case decided in Court or conduct of witnesses and others concerned It is not defamation to express in good faith any opinion whatever respecting the merits of any case, civil or criminal, which has been decided by a Court of Justice, or respecting the conduct of any person as a party, witness or agent, in any such case, or respecting the character of such person, as far as his character appears in that conduct and no further. Illustrations (a) A says "I think Z's evidence on that trial is so contradictory that he must be stupid or dishonest". A is within this exception if he says this in good faith, inasmuch as the opinion which he expresses respect Z's character as it appears in Z's conduct as a witness, and no further. (b) But if A says- "I do not believe what Z asserted at that trial because I know him to be a man without veracity"; A is not within this exception, inasmuch as the opinion which he expresses of Z's character, is an opinion not founded on Z's conduct as a witness. Sixth Exception- Merits of public performance It is not defamation to express in good faith any opinion respecting the merits of any performance which its author has submitted to the judgment of the public, or respecting the character of the author so far as his character appears in such performance, and no further. Explanation : A performance may be submitted to the judgement of the public expressly or by acts on the part of the author which imply such submission to the judgement of the public. Illustrations (a) A person who publishes a book, submits that book to the judgement of the public. (b) A person who makes a speech in public, submits that speech to the judgment of the public. (c) An actor or singer who appears on a public stage, submits his acting or singing to the judgment of the public. (d) A says of a book published by Z- "Z's book is foolish; Z must be a weak man, Z's book is indecent; Z must be a man of impure mind". A is within the exception, if he says this in good faith, inasmuch as the opinion which he expresses of Z respects Z's character only so far as it appears in Z's book, and no further. (e) But if A says - "I am not surprised that Z's book is foolish and indecent, for he is a weak man and a libertine,". A is not within this exception, inasmuch as the opinion which he expresses of Z's character is an opinion not founded on Z's book. Seventh Exception- Censure passed in good faith by person

having lawful authority over another. It is not defamation in a person having over another any authority, either conferred by law or arising out of lawful contract made with that other, to pass in good faith any censure on the conduct of that other in matters to which such lawful authority relates. Illustration A judge censuring in good faith the conduct of a witness, or of an officer of the Court; a head of a department censuring in good faith those who are under his orders, a parent censuring in good faith a child in the presence of other children; a School-master, whose authority is derived from a parent, censuring in a good faith a pupil in the presence of other pupils; a master censuring a servant in good faith for remissness in service; a banker censuring in good faith the cashier of his bank for the conduct of such cashier as such cashier--are within this exception. Eighth Exception- Accusation preferred in good faith to authorised person. 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 of the subject-matter of accusation. Illustration If A in good faith accuses Z before a Magistrate; if A in good faith complains of the conduct of Z, a servant, to Z's master; if A in good faith complains of the conduct of Z, a child, to Z's father-A is within this exception. Ninth Exception- Imputation made in good faith by person for protection of his or other's interest It is not defamation to make an imputation on the character of another, provided that the imputation be made in good faith for the protection of the interest of the person making it, or any other person, or for the public good. Illustrations (a) A, a shopkeeper, says to B, who manages his business-"Sell nothing to Z unless he pays you ready money, for I have no opinion of his honesty". A is within the exception, if he has made this imputation on Z in good faith for the protection of his own interests. (b) A, a magistrate, in making a report of his own superior officer, casts an imputation on the character of Z. Here, if the imputation is made in good faith, and for the public good, A is within the exception. Tenth Exception- Caution intended for good of person to whom conveyed or for public good. It is not defamation to convey a caution, in good faith, to one person against another, provided that such caution be intended for the good of the person to whom it is conveyed, or of some person in whom that person is interested, or for the public good.