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Law of Crimes II. Sem II

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Law on defamation Section 499 IPC

Defamation relates to infringement of legal rights of person like right to reputation , social status of a person whose respect in the eyes of society has been lowered by the person intentionally who defamed him by means of words spoken or written or by signs and gestures. Due to his defamation the person suffers mental injury. Law considers it to be a crime under section 499. Under law of torts also defamation is a actionable claim for which damages are admissible as legal remedy.

Under section 499 following are the important ingredients of defamation.

1. Any defamatory statement has been made or published concerning any person
2. Such statement has been made either by words, or signs/gestures or visible representation.
3. Such statement has been made with intention of harming or with knowledge to harm or lower the reputation of the person in the eyes of society.

Publication of defamatory statement by the accused is necessary otherwise offence of defamation is not made out.

Such publication must have been to public and is directed against the victim. Otherwise offence will not be made out.

For making out offence of defamation it is not necessary that it must be either in spoken or written form. Defamatory signs and gestures or visible representation would be sufficient to constitute the offense of defamation.

Take care students

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