**E-CONTENT**

**MJMC,  SEM-IV, PAPER-XIV (CC-402)**

**Topic : What is not Defamation.**

**Date : 29-01-2020, TIME : 2.00 P.M.-3.00 P.M.**

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**What is not Defamation.**

Some actions that might not be considered as defamation are given below. Media professionals may not be punished for defamation if they can prove that their action aimed at;

Communicating something true for public good. Defendants have to prove that the

statements were ***true and communicated in good faith for the common good***.

Expressing in good faith any opinion whatever respecting the conduct of a public servant

in the discharge of his public functions,

Expressing in good faith any opinion whatever respecting the conduct of any person

touching any public question,

Publishing the true report of the proceedings of a Court of Justice, or of the result of any

such proceedings.

Fair comment on the judicial procedure or merits of any cases

Academic reviews that deals with the material and not attacking the author personally

Legal and authorized actions

Accusations made in good faith before the courts or to authorized persons.

A recent judgment of the Indian Supreme Court concluded that a public official cannot recover

damages for libel for a defamatory publication about his or her official conduct unless he or she can prove that the publication was both false and made with reckless disregard for the truth.

***Privilege***

Statements of some people made in some occasions, however defamatory they might seem

to be, may not be considered as a violation of the defamation law.

***Absolute Privilege:***

There are certain occasions on which the law regards freedom of speech as essential, and

provides a defence of absolute privilege which can never be defeated, no matter how false or malicious the statements may be. The following communications are ‘absolutely privileged’ and protected from defamation proceedings:

***Laws and Ethics***

Statements made in either House of Parliament.

Statements made in the course of judicial proceedings or quasi-judicial proceedings.

Communications between lawyers and their clients.

Statements made by officers of state to one another in the course of their official duty.

***Qualified Privilege:***

Qualified privilege operates only to protect statements, which are made without malice (ie, spitefully, or with ill-will or recklessness as to whether it was true or false).

Statements made in pursuance of a legal, moral or social duty, but only if the party making

the statement had an interest in communicating it and the recipient had an interest in

receiving it.

Statements made in protection of an interest, eg public interests or the defendant’s own

interests in property, business or reputation.

Fair and accurate reports of parliamentary proceedings.