

CHAPTER 17

Punishment

THE PUNISHMENT for the offence of defamation under section 500 of the Indian Penal Code is *simple* imprisonment upto two years or with fine or with both. With reference to this section, the Law Commission of India, in its *Report on the Indian Penal Code*,¹ recommended that the punishment should be imprisonment of *either description* upto two years and further recommended that where the defamatory statement has been published in a newspaper and thus made known to a large number of persons, the fact of the offender's conviction should be similarly published. The cost of publication should be recoverable from the convicted person as a fine. Accordingly, the Law Commission recommended that section 500 should be revised as under :

500. Punishment for defamation—

- (1) Whoever defames another shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.
- (2) Where the offence has been committed by publishing an imputation in a newspaper, the Court convicting the offender may further order that its judgment shall be published, in whole or in part, in such newspaper as it may specify.
- (3) The cost of such publication shall be recoverable from the convicted person as a fine.

The Second Press Commission also in its report² expressed its agreement with this recommendation of the Law Commission.

The recommendation of the Law Commission deserves to be implemented.

1. Law Commission of India, *42nd Report* 331, para 21.5 (1971).

2. *Report of the Second Press Commission*, vol. 1, pp. 44-45, para 73, (1982).