

THE PROTECTION OF SPEECH AND REPUTATION BILL, 2016

By

SHRI TATHAGATA SATPATHY, M.P.

ARRANGEMENT OF CLAUSES

CLAUSES

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.
2. Definitions.

CHAPTER II

SUITS FOR DEFAMATION

3. Suits for defamation.
4. Mandatory notice of a suit for defamation.
5. Response to a notice for a suit of defamation.
6. Acceptance of an offer to make amends.
7. Rejection of an offer to make amends.

CHAPTER III

INSTITUTION AND PARTIES TO A SUIT FOR DEFAMATION

8. Institution of a suit for defamation.
9. Suits by Government and public servants.
10. Defendant to a suit for defamation.

CHAPTER IV

LIMITATION ON CAUSE OF ACTION IN A SUIT FOR DEFAMATION

11. No cause of action for defamation of, or against, deceased persons.
12. Single cause of action for multiple defamatory statements in the same matter.
13. Single cause of action for subsequent publication.

(ii)

CLAUSES

CHAPTER V

DEFENCES TO A SUIT FOR DEFAMATION

14. Defence of truth.
15. Defence of opinion and inference.
16. Certain statements not to constitute defamation.

CHAPTER VI

PROCEDURE

17. Jurisdiction.
18. Power to transfer and consolidate cases.
19. Relief in suits for defamation.
20. Quantification of damages.
21. Groundless threats of legal proceedings.

CHAPTER VII

MISCELLANEOUS PROVISIONS

22. Agreements for indemnity.
23. Overriding effect.
24. Amendments of certain enactments.
25. Power to make rules.

THE SCHEDULE

Bill No. 292 of 2016

THE PROTECTION OF SPEECH AND REPUTATION BILL, 2016

By

SHRI TATHAGATA SATPATHY, M.P.

A

BILL

to balance the right to personal reputation within the right to free speech by providing for repeal of substantive offence of defamation and its punishments; consolidate the common law relating to civil defamation; comprehensively provide for the protection of speech and reputation and for matters connected therewith or incidental thereto.

WHEREAS the Universal Declaration of Human Rights, 1948 [General Assembly res. 217A(III)] adopted and proclaimed by United Nations General Assembly on 10th December, 1948; under Article 19 guarantees the right to freedom of expression;

AND WHEREAS article 15 of the Constitution of India guarantees the right to freedom of speech and expression;

AND WHEREAS the Universal Declaration of Human Rights, 1948 under article 12 further obligates states to protect honor and reputation of persons by enacting legislation;

5 of 1908 (2) Words and expressions used but not defined in this Act and defined in the Code of Civil Procedure, 1908 shall have the meaning assigned to them in the Code.

CHAPTER II

SUITS FOR DEFAMATION

5 **3.** (1) A person shall not be prohibited from making a statement except when it has the effect of causing serious harm to the reputation of another person, resulting in the defamation of such another person. Suits for defamation.

(2) Any false statement, which has the effect of marginalizing a person on the basis of his gender identity or sexual orientation without the consent of such person, shall be deemed to have the effect of causing serious harm to such person. 10

(3) Notwithstanding anything contained in this Act or any other law for the time being in force, harm to the reputation of any company, limited liability partnership, partnership firm, sole proprietorship or other association of individuals engaged in commercial or professional activities shall not be treated as serious harm unless such harm causes or appears to cause serious financial loss which may be proved by circumstances subsequent to the publication of the statement. 15

(4) Subject to the provisions of this Act, any person who has suffered defamation as a result of the statement made by another person shall have the right to institute a suit for damages in the court of competent jurisdiction against such person.

20 **4.** (1) No suit under this Act shall be instituted unless, prior to instituting a suit for defamation, the plaintiff has given notice to the author, editor or publisher of the statement that is alleged to be defamatory and the author, editor or publisher within a period of two weeks after receipt of the notice fails to satisfy the demand as per the reasonable satisfaction of the person seeking to institute a suit for defamation. Mandatory notice of a suit for defamation.

25 (2) A notice for the purposes of sub-section (1) shall contain the following particulars—

(a) the statement alleged to be defamatory with particulars as to when and where it was made and came to the knowledge of the person issuing the notice;

30 (b) the reasons as to how the statement alleged to be defamatory caused serious harm to the reputation of the person issuing the notice;

(c) the role of the author, editor or publisher separately identified in authoring, editing or publishing the statement;

(d) the name and place of the District Court or a High Court having original civil jurisdiction where the suit for defamation will be filed; and

35 (e) the details of any other suit filed in respect of the statement which is same or substantially similar along with the name and place of the Court where it has been filed.

(3) The demand made under the notice shall include the relief sought and—

(a) apology, correction and/or retraction in a manner and form as demanded; and

(b) monetary damages on the basis of the provisions of this Act.

40 (4) Any notice to the author, editor or publisher shall be delivered in the following manner—

(a) all notices shall be sent through registered post to the address of the author, editor or publisher against whom the suit for defamation is sought to be filed:

45 Provided that when the address of the author, editor or publisher is not available, a public notice shall be issued in such form and manner, as may be prescribed;

(b) a copy of the notice shall also be sent by registered post to the office address, if available, of the author, editor or publisher against whom the suit for defamation is sought to be filed;

(c) notwithstanding anything in clauses (a) and (b), in case the publication containing the statement is made available on the internet, a notice may be delivered by—

(i) sending an e-mail, if e-mail address is available, attaching therewith the notice with the electronic signature of the person sending the e-mail;

(ii) the e-mail shall also be sent to any e-mail address which is separately mentioned in the terms and conditions of the website for service of notices:

Provided that when the e-mail address of the author, editor or publisher is not available a public notice shall be issued in such form and manner, as may be prescribed:

Provided further that no notice shall be sent to an intermediary:

Provided also that when the intermediary is the only internet website where the statement is published, notice shall be sent to the author, editor or publisher and not to the intermediary.

Response to notice of a suit for defamation.

5. (1) A person who has received a notice under section 4 may offer to make amends in relation to the statement complained to be defamatory and any such offer to make amends shall be—

(a) made within a period of two weeks from the date of receipt of the notice under sub-section (4) of section 4;

(b) made in writing;

(c) expressed to be an offer to make amends; and

(d) clearly stated whether it is a qualified offer and, if so, set out the defamatory meaning in relation to which it is made.

(2) An offer to make amends under sub-section (1) may include any of the following offers—

(a) to make a suitable correction of the statement complained of and sufficient apology to the aggrieved party;

(b) to publish the correction and apology in a manner that is reasonable and practicable to the aggrieved party; and

(c) to pay the aggrieved party such compensation, if any, and such costs, as may be agreed or determined to be payable.

(3) An offer to make amends under sub-section (1) of section 5 may be withdrawn before it is accepted and a renewal of an offer which has been withdrawn shall be treated as a new offer.

Acceptance of an offer to make amends.

6. (1) An aggrieved party that has sent a notice under section 4 may accept an offer to make amends made under section 5.

(2) Where an aggrieved party has accepted an offer to make amends under section 5, it shall not be entitled to institute or continue proceedings in respect of the statement concerned against the person making the offer, but shall be entitled to enforce the offer to make amends through legal proceedings.

Rejection of an offer to make amends.

7. (1) When an offer to make amends under section 5 is rejected by the aggrieved party, such offer shall not—

(a) constitute an expression or implied admission of fault or liability by the person in connection with that matter; and

(b) be considered relevant to the determination of fault or liability in connection with that matter.

(2) Notwithstanding anything contained in the Indian Evidence Act, 1872, any offer to make amends under section 5 shall not be admissible in proceedings as evidence of the fault of the person making it.

Illustration: X is aggrieved by certain statements issued by Y in a press conference and X complains of defamation. Y offers to make amends. However this written proposal offered by Y is not found satisfactory by X. Y's offer to make amends and the written proposal for the same shall not be considered to be an admission of Y's guilt and used against Y in evidence during court proceedings.

CHAPTER III

INSTITUTION AND PARTIES TO A SUIT FOR DEFAMATION

8. After a person has complied with the provisions of sub-section (1) of section 4, he may institute a suit for defamation in the following manner—

Institution of a suit for defamation.

(a) No suit for defamation shall be instituted by any person other than the person who has suffered serious harm by a false statement:

Provided that where such person is under the age of eighteen years, or is of unsound mind, or is suffering from sickness or infirmity and is unable to make a complaint, or is a woman who, according to the local customs and manners, is restrained from appearing in public, some other person may institute the suit on their behalf:

Provided further that when a person institutes a suit on behalf of another person, such person shall do so by taking leave of the court which shall consider it and pass an order prior to issuing summons to a defendant; and

(b) An aggrieved party may institute a suit for defamation being a member of a readily identifiable association or group of person if—

(i) the statement is made against an identifiable association or group of persons;

(ii) the statement has caused serious harm to the identifiable association or group of persons;

(iii) the aggrieved party is a natural person; and

(iv) the aggrieved party is a member of such identifiable association or group of persons:

Provided that when a natural person institutes a suit as a member of a readily identifiable association or group of persons, it shall be by taking leave of the court which shall consider it and pass an order prior to issuing summons to a defendant.

9. (1) A Government agency or any local authority or institution performing government or statutory functions shall not be entitled to institute suits for defamation under this Act.

Suits by Government and public servants.

(2) No suit for defamation shall be instituted or held maintainable when the statement is made against a public servant with respect to his acts and conduct relating to the discharge of his official or public duties:

Provided that a suit for damages by a public official seeking damages for defamatory statement be deemed to be maintainable if it is proved that the statement was made with reckless disregard for truth:

Provided further that when a public servant institutes a suit for defamation, it shall be by taking leave of the court which shall consider it and pass an order prior to issuing summons to a defendant.

Illustration: A is the chief minister of the State of X. Y is a journalist who authors an article which alleges an abuse of power by A which A claims contains defamatory statements.

The State of X cannot file a suit for defamation on behalf of A. However, A can file a suit as A is a public official.

Since the statement which has been alleged by A to be defamatory relates to the discharge of official or public duties by A, in order that suit for defamation is maintainable, A has to first establish serious harm to his reputation and that it was made with reckless disregard for the truth. 5

Establishing that the statement made against A by Y is false shall not by itself constitute a reckless disregard for truth but it shall also require extreme negligence, malice, ill-will or bad faith. 10

Defendant to a suit for defamation.

10. (1) Any suit for defamation shall proceed only against the author, editor or publisher of the statement and shall contain particulars identifying each defendant under the category of an author, editor or a publisher.

25 of 1867.

(2) In the case of statement made in any book, newspaper or paper, the plaintiff shall identify the author, editor or publisher as per the declarations contained under the Press and Registration of Books Act, 1867: 15

25 of 1867.

Provided that where the statement is not governed by the provisions of the Press and Registration of Books Act, 1867, the plaintiff shall make reasonable efforts to ascertain the author, editor or publisher and the explanation of such effort should be contained in the particulars of the plaint. 20

(3) An intermediary shall not be considered the author, editor or publisher of any statement and shall not to be made party to any suit for defamation.

Explanation.—For the purposes of this section—

(1) an intermediary shall comply with the order and judgment of a court without being a party to the proceedings therein; 25

(2) any defendant may claim the status of an intermediary even if such a person is alleged to be the author, editor or publisher of the statement by the plaintiff in a suit for defamation.

CHAPTER IV 30

LIMITATION ON CAUSE OF ACTION IN A SUIT FOR DEFAMATION

No cause of action for defamation of, or against, deceased persons.

11. (1) No person (including the legal heirs and descendants of a deceased person) shall institute, continue or enforce a cause of action for defamation in relation to—

(a) a statement about a deceased person, irrespective of whether such statement is published before or after the death of such person; or 35

(b) a statement made by a person who has died since it was published, notwithstanding anything contained in the Indian Succession Act, 1925:

Provided that a cause of action for a suit for defamation shall exist, when a statement is not limited to a deceased person and extends to any other person who has suffered direct, serious harm as a consequence of it. 40

(2) For the purposes of this section, a body corporate shall be considered a deceased person from the date a court passes an order for its dissolution or declaration of insolvency.

Single cause of action for multiple defamatory statements in the same matter.

12. A person shall have a single cause of action for defamation in relation to the publication of a defamatory statement about the person even if more than one defamatory statement about the person is carried in the same matter. 45

13. (1) For the purpose of counting time from which period begins to run in suits for compensation for libel under the Limitation Act, 1963 in case of subsequent statements of substantially same form as first, after being published in the cause of action against the author, editor or publisher in respect of the subsequent statement shall be deemed to have accrued on the date of the first publication.

Single cause of action for subsequent publication.

(2) For the purpose of counting time from which period begins to run in suits for compensation for slander under the Limitation Act, 1963 in case of subsequent spoken statements of substantially same form as first spoken statement, the cause of action as well as special damage against the author, editor or publisher shall be deemed to have accrued on the date of the first spoken statement.

(3) The provision of this section shall not apply to the subsequent statement if the matter of the subsequent statement is materially different from the matter of the first statement.

CHAPTER V

DEFENCES TO A SUIT FOR DEFAMATION

14. (1) A defendant shall not be deemed to have committed defamation if the statement alleged to be defamatory or the imputation conveyed by it is substantially true.

Defence of truth.

(2) In a suit for defamation in which a statement is alleged to be defamatory, the defendant shall not be held liable merely because one or more statements are shown to be materially false unless such statement also causes serious harm to the reputation of the plaintiff.

(3) Notwithstanding anything contained in any law for the time being in force, in cases involving statements on matters of public concern, the plaintiff shall bear the burden of proving the falsehood of any statement or imputation of fact alleged to be defamatory.

15. (1) In a suit for defamation, a defendant shall not be deemed to have committed defamation if the statement alleged to be defamatory is a statement of opinion or a factual inference and the conditions laid down in sub-section (2) are satisfied.

Defence of opinion and inference.

(2) The following conditions must be satisfied by a defendant to avail the defence of opinion and inference-

(a) the statement complained of is a statement of opinion or a factual inference;

(b) in case the statement complained of is a statement of opinion, the statement complained of shall indicate, whether in general or specific terms, the basis of the opinion;

(c) in case the statement complained of is a statement of factual inference, the statement complained of shall reasonably summarise the matters from which the inference has been or may be drawn including any such matters militating against the inference; and

(d) a reasonable person must be able to hold the opinion or draw the inference on the basis of any relevant facts known to the author of the statement at the time the statement complained of was published.

(3) The defence of opinion and factual inference shall not apply if it is proved that the defendant did not hold the opinion and in respect of a factual inference, the defendant was malicious.

16. (1) Notwithstanding anything contained in this Act, the publication of following statements, which shall be protected by absolute privilege, shall not constitute defamation—

Certain statements not to constitute defamation.

(a) a statement made in proceedings of any meeting or sitting of:

(i) the Council of States or the House of the People;

(ii) the Legislative Council or the Legislative Assembly;

(iii) any local authority or committee of a local authority;

(iv) any commission, tribunal, committee or inquiry by a person appointed for the purposes under the Central Government or the State Act by the appropriate Government;

(v) any local inquiry by a person appointed by a local authority in pursuance of any of the Central or the State Act;

(vi) any other tribunal, committee or board constituted and exercising functions by or under the Central Government or the State Act; and

(b) Statements contained in reports written in any of the bodies mentioned in this section;

(c) statements made—

(i) in proceedings before a court, tribunal or authority that has the power to act judicially or exercising judicial or quasi-judicial functions;

(ii) in communications between any person and an advocate or legal counsel for the purpose of obtaining or rendering legal advice; and

(iii) under the penalty of perjury or under an oath.

(2) Notwithstanding anything contained in this Act, any fair and accurate publication of the following statements shall be protected by conditional privilege and shall not constitute defamation unless made with malice—

(a) proceedings of a Legislature of any foreign country or of a committee of any such Legislature, or an International Organisation of which India is a member, or of organisations recognised by the United Nations, or of any international conference to which the Government of India sends a representative;

(b) findings or decisions of associations or any committee or governing body in relation to a person who is a member of or is subject, by virtue of any contract, to its control;

(3) The proceedings at a general meeting of any company or association constituted, registered or certified by or under a Central or State Act.

CHAPTER VI

PROCEDURE

17. (1) No suit for defamation under this Act shall be instituted in any court inferior to a district court having jurisdiction to try the suit.

(2) Notwithstanding anything contained in the Code of Civil Procedure, 1908, a suit for defamation shall be instituted within the local limits of a district court where the defendant resides, or carries on business, or personally works for gain:

Provided that where the address of the defendant is unavailable or exists beyond the territorial extent of India the aggrieved party may institute a suit for defamation at a place where the publication containing the statement is first made available to the public:

Provided further that in instance when the address of the defendant is unavailable or exists beyond the territorial extent of India and the publication containing the statement is made on the internet, then the aggrieved party may institute a suit for defamation in a district court within the local limits of whose jurisdiction, at the time of the institution of the suit or other proceeding, the person instituting the suit or other proceeding or, where there are more than one such person, any of them actually and voluntarily resides or carries on business or personally works for gain.

(1) A suit for defamation shall only be filed under this Act in a court as has been stated in the notice for defamation; however, the statement of a specific court in a notice does not confer jurisdiction to a district court which otherwise does not have jurisdiction as per the provisions of this Act.

5 **18.** (1) Whenever it is made to appear to the Supreme Court that an order under this section is expedient for the ends of justice, it may direct that any particular case(s) or appeal be transferred from one High Court to another High Court or from a Civil Court subordinate to one High Court to another Civil Court of equal or superior jurisdiction subordinate to another High Court. Power to transfer and consolidate cases.

10 (2) The Supreme Court may act under this section only on the application of the Attorney General of India or of a party interested, and every such application shall be made by motion, which shall, except when the applicant is the Attorney-General of India or the Advocate-General of the State, be supported by affidavit or affirmation.

15 **19.** (1) The relief which a court may grant in any suit for defamation includes injunction (subject to such terms, if any, as the court thinks fit) at the option of the plaintiff and damages. Relief in suits for defamation.

(2) The order of injunction under sub-section (1) may include any of the following reliefs, namely:

(a) a suitable correction of the statement found to be defamatory and sufficient apology to the aggrieved party;

20 (b) to publish the correction and apology in a manner that is reasonable and practicable to the aggrieved party;

(c) to pay the aggrieved party such compensation by way of damages (if any).

(3) The costs of all parties shall be as per the discretion of the court and the Court shall take into account the travel and business costs incurred by the parties while assigning costs. Quantification of damages.

25 **20.** (1) An aggrieved party shall not be awarded exemplary or punitive damages in a suit for defamation. Quantification of damages.

(2) In determining the amount of damages to be awarded in any defamation proceedings, the court is to ensure that there is an appropriate and rational relationship between the harm sustained by the aggrieved party and the amount of damages awarded.

(3) The court may determine the appropriate and rational relationship between the harm sustained by the aggrieved party and the amount of damages based on the following factors—

35 (a) the proportionality of the harm with direct financial loss subsequent to the publication of the statement which is defamatory; or

(b) repeated defamatory statements by the defendant against the aggrieved party in separate publications which may evidence a presence of malice; or

(c) flagrant disregard for the truth through willful recklessness which gives rise to the defamatory statement.

40 (4) The court may also consider the following factors in mitigating damages which may be awarded-

(a) the potential of a chilling effect caused which may limit the ability of the publication or any of the defendants to ordinarily conduct business;

45 (b) the publication of any correction, retraction, or apology published by the defendant, and the nature, extent, form, manner, and time of that publication;

(c) any statement of explanation or rebuttal, or of both explanation and rebuttal, in relation to the matter that is the subject of the proceedings, and the nature, extent, form, manner, and time of that publication; and

(d) delay between the publication of the matter in respect of which the proceedings are brought and the decision of the court in those proceedings, being 5
delay for which the plaintiff was responsible.

(5) In cases of damages which are claimed without specific evidence which is proved on direct and actual financial loss there shall be a limitation on damages in the following manner-

(a) the maximum amount of damages for such non-economic loss that may be 10
awarded in defamation proceedings shall be such as may prescribed by the Central Government by notification in the Official Gazette that is applicable at the time damages are awarded.

Groundless
threats of
legal
proceedings.

21. (1) When a person, by means of a notice or other mediums such as circulars, advertisements or by any other means threatens a person with an action or proceedings for 15
defamation the recipient may institute suit against such person praying for the following reliefs:

(a) a declaration to the effect that the threats are unjustifiable;

(b) an injunction against the continuance of such threats; and

(c) such damages, if any, as may have been sustained thereby. 20

(2) A defendant in a suit under this section may prefer a counterclaim for defamation for any of the reliefs as provided under section 19 of this Act.

(3) Nothing in this section shall render an advocate or a legal practitioner liable to an action under this section in respect of an act done by him in his professional capacity on behalf of the client. 25

(4) A suit under this section shall not be instituted in any court inferior to a district court within whose local limits the notice or other mediums such as circulars, advertisements or through such other means the threats were received.

CHAPTER VII

MISCELLANEOUS PROVISIONS 30

Agreements
for indemnity.

22. An agreement indemnifying any person against civil liability for defamation in respect of the publication of any statement shall not be unlawful unless at the time of making the statement that person knows that the matter is defamatory and does not reasonably believe there is a good defence to any action brought upon it.

Overriding
effect.

23. (1) Notwithstanding anything contained in any law for the time being in force, any suit having a cause of action for defamation or praying for reliefs seeking monetary damages, declaration or injunction for defamation, with or without any connected and ancillary reliefs, shall be heard and decided in accordance with the provisions of this Act. 35

(2) In any suit for defamation there shall be no distinction between statements which are considered to be slander and libel, which shall only and exclusively be governed by 40
the provisions of this Act.

Amendment
of certain
enactments.

24. (1) The enactments specific in the Schedule are hereby amended to the extent and the manner mentioned in the fourth column thereof.

(2) The amendment of enactments shall not affect continuation of any legal proceeding pending in a court at the commencement of this Act and the proceedings may be continued 45
in that court as if this Act had not been passed.

25. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act. Power to make rules.

(2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total
5 period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or
both the Houses agree that the rule should not be made, the rule shall thereafter have effect
10 only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

THE SCHEDULE

[See Section 24]

Year	No.	Short title	Extent of repeal
1860	45	The Indian Penal Code, 1860	Sections 499 to 502
1974	2	The Code of Criminal Procedure, 1973	Section 199

STATEMENT OF OBJECTS AND REASONS

The right to free speech, which is guaranteed under article 19(1)(a) of our Constitution, is an important aspect that ensures our democracy remains vibrant and ever evolving. However, it is important to also ensure that this right is not misused to damage the reputation of a person or entity. To ensure the existence of a healthy social environment, there needs to be a fine legislative balance between free speech and the right to reputation.

The Protection of Speech and Reputation Bill attempts to repeal the substantive offence of defamation and its punishments. The larger aim of this Bill is to consolidate the common law relating to civil defamation and to comprehensively provide for the protection of speech and reputation as per the Constitution.

This Bill seeks to bring in simplified procedure to redress defamation complaints. Efforts are to make trial by subordinate judiciary as easy and simple as such a complex law could possibly be. It proposes to create a mandatory notice process, before a case is filed in court. This will ensure that the person who complains and the person against whom the complaint is made, can find ways of avoiding litigation. This would be one step towards promoting ease of doing business as companies would have an effective, quick remedy to protect their reputation on showing serious harm. The Bill also tries to address important issues with respect to territorial jurisdiction and damages awarded taking into consideration global best practices on defamation laws. The Bill proposes that all changes in defamation law, including the proposal for the decriminalization of defamation, should be applicable prospectively and should not apply to any pending proceedings.

The Indian Penal Code, 1860 states that defamation is a criminal offense. Criminal defamation is a law made one hundred and fifty years ago and preserved without substantial legislative change till date. This colonial enactment had the clear intent to curb liberty of a subject nation. A change in times should, ideally, lead to a change in law. There are frequent debates whether these restrictions are relevant in modern age. It is a lack of clarity on this that often leads to misuse of defamation laws by using them as a harassment tool. The ultimate result is that this restricts speech.

The Universal Declaration of Human Rights, adopted and proclaimed by United Nations General Assembly on 10th December, 1948, guarantees the right to freedom of expression under article 19. If we look around the world, there is an emerging global trend to abolish criminal defamation. United Kingdom, the country that gave us the Indian Penal Code in its original form, has repealed criminality in its defamation law in 1996 and, in its place, passed a reasonable law in the year 2013.

India must march in tandem with the world and make an effort to keep up with times. There is an urgent need to reform our defamation law to ensure India has the required social environment for democracy and the economy to flourish.

Hence this Bill.

NEW DELHI;

TATHAGATASATPATHY

October 27, 2016.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 25 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

LOK SABHA

A

BILL

to balance the right to personal reputation within the right to free speech by providing for repeal of substantive offence of defamation and its punishments; consolidate the common law relating to civil defamation; comprehensively provide for the protection of speech and reputation and for matters connected therewith or incidental thereto.

(Shri Tathagata Satpathy, M.P.)