

A STUDY ON DEFAMATION ISSUES IN POLITICAL NEWS IN INDIA

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Abstract

Defamation cases are normally common in political scenario in Indian society. Usually during the election time, many of the cases filled by the victims against the oral or written statements given by the persons who are in the public life (icon of the society). Most of the cases are not stick on to the court verdicts, even though news channels broadcasting information and many of the newspapers published in the front page for giving messages to the society. The reason is that compromising between persons or each others for their political commitments in the future, due to support to form the government and utilizing the power thorough the victims of both. The defamation news which is has been publishing or broadcasting by the media is not giving much importance that what action takes place after cases has been filled. Whether the defamation news, which are the statements given by person is true or false. Most of the defamation cases in India are becoming advertisements in favor of political agenda. News media's are becoming major tools to promote these kinds of messages towards society, but not in favor of ethics. Example, many of the media organizations are controlling by the owners who are in politics. Moreover, there can be no defamation offence unless the alleged defamatory statement is made in public places or posting or publishing in Print, Broadcasting & Social Media. Recent cases, such as, The Pawan Khera, secretary to Delhi Chief Minister, filed defamation case against Arvind Kejriwal for his alleged remarks over power tariff hike. The defamation case was filed against Arvind Kejriwal for his allegation statement that is the issue of tax related case on Mr.Amit Sibal, who is a senior lawyer. The defamatory remark has been made by Yoga Guru Baba Ramdev that Religious leader and Yoga Guru Baba Ramdev has been prosecuted for his alleged defamatory remark stating that "Rajiv Gandhi is honeymooning with dalits". A shipping professional was booked by Goa Police for posting remarks against BJP leader Narendra Modi.

Key Words: *Defamation, Election, Oral statements, publication, Victims, media, owners, cases, Political communication, Law.*

Introduction of defamation

Brief introduction on meaning of Defamation

In India, Defamation can be viewed as civil or criminal offences under section 499 of the Indian Penal Code. It may be defined as the writing, publishing and speaking of false statements which damage the reputation and good name for private interest of any individual or organizations. Written defamation is called "libel," while spoken defamation is called "slander. A criminal defamation can be filed through private complaint with magistrate under section 499 and 500 of Indian Penal Code. There is no court fees in criminal matters expect ticket fees. The procedure in civil court and criminal case take time they can go for 2-3 years and fees of lawyer is also needed to be paid. To prove prima facie defamation, must follow

four things: 1) fact based false statements 2) the published or communicated statements which are related to a third person 3) by negligence, fault will be amount to the cause and 4) damages, or some harm caused to the reputation of the person or entity who is the subject of the statement. After a defamation claim arises, it usually becomes clear within 30 to 90 days. The discovery phase usually lasts from six to twelve months following the lawsuit's filing, and a defamation case can be settled at any point over that timeline.

Scope

A defamatory matter must be communicated to some person other than the person concerned whom it is written. Communicating defamatory matter to the person concerned cannot be said to be a publication. The point therefore, is whether the circumstance that mere writing of words, however, defamatory they may be to a person intended to be read by him and not to be read by third person it does not constitute an offence of defamation and does not make a man liable to pay damages in a civil action. It is, therefore, necessary to show that the writer intended to show his defamatory writing to be read by person or persons other than the addressee or at least he ought to have known that they were likely to be so read by a third person or persons. In absence of such proof, it cannot be held that the writer should be held for defamation simply because writing got publication. Accused alleged to have written false allegation in written statement in pending suit between the parties and circulating the same to common friends then it *prima facie* constitute defamation (Ingber, 1979).

Related work

With the following abstract, here is identified few cases as samples to focus on the ethics of the media when publishing or broadcasting news in the newspapers, magazines and in electronic media such as Television & Radio and also in New media like Internet (Social media). People's perception of political issues is increasingly influenced by media. In this regard, it has to emphasize, whether defamation issues in political news can communicating towards the society, especially in the minds of the people think about the further decision, which shows their power during the period of election.

Few defamation cases and its overview

The Pawan Khera who was a political secretary to Delhi Chief Minister Sheila Dikshit, recorded First maligning body of evidence against Arvind Kejriwal in 2013 (India Today, 2013). Kejriwal had been He indicted Kejriwal over his supposed comments over force levy climb in October 2012. Pawan Khera denounced Arvind Kejriwal for utilizing bogus and deceptive language against Sheila Dikshit in a network show. On Pawan Khera's request, Karkardooma court issues summons to Arvind Kejriwal in 2013. Kejriwal had would not look for bail for the situation. A half year later, Mr. Amit Sibal who is a child of previous association serve Kapil Sibal, recorded slander body of evidence against Arvind Kejriwal for his supposed proclamations on Amit Sibal that an irreconcilable circumstance over Amit Sibal showing up in the Supreme Court for charge related case with Vodafone telecom organization, when his dad was the Union Minister for Communications (India Today, 2013). At that point, the Patiala House court gave request to Kejriwal in July 2013 and he looked for a changeless exclusion from this case in December a week ago.

Congress pioneer Rahul Gandhi were given summonses by two Gujarat courts for criminal maligning grumblings documented by BJP pioneers for supposedly calling Union Minister Amit Shah a "murder denounced" and saying that "all hoodlums have Modi as surname". BJP official Purnesh Modi who

asserted that the Congress head had slandered the whole Modi people group with his comments that "why all criminals have Modi as regular surname" made during the Lok Sabha crusade (India Today, 2019). While an Ahmedabad court likewise requested the Congress head to show up in court. In both the cases, the courts gave summonses holding that on the substance of it there was a criminal slander argument against Rahul Gandhi under Section 500 of the Indian Penal Code. He showed up in Mumbai and Patna courts and bail was conceded. He had asserted that the cases were documented by his restriction political people.

During the election campaign in 2018 in Karnataka, Siddaramaiah filed a defamation case against Narendra Modi, Prime Minister of India; Party president Amit Shah; Karnataka state BJP leader BS Yedayurappa for calling his government "seeda rupaiya government" (Direct amount government in the sense is that commission government) and several other charges. Modi has begat various names for the Siddaramaiah-drove Karnataka government during the political race rallies and said there was "simplicity of doing murders" in Karnataka and that it was a "10% government" that takes commission to carry out a responsibility. Siddaramaiah's lawyers sent a legal notice filing civil and criminal defamation charges against PM Modi and others, seeking "an unconditional public apology", failing which they will have to pay him Rs. 100 crore for damages (CNN-NEWS 18, 2018). The Karnataka Congress denounced the BJP and its preeminent pioneers of making "outlandish, bogus and false comments" against him. The notification read: "you are called upon to stop this instant from offering such expressions forthwith and give an unequivocal open conciliatory sentiment promptly through electronic, print and internet based life and so forth in which the announcements and notices have showed up". He additionally denounced the progressive Congress governments at the Center of permitting a bunch of individuals to "plunder" banks while denying advances to poor. Modi stated, "We need to empower the simplicity of working together, they (the Congress) have started the way of life of simplicity of doing kill," he told another political race rally in Udupi."Siddaramaiah's notice states, "Mr Narendra Modi, Hon'ble Prime Minister of India, have unabatedly made several defamatory and untrue statements in your speeches in Karnataka during the election campaign." The notice further specifies the dates and rallies that PM Modi and others made the remarks of calling his government "Seeda Rupaiya Sarkar" (Direct amount government, means-commission government).

Recently, a number of cases have been filed against Baba Ramdev, a religious leader, for giving statement against Rajiv Gandhi with the reference to the dalits. As of late, Goa police has booked a youthful transportation proficient for purportedly posting of remarks against BJP pioneer, Mr. Narendra Modi on face book. A senior congress leader, Digvijay Singh was prosecuted in similar way at several places in India for the alleged defamatory remarks against Rashtriya Swamsevak Sangh as well leaders of Bhartiya Janata Party(Dhavan, 2007).

Concentrates on twitter say that, the utilization of Twitter by Indian Prime Minister Narendra Modi is likewise one of the most followed chosen authorities on the planet. The print media is following Modi's tweets as a wellspring of news for fundamental page of the everyday paper. It is his increasingly newsworthy tweets, for example, news on big names, different legislators and significant occasions. In this, many comments have come from various opposition party leaders to put defamation cases but it was not reached to the courts, due to minor negative comments which will not stick on to the court.

Role of media in the defamation cases

The above mentioned defamation cases which were happened during election period, in the press conferences and individual statements by political leaders in their offices while talking to media. The print media & electronic media like Radio & TV, publishing or broadcasting news and views of defamation statements on the day when case was filed by the victims (Wright, 1967). Later, the concentration of media is only for just provoking the defamation information for alive through publishing in main pages of the daily newspapers with bold headlines, depth information with importance in the magazines, broadcasting many panel discussions in the TV News channels. Media as a social educator of the society, it is just highlighting political leaders as star campaigners. In a day, sixty to seventy percentages of the news & views are political news, especially, highlighting negative comments by the leaders. After the cases filed in the court, then nothing will take place in the pages of the newspapers, then what is the next status of the defamation news will not be appeared in the media. This follows the incomplete information which is given by the media towards society, because, people who wants to know the further status of the cases that whether what action has taken by the court or compromised between victims and accused persons ect. More than eighty percentages of the cases in India, the cases are in the nil condition, due to compromise politics and powers.

Ownership patterns are like, some of the Medias are under owners who are in politics and they use as political favors. Always publishing or broadcasting in favor of one political party or leaders to promote their each & every simple activities. This shows that bias journalism, instead of following the ethics of journalism.

It is, therefore, high time that the law relating to defamation must be properly defined to discourage the abuse of the law being made by persons with vested interests who are launching criminal prosecutions for alleged remarks against their social, religious, political leaders mainly for the sake of publicity and similar other political gains. The term 'aggrieved person' must also be categorically defined to include the victim or person defamed or his near 'relative' only.

Article 19 (1) (a) is one of the fundamental rights of Indian Constitution that ensures freedom of speech and expression to citizens of India, who can express their ideas, opinions, his feeling etc (Bedi, 2019). But, Article 19 (2) impose restrictions on the freedom of speech and expression for the ground realities of five reasons are such as friendly International relationship with foreign countries, official secrets, Military related information, Morality and decency and public order etc (Vilrdhachary, Krishnamurthy, Satyanarayan & Trikha, 2017). Even though article 19 (2), no restrictions to express their opinion to lead their life in favor of public interest or fundamental rights. Many of the politicians are misusing the article, which causes defamation cases under section 499, but the affect of the action have been taking on all these deflation cases are in poor condition. so that the defamation cases in the country is being turned as political campaign, and it became common political news for day to day in media.

Conclusion

The topic which is a study on defamation issues in political news in India has discussed with few defamation cases and what are the roles & responsibilities of the media and their ethics. But the media became major tools to provide platform for campaigning with deflation statements. What are the conditions of the issues and actions have been taking place for the deflations is totally unethical practices by media because today it is like favoritism news as well as ownership control by media owners on journalists. Almost all media are under completely politicians who are the owners.

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