

Right to reputation has been equated and seen as an integral part of the right to life and personal liberty under Article 21 of the constitution.

Types of publication

1. **Direct communication** to the defamed has been considered by court **as no defamation**, as that is held to be no publication.
2. Republication or repetition of a libel already published is defamation.

Explanation 1: Defamation may be of a **deceased person** intending to be **hurtful** to the feeling of his **family / near relatives**.

Explanation 2: Defamation of a **company or a collection of persons**.

Explanation 3: Defamation by innuendo

Innuendo: The explanation by which the **passage is said to be defamatory** is called innuendo. The language of irony/ sarcasm is used instead of bad statement.

Explanation 4: This explanation specifies the various ways in which the reputation of a person may be harmed. It says that the **imputation** must **directly** or **indirectly** lower the **moral or Intellectual Character** of the **person defamed**.

Exceptions

Ten exceptions have been enlisted under this section:

1. Imputation of truth for public good.
2. Public conduct of public servants.
3. Public Conduct of public men other than public servants.
4. Comment on cases and conduct of witnesses and others concerned.
5. Merits of decisions and judicial proceedings.
6. Merits of public performances, literary criticism, etc.
7. Censure in good faith by one in authority.
8. Complaint to authority.
9. Imputation for protection of interest.
10. CAUTION IN GOOD FAITH.

Section 500: Punishment for Defamation

Punishment for defamation—Whoever defames another shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.

CHAPTER - CRIMINAL INTIMIDATION, INSULT AND ANNOYANCE

Section 503 Criminal Intimidation:

The following are the essentials of the section:

1. There should be threat of injury to a person.
 - To his person, reputation, of property
 - To person reputation of any one in whom that person is interested.
2. The threat must be with the intent
 - To cause alarm to that person
 - To cause that person to do an act at which he is not legally bound to do as the means of avoiding the execution of such threat.
3. To cause that person to omit to do any act which that person is legally entitled to do as the means of avoiding the execution of such threat.

A mere threat does not amount to criminal intimidation; it must be made with intent to cause alarm to the person threatened.

In **Amulya Kumar Behera V. Nabhagana Behera**, court went ahead in defining the term alarm and said Intention must be to cause alarm to the victim and whether he is alarmed or not is really of no consequence.

Scope of injury threatened

Making a person liable for criminal intimidation injury threaten to be caused must be illegal; for example stopping a person from selling a foreign imported clothes for a period of one year under the threat of shutting his shop will amount to criminal intimidation. Similarly where threatening was to a butcher selling beef, was frightened for practicing his profession in terms of sending him to jail. Further where the threat extends to social boycott or punishment which couldn't be put to execution for example threat of punishment by God cannot be indicated as criminal intimidation.

Section 506: punishment for criminal intimidation

Section 507 and Section 508 respectively deal with criminal intimidation through an anonymous communication and criminal inducement.

Section 504: talks about intentional insult with intent to provoke breach of peace.

The term **insult** means *“To treat with offensive disrespect, to offer indignity”* as stated in the case of **Ramesh Kumar v. Sushila Srivastav**.

The accused must show that he had the intention or knowledge for the commission of an offence.

Essential ingredients of the offence are:

- The accused person must intentionally insult another person.

- Which is such that it provokes another person.
- There must be the intention or knowledge that such provocation will cause that person to break the public or to commit any other offence.

CHAPTER – ATTEMPT

Section 511 provides that whoever

- Attempt to commit an offence punishable by this code with
- Imprisonment for life or
- Imprisonment or
- To cause such an offence to be committed and
- In such attempt does any act towards the commission of the Offence,
- Shall where no Express provision is made by this code for the punishment of such attempt, be punished with
- Imprisonment for a term which may extend to one half of the imprisonment for life or
- one half of the longest term of imprisonment provided for that offence or
- or
- with such fine as is provided for the offence or with both

Section 511 is a residuary Section. The offences, the attempts of which do not fall under any of the sections of the IPC are punishable for their attempt under Section 511.

The term 'attempt' has not been defined in the code.

An attempt to commit an offence can be defined as an act done with the intent to commit the crime and forming part of a series of acts which would constitute commission of not interrupted.

In **Abhayanand Mishra vs State of Bihar**, 1961 Supreme Court held that the person commits the offence of attempt when

- He intends to commit that offence.
- Having made preparations and with the intention to commit the offence does an act towards its commission;