

# Cyber Libel Law

June 27, 2020

There has been an upsurge in India in the number of users and the usage of social media platforms such as Twitter, Facebook for expressing opinions as well as sharing knowledge. Unfortunately, it has also been accompanied by attempts to defame people/ personalities online, as well as spreading rumours and fake news. Hence, a **workable balance between two equally important human rights: The right to an unimpaired reputation and the right to freedom of expression**, is to be created. In a cyber society, both these interests are increasingly important.

## What is Cyber Libel and Cyber Law?

- There are two main types of defamation: **libel, or written defamation, and slander, or verbal defamation**. When a potentially defamatory statement is made online or through social media-such as via Facebook or LinkedIn that involves the written (or “posted”) word, it is considered libel and they’re a subset of cyber laws.
- **Cyber laws** are focused on the acceptable behavioral use of technology including computer hardware and software, the internet, and networks. Cyber law helps protect users from harm by enabling the investigation and prosecution of online criminal activity. It applies to the actions of individuals, groups, the public, government, and private organizations.

## What is Cyber Defamation?

Cyber defamation can be understood as the **intentional infringement of another person’s right to his good name** through the internet medium. It includes the wrongful and intentional publication of words or behaviour concerning another person, which has the effect of injuring that person’s status, good name, or reputation in society.

## Why is it in the news?

- Veteran Philippine journalist Maria Ressa, whose website had put President Rodrigo Duterte under tough scrutiny, was convicted of libel and faces up to six years in jail, in a ruling widely seen as a blow to media freedom. It has put the spotlight on cyber libel, which is increasingly being seen as a threat-not just to journalists, but to anyone who has something to say or express online.

## Cyber Defamation in India

**Chapter XXI of the IPC** exclusively talks of defamation. **Section 499** prescribes the offence:

- Whoever, by words either spoken or intended to be read, or by signs or by visible representations, makes or publishes any imputation concerning any person intending to harm, or knowing or having reason to believe that such imputation will harm the reputation of such person, is said to defame that person.
- **Section 500** prescribes the punishment in such cases: Whoever defames another shall be punished with simple imprisonment for a term, which may extend to two years, or with fine, or with both.
- **Section 503** deals with the offence of criminal intimidation by use of electronic means to damage one's reputation in society.

Source: *The Guardian*