

[AS INTRODUCED IN THE SENATE]

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BILL

further to amend the Defamation Ordinance, 2002

WHEREAS it is expedient further to amend the Defamation Ordinance, 2002 (Ordinance No. LVI of 2002), for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. Short title and commencement. - (1) This Act may be called the Defamation (Amendment) Act, 2017.

(2) It shall come into force at once.

2. Amendment of section 5, Ordinance No. LVI of 2002. - In the Defamation Ordinance, 2002 (Ordinance No. LVI of 2002), hereinafter referred to as the said Ordinance, in section 5, in paragraph (b) after the words "an expression of" the words "bona fide" shall be inserted, and thereafter the words "and not an assertion of fact" shall be omitted.

3. Insertion of new section 5A, Ordinance No. LVI of 2002. - In the said Ordinance, after section 5, the following new section shall be inserted, namely:-

"5A. Bar to proceeding under this Ordinance. - (1) No defamation proceeding shall be initiated or continued under this Ordinance against a person, on whose publication or on the publication of any other person, the allegedly defamed person has been convicted by any court for the offence for which the person was allegedly defamed or, any court has taken cognizance of the offence after proper inquiry or investigation according to law.

(2) The Court shall presume the conviction of the allegedly defamed person or the cognizance by any court for the offence for which the person was allegedly defamed as a conclusive proof that the publication is based on truth and was made for public good, and shall dismiss the suit of the plaintiff without further proceeding."

4. Amendment of section 9, Ordinance No. LVI of 2002. - In the said Ordinance, in section 9, for the letters, figure, brackets and words "Rs. 50,000 (Rupees fifty thousand)" the words "two hundred thousand rupees" shall be substituted and thereafter in the proviso, for the words "three hundred thousand rupees" the words "two million rupees" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Defamation Ordinance, 2002 was promulgated to protect the people from false accusations, injuries to their reputation, unjust criticism, dislike, contempt and hatred. The pretext of freedom of expression and low value of general damages sometimes lead the way towards the defamation of persons. But amazingly in some cases the allegedly defamed persons even if convicted for the offence or tried for the offence for which the persons were allegedly defamed also initiate proceedings under this Ordinance against the person whose publication was based on truth and was made for public good. Thus a bona fide originator, editor or publisher of a publication based on truth and for public good suffers the agony of court proceeding without any justification. The amendment has sought to address the pretext of freedom of expression, low value of general damages and to give protection to such originator, editor, publisher or other person concerned and to prevent the baseless suits of the so called defamed persons.

The Bill has been designed to achieve the aforesaid objectives.

SENATOR MOHAMMAD AZAM KHAN SWATI
Member-in-Charge