



DEFAMATION AS A POLITICAL WEAPON

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Defamation is sometimes used as a political weapon because it can be an effective way to discredit opponents and damage their reputation. Political opponents may spread false or misleading information about each other in an attempt to sway public opinion and gain an advantage in elections or policy debates.

Some of the reasons why defamation is used as a political weapon include:

Shifting public opinion: By spreading negative information about their opponents, political figures can sway public opinion in their favor. This can be especially effective if the information is salacious or emotionally charged.

Discrediting opponents: By damaging an opponent's reputation, political figures can discredit their ideas and arguments. This can make it easier to dismiss their opponent's viewpoints and policies.

Deflecting attention: Sometimes, politicians use defamation as a way to deflect attention from their own misdeeds or shortcomings. By accusing their opponents of wrongdoing, they can draw attention away from their own scandals or policy failures.

Polarization: In highly polarized political environments, defamation can be used as a way to solidify support among one's base. By portraying opponents as corrupt or immoral, political figures can rally their supporters and create an "us vs. them" mentality.

In the political arena, defamation can be a powerful tool to influence public opinion and sway voters. However, it is also an unethical practice that can have serious consequences for the individuals and organizations targeted by these attacks.

It is important to distinguish between legitimate criticism and defamation. While it is acceptable to criticize someone's actions or policies, making false or unsubstantiated claims about their character or personal life is not acceptable and can be considered defamation.

Defamation is often used as a political weapon in many parts of the world. Politicians and political parties may use false or damaging information to attack their opponents and discredit their reputations. This can take many forms, including spreading rumors, making false accusations, or manipulating information to portray their opponents in a negative light.

Defamation in politics can be a powerful tool because it can influence public opinion and sway voters. However, it is also unethical and can have serious consequences for the individuals and organizations targeted by these attacks. Defamation can damage reputations, harm relationships, and even lead to legal action.

It is important for individuals to be critical of the information they consume and to seek out multiple sources to verify claims made about politicians or political parties. It is also important for politicians and political parties to maintain ethical standards and avoid using defamation as a tool to gain power or advance their interests.

Types of Defamation:

Libel is the act of making false statements in writing, print, a picture, an effigy, or a law.

Slander is a temporary kind of defamation. Basically, it happens through spoken words or hand movements.

Defamation's fundamental traits:

The remark must be malicious.

The plaintiff must be referred to in the said statement.

The statement must be shared with at least one person who is not the claimant, or it must be publicised.

Defamation Laws In India:

There is no distinction between libel and slander in India. Libel and slander are both criminal offences.

It can be separated into two groups for easier comprehension:

Criminal Defamation ii. Civil Defamation as a crime

The IPC, section 499-502 of Chapter XXI, protects an individual's / person's reputation.

Section 124A of the Code deals with defamation of the state [Sedition], Section 153 of the Code deals with defamation of a class, i.e., community [Riot], and Section 295A deals with hate speech aimed at inciting religious feelings. [Despise Speech]

Section 499 of the IPC defines 'defamation' as: i. being committed through: (i) words (said or meant to be read), (ii) signs, or (iii) visible representations;

Being a written or spoken imputation of any person;

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Being a written or spoken imputation of any person;

If the imputation is stated or published with (i) the intent of causing harm to the reputation of the person to whom it pertains, or (ii) knowledge or reason to believe that the imputation will harm the reputation of the person to whom it pertains, the reputation of the person to whom it pertains will be harmed.

Four explanations and eleven exclusions apply to this broad concept.¹² If a person is found guilty of defamation under section 499 of the IPC, the punishment is provided in section 500, which is simple imprisonment for up to two years or a fine, or both.

The offence is non-cognizable and bailable, according to the Criminal Procedure Code. Those accused of the offence would normally not be brought into jail without a warrant, and as a result, an offended person would not be able to simply register a police complaint, but would, in most situations, have to file a complaint before a magistrate.

Although 'truth' is commonly believed to be a defence to defamation as a civil offence, under criminal law, only truth is a defence to defamation as a crime (provided, of course, that it is demonstrably true) in a restricted number of instances. This makes people particularly vulnerable to being found guilty of defamation under the IPC, even if their imputations were true.

Defamation In Politics Is Harmful For Democracy:

Undermines trust: When politicians use defamation as a tool to discredit their opponents or spread false information, it erodes the trust that people have in the democratic process. This can lead to a decline in voter turnout, and a lack of faith in elected officials and institutions.

Impedes public discourse: Defamation can stifle public discourse by creating a climate of fear and intimidation. It can discourage people from speaking out, and lead to self-censorship, which is antithetical to a healthy democracy where people should feel free to express their opinions without fear of retribution.

Distracts from important issues: Defamation can also distract from important issues that are relevant to the public. By focusing on personal attacks and mudslinging, politicians can divert attention away from substantive policy debates that are crucial to a functioning democracy.

Can lead to abuse of power: If defamation is used to silence opponents or stifle dissent, it can create a dangerous environment where those in power are immune from criticism or accountability. This can lead to a situation where politicians abuse their power and act without fear of repercussions.

Conclusion

The goal of defamation legislation is to protect people's reputations. The primary issue is how to reconcile this goal with competing demands for free speech. Because both of these interests are highly valued in our society, the former as possibly the most prized attribute of civilised human beings, and the latter as the very foundation of a democratic society. The supreme court granted the petitioner an interim time frame of eight weeks in which to file a challenge. Meanwhile, other cases have emerged, particularly in political forums, such as the defamation case filed against Gogoi⁴⁶ and the alleged arrest of Kiku Sharda. The verdict brings the matter to a close, but it leaves several things unanswered.

For example, in a progressive economy such as India, the use of criminal laws is appropriate, particularly in an era when reformatory justice is replacing retributive justice. Aside from the growing intolerance in the country, this judgement may give rise to another issue. In such cases, it is necessary to let go of inhibitions and consider viable options. The right to respond is one such proposal in this area. Of course, this has been discussed previously.

However, due to the chilling effect that may be imposed on the response, it appears as a civilised way to approach the situation rather than leaping to conclusions, convicting, and demanding damages. This idea has spread to some US states and other countries. Certainly, we can apply this concept as well.

The discussion leads us to the conclusion that the stakes are larger in cases of constitutional interpretation. It is far easier to criticise than to delve into the complexities of the subject. Of course, constructive criticism promotes creativity and progress. Nowadays, it is far easier to be critical rather than get to the heart of the situation. Furthermore, it cannot be overlooked that the judiciary makes every effort to provide a harmonious construction in such cases. We, too, have a responsibility as citizens; it is time to revisit ourselves.