



Defamation as crime

Bottom Line: A criminal prosecution that is inexpensive and quick becomes a handy tool to silence critics

Space for Dignity

1. Some judicial verdicts acquire emblematic significance far beyond the outcome of a particular case.
2. The acquittal of journalist Priya Ramani of the charge of defamation has protected and preserved the space for women who have found their voice in recent times to speak out about their experience of sexual harassment in the workplace.
3. A conviction, in this case, would have had disastrous consequences for the many courageous women who have come out with disturbing revelations about the extent to which a large number of professions and fields in the country have been unsafe.
4. Be it the media, as in this case, or any other domain, the reality that many women suffer in silence in the face of harassment, especially in the early stages of their career, has been brought to the fore by the new-found space and freedom to share their experiences, even if it be after many years.

The right to reputation and the right of life and dignity of [the] woman

5. The judge has placed the case in the correct perspective by noting that a woman cannot be punished for criminal defamation when she raises her voice against sexual harassment because the right of reputation cannot be protected at the cost of the right of life and dignity of [the] woman.
6. He has taken note of the unequal equations of power between the harasser and victim in most situations. Given that it may result in loss of dignity and self-confidence at that time, the court underscored that a woman has a right to put her grievance at any platform of her choice and even after decades.
7. It may appear to be a sweeping statement that opens up the possibility of incidents from the distant past to be raked up, to the detriment of anyone's reputation.
8. However, the court places it in the context of the need for women to have freedom, equality, equal opportunity and social protection if they were to excel in an atmosphere in which their workforce participation is undesirably low.



Need to decriminalize Defamation:

In this backdrop, it is unfortunate that criminal defamation still survives in the statute book, thanks to a 2016 Supreme Court verdict upholding it. Criminal prosecution is quicker and less expensive, making it a handy tool to silence one's critics and detractors. The time may have come to decriminalise defamation so that those who suffer injury to their reputation are left only with a civil remedy.