

Libel and Slander Act, 2016 (1959)

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Amendments,

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1. Libel and Slander (First Amendment) Act, 2037(1980) 2037.5.26 (7 September 1980)
2. Some Nepal Acts (Amendment) Act, 2039(1982) 2039.5.3 (19 August 1982)
3. Some Nepal Acts Amendment Act, 2055(1999) 2055.10.7 (21 January 1999)
4. Republic Strengthening and Some Nepal Laws Amendment Act, 2066 (2010) 2066.10.7 (21 January 2010)

Act Number 10 of the Year 2016 (1959)

An Act Made to Provide for Punishment for

Offences of Libel and Slander

Preamble: Whereas, it is expedient to provide for punishment for the offences of libel and slander for safeguarding the right of people generally to maintain their prestige, honor and dignity;

Now, therefore, be it enacted by His Majesty on the advice of the Council of Ministers.

1. **Short Title, Extent and Commencement:** (1) This Act may be called as the "Libel and Slander Act, 2016 (1959)".

(2) This Act shall commence immediately.

(3) This Act shall extend throughout¹ Nepal, and apply to all citizens of Nepal wherever they reside.

2. **Definitions:** Unless the subject or the context otherwise requires, in this Act, the term "general public" includes any class or community of the general public, and the term "public" shall also be interpreted accordingly.

3. **Libel/defamation:** If a person by way of writing or words or signs or understandable symbols accuses another person of any charge or publishes such matter with intent to damage that other person's character or knowingly or having reason to believe that it will make such a damage, the person shall be deemed to have libeled that other person.

Explanation:

(1) Where any charge/accusation is made against a deceased and that act would damage his or her character while he or she was alive and has been done with intent to injure the spirit of his or her family or other near relative of him or her, such an act may be held as a libelous act.

(2) An accusation made satirically or un-straightforwardly (indirectly) may be held as a libelous act.

(2a)² An accusation or publicity made knowingly to damage other's character or with motive to make a false allegation may be held as a libelous act.

¹ Deleted by the Republic Strengthening and Some Nepal Laws Amendment Act, 2066

- (3) No act shall be held to be a libelous act damaging the prestige of a person unless an allegation is so made directly or indirectly that it, in the opinion of other persons, undermines the person's moral or intellectual character or character or reputation relating to race or occupation or that it, in a believable manner, indicates that the person's body is in a hateful situation or in a situation normally considered to be degrading.

4. Circumstances where libel is not held: Notwithstanding anything contained in Section 3, the commission of the following act or matter shall not be deemed to be a libelous act:

- (1) In the event of a need for the interest of the general public, to make an allegation of true matter against any person or publish such an allegation; the matter of whether an allegation made against a person is in the interest of the general public or not shall depend on the fact,
- (2) To express any opinion in good faith about the conduct of any public servant which he or she was performing the functions and duties of his or her office or about his or her character to the extent only that understandable from that conduct,

Interpretation: For the purposes of this clause, the term "public servant" means a person who is a public servant within the definition of public servant set forth in the Prevention of Corruption Act, 2059 (2002).³

- (3) To express any opinion in good faith about the conduct of any person which is concerning a public issue/question and about

² Inserted by the Some Nepal Acts (Amendment) Act, 2039

³ The Prevention of Corruption Act, 2017 was promulgated instead of the Public Servants' (Corruption Prevention) Act, 2013, and the Prevention of Corruption Act, 2059 was promulgated instead of the Prevention of Corruption Act, 2017.

his or her character to the extent only that understandable from that conduct,

- (4) In the course of any court proceedings, to publish a true report actually reflecting the results thereof,

Explanation: For the purposes of this Clause, the term "court" means an open bench established by any judge or other officer of a court to make a public inquiry in time.

- (5) To express any opinion on merits or demerits of any civil or criminal case settled by a court or about the conduct of the plaintiff, defendant, witness or attorney of any such a case or his or her character to the extent only that is understandable from that conduct,

- (6) Where a person who is to do any matter has submit that matter for the opinion of the general public, to express any opinion on merits or demerits of that matter or the character of the person doing that matter to the extent only that is understandable from the same,

Explanation: In submitting a matter by the person doing that matter for the opinion of the general public, it shall suffice to clearly state that he or she has done that matter or do any act by that person inferring that intention.

- (7) Where a person has any right over another person by virtue of law or a legal bond with that other person, to indicate in good faith by the person any deficiency in the conduct of that other person on any act or matter relating to that right,

- (8) To make any charge, that can be made against any person, before the legally competent authority in good faith against that person on that matter,
- (9) To blame, in good faith, the character of a person for to safeguard one's or other's interest or for the interest of the general public, and
- (10) To alter any person against another person for the interest of that person or of a person in which he or she has interest or for the interest of the general public.

5. Penalties for commission of libel or printing or carving any

libelous matter: If a person commits the following offence, the person shall be liable to a fine of up to Five Thousand Rupees and may also be liable to the punishment of imprisonment for a term not exceeding Two years:

- (1) Libeling other person, or
- (2) Printing or carving any matter knowingly or have a reasonable reason to believe that it may result in libel to others.

6. Penalties for sale of any matter in which any such matter is printed or carved as may be libelous:

If any person sells any matter knowingly that any libelous matter is printed or carved in it and offers the same for sale, the person shall be liable to a fine of up to One Thousand Rupees and may also be liable to the punishment of imprisonment for a term not exceeding Six months.

7. Penalties for abusing knowingly with intent to disturb peace:

If any person abuses and provokes another person with the intent that if that other person is abused and provoked, that other person will breach public peace or commit any other offence or knowingly that

there is such a likelihood, that person shall be liable to a fine of up to Five Hundred Rupees and may also be liable to the punishment of imprisonment for a term not exceeding Six months.

8. In the event of commission of any act with intent to defame

woman: If any person, with intent to defame any woman, says anything in a manner that she can hear or see it or expresses any kind of word or gesture or shows any article or undermines her privacy, that person shall be liable to a fine of One Hundred Rupees to Five Hundred Rupees and may also be liable to the punishment of imprisonment for a term not exceeding Six months.

9. Acts of minor libel or defamation: If any such act is done that may result in a minor libel, slander or defamation of minor nature in which a reasonable or prudent person would not make a complaint or is done with that intention or knowingly that it may so happen, such an act shall not constitute an offence under this Act.

10.⁴ Penalties for making false accusation with intent to cause

injury: If any person files or causes to be filed a case of libel or slander against any person with intent to cause injury to that person knowingly that it is not just or there is no legal ground to file such a case under this Act, the person shall be liable to a fine of Five Hundred Rupees to Five Thousand Rupees, in the case of a libel case, and to a fine of One Hundred Rupees to Five Hundred Rupees, in the case of a slander case. The case trying authority shall also cause the expenses incurred in that case to be recovered to the opponent party from the person filing or causing to be filed such a case.

⁴ Amended by the First Amendment.

- Explanation:** For the purposes of this Section, the term "injury" means any loss or damage caused illegally to the body, heart (*mana*), prestige or property of any person.
- 11.⁵ Limitation:** If there is any cause to institute a case against any person under this Act, a suit has to be filed within Six months after the date of the cause of action.
- 11A.⁶ Procedures to be followed:** In trying and settling cases under this Act, the case trying authority shall follow the procedures as referred to in the Special Court Act, 2059 (2002).⁷
- 12.⁸ Compensation:** If a person is held to have libeled or slandered another person, the adjudicating authority may order the payment of compensation in a reasonable sum by the offender to that other person having regard also to his or her social prestige and honor⁹ as well as of the expenses incurred in the case by the offender to that other person. If it is held that libel has been committed to a person already dead, the amount of such compensation and expenses shall be provided to his or her near heir who has suffered injury from such a libel or slander.
- 13. Repeal:** Numbers 1, 2, 3, 4, 6, 6A., 7, 8, and 9 of the Chapter on Libel and Slander of the *Muluki Ain* (General Code) are, hereby, repealed.

Note bene: The *Muluki Ain* that commenced on 1 Bhadra 2020 does not contain the Chapter on Libel and Slander.

⁵ Amended by Some Nepal Acts (Amendment) Act, 2039

⁶ Inserted by Some Nepal Acts (Amendment) Act, 2039

⁷ Amended by the Special Court Act, 2059

⁸ Amended by the First Amendment.

⁹ Inserted by Some Nepal Acts (Amendment) Act, 2055