

**ACT NO. IX OF 2004**

*An Act to amend the Defamation Ordinance, 2002, the Pakistan Penal Code and the Code of Criminal Procedure, 1898.*

**WHEREAS** it is expedient to amend the Defamation Ordinance, 2002 (LVI of 2002), the Pakistan Penal Code (Act XLV of 1860) and the Code of Criminal Procedure, 1898 (Act V of 1898), for the purposes hereinafter appearing;

**1. Short title and commencement.**- (1) This Act may be called the Defamation (Amendment) Act, 2004.

(2) It shall come into force at once.

**2. Amendment of section 2, Ordinance LVI of 2002.**- In the Defamation Ordinance, 2002 (LVI of 2002), hereinafter referred to as the said Ordinance, in section 2,-

- (i) clause (a) shall be omitted;
- (ii) after clause (b), the following new clause shall be inserted, namely:-

“(bb) “Court” means the District Court;” and

- (iii) after clause (d), the following new clause shall be inserted, namely:-

“(dd) “originator” means the initiator of a defamatory statement or any other defamatory act;”.

**3. Amendment of section 9, Ordinance LVI of 2002.**- In the said Ordinance, in section 9,-

- (i) the words “or shall undergo three months imprisonment” shall be omitted: and

- (ii) for the full stop at the end, a colon shall be substituted and thereafter the following proviso shall be inserted, namely:-

"Provided that in case of the originator the minimum compensatory damages as general damages shall be three hundred thousand rupees."

- 4. Substitution of section 13, Ordinance LVI of 2002.**- In the said Ordinance, for section 13, the following shall be substituted, namely:-

**"13. Trial of cases.**- The District Court shall have the jurisdiction to try the cases under this Ordinance."

- 5. Amendment of section 14, Ordinance LVI of 2002.**- In the said Ordinance, in section 14, for the words "six months" the words "ninety days" shall be substituted.

- 6. Substitution of section 15, Ordinance LVI of 2002.**- In the said Ordinance, for section 15, the following shall be substituted, namely:-

**"15. Appeal.**- An appeal against the final decision and decree of the Court shall lie to the High Court within thirty days and the High Court shall decide the appeal within sixty days:

Provided that no appeal shall lie against an interlocutory order of the Court."

- 7. Substitution of section 500, Act XLV of 1860.**- In the Pakistan Penal Code (Act XLV of 1860), hereinafter referred to as the said Code, in section 500, for the full stop at the end, a colon shall be substituted and thereafter the following proviso shall be inserted, namely:-

"Provided that the originator of the defamatory imputation shall be punished with imprisonment of either description for a term which may extend to five years, or with fine which shall not be less than one hundred thousand rupees, or with both.

**Explanation.-** "Originator" means the initiator of a defamatory imputation."

**8. Insertion of new section, Act XLV of 1860.-** In the said Code, after section 502, the following new section shall be inserted, namely:-

**"502A. Trial of offences under this Chapter.-** Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), the Court of Session shall have the jurisdiction to try an offence under this Chapter and decide it within a period of ninety days."

**9. Amendment of Schedule II, Act V of 1898.-** In the Code of Criminal Procedure, 1898 (Act V of 1898), in Schedule II, for entries relating to sections 500 and 501, the following shall be substituted, namely:-

500	Defamation	Shall not arrest without warrant	Warrant	Bailable	Compoundable	Imprisonment for 2 years, or fine, or both, and in case of originator the imprisonment of either description for 5 years, or fine, or both	Court of Session
501	Printing or engraving matter knowing it to be defamatory	Ditto	Ditto	Ditto	Ditto	Imprisonment for 2 years, or fine, or both	Ditto."