

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."