

MEDIA LAW

1. Defamation

Defamation is a **civil wrong (tort)** that occurs when a false statement is communicated to a third party and **injures the reputation** of an individual, organization, or institution.

Academic Definition

Defamation refers to the publication of **false and damaging statements** about a person that lower their reputation in the eyes of right-thinking members of society, causing them to be **ridiculed, hated, or avoided**.

Key Features of Defamation

- The statement must be **false**
- It must refer to an **identifiable person**
- It must be **published** (communicated to someone else)
- It must cause **reputational harm**

Media Example

Publishing a newspaper article falsely accusing a school head teacher of embezzlement without evidence.

2. Types of Defamation

1. Libel

Libel is defamation in **permanent or recorded form**.

Forms of Libel

- Newspapers and magazines
- Television and radio broadcasts
- Online articles, blogs, social media posts
- Photographs, cartoons, and videos

Example

A newspaper headline falsely stating, “*Businessman Steals Public Funds*”.

2. Slander

Slander is defamation in **temporary or spoken form**.

Forms of Slander

- Spoken words
- Gestures
- Live radio or TV statements

Example

A radio presenter accusing a local leader of corruption during a live show without proof.

3. Elements of Defamation

For a defamation case to succeed, the following **essential elements** must be proven:

i. Defamatory Statement

The statement must harm the reputation of the person.

ii. Identification

The statement must clearly refer to the plaintiff, directly or indirectly.

iii. Publication

The defamatory statement must be communicated to at least **one third party**.

iv. Falsity

The statement must be false.

v. Damage

The statement must cause harm to the person's reputation, profession, or social standing.

Media Example

Publishing a story that wrongly accuses a doctor of medical negligence leading to loss of patients.

4. Defences Against Defamation

Journalists and media houses can defend themselves using the following legal defences:

i. Truth (Justification)

If the statement is **true**, it is not defamatory.

Example: Publishing verified court records showing a convicted criminal.

ii. Fair Comment / Honest Opinion

Opinions based on **true facts** on matters of public interest.

Example: Editorial criticism of government policy.

iii. Privilege

Absolute Privilege

Statements made in parliament or court proceedings.

Qualified Privilege

Statements made in good faith for public interest.

Example: Reporting parliamentary debates accurately.

iv. Consent

If the person agreed to the publication.

v. Innocent Dissemination

When the publisher had no knowledge of defamatory content.

Example: A printer unaware of defamatory content in a publication.

5. Identification of Defamatory Material

Defamatory material includes content that:

- Accuses someone of **criminal behavior**
- Alleges **immoral or unethical conduct**
- Damages professional reputation
- Ridicules or humiliates a person
- Uses misleading headlines or images

Media Examples

- False accusation of adultery against a public figure
- Publishing edited photos to misrepresent reality
- Headlines that exaggerate allegations

6. Sedition

Sedition is a **criminal offence** involving speech, writing, or publications that **incite hatred, contempt, or disobedience** against the government or lawful authority.

Academic Definition

Sedition refers to acts, words, or publications intended to **undermine the authority of the state**, provoke rebellion, or create public disorder against the government.

Characteristics of Sedition

- Encourages violence or rebellion
- Promotes hatred against the government
- Threatens national security and public order

Media Examples

- Publishing articles encouraging citizens to overthrow the government
- Broadcasting messages inciting violence during elections

7. Other Media-Related Torts (Brief Overview)

Although defamation and sedition are key, other torts affecting media include:

i. Invasion of Privacy

Publishing private information without consent.

ii. Contempt of Court

Publishing material that interferes with justice.

iii. Copyright Infringement

Using protected content without permission.