

PENAL CODE

Law Number 10/68

19/3/1388 H.

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CHAPTER 4

Offences Relating to Coins and Notes

“Coin” or
“Stamped
monetary coin”

90. a. Coin or stamped monetary coin shall be metal used as money, which is stamped and issued under government authority to be used as money.

Note: 1. Shell is neither a coin nor a stamped monetary coin.

2. Unstamped metal beat (in any form or used for any purpose) is not a coin or a stamped monetary coin.

3. Medals of various forms or things used as various forms of medals are not coins or stamped monetary coins. They are not intended to be used as money.

b. Notes are those printed on paper determined by the government in the form and manner determined by the government and to be used as money under the authority of the government.

Counterfeiting
coin or note

91. It is an offence to knowingly counterfeit or knowingly perform any part of the process of counterfeiting stamped monetary coin or notes. Person guilty of this offence shall be punishment with imprisonment of either description for 10 years or exiled for 10 years or imposed a fine upon it.

Explanation:

A person who intends to practice deception or deceit or knowing it to be likely the deception or deceit will there by be practiced, or causes a genuine coin to appear like a different coin will also be considered as counterfeiting.

Note:

In this chapter imprisonment of either description refers to rigorous imprisonment or simple imprisonment.

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| Manufacturing, selling or using instruments to counterfeit coin or notes | 92. | It is an offence for any person to make, mend or form any part of the process of making or mending or buy, sell or dispose of anything used for the purposes of counterfeiting coin or notes for the purposes of being used or knowing or having reason to believe that it is intended to be used for the purposes of counterfeiting coin. Person guilty of this offence shall be punished with exile or imprisonment not exceeding 3 years or shall be imposed a fine upon it. |
| Possession of instrument or material for purpose of using for counterfeiting coin or notes | 93. | Whoever keeps in his possession any instrument or material for the purpose of using the same for counterfeiting coin or notes or knowing or having reason to believe that the same is intended to be used for that purpose is an offender. He shall be punished with exile or imprisonment not exceeding 3 years or he shall be imposed a fine. |
| Delivery of coin possessed with knowledge that it is counterfeit | 94. | It is an offence for any person having any counterfeit coin which at the time when he became possessed of it knew it to be counterfeit to deliver it in any form to any other person or to act in such manner where any other person may accept it as genuine coin or note. The offender who commits this offence shall be subjected to punishment of imprisonment of either description for a period not exceeding 3 years or subjected to |

exile for a period not exceeding 3 years or subjected to a fine.

- Delivery of coin or note which when first possessed the deliverer did not know to be counterfeit.
95. It is an offence for any person to deliver to another, counterfeit coin or note in any form or to act in such manner where another person may accept that coin or note has genuine but which the deliverer did not know to be counterfeit at the time when he took it into his possession but came to know it to be counterfeit subsequently. Person guilty of this offence shall be subjected to exile or imprisonment not exceeding 2 years or a fine.
- Possession of counterfeit coin or notes knowing it to be counterfeit
96. Possession of counterfeit coin or note knowing it to be counterfeit and to be used fraudulently or in circumstances that it may be likely to be used as fraudulently shall be an offence. Person guilty of this offence shall be subjected to imprisonment of either description for a period not exceeding 5 years or exile not exceeding 5 years or a fine.

Offences relating to Government stamps or seal

- effacing or altering Government's seal or stamp or any related document to cause loss to Government
97. It is an offence for a person to fraudulently or with intent to cause loss to the Government remove or efface from any substance bearing any stamp issued by the Government for the purposes of revenue, any writing or document for which such stamp has been used or removes from any writing or document a stamp which has been used for such writing or document. Person guilty of this offence shall be subjected to exile or imprisonment not exceeding 3 years or a fine.
- Using Government stamp known to have been used before
98. It is an offence to fraudulently or with intent to cause loss to the Government use for any purpose a stamp issued by the Government for the purpose of revenue which he knows to have been used before. A person guilty of this offence shall be

subjected to exile or imprisonment not exceeding 2 years or a fine.

Erasure of mark denoting stamp has been used

99. It is an offence to fraudulently or with intent to cause loss to the Government erase or remove from a stamp issued by government for the purpose of revenue any mark put or impressed upon such stamp for the purpose of denoting that the same has been used or knowingly has in possession or sells or disposes any such stamp from which such mark has been erased, removed or sell or dispose of any such stamp which he knows to have been used. A person guilty of this offence shall be subjected to exile or imprisonment not exceeding 2 years or a fine.

“Stamp”

100. The word “Stamp” as mentioned in the proceeding three sections shall refer to stamp drawn, colored and printed according to Government directions or regulations and reissued and sold by agency having authority of that Government. “Seal of the Government” or “seal” shall refer to Government Post to any mark or seal used in relation to Government Post or revenue as provided before.

Offences affecting public health, safety convenience and customary living practices

Spread of disease through malignant act

101. It is an offence for a person to malignantly act which he knows or has reasons to believe, causes infection of any disease dangerous to the public health of the society where such an act may be likely to cause such loss. The person who commits this offence shall be subjected to imprisonment of either description not exceeding 2 years or exile not exceeding 2 years or a fine.

Disobedient to

102. It is an offence for any person to disobey any rule made by the

quarantine rules

Government agency in relation to quarantine enforced for the purposes of regulating the prevention of any disease or control of any prevailing disease from a vessel or a person or a group of persons from that vessel having any inter relations with persons on shore. A person guilty of this offence shall be subjected to a punishment of exile or imprisonment or house detention not exceeding 6 months or a fine not exceeding Mrf. 300.00.

Adulteration of
food or drink
intended for sale

103. It is an offence to adulterate any food or drink any article of food or drink knowing that it will be sold or knowing that it would be likely to be sold and with the intention to reduce the benefit of such food or drink or knowing it would be hazardous to consumes such article of food or drink. Similarly it shall be an offence to adulterate articles of food or drink for the purposes of profit in business. A person guilty of this offence shall be punished with exile or imprisonment for a period not exceeding 6 months or a fine.

Sale of noxious
food or drink

104. It an offence to sell or to give or to prepare for such an act any article of food or drink likely to cause hazard to health. A person guilty of this offence shall be subjected to exile or imprisonment not exceeding 6 months or a fine.

Adulteration of
drugs

105. It is an offence for a person to adulterate any drug or medical preparation in such a manner as to lessen the efficacy or change the operation of such drug or medical preparation or to make it noxious knowing that it is likely to be sold or used for medicinal purposes. A person guilty of this offence shall be subjected to imprisonment of either description not exceeding 1 year or exiled or house detention not exceeding 1 year.

Sale of adulterated or expired drugs 106. It is an offence to sell or to prepare for sale or to give for use or consumption or in a manner likely to be used or consumed any adulterated drug as mentioned in Section 105 or any drug that could cause a hazard to health due to age of that drug. A person guilty of this offence shall be punished with exile or imprisonment or house detention not exceeding 1 year or a fine.

Sale of a drug as a different drug 107. It is an offence to sell, to give or to keep for sale any form of drug or medical preparation as a different drug or medical preparation. A person guilty of this offence shall be subjected to exile or imprisonment not exceeding 1 year or a fine.

Section 108 is repealed by
Law number 9/95

Negligent use or driving of vehicles and vessels 109. It is an offence to use or drive or ride vehicles or vessels in a manner that could endanger human life or cause injury to the body of a person or is likely to cause injury to any other person. A person guilty of this offence shall be punished with imprisonment of either description not exceeding 6 months or exile not exceeding 6 months or a fine.

Exhibition of false light or mark that could mislead navigators 110. It shall be an offence to use any false light, mark or buoy with the intention to mislead or in circumstances likely for a sea going vessel to be misled. Person guilty of this offence shall be punished with imprisonment of either description not exceeding 3 years or exile not exceeding 3 years or a fine.

Overloading vessels with people or property 111. Where a vessel is so overloaded either with people or goods in a manner that could endanger the life of a person, the person who overloaded the vessel with men or goods or who ordered such overloading shall be guilty of an offence. Person guilty of

this offence shall be punished with imprisonment of either description not exceeding 1 year or exile not exceeding 1 year or a fine.

Danger or obstruction in public way or line of navigation

112. Whoever carries or conveys or keeps in his possession any property in such manner that it could cause danger, obstruction or injury to a person on a road, land or in a general line of navigation then the person who carried it, conveyed it or kept it in possession shall be guilty of an offence. Person guilty of this offence shall be punished with imprisonment of either description not exceeding 6 months or exile or house detention not exceeding 6 months or a fine.

Negligent conduct with respect to poisonous substance

113. It is an offence while keeping in possession or using or dealing with any poisonous substance that could endanger the life of one's own or another and commit any act in a manner likely to cause danger to any other person. A person guilty of this offence shall be subjected to imprisonment of either description not exceeding 1 year or exile not exceeding 1 year or a fine.

Negligent conduct with respect to combustible matter.

114. It is an offence while using, keeping in possession or dealing with fire or combustible matter, any act so negligent to cause danger to the life of a person or any form of injury or loss to another. A person guilty of this offence shall be subjected to exile or imprisonment not exceeding 1 year or a fine.

Note: where there is failure to abide by preventing regulations in respect of such matter, such failure shall also be included with in the purview of this section

Negligent conduct with respect to

115. It is an offence while using, keeping in possession or dealing with explosive substance, any act so negligent to cause danger

explosive
substance.

to the life of a person or any form of injury or loss to another. A person guilty of this offence shall be subjected to imprisonment of either description not exceeding 1 year or exile or house detention not exceeding 1 year or a fine.

- Note:
1. "Explosives" shall mean such explosives or substance that could explode which are generally prohibited from general use.
 2. Where there is failure to abide by specified laws or regulations in respect of such explosives such failure also shall fall within the purview of this section.

Negligent conduct
with respect to
machinery, engines
and the like

116. It shall be an offence to do any act which while dealing with keeping or using machinery, engines and the like is so negligent or is in violation of relevant law or regulation and causes danger to the life of a person or any loss or injury to such person. A person guilty of this offence shall be subjected with exile or imprisonment for a period not exceeding 1 year or house detention not exceeding 3 months or a fine not exceeding Mrf. 100.00.

Negligent conduct
with respect to felling
trees, pulling down
buildings and felling
walls.

117. Persons involved in felling of trees, pulling down of buildings or built walls shall be guilty of an offence where by reason of their negligence or violation of the relevant laws or regulations in relation to them or failure to take protective measures in relation to those involve in it and those who will be affected by it or any danger is caused to a life of a person or any loss or injury is caused to a person or property. A person or persons guilty of this offence shall be subjected to exile or imprisonment or house detention not exceeding 1 year or a fine.

Negligent conduct with respect to animals

118. A person keeping or maintaining animals will be guilty of an offence if while keeping them or maintaining them acts negligently or in violation of the relevant laws and regulations and by reason of that causes danger to the life of a person or if any of his animals causes any loss or injury to any other person. A person guilty of this offence shall be subjected to exile or imprisonment not exceeding 1 year or a fine.

Offences relating to elections

Candidate

119. For the purposes of this chapter

a. “Candidate” is a person who has took for election as provided in the elections law or regulations. A person will be guilty as a “Candidate” within the meaning of this Law or as provided in this law, if his name is registered as a person who has stood for election as provided in the relevant law or regulations.

Electoral right

b. Electoral right shall mean the right of a person to stand or not to stand for election as a candidate or to vote or not to vote in an election as may be provided by law and regulations.

Bribery in respect of electoral right

120 a. It is an offence to induce the inclination of the exercise of an electoral right for the benefit of a certain party or to offer anything as a gesture of gratitude or gratification or reward for having exercised the electoral right in a certain manner.

Accepting a bribe in respect of an electoral right

b. It is an offence for a person to accept anything given as provided in Sub-section a.

- Promises to people in respect of elections
- Participating in or assisting in or causing the giving of bribes
- Other aspects of the offence of bribery
- Eating and drinking within the meaning of bribery
- c. Offences provided in Sub-section a. and Sub-section b. shall be considered as offering and accepting of bribe.
- d. Where a candidate declares the service he would perform for the benefit of the general public or the burden he would suffer for the benefit of the general public, shall not be regarded as offering bribes. However, where there is a promise to fulfill a private right or to do any good for the benefit of a certain person or a group of persons (where it is not intended for the general good of the people) it may be considered as an offence.
- e. It is an offence to procure the giving or accepting of bribes provided in Sub-section a. and Sub-section b., procuring in this regard includes advising to do a certain act or to deliver a document inducing the performance of such an act or giving of any such document or to assist in or participate in giving, delivery or obtaining of anything mentioned in Sub-section a.
- f. A person is guilty of the offence of bribery where he agrees to give, agrees to accept or assist in such agreement or obtaining such bribery as mentioned in Sub-section a.
- g. It is included within the meaning of “thing” as mentioned in Sub-section a. articles of food or drink or providing articles of food or drink.

Where a person is guilty of an offence of bribery as mentioned in this Section, he shall be subject to punishment of exile or

imprisonment not exceeding 1 year or house detention not exceeding 6 months or a fine.

“Undue influence” 121. A person shall be guilty for having caused undue influence in an election if such person where he interferes with the electoral right of another person in an unlawful manner or belittles the dignity and respect of that right by reason of which that person is restricted or obstructed from the free exercise of his right in that election. Interference as mentioned here shall also include the following:

“Threat” a. Threatens a person possessing an electoral right or any person in whom he has an interest with injury.

b. Where a person possessing an electoral right or a person in whom he has an interest is proven to have been threatened or during such threatening, making any expression to the effect that he may be an object of divine displeasure or spiritual censure.

Deception in elections c. It is an offence for a person to personate another in an election and in that assumed character to give votes or having voted once at such election, giving a vote more than once or to assist in any form or manner or circumstance in the commission of any of these acts.

Penalty for undue influence 122. A person guilty of having caused undue influence in an election or has attempted to cause undue influence in an election shall be subjected to a fine.

123. Where a candidate has committed an offence mentioned in Sections 120 and 121 he may be barred from standing for elections for the subsequent 5 years apart from being given the

punishment prescribed in this Law.

- Elections as in this Law
124. Elections specified in this Law shall include elections held to elect member to the People's Majlis and referendum held under the directive of the state or according to regulations promulgated therefore to obtain views of the people

Offences relating to fabricated statements

- Expression of fabricated or unproven statements
125. Where a person expresses a fabricated statement or a statement whose origin cannot be proven, he shall be punished with house detention for a period between 1 month and 6 months or fine between Mrf. 25.00 and Mrf. 200.00. (This does not include submitting a report to Government authorities)

Offence of Assault

- Assault
126. Two or more persons not in a manner that could be construed as an unlawful assembly, but one touches the other in anger or animosity or fights in that regard it shall be assault. A person or persons who have committed such an act shall be fined with Mrf. 200.00 or exile or imprisonment or house detention for a period not exceeding 6 months.

- Taking part in an assault with a sharp object
127. Where a person commits assault being armed with a sharp object that could cause death or anything which if used as a weapon of offence can be used to cause death, he shall be fined with an amount not exceeding Mrf. 500.00 or exiled or imprisoned or confined to house detention for a period between 3 months to 1 year.

- Grievous hurt caused by assault
128. Where by reason of assault grievous hurt is caused to the body of a person, person guilty of this act shall be fined between

Mrf. 100.00 and Mrf. 5,000.00 or exiled or imprisoned for a period between 6 months and 5 years.

Where the injured person claims for compensation from the offender, the issue of compensation shall be settled by Court.

Permanent privation
of an organ

129. Where by reason of an assault, an organ for which blood money is awarded in Islamic Law suffers permanent disability or is dismembered or is permanently destroyed or impaired the offender shall be subjected in addition to the payment of blood money in *Shari'ah* to exile or imprisonment between 5 years and 10 years.

130. Whereby reason of assault an organ which is (not included within Section 129) is destroyed, dislocated or dismembered, the person guilty of that offence shall be punished with exile or imprisonment between 1 year and 5 years.

Where the injured person claims for compensation from the offender, the issue of compensation shall be settled by Court

Offences of theft, misappropriation, criminal breach of trust, cheating and extortion

131. a. Where punishment is determined in respect of the offences of theft, misappropriation, criminal breach of trust, cheating and extortion, the person found guilty for the first time in respect of such an offence shall be punished with imprisonment or exile between 6 months and 1 year. Where the person is found guilty any of such offence for the second time he shall be exiled or imprisoned for 2 years. And where the person is

convicted for a third time of any of such offence he shall be exiled or imprisoned for 3 years. Where the person is found guilty of any such offence for the fourth time he shall be exiled or imprisoned for 4 years. And for any subsequent conviction 1 year shall be added to the term of imprisonment or exile. Further provisions found in Sections 132, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147 and 148 shall also be applicable.

- b. Offence of theft committed in dire need of hunger in small amounts, persons responsible for such offence shall be punished with house detention for a period not exceeding 6 months or subjected to a fine not exceeding Mrf. 100.00.

132. Where the amount or the value of the property involved in theft, misappropriation, and criminal breach of trust, cheating or extortion is between Mrf. 10,000.00 for each Mrf. 1000.00 above that Mrf. 10,000.00 one month shall be added to the term of exile or imprisonment.

Section 133 is repealed by Law number 4/87

134. a. Where a person under the age of 16 years is found guilty of an offence of theft, misappropriation, and criminal breach of trust or extortion, his punishment shall be house detention for a period not exceeding 1 year.

- b. Even though this may be the general rule where circumstances do not leave any other option such offender maybe exiled. (That includes the gravity of the offence committed or the frequency of the commission

of offences of the nature by that person). Exile in this circumstances maybe allowed only where his acts have been examined and the manner in which the offence committed has been taken into account and an opinion has been formed that unreasonable circumstances would arise from his house detention.

- c. Where child offenders serving house detention commit a similar offence during the period of house detention and where the offender is exiled the term of exile shall be the amount remaining after the amount served in house detention has been deducted.
- d. Subjecting child offenders to exile shall be decided in accordance with the relevant regulations promulgated for the purpose.

135. In determining the amount of commission of the offence of theft (matters pending or decided by the Court at the time of this Act coming into force) shall be regarded as the first instance of commission and in respect of misappropriation, criminal breach of trust and extortion the same principal shall be applicable. In respect of cheating the frequency of the offence shall be determined by taking the issue pending before the Court or decided by the Court at the time the 4th Amendment of this Law comes to force as the first instance.

Committing theft or extortion acting in an assembly of persons

136. While committing the offence of theft or extortion the offenders act in an assembly of more than one person, each of the offenders who have taken part in that assembly in the commission of the offence or where the offence was committed in association with a group be known for committing offences

of theft or extortion, each of them shall be subjected to an additional punishment of exile or imprisonment between 6 months and 3 years in addition to punishments applicable under Sections 131 and 132.

Theft by breaking into a dwelling house or breaking a thing

137. Whoever commits the offence of theft by breaking into a dwelling house or by destroying a thing without show of threat to any person or group of persons shall be subjected to additional punishment of exile or imprisonment between 1 year and 5 years in addition to imposing the punishments applicable under Sections 131 and 132.

Theft and extortion in dwelling houses

138. Whoever commits the act of theft or extortion by entering into dwelling houses or storage facilities, hotels, shops or vessels shall be subjected to additional punishment of exile or imprisonment between 6 months and 2 years in addition to imposing punishments applicable under Sections 131 and 132.

Carrying of weapons in committing theft or extortion

139. Whoever commits the offence of theft or extortion being armed with a sharp object or anything which if used as a weapon of offence could cause hurt to a person or by show of force of such thing shall be subjected to additional punishment of exile or imprisonment between 2 years and 7 years in addition to imposing punishments applicable under Sections 131 and 132.

Note: Being in possession of sharp objects or items that could be considered as weapons while committing the offence in a manner that could be seen by others shall amount to show of force.

140. Whoever is established to have carried in the commission of an

offence of theft or extortion or any part of the process in the commission of those offences any sharp object or weapon without the show of force shall be subjected to additional punishment between 1 year and 3 years of exile or imprisonment in addition to imposing punishment upon Sections 131 and 132.

141. Whoever uses anything which can be considered as a weapon of offence against a person in the commission of the offence of theft or extortion or whoever takes part in such act shall be subjected to additional punishment of exile or imprisonment between 5 years and 10 years in addition to imposing punishment applicable under Sections 131 and 132. Where any loss or injury is cause to a person or to property belonging to a person by reason of any act provided, punishment prescribed in this section maybe extended up to 15 years.

142. Punishments given under Sections 139, 140 and 141 shall be increased in respect of those offenders who commit the offence of theft or extortion by carrying arms within the time frame of 06:00 pm and 06:00 am.

Theft , extortion,
cheating or criminal
breach of trust
involving
government property

143. Whoever commits cheating in respect of government property or theft or extortion or criminal breach of trust or deceit in respect of government property shall be subjected to additional punishment between 2 years and 5 years of exile or imprisonment in addition to imposing punishments applicable under Sections 131 and 132.

144. Property in the possession of a person who commits theft, criminal breach of trust, cheating or extortion in respect of

government property shall be forfeited where it is established that such person has built dwellings or obtained other property or created other property from money or property obtained through such theft, criminal breach of trust, cheating or extortion or where such reasons exist that the person has created his property through property or money obtained from the acts of theft, criminal breach of trust, cheating or extortion or where he is unable to provide the property that was the subject matter of the offences of theft, criminal breach of trust, cheating or extortion. Properties seized in this respect shall be sold and all its proceeds shall be utilized to regain the property that was the subject of theft, criminal breach of trust, cheating or extortion. Not regaining property but gaining the value of the property.

145. Where offence of theft was committed in respect of government property by breaking into a building or to a locked place or breaking or destroying a locked thing, additional punishment shall be imposed upon such person under Section 137 in addition to imposing punishments applicable under Sections 143 and 144.

Criminal breach of trust by person entrusted with custody of property

146. Where criminal breach of trust is committed by a person upon whom is entrusted with the responsibility of taking custody of that property or maintaining the place with in which such property was situated additional punishment of exile or imprisonment for 1 year shall be imposed upon such person in addition to subjecting him to punishment under sections 131, 132, 134, 136, 137, 138, 139, 140, 141, 142, 143, 144 and 145.

Compensation against loss suffered by person or property

147. Where any loss is caused to a person or property or place in the commission of the offences of theft or extortion, compensation

in the commission of theft of extortion

shall be payable from the offender or his property against such loss in respect of the offender in addition to the offender suffering applicable punishment for those offences.

Evaluation or valuation of property subject to theft, misappropriation, criminal breach of trust, cheating or extortion

148. Where the value of the property that was subject matter of theft, misappropriation, criminal breach of trust, cheating or extortion is to be determined. Such determination shall be based upon the current value of that property, where the current value may not be ascertainable then the most recent value ascertainable shall be applicable. Where foreign currency is the subject of evaluation such evaluation shall be based upon the currency of that country. Where Maldivian Rufiyaa is payable such money shall be paid at the prevailing rate of the Maldives Monetary Authority or where the person to whom compensation is payable accepts payment may be made as at the value at the time of the commission of the offence or on the day of the verdict or at the rate prevailing on the date of the offence or the verdict.

149.

- a.
- b.
- c.
- d.

Offence of defamation

Defamation

150. Defamation is the act of causing harm or loss to a person's respect, dignity or honor. It will be considered as defamation if any of such acts was committed by words spoken or written or by visible representation.

Words spoken or written touching on

151. Words spoken or writings published or drawings made through visible representation or signs or visible representations

public interest	containing true accounts of commissions or omissions acts or omissions made by a person entrusted with a function touching upon public interest and in the due discharge of his public functions shall not amount to defamation.
How found guilty	152. A person shall be deemed to have committed the offence of defamation if such person does any act provided in section 150 of this law.
Persons taking part in the offence of defamation	<p>153. Where an offence of defamation is established in addition to the person who caused that defamation the following categories of persons shall also be deemed to have taken part in the commission of that offence.</p> <ul style="list-style-type: none"> <li data-bbox="662 940 1472 1192">a. Words spoken or written or signs or visible representations made in defaming a person knowing such item to be defamatory of that person whoever assists in the spreading of such words or signs or visible representations. <li data-bbox="662 1255 1472 1451">b. Where defamatory words or visible signs or representations were published in a news paper or in a magazine or by that news paper or magazine the editor of that news paper or magazine. <li data-bbox="662 1514 1472 1709">c. Where the act of defamation was carried out by using means other than those provided in Sub-section b. who ever assists in the process knowing the purpose the intention of that act was defamation.
How offences is inexcusable	154. Where in the publication of a document or signs or visible representation use of an acronym shall not excuse the person

who caused that defamation from liability.

155. Every time any writing is published against defaming causing harm to a person's name, his correct integrity, dignity, the person defamed has a fresh right of action. The person who writes or publishes defamatory material or the person who writes or spreads defamatory material saying that he was publishing the essay or a true account of what he have read from another document or writing shall not be an excuse to prevent liability under this law.

Exemptions

156. It shall not be defamation to make a statement as provided in Section 150 of this Act or Law to a proceeding before the Court or investigation conducted by competent Government authority in the form of a statement or evidence or witness.

157. It shall not be defamation to publish material as provided in Section 150 in the publication of a report of judicial proceeding already conducted.

158. It is not defamation to comment upon the character of a person in a drama, film or book published for public viewing provided that such comments do not go beyond the character played by such person.

159. It is not defamation in a person having over another any authority either conferred by law or any relationship recognized by law to pass in good faith, any censure on the conduct of that other, in matters in which such lawful authority relates.

Example:

- Where an official passes a comment of approbation against conduct of a staff subordinate to him is not

defamation.

- It is not defamation for a teacher to express comments of approbation against a student's conduct with the intention to with a view to its alteration.
- It is not defamation for a father to pass comments of approbation against his child.

160. It is not defamation to prefer in good faith an accusation against a person to any of those who have lawful authority over that person with respect to subject matter of accusation.

Example:

- Where an untrue comment is passed about a servant by another to the head of the place of work where the servant is shall not amount to defamation
- Untrue comments about the conduct of a person narrated to the child's or person's mother, father, legal guardian, lawful guardian or a relative in good faith shall not amount to his defamation.

161. It is not defamation to convey caution in good faith to one person against the other provided that such caution is intended for the good of the person to whom it is conveyed and provided the person who conveys it has authority recognized in *Shari'ah* or Law over the person to whom the caution is conveyed.

Example:

- Conveys to one's spouse, one's wife or to child that a certain person is not a good person and to be cautious about his conduct shall not be defamation in respect

of that person.

- Sending a document or thing containing defamatory material to a person 162. Where any document or thing containing defamatory material is sent to a person who is not the appropriate addressee in a manner that it could be seen by others or heard by others. The person sending such material shall take liability in respect of all its consequences.
- Penalty for the offence of defamation 163. Penalty in respect of the offence of defamation under this law shall be exile or house detention not exceeding 1 year or fine not exceeding Mrf. 3000.00. Person taking part in the commission of this offence shall like wise be subjected to the same punishment.
- Compensation to the person defamed 164. a. Where the offence of defamation is established in addition to the person who caused that defamation being punished under Section 163, person defamed shall be entitled to compensation. This compensation shall be ordered by court taking into account the gravity of the offence committed and for an amount between Mrf. 100.00 and Mrf. 5000.00.
- b. The court may order further compensation where it is seen or where it is seen likely that due to the offence of defamation the person defamed has suffered any loss or has lost any opportunity of business or has been obstructed or has suffered financial loss.
- Offering apology to the person defamed 165. The court may order the person who caused the offence of defamation to offer his apology to the person defamed in addition to imposing the punishments applicable under this Law and depending upon the magnitude of the harm

committed.

166. Proceeding against offence of defamation may be instituted against corporate personalities such as news papers, magazines clubs, companies and other corporate personalities. And they may themselves institute such proceedings.

This Law shall come into effect from 1 July 1968.