LEGAL NOTICE FOR DEFAMATION

Illustrative demand notice for retraction, correction, apology and preservation of evidence

Important: A defamation notice is generally a strategic pre-litigation demand, not a universal statutory prerequisite. There is no fixed statutory 7 / 15 / 30-day reply period for every notice. Civil limitation for libel / slander is ordinarily one year under Articles 75 / 76 of the Limitation Act, 1963. A notice does not stop limitation.

A. Sample notice

BY TRACKABLE POST / COURIER AND EMAIL, AS APPROPRIATE
Date: [DD/MM/YYYY]
From: [Full name / entity and address]
To: [Correct full legal name and address of author / publisher / responsible person]
Subject: Notice concerning publication / communication dated [date] at [URL / publication / event]

Sir / Madam,

1. That I issue this notice under instructions from and on behalf of [client name and address] (my client).

2. That my client is [briefly state relevant identity / role, only as necessary to explain the reputation affected].

3. That on [date and time], you [published / posted / circulated / communicated] the following exact statement: '[quote the words verbatim]'. It appeared at [full URL / publication / event / recipient group]. The complete publication and context are preserved as Annexure [No.].

4. That the statement identifies my client by [name / image / designation / unmistakable reference] and was communicated to at least one person other than my client, namely [known audience / recipients / readership].

5. That the imputation is disputed for these specific reasons: (a) [identify allegation]; (b) [state the correct fact]; (c) [identify omitted context or source error]. Supporting records are [list documents].

6. That the publication has allegedly harmed my client's reputation by [specific professional / commercial / personal impact]. Presently known consequences include [verifiable client query, lost engagement, cancelled transaction or other evidence].

7. That, subject to statutory exceptions and available defences, the publication may give rise to civil defamation remedies and may require examination under Section 356 of the Bharatiya Nyaya Sanhita, 2023. This notice is not a finding that an offence has been committed.

8. That you are called upon within [7 / 15] days of receipt (a proposed response period, not a statutory deadline) to: (i) remove or correct the identified publication where within your control and legally appropriate; (ii) publish a correction / retraction with comparable visibility; (iii) issue an apology in agreed wording; (iv) undertake not to repeat the specific imputation; and (v) pay INR [amount] only if a factually supported and legally maintainable claim is made.

9. That you are requested to preserve the original publication, edit history, source material, relevant messages, URLs, timestamps, account / publication records and communications within your control. This is a preservation request, not a demand for privileged material.

10. That if you rely on truth, fair comment, good faith, privilege or an exception under Section 356 BNS, please identify the factual and legal basis with supporting material.

11. That if the matter is not resolved, my client reserves the right to pursue civil remedies, including damages and injunctive relief where maintainable, and / or a private criminal complaint under applicable procedure, subject to evidence, limitation and jurisdiction. This notice does not suggest that an FIR is the prescribed route in every defamation case.

12. That all rights and remedies are reserved. This notice is without prejudice and shall not be treated as waiver or settlement.

Yours faithfully,
[Advocate / authorised representative]
[Address, email, contact and enrolment particulars, if applicable]

B. Evidence checklist and legal cautions

Exact statement: Preserve the verbatim words, image, video, headline, full thread and surrounding context. Do not rely on a cropped screenshot alone.

Publication: Record full URL, date / time, platform or publication, audience, recipients, reach and any actual republication. Identify author / editor only on evidence.

Identification and harm: Show how a reasonable reader identifies the complainant and record specific reputational or commercial consequences.

Defences: Section 356 BNS has ten exceptions, including truth for public good, good-faith opinion on public matters, fair court reports, censure, authorised accusations and good-faith protection of interests. Truth alone is not a complete statement of the first exception.

Criminal procedure: Section 356(2) BNS provides simple imprisonment up to two years, fine, both or community service. Ordinary defamation is non-cognizable, bailable and triable by a Magistrate of the first class. Section 222(1) BNSS requires a complaint by the aggrieved person; Section 223(1) includes an opportunity of hearing to the accused before cognizance.

Special public-function route: Sections 222(2)-(5) BNSS provide a Public Prosecutor route for specified public functionaries / public servants, with prior sanction and a six-month complaint period.

Criminal limitation: Section 514(2)(c) BNSS ordinarily provides three years for an offence punishable with imprisonment exceeding one year but not exceeding three years. Check Sections 515-519 and the special Section 222(5) period.

Civil limitation: Articles 75 and 76 of the Limitation Act ordinarily provide one year for libel and slander respectively. A notice does not extend either period.

Electronic proof: Preserve original digital files, URLs, timestamps and metadata. Section 63 of the Bharatiya Sakshya Adhiniyam, 2023 governs admissibility and certificate requirements for electronic records.

Injunction: Sections 38-40 of the Specific Relief Act concern perpetual / mandatory injunctions and damages. Interim restraints in defamation matters are cautious and fact-sensitive.

Earlier publication: For a completed publication before 1 July 2024, assess IPC / CrPC and the applicable savings provisions rather than automatically applying BNS / BNSS.

C. Key authorities

• BNS, 2023, Section 356; BNSS, 2023, Sections 222, 223 and 514-519; BSA, 2023, Section 63; Limitation Act, 1963, Schedule Articles 75-76; Specific Relief Act, 1963, Sections 38-40.

• Subramanian Swamy v. Union of India, (2016) 7 SCC 221, 13 May 2016 - upheld criminal defamation as a constitutionally permissible restriction while recognising reputation as a protected interest.

• Jeffrey J. Diermeier v. State of West Bengal, (2010) 6 SCC 243, 14 May 2010 - explains the ingredients of defamation and the need to examine the imputation and statutory requirements.

• S. Khushboo v. Kanniammal, (2010) 5 SCC 600, 28 April 2010 - explains the requirement of an aggrieved person and cautions against generalized criminal complaints.

• Ruchi Kalra v. Slowform Media Pvt. Ltd., 2025:DHC:2024, 24 March 2025 - online hyperlinking is not automatically republication; context and endorsement matter.

Official / judgment links: India Code - BNS: https://www.indiacode.nic.in/bitstream/123456789/20062/1/a2023-45.pdf; BNSS: https://www.indiacode.nic.in/bitstream/123456789/20099/1/eng.pdf; BSA: https://www.indiacode.nic.in/indiacode/bitstream/123456789/20063/1/aa202347.pdf; Limitation Act: https://www.indiacode.nic.in/indiacode/handle/123456789/1565. Subramanian Swamy: https://api.sci.gov.in/jonew/judis/44579.pdf. Jeffrey J. Diermeier: https://indiankanoon.org/doc/393035/. S. Khushboo: https://api.sci.gov.in/jonew/judis/41007.pdf. Ruchi Kalra: https://indiankanoon.org/doc/65110700/.

Disclaimer: General illustrative format only, not a ready-to-send notice or legal opinion. Verify the exact words, context, publication, identity, defences, attribution, limitation, forum and relief against the evidence and current law. Do not issue unsupported threats or demand an arbitrary sum. Obtain case-specific legal review before dispatch.