

Bonnard standard

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Why in news?

The Supreme Court of India's prescription for granting pre-trial interim injunctions in defamation cases against journalists is the Bonnard standard, in Adani Enterprises Limited (AEL) case.

- The Bonnard standard is a legal principle.
- **Origin** - Originating from the **1891 UK case Bonnard v. Perryman**.
- **Bonnard standard** - In defamation cases, the courts should only issue an **order to stop something**, when they are **absolutely certain** the statement is **false and cannot be justified**.
- **Purpose in India** - The application of the principle in India is critical for **protecting journalistic freedom** and preventing powerful individuals and corporations **from misusing defamation law** as a **Strategic Lawsuit Against Public Participation (SLAPP)**.

*SLAPP is a **civil or criminal legal action intended to censor, intimidate, or silence** individuals or organizations who speak out on matters of public interest.*

- **Supreme Court Affirmation** -
 - **Bloomberg Case (2024)** - The Indian Supreme Court **upheld the Bonnard standard** by striking down an ex parte injunction against a Bloomberg report, emphasizing the need to avoid stifling public discourse.
 - **Adani Case** - A Delhi court's order to journalists to take down allegedly defamatory content was seen as a violation of the Bonnard standard for issuing an ex parte injunction without hearing the journalists' defenses.
- **Protection of Free Speech (relation to article 19)** -

- The Bonnard Standard influences the application of **Article 19(1)(a)** of the Indian Constitution by requiring courts to **exercise extreme caution** when granting **pre-trial injunctions in defamation cases** to prevent unwarranted prior restraint on free speech.
- To ensure that restrictions on free speech in defamation cases **do not go beyond what is permissible under Article 19(2)**.
- **Balancing Act** - The principle aims to **balance the right to reputation with the fundamental right to freedom of speech and expression**.
- **Exceptional Circumstances** - In 2024, the **Bloomberg v. Zee Entertainment case**, the Supreme Court clarified what constitutes an **"exceptional situation"** that could warrant overriding the standard.
- Such circumstances are limited to cases where the defamatory content is **malicious and really false**.
- **Three-Fold Test** - It is a **general legal standard** for granting any interim injunction, including in defamation cases.
 - **A prima facie case** - The plaintiff must present sufficient evidence to convince the court that there is a genuine and serious issue to be tried
 - **Balance of convenience** - The court must compare the trouble the plaintiff will face if the injunction is denied to the trouble the defendant will face if the injunction is granted.
 - **Irreparable harm/loss** - The plaintiff must demonstrate that they would suffer irreparable injury that cannot be adequately compensated with money.

Plaintiff - A person who starts a legal action against somebody in a court of law.

Quick Facts

Defamation

- It is defined as making or publishing a false statement about a person, intending to harm their reputation, under **Section 499 of the Indian Penal Code (IPC)**.
- This act can be done through ***spoken words, signs, or visible representations***, and it constitutes defamation if it causes harm to their good name or makes people shun them.
- Defamation is ***both a civil and a criminal wrong*** in India.

References

1. [Indian Express | Bonnard standard](#)
2. [Nath Solicitors | Bonnard v Perryman](#)

