

Item No. 10

07.03.2017

CS (OS) 3457/2015

PW1 Statement of Shri Arun Jaitley, recalled for further cross-examination after 06.03.2017.

On S.A.

XXXXX by Shri Ram Jethmalani, Sr. Advocate for defendant no.1.

I know Mr. Bishan Singh Bedi. I am aware that he was the captain of Indian Cricket Team. I have no personal animosity against Mr. Bishan Singh Bedi but I cannot say whether he has any animosity against me. (Volunteered. I do recollect that he once contested the DDCA President election against me and lost. He also actively campaigned against me in the Lok Sabha elections). By Lok Sabha election, I mean the election for the seat of Amritsar. It is correct that it was for the first time, I contested election for Lok Sabha from a territory outside Gujarat. It is correct that I have been a member of Rajya Sabha for three terms prior to my Lok Sabha election from Amritsar. It is correct that it was for the first time I was contesting election for Lok Sabha from Amritsar after my student period elections.

Question No. 1: Are you aware that I advised Mr. Narendra Modi not to set you up as a candidate from the Amritsar seat?

Court observation: Question disallowed as is irrelevant to the issues framed.

Question No. 2: Is it correct that it was for the first time that you put your reputation to test in a public election in a democratic manner while contesting from Amritsar?

Answer: An election result is the outcome of several factors prevailing in the constituency and not merely a test of a candidate's reputation considering that the defendant no.1 lost the same Lok Sabha election in 2014 by 3.5 lacs votes.

It is correct that I lost the Lok Sabha election from Amritsar by a margin of more than one lac votes. In 2014, I was a member of Rajya Sabha with 4 more years to go.

Question No. 3: Can you assign any serious reason for which Mr. Bishan Singh Bedi made a complaint against you with the Prime Minister?

Answer: After he lost the election against me, the Association of which I was the President, had appointed him as the Chief Coach of the Delhi Team for a period of three years. His appointment could not continue beyond that period. Nonetheless, I always

continued to maintain the due courtesies that he deserved as an eminent cricketer.

I do not recollect if the Prime Minister had shown me the letter addressed to him by Mr. Bishan Singh Bedi against me. (**Volunteered**. In any case by the time the present Prime Minister was sworn in office I had already severed my links both with the DDCA and BCCI). I do not recollect if I have read that letter as of now. I do not recollect if the Prime Minister had shown me the letter now marked as Mark D-1/A. (Objected to by the counsel for the plaintiff as the document is only a photocopy).

Question No. 4: Please go through the document Mark D-1/A and tell whether the contents of the letter are correct or false?

Answer: This letter is written in 2015 even though I had ceased to be the President of DDCA in 2013. I strongly deny the contents of this letter in so far as they pertain to me. Neither as a Minister nor as the Leader of Opposition, did I prevail upon any Ministry or Department of the Government to do anything wrong or improper in relation to DDCA. As a Minister In-charge of the Department of Company Affairs, I had told the respective Secretaries of the Departments at all

points of time that no paper, file or issue or even question in Parliament related to DDCA should ever be put up before me. This instruction was scrupulously followed and the question of there being any conflict of interest does not arise since I was neither concerned with any cricket association nor was I dealing with any matter relating to it on the Government side.

It is correct that the contents of the letter pertain to the period when I was the President of DDCA. To the best of my knowledge, the contents of letter Mark D-1/A are untrue in so far as they relate to my tenure as the President of DDCA. When I ceased to be the President, I wanted to sever all my links with the DDCA and the BCCI. The DDCA requested me to continue as its Patron-in-Chief which is not an office bearer with any function to perform. I continued for a brief period and somewhere in early 2014, I requested them to relinquish me of that designation which also was done. It is correct that the Office of Patron in Chief is mentioned in the Articles of DDCA. (Volunteered. But it has no function attached to this office). Off hand, I cannot say if this office has all the rights of a member of the Executive Committee of DDCA. I recollect some Patrons and Patrons-in-Chief when I was the President, who never attended the meetings of Executive Committee of

DDCA. I recollect having gone only once to attend the meeting of Executive Committee. (Volunteered. And thereafter requesting them to relinquish me from the office of Patron-in-Chief). I can identify the Memorandum and Articles of Association of DDCA. The one set of the Memorandum and Articles of Association of DDCA is taken on record as identified by the witness as Ex. PW1/D-1/1.

Question No. 5: I put it to you that you have attended several important meetings of Executive committee of DDCA as Patron in Chief. What do you have to say?

Answer: I do not recollect. I recollect having attended only one meeting of the Executive Committee as Patron-in-Chief.

Question No. 6: Now that you have read the letter Mark D-1/A, do you find any statement in it which makes you angry enough to take proceedings against Mr. Bishan Singh Bedi?

Court observation: Question is disallowed as witness cannot be asked what he intends to do after reading a document.

I have read the written statements of all the defendants in this case.

Question No. 7: I suggest it to you that the Prime Minister drew your attention to this letter, you had discussions

with him and finally you told the Prime Minister that I will establish my reputation in the court against these allegations made against me in the letter Mark D-1/A.

What do you have to say?

Answer: The suggestion is wrong in its entirety. This letter which has been shown to me today is dated January, 2015 and my libel action following the defendants' statements against me is dated December, 2015.

I had more than four departments under my charge when I became Minister in 2014. (Volunteered. But I had two major Ministries under me). I became In-Charge of Information and Broadcasting only towards the end of December, 2014 when I relinquished the charge of the Defence Ministry. In May, 2014, I was not In-charge of Information and Broadcasting. As on today, I am Minister In-Charge of Ministry of Finance and Corporate Affairs.

Question No. 8: I put it to you that you are allowed to continue as Finance Minister by the Prime Minister because of your promise to seek a judicial decision in your favour of the allegations made by Mr. Bishan Singh Bedi. What do you have to say?

Answer: The suggestion is denied in its entirety.

I know Ms. Madhu Kishwar. I do not think that she is Journalist. It is correct that Ms. Madhu Kishwar made the statement already Mark X-27 to Y-27 on Ex. PW1/5 of her own. I cannot say if she made this statement on Twitter on 17.12.2015 but it was around that period. (Volunteered. And is a matter of record).

Question No. 9: The Defendant no.1 had commented on this statement as serious allegation. What do you have to say?

Answer: Defendant no.1 has committed a serious act of libel through his malicious falsehood, falsely alleging that my wife and daughter are linked to fake companies, it was not only false but taking the public discourse to a very low level.

Question No. 10: The originator Ms. Madhu Kishwar, you dare not to sue. What do you have to say?

Answer: Many people on the social media make irresponsible statements about people in public life but when a Chief Minister endorses them, it becomes a grave and serious matter. Even false allegations gain credibility. Repetition of libelous statement gives me a cause of action against the person particularly if he has stature, to take action against the said person.

Question No.11 : You thought of suing Ms. Madhu Kishwar and then decided against it. What do you have to say?

Answer: I never thought of suing her.

Question No. 12: I put it to you that the portion now Mark Z to Z-1 on Ex. PW1/5 at page no. 111 is a Tweet of news channel ABP News. What do you have to say?

Answer: It indeed is a tweet of ABP News but I am personally unaware of any such meeting or its contents.

Question No. 13: I put it to you that the portion now Mark Z-2 to Z-3 on Ex. PW1/5 at page no. 111 is a tweet of Mr. Bishan Singh Bedi, which was allegedly agreed to by defendant no.1. What do you have to say?

Answer: The tweet is indeed there. It no way concerns me because it refers to some developments of 2015 and I had ceased to be the President of DDCA in 2013.

Question No. 14: I put it to you that the portion now Mark Z-4 to Z-5 on Ex. PW1/5 at page no. 111 is a tweet of Mr. Bishan Singh Bedi, which was allegedly commented upon by defendant no.1. What do you have to say?

Answer: The tweet is indeed there. It no way concerns me because it refers to some developments of 2015 and I had ceased to be the President of DDCA in 2013.

Question No. 15: I put it to you that the portion now Mark Z-6 to Z-7 on Ex. PW1/5 at page no. 111 is a tweet of Mr.

Sitaram Yechuri, which was allegedly re-tweeted by defendant no.1. What do you have to say?

Answer: The tweet is indeed there. It no way concerns me.

Question No. 16: I put it to you that the portion now Mark Z-8 to Z-9 on Ex. PW1/5 at page no. 111 is a tweet of Mr. Kapil, which was allegedly re-tweeted by defendant no.1. What do you have to say?

Answer: This is precisely why I have filed the present suit.

Question No. 17: The tweet at portion Z-10 to Z-11 allegedly of defendant no.1 on Ex. PW1/5 on page no. 111 does not have any defamatory contents in it. What do you have to say?

Answer: This statement by itself is highly defamatory and when read in the context of statements of all defendants taken together, it seriously damages my reputation.

Question No. 18: The tweet at portion already Mark X-29 to Y-29 on Ex. PW1/5 at page no. 114 is a tweet of Ms. Madhu Kishwar, which was allegedly re-tweeted by defendant no.1. What do you have to say?

Answer: The tweet is highly defamatory and repetition by a Chief Minister adds greater credibility to the falsehood contained in the tweet.

Question No. 19: The document now Mark D-1/B is a Press Release by Mr. Gulam Nabi Azad, the leader of

Opposition in Rajya Sabha, Shri Mallikarjun Kharge, Leader of Congress Party in Lok Sabha and Shri Ajay Makan, Senior Spokesperson of AICC. What do you have to say? (Objected to by counsel for the plaintiff as it is an unsigned photocopy document).

Answer: I do not have any knowledge of this document.

I am seeing the Press Release Mark D-1/B for the first time today in the court.

At this stage, further cross-examination of the witness is deferred.

RO&AC
March 07, 2017

AMIT KUMAR (DHJS)
JOINT REGISTRAR (JUDICIAL)