Twitter Thread by Bar & Bench

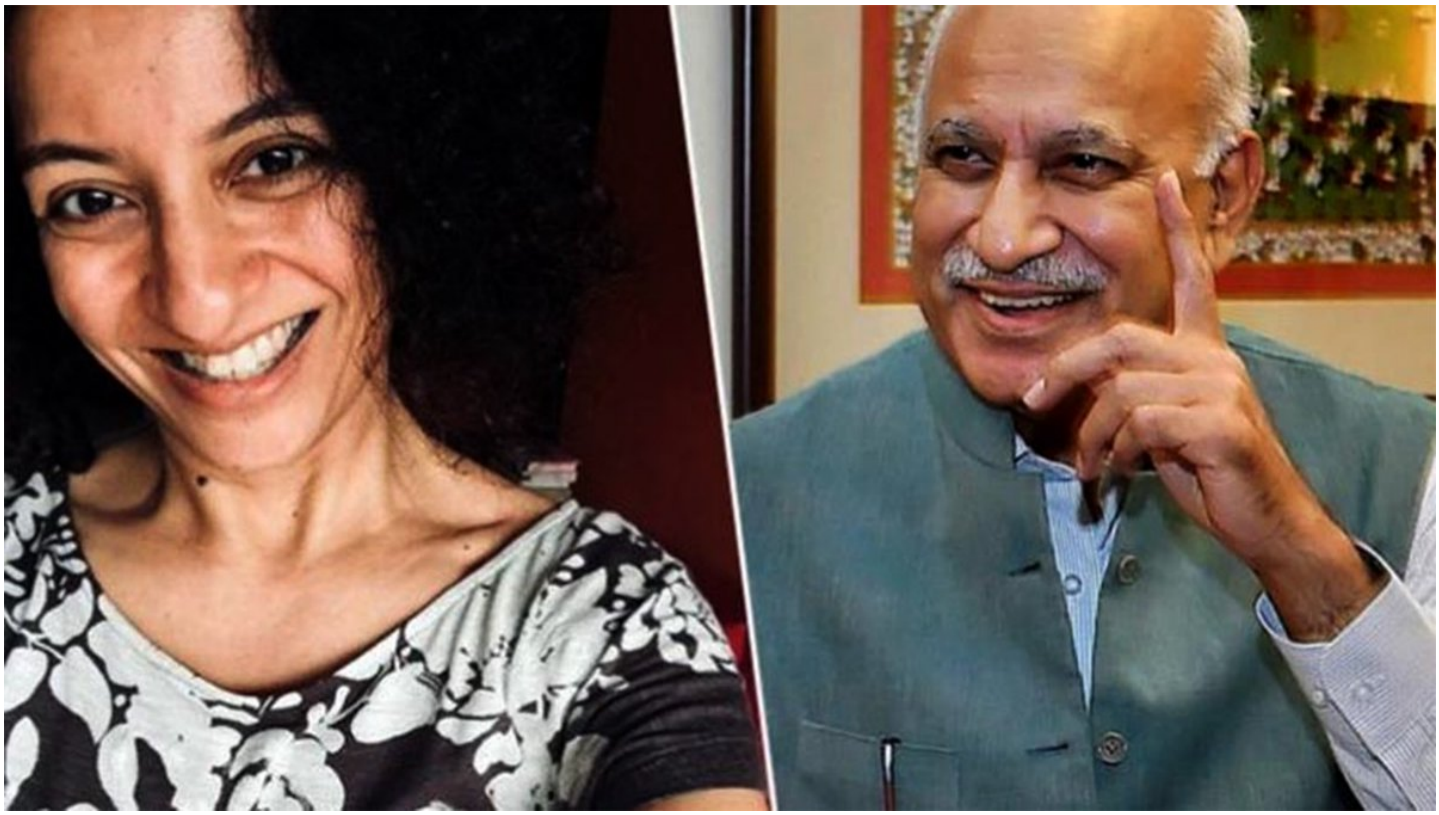
Bar & Bench
@barandbench

Hearing in MJ Akbar's criminal defamation case against Priya Ramani to begin before Additional Chief Metropolitan Magistrate Ravindra K Pandey.

After the transfer of Judge Vishal Pahuja, parties are making arguments afresh.

#MeToo #PriyaRamani #MJAkbar #Metooindia

@mjakbar



Hearing begins.

#MJAkbar #PriyaRamani

#MeToo

@mjakbar

Senior Advocate Rebecca John for Priya Ramani begins.

John sums up the submissions made by her in the previous hearings.

It is my truth, made in public interest and good faith: John

#PriyaRamani

Third limb of section 499 IPC is reputation. Their case is based on reputation. That his reputation was impeccable and it was harmed because of my disclosure: John

I will quickly read that they have said: John as she asks the court to see the complaint made by @mjakbar against Priya Ramani.

John refers to the notice framed against Ramani in the case.

Notice is predicated on the fact that I harmed the reputation of MJ Akbar: John

John reads Akbar's testimony on his reputation being harmed.

They use the word per se. I will argue on this as well. There is nothing like per se defamation: John

I put several things to him during his cross examination to prove that his reputation was not stellar: John

I confronted him with the FirstPost article on several women making sexual harassment allegations against him. I put the article written by Pallavi Gogoi as well : John

John now comes to the testimony of Joyeeta Basu, Akbar's witness.

John reads her statement.

John reads her cross examination.

What is the credibility of this witness who was ready to be a witness for Akbar even before legal action was taken. She said that she read the allegations by other women as well but only found Priya Ramani's allegation defamatory: John

John reads the statement by witness Sunil Gujral.

John reads his cross examination.

This man is a friend. The families know each other. He extended a loan to @mjakbar. It is strange that when so many women made allegations against Akbar, he only saw Ramani's tweets. What is his credibility?: John

John reads the testimony of Veenu Sandal.

John reads her cross examination.

John highlights that Sandal writes on the paranormal.

As far as she is concerned, my comments will be reserved when I read Ghazala Wahab's painful testimony. She selectively decided that it was only Ramani's tweet that harmed Akbar's reputation: John

John reads Tapan Chaki's statement.

He was the punisher of Asian Age: John

Publisher*

John reads his cross examination.

He says he only read Ramani's tweet but was told about the allegations by others: John

It is my duty to show that this reputation was not that reputation. I showed the allegations made by 15 women. I showed Pallavi Gogoi's allegation. They accepted that Akbar was in a consensual relationship with a junior : John

The witnesses have either not read other tweets or have only found Ramani's defamatory. Reputation is a fact in issue : John

John reads the Indian Evidence Act on "fact in issue".

I have every right to contest the so called impeccable reputation of Akbar. There can't be no objection to me producing evidence to the contrary.he himself filed a document to show that many women made allegations against him: John

I sought to establish a pattern of behavior: John

John reads section 14 Evidence Act.

#MJAkbar

Something which has happened consistently is pattern of behavior.. which is a fact in issue is relevant. I have every right to contest it: John

John urges the court to read a judgement from her compilation.

John reads the judgement.

John continues to read the judgment.

What the Bombay High Court said that when you challenge the reputation, it is a fact in issue : John

Questions on credibility of the complainant are allowed: John

John reads another judgement.

The reason that I went through sections 7,9 and 14 and these judgements is because I want to contest Akbar's reputation. my questions are relevant: John

I am answering a charge of impeccable reputation. I have tried to puncture the case of impeccable reputation at multiple levels: John

They have opened the door to impeccable reputation. Let me in this background read the evidence of Ms Ghazala Wahab: John

John reads Wahab's testimony.

John reads Wahab's professional credentials.

John reads Wahab's statement on her job at Asian Age.

..for the first time I was reporting to Mr Akbar.. he could watch me at my desk.. when he was alone, he left the door open: John

John reads Wahab's statement on intranet messages sent by Akbar to her on her clothes.

When I went inside and asked me to close the door.. Mr Akbar came up behind me and held me by my waist.. he ran his hands from my breasts to my hips: John continues to read.

The enormity of this violation overwhelmed me completely: John continues to read.

My colleague who had seen me run out followed me to the parking.. I told her everything. She suggested that I speak with Seema Mustafa: John reads.

I narrated the incident.. I was hoping that Seema would offer to speak with Mr Akbar. Seema said that she was not surprised. I was alone, confused and petrified. Asian Age had no anti- sexual harassment mechanism: John

In 1997, the workplace was very different from how they are now : John continues to read.

Is there any specific mechanism for the field of journalism? : Court

It came only after the 2013 Act. Vishakha guidelines were thete but Act came only after Nirbhaya. Compliance came only after 2015-16: John

Section 357A IPC also came in 2013. That's why Ghazala is saying so: John

John continues to read Wahab's statement.

Having realised that I was on my own.. I sent a message to Akbar that his unwelcome sexual advances were unacceptable. Akbar asked me to come inside and he lectured me on how I was humiliating him: John reads.

Meanwhile, Akbar's behaviour did not change.. I would stand on the doorway. Sometimes he would put is hands on mine or tried to kiss me: John continues to read.

My colleague would follow me on some pretext or the other : John reads

I had shared my ordeal with two more colleagues. Mr Akbar's personal secretary also came to know. Later Ms Veenu Sandal was sent to speak with me. She told me Akbar was in love with me. I was disgusted: John reads

Akbar told me that I was to shift to Ahmedabad and that Mr Akbar would stay with me whenever he came there.. I gave my resignation..: John reads.

I reached home and told my family that I was taking a break. I didn't tell them that I was sexually harassed because that would have been the end of my career: John continues to read.

Over the years, some women had shared their experience of sexual harassment at the hands of Mr Akbar : John reads.

On 6/10/2017, Ghazala says on oath that she tweeted about MJ Akbar. Ramani was mot the first one to tweet : John

#MeToo

6/10/2018*

On 9/10/2018, my friends and colleagues from Asian Age messaged me if I was not going to tell my Akbar story : John reads

I was not looking at seeking legal remedies against Akbar. I felt #MeToo gave a platform to women to unburden themselves: John

John reads that the Wahab wrote an article on her experience for The Wire which was published on 10/10/2018.

I wrote an article refuting Mr Akbar's rebuttal of my story: John reads Wahab's statement.

I've demonstrated that when they say he is a man with impeccable reputation, I have every right to rebut it. I'm establishing a pattern of behavior. Ms Wahab's statement is not hearsay. She tells us her story. It is direct evidence: John

These objections have to be dismissed. Ghazala's evidence is central to the case : John

Court takes a break for five minutes.

Hearing resumes.

John states that Wahab's tweet was before the tweets made my Ramani.

Johns reads the responses to Wahab's tweet.

John refers to Wahab's WhatsApp exchange with Meenakshi Kumar, a colleague at Asian Age in relation to the incident.

On Oct 9, 2018, there was no complaint. Women are coming forward to tell their story. Meenakshi is asking Wahab if she would tell her Akbar story : John

On 10/10/2018, she chooses to write. What she said before court on oath is what is written in the article. Complaint is of Oct 15, 2018: John

A very very serious allegation but Akbar chooses not to prosecute her : John

John shows that several people expressed solidarity with Wahab after the article.

John refers to the messages sent to Wahab from women in the industry after the article.

John points out a WhatsApp message from Rachna Grover saying that she was aware of Ghazala incident.

In pre summoning evidence, Mr Akbar had listed Rachna Grover as his witness. After summoning, her name was dropped after seeing that we would attack her credibility : John

After coming back from Africa, Akbar had issued a press note attacking the women who made allegations against him. Ghazala replied to the release: John

In response to Akbar's refutation, Ghazala wrote on 15/10/2018: John

Ghazala has exhibited the messages sent to be her: John

From her statement, a very painful story has come out. It happened to a young journalist. An extreme case of harassment. It attacks his reputation. So many women have said it : John

The case against me if that Ramani started it and thereafter people went crazy. Ramani didn't start it. Ghazala herself said that she tweeted on 6/10/2018: John

Ghazala says that in 1997, Asian Age had no mechanism against sexual harassment and female journalist were not encouraged to speak up : John

Sexual harassment has a law. People have begun speaking up. The time we are talking about, had nothing of this like. This is 90s: John

That time, the law had nothing to let women complain internally or externally. Women were hesitant in speaking up. 20 years ago, it was more difficult than today : John

#MeToo came to India in 2018. It wasn't a crime to speak up on #MeToo platform: John

These are acts of extreme courage that require celebration. These are not the acts for which one should face defamatory: John

Face defamation*

Several people spoke up about past incidents and unburdened themselves. They are not guilty: John

We have proved that Akbar's reputation is not impeccable.. Does it mean that all 15 women were petty liars? : John

Did everyone lose their mind in October 2018? Mr Akbar started his defamation campaign only against Ramani. When you isolate, are you singling out someone and why? : John

In defamation cases, if I plead an exception, the onus on me is to prove that exception. But what is the standard of proof? It is simply preponderance of probabilities and not beyond reasonable doubt : John

John refers to a judgement on standard on proof.

Standard of proof*

Per se defamation happens only when I don't plead an exception: John

John reads a judgement to support her claim.

I have pleaded both first and ninth exception: John as she continues to read a judgement.

John moves on to a full Bench judgement by Allahabad High Court.

John comes to KM Nanavati case.

This was the last jury trial case: John begins reading a portion of the judgement.

This case says that unless the statute provides for it, the Prosecution has to prove its case. Once I've lead evidence on preponderance of probabilities, the onus shifts back to the Prosecution: John

It shifts from prosecution to defense to prosecution. Per se comes only when one has not pleaded any exception : John

I've lead evidence. Accused herself has come on the witness box. To dislodge prosecution story, I've applying the test of preponderance of probabilities, proved my case : John

If my truth is accepted, it can't be nobody's case that it is not in public good: John

How will the court believe me? It is seen through these judgements: John

Reputation is central to their case and I've disputed it. I've established my truth: John

Exception 1, 3 and 9 stand satisfied: John

I will conclude on the next date : John

Court proposes taking up the case on December 17.

Hearing adjourned for the day.

Hearing to take place next on December 18 at 2 pm.