

## News

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**Rahul Gandhi's defamation lawsuit against the BJP for his "40% commission" advertisements is dismissed by the Karnataka High Court.**



***The Court ruled that continuing the proceedings would be an abuse of the legal system.***

In the defamation case brought by the Bharatiya Janata Party (BJP) against Congress leader Rahul Gandhi, the Karnataka High Court on Tuesday dismissed the criminal proceedings against him. [Bharatiya Janata Party v. Rahul Gandhi]

On Gandhi's plea, Justice Sunil Dutt Yadav rendered the decision. The petition has been granted. It would be an abuse of the legal process to permit the proceedings to proceed. The Court ordered that the proceedings against the petitioner, Rahul Gandhi, be set aside.

***According to the Court, the advertisements in question claimed that certain government workers and constitutional functionaries benefited from anomalies in government programs. Nevertheless, the defamation lawsuit was not brought by any of the individuals or organizations mentioned in the ads. The Court pointed out that it was indeed the BJP. The judge stated, "In this case, the imputation is by way of innuendo, and it is sought to be stretched to the party."***

The BJP filed the defamation lawsuit against Gandhi, Karnataka Chief Minister (CM) Siddaramaiah, and Deputy Chief Minister DK Shivakumar on behalf of its Karnataka State Secretary, Keshav Prasad. The primary accusations included the Congress party's employment of campaign slogans and ads in the run-up to the Karnataka assembly elections in 2023.

***The Congress party claimed in the advertisements that the BJP, which was then in control of the state, was requesting bribes and commissions from contractors and other parties for the completion of public works projects, up to 40%.***

In its case, the BJP accused Congress leaders of disseminating deceptive advertisements that targeted members of its party, including Basavaraj Bommai, the party's then-chief minister.

Gandhi filed a motion with the High Court to stop the proceedings against him after being named as the fourth accused in the case.

***The Congress spokesperson argued that there are no accusations made against the BJP in the advertising. Additionally, he argued that there was no evidence connecting the ads to him.***

The Karnataka Unit President, who would have been the qualified individual to launch the defamation complaint, was not authorized by the BJP to start proceedings, the High Court said.

***The entity that was defamed in this instance would have to file the complaint in order***

***to comply with the procedural requirement that "some person aggrieved" make a complaint before the magistrate. In general, the complaint seems to establish that the offended party is the one who is at fault. The Court believed that this alone taints the proceedings. As a result, the complainant lacks competent representation, and the proceedings are vitiated when the aggrieved party is represented by an incompetent individual," the ruling said.***

Additionally, it pointed out that there was no proof that Gandhi had ordered the commercial to be released.

***Although Gandhi was accused of tweeting links to the disputed ads in the BJP's suit, the Court pointed out that the tweet's language was missing from the BJP's filed evidence. Interestingly, though, neither the language of the aforementioned tweet nor any Section 65B (Indian Evidence Act) certificate was supplied in the required format when the sworn statement was being recorded, the Court noted.***

Additionally, the Court pointed out other procedural errors at the trial court that, in its opinion, demonstrated a careless handling of the case.

***Therefore, it decided it was appropriate to stop the action against Gandhi.***