

Second Public Statement by Sudha Bharadwaj

“Why I do not want to appear on Republic TV”

I have received through my counsel a reply from Phoenix Legal on behalf of Republic TV dated 7th August to my Legal Notice dated 16th July 2018. Both my Notice and the Reply thereto have been annexed here.

1. First of all this reply claims that in my notice I “have reflected wanton prejudice against Mr Goswami with the intention to tarnish Mr Goswami’s reputation and selectively target him!!” If that isn’t a case of the pot calling the kettle black I don’t know what is!

2. This reply has **not been accompanied** by a copy of the “super exclusive” letter purportedly authored by me, which I had demanded a copy of. As you know I have categorically denied having anything whatsoever to do with such a letter.

3. **The Republic TV has refused to reveal the source of this letter**, which is claimed to be the result of “investigative journalism” by Mr Shawan Sen, claiming journalistic privileges. Normally such privileges are claimed in order to protect vulnerable sources. Definitely police does not qualify as a vulnerable source.

4. The Republic TV has admitted that the **reason the said letter was considered “undisputedly” to have been authored by me was** 1) the fact that the signature line contained the name ‘Sudha’ ; 2) the letter made a mention of Jagdalpur Legal Aid Group, Bastar Solidarity Network and the names of some advocates with whom I am associated! Any person who had a grudge against me, whether belonging to a corporate house, or the Chhattisgarh police or Chhattisgarh government, would easily know both these public details, available by googling, and on that account could have easily fabricated/ concocted a letter “undisputedly” authored by me and forged a signature with my name. And this is what I believe has been done.

5. It is claimed by Republic TV that, “On 4th July 2018, before the broadcasts were aired, Mr Shawan Sen had contacted your client (*i.e me*) through telephone to seek her views in relation to the First Letter (*letter purportedly authored by me*). However, **despite being afforded adequate opportunity to air her version, your client expressly refused on the telephone call to provide any comments** or views in relation to the news report proposed to be aired by Republic TV, which is again reflective of a prejudice against our client (*Republic TV*).”

I will reiterate what I have said earlier in my interviews and which can easily be confirmed from call details. On 4th July I received a call from a Mumbai landline on my mobile. . The person on the other end said he was speaking from Republic TV and had just begun to speak further when I replied, “Sorry I don’t speak to Republic TV” and put down the phone. I was under the impression that I was going to be asked to be a panelist on Republic TV and having seen the manner in which “debates” are conducted on that channel, chose not to associate with such a debate. If indeed I was made aware of what was being proposed to be aired through that call and chose to refuse to respond, the call ought to have been relayed in the programme.

The call was not repeated. Republic TV had my mobile number, an sms could have been sent to me informing me that a serious allegation was being leveled against me. That was not done. The programme could have been postponed till my reaction was obtained. That was also not done. **I stand by my position that I was not given any opportunity to respond to the allegations made against me before the programme was aired.**

6. Republic TV has said that in the Prime Time broadcast at 9pm on 4th July 2018 my image was shown 13 times (thanks for counting!) with the caption “ALLEGEDLY WROTE LETTER”. They have chosen to deliberately gloss over the other two earlier broadcasts. In these impugned broadcasts **the transcript of what was spoken does not contain the word “allegedly” even once.** The programmes infact keep referring to the letter as “undisputable”. The tone and tenor of the programmes as well as all statements made by the presenters when viewed as a whole communicate and portray that the baseless claims made are proven facts.

7. After literally shouting from the rooftops about my connections with Maoists and Kashmiri separatists, Phoenix Legal claims, “Our clients unequivocally state that the Broadcasts had not lowered the image of your client in the estimation of others in any manner whatsoever.....**The tone and tenor of the Broadcasts had not imputed any guilt or culpability upon your client. The Anchors in the Broadcasts had refrained from pronouncing any verdict of guilt or innocence against your client.**” So kind of you, dear Sirs, even I am a good enough criminal lawyer to know that you have no business pronouncing any verdict against me. The fact is that you have incited hatred against me, and put me into a situation where my life could be under threat from people who don’t know that you have no business pronouncing a verdict against me, more so when the same is premised on false and fabricated material. Recent events have confirmed that the apprehension of harm resulting from the hatred incited by this kind of journalism is no longer a mere apprehension, and persons are actually being subjected to violent attacks.

8. Finally the Republic TV has given the following offer, “Your client will be afforded uninterrupted, unedited and uncensored 25 minutes slot for a program **in which she can answer any questions put in the manner she deems fit**, express her views and clarify her position. Our clients are also willing to accommodate such a slot at primetime (ie 9pm) on a mutually” convenient date.

To this, my clear response is that - the reply shows that Republic TV is already aware of my interviews given to “The Wire” and “Newsclick”, they have carefully studied the Public Statement issued by me. They have also been given a Legal Notice. If they indeed wish to be fair they are always free to read out this Public Statement/ Legal Notice and air my interviews given at The Wire and Newsclick. (And why only 25 minutes? When admittedly the 9 pm Prime Time slot is 120 minutes and you had aired 3 broadcasts in all.)

Republic TV has already conducted itself as vigilante Investigators. I see no reason to give them an opportunity to act as vigilante Public Prosecutors and interrogate me publicly about a document that I have nothing to do with..

As a lawyer I believe in the Rule of Law and not in media trials. So I prefer to continue going about my work and duties as a trade unionist, a lawyer and a teacher; serving people as best I can and as I have been doing for the past three decades. Let my love for my country and its citizens speak, not through words, but through my work.

Sudha Bharadwaj

VRINDA GROVER

Advocate

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LEGAL NOTICE

16th July 2018

To

- (a) **Mr. S. Sundaram,**
CFO
Republic TV
ARG Outlier Media Asianet News Pvt. Ltd.
NBW Building, Bombay Dyeing Mill Compound,
Pandurang Budhkar Marg, Worli, Mumbai-400025
sundaram@republicworld.com
- (b) **Mr. Arnab Goswami,**
Managing Director,
Republic TV
ARG Outlier Media Asianet News Pvt. Ltd.
& SARG Media Holding Pvt Ltd
- (c) **Mr. Shawan Sen,**
Deputy News Editor,
Republic TV
- (d) **Mr. Aditya Raj Kaul,**
Associate Editor,
Republic TV
- (e) **Ms. Shivani Gupta,**
News Editor and Anchor,
Republic TV

Notice on behalf of my Client, Adv. Sudha Bharadwaj, to cease, desist and tender unconditional retraction and public apology for the broadcast of false, malicious, derisive, derogatory and defamatory content on 04.07.2018 on Republic TV

VRINDA GROVER

I am writing to you on behalf of, and under instructions from, my Client, Advocate Sudha Bharadwaj (hereinafter referred to as 'my Client').

1. That on mid-morning of 4th July, 2018, Republic TV broadcast a programme titled **"Super Exclusive Newsbreak: #UrbanNaxalsExposed"** (hereinafter referred to as **'Impugned Programme 1'**) (about 5 minutes) reported by Mr. Shawan Sen. The link to the programme was tweeted multiple times by the official twitter handle of Republic TV (@republic) and disseminated widely on social media. Subsequently at 7:00 P.M on the same day, another programme titled **"Exclusive News Break: #UrbanNaxalsExposed Part 2"** (**Impugned Programme 2**) (about 10 minutes) anchored by Mr. Aditya Raj Kaul and reported by Mr. Shawan Sen was telecast and shared on the official twitter handle. At 9:00 P.M, a third programme titled **"The Debate: #UrbanNaxalsExposed"** (**Impugned Programme 3**) (about 1 hour) was telecast wherein content from Impugned Programme 1 was again telecast with an introduction by a Republic TV presenter followed by an acrimonious, slanderous and high decibel exchange between the panelists during which the anchor Ms. Shivani Gupta made several incendiary, false, fabricated and defamatory statements and comments directed at, and alluding to, my Client.

(Impugned Programme 1 is available at:

<https://m.republicworld.com/india-news/general-news/explosive-letter-exposes-urban-naxal-link-to-kashmir-terror-all-details-here>

Impugned Programme 2 is available at:

<https://www.republicworld.com/india-news/general-news/explosive-pm-modi-targeted-judiciary-attacked-in-sensational-urban-naxal-letter-all-details-here>

Impugned Programme 3 is available at:

<https://www.republicworld.com/the-debate/565/1225/has-a-lobby-separatist-maoist-conspiracy-to-divide-india-been-proven>)

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2. During the 3 Impugned Programmes, the anchor, reporter and presenter repeatedly made completely and totally false, fabricated, concocted, *per se* defamatory, slanderous, malicious, misleading and highly offensive statements and comments about my Client with a view to defame her, sully her reputation, malign her work as a lawyer, incite hatred against her and bring her into public contempt. My Client strongly challenges, rejects and objects to the repeated direct and indirect reference to her as being part of some group of “urban naxals” in the Impugned Programmes. The statements made about my Client are baseless, fabricated, false, malicious and motivated with the intention of tarnishing her personal and professional reputation, lowering her esteem in society and endangering her personal safety.
3. That my Client has impeccable academic and professional credentials and enjoyed a high degree of respect and esteem in society:
 - (a) My Client, a graduate of IIT, Kanpur, followed by a Law degree at the Ravi Shankar Shukla University, Raipur, has been associated with social justice movements for rights of workers, tribals, women and civil liberties for over 30 years. She is presently the National Secretary, People’s Union for Civil Liberties.
 - (b) As a practising Advocate of the High Court of Chhattisgarh at Bilaspur, my Client has represented industrial workers, adivasis, economically vulnerable communities facing land dispossession, rape victims, and other marginalised and vulnerable communities. She has also practised at the National Green Tribunal (Central Zonal Bench), Labour Court, Industrial Court, District Courts, Central Administrative Tribunal, and appeared before Judicial Commissions of Enquiry.
 - (c) She has also represented women in cases of sexual harassment, rape of minor dalit girls, implementation of the Protection of Women from Domestic Violence Act, sexual violence by security forces before the Chhattisgarh High Court, at Bilaspur. Through her lawyering she has tirelessly worked towards upholding the rights and principles enshrined in the Constitution of India.
 - (d) My Client is a distinguished member of the State Bar Council, and is held in high esteem and respected in society. From 2014 to 2016 my Client was nominated by

the Hon'ble High Court of Chhattisgarh, Bilaspur, to serve as a member of the State Legal Services Committee. She was appointed by the Union Ministry of Tribal Affairs to represent them before the Hon'ble High Court of Jharkhand. She has on several occasions been invited as a resource person to address Judges of the Hon'ble High Court of Chhattisgarh and District Courts on Labour Law, Land Acquisition, Human Rights, and Tribal Rights at the National Judicial Academy, Raipur. She was appointed as member of the National Advisory Council on Tribal Development in Central India: Governance Issues in 2014. She was also nominated by the President of India to be on the Search Committee for selection of Vice Chancellor for Guru Ghasidas Central University, Bilaspur, Chhattisgarh.

- (e) That since 2017 my Client has been teaching at the prestigious National Law University Delhi, two courses on, Law and Poverty and Evolution of Laws in Interface with Social Movements.
- (f) That in her capacity as a human rights lawyer she has made representations to the National Human Rights Commission. Recognising her independence and integrity, the NHRC sought her assistance in investigating a case of extrajudicial killing in Bastar.

4. That since the telecast of the Impugned programmes, my Client has received numerous communications from her friends, acquaintances and colleagues who expressed their shock, disgust and contempt at her. Due to the Impugned programmes her esteem in the eyes of these people was had severely damaged. It was only after she assured them that the Impugned Programmes were false, motivated and baseless, did they regain their respect and esteem for her.
5. At the outset, any part of the three Impugned Programmes which refer to, or are in anyway connected to or impact the reputation and well-being of my Client are strongly and vehemently denied, and you are put to strict proof thereof. It is further stated that nothing shall be deemed to be admitted by my Client unless specifically

stated herein. The said statements and comments are to your knowledge false, baseless, malicious, fabricated, and defamatory, and have been published and circulated on a widely viewed national media platform knowing and intending to cause grave and severe harm and injury to my Client. The said statements are aimed at maligning my Client, severely damaging her reputation, jeopardising her professional career and endangering her personal safety.

6. That the Impugned Programmes make direct and indirect references declaring that my Client is an “urban Maoist” who is “plotting to break India”, with links to separatist groups and armed guerrillas across the country. The specious basis for the long list of scurrilous and *ex facie* defamatory allegations and malicious insinuations against my Client in the Impugned Programmes is an alleged “explosive letter” purported to be written by her.
7. The Impugned Programmes attribute the said purported “explosive letter” to my Client. Pertinently, the source of the letter that your reporters and anchors claim is in the possession of Republic TV, is conveniently not disclosed, and it is highly suspicious that the alleged letter makes an exclusive appearance only in the studio of your channel, since there is not a whisper about the same from any official sources.
8. That right at the outset it is vehemently and categorically denied that my Client has written or signed any such purported letter. Your reporter/presenter claims that this letter, purported to have been written by my Client, states that they must dole out packages for “urban cadre” like packages doled out by Kashmiri separatists to stone pelters. Further, the narrator claims that my Client has stated that they need to raise monetary aid in order to send persons from JNU and TISS to interior areas, and that after “Comrade Advocate Prashant’s arrest”, she has stopped receiving funds. In view of the fact that no such letter has ever been written by my Client, each of these statements made and broadcast by your channel are knowingly false,

concocted and malicious and have been fabricated with a view to irreparably defame and injure my Client's reputation and goodwill in society.

9. That the Impugned Programmes defame and incite hatred against my Client by stating that my Client is connected to "Urban Naxals" and "Kashmiri Separatists", and that my Client is raising funds to send naxals into the interiors, and also that she supports naxalites and separatists and wants to "break India" and "incentivise violence in India". The Impugned Programmes also denigrate my Client personally and professionally by projecting that she is complicit in illegal and unlawful activities.

10. The Impugned Programmes carry the following captions, headers and taglines intentionally and with the knowledge that the same sensationalise, misrepresent facts and are fabricated and unfounded, for the viewers to create an impression among the viewers that my Client is implicated in criminal and terrorist activity:

"Super Exclusive";

"#UrbanNaxalsExposed";

"Urban naxals confirm contact with Separatists";

"They named govt, forces as enemy";

"Urban naxals fighting paks battle";

"Secret Urban Naxal Letters Accessed";

"5 Urban Naxals Arrested";

"Enemy=Forces+Govt";

"Undisputable letter emerges";

and others.

The aforesaid captions, headers and taglines individually and collectively, in reference to my Client, are not only patently false but also *ex-facie* defamatory and derogatory. Further, these taglines have the effect of creating disharmony in society by inducing panic and alarm amongst viewers.

11. That my Client's photograph and name was repeatedly broadcast and displayed on the screen along with aforesaid incendiary and false captions, headers and taglines, knowingly and with the intention of making it appear to the viewers that she is engaged in, and guilty of, terrorist criminal activity. The photograph of my Client in the Impugned Programmes is carried with voice-over commentary that makes direct and indirect references to terrorist criminal activity. The aforesaid malicious, biased, knowingly false, defamatory and derogatory captions, headers and taglines have been selected and broadcast while linking them to my Client for the purpose of promoting and inciting violence and hatred, and rendering my Client vulnerable to imminent harm and danger.
12. That the Impugned Programmes have broadcast photographs and video clips of my Client giving public lectures at public events, which have no connection or bearing with the content of the Impugned Programmes, or any of the statements made during the Impugned Programmes. However, the Impugned Programmes have used photographs of my Client delivering lectures at public meetings which are available on the internet (as she is an eminent human rights lawyer), by arbitrarily inserting these photos and video clips into their programme, and have telecast it along with concocted and malicious taglines to make it appear that she is participating in criminal activity.
13. That in the Impugned Programmes, your channel has deliberately and deceptively mixed its malicious and motivated opinions, conjectures and surmises portraying them as facts. This deliberate juxtaposition of facts with opinions, conjectures and surmises is aimed at blurring the lines between truth, falsehood, and unethical journalistic fantasy, all of which has been churned to portray it as one homogeneous set of events and presented as factual news to the viewers, in complete disregard for journalistic ethics and principles.
- Amr*

14. The Impugned Programme makes false and concocted statements with the intention of connecting my client to an ongoing investigation of 5 persons including Advocate Surendra Gadling, who were arrested on 6th June 2018 in relation to the Bhima Koregaon protest in Maharashtra, thereby brazenly interfering with the investigation, by spreading unsubstantiated rumours regarding a matter which is sub-judice. It is clear that your channel is attempting to interfere and influence the ongoing investigation.

15. That as Vice-President of Indian Association of People's Lawyers (IAPL), my Client, along with other practising lawyers held a Press conference on 7th June, 2018, in New Delhi. During this Press Conference the speakers, mainly eminent lawyers, including my Client, emphatically condemned the arrest of lawyer Adv. Surendra Gadling, who is also member of IAPL. The lawyers addressing the Press Conference strongly condemned the arrest and criticised the fact that he was being targeted for performing his professional duty of representing his clients. At the Press conference my Client, on behalf of the Indian Association of Peoples Lawyers said,

"The IAPL believes these arrests are being made in order to discourage the unity and organising of Dalit and Bahujans against casteist-Hindutva forces, and even more to threaten lawyers, professors and activists from standing up for the rights and democratic values in their professional capacities,"

The same has been reported by the media:

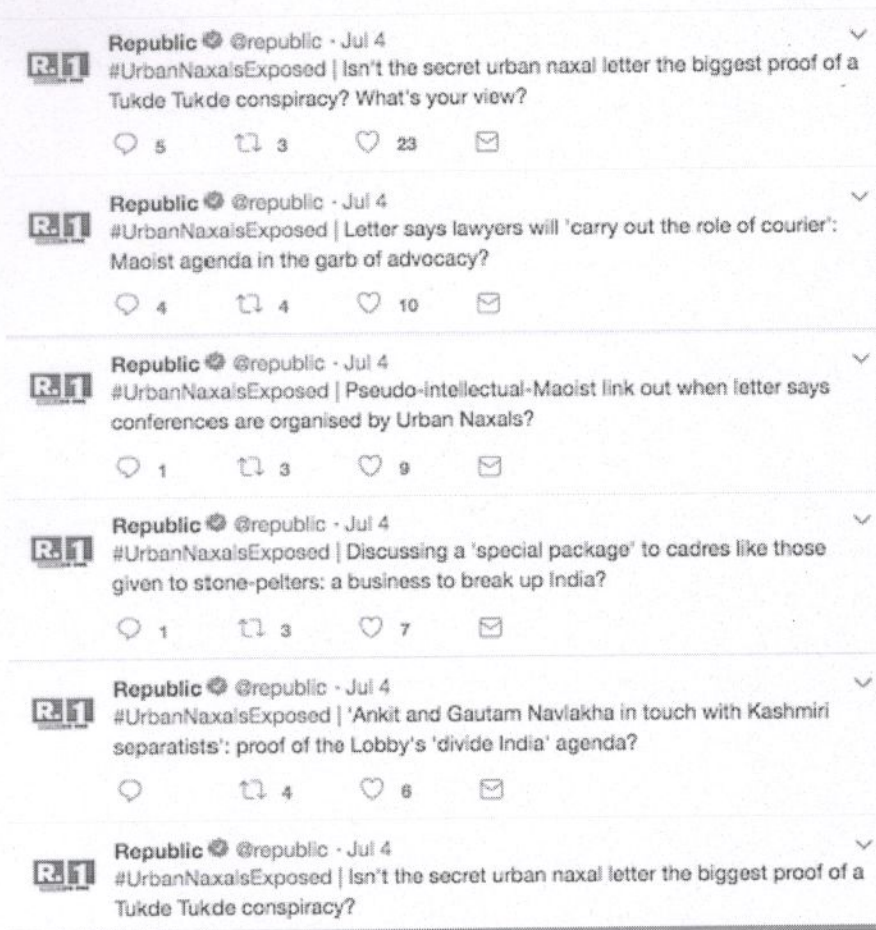
<https://www.outlookindia.com/newscroll/bhimakoregaon-violence-activists-arrested-to-discourage-dalit-bahujan-unity-says-lawyers-body/1325142>

16. That your news channel has sought to intentionally and knowingly defame, slander, instigate hatred and violence against my Client by broadcasting the Impugned Programmes during prime time, when according to your channels own website, it is the most watched English news channel and reaches millions of viewers across the world.

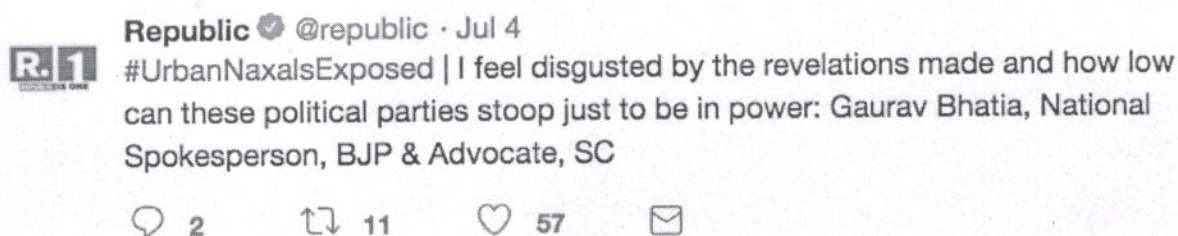
17. That the official website of your channel continues to publish defamatory and incendiary posts referring to the 3 Impugned Programmes. The following is one such post where your channel, on the basis of motivated and false propaganda is asking viewers to brand my Client as a criminal. In doing so your channel is usurping the role and power of the Court to judge and is on the basis of false and fabricated material condemning my Client:

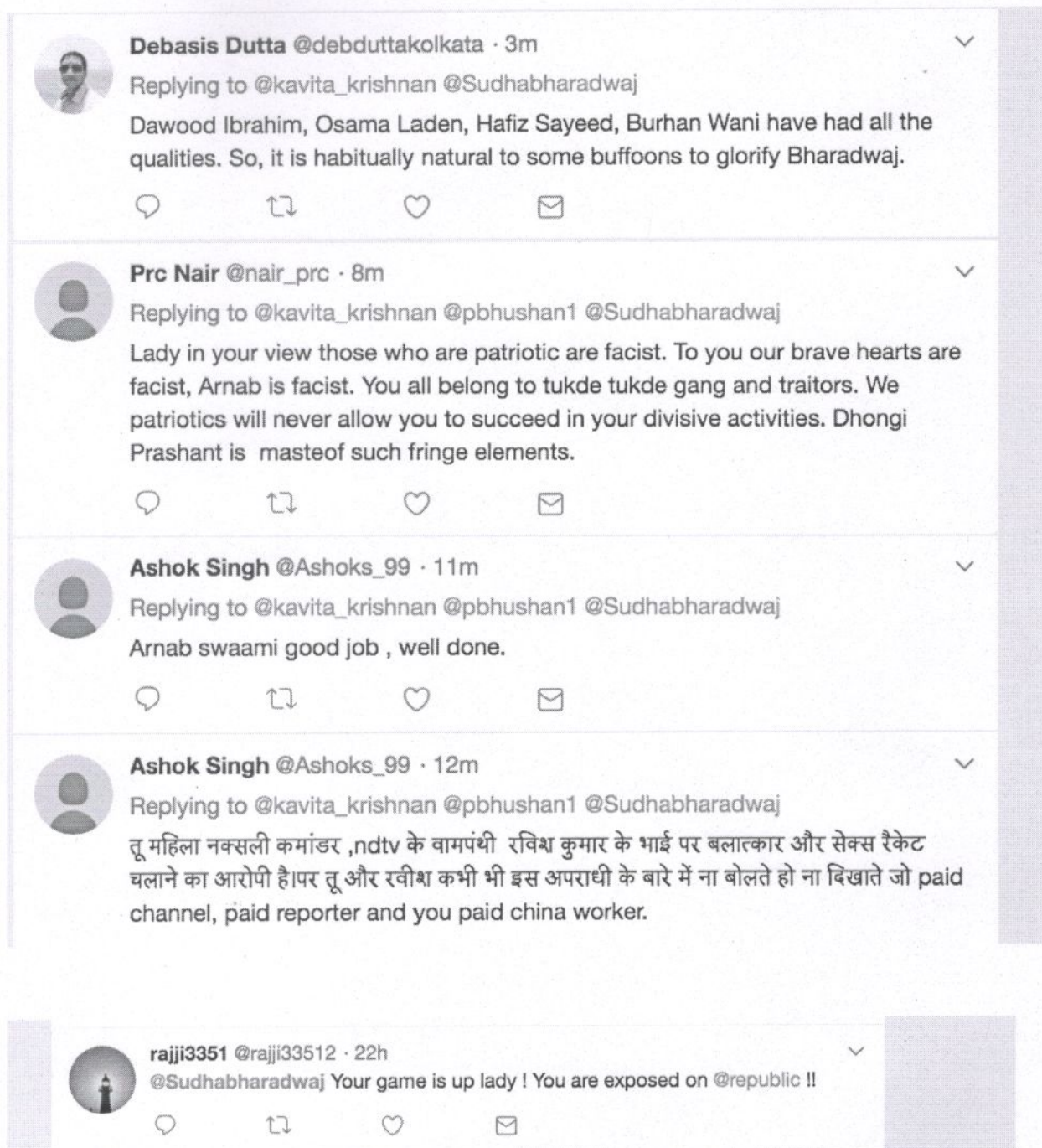


18. That the Impugned Programmes have been published on the website of your channel, the videos are available on the website of your channel (<https://www.republicworld.com/>) and headlines, captions and extracts from the videos have been repeatedly shared by the official twitter handle of your channel, in such a manner, that resulted in it trending all over social media. Your channel claims it is the most watched English news channel, and your official twitter handle is followed by 460 thousand users, causing widespread and irreparable damage to my Client. Incendiary and defamatory statements are being tweeted by the official handle of your channel with the intention of inciting hatred against my client who is referred to during the programmes. Some of these tweets are as follows:



19. That this has caused insurmountable harm, injury, trauma and anguish and damage to my Client. It has lowered the image of my Client in the estimation of the general public and persons known to her; and has caused her to be treated as an object of contempt by persons known to her and the general public on social media. This has caused severe trauma and anguish to my Client. The posting and circulation of tweets by your channel's twitter handle has caused other twitter users to publish hateful comments directed at my Client, and post comments tagging my clients twitter handle which is "@Sudhabharadwaj". These comments include:





20. That subsequent to the broadcast and circulation of the Impugned Programmes my Client has been contacted by several eminent persons who are her friends and well-wishers including academics and lawyers expressing their shock and disgust and at the Impugned Programmes to ask her whether there was any truth to them. While several of my Client's friends and well-wishers have expressed complete faith in my Client, some of them told her they were shocked and disappointed and that she

had fallen in their eyes. My Client continues to be targeted by vile and vicious comments on social media like twitter due to your channel's telecast of the Impugned Programmes.

21. That it is evident that my Client is being targeted at the behest of vested interests in order to deter her from performing her duty as a human rights advocate and to intimidate and obstruct her from working for the welfare of oppressed and marginalised communities. The Impugned Programmes have been designed and broadcast with the intention of vilifying my Client in order to deter my Client from continuing her human rights lawyering and speaking out in support of other human rights lawyers who have been targeted for performing their professional duties towards their clients. The Impugned Programmes are designed to have a "chilling effect" on any person who works towards upholding the Constitution of our country by questioning the anti-people policies and actions of the government and others.
22. That the Impugned Programmes by concocting facts with the intention to foment hatred based on ideology are knowingly enabling a breakdown of law and order and public peace, thereby endangering the well-being of the nation and its people.
23. That your channel failed in the Impugned Programmes to act in accordance with the principles of journalistic ethics and duties, and has in fact showcased your prejudiced and biased motives. It is evident that the contents of the Impugned Programmes have been published without any pre-publication verification or authenticity. My Client was not contacted prior to the telecast or given an opportunity to respond to any of the allegations cast upon her. It is also obvious that no attempt has even been made to clarify that the statements made during the Impugned Programmes may at best be allegations and the same have not been proved. Instead, scurrilous, defamatory and false allegations have been portrayed as

the truth, and judgement of guilt has been pronounced by your channel without offering my Client any opportunity.

24. That no effort has been made to represent both sides of the issue, as is the duty and obligation of any independent news channel. In fact, this smear campaign in the form of television programmes has been orchestrated to project a false version, seemingly with the objective of creating hysteria, pass judgment and manufacturing hatred and polarising viewers. The Impugned Programme has the effect of intimidating and harassing my Client, and other lawyers who work toward the welfare of the most vulnerable sections of our country.

25. That the contents of the Impugned Programmes makes it evident that you have wilfully, intentionally, knowingly, deliberately and in furtherance of your mala-fide and vested interests, or/and at the behest of or on the instructions of other parties with mala-fide, vested interests have made statements which are known to you to be false, in order to tarnish and defame my client and cause her irreparable damage and injury.

26. In light of the above, through this legal notice, you are hereby directed to immediately take the following steps:

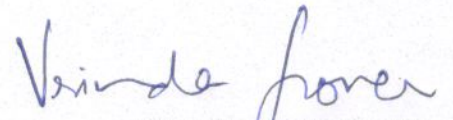
- (a) Cease and desist from making any further false, concocted, defamatory and malicious statements about/in reference to my Client.
- (b) Cease and desist from broadcasting incendiary and defamatory programmes which have the effect of polarising viewers and fomenting national disharmony.
- (c) Tender an unconditional apology, to be, broadcast on your channel during the same time slots as the original programme, and also posted as a "pinned tweet" on your official twitter handle for a continuous period of one week.
- (d) Issue an unconditional and complete retraction of the Impugned Programmes, to be, broadcast on your channel during the same time slots as the 3 Impugned

Programmes programmes, and also posted as a “pinned tweet” on your official twitter handle for a continuous period of one week.

(e) Issue an undertaking to my Client that your channel will not defame my client by any means in present or in future.

27. That this legal notice is deemed to be served on Mr. Arnab Goswami, Mr. Shawan Sen, Mr. Aditya Raj Kaul, and Ms. Shivani Gupta, through Mr. Sundaram, CFO, Republic TV, in accordance with the procedure for filing of complaints available on the website of Republic TV.

28. That in the event that you fail to comply with the above within a period of 7 days from the date of issuance of this legal notice, you shall render yourselves jointly and severally liable to face appropriate civil as well as criminal proceedings under the relevant provisions of law, as well as face proceedings before the appropriate statutory bodies and authorities, solely at your risk as to costs and consequences.


VRINDA GROVER
ADVOCATE



PHOENIX LEGAL

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7 August 2018

To

Ms Vrinda Grover, Advocate
N-14A,
Saket
New Delhi 110017

By Speed Post w/AD, E-mail and Courier

Dear Madam

Re: Legal notice dated 16 July 2018 ("Notice") issued on behalf of your client, Ms Sudha Bharadwaj ("your client")

We represent (i) Mr Arnab Ranjan Goswami, Managing Director of ARG Outlier Media Asianet News Private Limited; (ii) Mr Shawan Sen, Deputy News Editor, Republic TV; (iii) Mr Aditya Raj Kaul, Associate Editor, Republic TV; and (iv) Ms Shivani Gupta, News Editor and Anchor, Republic TV (hereinafter collectively referred as "**our clients**"). Please note our interest in the matter and ensure that any future communications regarding it are addressed to this firm.

Before we deal with the Notice more substantively, there is one glaring flaw (amongst the various others) in the Notice that stands out conspicuously. The Notice names Mr Arnab Ranjan Goswami without regard to a simple fact, which is that he did not anchor any of the broadcasts of which your client complains. Your client is admittedly aware of this fact having publicly commented on the purported allegations against her, reflecting a wanton prejudice against Mr. Goswami with the intent to tarnish Mr Goswami's reputation and selectively target him. This response is without prejudice to Mr Goswami's rights and contentions in the matter, all of which are fully reserved.

Further, the Notice has been addressed to Mr S Sundaram, CFO, Republic TV for the sole purpose of serving the aforementioned 4 persons. Therefore, it is not necessary for Mr S Sundaram to be represented in relation to this matter. Needless to say, this does not amount to any waiver on the part of Mr Sundaram in relation to his rights and contentions, should the need arise for him to assert them.

We now turn to our clients' response to the Notice, as follows:

1. Our clients deny the allegations made by your client in the Notice as they are not only false and frivolous but also mischievous and untenable in law. It is quite apparent that the Notice has been issued with an oblique and ulterior motive to tarnish the goodwill of our clients and damage their reputation. The Notice suffers from gross and deliberate suppression of material facts, which are to the knowledge of your client. Our clients are not minded to engage in a paragraph-wise response to the Notice but reserve the right to do so should the need arise at a later stage. Accordingly, none of the allegations in the Notice are, or should be deemed to have been, admitted for want of a specific response.
2. In order to put matters in context it would be useful to bear in mind certain facts that have been deliberately omitted from the Notice, which we are stating in brief here:



- (i) On 6 June 2018, the Pune police arrested five persons in connection with the Bhima-Koregaon violence under the provisions of the Unlawful Activities (Prevention) Act, 1967. During the investigation, the police seized certain letters which were found in the possession of the accused individuals. On 8 June 2018, Republic TV aired a news report in relation to one of the said letters that suggested a deadly plan to assassinate the incumbent Prime Minister of India. Evidently, this news report is not the subject-matter of the Notice.
- (ii) In continuation with the news report aired on 8 June 2018, Republic TV broadcasted and debated the contents of two more such letters on 4 July 2018 in a series of three broadcasts (**Broadcasts**). The Broadcasts were anchored by Mr Shawan Sen, Mr Aditya Raj Kaul and Ms Shivani Gupta of Republic TV (**Anchors**). Mr Goswami had not appeared in any of the Broadcasts. Our clients take strong exception to the fact that your client has falsely and mischievously portrayed that the Broadcasts were anchored by Mr Goswami, as is evident from her public statement issued on 4 July 2018 and the subsequent interviews given by her to certain online news portals.
- (iii) The contents of the two letters shown in the Broadcasts were not only shocking, but they unambiguously suggested the existence of certain anti-national forces in India. As the letters raised grave questions of internal security and clearly suggested threat to public order, they warranted dissemination to the public and a debate on the issues emanating therefrom. Republic TV had accessed the said letters as a result of the investigative journalism conducted by its Deputy News Editor, Mr Shawan Sen.
- (iv) The letters shown in the Broadcasts were received from a confidential source. As you would be fully aware, as per journalistic norms our clients cannot be compelled to disclose their sources. Suffice it to say that our clients have adequate proof that the letters shown in the Broadcasts were seized by the Pune police in the course of their investigation and, as per the policy, the same will be produced as evidence before the relevant court at the appropriate stage.
- (v) One of the letters, which was reported and debated in the Broadcasts was allegedly written by your client (**First Letter**) to one "Comrade Prakash" in Hindi. The second letter shown in the Broadcasts was written on the letterhead of Communist Party of India (Maoist) Central Committee, by one "dada" to one "Comrade Prashant" (**Second Letter**). As your client appears to have an issue with the news reporting in relation to the First Letter, we are not dealing with the Second Letter in this response.
- (vi) Undisputedly, the signature line at the end of the First Letter contained the first name of your client and it also contained references to certain advocates as well as organisations such as the Jagdalpur legal aid group, Bastar Solidarity Network, with which your client has or had been associated. Our clients also checked with their sources independently who also confirmed the understanding that it was your client who authorised the First Letter. Hence, it was clear that the First Letter had been written by your client.
- (vii) Some of the disturbing contents mentioned in the First Letter revealed the following startling facts:



- a) the urban cadre of Naxals may have been in touch with the Kashmiri separatists;
- b) ongoing discussion for devising a package for the interior and urban cadre of Naxals akin to the one formed by the Kashmiri separatists for extremist organizations, their affiliates and stone pelters; and
- c) research fellows from educational institutions like JNU and TISS, Mumbai being sent to the interior parts of the country to participate in Naxal activities and the need for monetary aid for the same.

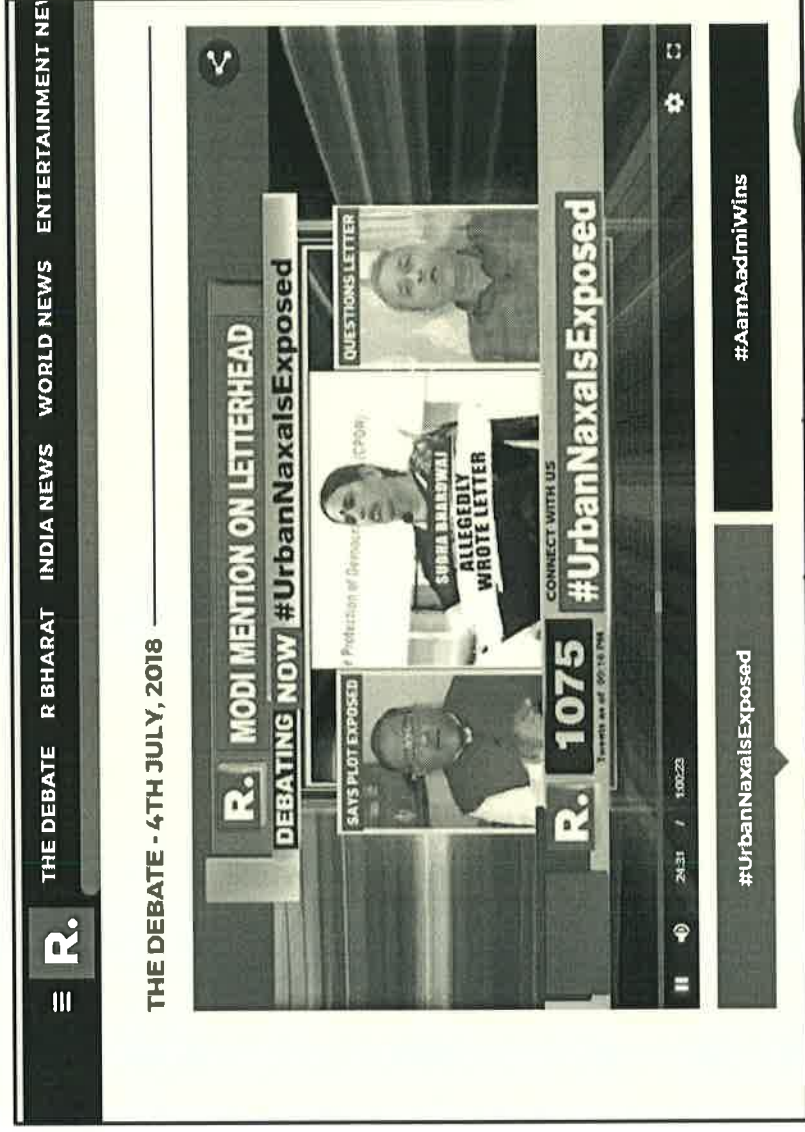
(viii) As a matter of editorial policy and in line with the relevant guidelines prescribed by the News Broadcasting Standards Authority, Republic TV takes all reasonable and necessary steps to simultaneously air the views of the person who may be interested in the broadcast proposed to be aired. Accordingly, and contrary to what the Notice states, on 4 July 2018, before the Broadcasts were aired, Mr Shawan Sen had contacted your client through telephone to seek her views in relation to the First Letter. However, despite being afforded adequate opportunity to air her version, your client expressly refused on the telephone call to provide any comments or views in relation to the news report proposed to be aired by Republic TV, which is again reflective of a prejudice against our client.

- 3. It is clear that your client had been provided ample opportunity to provide her version concerning the First Letter including on whether or not she authored it. The Notice falsely and maliciously alleges that she was not contacted by Republic TV prior to the Broadcasts or given any opportunity to respond to any of the allegations cast upon her even though she has admitted in an interview that she had received calls from Republic TV on 4 July 2018.
- 4. On 4 July 2018, despite being afforded multiple opportunities by Republic TV to put across her views in the matter, your client instead preferred to issue a public statement denying that the First Letter was written by her. This could easily have been achieved by a clarification to Republic TV as well but your client, for reasons best known to her, decided not to do so. If your client makes a conscious decision to avoid making a clarification to the very news channel that proposes to air a news report relating to her, she cannot then turn around and complain of any *mala fides* on the part of the broadcaster.
- 5. Apart from the interview given to The Wire on 6 July 2018, your client had given one more interview to another online news portal, Newsclick on 14 July 2018, expressing her views in relation to the First Letter and the Broadcasts. It is evident that your client, based on her personal prejudices and predilections against our clients, had consciously chosen not to air her version on Republic TV.
- 6. The Notice alleges that our clients in the Broadcasts made false, fabricated, concocted and *per se* defamatory statements and comments against your client. The Broadcasts had been aired based on the letters seized by the police in the course of their investigation in relation to the arrests made on 6 June 2018. The news reports aired on the Broadcasts were solely based on the clear and unambiguous facts emanating from the letters, including the First Letter. As the First Letter carries various details which pointed towards your client, such as the name in the signature line,



read in the context of the references made to organisations such as the Jagdalpur legal aid group, Bastar Solidarity Network and certain advocates known to her, any reasonable person would form a view that the said letter was authored by your client.

7. As there was reasonable basis to believe that your client had written the First Letter, Republic TV in the entire debate aired on 4 July 2018 at 9 P.M. i.e. at primetime, had shown the image of your client with the bold caption "ALLEGEDLY WROTE LETTER". The said caption along with the image of your client was shown thirteen times in the course of the debate aired at 9 P.M. on Republic TV.
8. During the hourlong debate aired at 9 P.M., the image of your client was shown with the above caption only and not in isolation. The same was shown with prominence at the following timings in the course of the 120 minutes long debate- 19:43, 20:18, 24:31; 25:46, 26:44, 35:17, 37:53, 41:15, 47:31, 48:40, 55:26, 57:10 and 59:26. For the reference of Your Client, one of the frames where the image of Your Client along with the caption had been shown is captured below:



9. The abovementioned facts have been deliberately and maliciously suppressed in the Notice. Our clients unequivocally state that the Broadcasts had not lowered the image of your client in the estimation of others in any manner whatsoever. The contents of the First Letter had been reported in an objective manner in the Broadcasts without any exaggeration or distortion. The tone and tenor of the Broadcasts had not imputed any guilt or culpability upon your client. The Anchors in the Broadcasts had refrained from pronouncing any verdict of guilt or innocence against your client.



10. The Notice falsely mentions that the headers, taglines used in the Broadcasts and the posting of tweets by Republic TV as alleged in the Notice, had ridiculed your client. Your client deliberately misconstrued the headers and taglines used in the Broadcasts in a twisted manner given her apparent bias and prejudice against our client. As our clients cannot be held responsible for the responses or tweets posted by third parties on its twitter handle in any manner, the allegations raised in the Notice in relation to the same are baseless.
11. Our clients deny that the Broadcasts had been aired at the behest of vested interests in order to deter your client from performing her duty as a human rights advocate or to intimidate or obstruct her from working for the welfare of oppressed or marginalized communities. Republic TV takes pride in being an independent media house and is among the few news channels to practice independent journalism. Our clients invite you to substantiate this allegation and inform of the "vested interests" your client refers to.
12. It is also pertinent to mention that Republic TV was not the only media house which had carried news reports in relation to the First Letter. It is strange that the sensibilities of your client appear to have been selectively affected by Republic TV's news reporting. One of the other news agencies that reported the incident is mentioned below:

<https://www.indiatoday.in/india/story/maharashtra-police-shares-plot-to-kill-pm-modi-with-intelligence-agencies-1288951-2018-07-18>

Accordingly, our clients take strong exception to the manner in which they are being selectively targeted by your client.

In light of the above, your client's illegal assertions and baseless demands in the Notice are not only rejected but also not liable to be complied with by our clients as the contents of the Broadcasts had in no manner defamed or tarnished the reputation of your client in any manner.

Under the circumstances and as instructed by our clients, we call upon your client to withdraw the Notice with immediate effect. If, however, your client initiates any legal proceedings (civil or criminal) against our clients, our clients shall defend them vigorously at your client's sole risk and costs. Furthermore, in light of the reckless, irresponsible and defamatory statements made in the Notice and otherwise by your client, our clients also reserve their rights for exercising any remedy available to them in law against your client.

Even though your client had earlier refused to express her comments or views in relation to the matter, and without prejudice to our clients' rights, our clients welcome your client on their channel to express her views in relation to the First Letter. If your client accepts this offer, our clients assure that your client will be afforded an uninterrupted, unedited and uncensored 25 minutes slot for a program in which she can answer any questions put in the manner she deems fit, express her views and clarify her position. Our clients are also willing to accommodate such a slot at primetime (i.e. 9 P.M.) on a mutually convenient date.

Please note that the present reply is limited to the issues alleged in the Notice and the contents of the reply are illustrative rather than exhaustive of any points available to our clients in relation to the above matter, either at law or in equity. All of our clients' rights are expressly reserved in this regard. This reply is also without prejudice to all our clients' rights and contentions in the matter.



PHOENIX LEGAL

Yours truly

FOR PHOENIX LEGAL