

26 January 2021

The Indian Express,  
IE Online Media Services Private Limited,  
Express Building, Block B1/B  
Sector 10, Noida- 201301,  
Uttar Pradesh.

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

**Attn: Mr. Raj Kamal Jha (Editor-in-Chief, The Indian Express), Mr. Mohamed Thaver and Mr. Krishn Kaushik.**

Dear Sir,

**Re: Notice to cease and desist from reporting fake, unsubstantiated, false and unverified news against Republic TV in respect of the alleged TRP scam being investigated by the Mumbai Police; remove the false news report from all mediums; and to publish an unconditional apology to Republic TV for reporting such false and fake stories and issue a corrigendum clarifying the correct facts, in all print and digital media, and other social media platforms.**

1. We represent Mr. Arnab Goswami and ARG Outlier Media Private Limited ("**our clients**"). Please note our interest in the matter and ensure that any future communications regarding it are addressed to this firm as well. Our clients' new channels, Republic TV and R. Bharat are names to reckon with among news channels in India and abroad and are the most viewed news channels in the English and Hindi genre respectively. Our client, Mr. Goswami is the Editor-in-chief of the Republic Media Network. Led by Mr. Goswami, Republic Media Network presently operates two channels namely Republic TV in English and Republic Bharat in Hindi, and a digital platform - Republic World. He is also the Managing Director of ARG Outlier Media Private Limited. The news network which was founded by Mr. Goswami, beams to over 250 million viewers across the country, in English and Hindi. The network also has viewers across the globe including in the UK, the Middle East, the North Africa Region, Canada, Singapore and Australia.
2. Mr. Goswami is among one of the most prestigious names in the news industry and has over 20 years of experience. Prior to launching Republic TV in May 2017, he launched Bennett, Coleman and Company Limited's Times Now, a 24x7 English news channel, in 2006. Within a year of launching Times Now, Mr. Goswami led his news team to the number 1 viewership position in the English news genre. He is an award-winning news anchor who has also won the Ramnath Goenka Award for Excellence in Journalism (TV) in 2008. Mr. Goswami has an impeccable reputation and has been on the Board of Directors of Asianet Media Pvt Ltd.
3. Mr. Goswami commands immense respect and goodwill in the media fraternity, and is the current President of the governing board of the News Broadcasters Federation (NBF), which is India's largest association of over 78 news channels from every region of the country.
4. Mr. Goswami has been at the forefront of crucial public campaigns, including the 2G Scam, the Coalgate Scam, the Anna Movement, the Commonwealth Games Scam, the Muzaffarpur Shelter Home Case, the Lalitgate Scandal and the Kargil for Profit scam. In 2014, ahead of the General

election, Mr. Arnab Goswami was the only journalist to interview both Rahul Gandhi and Narendra Modi. In 2019, Mr. Goswami got Prime Minister Narendra Modi's first pre-general Election interview. Mr. Goswami has also interviewed global public personalities including Julian Assange, Benjamin Netanyahu and Thomas Friedman. He has built his work, professionalism and journalistic endeavours a high degree of credibility.

5. Mr. Goswami is highly respected not just in the field of journalism but also academia. He has been a Visiting Fellow at the International Studies Department at Sidney Sussex College, Cambridge University. He has also written a book titled "Combating Terrorism: The Legal Challenge". Mr. Goswami got his Masters in Social Anthropology from St Antony's College, Oxford University in 1994. He received the Felix Scholarship for having been an outstanding student from India to pursue graduate studies in any subject at the University of Oxford.
6. The present notice is being issued in the facts and circumstances below:

#### **Background**

7. We are constrained to issue this notice in view of your false news report mischievously titled, "Arnab Goswami paid me \$12,000 and Rs 40 lakh to fix ratings: Partho Dasgupta" published and reported on 25 January 2021 in the Indian Express, digital and print media, and other social media platforms. The news report is a part of a *mala fide*, vicious and vexatious campaign to tarnish the reputation of our client. Despite the pendency of the matter before a court of law, which is well known to you, the above news report has attributed guilt to our client in relation to the alleged TRP scam. The news report has sought to impute guilt on our client without paying any heed to the true facts and to the indeterminacy of the issues and pending court action by our client before the Hon'ble Bombay High Court. The news report has alleged that the former BARC CEO, Mr. Partho Dasgupta has stated:

*"I worked with my team to ensure manipulation of TRP ratings that made Republic TV get number 1 rating. This would have continued from 2017 to 2019. Towards this, in 2017 Arnab Goswami had personally met me at St Regis hotel, Lower Parel and given me 6000 dollars cash for my France and Switzerland family trip...also in 2019 Arnab Goswami had personally met me at St Regis and given me 6000 dollars for my Sweden and Denmark family trip. Also in 2017, Goswami had personally met me at ITC Parel hotel and given me Rs 20 lakh cash... also in 2018 and 2019... Goswami met me at ITC hotel Parel and gave me Rs 10 lakhs each time..."*

A copy of the news report can be accessed at: <https://indianexpress.com/article/india/goswami-paid-me-12000-and-rs-40-lakh-to-fix-ratings-dasgupta-7160289/>

8. The very headline of your news report would mislead any reader into wrongly believing that, as a matter of fact, payments were made by our client, Mr. Goswami to Mr. Partho Dasgupta. Such a headline is squarely deliberate and mischievous. Furthermore, the news report then deliberately omits to mention that the above statement was extracted by the Mumbai police from Mr. Partho Dasgupta under coercion and duress, is inadmissible in law, and has already been denied by Mr. Dasgupta himself. The news report is a vile, hateful, malicious attempt by you and part of a severely prejudicial campaign engineered and implemented by the Indian

Express against our clients and aimed at attempting to irreparably destroy their reputation as well as the reputation of the Republic Media network. Through your defamatory news report, you have spun a false narrative of prejudice against our clients in complete breach of ethics, morality, integrity and journalistic duties. The malicious intent is to further your own corporate/commercial interests by defaming our clients.

9. You have acted as a judge, jury and executioner in breach of all journalistic ethics and against the well-settled law. By concealing material facts, pronouncing our client guilty of TRP manipulation, even though the matter is pending investigation and is also *sub judice*, your assertions amount to criminal contempt of court and, it appears, that these are intended to further your own commercial and corporate interests through sensationalism at the cost of our clients' reputation, and presumably to divert attention away from fact that the BARC audit report of July 2020 points towards the guilt of another channel. Your actions are aimed to discredit a senior journalist, run-down a legitimate and established media house and ensure unfair and undue personal gains in the process.
10. It is clear that had all journalistic ethics and fact-checking process been followed by The Indian Express, which one would have expected of a publication of this stature, then it would have been established that there is no shred of evidence against our clients in relation to the alleged TRP scam.
11. It appears that as part of a motivated plot, despite being cognizant of the full facts, you have chosen to cloak the reality using propaganda pieces aimed at harming the goodwill, the reputation, and the truth with respect to Republic Media Network. In light of the oblique and tainted news story published by The Indian Express irresponsibly and recklessly, without any degree of factual investigation and ignoring all journalistic ethics and principles, we are putting out the true facts below:
  - (i) **THE ARREST:** Mr. Dasgupta was arrested on 24 December 2020 by the Mumbai police in connection with FIR No. 143 of 2020 under Sections 409, 420, 465, 468, 406, 120(B), 174, 179, 201, 204, 212, 34 of the Indian Penal Code, 1860. This FIR was registered by the Mumbai police in connection with the alleged TRP scam. Mr. Dasgupta was remanded to judicial custody on 30 December 2020 and thereafter moved to Taloja Central Prison, Navi Mumbai.
  - (ii) **THE ALLEGED STATEMENT BEREFT OF EVIDENTIARY VALUE:** Indian Express states "*Dasgupta's statement was recorded in the office of the Crime Intelligence Unit on December 27, 2020, at 5.15 pm, in the presence of two witnesses.*" **However, the news report omits to mention that the statement allegedly by Mr. Dasgupta was made while he was in police custody and hence inadmissible in evidence. The news report also omits that the statement was extracted from by the Mumbai police from Mr. Dasgupta under coercion and duress.** The Indian Evidence Act under Section 25 lays down that a confession made to a police-officer shall never be proved as against a person accused of any offence and under Section 26 it is clear that it is only when a confession is made in the immediate presence of a Magistrate that it may be considered valid.

- (iii) **THE OVERT DENIAL OF MANIPULATION OF DATA TO BENEFIT REPUBLIC IN PARTHO DASGUPTA'S BAIL APPLICATION:** The Bail application of Mr. Dasgupta filed on 6 January 2021 before the Sessions Court, Mumbai states that there was no manipulation of TRP by the Republic Media Network. It states:

*"It is the case of the prosecution that the Applicant has used his position to manipulate the said TRPs for benefit of Republic TV. It is submitted that the said allegation is purely based on conjecture and surmise." ...."The Applicant is a reputed professional having a flourishing career for the last 22 years and have acquired the said Jewelry from his legitimate earnings way before 2017, some of the Jewelry kept in the said Locker belongs to his wife which was gifted to her in their Wedding in the year 1994 and the said Account of HDFC BANK in Wadala and Locker was also opened in the year 2013 way before 2017. The Applicant submits that the said Jewelry is in no way connected to any of the tainted money as alleged by the Respondent, there is no material to show that Mr. Arnab Goswami paid the Applicant any money as alleged by the Respondent. The said Jewelry is purchased by the Respondent and his family members by their hard-earned money which belongs to his wife and has receipts, pictures and credit cards statements way before the alleged period of 2017-2019 to prove the same." [emphasis supplied]*

- (iv) **THE HOSPITALISATION OF PARTHO DASGUPTA WHO WAS IN CUSTODY:** The Indian Express report omits to mention the torture undergone by Mr. Dasgupta in judicial custody and the repeated attempts of the Mumbai police to force him to falsely implicate our clients in the alleged TRP scam. It was widely reported that on 15 January 2021, Mr. Dasgupta had to be rushed to the JJ Hospital from Taloja jail and admitted to ICU on oxygen support.
- (v) **THE ALLEGATIONS OF TORTURE BY THE DAUGHTER OF PARTHO DASGUPTA:** The Indian Express report eclipses the fact that on 16 January 2021, Mr. Partho Dasgupta's daughter, Pratyusha Dasgupta via her social media handle @pratyushad22 put out a letter addressed to the Prime Minister of India. The post titled: "A helpless daughter's anguished appeal" explicitly stated Partho Dasgupta was *"being severely illtreated. He was in a completely traumatised state and it was apparent that he had been physically and mentally tortured."*
- (vi) **THE REPORTS OF PARTHO DASGUTPA'S WIFE DECLARING THAT HE WAS BEING TORTURED TO IMPLICATE ARNAB GOSWAMI:** On 16 January 2021, Partho Dasgupta's wife, Samrajini Dasgupta provided her account to news-portal OpIndia. Her statement therein establishes Partho Dasgupta was being tortured to frame & fix Arnab Goswami and the Republic Media Network. The relevant extract has been reproduced for ease of reference: *"...Making stunning allegations, she said that when she did meet Dasgupta in the hospital, he told her that he was being tortured in jail physically and mentally. Further, she said that in his parched voice, Partho said that the Mumbai Police was paying someone inside Taloja Jail to torture him mentally and physically to implicate Arnab Goswami and Republic TV. "This will not be over till you name Arnab Goswami", Samrajni claimed Partho said about the individual being paid to torture him. On being asked whether this person was an inmate or a jail official, Samrajni said, "Partho was in*

*a terrible condition and he could only tell me this much". While they were being "thrown out" from his room, Samrajni says that Partho cried out, "Don't leave me..if they take me back to Taloja Jail, they will kill me. They will say everything is ok with me and take me back and kill me...". This on-record statement of Mr Dasgupta's wife came AFTER the alleged statement made by him in custody, thereby conclusively establishing the sequence of events and true facts.*

- (vii) **THE NHRC COMPLAINT BY THE WIFE OF PARTHO DASGUPTA THAT SAYS HE WAS 'BEATEN' TO IMPLICATE REPUBLIC:** On 17 January 2021, it was widely reported that Samrajni Dasgupta registered a complaint with the National Human Rights Commission (NHRC) alleging custodial torture against her husband. In extracts of the complaint that have been published in the public domain it is said, *"All he could tell us was that he was mercilessly beaten up even in Taloja Jail. Someone was being paid to beat him up to falsely admit to the story that he had taken money from Republic TV in the TRP scam case. Partho has been mentally harassed all these days at the Taloja Jail as well. He has been told that he might as well make a false statement since that is what he would have to do eventually."* [emphasis supplied]

From the abovementioned facts readily available in the public domain, it becomes apparent that the news perpetuated by you is not just defamatory but bereft of facts, scurrilous and fails to meet any criteria of due diligence by an apparent news media organization which claims as its tagline *"Journalism of Courage"*. Your report is based on selective, malicious, and motivated falsehood, despite the other startling facts being available in public domain. The sole intent of your news report is to prejudice the mind of the public in an ongoing case in which no evidence of wrongdoing has been established by against our clients.

It is clear from a plain narration of the sequence of events that the said statement being attributed to Mr. Partho Dasgupta is a result of duress and coercion. Further, the biased report published by you eclipsing the response of Republic Media Network whose statement is in the public domain, and available with you, is a clear act of malevolence.

It is clear you have been reporting misleading news in a manner that is malicious and vindictive, despite the clarifications by our clients in the public domain. As a media organization, you had access to said facts and disclosures made by all persons named in the report, but seem to have consciously and wantonly overlooked them to further an agenda directed by malice and framed by vindictiveness.

**By concealing critical facts, you have destroyed the credibility of your news story and your headline. Our clients' news network is a leading news network led by Editor-in-Chief, Mr. Arnab Goswami who is India's most successful news entrepreneur with 25 years of experience as a media professional. You have selectively used a statement allegedly taken under custodial detention which is inadmissible in court and written under duress in a conspiracy to attack Arnab Goswami and tarnish his reputation that is built on honesty, hard work and integrity.**

Therefore, in light of the above, we call upon you to immediately:

- **cease and desist from reporting** such misleading, fake, unsubstantiated, false and unverified news in the print and digital media, and other social media platforms and to remove the existing false news report published by you as mentioned above from all mediums.



- publish an **unconditional apology for reporting such misleading and motivated stories**. This unconditional apology must be published conspicuously on your print and across your digital publications and official handles with equal if not more prominence.
- **publish the full statement by the Republic Media Network that was issued on 24 January 2021** in response to the campaign of calumny. Such publication must be conspicuous on your print and across your digital publications and official handles with equal if not more prominence.
- issue a corrigendum clarifying the correct facts on all your platforms (print and digital including official social media platforms) within 48 hours of receipt of this notice, in equal if not more prominence than the original defamatory content

In the event you fail to comply with this notice, you shall render yourselves jointly and severally liable to face appropriate civil as well as criminal proceedings under the relevant provisions of law at your risk as to cost and consequences.

Although the immense damage caused to our clients' reputation cannot be sufficiently made good in terms of money, our clients seeks your proposal on the monetary compensation that you are prepared to offer in addition to taking the above steps as your recognition and acknowledgment of your defamatory conduct and content. To be clear, if our clients find your proposal insufficient or unsatisfactory in any manner, our clients right to seek an appropriate amount of compensation in addition to any other legal remedies remains fully reserved. Please respond to this request and the steps initiated towards compliances with the above demands within 24 hours of this notice, failing which our clients will be compelled to take any and all legal steps, civil and/or criminal against you and your reporters, editorial and any other staff involved in generating the defamatory content against our clients.

Please note that the present notice is limited to the issues herein and the contents hereof are illustrative rather than exhaustive of any points available to our client in relation to the above matter, either at law or in equity. All of our clients' rights are expressly reserved in this regard.

Sincerely,



FOR Phoenix Legal