

Mihir Desai

Advocate

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April 21, 2014

Mr. Chandan Mitra,
Pioneer.

Link House, 2nd Floor,
3, Bahadurshah Zafar Marg
New Delhi 110002

Sir,

Under instructions of my clients Citizens for Justice and Peace, a registered Trust , having its office at Nirant, Juhu Tara Road, Mumbai, I have instructions to write to you as under:

1. My clients have read an Article in Today's Pioneer making completely false and defamatory allegations against the trust and against one of its trustees Teesta Setalvad..
2. My clients were however not shocked by this since for the past three and a half years, *The Pioneer*, edited by Member of Parliament for the Bharatiya Janata Party (BJP) Chandan Mitra has been

spearheading a slanderous and defamatory campaign against the my client with several prominent Trustees and especially its chief functionary, Ms Teesta Setalvad. The last in a long line of defamatory articles, often carried with Ms Setalvad's photograph appeared today. My client expects that this response of the Trust be printed in full and this notice to be treated a legal notice for slander, defamation and criminal intimidation.

3. The tactics deployed by a) Chandan Mitra's *The Pioneer*, BJP spokesperson Ms Lekhi, BJP Rajya Sabha Member, Mr Ram Jethmalani are simple yet sinister. Having sections of the Gujarat police at their disposal – the police moreover that have coercively obtained bank account and other details of the Trusts, Citizens for Justice and Peace (CJP) -- they are deliberately distorting information to defame and slander both the CJP and Ms Setalvad in the public domain. The effort seems to be also to, in a grossly illegal manner, influence public opinion, even the Courts.
4. In this proxy war against an organisation collectively responsible for providing legal aid to victim survivors of 2002, following which approximately 117 life imprisonments have resulted, Mitra and company have used the good offices of a former disgruntled

employee who is today completely under their sway and control. The reasons for this focussed animus against CJP and its chief functionary is the bold and fearless battle for accountability for the genocidal carnage of 2002. The latest, baseless FIR was registered five days after the Magistrate rejected the Protest Petition of Ms Zakia Ahsan Jafri against chief minister Narendra Modi and 59 others. The bid of the Crime Branch of the Ahmedabad Police, at the instance of political bosses, was clearly to cripple and stymie the appeal in the Zakia Jafri case. The appeal was filed against all odds on 15.3.2014 and will be heard on 28.4.2014. Mr Tanvir Jafri along with two other Survivors, Firoz Gulzar Pathan and Salim Sandhi have also been made co-accused in the case. The state of Gujarat has also gone out on a limb to prevent the grant of anticipatory bail. The timing of today's article two days before the hearing of the Anticipatory Bail appeal in the Gujarat high Court on 23.4.2014 is also laden with malafide intent.

5. On the latest slanderous and defamatory article published today here are the facts:-
 - a. The Citizens for Justice and Peace provides legal aid for victims of mass violence and has, since its inception, spent well over Rs

2 crore on legal expenses for survivors of 2002. Between 2002-2007 when a former employee was discontinued from service due to some questionable practices, he earned from the Trust Rs 10-15,000 per month.

- b. In 2008, following the terror attacks on Mumbai, the Citizens for Justice and Peace raised money for ambulances to be used for citizens of Mumbai since many of the tragic deaths that took place at Victoria Terminus (VT) station took place because of the absence of timely and ready medical help. These ambulances are run professionally by 1298 on Mumbai's streets. To raise money for these ambulances, IMG-Lakme and Naomi Campbell (the world famous celebrity) persuaded Vikram Chatwal to donate Rs 10 lakhs. Whatever else may be Mr Chatwal's track record, this money was not raised by CJP directly from him, it was raised by IMG-LakMe through a Fashion Show *MAI MUMBAI* wherein celebrity, Naomi Campbell also participated. It was IMG-Lakme that facilitated this donation at a function in Mumbai. *The Pioneer* by linking a donation made for an ambulance for the city of Mumbai to subsequent offences allegedly committed by Mr Chatwal is not only indulging in

journalism of the worst and most scurrilous kind but actually seeking to link the Citizens for Justice and Peace with the Chatwals in this irresponsible fashion. The money has been donated without any conditionalities except that it is meant for running ambulances.

- c. In fact around the same time, world famous music star Jethro Tull and Anoushka Shankar also donated money for the ambulances as did citizens of Mumbai. My clients are surprised as to *how come the Pioneer is selectively leaking data that should actually only be with the Crime Branch of the Gujarat Police. Why was the fact that the money was for Ambulances (also part of the FCRA record) and that Jethro Tull and Anoushka Shankar also donated not part of the slanderous Pioneer report?*
- d. The ambulance runs today with the joint logos of the ‘Citizens for Justice and Peace’ and donors be it Jethro Tull or the Chatwals. The money donated by HIVOS was also towards documentation and dissemination activity of CJP. HIVOS is an extremely reputed international organization which gives funds to large number of organizations for charitable activities. My clients have

no connection with Mr. Madhusidan Mistry and any amount given to his NGO has no bearing on the issues involved.

- e. At the crux of the baseless FIR filed in January 2014 in which the former employee, who is being set up by the Gujarat police and administration has been cited as witness is the *false claim* that all the monies claimed were raised for the proposed Museum. As repeatedly explained in press releases, public statements and affidavits before the Courts by us, it was only Sabrang Trust that raised a minimal Rs 4.50 lakhs for the Museum; that other funds raised by Sabrang Trust were for its committed work on Peace Building and Conflict Resolution and Human Rights education projects. Sabrang Trust has been engaged in such activity since 1995.
- f. The CJP website, www.cjponline.org carries detailed statements and rebuttals of both CJP and Sabrang on the malafide allegations made repeatedly by the *Pioneer* since 2010. As said above these are then conveniently repeatedly and used by Ms Lekhi, BJP spokesperson on television and other functionaries and sympathisers of the party.

6. In the circumstances, my clients submit that not just today's piece but also the various earlier pieces published by your newspaper are nothing but scurrilous pieces of journalism which you yourself know to be false and malicious. They are written only with a view to defame my clients and its trustees. In fact you have not even cared to perform the elementary duty of an unbiased journalist to check the version of my client before writing the piece.
7. In the circumstances, I am instructed by my client to call upon you, which I hereby do, to immediately and within 3 days of the notice hereof by you to publish an apology on a prominent place in your newspaper as also the entire version of my client as set out in this Petition failing which my client has given me peremptory instructions to take legal action against you (civil and/ or criminal) at your entire risk as to costs and consequences, which please note.

Sincerely,

Mihir Desai

Advocate