

To,  
Team Cobrapost  
[newsdesk@cobrapost.com](mailto:newsdesk@cobrapost.com)

Re: Questionnaire with Regard to Operation 136 Part II

Dear Sir,

We act on behalf of Star India Pvt. Ltd., having its registered office at Star House, Urmi Estate, 95, Ganpatrao Kadam Marg, Lower Parel (West) Mumbai – 400 013 hereinafter referred to as “our Client”.

Our Client is in receipt of your email dated 21<sup>st</sup> May, 2018 in relation to the above referenced subject matter and has instructed us to respond to the same, as under:

1. It seems that you are utterly confused about the allegations that you desire to level against our Clients. While, on one hand, in the Questionnaire under reply, you have sought our Client’s views on journalistic ethics & principles and editorial judgement, on the other hand, you seek to allege that certain lower level members of the ad sales team of our Client agreed to run a concerted campaign to promote Hindutva & polarization etc. Being a News Website and television production house, you are well aware that our Client is neither in the business of dissemination of news nor is our Client affiliated with any news channel. Further, you are well aware that your so-called decoy journalist interacted only with certain Ad Sales executives of our Client who are not journalists. It is normal for Ad Sales executives to meet with any potential clients who may want to discuss advertising slots on our Client’s channels, whether they are political parties, religious or charitable institutions. However, any decisions with respect to editorial judgment & nature of content are not taken by the Ad Sales team. The Ad Sales team obtains the creatives from the potential client and hands over the same to the legal and Standard & Practices team (SNP Team) of our Client, who examine all content broadcast on our Client’s channels to ensure that the same is in conformity with all laws, regulations and guidelines. Therefore, it is completely a figment of your imagination that our Client’s employees had agreed to run the campaign as alleged by you.
2. Our Client is extremely disturbed at the insinuations and imputations contained in your Questionnaire, which appear to have been designed to evoke sensationalism, bring disrepute and create ill feelings about our Client amongst members of the general public. It is evident from your Questionnaire that the sole intent and purpose behind your campaign is to malign and smear our Client’s reputation in order to cause them harm and lower their reputation in the eyes of the general public.
3. From publicly available material, it is clear that your organization is in the business of conducting illegal and half-baked sting operations and thereafter releasing doctored / partial material to the media only to sensationalize and pander to a pre-planned agenda. With regard to an earlier illegal sting operation by you in respect of banks, it has now been proved by a judicial verdict dated 28<sup>th</sup> June, 2017 of the Appellate Tribunal under the Prevention of Money Laundering Act (PMLA) in the case of *HDFC Bank Ltd. vs. The Director, FIU* and connected matters that the entire footage shot by you in any of the operations were not made available to the media. If you, therefore, are eliciting a response to any questions from our Client, please give us the complete camera original footage along with an affidavit sworn by the head of your organization to say that no part of the footage has been excluded, doctored or tampered with. Please also give us the device on which it was recorded so that our Client is assured that the entire footage taped has in fact been given to them.
4. It has also been your practice to not upload any part of the footage that will clearly explain the other side of the story. You are known to selectively edit footage in order to sensationalize matters and gain cheap publicity. Our Client has no doubt, keeping in mind your past record, that the material that you intend to upload in public domain in the instant case as well would be selective, based on half-truths, spliced and selectively edited, to suit your own agenda. We warn you that any such attempt at cheap publicity based on falsehood and tampering and selective editing of the footage will be resisted by us at all levels which will be followed up by necessary legal action. It may be of interest to you to note that our Clients are under no legal obligation to answer illegal Questionnaires sent to them by you which are based on doctored and deliberately edited material. The ulterior purpose of such correspondence is self-evident and will be strongly resisted by our Clients.
5. Insofar as your purported meetings with our Client’s employees are concerned, from your Questionnaire, it is evident that you have chosen to selectively disclose the facts, clearly in order to suit your agenda. Our Client places the correct facts on record as follows:
  - a. Firstly, your so-called decoy journalist seems to have met the lower level functionaries of our Client’s organization. Your so-called decoy journalist did not meet or interact with any person other than employees in the ad sales team who do not have the final say in the content (ads and programmes) which are finally telecast on our Client’s channels.
  - b. Secondly, you have conveniently, clearly to suit your own pre-planned agenda, avoided to mention that our Client’s employees had clearly informed your so-called decoy journalist that any ad or programme is accepted by our Client for telecast on their channels only after it is approved by the Standard & Practices team (SNP Team) and the legal team of our Client’s organisation. Pertinently, it was specifically informed to your so-called decoy journalist that the SNP team and the legal team will conduct due

diligence prior to clearance of the content to ensure that the content does not violate any SNP Guidelines of our Client, or any applicable laws including, the Programme Code and the Advertisement Code prescribed under the Cable Television Network Regulation Rules, 1994 and the Code of Self Regulation for Non-news and Current Affairs channels adopted by the Indian Broadcasting Foundation.

c. Thirdly, our Client's oral internal enquiry into the issue shows that no commitment was ever given at any point of time in any manner whatsoever by any of our Client's employees to your so-called decoy journalist. Thus, clearly, there was never any agreement to run any campaign, let alone any concerted campaign, as alleged by you.

d. Fourthly, your so-called decoy journalist never shared any content or ad or creative with our Client's employees. The discussions were very general and vague without any concrete plans or creative being shown. Therefore, there is no question of even a consideration of any proposal by you, considering the creative of your so-called proposal was never shared with our Client at all.

e. Fifthly, by the very nature of their role in the organisation, people from the ad sales team will always lend a patient and an open ear to potential advertisers / clients. Mere meeting by such ad sales personnel for initial pre-proposal discussions cannot, by any stretch of imagination, be considered any form of commitment or agreement, or even consideration of the possibility of actually airing any ad campaign.

6. In view of your communication dated 21st May 2018, addressed to our Client, seeking our Client's comments / response to your questionnaire, it is evident that the so-called investigation which you claim to have conducted, was motivated from its inception to engineer and seek pre-desired / pre-determined answers inasmuch as only preliminary meetings were conducted. At no point in time, it appears, there was any intention on part of your organization to engage in meaningful journalism. The entire operation has been designed only with the sole intention of creating sensationalism without any substance or a news value, motivated to gain cheap publicity. It is indeed reprehensible to note that in your desperation to seek publicity you are giving the preliminary meetings which our ad-sales team had with you (believing you to be a genuine customer) in response to any business enquiry by potential customers the colour of an agreement or commitment to run the campaign as suggested in your questionnaire.

7. Our Client specifically denies each and every assertion and allegation made against it or any of its employees and reserves its right to initiate of appropriate proceedings against you should you choose to engage in your slanderous, scandalous and malicious propaganda and falsehoods, against our Client or any of its employees.

8. Bearing your track record in mind, you are also called upon to forthwith provide the complete camera original footage of any recordings you have of the meetings between your so-called decoy journalist and our Client's employees, along with the device and the affidavit as mentioned in para 3 herein before. You are called upon to provide this complete camera original footage by 12 noontomorrow i.e. May 24, 2018. You are also called upon to ensure that in any footage that you are ill-advised to make public, this response by our Client detailing the true and complete facts is also uploaded and made available alongside such footage. In the event you fail to so provide the said footage, and also if you fail to upload this response in full along with any footage that you decide to make public, our Client will not hesitate in taking legal recourse to protect its rights and the privacy of its employees.

Sincerely,

Sidharth Chopra

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- WTR 1000 – Gold Ranked Firm- Enforcement & Litigation – 2015 & 2016
- Indian National Bar Association – IP Practice-Law Firm of the Year 2015
- CHAMBERS - ASIA PACIFIC 2014 & 2015 - Leading Firm- IP & TMT
- INDIAN BUSINESS LAW JOURNAL- Law Firm Awards - Winner- Intellectual Property- India- 2015
- INDIAN BUSINESS LAW JOURNAL- Law Firm Awards - Winner- Technology Media & Telecommunication - India- 2015
- MANAGING IP - Global Awards 2014- Firm of the Year - India – Contentious

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