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BY REGISTERED POST A/D.

29th April, 2006

Ms. Medha Patkar,
Narmada Bachao Andolan,
62, Mahatma Gandhi Marg,
Badwani
M.P.

Sub: **Last and Final Notice.**

Madam,

Under instructions of my client – Shri V.K. Saxena, President, National Council for Civil Liberties, having its office at 401, Vraj Avenue, Swastik Society, Navrangpura, Ahmedabad having produced the relevant files, material and documents with instructions to cause to issue this last and final notice as under: -

1. This notice is directed against the following utterances made at your end during the course of the interview which came to be telecasted by INDIA TV on 20-4-2006 and had received wide broadcast coverage under its programme captioned BREAKING NEWS, which came to be subsequently repetitively telecasted.

“V K Saxena naam ke ek aadmi ne kuch saalon pehle akhbaro mein akhbaro mein hamare khilaf aadha aadha panne ke vigyapan diye thay purane patraakar hain unko maloom hoga.

2000 saal mein unke khilaf hamne delhi ke court mein badnami ka dava lagaya hai jo abhi tak chal raha hai. Lekin V K Saxena ne naam liya National Council of Civil Liberties ka aur unhe contracts mile Sardar Sarovar Nigam se Civil ke civil

contracts mile sardar Sarovar ke sambandhit. Main iske baad CD lekar aapke samne kabhi bhi sabit karne ke liye tayyar hoon.” (Emphasis supplied)

2. You have made a claim therein that you are in possession of a C.D. purportedly said to be containing the proof of the averments made hereinabove. My client at the first instance, call upon you to forthwith provide the true copy of the said C.D. to be dispatched to my client within 48 hours of receipt of this notice failing which my client shall have reasons to believe that the averment made in respect thereof your said telecasted interview is a false claim and that no such C.D. is lying in your possession and obviously therefore there exists no proof or truth in the averments made in the said telecasted interview more particularly in respect of the existence of any such C.D. said to be containing any such proof as alleged and hence therefore obviously adverse inference shall be drawn against you for non supply of such C.D. and making of such loose averments without weighing the seriousness of the allegations contained in respect thereof.
3. My client shall be at liberty to address a further and a fuller notice appropriately dealing with the contents of the said C.D. after the supply of the same and this notice is for the present based upon the averments made in the televised interview telecasted on 20-4-2006 on INDIA TV in their programme “BREAKING NEWS”.
4. It is stated that the de hors the contents of the said C.D. my clients state that the above said allegations captioned in para 1 hereinabove, are per se false and defamatory, knowing the same to be false and having been spoken which it being known to be televised and telecasted through a reputed channel not only in India but also around the Globe having made such publication of imputation concerning my client intending to harm and knowing and having reason to believe that such imputation will harm the forthrightness and the reputation of my client, having thereby committed

acts of omission and commission tantamounting to “defamation” as defined under Sec.499 of the Indian Penal Code.

5. At the first instance, your averment that “Dava” (Suit) of the year 2000 in respect of the defamation case filed at your instance against my client before the Court at Delhi is a false statement in as much as till this date my clients have not received any copy of any plaint of any suit filed in respect of any defamation whatsoever till this date. And in the event if you referred to the filing of the Criminal Complaint under Sec.500 IPC against my client in the Metropolitan Court, Patiala House New Delhi then even in that case the averment that the same is pending is false to your knowledge as the same has been stood dismissed by order dated 17-04-2003. Hence, your averment that any such defamation case is yet pending against my client is per se false and defamatory to your knowledge, knowing fully well that the same has stood dismissed. Your intent in making the false averment in stating that the same being pending was to throw a taint and cast a slur on the body, mind and reputation of my client, who stood discharged as such complaint having stood dismissed. Having made such publication of imputation concerning my client intending to harm and knowing and having reason to believe that such imputation will harm the forthrightness and the reputation of my client, having thereby committed acts of omission and commission tantamounting to “defamation” as defined under Sec.499 of the Indian Penal Code.
6. You are hereby forthwith called upon to tender a public apology and publicly withdraw such statements by publication thereof through the same media in a statement in writing and/or in person within 48 hours of receipt of this notice.
7. You have further made a false and a defamatory statement inter alia imputing directly in the name of my client Mr. Saxena as well as the National Council for Civil Liberties, stating that my clients as well as the National Council of Civil Liberties

have been beneficiaries of having received the largess of awarding of Civil Contracts from the Sardar Sarovar Nigam and in relation to the Sardar Sarovar Project.

8. At the outset, my client vehemently denies every content of yours such allegation averment and aspersion and specifically state that the same are false, and non-existent. It is specifically stated that my client either in individual capacity much less the organization being the National Council for Civil Liberties of which my client is a President has ever been the recipient of any contract connected in any manner with the Sardar Sarovar Project being a civil contract awarded by the Sardar Sarovar Nigam or otherwise. You are hereby forthwith called upon to substantiate the existence of any iota of truth in the averment, allegation and aspersion cast upon the reputation of my client of espousing the cause, against the Narmada Bachao Andolan, as being the beneficiary of civil contracts from Sardar Sarovar Nigam in relation to Sardar Sarovar Project. It is stated that the allegations made therein are per-se false, non-existent and are defamatory and having made such publication of imputation concerning my client intending to harm and knowing and having reason to believe that such imputation will harm the forthrightness and the reputation of my client, having thereby committed acts of omission and commission tantamounting to “defamation as defined under section 499 of the Indian Penal Code.”
9. You are hereby forthwith called upon to provide all material, documents lying in your possession to substantiate the said allegation within 48 hours of receipt of this notice, failing which it shall be presumed that you are not in possession of any of them and that adverse inference shall be required to be drawn against you having made such baseless and reckless allegation made against my client.
10. You are hereby forthwith called upon to tender a public apology and publicly withdraw such statements by publication thereof through the same

media in a statement in writing and/or in person within 48 hours of receipt of this notice in the above regard too.

11. Please note that failure to comply to the legal requisitions as called upon under this notice shall compel my clients to initiate appropriate proceedings in the Court of competent jurisdiction both the civil and/or criminal before all such courts where causes of action has simultaneously accrued in view of the facts that the televised interview was telecasted and had received wide public coverage not only in India but across the globe. Needless to state the same shall be at your risks, costs and consequences for which you are wholly and solely responsible and liable.
12. As at this stage, as my clients have called upon you to forthwith supply the C.D. in respect of which you have stated that “ *mein iske baad CD lekar aapke samne kabhi bhi sabit karne ke liye tayyar hoon*” as a proof of your alleged allegations and as my clients have called upon you to substantiate the allegations made in your said statement and as this notice though being last and final notice for all purposes this notice is an interim notice subject to issuance of further detail notice after supply of better particulars and substantiation of the alleged allegations made at you end, with any documents or material if so available at your end upon which my clients shall appropriately make a claim towards the libel, slander, defamation by preferring an appropriate suit for damages before all such competent courts where such cause of action and/or part of cause of action has arisen and/or is likely to arise.
13. As this notice is caused to be issued for reasons of delay, default and negligence solely attributable at your end and hence notice charges being Rs.3,500 shall also be liable to pay to my clients, which please note.

(T S Nanavati)
Advocate