

JP Jayswal

Advocate

Ref: JPJ/349/2020

20.11.2020

To,
IC Legal,
Unit No. 1 to 12, Ground Floor,
Onlooker Building,
Sir P.M. Road, Fort
Mumbai – 400 001
Email: mumbai@icul.in

Subject: Notice dated 17.11.2020 ("**Notice**") addressed by IC Legal on behalf of your client Mr. Akshay Kumar ("**your client**") to Mr. Rashid Siddiquee ("**my client**") alleging defamation, libellous and derogatory videos published on YouTube.

Dear Sir,

My client has placed in my hands your Notice and based on my client's instructions. I submit a reply to your Notice in the below-mentioned paragraphs.

1. At the outset save and except what forms a matter of record and that what can be established therefrom, my client categorically denies every averment made by your client in the Notice. Any failure or omission to

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expressly deny any averment shall not be construed as an admission by my client.

2. My client submits that the allegations raised by your client in the Notice is false, vexatious and oppressive and is caused with an intent to harass my client.
3. The notice proceeds on a flawed footing making bald allegations against my client and are patently unmeritorious.

4. **Brief facts**

- 4.1 In February 2016, my client started the YouTube Channel by the name of FF News ("**Channel**") and has uploaded videos ("**Content**") from time to time. Over a while, the Channel has covered different types of news continuously producing new Content as an independent news reporter since 2016.
 - 4.2 Between 2016 to 2020, my client has uploaded more than 3500 videos on the Channel and has more than 370,000 views on the Channel.
 - 4.3 In June 2020, my client started covering the news of the death of Sushant Singh Rajput ("**SSR**") During this period numerous other independent news reporters also covered the news of the death of SSR since SSR died under mysterious circumstances. Many controversies connected to SSR's personal life also became part of the media and was not only covered by numerous national news channels but also by independent news reporters.
 - 4.4 Many independent reporters covered this matter as many influential people were involved in the controversy and other prominent media channels were providing no correct information.
5. **My client is also dealing with the allegations made by your client in the Notice, which are as follows:**



5.1 **The Constitution of India guarantees freedom of speech and expression to all citizens of India.**

- i. The press and media have the same rights — no more or no less than any individual to write, publish, circulate and broadcast information. The press derives this right from the right to freedom of speech and expression in Article 19(1) (a) of the Constitution of India, 1950
- ii. Indian democracy is based on the foundation of freedom of speech, and every citizen has the right to regulate the freedom of speech by democratic action.
- iii. My clients Content on the Channel cannot be in any manner considered as a defamatory. At the highest, the alleged dissonant and discordant expressions in the Content are to be treated as viewpoints with objectivity and such expressions of views and ideas and not defamatory.
- iv. Therefore, my client is at liberty to publish news articles/Content on the Channel and is empowered under the Indian Constitution.

5.2 **The news reported by my client was already in the public domain, and my client and my client has placed reliance on the other news channels as sources.**

- i. Before publishing the Content on the website, the internet was flooded with similar Content qua your client in the public domain. My client has taken leads from these websites and has published the videos on the Channel, believing the statements to be true.
- ii. My client has a detailed list of the websites running similar Content which was much before my client published the alleged Content online.



- iii. All the Content of mentioning your client was already in the public domain and publishing similar Content on the Channel will not amount to defamation as alleged by your client.
- iv. Pertinently, many of these videos were deleted by the individual content creators when FIR's were registered against people.
- v. Also, by addressing this Notice, your client has made it clear that my client has been specifically nit-picked to saddle the blame of the alleged defamation.
- vi. My client has acted with reasonable care, caution and prudence no vague statements are made on the Channel, which can be termed as defamatory.
- vii. Therefore, my client has not made imputation or has made any defamatory statements intending to cause harm to the reputation of your client.

5.3 The allegation that my client has made defamatory libellous and derogatory videos involving your client is denied because of the following reasons:

- i. The Content published on my clients Channel is pure news reporting, and the Content is not in any manner engineered to defame your client.
- ii. My client has been performing his duty as the publisher of the Content and has not acted with any malice and motive.
- iii. My client cannot be saddled with the consequences of defamation as my client has only presented the news and has not made any allegations on his own against your client.
- iv. Moreover, my client has always stated in all the videos that he has derived his views based on rumours and other sources; however, my

client has not personally made any statement that tarnishes your client's image.

- v. Your client has faced severe backlash after interviewing an influential politician whereby thousands of people have made personal remarks against your client on various YouTube videos and websites. Surprisingly, your client has not taken any action on the same; however, it has selectively chosen my client to saddle the blame of defamation.
- vi. All the Content uploaded on the Channel were with an intent to publish the Content and not act with malice as alleged by your client. Pertinently, the Content was uploaded in good faith and public good and did not qualify as a piece of defamatory news as alleged by your client.
- vii. The Contents on the Channel are of the month August 2020, and your client has sent the Notice alleging defamation in November 2020. Even assuming whilst denying and without prejudice, if the Content were defamatory and were harming the reputation of your client, your client would have immediately addressed a legal notice and not wait for more than 90 days.
- viii. Therefore, the Content of my client is not in any manner defamatory, libellous and derogatory videos published on the Channel.

6. Having elucidated the said facts concerning the Notice and having made submissions as aforesaid my client shall now proceed to specifically deal with every single averment made in Notice and the same is traversed in seriatim as under;



- 6.1 With reference to paragraph no. 1 of the Notice, the contents do not merit any response.
- 6.2 With reference to paragraph no. 2 of the Notice, the allegations made against my client are denied. However, the links to the YouTube channel provided in the Notice belong to my client and are published by my client as Content for the Channel and are not in any manner defamatory, libellous and derogatory.
- 6.3 With reference to paragraph no. 3 of the Notice, the allegations made against my client, are denied. However, the links to the YouTube channel provided in the Notice belong to my client. They are published by my client as Content for the Channel and are not in any manner defamatory, libellous and derogatory.
- 6.4 With reference to paragraph no. 4 of the Notice, the allegations made against my client are denied. All the above information/content provided by my client was entirely based on rumours and sources which are also mentioned by my client in the videos uploaded by him on the Channel.
- 6.5 With reference to paragraph no. 5 of the Notice, the allegations made against my client are denied. It is denied that my client has intentionally published videos with sensational headlines/captions/video titles to mislead the public to harm the esteem of your client amongst his fans and the public in general. It is denied that the videos are cheap quality publicity stunt with a motive to increase the traffic on the Channel. It is denied that my client has with a malicious intent tried to jeopardise your client's, character, career and reputation.
- 6.6 With reference to paragraph no. 6 of the Notice, the allegations made against my client are denied. It is denied that my client content instigates



the spread of this information/fake news and misled the public about ongoing police and judicial matters, as well as your client.

- 6.7 With reference to paragraph no. 7 of the Notice, the allegations made against my client are denied. It is denied that my client's content on the Channel is defamatory, derogatory, libellous and scandalous and has affected your client's reputation, goodwill and image.
- 6.8 With reference to paragraph no. 8 of the Notice (wrongly mentioned as paragraph no. 3), the allegations made against my client are denied. Your client's claim of Rs.500 crores is nothing but a publicity gimmick, and the claim of such an amount without any proof clearly establishes as it is an arm-twisting tactic adopted by your client to stop my client to further publish new Content.
- 6.9 With reference to paragraph no. 9 of the Notice (wrongly mentioned as paragraph no. 4), the allegations made against my client are denied false and frivolous.
7. The aforesaid facts and circumstances unequivocally demonstrate that:
- 7.1 The Content uploaded by my client was already in the public domain and was published/uploaded in good faith and is based on the information provided by numerous other news channels and websites which was believed to be accurate by my client.
- 7.2 The Notice addressed by your client proceeds on a flawed footing and is, therefore, unmeritorious and is used as an arm-twisting tactic to silence my client.
- 7.3 Your client has addressed the Notice after waiting for more than 90 days to allege defamation.
- 7.4 The damages of Rs.500 crores are absurd and are unwarranted and are made with the intent to pressurise my client.



8. In the circumstances aforesaid and for all or any of the reason stated above, my client has instructed me to call upon your client to:
 - a. Withdraw the Notice as the Notice is premised on a flawed footing.
9. Further, my client has instructed me to initiate appropriate legal proceedings against your client in the event your client fails to comply with the same.
10. I further state that despite the above, if your client initiates any action against my client, we shall defend the same entirely at your risk as to the costs, and consequences arising therefrom, which you may please note.

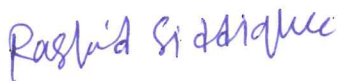
Yours faithfully,



J.P Jayswal

Advocate

I have been explained , read over, and interpreted the contents of this reply to the Notice dated 17.11.2020 in Hindi language by my advocate and the facts stated hereinabove are true and correct to my knowledge and belief.



Mr. Rashid Siddique.



CC,

1. IC Legal,
209, 2nd Floor, Hub town Solaris
Prof. N.S.Phadke Marg,
Andheri(E), Mumbai – 400 069
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