

**MAREESH PRAVIR SAHAY
ADVOCATE
ADVOCATE-ON-RECORD, SUPREME COURT OF
INDIA
1361 / 37, NOIDA- 201 303
PHONES: - +91-120-4324579; 9899000923
E-MAIL:- OFFICE@MPSAHAYADVOCATE.COM**

Date: - 5.4.2019

To,
M/s Vivek Agnihotri Creates
Film Production Company
403, Jewel Mahel, Next to WTF
Versova, Mumbai- 400047
Maharashtra

AND

✓ M/s Zee Studios
Production Company
M/s Zee Entertainment
18th Floor, 'A' Wing
Marathon Futurex
Lower Parel
Mumbai- 400013
Maharashtra

Subject: - Legal Notice

Dear Sir,

On behalf of and under instructions from my clients, Vibhakar Shastri and Diwakar Shastri both sons of Late Hari Krishan Shastri, R/o, C-30, Pushpanjali Farms, Bijwasan, New Delhi-110061, I hereby serve upon you the following notice for your compliance.

1. That you have recently shot and produced a film by the name and title of "Tashkent Files" which is slated to be released on 12.4.19 as per information available in the public domain. The film in question is based upon the death of former Prime Minister of India, Late Lal Bahadur Shastri who passed away in Tashkent, Uzbekistan, U.S.S.R. on 11.1.1966 at 02:00 Hours due to a heart attack / cardiac arrest, after attending peace meetings from 4.1.1966-10.1.1966 called for by the Soviet Union, represented by its premier Alexei Kosygin post India- Pakistan war of 1965, which culminated in to the signing of the Tashkent Declaration on 10.1.1966 by the leaders of India, Former Prime Minister, Late Lal Bahadur Shastri and former President of Pakistan, Late Muhammad Ayub Khan.

2. That my clients, afore named are paternal grandsons of Late Lal Bahadur Shastri, Former Prime Minister of India and are the sons of the eldest son of Late Lal Bahadur Shastri, Late Hari Krishna Shastri.

3. That prior to release of the afore named film, you had applied for release of the trailer of the said film for which permission was granted to you by CBFC, and accordingly, the trailer of the said film was released, bearing the following details:-

Movie Name :	TRAILER NO. 01 OF FILM "THE TASHKENT FILES"
Movie Language :	HINDI
Movie Category :	UA (Unrestricted Public Exhibition-But With Parental Guidance)
Certified by Regional Office	MUMBAI
Certificate No.	DIS/2/244/2019-MUM
Certificate Date	15-03-2019
Certified Length	2.45 Mts
Name of Producer	VIVEK AGNIHOTRI CREATES - MUMBAI
Name of Applicant	Vivek Agnihotri

4. That upon watching of the trailer in question, it is clearly seen and understood that an attempt has been made to create unwarranted and unnecessary controversy, propaganda surrounding the death of Late Lal Bahadur Shastri, former Prime Minister of India who had died a natural death and which has been successful to an extent post the release of the trailer of the film.

5. That it is well known in the public domain and is a matter of fact and record, that no foul play was suspected and / or found in the death of Late Lal Bahadur Shastri and the Government of India at the time [and later Governments as well] also never suspected any foul play in his passing away. Even the officials in the erstwhile Soviet Union which was / is a very close ally and friend of the Republic of India and by no means a hostile or enemy country had also concluded the same. Infact a Joint Medical Investigation was conducted by a team of Dr. R.N. Chugh, Doctor-in-Attendance to the Late Prime Minister and by Soviet Doctors and no foul play was ever found.

6. The controversy being sought to create vide the film in question is not only wrong portrayal of facts, illegal, incorrect and improper merger of fact and fiction and the contents of the trailer / film will create, controversy, propaganda and a law and order situation in the country detrimental to the interests of the nation / public and will also hurt the emotions and sentiments of a large section of the society.

7. That it has been more than 53 years since the passing away and now vide this film of yours an unwanted and unnecessary hype, controversy is being created, portrayed and played out under the garb of fundamental right of artistic freedom, freedom of speech and expression. The fundamental rights as enshrined under the Constitution of India, 1950 are subject to reasonable restrictions and are not absolute and this film is a flagrant violation of the same.

8. Moreover, the country is about to undergo voting for the General Elections for the 17th Lok Sabha and the film in

question in all likelihood is going to result into a law and order situation also.

9. Such actions i.e., the production and release of the film in question, under the garb of fundamental right of artistic freedom, freedom of speech and expression which does not seem to correctly merge facts and fiction, which may result into a law and order situation detrimental to the interests of the public, which may disturb the peace and harmony in the country and which hurts the emotions, sentiments of a large number of people cannot be permitted.

10. That garb under the 'disclaimer' section of the film to portray and play out anything is also not permitted always as per law. It is well-settled in law that though artistic freedom including vis a vis films comes under the ambit of Article 19 (2) / 19 (1) (a) of the Constitution of India, 1950 however the said right and freedom is not absolute. Films have to be treated separately from other forms of art and expression because a motion picture is 'able to stir up emotions more deeply than any other product of art' and as

such caution is needed in the interests of society. There has to be a compromise between the freedom of speech and expression and interests of the society. The trailer of the film endangers all of the afore stated.

11. That the trailer of the film though shows the film to be 'based on true events' and from the trailer alone, it is evident that it is not so the case and in any case is not a lawful, proper and correct merger of fact and fiction.

12. That further the family / immediate family of the Late Lal Bahadur Shastri was never contacted by the writers, producers etc. of the film at any point of time to confirm, verify and / or deny any fact nor their permission was ever sought for the production and release of the film in question. Neither there has been any step by the producers of the film to provide a pre-screening of the film in question to the family / immediate family members as the film may seriously jeopardize their individual privacy and moreover hurt their emotions and sentiments.

13. It is warranted that the public exhibition of the film in question for public viewing needs to be stopped in larger interests of the nation and the society.

14. That in view of the afore stated you are hereby called upon to:-

- a. Take all necessary steps as may be needed to halt and stop the production, post-production, trailers of the film, advertisements, promotions of the film and further release of the film in question;
- b. Provide a pre-screening to the family / immediate family of Late Lal Bahadur Shastri, Former Prime Minister of India including my clients, afore named, and seek their approval before releasing of the film, if so be the case.

The CBFC [Central Board of Film Certification] is also hereby called upon to- not permit the release of the film in question and also to immediately pass necessary Orders and Directions suspending the permission granted by it to the release of the trailer in question, as detailed herein before.

You are hereby called upon to comply with the afore stated immediately upon the receipt of this legal notice failing which I have instructions from my clients, afore named to initiate appropriate legal proceedings before competent courts of jurisdiction which you will face entirely at your own cost, expense, risk and consequence and needless to state that the heavy cost and expense which will be borne by my client will also be payable by you.

Marcel

BE INFORMED AND TAKE NOTICE ACCORDINGLY.

COPY TO:-

1. Central Board of Film Certification
M/o Information and Broadcasting
Government of India
3rd Floor, Films Division, Paryavaran Bhavan
CGO Complex, Lodhi Road
New Delhi-110 003
E-mail:- chairperson.cbfc@nic.in
ceo.cbfc@nic.in
2. Joint Secretary (P & A), M/o Information and Broadcasting
Government of India
Room No. 552, 'A' Wing
Shastri Bhawan
New Delhi- 110 001
E-mail:- jspna-moib@gov.in