

PRAMILA ASSOCIATES

Advocates

Pramila Nesargi , Senior Counsel
Geeta Menon
Pradeep Singh
Manju Gowda
Muniswamy Gowda
Divya Menon
Nanje Gowda
Soujanya A.R
Parvathi
Manjula
Manjunath M. S.
Ramachandra
Pradeep

Off : 844-A, 2nd Floor, 100 Feet Road ,
Indiranagar, Bangalore- 560038

Tel : +91-80-41997900 to 999
Fax : +91-80-41330040 to 41

Email –
pramila_associates@hotmail.com
pramila_associates@yahoo.com

Date 11-01-2007

To:

1. Clean Clothes Campaign
(International Secretariat)
Postbus 11584
1001 GN Amsterdam
The Netherlands
By its representative
info@cleanclothes.org
2. Ineke Zeldenrust
International Secretariat
Of the Clean Clothes Campaign
Postbus 11584
1001 GN Amsterdam
The Netherlands
ineke@cleanclothes.org
3. Esther de Haan
International Secretariat
Of the Clean Clothes Campaign
Postbus 11584
1001 GN Amsterdam
The Netherlands
esther@cleanclothes.org
4. Schone Kleren Kampagne
Postbus 11584
1001 GN Amsterdam
The Netherlands
By its representative
info@schonekleren.nl

PRAMILA ASSOCIATES

5. Christa De Bruin
Co-ordinator
Schone Kleren Kampagne
Postbus 11584
1001 GN Amsterdam
The Netherlands
christa@schonekleren.nl
6. India Committee of the Netherlands (ICN)
Landjelike India Werkgroep (LIW)
Mariaplaats 4 e
3511 LH Utrecht
The Netherlands
By its representative
7. Pauline Overeem
India Committee of the Netherlands (ICN)
Landjelike India Werkgroep (LIW)
Mariaplaats 4 e
3511 LH Utrecht
The Netherlands
p.overeem@indianet.nl
8. Gerard Oonk
Director
India Committee of the Netherlands (ICN)
Landjelike India Werkgroep (LIW)
Mariaplaats 4 e
3511 LH Utrecht
The Netherlands
g.oonk@indianet.nl
9. H Maas
Secretariat
India Committee of the Netherlands (ICN)
Landjelike India Werkgroep (LIW)
Mariaplaats 4 e
3511 LH Utrecht
The Netherlands
h.maas@indianet.nl
10. XS4ALL Internet BV
Postbus 1848
1000BV Amsterdam
The Netherlands
support@xs4all.nl

PRAMILA ASSOCIATES

11. Antenna Foundation
P.O.Box 1513
NL 6501. BM Nijmegen
The Netherlands
support@antenna.nl

Messers,

Under instructions from our clients Fibres & Fabrics International Pvt Ltd a company registered under the Provisions of the Companies Act, 1956 and its subsidiary Jeans Knit Private Ltd, a company registered under the provisions of the Companies Act having their registered office at No.21, E-1, II Stage, Peenya Industrial Area, Bangalore represented by its authorised signatory, we inform you as under:

1. Our clients Fibres and Fabrics International Private Limited is an Export Oriented Unit (EOU) dealing in the business of manufacture of garments. Fibres and Fabrics had commenced its business in 1992 and became an incorporated company in 2002 and Jeans knit Pvt. Ltd is a 100% subsidiary of the Fibres and Fabrics International pvt Ltd having been incorporated in 2004. Ever since our clients commenced their business in the manufacture of garments they have earned high reputation and goodwill mainly because of their quality, prompt supply and conforming to all international and national standards amongst other factors. It is pertinent to state here that our clients have a state of the art manufacturing unit and is in the forefront amongst all garment industries in providing the latest technology, ideal working conditions and providing amenities to its employees. Amongst its various customers around the world, our clients are also major suppliers to G-Star a company in Netherlands.

2. The first of you is the International Secretariat of an organization by name Clean Clothes Campaign and claims to focus on improving working conditions in the global garment and sportswear industries. The first of you claim that your campaign exists in 9

PRAMILA ASSOCIATES

European countries namely Austria, Belgium (North and South), France, Germany, the Netherlands, Spain, Sweden, Switzerland and the United Kingdom. It is further claimed that you have task forces or project groups in Bulgaria and India and claims to be a loose, informal international partner network of NGOs, unions, individuals and institutions in most countries where garments are produced. The second and third of you is in charge of the day to day affairs of the first of you. The fourth of you is the Netherlands branch of the first of you. The fifth of you is in charge of the day to day affairs of the fourth of you. The sixth of you claims to be an independent non-governmental organization, based on solidarity with deprived groups in Indian society. The seventh to the ninth of you are in charge of the day to day affairs of the sixth of you and also comprise the office bearers of the said sixth of you.

3. The first, third and sixth of you have also hosted a website <http://www.cleanclothes.org>, <http://www.schonekleren.nl> and <http://www.indianet.nl> amongst other sites. The tenth and eleventh of you is the Internet service provider for the websites hosted by the first, third and sixth of you.

4. Since November 2005 all of you have criminally conspired together with some Indian organizations and persons like Garment and Textile Workers Union (GATWU), Civil Initiative for Peace & Development (CIVIDEP), Bangalore. Women Garment Workers Front, New Trade Union Initiative, CCC Task Force- Tamilnadu, Sri. Jayaram, Sri.Mohan Mani, Sri. C.V.Gopinath amongst other persons and in pursuance to the said criminal conspiracy started creating documents and so called ‘reports’ alleging labour and human right violations in the premises of our clients. Pursuant to the said conspiracy the 1st to the 5th of you contacted our client’s customer based in Netherlands namely G-Star on 11th January and purports to have supplied information allegedly given by the Indian organizations and persons referred earlier. All of you were aware that the said report

PRAMILA ASSOCIATES

had been fabricated and based on false information which was known to be false and reasonably calculated to harm the reputation and goodwill of our clients.

5. When G-Star contacted our clients, they informed G-Star that the said allegations made by the 1st and 9th of you on the basis of the alleged information by the Indian organizations and persons referred to earlier were false and malicious. Not being satisfied with giving the said false information, you are aware that GATWU sent a letter to our clients on 11th February 2006 making false and baseless allegations against our clients. All of you were aware that these allegations were false and baseless. Our clients were advised to ignore the letter sent by GATWU as the organisation was not registered as a trade Union and did not have the necessary workers of our clients to legally recognise them under Indian law. This was followed by another letter on 25th march 2006 by GATWU which also contained false allegations also known to all of you. However the fact remains that you all were aware that under the Indian law GATWU or any other organisations you were in conspiracy with, did not have the necessary minimum number of workers required to form a recognized trade Union under the Trade Unions Act in respect of our clients' factory.

6. In pursuance to the criminal conspiracy all of you are aware that the so called Indian organisations and persons have further conspired to create a so called illegal fact finding committee which had no basis under any known law with persons and agents affiliated and connected with you to create another false and fabricated report titled Draft Fact finding Report. All of you were aware that the said report was false and defamatory and knowing the same to be so, has sought to publish the same on the websites hosted by the 1st, 3rd and 6th of you. The said report has tried to create a claim that the management of our clients were indulging in criminal acts which they very well knew to be false and defamatory.

PRAMILA ASSOCIATES

7. Pursuant to the criminal conspiracy hatched by all of you, in the last week of May 2006 and in the 1st week of June 2006 you have posted and hosted articles on your websites claiming that G-Star was breaking all rules with specific reference to alleged labour violations by our clients who are the suppliers of G-Star. The said allegations made against our clients are false and baseless and per se defamatory. A meeting held in the office of our clients with GATWU and NTUI and other representatives were also unable to substantiate any case of alleged labour violations on 9th June 2006. Facilities like state of the art hygienic canteens, crèche, free transport, medical rooms, proper security, hygienic working conditions pay on par with some of the best in the industry have been provided by our clients which is undisputable. None of the so called alleged labour violations were substantiated and brought out in the meeting with our clients by the representatives of GATWU or other representatives. Our clients had all documentary evidences to back its claim that there was no substance or basis in the allegations made against our client. All of you in collusion and in conspiracy systematically tried to label the minutes of the meeting of our clients as false. On 14th June 2006 the 1st to the fifth of you informed our customer G-Star that the minutes of the meeting furnished by our client were false and went ahead and published the same in the website. The said publication which is false and defamatory has been published by all of you in furtherance of the conspiracy to tarnish and damage the image, reputations and harm the business of our clients.

8. Our clients intimated its customer G-star about the minutes of the said meeting and our clients have been informed that G-Star has on the said basis requested all of you to remove the objectionable, libelous, slanderous and defamatory references to our clients and G-Star from your websites.

9. All of you are aware that our clients' units were under the process of SA8000 certification. All of you once again deliberately

PRAMILA ASSOCIATES

chose to ignore this information. Instead you started hosting only statements and alleged fabricated reports created by you and not even bothering to bring to the notice of the public the version and statements of our clients. All of you continued with the defamatory and malicious campaign against our client on your web sites with more and more outrageous false claims and allegations.

10. Since the Indian organisations and persons referred earlier were the key players in passing deliberate false information, our clients were constrained to file civil suits against them for injunction in the jurisdictional civil court in Bangalore and the Court being convinced that our clients had made out a prima facie case issued an order of injunction against them on 28th July 2006 which you are all aware of.

11. Being aware of the same you got an article published in the Dutch newspapers in Volkskrant, NOS and Parool making allegations which were false and per se defamatory. The said articles were also published on the website on the internet.

12. After being aware of the order passed by the Civil Court, all of you from 11th August 2006 onwards started publishing articles on the web sites criticizing and commenting and making false and defamatory statements against our clients and the court order in favour of our clients. All of you conspired to publish the said articles which was an attempt to subvert and interfere with the judicial process of the courts and administration of justice in India which amounts to criminal contempt of court in India. All of you further conspired to send letters and publish the defamatory and false allegations against our client to the members of the public and all the international customers of our client.

13. Pursuant to the conspiracy hatched by you, you also got an article published in Trouw on 22nd August 2006 deliberately using a photograph taken a year before in a different seminar and misusing the

PRAMILA ASSOCIATES

same to indicate that the workers of our client were protesting against the court order and our clients which was per se defamatory false. In fact the person whose photograph was published had categorically written and clarified that the said photograph was misused and in fact had been taken in a different conference a year before.

14. Despite the fact that the Indian organizations and persons referred to earlier failed to substantiate their case in the civil court, you have continued to put up on the web site false and defamatory allegations against our client and despite calling upon you to remove the same failed to do so. Not being satisfied, the 1st to the fifth of you have allegedly given a complaint making false and baseless claims against our clients to OECD and Dutch NCP. All of you were fully aware that the claims and statements made therein were false.

15. Apart from the articles published on the websites you have written letters to former, present and potential customers of our clients calling upon them to co-erce and pressurize our client to withdraw the civil case as a condition precedent for doing business with our clients. Some of the clients whom you have contacted have been threatened with bad publicity if they did not pressurize our clients to withdraw. You have also instigated customers and general public to write to our clients through your websites letters calling upon our clients to withdraw the civil suit.

16. The tenor and contents of the said articles published indicate your utter disregard and contempt to the judicial process and administration of justice in India. You have resorted to an illegal campaign of trying to prevent our clients from protecting their legitimate interests and property. The articles also seeks to undermine the judicial process and administration of justice in India and the functioning of the Courts in India.

PRAMILA ASSOCIATES

17. You are also aware that the Government and the labour departments have in December 2006, thoroughly investigated each and every allegation made by all of you and in a report filed have found them to be false and baseless and has also come to the conclusion that the said malicious and defamatory systematic campaign undertaken by all of you was done with deliberate intention to harm and damage the reputation and image of the country and our clients.

18. Since all of you continued to publish the happenings and proceedings in the Courts in India and were making derogatory remarks undermining the Indian courts and the judiciary, our clients were constrained to move application for contempt against the Indian organizations and persons concerned. The said persons and organizations have in their reply to the contempt taken a stand that all of you are solely responsible for the matter published on your websites.

19. Again on 10th January 2007 all of you have once again published articles on your websites making false and defamatory allegations against our client. In fact all of you, through the website has been instigating the public and the customers of our clients to force our clients to withdraw the case which involved a legitimate protection of our clients' rights. Clients like Ann Taylor, Tommy Hilfiger, GAP, Mexx, G-Star were all coerced by you to write letters to our clients. Thus all of you have indulged in a systematic, planned conspiracy to malign and cause harm and damage to the business, image and reputation of our client by deliberately publishing false information about our clients which you all were aware were false.

20. Our clients have reason to believe that the false defamatory articles published with reference to our clients have been done to deliberately malign, harm and cause injury to our clients' reputation and goodwill in the business. The bonafides of all of you in publishing the said false defamatory statements is circumspect and indicates deliberate malice and a hidden agenda to harm the reputation and

PRAMILA ASSOCIATES

goodwill of our clients at the instance of some vested interests. There is also no transparency and accountability in respect of the activities of the first to the ninth of you.

21. The said articles and references published in the websites are false and the same has been published by you knowing the same to be false. The publication of the said false defamatory statements is calculated to harm the reputation and cause injury to our clients. The tenth and eleventh of you being the service provider is under law liable for any defamatory articles published and hoisted on websites for which you are the provider as you are required to exercise due diligence and care in the matters sought to be published on the websites. None of you have taken due care and diligence to check the veracity of the allegations before publishing the same. Your action in continuing to publish the false defamatory articles despite bringing to your attention the falsity of the same is indicative of a malicious conduct deliberately aimed at our clients to cause them harm and injury.

22. The said publication on the websites and newspapers amounts to publication and the same has been published in all the countries having access to internet connection and read and seen by the public including existing and potential customers and final end customers purchasing the garments manufactured by our clients. The said publications on the websites and newspapers have resulted in effecting and affecting has been felt in India and in Bangalore where our clients have a registered office and have considerable reputation and goodwill.

23. The false and defamatory publications against our clients have caused business losses, social losses amongst other damages suffered by our clients. We may point out that the customers are a fluctuating body whose names may not be known to our clients and hence considering with wide publicity and access of large number of people around the world having access to the Internet the damage caused to

PRAMILA ASSOCIATES

our clients of its reputation and goodwill is enormous. Continuous and persistent publication of the said defamatory and false articles despite being informed about the same being false and baseless evidences clear malice on the part of all of you. Thus your actions amount to a civil wrong and a criminal offence. The continuous publication and hosting of the false defamatory material on the website amounts to a cyber crime and a cyberspace libel apart from being an international tort. You are also vicariously liable for any acts and omissions by the Indian organisations and persons referred to earlier against whom you are aware that the order of injunction issued by a competent civil Court is in operation against them as on date.

All of you are therefore, called upon to forthwith

- remove all articles and links including deep-linking with references to our clients (FFI and JKPL) from all the websites
- publish a clear and unconditional apology on the said websites
- stop any further publication of any articles, news or matter relating or touching upon our clients and customers
- forthwith cease communication with all existing, old and potential customers of our clients
- cease all acts tending to undermine the courts and judiciary in India and interfere in the interference of administration of justice
- to pay our clients damages of **10 million Euros** tentatively fixed as the harm and injury caused to our clients goodwill, reputation and business within 7 days of receipt of this notice

failing which our clients will be constrained to proceed against all of you in the civil criminal and other fora both at national and international levels for offences including cyber crimes. My clients will, if necessary seek the necessary assistance of the Interpol and other diplomatic channels to secure your presence to proceed with you in the criminal forum. Please take note that our clients are entitled for general, special and exemplary damages apart from other damages. All of you are. Our clients reserve to claim further

PRAMILA ASSOCIATES

damages after assessing the damages and injury caused to it globally at entirely your risks, costs and consequences. This notice is being sent by post, courier and email to all of you.

Notice charges payable by you is **100,000 Euros**

Yours sincerely

Geeta Menon

(For Pramila Associates)

Case closed