



EXHIBIT CC 1 (a) & (b)

**RAJESH
SUNDARAM**



**JUDICIAL COMMISSION OF INQUIRY INTO ALLEGATIONS OF STATE CAPTURE,
CORRUPTION AND FRAUD IN THE PUBLIC SECTOR INCLUDING ORGANS OF STATE**

2nd floor, Hillside House
17 Empire Road,
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Website: www.sastatecapture.org.za

INDEX: EXHIBIT CC 1(a) & EXHIBIT CC 1(b)

Item	Description	Exhibit	Pages
1	Affidavit of Rajesh Sundaram	CC 1(a)	RS-01 to RS-27
2	Supplementary affidavit of Rajesh Sundaram	CC 1(b)	RS-SUP-01 to RS-SUP-33

EXHIBIT CC 1(a)

AFFIDAVIT & ANNEXURE

OF

RAJESH SUNDARAM



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INDEX: EXHIBIT CC 1(a)

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NOTARIAL REGISTERSr. No. 1054 Page 107
Dated 05/04/19 Reg. No. _____**VALID OUT SIDE INDIA**

Affidavit

1.

I Rajesh Sundaram, son of K C Sundaram and resident of B2/301, Satyam Apartments, Vasundara Enclave, New Delhi- 100096, India solemnly affirm and stated as under :

2.

I arrived in South Africa on the 3rd of June 2013 and stayed here till September 2, 2013. During this time I worked with the Gupta family owned Infinity media and worked as 'Editor' to set up 24/7 television news station called ANN7.

3.

An account of my interactions with the Gupta brothers, former South African president Zuma and my experience setting up the television station have been given in the book 'Indentured, Behind the Scenes at Gupta TV.

4.

I hereby affirm that the contents of this book and events described in it are true to the best of my knowledge.

After I arrived in South Africa I got to know that the then president Jacob Zuma's son Duduzane was a 30 percent shareholder in Infinity media.

5.

However, it was president Zuma who was more involved in the project and its setting up than his son.

I was part of a delegation from Infinity media that had three meetings with president Zuma at his official residence in Pretoria to review progress of the television news channel ANN7.

6.

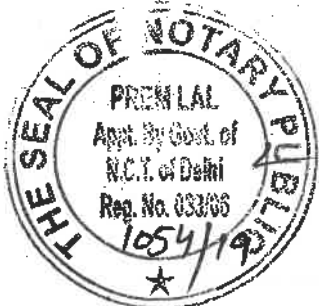
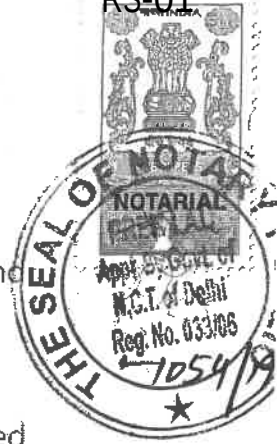
The delegation comprised Ajay Gupta, Atul Gupta, Nazeem Howa, Moegsien Williams, Ashu Chawla and me.

These meetings comprised of two parts. The first hour and a half was spent telling president Zuma about the progress in the television project. Here he was brief about the progress in the construction of the studios, hiring and technical purchases. He would also give feedback on various aspects of branding. For instance he would give feedback on the logo designs.

7.

He also had a keen interest in the investments being made for the projects. Major expense heads were narrated to him.

He would also discuss at length about the editorial policy he would want the station to follow. This included instructions to ensure that the station does not end up being an 'out and out propaganda station for the ANC'. He wanted the editorial team to cover news items related to his rivals within and outside the ANC, but wanted to subtly show them in a negative light.



Rajesh

8.

Duduzane Zuma was never part of these meetings.

The second part of these meetings were about businesses other than the proposed television project. I was asked to move out of the room during this time.

9.

But from my conversations with Atul Gupta, Nazeem Howa and Ajay Gupta it was clear this time was utilized to seek Zuma's help to overcome challenges in their other businesses.

10.

After one such meeting I was told by Ajay Gupta that they had complained to president Zuma about how the Independent Election Commission, IEC was not giving the Gupta owned newspaper 'The New Age' any advertising from its multi million Rand advertising budget. He said rival newspapers were being paid. He told me that at the end of the meeting the president assured them that he would look into the matter.

11.

The second half of the meetings were also used to inform president Zuma about his cabinet colleagues who were reluctant to attend the 'New Age Breakfast Briefings' organised by the Gupta owned newspaper and aired on SABC.

12.

I was told by Nazeem Howa that these 'Breakfast briefings' were 'insanely profitable' for them as the entire cost of broadcast was borne by the SABC. The New Age had to invest in just the flimsy permanent props and the cost of the venue and hospitality. They earned by selling table at these events. He told me that often times the cost of the venue and hospitality was also picked up by the department or ministry that the dignitary came from.

13.

He also told me that tables too were sometimes booked by the departments and ministries from the budget.

14.

I was told president Zuma helped not only in convincing the ministers and officials to attend these events and would also persuade them to use tax payers money to pay for the venue and hospitality and ask stakeholders to buy tables at these events.

15.

As Duduzane Zuma was a shareholder in the Gupta's media venture at that time, he would be a direct beneficiary of these 'insane profits'.

16.

These meetings happened after what is now known as the 'Waterkloof scandal'. The scandal and its fallout in the media had made little impact on the relationship between the Gupta brothers and president Zuma.

17.

Zuma met the brothers warmly and extended all courtesies and hospitality to the brothers and took to them as close confidants.

The SABC archive deal

18.

During my stay in South Africa I got to know about a deal to buy 100 hours of archive video footage from the state broadcaster SABC. I was told by their Indian joint venture partner Mr. Laxmi Goel that the company had an agreement with SABC



A handwritten signature in black ink, appearing to read 'Prem Lal', written over a horizontal line.

to buy a 100 hours of archival video footage from the SABC for what he called 'peanuts'

19.

The actual market value of this footage shot over decades and including priceless footage of Nelson Mandela would be worth millions of dollars. However, I was told that the SABC officials were persuaded to sell this footage for far less than the market value. I was told by Mr. Nazeem Howa that given the close relations between the Guptas and president Zuma no one at SABC would dare to question this deal.

20.

As per the agreement a (Indian national) librarian from ANN7 would go to the SABC office and transfer footage from taped using a mini DV recorder. He would then digitize and meta tag the footage at the ANN7 office at Midrand. Close to a 100 hours of footage was transferred.

21.

SABC had no way to monitor the use of the footage on ANN7. I was told that ANN7 had agreed to also pay SABC every time the footage was played.

Visa / Labor law violations

22.

I found during our recruitment process that there were more than enough sufficiently qualified South African candidates available for hiring across all departments and functions at the news station.

23.

However Atul Gupta and his Indian joint venture partner Laxmi Goel were keen to get a large number of staff from India. This was because of two reasons.

1. The staff from India could be compelled to long hours without the fear of them complaining to the authorities.
2. The amount of salary and perks they paid Indian staff was much lesser than what they had to pay by law to the South African staff for the same work.
3. Atul Gupta has told me that he would arrange to get as many work visas for Indian employees as required as he has been assured by the president that the 'Home Department' would issue any number of visas without fussing about the tough norms for issuing such visas.
4. Atul Gupta also told me that a large number of these employees would be brought in on 'Tourist Visas' and made to work for a few months. If they are not found suitable they could be dismissed and sent back. Work permits would be issued later to those who proved their worth.
5. When I questioned Atul Gupta about the legality of making people work on tourist visas he said 'I have the government in my pocket, you don't worry about what is legal and what is illegal.'
6. Even laborers (skilled and unskilled), used for constructing the studio were brought from India and made to live on the premises at Midrand in sub-human conditions and work around the clock. They were paid in Indian Rupees in India. Ajay Gupta told me that South African laborers were lazy, unionized, expensive and lacked skills. He said he could bring any number of workers from India on tourist visas to work at the sites without fearing anyone. Ashu Chawla at his office coordinated with the president's office and the home department to ensure that these visas were issued very quickly.



7. Many of these people over stayed their tourist visas. They were told to pay a small fine at passport control on their way out. This money was reimbursed to them.

8. Many of the people who overstayed their visas were issued work permits within weeks,

24.

I had made a formal complaint about this to the Home Department immediately on my return via email, marking copies to prominent South African journalists. It has been over 5 years and I have not been approached by any official for an inquest.

25.

Journalist Barry Bateman investigated my complaints and found them to be true. A copy of his report from that time is attached,

26.

I have attached a copy of my communication with the home department with this affidavit.

I would also like to report that I saw physical and verbal abuse of staff at ANN7 by Atul Gupta. He used racial slurs and abuses during conversations about South African staff.

27.

Many expenses for the setting up the station were paid in cash, in Indian rupees by Laxmi Goel. This include the payments made to the studio designed, the consultant who worked on the Graphical elements and 'look and feel' of the channel and also many independent engineers and consultants who worked on the project. Tax for these payments were not paid in South Africa or in India.

28.

I know that apart from Laxmi Goel, Atul Gupta and Ajay Gupta knew about these payments. I believe this is a violation of Indian and South African law.

The above are true to the best of my knowledge.

[Signature]

RAJESH SUNDARAM

5 APRIL 2019.

Solemnly affirmed before me

[Signature]
Notary Public

05 APR 2019



Enclosed

- 1) DELHI UNIVERSITY MARKSHEET
- 2) INFINITY MEDIA JOB CONTRACT
- 3) COMPLAINTS ON EMAIL TO DIRECTOR GENERAL, DEPARTMENT OF HOME AFFAIRS
- 4) PASSPORT COPY
- 5) COPY OF SOUTH AFRICAN INTRA-COMPANY TRANSFER PERMIT
- 6) LEGAL NOTICE FROM GUPTA'S LAWYER VAN DER MERWE & ASSOCIATES

PREM LAL
Notary Public
Chamber No. 137, Lawyer's Block,
Distt. Court Saket, New Delhi-110017
Ph. : 9818017970



UNIVERSITY OF DELHI

STATEMENT OF MARKS

Certificate No 29491

Roll No. 1015

Year 1995

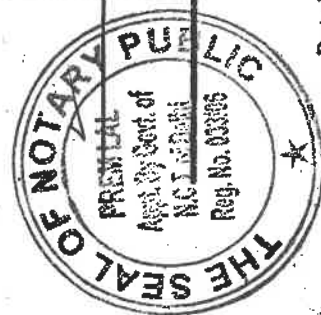
Name of the Candidate Deepshikha Sundaram

Examination : Bachelor of Journalism VI Semester

Subject.....

Paper Max. Marks	I 100	II 100	III 100	IV 100	V 100	VI 100	VII 100	VIII 100	IX 100	X 100	XI 100	XII 100	XIII 100	XIV 100	XV 100	XVI 100	REMARKS
	80	80	80	80	80	80	80	80	80	80	80	80	80	80	80	80	Test 95/150
																	93/150
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																	117/200
																	152/250
																	155/250
																	120/1200
																	Passed

VALID OUT SIDE INDIA



Prepared by: [Signature]
Checked by: [Signature]

PREMAL
Notary Public
Chamber No. 137, Lawyers Block,
Distt. Court Saket, New Delhi-110017
Ph. : 9816017970

Dated... 28/7/1975 05 APR 2019

RS-05
"A"

"B1"**CONTRACT OF EMPLOYMENT
(BCEA)****BETWEEN:****NAME OF EMPLOYER:** INFINITY MEDIA NETWORKS (PTY) LTD**ADDRESS:** 52 LECHWE AVENUE,
CORPORATE PARK SOUTH,
MIDRAND

(Here after referred to as "THE EMPLOYER")

and

NAME OF EMPLOYEE: RAJESH SUNDARAM**EMPLOYEE CODE:****ADDRESS:** B-2/ 301, SATYAM APARTMENTS
VASUNDHARA ENCLAVE, DELHI, INDIA - 110096**ID NO:****OCCUPATION:**

(Here after referred to as "THE EMPLOYEE")

**VALID OUT SIDE INDIA**

A handwritten signature in black ink, appearing to read "Rajesh Sundaram", written over a horizontal line.

"B2"

The parties hereby agree that the Employee will be employed subject to the following conditions:

1. COMMENCEMENT DATE

1.1 Fixed term contract

This contract will commence on 01.05.2013 and will be terminated on 30.04.2015 (period of 24 months), alternatively will be terminated on completion of the following project:

The employer reserves the right to prematurely terminate this contract in accordance with the notice periods set out in clause 15 and the statutory procedures in the case of conduct, incapacity, or the employer's operational requirements.

It is expressly agreed that this is not a permanent position and you should not have any percepti on or expectation of ongoing or permanent employment.

The termination of this contract shall also not be construed as termination or dismissal on grounds of operational requirements.

Signing of this agreement after commencement of service doesn't negate any service period or benefits obtained prior to entering into this agreement. The employee's date of appointment is 01.05.2013.

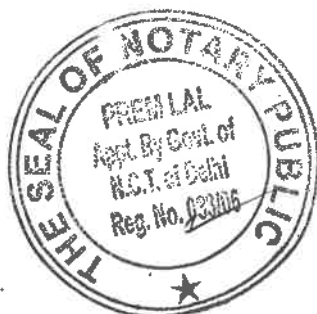
2. VALIDITY OF CONTRACT

- 2.1. This contract is subject to the Basic Conditions of Employment Act, 1997 ("The Act").
- 2.2. Should any term of this contract be in conflict with any existing or future Law, Sectoral Determination or Collective Agreement, such Law, Determination of Agreement, shall be binding in respect of the said provision only and all other terms of this contract shall remain valid and binding upon the parties.
- 2.3. No indulgence or condonation by the employer of any breach of any term of this contract by the employee shall constitute a waiver of any of the employer's rights in terms of this agreement and no amendment of this contract shall be valid unless reduced to writing and signed by both parties.
- 2.4. Jurisdiction of any dispute will be at Johannesburg, South Africa.

3. FOREIGN EMPLOYEES EMPLOYED BY THE COMPANY

- 3.1 In the event that employment is offered to a person who is not a citizen or permanent resident of South Africa, the employer will provide the following assistance:

- 3.1.1 Air Tickets (one way) for the employee and all members of his/her direct family by eligible class as determined and approved in writing by the Company.



"B3"**4. APPOINTMENT AND JOB DESCRIPTION**

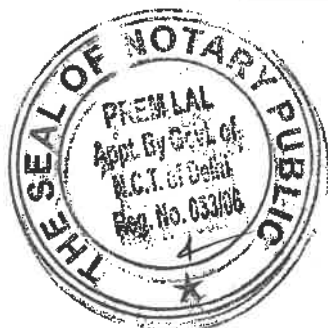
- 4.1. The employee is appointed as: Editor to render services generally associated with this position.
- 4.2. The employee expressly agrees that he/ she may be transferred to any other company in the group with same the terms and conditions as set out in this Contract. Upon such transfer this Contract shall stand transferred to the new company.
- 4.3. The employee will be responsible for the tasks as set out in their KRA's and any other tasks as may be provided by management from time to time.
- 4.4 The Employer shall have periodic feedback discussions with the Employee for the ongoing evaluation of the Employee's performance.
- 4.5 The Employer expects from the Employee and it is the Employee's responsibility to acquire and maintain the required levels of knowledge and skills to enable him to consistently comply with the operational requirements of the job description and key performance areas (KPAs) as determined from time to time.
- 4.6 The company shall make available to all employees that may be responsible for content and broadcast, the services of attorneys that will guide the employee on the legal/ compliance issues relating to such content and/or broadcast material. It is the employee's responsibility to ensure that all legal matters are cleared prior to the use and/or disseminating of any content and/or broadcast material.
- 4.7 Employee will report to the Management under whose line of authority this position falls. In terms of this specific appointment your current working hours will be subject to the operational requirements of the division that the employee will be working in.

5. PLACE OF WORK

- 5.1. Although the nature of the position may require you to work outside of the offices, your official place of work will be at Midrand. You may, from time to time be directed to conduct business at locations and/ or to travel to locations other than your usual place of work depending on the operational requirements of the company. The employee may also be transferred during the course of his/her employment to one of the other companies in the group, based on operational requirements.
- 5.2. The employee is responsible for arriving at the place of work and/or assignment on time.

6. HOURS OF WORK AND OVERTIME

- 6.1 The employee agrees to work overtime, if so required by the employer.
- 6.2 The employee acknowledges and appreciates that the nature of the industry in which the company operates and functions in, runs around the clock on a 24/7 hour basis. The employee agrees and undertakes to be available telephonically and personally at all times of the day and night on any given day of the week if so required by the employer, based on the operational requirements of the business. The employee agrees to work such overtime if the nature of the business requires such overtime.



A handwritten signature in black ink, appearing to be "Ajay Kumar".

"B4"

6.3 The normal working hours will be 45 hours per week excluding the lunch break as per the work schedule determined by the employer from time to time. Due to operational requirements you may be required to change your working hours and working days. The employee agrees and undertakes to work in excess of the agreed working hours and/or days, if so required by the employer. Hours in excess of 45 hours per week will be deemed as overtime only if the employee was required by the employer to work such overtime. The company agrees to comply with the relevant legislation and agreements governing time off given for any overtime that may arise, which overtime is pre-approved in writing by head of Human Resources/ person authorised by him/her in advance. The paid time off shall be granted within two months of the employee becoming entitled to it, after which period it will expire if not claimed. The employee will not be entitled to remuneration for overtime if his/ her gross remuneration package exceeds the earnings threshold as set out in The Basic Conditions of Employment Act 1997, as amended from time to time.

7. SUNDAY WORK

The employee undertakes to work on Sundays, if so required by the employer.

8. PUBLIC HOLIDAYS

The employee undertakes to work on Public Holidays, if so required by the employer. The company agrees to comply with the relevant legislation and agreements governing time off given for working on public holidays. The time off shall be granted within two months of the employee becoming entitled to it, after which period it will expire if not claimed.

9. REMUNERATION

- 9.1. The employer shall pay the employee R 104200/- (Rand One Lakh Four Thousand Two Hundred only) per month CTC.
- 9.2. The employee hereby authorises the employer to deduct from the wages, all statutory deductions as well as amounts due for goods bought, money borrowed, clothing, medical benefits and saving schemes, as may be applicable.
- 9.3. Payment will be made in arrears and will be deposited directly into your personal bank/building society account on the 26th of each month or paid via a cheque. Should the employee be demoted as a result of disciplinary steps, the employee's wages will be adjusted accordingly. The company's payroll cycle runs from the 26th of each month to the 25th of the following month, therefore should the employee commence his service outside of the payroll cycle, the employee's salary will be calculated on a pro rata basis.
- 9.4. New employees and employees with 6 months' service or less will not be considered in the current financial year for an increase.
- 9.5. The employee shall not be remunerated for any period of unauthorised absence, including industrial action or during a valid lockout. The principle of no work no pay, shall apply.

Statutory contributions

If applicable, these will be made by the company, strictly in accordance with current legislation. Any part of such payment that is or becomes your responsibility will be deducted from your earnings and remitted to the relevant authority.



"B5"

Allowances are taxed in accordance with annual SARS directives which may be amended from year to year.

10. OUTSIDE APPOINTMENTS

All employees of the Company are prohibited from accepting appointments of directorships or appointments to outside commercial enterprises without the written consent of the Company. If the Company does agree to such appointments they will be on the basis that no fees or other compensation is received in respect of such appointment.

The only exception to this policy relates to individuals who are requested by the Company/Group to serve on subsidiary or associate Company Boards, or on industry bodies. In such cases, any fees due are, as a matter of policy, required to be paid over to the Employer.

In addition, when on annual, deferred or overseas leave, no employee may undertake regular or part-time work for any other employer, whatever his business, or for any other office in the Group.

It is also a condition of employment that employees may not work on their days off or in their spare time for any other employer.

11. ANNUAL LEAVE

- 11.1 You will be entitled to annual leave days per annual leave cycle. The cycle currently runs for the calendar year and is accrued at a rate of 1.5 days per month (18 working days per annum) for a six (6) day work week and 1.25 days per month (15 working days per annum) for a five (5) day work week. Leave will not roll over from one year to the next, and leave days not used will expire at the end of the financial year, on a use it or lose it basis.
- 11.2 Alternatively, at the discretion of the employer, the annual leave can be calculated at the rate of one day of paid leave for every seventeen days the employee had worked, or was entitled to be paid.
- 11.3 Any request for annual leave will be submitted to the employer in writing, a minimum of 14 days in advance and in turn be agreed upon or refused in writing by both Line Manager and Head of HR. The leave shall be granted and be taken at a time to be fixed by the employer, with consideration of the operational requirements of the business.
- 11.4 Upon termination of employment, the employee will be entitled to be paid out in respect of any accrued leave not yet taken prior to the termination of employment. An employer may not require or permit an employee to take annual leave during—any period of notice of termination of employment.
- 11.5 The employee is obliged to take leave during any period of closure of business.

12. SICK LEAVE

- 12.1 During each sick leave cycle of 36 (thirty-six) months' employment with the employer, the employee shall be entitled to an amount of paid sick leave equal to the number of days the employee would normally work during a period of six weeks. This sick leave is calculated as follows: 30 (thirty) days in the case of a 5 (five) day workweek and 36 (thirty-six) days in case of a longer workweek.



"B6"

- 12.2 During the first 6 (six) months of employment, the employee shall be entitled to 1 (one) day's paid sick leave for every 26 (twenty-six) days worked.
- 12.3 The company requires that the employee produces a medical certificate, signed by a registered medical practitioner for the time off work, due to illness. The employer will not accept back-dated doctor's certificates as proof of illness which will result in such an off period to be regarded as unauthorised absence. The employee must personally inform their immediate Line Manager and Human Resources Manager before 08h00 on the day he/she was supposed to have reported for duty of such absence and expected date of returning to work. The employee must also ensure that their personal and contact details are updated on their employee file, in case of any changes to such details, should the company need to contact the employee.

13 MATERNITY LEAVE (If applicable)

- 13.1 Female employees shall be entitled to four consecutive months maternity leave, commencing 4 (four) weeks before the expected date of birth or such other date as a medical practitioner or midwife may deem necessary.
- 13.2 The employee shall notify the employer in writing of the date of commencement of maternity leave and the date of return to work after maternity leave at least four weeks in advance.
- 13.3 Should the employee, fail to return to work on the return date specified by her or agreed with the employer, without a valid reason, her absence will be treated as unauthorised and may result in the termination of her service.
- 13.4 The employee will not be entitled to remuneration during her maternity leave period, but may claim maternity benefits as laid down in the provisions of the Unemployment Insurance Act, 30 of 1966.

14 FAMILY RESPONSIBILITY LEAVE

- 14.1 The employee will only be entitled to family responsibility leave after 4 (four) months of service with the employer.
- 14.2 The employee shall be entitled to 3 (three) days paid leave during each cycle of 12 (twelve) months of employment with the employer in terms of the provisions of section 27 of the *basic Conditions of Employment Act*. This could be taken with the birth or illness of a child or in the event of the death of the employee's spouse, life partner, parent, adoptive parents, grandparents, child, adopted child, grandchild or sibling.
- 14.3 The employee shall notify the employer of the event, which necessitates the employee's absence, as soon as possible.
- 14.4 The employee shall not be entitled to payment for the absence unless the employee furnishes the employer with proof of the circumstances necessitating the absence.
- 14.5 Unused family responsibility leave will lapse at the end of each cycle of 12 (twelve) months' service.

15 TERMINATION OF CONTRACT

If the employer or the employee intends to terminate this contract, the relevant party shall give the other party notice in writing and the following notice periods will apply:



"B7"

- 15.1 During the first 6 (six) months of employment, not less than 1 (one) week.
- 15.2 Longer than 6 (six) months but not yet one year: 2 (two) weeks.
- 15.3 After 1 (one) year of employment: 1 (one) calendar month notice.
- 15.4 The periods of notice set out above, shall not be applicable:
 - 15.4.1 In the case of summary dismissal in the event of disciplinary procedure.
 - 15.4.2 In the case of desertion or unauthorised absence for more than 5 (five) working days.
 - 15.4.3 In case of Expats from India.
- 15.5 The employer shall have the right to pay the employee in lieu of notice.
- 15.6 An employee will be obliged to retire upon reaching the age of 60 (sixty), upon which this contract will automatically expire.

16. TRADE UNIONS

Should the employee join a trade union, he/she will notify the employer within 7 (seven) days of such membership. The employer will only recognise this union once it reaches the majority 50 (fifty) plus 1 (one) of the full time employees.

17. DISCIPLINARY PROCEDURE

Undertaking:

Both parties agree that strict adherence to this procedure will ensure that discipline be maintained and that the employee is treated fairly.

Offences and penalties:

The schedule of offences and possible sanctions is set out in Annexure "A" hereto.

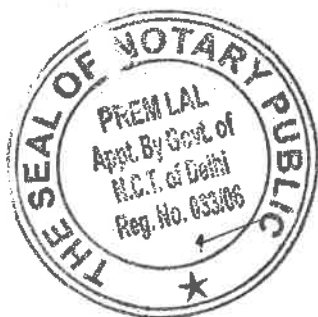
Procedure:

Should the employee commit serious misconduct as outlined in annexure "A", the employee shall be given a Notice to appear before a disciplinary hearing. A person appointed by the employer will act as chairperson. The Chairperson shall determine the date, time and place of the disciplinary hearing. The employee shall have the right to be represented by a Shop Steward (Union representative) or co-employee and to present evidence.

Should the employee refuse or fail to appear before the disciplinary hearing, the hearing may proceed in the employee's absence.

Written Warning:

If the employee commits non-serious misconduct as outlined in Annexure "A" that merits a written warning, the employer or his authorised representative shall complete such written warning and be handed to the employee for signing thereof. The employee is entitled to respond, which response, if any, will be taken into consideration before the issuing of a



"B8"

warning. Each written warning shall be valid for a period of 6 (six) months, after which it will expire.

Final Written Warning:

Should the employee commit misconduct, which merits a final written warning, the same procedure as for a written warning, as set out above, must be followed. The employee shall also be informed that a further contravention may result in dismissal. A final written warning will be valid for 12 months.

Suspension as Sanction:

If an employee is convicted of serious misconduct, he/she may be suspended without pay for a maximum period of 1 (one) week. The employee consents not to be remunerated for the period of suspension.

Suspension in Anticipation of a Hearing:

Should the employee commit a dismissible offence, the employer may suspend the employee's employment on full pay with immediate effect and the employee shall appear before a disciplinary committee as soon as possible.

Demotion:

Should the Chairperson upon completion of a disciplinary hearing decide that the employee should be demoted, the employee's salary/wages shall be adjusted accordingly with immediate effect.

If a disciplinary enquiry is held in the absence of the employee due to the employee's unavailability or refusal/failure to appear, the employer shall hand a copy of the disciplinary report to the employee or send a copy per registered post to his/her last known address.

The employee agrees to undergo any medical examination or examination by means of apparatus especially designed for this purpose of testing under the influence of liquor or a narcotic substance in the event of any suspicion by the employer or supervisor of such employee being influenced or effected.

The employee accepts the admissibility of such testing and result of such testing, and the submission of such report or result of testing will be sufficient proof of the state of influencing of such an employee on time of testing.

18. DISMISSAL FOR INCAPACITY

Should the employee be or become incapable of performing his/her duties as expected due to ill health or injury or because of poor work performance, the employer shall follow the guidelines set out in Schedule 8 of the Labour Relations Act, 1995.

19. RETRENCHMENT

The employer shall have the right to terminate this contract for reasons based on operational requirements, economic, technological, structural or other similar needs.



"B9"

Should the employer contemplate the termination of this contract for these reasons, the employer shall follow the guidelines contained in Section 189 of the Labour Relations Act, 1995.

Should the employee's services be terminated as a result of these reasons, the employee shall be paid severance pay equal to one week's remuneration for each completed year of service with the employer or according to the minimum benefits as stipulated in Section 189 of the Labour Relations Act, 1995.

20. DESERTION

An employee shall be regarded as having deserted from his employer's service after a continuous absence of five working days without notification to his employer of his whereabouts, provided that:

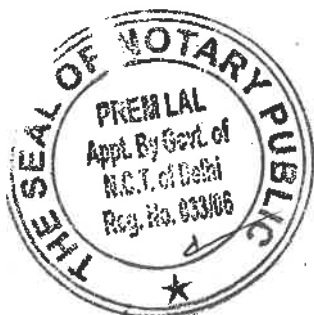
- 20.1. The employer attempts to contact the employee in writing at the last-known address supplied by the employee, informing the employee of his absence and of a disciplinary hearing to be held at the work place;
- 20.2. The employee be given a fair opportunity to state a case in response upon her arrival;
- 20.3. After the aforementioned five days has lapsed, a notice of desertion and for a disciplinary hearing will be send to the employee by registered mail to his/her last-known postal address or such notice will be handed to the employee or to a person over the age of 16 years at the employee's last known address. In the event of the employee failing to submit acceptable reasons for his/her absence and/or fails to attend the hearing, the employee will be deemed to have deserted and his services be terminated. The employer will serve a notice on the employee as prescribed above.

21. GRIEVANCE PROCEDURE

The employee shall lodge any grievance with the employee's immediate supervisor and Human Resources Manager. Should the supervisor not be able to solve the problem to the satisfaction of the employee, it will be referred to the employer whose decision on the matter will be final. The employee will only resort to an external dispute resolution mechanism if the employer has failed to resolve the grievance.

22. EQUIPMENT AND TOOLS

- 22.1. Should the employer issue the employee with any equipment, electronic equipment or tools for the purpose of the employee's work, such items shall at all time remain the property of the employer. The employee shall be responsible for the safe custody, maintenance and cleaning thereof and shall return such items in good condition, given fair wear and tear, on the employers' request. If the employee fails or refuses to return it, he/she authorises the employer to with hold such reasonable amount representing the value thereof from any monies due to the employee.
- 22.2. Should the employee damage or lose any property of the employer due to negligence or willfulness, the employer may deduct such damage or loss from the employee's wage/ salary, providing that such deduction may not exceed 25% (twenty five) of the employee's wage / salary at a time, and only after a inquiry into the circumstances of the incident was held.



[Handwritten signature]

"B10"**23. LOSS CONTROL**

- 23.1 The employee hereby consents to his/her person, property and vehicle being searched while on the premises of the employer and during work hours, by the employer or his/her nominated representative, provided that female employees shall be searched by female persons and male employees by male persons.
- 23.2 The employee acknowledges and associates him/herself with the fact that close circuit television and other camera surveillance equipment will be used in the workplace to monitor and control theft and other losses. The employee also agrees that visual material obtained in this fashion could be used as exhibits.

24. CONFIDENTIALITY AND CONFLICT OF INTEREST

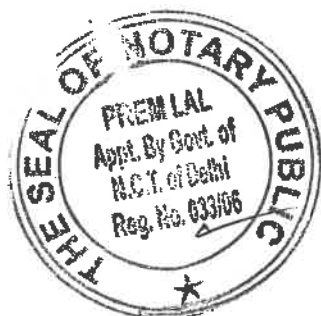
By virtue of this position and function within the Group the employee will be exposed to confidential information regarding the organisation and its staff.

The employee may not during his employment or at any time thereafter disclose to any person, firm or organisation, (save as may be required by reasonable exercise of your duties) any knowledge, information or documentation which the employee may be exposed to concerning the company or any of its staff, its financial affairs, business dealings, correspondence, connections or otherwise.

All books papers, correspondence, documents, records or other possessions of the company which may come into the employees possession during the currency of his employment shall be and remain the company's property and shall be returned to the Group after termination of the employment contract. The employee will refrain from any conflict of interests with the employer and will not engage him/herself in a similar business than that of the employer whilst employed by the employer and which causes a conflict of interest, unless the employer consents in writing.

25. RESTRAINT OF TRADE

- 25.1 The employee undertakes not to be engaged in any other business, in competition with the employer's business, be it direct or indirect, or as a shareholder, partner, member of a Close Corporation, director of a company or in any other capacity, within one year after termination of this agreement, unless agreed to by employer.
- 25.2 The employee acknowledges and agrees that the aforesaid restraint is fair, reasonable and necessary for the protection of his employer, his employer's trade name and the goodwill attached thereto.
- 25.3 Without prejudice to any other rights which the employer may have in law, the employee acknowledges that the agreed damages due to his/her employer will be an amount of R5 000-00 maximum in respect of each calendar month during which any breach of the aforesaid restraint continues, and that the employer shall be entitled to recover such amount, and any associated recovery costs, from the employee in respect of such breach.



"B11"**26. SAFETY MEASURES**

The employee will strictly adhere to all safety measures announced from time to time by the employer. Non-compliance will be considered to be serious misconduct, and the employer is hereby indemnified by the employee towards any liability resulting from an injury or illness as a result of non-compliance with safety measures.

27. BUSINESS VEHICLES

- 27.1 Should the employee as driver of a business vehicle be responsible for any traffic offences, the employee will be responsible for all fines as a result of such traffic offences. Except if the fine relates to the maintenance of or defects on the vehicle, on condition that the driver inspected the said vehicle and reported the defect, prior to utilising the vehicle.
- 27.2 Should the employee as driver of the business vehicle be involved in an accident caused by the negligent, wilful or unlawful conduct of the employee, he/she will be responsible for all damage caused.
- 27.3 Business vehicles may under no circumstances be used for private purposes, and under no circumstances may any private persons be transported in or on such vehicle. The employer is indemnified against any action due to an employee's failure to comply with this provision.
- 27.4 If the vehicle is fitted with a gear lock or alarm it must at all times be activated whenever the vehicle is not in use.

28. EMPLOYEE COMMUNICATION

The employee is not entitled to use business equipment, inter alia, telephones, cell phones, Fax machines and computers, for private purposes without the employer's prior permission, unless an emergency or a policy, to the contrary exists.

The employer reserves the right to access, monitor, record, read, filter, block, delete, use and act on any incoming or outgoing telephone calls / email messages sent or received by the employee, attachments to such emails, hyperlinks in such email messages or attachments, websites visited by the employee and files or records saved automatically, or by the employee, on the employer's equipment

29. TRAINING

The employer will accept responsibility for the costs of applicable training which the employee is unable to provide itself, provided that costs that have been incurred with regards to the said training will be recovered from the employee in the event of him leaving the employer's service within the period of two years after having completed the said training from any amount due to the employee.

30. Smoking

The company complies with the Anti-Tobacco Legislation and as such employees are expected to make use of the designated smoking areas that are provided.

31. ANNEXURES AND COMPANY POLICIES

The schedule annexures, company policies and procedures are available any time in HumanResourcesDepartment for employee's reference.



"B12"**32. GENERAL**

It is a condition of employment that the employee is subject to and bound by the Company's Disciplinary Code, policies and procedures, rules and regulations, safety and house regulations, standing orders and circulars, as amended or amplified from time to time, which shall be available to the employee on request. All rules and policies announced from time to time by the employer will form an integral part of this agreement.

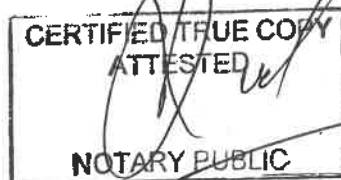
SIGNED AT _____ ON THIS _____ DAY OF _____ 20

WITNESSES:

1. _____
2. _____

EMPLOYEE

[Signature]
EMPLOYER

**05 APR 2019**

PREM LAL
Notary Public
Chamber No. 137, Lawyer's Block,
Distt. Court Saket, New Delhi-110017
Ph. : 9818017970

[Signature]

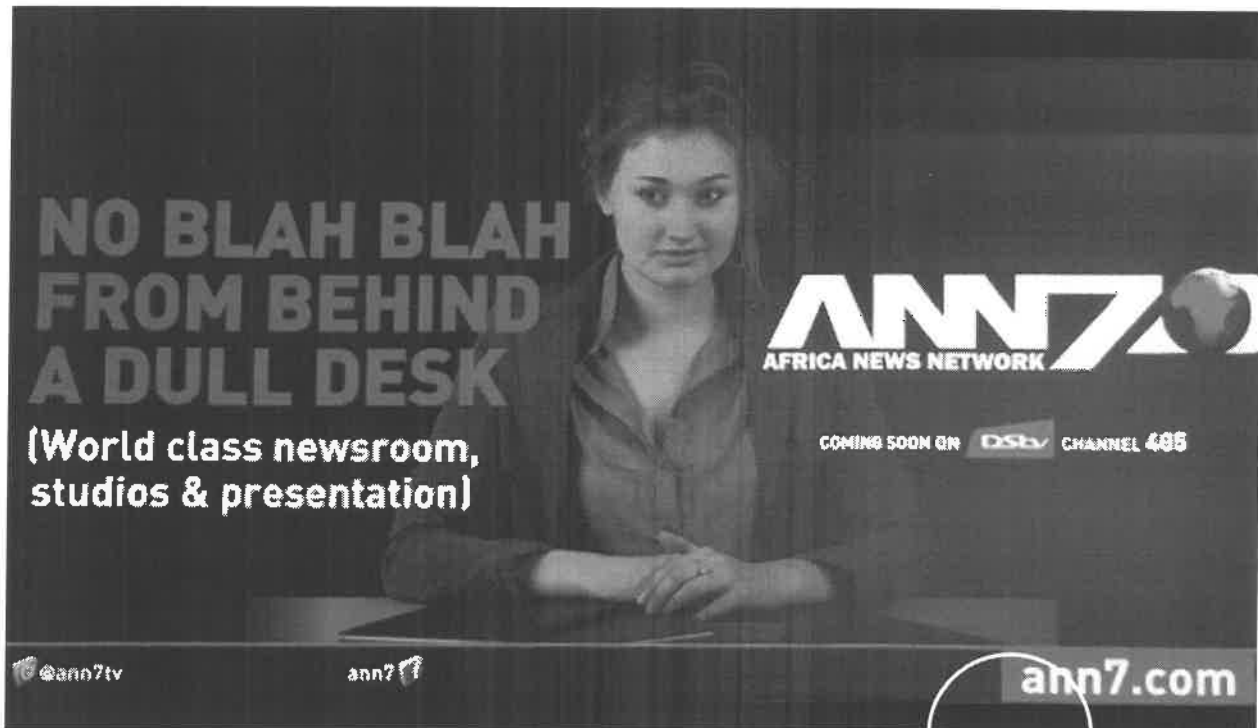
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Guptagate 27.0: Immigration laws? What immigration laws?

(https://www.daily
utm_source=DM_1

By Barry Bateman • 16 September 2013



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2 Reactions

An Eyewitness News investigation has uncovered blatant disregard for immigration laws by the Gupta-owned Infinity Media, parent company of the newly launched Africa News Network 7. Seven Indian employees have been confirmed as being in South Africa on visitor permits, but it's alleged that all the imported labour are working at the station illegally. By BARRY BATEMAN.

Barry Bateman

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ANN7 has been dogged by controversy from day one, mostly for its embarrassing live bloopers. But two weeks ago former consulting editor, Rajesh Sundaram, left the station making dramatic claims about editorial interference from Atul Gupta, meetings with President Jacob Zuma and pledges by the group to be sympathetic to the African National Congress in the run-up to next year's elections.

Infinity Media management branded Sundaram as a lying, disgruntled employee who had tried to extort money from management. Sundaram maintains that the company owes him money for overtime.

Sundaram made numerous allegations at the time, including that there were widespread immigration irregularities related to the visas used to get the large Indian contingent of employees into South Africa.

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Questioned about these allegations, Infinity Media chief executive, Nazeem Howa, said, "We are fully compliant with all labour legislation. Given the ultra-modern equipment we have installed at the channel, we have some colleagues from our Indian shareholder helping with the launch and setting up the channel."

While Howa referred to Sundaram's claims as "wild allegations", Eyewitness News has independently verified immigration records which show that Anand Prakash Lal, Deepak Kaushik, Sanjay Pandey and Vishnu Shankar all entered SA stating that the purpose of their visit was for a holiday.

Prakash Lal was the production control room head, Kaushik was employed as a vision mixer, Pandey was involved in production and Shankar was employed as an output editor.

Eight names, including these four, were submitted to Home Affairs to confirm their visa status.

Home Affairs director general, Mkhusele Apleni, said of the list of eight names Eyewitness News supplied to the department, seven had entered the country on visitor permits, and one on an inter-company transfer visa.

Apleni said this permit would allow the person multiple entries to the country over a set period of time, but employment is prohibited.

Immigration attorney Julian Pockroy said an Indian national on a visitor permit as envisaged by Section 11 of the Immigration Act 13 would only be allowed into the country on either a holiday, business appointments or to attend a short course or lecture.

"This means that they may not take up employment nor may they conduct work-related activities and may only conduct holiday activities," said Pockroy.

He added that this type of visitor permit does not allow a change of status to that of a work or other permit under current Department of Home Affairs policy.

Penalties for contravening the legislation include deportation for the employee as well as being blacklisted, while fines of up to R30,000 may be issued to the employer for each non-compliant employee.

Two weeks ago Jackie McKay, Deputy Director General Immigration Services, told Eyewitness News that the department would only investigate Sundaram's allegations if a formal complaint were lodged.

A day after the comment, Sundaram lodged the complaint, sending it to McKay, Apleni and several other senior officials. Apleni claims to have no knowledge of the complaint, despite being one of the recipients.

"We will act on any complaint which is submitted to the department. As you know this department is promoting zero-tolerance to corruption, fraud or anything which goes against our laws," he said.

Sundaram further alleges that all visas issued to Indian nationals were routed through the office of Sahara Computers chief executive, Ashu Chawla.

This is the same Chawla identified in the Waterkloof Air Force Base investigation as playing a key role in arranging for the unauthorised landing of an aircraft carrying more than 200 Gupta wedding guests in April.

The investigation found that Chawla, assisted by an unnamed official at the Indian High Commission, had misled government officials into thinking that the Gupta plane was carrying four Indian government ministers.

"The collusion between Chawla and an individual in the Indian High Commission to abuse diplomatic channels to request flight clearance is of concern and improper," the report stated.

Said Sundaram, "I believe he used his influence in the South African president's office to get these visas issued in a matter of days without the proper process being followed."

"I know that political pressure from the highest level was exerted on officials at the South African High Commission in Delhi to expedite these visas," Sundaram added.

All attempts at contacting Howa yesterday were fruitless. DM

**Want to watch Richard Poplak's
audition for SA's Got Talent?**



Who doesn't? Alas, it was removed by the host site for prolific swearing*... Now that we've got your attention, we thought we'd take the opportunity to talk to you about the small matter of book burning and freedom of speech.

M Gmail

Rajesh Sundaram <rajeshsundaram05@gmail.com>

"D1"

Urgent action : Formal complaint # 3 against destruction of evidence by M/S Gupta and Goel

Rajesh Sundaram <rajeshsundaram05@gmail.com>

9 October 2013 at 11:31

To: mkuseli.apleni@dha.gov.za, jackie.mckay@dha.gov.za, castro.khwela@dha.gov.za, rudzani.rasikhinya@dha.gov.za, avril.williamson@dha.gov.za, ronnie.mamoepa@dha.gov.za

Bcc: Sarah Evans <sarahE@mg.co.za>, Naledi Mailula <mailulanaledi@gmail.com>, Glynnis Underhill <GlynnisU@mg.co.za>, Charl Blignaut <Charl.Blignaut@citypress.co.za>, Barry Bateman <barryb@ewn.co.za>

Dear Mr Apleni,

This has to do with the two formal complaints filed through email to your office dated the 4th and 6th of September related to the mass visa rule violations and attempts to destroy evidence at the Gupta Family managed television station ANN7.

I read with dismay a written reply by the Hon. Naledi Pandor, minister of home affairs in Parliament yesterday. Incorrect facts are part of the reply and this will dilute the charges against the accused and help them avoid harsh punishment.. These are

1. That only 8 employees violated visa laws. The number is much higher and only a full transparent probe involving whistle blowers like me will unearth the full extent
2. All 4 employees who have been asked to leave SA were employees and not trainers as erroneously mentioned in the reply.
They were working at various editorial and technical positions at ANN7. The same can easily be verified if ANN7 employees are assured anonymity and asked to describe the job profile of these individuals
3. I was the editor at ANN7 and can affirm that there the staff at ANN7 were never put through a structured training involving expert trainers. Any member of the ANN7 newsroom will vouch for this.
4. These employees were paid a salary advance in cash in India in Indian rupees and were given accommodation and food in SA. I was informed that payment was made to them at the office of Mr Laxmi Goel at New Delhi by his personal assistant Laly Thomas in cash. Laxmi Goel is a director at Infinity Media.
5. All the visa violators have been assured that they will be given 'Intra Company transfer' visas on their return to India despite their status as willful violators of visa conditions at the first instance.
6. Some of these people have already applied for visas again at the South African High Commission in New Delhi.
7. They have been asked to pay a fine of Rand 1000, before they apply again for a visa. Drafts for this amount are being given by the office of Mr Laxmi Goel, Director, Infinity Media.
8. After I filed my first formal complaint with your office, Atul Gupta and the management at ANN7 arranged for many of their employees working without the required visas to leave SA at the earliest. This amounts to manipulation and criminal destruction of evidence and should be investigated as such. I had written a formal complaint in this regard on the 6th of September.
9. These personnel are being hired for positions which need skills abundantly available in South Africa. They are taking up jobs that belong to young South Africans.

I am ready to give evidence on an affidavit whenever required by you and am willing to assist with a fresh probe, if you wish to reopen some of the issues.

You have not acknowledged any of the 2 mails I have sent you, can you please acknowledge this mail.



VALID OUT SIDE INDIA

[Handwritten signature]

Warm regards

Rajesh Sundaram
+919873713008
+911142401763

"D2"

On 6 September 2013 08:33, Rajesh Sundaram <rajeshsundaram05@gmail.com> wrote:

Dear Mr Apleni,
Director General
Department of Home Affairs
Government of South Africa

Dear Sir,

I am pained to note that despite my formal complaint to you a few days ago, I have not got an acknowledgement from you.

I would also like to report that Infinity Media shareholders Atul Gupta and Laxmi Goel have started a large scale cover up operation to hide the tracks of the visa fraud they were perpetrating.

While a bulk of the dozens of Indian laborers have quickly left South Africa, many Indian nationals who had come on business visas are being asked to stop reporting to work after I made my complaint to you public.

I fear they will be sent back to India as a means to destroy evidence.

You can still probe the issue by discreetly seeking details from the editorial staff about the work done by the Indian nationals who came in on business visas.

These include Sanjay Pandey, Vishnu Shankar, Anand Prakash Lal, Shamin among others.

The delay in probing the matter has already given time to Mr. Gupta and Mr Goel to destroy evidence and cover their tracks.

I hope you will acknowledge my mail and start a probe at the earliest.

Rajesh Sundaram

On 4 September 2013 16:30, Rajesh Sundaram <rajeshsundaram05@gmail.com> wrote:

Dear Mr Apleni
Director General
Department of Home Affairs,
Government of South Africa

Sir,

This is to bring to your notice that I was serving as Consulting Editor at ANN7, part of Infinity Media.

During this time Infinity Media issued various visas to Indian nationals. These could be broadly classified as follows

1. Intra Company transfer related "Temporary Residence Permits"
2. Business Visas

I would like to bring to your notice that there has been large scale abuse of 'business visas' issued for Infinity Media.

Many Indian nationals who have been issued business visas have actually been employed at various editorial and technical positions at ANN7 television news station.

Some have even had their business visas renewed many times over in SA without going back to India.



"D3"

This was done willfully and deliberately by Mr Atul Gupta chairman and Laxmi Goel director of the company.

Also Indian nationals with skills abundantly available in SA have been issued permits and visas without proper scrutiny.

Skills like 'cameraman', 'video editor' " Playout technician " ' panel producers' and various other positions in the production control room and positions like 'rundown producer' ' copy desk producers' etc. on the output desk are easily available in SA.

I was part of the hiring process and can say on record that these skilled personnel are available in SA. However, they are more expensive in SA and tend to work lesser hours in a week. This is the reason why positions mentioned above were filled with Indian nationals. Some of these Indian nationals are working at ANN7 right now.

Also dozens of Indian masons, carpenters, laborers and workers were involved in the construction of the studio and newsroom. These were working around the clock to ensure timely completion of the project. I have found out now that these too did not have the required permit to work in SA.

The working conditions for these masons, carpenters, laborers and workers was poor and violated minimum conditions and pay scales stipulated for construction workers as per South African law.

All visas issued to Indian nationals were routed through the office of Mr Ashu Chawla, CEO of Sahara Computers. I believe he used his influence in the South African president's office to get these visas issued in a matter of days without the proper process being followed. I know that political pressure from the highest level was exerted on officials at the South African High Commission in Delhi to expedite these visas.

I request you to kindly investigate the issue of these visas which have been done without following the due process, I would also request you to investigate violation of visa conditions and restrictions.

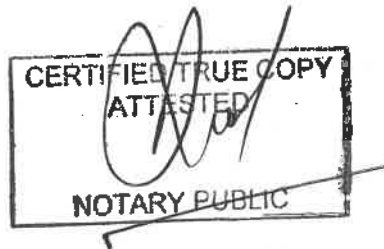
I fear Mr Atul Gupta and Mr Laxmi Goel have already started the process of destroying evidence and covering their tracks. Timely action by your office is most urgently required.

I have been an employee of Infinity media and can help you identify and probe these violations. I am willing to travel to SA to assist with the probe if required subject to my safety being guaranteed.

As you are aware I have been subject to intimidation and coercive tactics by Mr Gupta and Mr Goel since I resigned.

I hope you will acknowledge my email and start the probe soon.

Rajesh Sundaram
New Delhi
4/9/2013



05 APR 2019

PREM LAL
Notary Public
Chamber No. 137, Lawyer's Block,
Distt. Court Saket, New Delhi-110017
Ph. : 9818017970

"E1"

चेत्तीकरण

विदेशों में रहने वाले भारतीय नागरिकों को बताया है कि वे निकटतम भारतीय मिशन/कंसुले में अपना पंजीकरण करावाए।

चेतावनी

यह पासपोर्ट भारत सरकार की सम्पत्ति है। इस पासपोर्ट के बारे में किसी पासपोर्ट अधिकारी से इसके धारक को यदि कोई सूचना मिलती है जिसमें पासपोर्ट लौटाने की मांग भी शामिल है तो उसका तुरंत अनुपालन किया जाए।

यह पासपोर्ट धारक किसी भी देश से बाहर न भेजा जाए। यह पासपोर्ट धारक या उसके द्वारा प्राधिकृत व्यक्ति के कब्जे में ही होना चाहिए। इसमें किसी भी प्रकार का फेरबदल या विकृति नहीं की जानी चाहिए।

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38

रिश्ता / सम्बन्धी अधिकारी का नाम / Name of Father / Legal Guardian

KONDIYARA CHATU SUNDARAM

माता का नाम / Name of Mother

GEETA SUNDARAM

पति या पत्नी का नाम / Name of Spouse

RASHMI SANYAL

पता / Address

B-2/ 301, SATYAM APARTMENTS

VASUNDARA ENCLAVE, DELHI

PIN: 110096, DELHI, INDIA

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24-114 / Surname
SUNDARAM

RAJESH

INDIAN

DELHI, DELHI
प्लेस ऑफ बिर्थ / Place of Birth

जारी करने का स्थान / Place of Issue
DELHI

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"E3"

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Ph: 9613017970



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"F1"**van der Merwe****&**

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Our ref : MR. P. VAN DER MERWE/ yg/INF0003**Your ref:** MR RAJESH SUNDARAM

04.10.2013

MR. RAJESH SUNDARAM**BY E-MAIL:** rajeshsundaram05@gmail.com

Dear Sirs,

IN RE: YOURSELF / INFINITY MEDIA NETWORKS (PTY) LTD

We confirm that we act on behalf of our client, Infinity Media Networks (Pty) Ltd ("our client").

It is our instructions to place the following on record:

1. You entered into a written contract of employment with our client on or about 1 May 2013. In terms of this agreement you were employed as a consulting editor. You were responsible for, amongst others, the acquisition and maintaining of the required levels of knowledge and skills to be enabled to consistently comply with the operational requirements of the job description and key performance areas as may be determined from time to time.
2. On or about 27 August 2013 you tendered your immediate resignation in writing. In this letter you stated the following:
 - 2.1 The three months you've been working with our client has been "by far the best phase" in your career;



Directors / Direkteure: Gert van der Merwe (BLC LLB), Pieter van der Merwe (LLB)
 Assisted by / Bygestaan deur: Ilze van der Merwe (LLB), Marike Pienaar (B.Com, LLB)
 *Ilanie Loots (LLB), *Johann Schalkwyk (LLB) (*Midrand)

Reg no: 2006/015908/21

Street & Postal address / Straat- & Posadres:

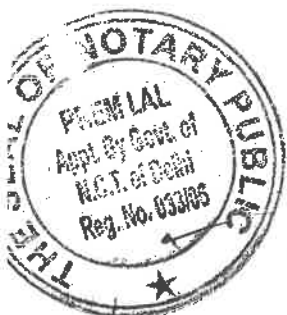
Ivystraat 41 Ivy Street, Clydesdale, Pretoria, 0002

Tel: (012) 343 5432 • Fax/Faks: (012) 343 5435

VALID OUT SIDE INDIA

"F2"

- 2.2 Working for our client was an honor and privilege;
 - 2.3 You have gained a lot from the wonderful management team, both as a journalist as well as a manager;
 - 2.4 The passion and determination you have experienced will remain with you throughout your life;
 - 2.5 You wish to resign as a result of the fact that you want to spend time with your ailing mother;
 - 2.6 You have the highest love, regard and respect for our client's representatives.
3. After you resigned, our client was astonished by various media articles in which different unfounded and defamatory statements were made by yourself. You unfortunately went as far as to divulge confidential information which is strictly prohibited in terms of clause 24 of your employment contract.
 4. You entered into a valid written employment agreement and are bound by the aforementioned confidentiality clause.
 5. It is common cause that you did not develop your skills to fulfill your duties as consulting editor and that you could not cope with the pressure required by this portfolio.
 6. Your lack of competency is confirmed by your actions after your resignation. Your attempts to discredit our client is nothing more than an attempt to sidestep civil action which will be instituted against you as a result of your failure to comply with your contractual obligations.
 7. The initial hick-ups after the launch of ANN7 were directly a result of your failure to fulfill your duties. You knew that you were responsible for these hick-ups as consulting editor. As a result of your failure to fulfill your duties, ANN7 suffered damages which will be claimed from you.



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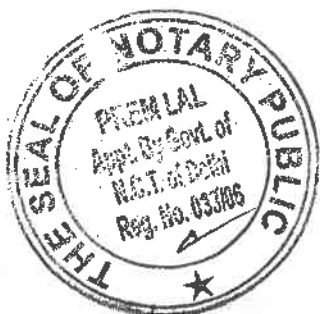
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"F3"

8. Our client did not publicly publish your absolute incompetence as they believed that, it would not only be embarrassing for you and your family, but also unethical in the light of the confidential relationship which existed between yourself and our client.
9. Our client remains committed in honoring the confidential nature of the relationship. It is however unfortunate that you have resorted to devious and ruthless tactics which clearly displays your lack of integrity as a senior journalist.
10. We urge you to refrain from publishing any further comments in regards to your employment with our client.
11. It seems that you might be of the opinion that, if you flee from your responsibilities in a country, that you do not have to adhere to your contractual obligations. This stance will not be tolerated by our client. We will take legal action against you in South Africa as well as in India.
12. Your smear campaign against our client contains not only dishonest and untrue allegations but also divulge information which you were exposed to during your time of employment. If you continue to divulge this information we will proceed to apply for an interdict. We assume that it will be unnecessary to inform you that you will be held liable for these costs.
13. Despite the damages suffered as a result of your incompetence (whilst still in the employment of our client), our client also suffered damages as a result of your defamatory allegations.
14. We have instructions to issue summons against you and therefore requires the details of the address where papers can be served. We assume that you will accept the invitation to openly and publically, in a court of law, substantiate your allegations and that you will therefore provide us with your address for accepting court papers.
15. It will be disappointing if you refrain from providing us with your details and if you continue with your vindictive smearing campaign in the media (where it is not necessary to prove the allegations as true).



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"F4"

It is clear from the wording of your resignation letter and the statements made in the media that you blow both hot and cold, depending on your circumstances. We reiterate that our client is not going to entertain your spurious actions and that our client will maintain the confidential nature of the relationship.

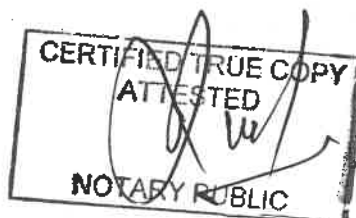
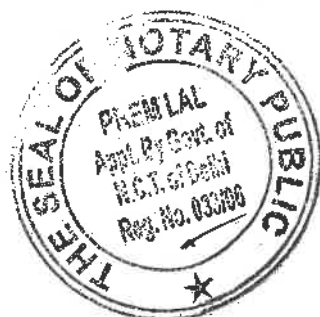
Kindly provide us with your reply within 4 days after date hereof. If we do not receive your reply we will proceed to serve documents at your last known address you provided in your employment contract.

Yours faithfully,

VAN DER MERWE & ASSOCIATES

Per : PIETER VAN DER MERWE

pieter@vdmass.co.za



05 APR 2019

PREM LAL
Notary Public
Chamber No. 137, Lawyer's Block,
Distt. Court Saket, New Delhi-110017
Ph. : 9818017970

Directors / Direkteure: Gert van der Merwe (BLC LLB), Pieter van der Merwe (LLB)
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EXHIBIT CC 1(b)

**SUPPLEMENTARY
AFFIDAVIT**

OF

RAJESH SUNDARAM



**JUDICIAL COMMISSION OF INQUIRY INTO ALLEGATIONS OF STATE CAPTURE,
CORRUPTION AND FRAUD IN THE PUBLIC SECTOR INCLUDING ORGANS OF STATE**

2nd floor, Hillside House
17 Empire Road,
Parktown
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Website: www.sastatecapture.org.za

INDEX: EXHIBIT CC 1(b)

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Supplementary affidavit of Rajesh Sundaram	01 to 33

**IN THE COMMISSION OF INQUIRY INTO ALLEGATIONS OF STATE
CAPTURE, CORRUPTION AND FRAUD IN THE PUBLIC SECTOR INCLUDING
ORGANS OF STATE ("THE COMMISSION")**

**AN INVESTIGATION INTO THE SOUTH AFRICAN BROADCASTING
CORPORATION: SALE OF ARCHIVES TO INFINITY MEDIA/ANN7**

SWORN SUPPLEMENTARY AFFIDAVIT

I, the undersigned, **VALID OUT SIDE INDIA**

RAJESH SUNDARAM

hereby declare under oath as follows:



1. I am the son of K C Sundaram and resident of B2/301, Satyam Apartments, Vasundara Enclave, New Delhi- 100096; India solemnly affirm and stated as under.

2. I have been approached by investigators associated to the Commission of Inquiry into State Capture ("the Commission") and have been requested to provide an affidavit as to my knowledge as to the events which relate to meetings that took place between President Zuma and the Gupta's, during the establishment of a TV channel named ANN7.



The content of this affidavit is true and correct and falls within my own

[Handwritten Signature]

personal knowledge, unless the contrary clearly appears from the context or is otherwise stated.

MY ARRIVAL IN SOUTH AFRICA

4. I arrived in South Africa on the 3rd of June 2013 and stayed here until September 2, 2013. During this time I worked with the Gupta family owned Infinity media and worked as 'Editor' to set up 24/7 television news station called ANN7.
5. During this period. I was part of four meetings between former South African President Jacob Zuma and the top management team at ANN7 / The New Age. Mr Jacob Zuma was the president of South Africa during this time.
6. Three of these meetings took place at Mr Jacob Zuma's official residence at Pretoria. The fourth meeting took place at the Midrand office of ANN7.
7. Following is an account of those meetings:

FIRST MEETING

The first meeting took place at then President Jacob Zuma's official residence at Pretoria on the 22nd of June, 2013. Just a few days after my arrival in South Africa. The team had an appointment for 9 : 30.am. Mr Atul Gupta called me on phone late the previous evening to inform me about



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this meeting and that I had to attend.

9. I had earlier been told by Mr Atul Gupta to prepare a detailed presentation about all aspects of the TV project for the president. Three copies of this report were printed and bound by Mr Aslam Kamal an employee of 'The New Age' and close confidant of the Gupta brothers.
10. The presentation was a status report on the TV project. It contained details of the channel logo (designed by a designer in Delhi), A summary of how the content and presentation on the channel would be different from other channels, A detailed summary of the studio design, broadcast equipment and an update on the progress of all aspects of the station.
11. This presentation gave out a lot of confidential details. Details that most stations would reveal only to stakeholders at such an early stage in the project.
12. After I arrived in South Africa I got to know that the then President Jacob Zuma's son Mr Duduzane Zuma was a 30 percent shareholder in Infinity Media.



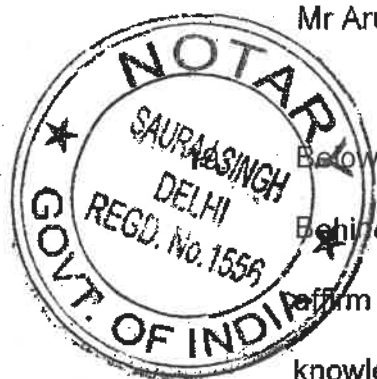
13. However, it was President Zuma who was more involved in the project and its setting up than his son.

14. I was told there would be a meeting with President Zuma a few days before the first meeting took place. The meeting could not happen earlier

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as Mr Jacob Zuma had been traveling and was out of Pretoria.

15. I was asked by Mr Atul Gupta to keep the meeting confidential and that while discussing with the senior management team in office, I should refer to President Zuma as 'Number 9' and not by his name.
16. The meeting was coordinated by Mr Ashu Chawla, a close and trusted Gupta family employee who I was told worked with Sahara Computers.
17. I was told by Mr Atul Gupta that Mr Chawla was the point person for the family at the president's office, and that he coordinated and tied up all meetings with the President, senior ministers and ANC leaders. He was also the person who ensured that anyone the Gupta brothers wanted were issued visas for travel to South Africa.
18. The first meeting with Mr Jacob Zuma was attended by Mr Ajay Gupta. Mr Atul Gupta, Mr Nazeem Howa, Mr Moegsien Williams, Mr Ashu Chawla, Mr Arun Aggarwal and me.



Below is an excerpt from pages 94 to 104— of my book 'Indentured, Behind the Scenes at Gupta TV' about the first meeting. I hereby solemnly affirm that the account given here is true and factual to the best of my knowledge. 'Laxmi' mentioned in the excerpt is Mr Laxmi Goel, owner of Essel Media the joint venture partner with the Guptas in Infinity Media. 'Uday' is Mr Uday Kumar an employee of the Human Resources department at Infinity media. Mr Uday was hired in India and sent to South

A handwritten signature in black ink, appearing to be 'Saurav Singh', written over a horizontal line.

Africa. 'Arun' is Mr Arun Aggarwal, the Business Head at ANN7. Mr Aggarwal too was hired in India and sent to South Africa.

19.1 *Two days had gone by since we had been told about the meeting with Number 9, and there was still no talk of when we would meet with the president. Then, on one Saturday, 21 June at about 11 pm, when we had just returned home from office, I got a call from Atul informing me that President Zuma would return the following morning, and we had an appointment with him at 9:30 am.*

19.2 *I had moved out of the guest house by then and into an apartment that I shared with Arun. I woke up early and made tea. Arun came out of his room in a smart green suit. 'So we are meeting the big man today,' he said, almost taunting me to come up with a humorous retort. 'Yes, we are meeting the big man for two hours today,' I said. 'Let's finish our tea and get to the office quickly. I don't want us to be responsible for delaying the meeting.' I took the apartment keys out of my pocket and pointed them towards the door. 'The driver is waiting downstairs.'*

19.3 *We reached the Midrand headquarters of The New Age in about 15 minutes. We worked for a couple of hours before Aslam called to tell us that a car from the Gupta fleet had arrived to take Arun and me to Pretoria. 'Please leave immediately and take the three copies of the presentation with you, Rajesh ji. Ajay ji, Atul ji, Nazeem ji and Mr Williams will leave in a convoy shortly. I have sent your vehicle number and details to Ashu Chawla, he will be waiting for you at the president's residence.'*



A handwritten signature in black ink, appearing to be "Sauraj Singh", written over a horizontal line.

- 19.4 *Ashu was the CEO of the Gupta-owned Sahara Computers. He had lived in South Africa for many years and was the Guptas' point man for any coordination with the president and the South African government. He was particularly close to President Zuma's son Duduzane.*
- 19.5 *I had heard his name mentioned for the first time when I was asked to apply for my temporary residence permit under the intracompany transfer process before I left India for South Africa. 'It can take months to get a South African work permit. It is a cumbersome process. We have to advertise the position in South African newspapers and then wait for six months, after which we provide evidence that we have not found a suitable local candidate.*
- 19.6 *Only then can we start the process of getting a work permit. Even so, if there is an official who does not agree, the request for a work permit can still be rejected,' Laxmi had told me right after I signed the contract to work for Infinity Media. 'But Ashu ji is a genius, and he has found a way around it. We will show the visas of people going to work in South Africa as intra-company transfer.*
- 19.7 *Just fill in the visa form, get police and medical clearance and get back to my office. My office will issue papers certifying that you are an employee of Essel Media being transferred to South Africa,' Laxmi added. 'But all the people I have recruited to be the core team to launch ANN7 have got contracts from Infinity Media and not Essel Media. They have never*



worked for Essel Media.

19.8 *I hope this is not illegal?' I asked. 'Absolutely legal, Rajesh. What rubbish are you thinking? Trust me, Ashu Chawla will tell Shakeel at the South African High Commission to accept your application forms. Shakeel and his bosses at the visa section have a message from the South African president's office to expedite the visas. Do you think the president would do something illegal?' Uday Kumar from HR went to the High Commission directly without informing Ashu a day later. The High Commission refused him entry, the reception connected him to the visa section, and the guy who picked up the phone told him, 'There is no Shakeel at the visa section.'*

19.9 *Laxmi was very upset when he found out. He sat Uday down and read out the rules for applying for a visa in the future. 'Look Uday, I am upset that you would make such a stupid mistake. You should inform Ashu ji, and only when he tells you the appointed date and time should you go or send anyone to the High Commission. 'It is not simple. They have to speak with the most senior people in government, and only after that is a message sent to the High Commission to accept the documents and process them without creating a fuss,' Laxmi said in a tone that was not his usual polite*



So it was clear to me very early on, even before I ever met him, that Ashu could pull strings in the government. He was close to the president and had a reputation for getting the toughest jobs done expeditiously for the

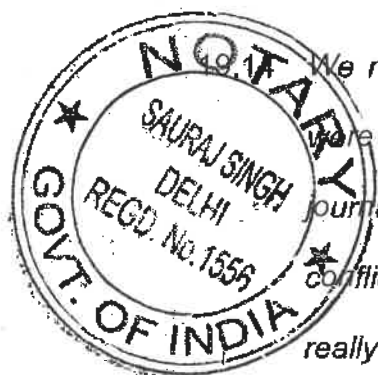
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Guptas. When Arun and I went to the car, we heard 'Ram Ram', a greeting popular in North India's small towns and villages, curiously from one of the Guptas' white drivers.

19.11 *An overwhelming majority of the personal employees that the Guptas had were white. This always baffled me a bit. For all the talk Atul gave us about his 'objective' to empower the 'poor and suffering black population' that was still 'being crushed under economic apartheid', I did not see a single black employee during my various visits to their residence.*

19.12 *The chefs were Indian nationals, the bodyguards were mostly white, and so were the people who served food to the guests. The driver politely changed the radio station to Lotus FM, which played music in various Indian languages.*

19.13 *There was a Gujarati Hindu prayer on. I am not religiously inclined and asked him to change to any radio station he preferred. It was an easy journey from Midrand to Pretoria that Sunday morning, as the road was free of weekday traffic. Ashu kept calling every few minutes to find out where we were, and the driver would give him our exact coordinates.*



We reached the main gate of the president's residential compound and were stopped at the security checkpoint. Compared to my experience as a journalist in the United States, UK, India, Afghanistan and even post-conflict Sri Lanka, the security at President Zuma's official residence was really very lax.

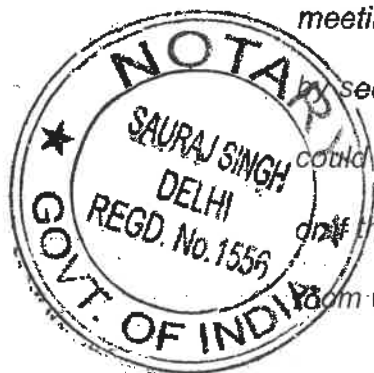
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19.15 Ashu had conveyed the car's registration number, and the driver was waved in without any fuss. The security personnel did peer into the car as we passed by, but they did not ask us for any identification, although Arun and I were carrying our Indian passports just in case. The car drove to the front stoep of the main building and dropped us at the entrance. The driver then parked right in front of the stoep among about a dozen other cars. 'The president must be having a busy Sunday,' Arun whispered to me.

19.16 We were ushered into a well-appointed room to the extreme right of the entrance. There was no frisking, we were not asked to pass through metal detectors and were not required to give our names and details to any of the security personnel. We just walked in.

19.17 I was carrying my cellphone and my laptop as well as the three copies of the spiral-bound presentation that Atul had wanted to be printed and bound: one for President Zuma, one for Ajay and one for me to keep in my hand while I made the presentation.

19.18 Electronic devices are generally not allowed to be carried for such meetings and even when they are allowed they are thoroughly screened by security personnel. I could not see any X-ray machines at the venue. I could not figure out if this was special treatment for the Gupta delegation, or if the security was generally of a low standard. Ashu was waiting in the room when we entered. This was Arun and my first meeting with him.

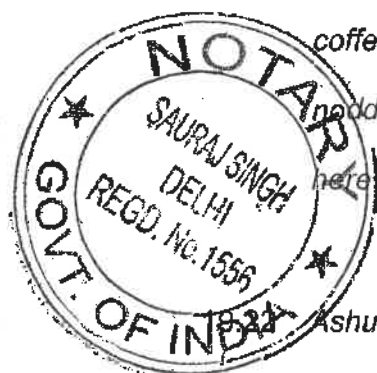


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19.19 Ashu was a reticent man in his mid-forties. He was not very outgoing and seemed very preoccupied. He gave us a limp handshake and went back to the corner of the room opposite the door at the far end. His phone was charging, and he was constantly sending and receiving messages. 'When are the others joining us?' I asked him by way of making polite conversation. He gave me a bit of a smile and continued to fiddle with his phone.

19.20 The room had a shelf with a neat collection of leather-bound books; there was a television set mounted on the wall at the far end; a coffee table in the middle with couches around it and ornate chairs in each corner. Ashu seemed worried. While the place seemed like a waiting room, there was no one else there, only the delegation from the Guptas. I had seen many cars parked outside; surely there were more visitors?

19.21 It soon became clear to me that we were not packed into a general 'visitors' room' and that this was a space specially reserved for us. There was a knock on the door. Ashu jumped up. It was a member of staff from the president's office who came in to ask if we would like 'water, tea or coffee'. 'No, thank you very much,' Ashu decided for all of us. Arun and I nodded politely in agreement. I was wondering why the others were not here if we had an appointment at 9:30. It was already 10.



Ashu's body language made it clear that something was amiss. After another half hour passed, the door opened, and the remaining members of the delegation entered. Atul entered first, dressed in a dark suit, followed

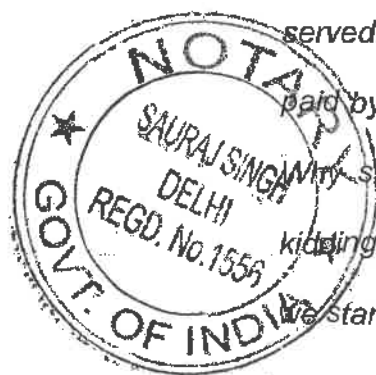
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by Ajay in casual trousers and jacket. Nazeem and Moegsien appeared in their usual smart suits and ties.

19.23 Ashu sprang to his feet and rushed towards the door, bowing to touch Ajay's feet. He then moved quickly and touched Atul's feet. Ajay acknowledged this gesture of respect like any North Indian feudal lord would; he made a half-hearted attempt to stop him. 'There are a lot of visitors today, sir, but we have been told he will come and meet us soon. Please sit, sir,' Ashu told Ajay.

19.24 The two chairs closest to the entrance were reserved, I was told by Nazeem, for the president and the head of our delegation, Moegsien. Nazeem sat on the couch near the entrance, facing the chair reserved for the president, and Ajay sat beside him. Arun and I sat on the couch opposite them, with me next to Moegsien. Atul sat on the chair near the television. Ashu sat in the corner opposite Atul, fiddling with his phone, which was still charging.

19.25 The staff member from the president's office came in again and asked if we needed any drinks. We asked for various beverages, which were soon served. 'You journalists have no issues taking advantage of hospitality paid by the taxpayer?' joked Atul. 'Why? I pay taxes here in South Africa. Why should we not?' I asked him, only half-joking myself. 'I was only kidding. You know we have paid taxes for all our companies from the day we started our business.'



A handwritten signature in black ink, appearing to read 'Sauraj Singh'.

19.26 *Ajay ji has a philosophy about taxes. When God has given us so much wealth, why should we do something as petty as not pay taxes and always be scared of being caught?' he replied. He looked at Arun and said, 'You are a chartered accountant. You know how it is in India. All the respectable companies maintain two books. One for internal use, and one for the tax department. We have never done that.' It was now about 20 minutes since Ajay had come in, and he was getting visibly impatient.*

19.27 *He turned to Ashu and made a gesture. Immediately Ashu left his phone and went out. He came back a few minutes later. 'Ajay ji, there will be a further delay. I am told he is in some long meetings with ministers. We have been asked to wait,' Ashu said. 'You know I hate to wait, Ashu ji. Please tell them we will have to leave if he does not have time for us today,' he said. I could tell Ajay was not his calm self now.*

19.28 *Ashu again left the room and did not come back for quite a while. While he was out of the room, Ajay started explaining the origin of the channel name. 'President Zuma suggested we name the news channel "Africa News Network" in the last meeting we had with him on the issue. The name was already taken, so we decided to call it "Africa News Network 7".*

19.29 *We must make the president feel important, and tell him that we are taking suggestions given by him seriously. He will like it if we seek suggestions from him on how to run the news channel. He would like to see us as his own channel. We do not have to implement all his suggestions, but he would like it if we ask him for advice.' Atul then took out the TV remote and*



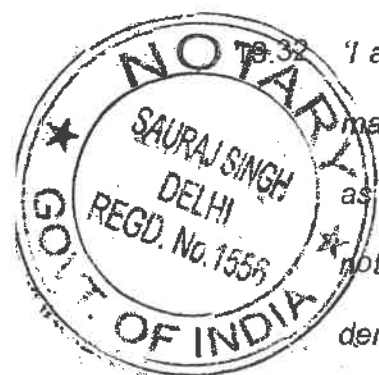
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switched to the Indian news channel New Delhi Television, NDTV. 'We want all the graphics on our channel like NDTV.'

19.30 We should have the graphics at the top and the bottom of the screen. There should be many layers. The people of South Africa want a screen that keeps moving and updating. They do not get that with eNCA.' I tried explaining to him how it was considered less sophisticated to have too many graphic bands and elements on the screen, how it would be better to have a cleaner screen with a graphic band only in the lower third of the screen. This was not what he wanted to hear. 'I want the screen to be cluttered; we must dazzle our viewers with as many elements as we can.' It was past noon now, and Atul was getting very impatient.

19.31 Ashu, who had come back, was sent out again to inform the president's people that we would be leaving. 'We will come back another day for the presentation,' Atul said. Ashu left the room and returned within a few minutes. 'Ajay ji, President Zuma has sent word that he will come out of the meeting and see us for a while. He wants us to wait,' Ashu told Ajay. Even as he was speaking, President Zuma entered the room.

19.32 'I am very sorry about the delay. I was away from Pretoria and there are many issues my ministers want to discuss with me,' President Zuma said as he came into the room, alone, with a broad smile on his face. He was not as tall as I thought he would be. I could sense from his informal demeanour that he knew the brothers quite well.



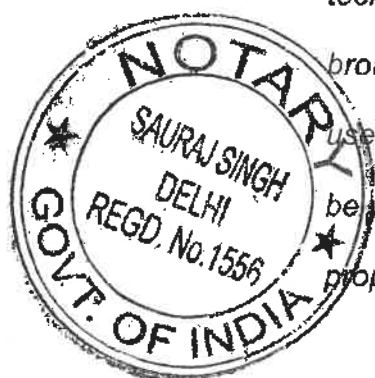
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19.33 Ajay introduced me and Arun. 'This is Rajesh Sundaram. He is the editor of the television project, and this is Arun Aggarwal. Arun ji is the business head. They have both come from India recently and have many years of experience working with large international networks. You know the other gentlemen.' 'I soon have to go back to the meeting I left behind. I know there are a lot of things to discuss, but like they say in Zulu we will just skin the animal today. We must leave the rest for later,' President Zuma said. 'Sir, I will ask Rajesh to give you a quick overview of the project. He will answer any questions you may have, and then we will ask the TV team to leave, and we can discuss issues related to the newspaper,' Ajay said, pointing to me. I handed President Zuma a copy of the presentation.

19.34 'See the logo on the presentation, sir, it is ANN7. Like you said we are calling the channel Africa News Network. We are following all the things you told us, sir,' Ajay told President Zuma, and pointed to the logo. The president seemed impressed.

19.35 He smiled at Ajay in acknowledgement. 'This will be the most technologically advanced television news station in South Africa. The broadcast, newsroom automation and production systems we have are used by the top news networks of the world. Our newsgathering reach will be the widest among our peers, with bureaus, studios and live sources proposed in every province.'

19.36 We will also have a network of correspondents across major African and world capitals. Our newsgathering team will be predominantly female and

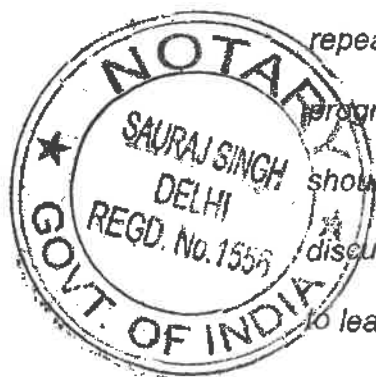


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young. We will train our journalists and technical staff to the best international standards,' I said as President Zuma flipped through the bound pages of the presentation, stopping occasionally to read. I explained the programming mix and the emphasis on provincial news through two provincial news bulletins a day, the daily Africa bulletin and half-hour bulletins on sports, entertainment and lifestyle. He listened intently and did not seem impatient to get back to the meeting he had left midway.

19.37 I explained to him how the integration of the newsroom and main studio, and placing the main anchors' desk on a revolving platform, would give every bulletin and time band a different look. I told him about the various visual elements on the news floor, the robotic cameras and the state-of-the-art PCR. 'Please leave a copy of the presentation with me. I will study it in detail and will get back to you with input in a couple of weeks after President Obama's visit when we meet again. It looks good now. I think you should keep the funny shows out. Lampooning politicians for cheap humour is not news.

19.38 I hate the one they have on eNCA,' Zuma told me. 'The news on eNCA is repeated a lot, and that irritates the audience. You seem to have a broad programming mix, so you will not have to repeat so much. No bulletin should be repeated, it should be served fresh,' he added. 'Sir, now we will discuss the newspaper and commercials. I will ask my colleagues from TV to leave,' Ajay said, looking at us.

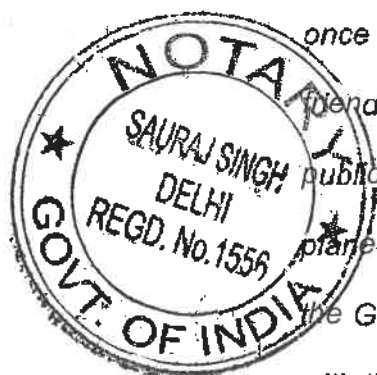


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19.39 As we rose to leave, President Zuma got up too and warmly shook our hands. He then walked us to the door and shook hands again before we left. All three meetings I had with President Zuma ended this way. Nazeem, Moegsien, Ajay and Atul stayed on. I was told later by a member of The New Age's marketing team that these discussions were crucial for the paper to get government advertising and bring hard-to-convince ministers and officials in as guests on The New Age Business Briefing.

19.40 After the Waterkloof scandal, some ministers and officials seemed reluctant to be seen in public with Atul or on a platform hosted by his newspaper. These ministers and officials were convinced after a nudge from the president, Atul told me. The bad press and public outcry following the incident did not seem to have made any difference to the relationship between President Zuma and the Gupta brothers. In the three meetings with President Zuma that I was a part of, the two brothers bonded well with the president and joked occasionally about the scandal. It was like nothing had happened.

19.41 The brothers had fairly free access to the president's residence, and Zuma left his ministers waiting for hours to attend meetings with the Guptas. Atul once showed me newspaper clippings of President Zuma defending his friendship with the Gupta family in parliament. 'Zuma, who was forced to publicly defend his relations with the Guptas for the first time since the plane-landing scandal, dismissed all allegations against him in relation to the Guptas as "rumours",' he said. 'See, I told you the bond that we have with the president is deep.'



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19.42 *The media and the DA will try its best to create a rift between us, but he will stand by us like a rock. The president will defend us always,' he said, showing me the newspaper clippings. I found the discussions of commercial issues of The New Age and ANN7 intriguing. There had been a lot of noise about The New Age and the way the government supported it, and it seemed to me that these discussions were probably around a similar kind of support for ANN7.*

SECOND MEETING

20. The second meeting happened in the month of July 2013. I do not remember the exact date, but I do remember it was a Sunday. The meeting took place at President Zuma's official residence at Pretoria, in the same room as the first meeting.
21. The meeting was attended by exactly all those who attended the first meeting. This meeting too was coordinated by Mr Ashu Chawla, and unlike the first time, he was deputed to pick Arun and me from the Midrand office and drive us to the president's residence.



This meeting reviewed the progress of various aspects of the project, like the construction of the studio, the arrival of broadcast equipment etc. But the primary focus was on 'Editorial policy'. Mr Jacob Zuma wanted to share his vision of what the editorial content should be like.

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23. President Zuma came to the meeting armed with the presentation we had given him in the last meeting and with some questions about its content.

24. This meeting too was more of a shareholder review of the project.

25. Here is an excerpt from page 117 to 122 of my book 'Indentured, Behind the Scenes at Gupta TV' about this meeting. I solemnly affirm that the account given here is true and factual to the best of my knowledge.

25.1 *'The second meeting with President Zuma happened in July. 'He feels good if we give him the feeling that he is moulding the news station. It is always good to have the head of state on your side. He will give us some suggestions. We do not have to follow all his suggestions, but we will make polite noises and we will follow the suggestions that are acceptable to us,'*

25.2 *Atul told me before the meeting, reiterating a point his brother and he had made many times before. Like the previous one, this meeting took place on a Sunday morning. Ashu Chawla came in his car to pick us up from the Midrand office. He was mostly silent during the ride to President Zuma's residence in Pretoria. He seemed preoccupied and kept checking his phone for messages as he drove. 'Have you lived here for long, Mr Chawla?' Arun asked him. 'Yes, 17 years. I have been with Atul ji right through at Sahara Computers,' he said with a rare smile through his moustache.*



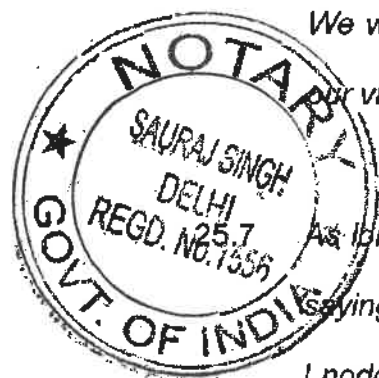
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25.3 *'So you are a regular South African then?' Arun asked. 'Yes,' Ashu replied, curtly. He then played a CD with raunchy Hindi Bollywood songs referred to in India as 'item numbers'. 'So you have a taste for "item numbers", Mr Chawla. Now that's a facet of your personality that we never knew about,' Arun teased Ashu.*

25.4 *He smiled sheepishly and continued driving. Arun had run out of topics to strike up a conversation, and Ashu was silent throughout the remainder of the journey.*

25.5 *As we reached the security gate at the president's residence, the security guards recognised him and waved the car in. We went to the same room we had been waiting in the last time and sat in exactly the same places. Ashu went to check on the president's availability. Nazeem, Moegsien, Atul and Ajay arrived about half an hour later. Ashu sprang to his feet and touched the brothers' feet.*

25.6 *The seating arrangement was identical to that of the last meeting. 'Rajesh, today I will ask President Zuma to give us a broad overview on editorial policy and also some suggestions on who we should hire as presenters. We will hear what he has to say, but we will only do what we think suits our vision,' Ajay Gupta told me.*



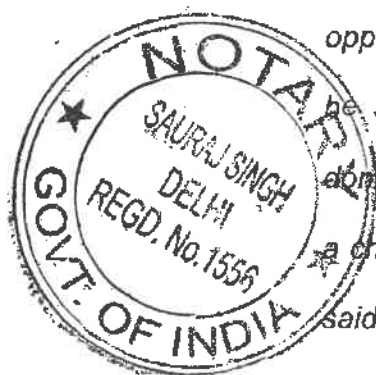
As long as it was just a formality and we were not bound by what he was saying, I was happy to play the game they were playing with the president. I nodded. The video logo montage or the 'channel ID' for ANN7 had been

made by a graphics designer in India and had reached us just a few days before the meeting.

25.8 Atul wanted me to load a copy on my laptop so we could show it to the president. 'Rajesh, we will show it to the president today. We can make a million presentations on paper, but he will know the project is progressing fast only when he sees videos. He is a simple man. I am sure he will be very happy to see it,' Atul said. 'Sir, the president has many visitors from his family today. I have sent a message that you have arrived, and he will join us very shortly,' Ashu told Ajay.

25.9 The president arrived shortly thereafter. He was shown the channel ID. He asked to see it again and again. 'Sir, if you like this montage, we will give it the final go-ahead,' Atul said. 'It looks good. It is impressive,' President Zuma said, asking to see it one more time. He had the copy of the presentation we had given him in the last meeting with him. 'I have a few suggestions.

25.10 We must not convert this into a publicity channel for the ANC and me. If we do that, we will have no credibility. You must present the views of the opposition and my rivals in the ANC as well. The push in our favour should be subtle. You are a seasoned journalist. You know how that can be done... eNCA only presents the government and me negatively. We need a channel that presents the positives that the government is doing,' Zuma said looking at me.

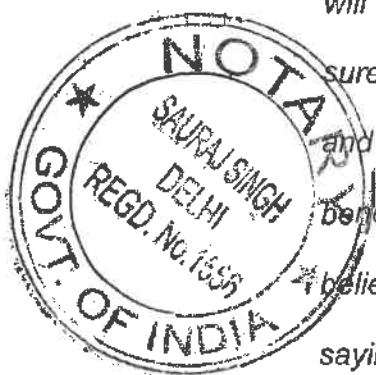


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25.11 *Despite Atul's constant reminders that we'd only do what 'suits our vision', President Zuma's directives on editorial policy puzzled me. 'I will be in Mpumalanga next week, and I will meet people in the local communities and announce measures for their welfare. But I am sure eNCA will not cover that. Their reporter will seek out opposition supporters and do a negative story on how the locals hate me and feel I have done nothing for them,' Zuma said. 'Sir, we will have a reporter and camera operator attached to you at all times.*

25.12 *You will have to ensure that they are accommodated in the plane that you travel on. We will do a live telecast of all your engagements. We have outside broadcast vans,' Ajay said, almost cutting in. 'Yes, that can be easily arranged. But your coverage will be shallow if you come with me. Our teams must move in two days ahead of me and do background reports that tell viewers how our policies are helping the people, so that they get the full picture and not the distorted one they get now. Is that possible?' Zuma asked. 'Sir, we will make it possible.*

25.13 *We have the technology to go live from anywhere in the country, and we have bureaus in every province. We can send reporters with you, and we will also send reporters in advance. The positives of the government will surely be highlighted,' Ajay answered, with folded hands. 'If newspapers and television news channels show that the people are happy and benefitting from what the government is doing for them, the people will believe it. What is happening now is just the opposite. Show the critics saying that the government is not working, but also show many cases of*



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how the government is changing lives. That way we keep the credibility and we also show the government in a positive light,' Zuma said. 'I am sure you will have the best international standards of production. That is very important. The news bulletins should be slick,' he added.

25.14 Nazeem then asked him to recommend journalists and presenters. It was at this meeting that Jimmy Manyi's name first came up. 'He will be most suited for your talk shows. If you want, I will speak with him as well,' Zuma offered. 'I am sure there are many presenters available. Just do let me know if there is any high profile journalist you may have selected,' he added.

25.15 The conversation was now beginning to sound like an internal HR meeting. He had allocated two hours of his time on a Sunday, while his family was waiting, to ANN7. The intensity of his interest in the project was like that of a full shareholder. President Zuma was happy to sit for hours getting briefed and giving input on minute aspects of the venture. The time he spent helping out with the 'commercial' aspects was most intriguing. 'Sir, the DA has a very effective PR machinery, and they churn out press releases very day, twisting facts and turning them against the government.

Most journalists earn a salary by just reproducing DA press releases and news reports. We have to keep such journalists out.' Nazeem said this to immediate nods from President Zuma and the Gupta brothers. I exited the second meeting the same way I did the first. Ajay asked the TV team to leave, so that the newspaper team could have some alone time with the



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president.

25.17 *I later asked Nazeem why President Zuma insisted on lecturing us on editorial and personnel matters. 'Don't you know? Hasn't Laxmi ji told you already? He has a big say in this venture. His son Duduzane holds 30 per cent in the company. His involvement is very critical for the first year of our operations. If we are able to get government advertisements, we will be able to break even in the first year,' he told me. If this were true, it would explain a lot, and it felt as though everything was falling into place.*

25.18 *The news channel I was heading would be a pro-ANC, proZuma channel that was promoted and run by not only people close to President Zuma but by President Zuma himself. If Nazeem had his facts straight and Zuma held the shares through his son, he would be projected positively in the news bulletins. In this scenario I could see how he would use his position as president to ensure government advertising for the station. It also seemed, if this was the truth, that there was a clear conflict of interest as his son had a stake in not just the Gupta-owned newspaper but also the proposed television news channel.*

25.19 *As a 30 per cent stakeholder, his son would get 30 per cent of the profits earned from the revenues the president was helping them generate.'*



THIRD MEETING

26. The third meeting with President Zuma took place in the first week of

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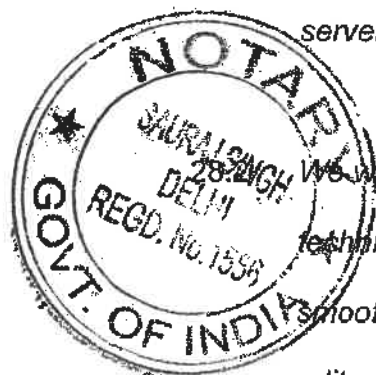
August 2013. I do not remember the exact date. This meeting too was held at the president's residence at Pretoria. However, unlike the first two meetings, this meeting was in the evening. The meeting was attended by the same people, except for Mr. Williams, who was travelling and Mr. Aggarwal. Nazeem Howa had given instructions that Mr Arun Aggarwal would not attend the meeting.

27. The meeting was held in a larger room to the left of the main entrance. This meeting was attended by Mr Duduzane Zuma. The first and last meeting I saw him attend. His interventions in the meeting were not serious.

28. Below are excerpts from page 129 to 133 — of my book 'Indentured, Behind the Scenes at Gupta TV' which has details about this meeting. I solemnly affirm that the account given here is true and factual to the best of my knowledge.

28.1 *'The Third meeting with the president happened a few weeks later, in the first week of August. We had started producing news using a very basic PCR that was not fully integrated with the newsroom systems and the servers.*

We were days away from our amended launch date of 21 August, and the technical team was nowhere close to handing over the studio or a smoothly functioning PCR or even integrated video editing systems to the editorial team.



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28.3 *I was in the PCR overseeing the rolling of a bulletin when Atul sent word that I must meet him at the cafeteria immediately. 'We have an appointment with President Zuma this evening. He wants a quick review of the project, and I would like you to take the bulletins we have produced over the last few days. We have to make him happy, so make sure we take bulletins where a majority of the stories show him in a good light. I do not want a bulletin filled with Malema,' he said.*

28.4 *Former Zuma loyalist Julius Malema had just founded a new opposition party to the ruling ANC called the Economic Freedom Fighters. The bulletins we had produced at that time were, unsurprisingly, full of technical glitches and were anchored by a group of models hired by Atul and trained by Gerry Rantseli-Elsdon.*

28.5 *The young women were very raw, clueless about the news they were reading and very unfamiliar with a studio setting. I was not comfortable showing these bulletins to anyone outside of the newsroom. They were produced as practice or dry runs, nothing more.*

28.6 *The plan was to take a chip reader to President Zuma's Pretoria house and connect it to a monitor for him to see the bulletins. I went back to the PCR and asked the team to put a few of the bulletins we had produced on a chip. The team put four recent bulletins on the chip and handed it to me. We left in Atul's car at about 7 pm.*

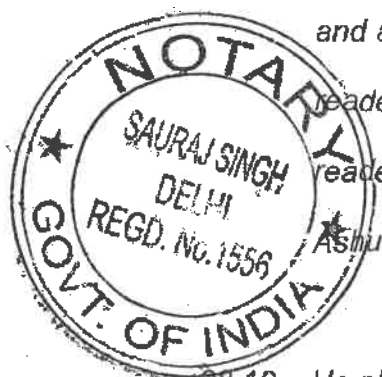


28.7 Ashu and Ajay were going to meet us there. Nazeem travelled with me in Atul's chauffeur-driven car. 'Has someone informed Arun?' I asked Nazeem. 'Don't bother with Arun. He is not going to this meeting,' Nazeem replied. Moegsien was in Cape Town and was unable to join us. 'We must discuss the IEC issue with him today. I am told the IEC is set to run a major advertising campaign in all the big newspapers. It is unfair for them not to advertise in The New Age,' Nazeem told Atul. 'Ajay bhai has already briefed him about this. We will get some action today,' Atul replied.

28.8 Atul had organised a chip reader and a 14-inch broadcast quality monitor to be sent to Ashu earlier in the day. He was to bring these for the meeting. We were ushered into the same waiting room where we had been before. Soon Duduzane Zuma walked in and greeted us before proceeding to hug the Gupta brothers. 'We have a surprise for you today, Dudu. We will show you the bulletins we have been producing,' Ajay Gupta said with an animated movement of his hands. 'Good, so we should move to the next room. It has a large TV.' He started moving out, and all of us followed him.

28.9 This was a much larger living room that had various seating arrangements and a large TV set. We sat around a coffee table. Ashu took out the chip reader and the cables. There was not enough cable to connect the chip reader to the large TV mounted on one of the walls. I gave the chips to Ashu.

28.10 He placed the chip reader and the monitor he brought with him on a coffee



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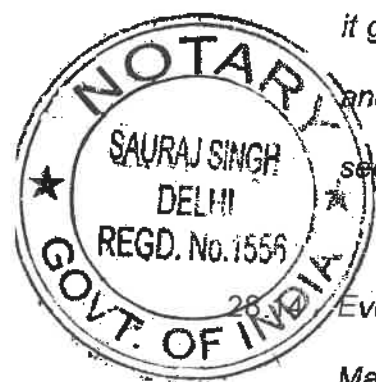
table and connected the cables. President Zuma walked into the room and wanted to know about the equipment. 'We want to show you a few bulletins that we have produced,' Duduzane said.

28.11 This was the first time Duduzane was seeing the bulletins. He had no clue about the process and effort that had gone into producing these. He had never attended a single meeting or even bothered to visit the studio and learn about the problems there, but today in front of his father he had no qualms about taking credit for the bulletins.

28.12 The Gupta brothers smiled indulgently as he spoke. 'Sir, we want feedback on this too. We want you to tell us if we are on the right track. Our equipment is not fully here, and this is not 100 per cent of what we will look like when we launch. This is maybe 50 per cent,' Ajay said with a broad smile on his face. Ashu pressed the play button, and the first bulletin started with the channel ID followed by the headlines. The anchor made a few fumbles, but that did not seem to bother the president.

28.13 He watched the first 15 minutes with rapt attention. 'Sir, we can fast forward the bulletin, so that you can see the others too,' Ajay offered. 'Let it go on, I want to see some more,' President Zuma said. 'Daddy likes the anchor, his eyes light up every time she comes on. Is that why you want to see some more?' Duduzane joked.

Everyone in the room broke into laughter. 'See the visuals we are using for Malema? It is of him getting out of a helicopter. He looks corrupt, does he

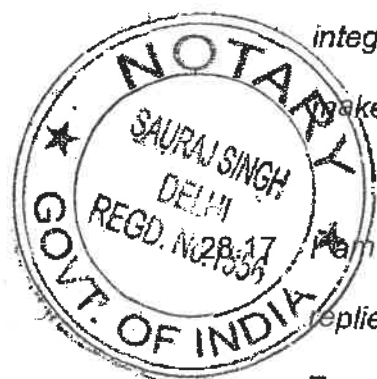


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not? We always use these visuals when we talk about Malema. This is a subtle way of telling the people he is corrupt without saying a word,' Ajay said, pointing to the screen. President Zuma smiled. Ajay knew nothing about the content.

28.15 The editorial team used these visuals because these were the only visuals available in the archives bought from the SABC. He had just made that up to please the president and from the look on his face it seemed he was happy. President Zuma watched all the bulletins. 'You have a good thing on your hands. This is much better than the bulletins on the SABC. Those are horrible. I like the way you have used the graphics. It reminds me of the international channels. If this is what you will look like on launch day you will be a hit,' President Zuma said with a smile.

28.16 The SABC had launched its 24/7 news channel a few days before, on 1 August 2013. This was the endorsement the Gupta brothers were looking for. They had softened President Zuma before their meeting on commercials, and they could hardly hide their glee. 'So you say the final product will be much better than this?' President Zuma asked, looking at me. 'Sir, it will surely be much better, as we will have completed the integration by then and will have much more equipment at our disposal to make the bulletins slicker.



I am not very happy with these bulletins; they are just practice runs,' I replied. 'I am happy with even this. You guys keep this up.' President Zuma was beaming. 'Sir, you must come and press the button to

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inaugurate the channel on the 21st. I know you have declined before, but you must inaugurate the channel. We will have our editors do an exclusive interview with you at the venue,' Atul said with a broad smile and his hands folded. 'That will not send the right message. It will not do your credibility any good. I am part of the project, and I am always ready to give an interview after a few weeks,' Zuma replied firmly.

28.18 *At this point Ajay asked me to go back to the office while Atul, Nazeem and Duduzane met him for discussions about the newspaper and commercial issues. I was told the next day by Nazeem and Atul that they had secured 20 million rand's worth of business the previous evening. By this time, I had decided to resign as editor at ANN7 and go back to India after the launch. It was happening without the extensive training I had suggested. It was happening without test runs with all systems and equipment in place. But what really pushed me to resign was the violation of editorial integrity and the dubious commercial dealings that I had seen with my own eyes. '*

FOURTH MEETING

29. The venue of the fourth meeting was the Midrand office of ANN7, on the 19th of August 2013. Just two days before the ANN7 was to go on air. Here is an account of the meeting from page 151 to 153 ...of my book 'Indentured, Behind the Scenes at Gupta TV'. I solemnly affirm that the account given here is true and factual to the best of my knowledge.



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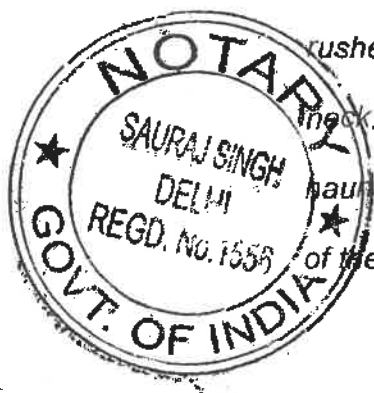
30. Apart from the usual attendees, the meeting was also attended by Mr Laxmi Goel and Mr Duduzane Zuma. President Zuma toured the studios, newsroom and technical areas at the ANN7 office and also met the staff during this visit.

30.1 *'My last meeting with President Zuma happened just 48 hours before ANN7 launched. I was told that the president would make a quick trip to the studio to take a look for himself, and he was expected to stay on to see the rolling of a news bulletin.*

30.2 *I was part of the team that would show him around. This was a critical time as I was virtually camping in the office, sleeping for a few hours in a temporary rest area created for a few members of the core team on the first floor of the New Age office.*

30.3 *I was in the morning editorial meeting when I got a call from Aslam to come and receive the president. 'He is expected anytime now; Laxmi and Atul ji want you here immediately,' Aslam said. Outside, I found Nazoem, Laxmi and Atul were already there. With them was Duduzane Zuma. I greeted them and waited with them for the presidential convoy to arrive.*

30.4 *It was cold that day and I had forgotten to take my jacket with me as I rushed out. Atul took the scarf he was wearing and wrapped it around my neck. I couldn't know at that time that this gesture would come back to haunt me later and subject me to humiliation and belittlement at the hands of the man who made it.*

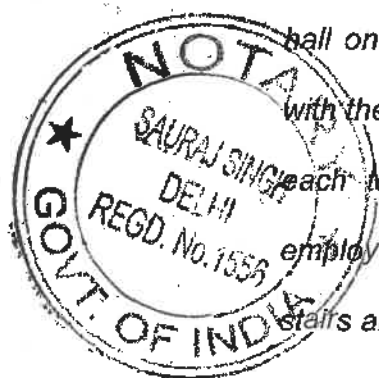


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30.5 At that time, Karun Shawney, the head of production, sent a news camera team out to record the president's visit. The cameraman positioned himself to record the president getting out of his car. There were other crews he had set up inside the studio to record the president visiting various departments. 'We do not want any record of the president visiting the studio. Can you please ask the cameramen to go away. Also please tell everyone that there will be no recording of any of President Zuma's movements inside the studio... not even with cellphone cameras,' Atul whispered into my ear.

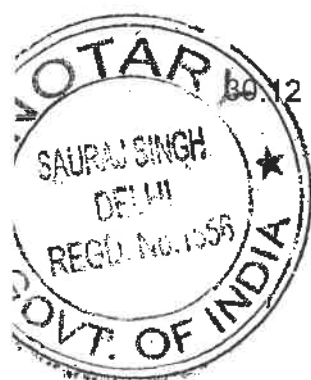
30.6 I called Karun and asked him to move the camera crews away. Atul wanted to keep the visit a secret, he was so suspicious and distrusting of everyone, but with over a 100 journalists in the studio, it was almost impossible. The presidential convoy arrived and was taken to Laxmi's office. 'Sir, would you like to give an interview to our news team?' Atul asked. 'We will air it on launch day.' 'I have already said I will give ANN7 an interview later, after a few weeks.

30.7 Any association with me at this time will be bad for the both of us,' President Zuma answered. I led the team out of Laxmi's office, into the hall on the first floor where Mary Naidu and her programming team sat with the web team. President Zuma played the part of a politician, going to each team member and shaking his or her hand. He waved to the employees who were not within hand-shaking reach. We then took the stairs and moved into the newsroom.



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- 30.8 *His presence created a flutter on the floor. He waved to those working there. A live bulletin was being rolled at that time, and he waited for a while as the young anchor read her piece from the teleprompter. He waved to her and moved into the corridor that housed the technical departments. He first entered the PCR. Things were smooth in the PCR when he arrived. The systems were working fine. We had cut live to a reporter outside the courthouse where the Oscar Pistorius trial was happening.*
- 30.9 *He wanted to know from me what the exact function of each of the people in the PCR was. He also asked me about the audio panel, the vision mixer and outputs coming from various sources on the screens in front of him.*
- 30.10 *He stayed there for about 20 minutes. He then moved to the server room, the graphics room, the master control room and the video editing bay.*
- 30.11 *He was shown a few of the promos produced by the team in the graphics room. He asked to see a few of the promos again. On his way out he quickly slipped back into the PCR. This time there were technical glitches, the on-air graphics system collapsed, and the live sources started failing.*
- 30.12 *He stood at the PCR for another 15 minutes and then moved towards the door. Laxmi, Atul, Nazeem, Duduzane and I saw him off. He said he was happy before he left. Atul assured him that the station would be run 'as per his guidance and wishes'.*

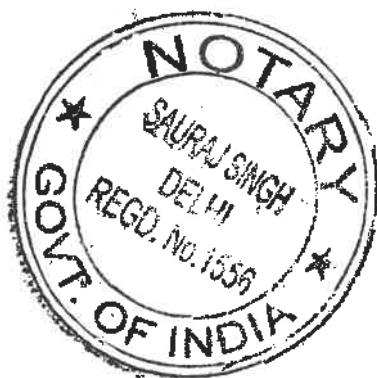


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31. All the information contained in this affidavit are true and factual to the best of my knowledge


Rajesh Sundaram


ATTESTED
NOTARY PUBLIC
DELHI (INDIA)



29 APR 2019

VALID OUT SIDE INDIA

Commission Expiry
on 10 Feb. 2020

Seat No. 26
Near Treasury Gate
Tis Hazari Courts, Delhi