

## **SYNOPSIS**

The present Special Leave Petition raises substantial questions of law of general public importance in respect of the power of the Union and the State Government to change the name of places having historical significance as well as the scope of the right to culture under the Indian Constitution. The Petitioners, members of the Allahabad Heritage Society and other residents of Allahabad and India, have filed this Special Leave Petition challenging the order and judgment dated 26.02.2019 of the Hon'ble High Court of Allahabad dismissing the writ petition filed by the Petitioners (Writ Petition (PIL) no. 4717 of 2018) challenging the decision of the Respondent State of Uttar Pradesh to change the name of the district of Allahabad to Prayagraj.

### **Brief facts of the case**

The process of the change of name of Allahabad commenced rather abruptly on 13.10.2018 during a Marg Darshak Mandal meeting which had been called by the Chief Minister and the Governor, for overseeing the progress for the up-coming Kumbh Mela. During this meeting, the Governor resorted to a straw poll from among the audience as to whether they supported the move to

change the name of Allahabad to Prayagraj. Thereafter, on 15.10.2018, the Board of Revenue sent a proposal for changing the name of Allahabad. It is pertinent to note that this proposal is not in the public domain and the Hon'ble High Court ignored the specific plea of the Petitioners seeking the public disclosure of this proposal. The very next day on 16.10.2018, the Cabinet of the Government of Uttar Pradesh considered the proposal of the board of Revenue. Noting the contents of the letter of the Board of Revenue, it was recorded that the public had been clamoring for change of the name of Allahabad to Prayag or Prayag Raj. The Board of Revenue had observed that this demand was valid as out of the 14 religious places mentioned in the ancient texts, only the name of Prayag had been changed, even though this place was the king of all pilgrimages, or Prayag Raj. It was further noted that because of the change in name of the district and city of Prayag to Allahabad there was always confusion in the minds of the national as well as the international community. It was further observed that by changing the name from Allahabad to Prayagraj, the prestige of India in the national and international community, would be boosted and it would also

promote religious tourism. It is pertinent to note that the Cabinet did not cite any evidence or material to demonstrate:

- a) public support for this change,
- b) the historical claim that the name of the district and city had been changed from Prayagraj to Allahabad and,
- c) the claim that there exists confusion in the national and international community due to this supposed change of the name in the national and international community.

Despite these crucial shortcomings, a notification was issued dated 18.10.2018 by the Governor in purported exercise of the powers conferred under Section 6(2) of the U.P. Revenue Code, 2006 changing the name of the district of Allahabad to Prayagraj. In this manner, the name of a district having significant historical significance was changed merely over the course of five days without any meaningful public consultation. Further, on 20.10.2018, the District Magistrate issued a letter notifying the change of name of the district of Allahabad to Prayagraj.

### **The Legal Framework**

It is submitted that in respect of changes of names of places including districts for non-administrative reasons, executive

instructions of the Union Government dated 11.09.1953 (hereinafter “the 1953 notification”) and 27.05.1981 (hereinafter “the 1981 notification”) hold the field. The notifications require the State Government to take the prior concurrence of the Union Government for changing the names of districts and provides conditions that must be fulfilled before such concurrence can be granted.

The pertinent extract of the 1953 notification is reproduced below:

*“Letter No.130/53 Public, dated the 11th September 1953, from Sardar Fateh Singh, Deputy Secretary to the Govt. of India, Ministry of Home Affairs New Delhi 2/11 State Govt. (A, B, C & D) except Jammu & Kashmir*

*Sub:- Changes in the names of village, towns, etc Procedure of*

- 1. I am directed to say that of late several requests have been received from the State Govt. for changing the names of villages etc. The question has been examined in detail by the Government of India etc. should be discouraged as far as possible that no change should be agreed to unless there were compelling reasons to justify*

*it, and that all proposals should be referred to the Govt. of India in the Minister of Home Affairs before any change is made.*

2. *It is essential that there should be a uniform procedure in the matter of changing the names of places and that the State Govt. should keep in view the following broad principles which making propose for changes in the names of villages, towns, etc. to the Govt. of India.*
  - i. *Unless there is some very special reason, it is not desirable to change a name which people have got used to.*
  - ii. *Names of villages etc. having a historical connection should not be changed as far as possible.*
  - iii. *A change should not be made merely on grounds of local patriotism or for linguistic reasons, e.g. villages etc. should not be renamed after national leaders merely to show respect to them or for satisfying local sentiment in the matter of language, etc.*

- iv. *In selecting names, care should be taken to see that there is no village or town etc. of the same name in the State and neighborhood which might lead to confusion.*
- v. *While recommending any change, the State Govt. should furnish detailed reasons for proposing a change in the name and also for selecting the new name.*
- vi. *Notwithstanding what has been stated in para 2 above, it may be eminently desirable that where an ancient place has felled into decay and with that the old place name has also disappeared, the ancient name should be restored. To cite an instance, a village now called "Gandhawal" in the old Dewas State near Ujjain has been built on the ruins of an ancient town populous and Flourishing in the times of "Vikramaditya" and in the ancient scriptures and other books as "Gandharvapuri". The present name "Gandhawal" is obviously a corruption of Gandharvapuri. The Govt. of Madhya Pradesh in*

*whose territory the village is now situated may consider the propriety of restoring the ancient name”*

The operative portion of Notification/Letter No. 11/10/81 issued by the Ministry of Home Affairs, Government of India to the Chief Secretaries of All States is reproduced as follows:

*“I am directed to invite attention to this Ministry’s letters No. 130/43 public dated 11.09.1953 and No/39/11/60 Pub.I dated 28.12.1960 (copy each enclosed for ready reference) and to say that case of proposed change in the name of Districts/Talukas/Tehsils also, the same procedure as is being adopted at present for effecting change in the names of villages, towns, railway stations, etc. (as laid down in the letters referred to above) may invariable be adopted, i.e. all such proposals should be referred to the Government of India (Ministry of Home Affairs) for prior concurrence before any such change is made or announced. The instructions laid down in para 2 of letter dated 11.09.1953 under reference may also be kept in view before sending any such proposal”*

From the above notifications it is clear that the State Government can only announce or make a change of name of districts with the prior approval of the Union Government. To the knowledge of the Petitioners, no such prior approval is available in respect of the district of Allahabad yet the Respondent State Government issued notifications effecting such a name change.

### **Proceedings before the Hon'ble High Court**

The Petitioners before the Hon'ble High Court prayed, *inter alia*, for a writ of certiorari quashing the proposal of the Board of Revenue dated 15.10.2018, the resolution of the Cabinet dated 16.10.2018, the notification of the Governor dated 18.10.2018, the notification of the District Magistrate dated 20.10.2018 and all other consequent actions, on a number of grounds including that the State Government did not have the unilateral authority to alter the name of a district for non-administrative and alleged historical and cultural reasons and the same was the prerogative of the Union and that, in any case the change was arbitrary and violative of the fundamental rights of the petitioners and other citizens of India. Dismissing the petition of the Petitioners, the Hon'ble High Court held that the Respondent State had the authority to alter the name of any revenue



area under section 6(2) of the Uttar Pradesh Revenue Code, 2006, and that the scope of judicial review of such a policy decision would be limited, and did not consider the other contentions raised by the Petitioner. Furthermore, the Hon'ble High Court did not direct the State Government to provide the Petitioners a copy of the State Government's Record in respect of the name change of the district of Allahabad to Prayagraj despite a specific plea to this effect by the Petitioners. It is submitted that the order of the Hon'ble High Court is liable to be set aside for the following reasons.

**The State Government lacks the competence to change the name of a district for non-administrative reasons under section 6(2) of the Uttar Pradesh Revenue Code, 2006**

The Hon'ble High Court in the impugned order held that as per a reading of Section 6(2) of the Uttar Pradesh Revenue Code, 2006 (hereinafter "Revenue Code"), the State Government had the power to alter the name of a revenue area. However, the Hon'ble High Court failed to record and consider the submission of the Petitioners that

Section 6(2) of the Revenue Code cannot be interpreted to grant the State Government authority to alter the names of revenue areas or districts for non-administrative reasons.

Section 6(2) of the Revenue Code reads as follows:

*“6. Constitution of revenue areas- (1) The State Government may, by notification specify –(i) the districts which constitute a division (ii) the tahsils which constitute a district (iii) the villages which constitute a tahsil.*

*(2) The State Government may, by notification, alter the limits of any revenue area referred to in sub section (1) by amalgamation, re-adjustment, division or in any other manner whatsoever, or abolish any such revenue area and may name and alter the name of any such revenue area, and in any case where any area is renamed, then all references in any law or instrument or other document to the area under its original name shall be deemed to be references to the areas as renamed unless expressly provided otherwise;*

*Provided that before passing any order under this sub-section on any proposal to alter the limits of any revenue*

*area, the State Government shall publish, in the prescribed manner, such proposals for inviting objections, and shall take into consideration any objection to such proposals.”*

It is submitted that the Revenue Code has been enacted in pursuance of Entry 5, 18, 45, 46, 47, 48 and 49 of List-II of Schedule-VII of the Constitution of India which empowers the State Government to legislate in respect of local Government and local authorities, village administration, land and land revenue including assessment and collection of revenue, taxes on agricultural income **(Kindly see, Brij Kishore Verma v. State of Uttar Pradesh, (2013) All LJ 739 (FB))**. These entries provide:

*Entry 5 - Local government, that is to say, the constitution and powers of municipal corporations, improvement trusts, district boards, mining settlement authorities and other local authorities for the purpose of local self-government or village administration.*

*Entry 18- Land, that is to say, rights in or over land, land tenures including the relation of landlord and tenant, and the collection of rents; transfer and alienation of*

*agricultural land; land improvement and agricultural loans; colonization.*

*Entry 45 - Land revenue, including the assessment and collection of revenue, the maintenance of land records, survey for revenue purposes and records of rights, and alienation of revenues.*

*Entry 46 - Taxes on agricultural income.*

*Entry 47 - Duties in respect of succession to agricultural land*

*Entry 48 - Estate duty in respect of succession to agricultural land*

*Entry 49 - Taxes on lands and buildings.*

It is submitted that a reading of the aforementioned entries makes clear that the State Government has the power over land areas for the purpose of administration and revenue. None of the aforementioned entries, or any other entries under the State List or Concurrent list confer the State with the power to alter the names of areas for non-administrative reasons. Since the Revenue Code is rooted in the aforementioned entries in the State List, Section 6(2) of the Revenue Code cannot be interpreted to confer on the State

Government the power to alter the names of areas for non-administrative reasons.

In the present case, the Respondent State Government has not cited any administrative reasons for the change of name of the district of Allahabad but has instead stated that the name of the district was allegedly Prayag but was changed to Allahabad. Therefore, the action of the Respondent State Government does not fall within the purview of Section 6(2) of the Revenue Code. Therefore, the exercise of power under Section 6(2) of Revenue Code to effect such a change is illegal and must be set aside.

The Hon'ble High Court did not consider the aforementioned submission of the Petitioner. Instead, the Hon'ble High Court in order to answer whether the State Government had the authority to change the name of Allahabad incorrectly confined the question to a narrow issue of the interpretation of Section 6(2) of the Uttar Pradesh Revenue Code to hold that the State has the exclusive power to alter the names of revenue areas and was not obligated to call for objections under the proviso to the provision.

**The Hon'ble High Court erred in holding that the Notifications dated 11.09.1953 and 27.05.1981 would not be applicable in the present case**

The Hon'ble High Court held that the 1953 and 1981 notifications of the Union Government would not be applicable as they being executive instructions which would be overridden by the UP Revenue Code.

As submitted above, no entry in the State List or Concurrent List of Schedule VII of the Constitution expressly or impliedly grants the State Government the power to change the name of a place for reasons non-administrative reasons. Thus, the UP Revenue Code cannot be interpreted to empower the State Government to unilaterally change names of revenue areas for non-administrative reasons. The competence to effect such a change implied rests with the Union Government. In pursuance of such competence, the Union Government has issued executive instructions of 1953 and 1981 which obligate the State Government to obtain the *prior approval* of the Union Government.

It is pertinent to note that the Minister of State in the Ministry of Home Affairs on 23.04.2013 in the Lok Sabha, in response to an

unstarred question “whether it is mandatory to obtain the approval of the Union Government by the State Governments for changing the names of cities, towns, etc in their respective State;” responded in the affirmative and stated that executive instructions had been issued to the states in this regard. Therefore, the reasoning of the Hon’ble High Court that the notifications would not be applicable because they are executive instructions is patently incorrect.

It is also pertinent to note that subsequent to the conclusion of arguments before the Hon’ble High Court where the State argued that it had exclusive authority to effect such a name change, the State Government purportedly sought and was granted approval by the Union Government in respect of changing the name of the *city* of Allahabad to Prayagraj on 15.12.2018. As per the 1981 notification, the 1953 notification was expressly applied to change of name of Districts and it was directed that all proposals for name change of Districts “*should be referred to the Government of India (Ministry of Home Affairs) for prior concurrence before any such change is made or announced.*” Thus, if the Respondent State Government applied for approval of the change of name of the city of Prayagraj to Allahabad as per the 1953 and 1981 notifications, the notifications must

equally apply in respect of the change of name of district of Allahabad. The action of the State Government of having changed the name of the district by way of a notification dated 18.10.2018 and 20.10.2018 and announced such a change in the absence of such an approval is illegal and liable to be set aside.

**The impugned action of the State Government is liable to be set aside as being contrary to the requirements of the 1953 and 1981 notifications**

On 16.12.2014 in the Lok Sabha, in response to an unstarred question the Minister of State in the Ministry of Home Affairs responded that the “Ministry has issued guidelines from changing names of cities/towns, etc. If any proposal is received from any State fulfilling these guidelines, this ministry accords its ‘No object to such a change of name.’” The 1953 and 1981 notifications together make clear that names of historical places should not be changed as far as possible and for a change of name to be allowed as long as the following guidelines are fulfilled:

- (a) detailed reasons should be given for changing the name and for providing a new name
- (b) Special and compelling reasons must also be provided



- (c) Names should not be changed on the ground of local patriotism
- (d) care should be taken to see that there is no village or town etc. of the same name in the State and neighborhood which might lead to confusion.

The impugned proposal of the State Government does not satisfy any of the four conditions mentioned.

**First,** the change of name was undertaken over the course of five days without any public consultation and no detailed reasons were given. The Cabinet Decision dated 16.10.2018 merely asserts that the reason behind the change is that the name of the district and city was initially named Prayag but was changed to Allahabad which has caused great confusion in the minds of the people both at the national and international level and the people have been clamouring for such a change for a long time without any evidence to back the same.

**Second,** there exist no special or compelling reasons to change the name of Allahabad to Prayagraj. There is no evidence to support the claim of the Respondent State that the district and city of Allahabad was previously called Prayag. It is vehemently submitted that Allahabad and Prayag have always been distinct entities. Prayag

was the place of confluence of the Ganges and Yamuna rivers which was a holy site of pilgrimage whereas Allahabad was a city established away from this site of pilgrimage. This site continues to be called Prayag. As a result, the railway station near this site is called "Prayag Railway station" and the post office is called "Prayag Post Office." Before the Hon'ble High Court the petitioners have cited extensive historical evidence including the Official District Gazetteer of Allahabad as well as books such as "Tareek-E-Allahabad", "Mutakhab-mun-Tawareekh," "Hindu Dharm Kosh" and "Dharmshashtra Ka Itihas" which establish that "Prayag" and Allahabad were two distinct entities with the former being the site of confluence of the two rivers. There is absolutely no evidence to support the claim of the Respondent state that the city itself was called Prayag and not Allahabad. Moreover, the claim of the Respondent state that the district was initially called Prayag and was changed to Allahabad is absolutely fallacious as the name Allahabad was given in the 16<sup>th</sup> century and no districts, as we now know them, existed at the time. The Hon'ble High Court incorrectly relied on the Gazetteer only to the extent that there was a place called Prayag as

opposed to noting that the Gazetteer establishes that the place Prayag was distinct from the place Allahabad.

**Third,** the change of name would in fact cause confusion since there is already an area called Prayag within Allahabad.

**Fourth,** the Respondents themselves have cited no evidence to prove their claim as well as any evidence that any confusion did exist in the minds of the public at the national and international level or that the public wanted such a change. The acceptance of such a proposal in the absence of evidence would amount perpetuating local legends.

It is also pertinent to note that as per the response of the Minister of State in the Ministry of Home Affairs on 24.07.2001 in the Lok Sabha a proposal was received from the State of Uttar Pradesh to change the name of Allahabad to Prayagraj and the same was sent back to the State Government to ensure that the notification complies with the guidelines issued by the Government of India regarding renaming of villages, towns, etc. to ensure that the proposal satisfies the prescribed criteria. This time around as well the material of the Respondent State Government does not fulfil the guidelines

mentioned in the 1953 and 1981 notifications and is thus liable to be set aside.

**The impugned notifications of the State Government as well as the grant of approval by the Union Government violate Article 14 of the Constitution of India**

It is now well established that Article 14 is a guarantee against arbitrary action (***Khoday Distilleries v. State of Karnataka, (1996) 10 SCC 304 (para 13)***) In ***Shayara Bano v. Union of India, (2015) 9 SCC 1*** this Hon'ble Court held that state action under Article 14 will be arbitrary if it is "*something done by the legislature capriciously, irrationally and/or without adequate determining principle.*" (para 101) It is submitted that the decision itself as well as the process of issuing the decision is not based on any principle and is irrational:

1. First, the impugned Cabinet note asserts that the people of Allahabad have demanded the change from Allahabad to Prayagraj for a long time without any conducting any survey to ascertain the views of the people. Only a Marg Darshak Mandal meeting, which had been called by the Chief Minister and the Governor on 13.10.2018, for overseeing the progress for the up-

coming Kumbh Mela. However, instead of discussing the Agenda, the Governor while explaining the need to re-claim lost heritage asked the audience to raise their hands if they supported the move to change the name of Allahabad to Prayagraj. Possibly sensing the Government's mood many people raised their hands. Thereafter it was asked as to who in the crowd present oppose such a move, but no one dared to raise their hands as it appears that none wanted to incur wrath of high officials. Such a meeting where no notice of the agenda of the topics of discussion was published in advance and where a mere straw poll was conducted cannot be the basis to re-write the culture of Allahbadis.

2. Second, the Cabinet Note asserts that the district and city was previously termed Prayag but its name was changed to Allahabad, without citing any historical evidence to establish the same. The Petitioners on the other hand cited compelling historical evidence to establish that both Allahabad and Prayag are distinct entities and Prayag was never renamed to Allahabad which have not been ignored by the Hon'ble High Court in its impugned judgment. This Hon'ble Court in ***State of***

***Maharashtra and Ors. vs. Indian Hotel and Restaurants***

***Assn. and Ors., 2013 8 SCC 519*** “taking away of these rights

of equality by any legislation would require clear proof of the

justification for such abridgment.” (para 121) The Respondent

State, in the absence of any evidence to support its claims has

failed to discharge this burden and its actions violate Article 14.

3. Third, the entire process was wrapped up hastily in a matter of five days in the following manner:

a. Allegedly a proposal was sent by the Board of Revenue on 15.10.2018 for changing the name

b. Impugned cabinet decision was taken the very next day on 16.10.2018

c. Impugned notification was issued by the Governor of Respondent State under Section 6(2) of the UP Revenue Code, 2006 two days after on 18.10.2018.

d. Impugned order was issued by the District Magistrate enforcing the change of name of Allahabad to Prayagraj another two days after on 20.10.2018.

The haste with which the process was followed is itself demonstrative of the fact that the State did not adequately consider

the evidence on record as well as the implication of the decision on the fundamental rights of the citizens residing and belong to Allahabad.

**The impugned notifications of the Respondent State Government violate Article 29 read with Article 51A(f) of the Constitution of India which protects India's composite culture**

The change of name of Allahabad violates the right of the Petitioners and other residents of Allahabad to conserve their culture under Article 29(1) of the Constitution of India. Article 29(1) of the Constitution of India reads as follows:

**“29.** *Protection of interests of minorities*

**(1)** *Any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same”*

While the term culture has not been defined in the Constitution, it is pertinent to note that Article 29 is broadly worded and provides the right to a “section of citizens” to “conserve their culture.” It is submitted that Article 29 would also take within its fold the right to conserve a composite culture that is a foundational value of the

Indian Constitution. Illustratively, Article 51A(f) of the Constitution makes it a fundamental duty of each citizen to “*value and preserve the rich heritage of our composite culture.*” This Hon’ble Court has consistently held that the fundamental duties while obligatory on citizens should also be observed by the State as the State’s collective duty. (***Mumbai Kamgar Sabha v. M/s Abdulbhai Faizullabhai & Anr., (1976) 3 SCC 832; Charu Khanna v. Union of India (2015) 1 SCC 192***)

The judiciary has also expounded on a composite culture being the foundational value of the Indian Constitution. For instance, in ***Suresh Chandra v. Union of India, ILR (1975) 2 Del 32*** (para 10), the Hon’ble Court held:

*“The main social change sought to be brought about by the Constitution in India is to coalesce the different communities based on religion into a society based on association of people coming together to achieve common ends. This new society based on association has to be nurtured on a composite culture. It has to be made aware of the elements of that culture which nourish the feeling of oneness and national unity. It must know the good*



*elements of the history and tradition of the country. ... This culture exhibits unity in diversity. The attempt of the State is to educate the people in understanding this unity in diversity. Each of these diverse elements from different cultures makes a valuable contribution to the common culture.”*

Similarly, the Hon’ble Court in ***In Re: Court On its Own Motion, 2015 SCC OnLine Del 13289***, the Hon’ble Court held as follows:

*“The composite culture to which we would be referring to means the particular brand of culture that represents the rejection of uni-cultural regimentation or mono-cultural domination and positively re-affirms the value of pluralism and syncretism, as the viable, stable and desirable base for cultural efflorescence in a mixed society and plural polity, being the product of borrowing, sharing and fusing through process of interaction..*

*... We in India talk of the ‘Ganga-Jamuni thazib’ (culture born out of the confluence of Ganga and Jamuna) and it includes 7 streams of influence: (i) The Vedic vision, imbued with a sense of tolerance and respect for the many paths of truth, and the*

*essence of the philosophy of the Bhagavad Gita, that salvation is through action and duty well done without expectation of reward. (ii) The traditions of Bhakti Marga, with the emphasis being on love, as the exile principle of life and the love of God and the love of man as the means of a mystic vision and the unitive state for the attainment of peace, harmony and liberation in the present life and life thereafter. (iii) The humanistic concepts of Islam, which include fraternity of human beings and charity towards the have-nots: The beneficent Rahman and the merciful Rahim attributes of God. (iv) The message of 'sulhe-kul' (peace for all) of the Muslim Sufi 'silsilhas' (mystic orders), with focus on charity, fraternization of different communities. (v) The elegance and ethos of the syncretic Indo-Muslim cultural values, as manifested in social relations, etiquettes in daily life marked by gentility, restraint and deference towards elders; refinement in tastes, aesthetic and physical - in poetry, crafts, culinary, household and lifestyle. (vi) The cosmopolitanism of modern urban development, to provide an incipient cultural form for the migrants of the rural hinterland into the cities*

*during the period the western influence in India under the British was creating urban cities with different lifestyles, evincing a rise of the Indian urban professional. (vii) The heritage of the Indian National movement, for the liberation and re-construction of the Indian polity, free from the imperial rule.”*

Thus, the Indian Constitution equally protects those cultural symbols that are not symbolic of any one community but represent the pluralistic culture of a region that cuts across religions, castes and communities.

It is submitted that the name Allahabad or Illahabas is a prime example of the composite culture that the Indian Constitution culture - Akbar named the city “Ilah-bas” meaning abode of god on account of its proximity to the pilgrimage site which had divine stature for the Hindus. Moreover, the name is considered an extraordinarily unique name since Illah means goddess in Hindi and Ilaha means God in urdu.

“Allahabad” has been associated with the City for over more than 400 years. The name now is not merely the name of a place but has become inextricably linked with the identity of the City and all

its people irrespective of their religion. It forms part of the day to day lived cultural experience of the residents of the City and the Districts of Allahabad. As a result, it is used a defining marker of the people and specialties from the region. For instance, the “Allahabadi Guava”, “Allahabadi Cake” are some examples of things that are distinctly Allahabadi.

Name changes *per-se* are an assault on this lived cultural experience which is associated with a City, Place, etc. For instance, although the name of “Connaught Place” has been changed to Rajiv Chowk many years back, the people of the City of Delhi always refers in their day to day conversation to the place as Connaught Place only. Particularly, when a certain name has been associated with a place for hundreds of years, entire communities, languages and identities are formed around the name of City/District, an abrupt overnight change to such a name by an executive fiat is a clear assault on the right under Article 29(1) of Constitution of India of the Petitioners to conserve their culture. This aspect of composite culture has been precisely been recognized and protected by the aforementioned notifications issued by the Ministry of Home Affairs in 1953 and 1981 which specifically provide that names of places that people have got

used to or which have a historical connection should not be changed as far as possible in the absence of special and compelling reasons. In the present case, there has been no meaningful public consultation on the name change and no compelling reasons have been given as to why such a change is required in the first place. As a result, the impugned action is a violation of the distinct Allahabadi culture of all the residents of Allahabad under Article 29(1) and 51A(f) of the Constitution.

**The impugned notifications as well as the grant of approval by the Union Government violate Article 21 of the Constitution of India**

The right to life includes the right to live with a sense of identity, heritage and history. Thus, it is submitted that the name of a City when it forms a part of both a distinct culture of a community as well as a composite culture will also necessarily be a part of right to life under Article 21 of the Constitution of India. This is also in consonance with the concept of Secularism, that finds a mention in the Preamble and has been held to be a basic structure of the Constitution.

Moreover, the right to culture has also been recognized as a part of India's international obligations. It is submitted that India has ratified the following conventions which recognize a right to culture:

**First**, The International Covenant on Economic, Social and Cultural Rights 1976 where Article 15 states as follows:

1. *The States Parties to the present Covenant recognize the right of everyone:*
  - a. *To take part in cultural life;*
  - b. *To enjoy the benefits of scientific progress and its applications;*
  - c. *To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.*
2. *The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture.*

3. *The States Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity.*
4. *The States Parties to the present Covenant recognize the benefits to be derived from the encouragement and development of international contacts and co-operation in the scientific and cultural fields.*

Similarly, Article 27 of the International Covenant for Civil and Political Rights, 1966 provides:

**Article 27:** *In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.*

It is submitted that this Hon'ble Court has consistently held that obligations under international covenants which are not inconsistent with fundamental rights must be enforced by the judiciary. (**Kindly see K. Puttaswamy v. Union of India (2017) 10 SCC 1, Vishaka v. State of Rajasthan, (1997) 6 SCC 241**).

Thus, the decision of the State Government to change in the absence of any reasons backed by evidence is violative of Article 21 of the Constitution.

**The Hon'ble High Court erred in holding that the decision of the State Government will be subject to limited judicial review**

The Hon'ble High Court did not consider any of the aforementioned grounds only on the ground that the decision of the Respondent represents a policy decision and the scope of judicial review is limited.

The old adage that the Judiciary should not interfere in policy decisions cannot apply when a policy decision interferes with fundamental rights has been imported from the United States but is inconsistent with the Constitution of India. The same is clear from Article 13 of the Constitution which provides that the State cannot make any law which takes away or abridges Fundamental Rights. Article 13 provides an inclusive definition for the word law which “includes any Ordinance, order, bye law, rule, regulation, notification, custom or usages having in the territory of India the force of law.” Explaining the expansive definition of the word State in Article 12, Dr. B.R. Ambedkar in the Constituent Assembly explained “*that every*



*authority which has got either the power to make laws or the power to have discretion vested in it* must be bound by fundamental rights.

Thus, it is clear that all state action including a policy decision cannot violate fundamental rights. Under Article 32 it is the duty of the Court to review and strike down any State Action that is violative of fundamental rights. As noted by this Hon'ble Court in **State of Punjab v. Khan Chand**, (1974) 1 SCC 549, the refusal to strike down an enactment if found unconstitutional will be an abdication of judicial duty (para 12):

*“It would be wrong to assume that there is an element of judicial arrogance in the act of the courts in striking down an enactment. The Constitution has assigned to the courts the function of determining as to whether the laws made by the legislature are in conformity with the provisions of the Constitution. In adjudicating the constitutional validity of statutes, the courts discharge an obligation which has been imposed upon them by the Constitution. The courts would be shirking their responsibility if they hesitate to declare the provisions of a statute to be unconstitutional, even though those provisions are found to be violative of the Articles of the*

*Constitution. Articles 32 and 226 are an integral part of the Constitution and provide remedies for enforcement of fundamental rights and other rights conferred by the Constitution. Hesitation or refusal on the part of the courts to declare the provisions of an enactment to be unconstitutional, even though they are found to infringe the Constitution because of any notion of judicial humility would in a large number of cases have the effect of taking away or in any case eroding the remedy provided to the aggrieved parties by the Constitution. Abnegation in matters affecting one's own interest may sometimes be commendable but abnegation in a matter where power is conferred to protect the interest of others against measures which are violative of the Constitution is fraught with serious consequences. It is as much the duty of the courts to declare a provision of an enactment to be unconstitutional if it contravenes any article of the Constitution as it is theirs to uphold its validity in case it is found to suffer from no such infirmity.”*

It is submitted that this proposition would apply with equal force to policy decisions of the Government given the wide definition of law

provided for under Article 13 (***Kindly see Deepchand v. State of Uttar Pradesh, 1959 Supp 2 SCR 8***). This Hon'ble Court has noted precisely this in ***Yashwant Sinha v. Central Bureau of Investigation through its Direction (2019) 6 SCC 1***. In the present case, the Respondent state government has cited reasons for the change such as the fact that the city and district of Allahabad was previously called Prayagraj and that there has been confusion at the national and international level with the name of Allahabad, which have no evidentiary basis. In such circumstances, the Respondent state cannot hide behind the veil of limited judicial review to defend its decision.

In the present case, the Hon'ble High Court has failed to consider and hold that the impugned notifications while being policy decisions violate the fundamental right of the petitioners' right to conserve their culture under Article 29, Article 21 and right against arbitrary action under Article 14 as well as Article 27. It is humbly submitted that this amounts to a grave error in both law and facts that merits interference by this Hon'ble Court under Article 136 of the Constitution.

## List of Dates & Events

| Date       | Particulars  |
|------------|--|
| 11.09.1953 | Letter/Notification No. 130/53 Public, dated 11 <sup>th</sup> September, 1953 issued by the Ministry of Home Affairs, Government of India giving strict guidelines for name change of places. The relevant portions of this letter reads as follows: |

*“Sub:- Changes in the names of village, towns, etc Procedure of*

- 1. I am directed to say that of late several requests have been received from the State Govt. for changing the names of villages etc. The question has been examined in detail by the Government of India etc. should be discouraged as far as possible that no change should be agreed to unless there were compelling reasons to justify it, and that all proposals should be referred to the Govt. of India in the*

*Minister of Home Affairs before any change is made.*

- 2.** *It is essential that there should be a uniform procedure in the matter of changing the names of places and that the State Govt. should keep in view the following broad principles which making propose for changes in the names of villages, towns, etc. to the Govt. of India.*
  - a.** *Unless there is some very special reason, it is not desirable to change a name which people have got used to.*
  - b.** *Names of villages etc. having a historical connection should not be changed as far as possible.*
  - c.** *A change should not be made merely on grounds of local patriotism or for linguistic reasons, e.g. villages etc. should not be renamed after national*

*leaders merely to show respect to them or for satisfying local sentiment in the matter of language, etc.*

- d.** *In selecting names, care should be taken to see that there is no village or town etc. of the same name in the State and neighborhood which might lead to confusion.*
  - e.** *While recommending any change, the State Govt. should furnish detailed reasons for proposing a change in the name and also for selecting the new name.*
- 3.** *Notwithstanding what has been stated in para 2 above, it may be eminently desirable that where an ancient place has felled into decay and with that the old place name has also disappeared, the ancient name should be restored...”*

**27.05.1981** Notification/Letter No. 11/10/81 is issued by the Ministry of Home Affairs, Government of India to Chief Secretaries of All States, the operative portion of which reads as follows:

*“I am directed to invite attention to this Ministry’s letters No. 130/43 public dated 11.09.1953 and No/39/11/60 Pub.I dated 28.12.1960 (copy each enclosed for ready reference) and to say that case of proposed change in the name of Districts/Talukas/Tehsils also, the same procedure as is being adopted at present for effecting change in the names of villages, towns, railway stations, etc. (as laid down in the letters referred to above) may invariable be adopted, i.e. all such proposals should be referred to the Government of India (Ministry of Home Affairs) for prior concurrence before any such is made or announced. The*

*instructions laid down in para 2 of letter dated 11.09.1953 under reference may also be kept in view before sending any such proposal.*

**1999** A Name Change Authority is established by the LG of NCT of Delhi, with the following guidelines for change of names:

*“CHANGES IN THE NAMES OF VILLAGES, TOWNS ETC. :*

- 1. Changes in the names of villages, towns etc. should be discouraged as far as possible. No change should be agreed to unless there are compelling reasons to justify it and all proposals should be referred to the Ministry of Home Affairs before any change is made. The guidelines framed by Ministry of Home Affairs vide letter no. 130/53-Public dt. 11/09/1953, letter no. 11/7/2004-M&G dt. 11/04/2005 and letter no. 39/11/60-*



*Pub.1 dt. 28/12/1960 (copies at Annex-II-IV) may be kept in view while making recommendations for change in names of Villages, Towns etc.*

- 2.** *Unless there is some very special reason, it is not desirable to change a name which people have got used to.*
- 3.** *Names of villages etc. having a historical connection should not be changed as far as possible.*
- 4.** *Change should not be made merely on grounds of local patriotism or for linguistic reasons, e.g. villages etc. should not be renamed after national leaders merely to show respect to them or for satisfying local sentiment in the matter of language etc. An exception can, however, be made in the case of Martyrs where the name can be suitably added to the name of a place*

*sought to be changed, if a request is made by the State government to that effect and there is general recognition of the role of the Martyr in national life.*

- 5.** *In selecting new names, care should be taken to see that there is no village or town etc. of the same name in the State and Neighborhood.*
- 6.** *While recommending any change, the State Governments should furnish detailed reasons for proposing a change in the name and also for selecting the new name.*
- 7.** *Where an ancient place has fallen into decay and with that the old name has also disappeared the ancient name should be restored.*

Although these guidelines may not be directly applicable, as they have been issued for NCT of Delhi,

they apply the directive of the Ministry of Home Affairs they are instructive in as much as they indicate the broad parameters and considerations that accompany a name change of a city/town and place and shows that the entire process of name change, should be discouraged.

**24.07.2001** The Minister of State in the Ministry of Home Affairs in the Lok Sabha responded to an unstarred question stating that a proposal had been received from the State of Uttar Pradesh to change the name of Allahabad to Prayagraj and the same was sent back to the State Government to ensure that the notification complies with the guidelines issued by the Government of India regarding renaming of villages, towns, etc. to ensure that the proposal satisfies the prescribed criteria. A true typed copy of the response of the Minister of State in the Ministry of Home Affairs to unstarred question 302 dated 24.07.2001 is annexed herewith as **Annexure P-1** at page \_\_\_\_.

**23.04.2013** The Minister of State in the Ministry of Home Affairs in the Lok Sabha, in response to an unstarred question “whether it is mandatory to obtain the approval of the Union Government by the State Governments for changing the names of cities, towns, etc in their respective State” replied in the affirmative. A true typed copy of the response of the Minister of State in the Ministry of Home Affairs to unstarred question 4794 dated 23.04.2013 is annexed herewith as **Annexure P-2** at page \_\_\_\_\_.

**16.12.2014** In response to an unstarred question in the Lok Sabha the Minister of State in the Ministry of Home Affairs responded that the “Ministry has issued guidelines from changing names of cities/towns, etc. If any proposal is received from any State fulfilling these guidelines, this ministry accords its ‘No object to such a change of name.’” A true typed copy of the response of the Minister of State in the Ministry of Home Affairs to unstarred question 3797 dated

16.12.2014 is annexed herewith as **Annexure P-3** at pages \_\_\_\_\_ to \_\_\_\_\_.

**13.10.2018** The process of name change of Allahabad started rather abruptly on 13.10.2018. On 13.10.2018, in a Marg Darshak Mandal meeting, which had been called by the Chief Minister and the Governor, for overseeing the progress for the up-coming Kumbh Mela. However, instead of discussing the Agenda, the Governor asked the audience to raise their hands if they supported the move to change the name of Allahabad to Prayagraj. Sensing the Government's mood many people raised their hands. Thereafter it was asked as to who in the crowd present oppose such a move, but no one dared to raise their hands as it appears that none wanted to incur wrath of high officials.

**15.10.2018** Immediately thereafter, on 15.10.2018 a proposal was invited from the Board of Revenue wherein it was

mentioned that Prayag was the only place of Pilgrimage out of 14 spots mentioned in the Hindu ancient texts whose name had been changed even though it was the king of all the Pilgrimage Spots and, therefore, a recommendation was made for change of name of Allahabad to Prayagraj. It is pertinent to note that this proposal is not in the public domain and the Hon'ble High Court did not consider the plea of the petitioners seeking disclosure of this proposal.

**16.10.2018** That the proposal of the board of Revenue was considered by the Cabinet of the Govt. of Uttar Pradesh on 16.10.2018, wherein noting the contents of the letter dated 15.10.2018 it was recorded that the public had been clamoring for change of the name of Allahabad to Prayag or Prayag Raj. The Cabinet noted that the Board of Revenue had observed that this demand was valid as out of the 14 religious places mentioned in the ancient texts, only the name of Prayag had been changed, even though this place was

the king of all pilgrimages, or Prayag Raj. It was further noted that because of the change in name from Prayag to Allahabad there was always confusion in the minds of the national as well as the international community. It was further observed that by changing the name from Allahabad to Prayagraj, the prestige of the Indian culture in the national and international community, would be boosted and it would also promote religious tourism and enhance its Vedic and Puranic identity. It was noted that the Finance and Revenue Department had already given their no objections to this proposal of the change of name of the district of Allahabad to Prayagraj. A true typed translated copy of the Cabinet Resolution dated 16.10.2018 is annexed herewith as **Annexure P-4** at pages \_\_\_\_\_ to \_\_\_\_\_.

**18.10.2018** That subsequently the impugned notification dated 18.10.2018 was issued in purported exercise of the powers conferred under Section 6(2) of the U.P.

Revenue Code, 2006 and by means of an executive fiat the name of Allahabad was directed to be changed to Prayagraj by the State Government. A true copy of the English version of the Notification dated 18.10.2018 issued by the Governor under Section 6(2) of the UP Revenue Code, 2006 along with typed copy is annexed herewith as **Annexure P-5** at pages \_\_\_\_ to \_\_\_\_.

**20.10.2018** That thereafter the consequential office order was passed by the District Magistrate on 20.10.2018 in terms of which has sought to implement the aforesaid notification dated 18.10.2018. A true typed translated copy of the Office Order dated 20.10.2018 of the District Magistrate is annexed herewith as **Annexure P-6** at pages \_\_\_\_ to \_\_\_\_.

**24.10.2018** The petitioners filed Civil Misc. Writ (PIL) No. 4717 of 2018 before the Hon'ble High Court challenging the aforementioned orders of the Government of Uttar Pradesh challenging the authority of the Government



to undertake a name change as well on the grounds that it violates Article 14, 21 and 29 of the Constitution. A type copy of Civil Misc. Writ (PIL) No. 4717 of 2018 filed before the Hon'ble High Court is annexed herewith as **Annexure P-7** at pages \_\_\_\_\_ to \_\_\_\_\_.

**15.12.2018** The Ministry of Home Affairs of the Union Government granted a "no-objection" to the proposal of the State Government dated 10.12.2018 to change the name of the city of Allahabad to Prayagraj despite there existing no compelling reasons for grant of the same.

**20.02.2019** The Hon'ble High Court dismissed the Petition filed by the Petitioners. The Hon'ble Court incorrectly held that the State Government had the authority under Section 6 (2) of the UP Land Revenue Code to effect such a change. Furthermore, the Hon'ble High Court failed to consider whether the decision violated

Articles 14, 21 and 29 of the Constitution on the ground that the decision was a policy decision in respect of which scope of judicial review is limited.

**01.07.2019** Hence this special leave petition.

**IN THE SUPREME COURT OF INDIA**

**[Order XXI Rule 3 (1) (a)]**

**CIVIL APPELLATE JURISDICTION**

**SPECIAL LEAVE PETITION (CIVIL) No. \_\_\_\_\_ of 2019**

(Against the Common Impugned Final Judgment and order dated 26.02.2019 passed by the Hon'ble High Court of Judicature at Allahabad in Civil Misc Writ Petition (PIL) No. 4717 of 2018)

**IN THE MATTER OF:.**

| <b>Position of Parties</b>            | <b>Before the<br/>High Court</b> | <b>Before this<br/>Court</b> |
|---------------------------------------|----------------------------------|------------------------------|
| <b>1. Allahabad Heritage Society,</b> | <b>Petitioner</b>                | <b>Petitioner</b>            |
|                                       | <b>No. 1</b>                     | <b>no. 1</b>                 |
|                                       | <b>Petitioner</b>                | <b>Petitioner</b>            |
|                                       | <b>No. 3</b>                     | <b>No. 2</b>                 |
|                                       | <b>Petitioner</b>                | <b>Petitioner</b>            |
|                                       | <b>No. 4</b>                     | <b>No. 3</b>                 |

|                   |                   |
|-------------------|-------------------|
| <b>Petitioner</b> | <b>Petitioner</b> |
| <b>No. 5</b>      | <b>No. 4</b>      |

|                   |                   |
|-------------------|-------------------|
| <b>Petitioner</b> | <b>Petitioner</b> |
| <b>No. 6</b>      | <b>No. 5</b>      |

|                   |                   |
|-------------------|-------------------|
| <b>Petitioner</b> | <b>Petitioner</b> |
| <b>No. 7</b>      | <b>No. 6</b>      |

|                   |                   |
|-------------------|-------------------|
| <b>Petitioner</b> | <b>Petitioner</b> |
| <b>No. 8</b>      | <b>No. 7</b>      |

|                   |                   |
|-------------------|-------------------|
| <b>Petitioner</b> | <b>Petitioner</b> |
| <b>No. 9</b>      | <b>no. 8</b>      |

|                   |                   |
|-------------------|-------------------|
| <b>Petitioner</b> | <b>Petitioner</b> |
| <b>No. 10</b>     | <b>No. 9</b>      |

**Petitioner**                      **Petitioner**

**No. 12**

**No. 10**

**Versus**

**1.** State of Uttar Pradesh, Through Principal Secretary (Revenue), U.P. Secretariat, Lucknow-226001      **Respondent**      **Respondent**  
**No. 1**                                      **No. 1**

**2.** Principal Secretary, Revenue Department-5, U.P. Secretariat, Lucknow-226001      **Respondent**      **Respondent**  
**No. 2**                                      **No. 2**

**3.** Secretary, Board of Revenue, Kesar Bagh Lucknow 226001      **Respondent**      **Respondent**  
**No. 3**                                      **No. 3**

**4.** Commissioner, Allahabad Division, Uttar Pradesh 211003      **Respondent**      **Respondent**  
**No. 4**                                      **No. 4**

**5.** District Magistrate, Allahabad (Prayagraj), Dwarika Puri, Old Katra, Allahabad, Uttar Pradesh 211002      **Respondent**      **Respondent**  
**No. 5**                                      **No. 5**

**Petitioner**                      **Respondent**

**No. 2**

**No. 6**

**Petitioner**                      **Respondent**

**No. 11**

**No. 7**

8. **Petitioner** **Respondent**  
**No. 13** **No. 8**

**Respondent No. 1 to Respondent No. 5 are Contesting Respondents and Respondent No. 6 to Respondent No. 8 are Proforma Respondents.**

TO

THE HON'BLE CHIEF JUSTICE OF INDIA

AND HIS HON'BLE COMPANION JUSTICES

OF THIS HON'BLE SUPREME COURT OF INDIA

THE HUMBLE PETITION OF THE

PETITIONERS ABOVE NAMED

**MOST RESPECTFULLY SHOWETH:**

1. The Petitioners herein have preferred this Petition for Special Leave to Appeal against the Common Impugned Final Judgment and order dated 26.02.2019 passed by the Hon'ble High Court of Judicature at Allahabad in Civil Misc Writ Petition (PIL) No. 4717 of 2018 where by the Hon'ble High Court dismissed the petition filed by the Petitioners challenging the validity of the proposal of the Board of Revenue dated 15.10.2018, Cabinet Resolution

dated 16.10.2018, notification of the Governor dated 18.10.2018 passed under section 6(2) of the Uttar Pradesh Land Revenue Code, 2006 and Office Order dated 20.10.2018 of the District Magistrate effecting a change of the name of the district of Allahabad to Prayagraj.

## **2. QUESTIONS OF LAW**

The following questions of law arise from the impugned Order of the High Court:

- A.** What is the meaning and scope of culture under Article 29 of the Constitution of India?
- B.** Whether the Hon'ble High Court erred in dismissing the Petition of the petitioners on the ground that the Respondent State had the authority to change the name of Allahabad for non-administrative reasons under Section 6(2) of the Revenue Code, 2006?
- C.** Whether the Hon'ble High Court in holding that the 1953 notifications and 1981 notifications issued by the Union Government, which require the State Government to seek the approval of the Union Government would not apply as

the same being executive instructions would be overridden by the Revenue Code, 2006?

- D.** Whether the impugned notifications of the State Government are liable to be set aside on the ground that they do not satisfy the requirements of the 1953 and 1981 notifications?
- E.** Whether the impugned notifications and actions of the State Government are liable to be set aside on the ground that they provide no compelling or special reasons for the change of name?
- F.** Whether the impugned notifications and actions of the State Government is liable to be set aside on the ground that that the reason cited for the change of name being that the district of Allahabad was previously known as Prayagraj is based on no evidence and not accurate?
- G.** Whether the action of the State Government is liable to be set aside as being violative of Article 14 of the Constitution of India?
- H.** Whether the notification and action of the State Government is liable to be set aside as being violative of Article 29 of the Constitution of India?



- I. Whether the phrase “culture” under Article 29 takes within its fold “composite culture”?
- J. Whether the actions of the State Government is liable to be set aside as being violative of Article 21 of the Constitution of India?
- K. Whether the Hon’ble High Court erred in holding that the scope of judicial review of the decision of the State Government is limited?
- L. Whether the order of the Hon’ble High Court deserves to be set aside on the ground that the Hon’ble High Court did not consider numerous contentions put forth by the Petitioners?

**2. DECLARATION IN TERMS OF RULE 3 (2)**

The Petitioners herein have not filed any other Petition for Special Leave to Appeal before this Hon’ble Court against the Common Impugned Final Judgment and order dated 26.02.2019 passed by the Hon’ble High Court of Judicature at Allahabad in Civil Misc Writ Petition (PIL) No. 4717 of 2018.

**3. DECLARATION IN TERMS OF RULE 5**

Annexure P-1 to Annexure P-7 have formed part of the record of case in the Hon'ble High Court below sought to be appealed from

and are translated copies of their respective originals. An application to place on record additional documents has been moved in respect of Annexure P-8.

**4. GROUNDS**

That the Petitioners are relying upon the following grounds for their case in the present Petition before this Hon'ble Court, all of which are *inter alia* without prejudice to each other:

- A.** That the Hon'ble High Court gravely erred in holding that the State Government had the authority under S.6(2) of the Uttar Pradesh Land Revenue Code, 2006 without noting the contention of the petitioners that the Uttar Pradesh Land Revenue Code only grants the power to the State Government to effect changes in names of revenue areas for the purpose of amalgamation, readjustment and division of revenue areas and not for alleged historical or cultural reasons.
- B.** That the Hon'ble High Court gravely erred in not at all considering the contention of the petitioners that Section 6(2) of the Uttar Pradesh Land Revenue Code, 2006 cannot be interpreted as giving the State Government the authority

to effect changes of names for non-administrative reasons since the relevant entries in List II of the seventh schedule of the Constitution, namely, entries 5, 18, 45, 46 and 49, only grant the State Government the authority over land for the purposes of revenue and administration and therefore cannot be the basis of changing the name for non administrative reasons.

- C.** That the Hon'ble High Court gravely erred in holding that the notifications issued by the Ministry of Home Affairs dated 11.09.1953 and 27.05.1981 which require the State Government to take the approval of the Union Government before effecting names of ancient places would not apply on the ground that the UP Land Revenue Code, 2006 being a legislative enactment would override the same.
- D.** That the fact that the State Government sought approval from the Union Government in terms of the 1953 and 1981 notifications to change the name of the city of Allahabad to Prayagraj would also imply that the approval should have been sought to change the name of the district of Allahabad to Prayagraj since the notifications equally apply to districts.

**E.** That the Hon'ble High Court failed to consider that the action of the State Government to change the name of the district of Allahabad to Prayagraj did not satisfy the requirements of the notifications dated 11.09.1953 and 27.05.1981 which provided that names of places having historical connection should not be changed as far as possible and that detailed reasons should be provided. The resolution of the Board of Revenue dated 15.10.2018 which initiated the process of change was not made public at all. No detailed reasons rooted in evidence were provided by the Respondent State Government in the cabinet resolution dated 16.10.2018, notification dated 18.10.2018 of the Revenue Department and the letter dated 20.10.2018 of the District Magistrate effecting the change of name of district of Allahabad.

**F.** That the Hon'ble High Court failed to consider that the action of the State Government to change the name of the district of Allahabad to Prayagraj did not satisfy the requirements of the Notifications dated 11.09.1953 and 27.05.1981 which provided that names of places having historical connection should not be changed unless special reasons exist. The

cabinet resolution dated 16.10.2018 has stated that such a change was effected on the ground that there has been a clamour for such a change by the public as the name of the district was previously Prayagraj which was changed to Allahabad and this change had caused confusion at the international or national level. However, there was absolutely no evidence cited in support of these reasons. There has been no clamour by the public demanding such a change of name of Allahabad. No historical evidence was cited to support the claim that the city or the district were previously called Prayag and the same had been changed to Allahabad. In the same vein, no evidence was provided to establish how confusion had been created at the national and international level.

- G.** That the State Government has incorrectly contended that Allahabad was previously called Prayagraj without citing any evidence. Prayag and Allahabad were two separate entities. Prayag was the point of confluence of the Ganges and Yamuna rivers which was a place of pilgrimage and was never the name given to the city. Moreover, the place of

pilgrimage is still called Prayag. For this reason, there still exists a “Prayag Railway Station” and a “Prayag post office” in the area. Thus, the reasoning of the State Government is completely fallacious and also goes against the District Gazetteer of Allahabad.

**H.** That the Hon’ble High Court gravely erred in not considering a number of historical sources cited by the Petitioners including books such as “Tareek-E-Allahabad”, “Mutakhab-mun-Tawareekh,” “Hindu Dharm Kosh” and “Dharmshasthra Ka Itihas” that establish that there is no historical support for the claim that Allahabad was not previously named Prayag or Prayagraj which was changed during the reign of Akbar, and establish that Prayag and Allahabad were two different entities.

**I.** That the Hon’ble High Court ignored the true import of the official District Gazetteer of Allahabad 1986 by holding that the District Gazetteer provides a description of the ancient site of Prayag thus establishing its existence. The Hon’ble High Court has ignored the fact that the Gazetteer refers to Prayag as the site of confluence of the Ganga and Yamuna within

Allahabad thus establishing that Prayag was never the name of the city or the district that was later changed to Allahabad.

**J.** That the proposal of the State Government violates the requirements of the 1953 and 1981 notifications which the Union Government has itself admitted to be mandatory in the Lok Sabha in response to unstarred questions on 24.07.2001, 23.04.2013 and 16.12.2014.

**K.** That the action of the State Government amounts to a violation of the right to culture recognised under Article 29 of the Constitution of India. A holistic reading of the constitution indicates that the word culture would also take within its fold composite culture. A composite culture represents the coalescence of the culture of different religions and communities which nourish the feeling of oneness and national unity and pluralism as recognised by the Indian judiciary in **Suresh Chandra v. Union of India, ILR (1975) 2 Del 32** and **In Re: Court On its Own Motion, 2015 SCC OnLine Del 13289**. The name Allahabad or Illahabas is a prime example of the composite culture that the Indian Constitution culture. As per historical sources,

Akbar named the city “Ilah-bas” meaning abode of god precisely on the ground that the place had divine stature for the Hindus. The name is considered an extraordinarily unique name since Illah means goddess in Hindi and Ilaha means God in urdu.

- L.** That the Hon’ble High Court failed to consider that name changes in the absence of valid justifications amount to an assault on the lived cultural experience of the people as recognised under Article 29 and Article 51A(f) and the same was sought to be protected by the notifications dated 11.09.1953 and 27.05.1981. The Hon’ble Court failed to note that the name Allahabad is not merely the name of a place but has become inextricably linked with the identity of the City and all its people irrespective of their religion. It forms part of the day to day lived cultural experience of the residents of the City and the Districts of Allahabad. As a result, it is used a defining marker of the people and specialties from the region. For instance, the “Allahabadi Guava”, “Allahabadi Cake” are some examples of things that are distinctly Allahabadi.



- M.** That the Hon'ble High Court failed to consider that Allahabad is a city of historical significance through all phases of history including the British era where the city came to be an administrative centre, a status it still enjoys. Moreover, important historical figures including Madanmohan Malviya, Motilal Nehru, Jawaharlal Nehru, Purshottam Das Tandon, Asaf Ali and Lal Bahadur Shastri were natives of Allahabad. The change of name of the city will undermine the historical importance of the city.
- N.** That the Hon'ble High Court gravely erred in ignoring the submission of the Petitioners that the action of the State Government violates the principle of composite culture under Article 29 and Article 51F by holding that Prayag was an ancient site. In doing so, that the Hon'ble High Court has ignored that the reason provided by the State Government was not that Prayag was an ancient site representative of composite culture but that the Prayag was the original name of the city which was then changed to Allahabad, a fact that has no evidentiary or historical basis.

- O.** That the Hon'ble High Court erred in not considering the submission of the petitioners that the impugned action of the State Government is violative of Article 21 which includes the right to cultural heritage.
- P.** That the Hon'ble High Court erred in not considering that the protection of culture is an international obligation of India under The International Covenant on Economic, Social and Cultural Rights (1976) and the International Covenant for Civil and Political Rights (1966) which must be enforced by the courts as per the Hon'ble Courts decision in ***K. Puttaswamy v. Union of India, (2017) 10 SCC 1, Vishaka v. State of Rajasthan, (1997) 6 SCC 241.***
- Q.** That the Hon'ble High Court failed to consider that the action of the State Government is violative of Article 14 which provides a guarantee against arbitrary state action on the ground that it was carried out capriciously, irrationally and/or without adequate determining principle.
- R.** That the Hon'ble High Court failed to consider that the action of the State Government is violative of Article 14 as it asserted that the people had demanded a change in the

name without conducting a public consultation. Only a straw poll was conducted at a Marg Darshak Mandal meeting, which had been called by the Chief Minister and the Governor on 13.10.2018, for overseeing the progress for the up-coming Kumbh Mela. Such a meeting where no notice of the agenda of the topics of discussion was published in advance and where a mere straw poll was conducted cannot be the basis to re-write the culture of Allahbadis

- S.** That the Hon'ble High Court failed to consider that the action of the State Government is violative of Article 14 as the State Government failed to provide any historical evidence to establish the basis of the change of name of the district Allahabad to Prayagraj that the Allahabad was initially called Prayag or Prayagraj.
- T.** That the Hon'ble High Court failed to consider that the action of the State Government is violative of Article 14 as being arbitrary as the State Government initiated and wrapped up the entire process of the name change with undue haste in merely five days.

- U.** That the Hon'ble High Court erred in not considering that the action of the State Government which haphazardly and selectively followed some aspects of the procedure for the city and some for the state amounts to arbitrariness under Article 14 of the Constitution.
- V.** That the Hon'ble High Court erred in not considering the petitioner's submissions on the constitutionality of the Section 6(2) of the Uttar Pradesh Land Revenue Code, 2006 and that the provision is void for vagueness and being overbroad.
- W.** That without prejudice to the aforementioned grounds, the Hon'ble High Court ought to have considered the fact that the exercise of power under Section 6(2) of the Uttar Pradesh Land Revenue Code, 2006 could not be arbitrary and therefore, the Respondent Government was mandated to advertise the proposal and seek comments from the general public before changing the name of Allahabad in line with the spirit of the provision as well as Article 14 of the Constitution of India.

- X.** That the Hon'ble High Court erred in not considering the submission of the Petitioners that the change in name of Allahabad to Prayagraj, on the ground of promoting a particular religion, is violative of Article 27 of the Constitution, the principle of secularism and the principle of fraternity.
- Y.** That the decision of the State Government ought to be set aside as arbitrary for not at all having considered the consequent financial expenses that the change of name would entail.
- Z.** That the Hon'ble High Court gravely erred in holding that the judiciary cannot intervene in the decision of the State Government as the decision is a policy decision as the same goes against Article 13 and Article 32 of the Constitution which obligates the state to not make any law including a policy that violates a fundamental right and a duty on the judiciary to strike down such action. Therefore, the Hon'ble Court ought to have struck down the action of the State Government on the ground that it violates article 14, 21 and 29 of the Constitution.

**AA.** That the Hon'ble High Court erred in holding that the State Reorganisation Act, 1956 would confer the power to the State Government to change the name of a district in the present day.

**BB.** That the Hon'ble High Court erred in not directing the State Government to make available to the petitioners and to the public the proposal of the Board of Revenue dated 15.10.2018 which initiated the process of the name change and the record of the State Government to analyse the reasons provided by the State Government.

**CC.** That to the knowledge of the Petitioners no approval has been sought and received by the State Government from the Union Government

**DD.** That thus the impugned order of the Hon'ble High Court looked at from all angles is liable to be set aside.

**EE.** That the present Petition is being made bona fide and in the interests of justice.

**FF.** That the Petitioners seeks leave to raise any other ground that may be available to them.

**5. GROUND FOR INTERIM RELIEF:**

Because this Hon'ble High Court through its impugned order has dismissed the Petition of the Petitioners by not considering the any of the contentions of the Petitioner on the incorrect ground that the State Government had the competence to change the name of a city or a district for non- administrative reasons. The reasoning of the Hon'ble High Court is prima facie incorrect in view of the 1953 and 1981 notifications and the ostensible purpose of the UP Land Revenue Code. Moreover, the State Government after arguments in the Hon'ble High Court sought approval of the Union Government in respect of the city in terms of the 1953 and 1981 thus admitting that the Union Government's executive instructions are in principle applicable. Thus, there exists no basis in law and fact to uphold the decision of the Hon'ble High Court. Even so, the names of various aspects relating to the District of Allahabad are being changed and government money is being spent on the same. Thus, the continuation of the operation of the order of the Hon'ble High Court and the decision of the State Government is causing great prejudice to the Petitioners and other residents of the Allahabadis.

**6. PRAYER**

In the facts and circumstances set out hereinabove, it is most respectfully prayed that this Hon'ble Court may be pleased to:

- a.** Grant Special Leave to Appeal against the Common Impugned Final Judgment and order dated 26.02.2019 passed by the Hon'ble High Court of Judicature at Allahabad in Civil Misc Writ Petition (PIL) No. 4717 of 2018, and/or
- b.** Pass any other order or further orders as may deemed fit and proper in the interest of justice.

**7. PRAYER FOR INTERIM RELIEF:**

In view of the facts stated and the submission made hereinabove, the petitioners respectfully pray that the Hon'ble Court may graciously be pleased to

- a.** Grant stay of the operation of the impugned order of the Hon'ble High Court, and/or
- b.** Grant stay of the operation and effect of the impugned actions of the Respondent State dated 15.10.2018, 16.10.2018, 18.10.2018 and 20.10.2018 and the approval dated 15.12.2018 granted by the Union Government.



- c. Direct the Respondent State Government to make the Proposal of the Board of Revenue dated 16.10.2018 available to the Petitioners and the Public, and/or
- d. Pass any other order or further orders as may deemed fit and proper in the interest of justice

**AND FOR THIS ACT OF KINDNESS, THE PETITIONERS AS IN DUTY BOUND SHALL EVER PRAY.**

**Drawn By:**

**Filed By:**

**Drawn On:** 25.06.2019

**Place:** New Delhi

**SHADAN FARASAT**

**Filed On:** 01.07.2019

**ADVOCATE FOR THE PETITIONERS**