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FILED

SUPREME COURT OF INDIA

4436/2020

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (C) No. _____ OF 2020

IN THE MATTER OF:-

Namah

Versus

...Petitioner

Union of India

..... Contesting Respondent

PAPERBOOK
WITH

(FOR INDEX PLEASE SEE INSIDE)

ADVOCATE FOR PETITIONERS
RAJ KISHOR CHOUDHARY

Dated: 02.02.2019

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DIARY NO. _____

DECLARATION

All defects have been duly cured. Whatever has been added / deleted / modified in the petition is the result of curing of defects and nothing else. Except curing the defects, nothing has been done. Paper books are complete in all respects.

Signature:-----

Advocate-on-Record/
Petitioner(s) in-person -----

Date: -----

Contact No. :-----

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A

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (C) No. OF 2020

IN THE MATTER OF:-

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..... Contesting Respondent

OFFICE REPORT ON LIMITATION

1. The petition is within time
2. The Petition is barred by time and there is delay of days in filling the same against the Judgment/order dated and Petition for Condonation of days delay has been filed.
3. There is delay of day in re-filling the Petition for Condonation of days delay in re-filling has been filed.

BRANCH OFFICER

FILED ON: 02.02.2020

A/

PROFORMA FOR FIRST LISTING

SECTION:

The case pertains to (Please tick/ check the correct box):

☒ Central Act: (Title): Code of Civil Procedure☒ Section:☐ Central Rule: (Title)

N.A.

☐ Rule No(s):

N.A.

☒ State Act: (Title)

N.A.

☒ Section:

N.A.

☐ State Rule: (Title)

N.A.

☐ Rule No(s):

N.A.

☐ Impugned Interim: (Date)

N.A.

☒ Impugned Final Order/ Decree: (Date)

N.A.

☒ High Court:

N.A.

☒ Name of Judges:

N.A.

☐ Tribunal/ Authority: (Name)

N.A.

1. Nature of matter: ☒ Civil ☐ Criminal

2. (a) Petitioner: Namah

(b) e-mail ID:

N.A.

(c) Mobile phone number:

N.A.

3. (a) Respondent No.1: Union of India

(b) e-mail ID:

N.A.

(c) Mobile phone number:

N.A.

4. (a) Main category classification:

N.A.

(b) Sub classification:

014 (Others)

5. Not to be listed before:

N.A.

6. (a) Similar disposed of matter with citation, if any, & case details:

No any similar matter decided or pending

(b) Similar pending matter with case details:

No any similar matter pending

A2

Criminal Matter:

Yes

(a) Whether accused/ convict has surrendered:

☐ N.A.

☐ No ☐

N.A.

(b) FIR/Crime No.

Date:

N.A.

(c) Police Station:

N.A.

(d) Sentence Awarded:

N.A.

(e) Period of Sentence Undergone including

Period of detention /Custody undergone:

N.A.

Land Acquisition Matters:

(a) Date of Section 4 notification:

N.A.

(b) Date of Section 6 notification:

N.A.

(c) Date of Section 17 notification:

N.A.

Tax Matters: State the tax effect:

N.A.

Special Category (first petitioner/ appellant only):

☐ Senior citizen > 65 years ☐ SC/ST ☐ Woman/ child ☐

Disabled ☐ Legal Aid case

☐ In custody ☐

N.A.

Vehicle Number (in case of Motor Accident Claim matter): N.A.

ate: 02.02.2020 AOR for petitioner(s)/ appellant(s)



Name: RAJ KISHOR CHOUDHARY

Registration No. 2212

ajaypandey.legal@gmail.com

Mobile No. 9211006066, 9971582100

B

SYNOPSIS AND LIST OF DATES

The time is ripe to recognize the country by its original and authentic name i.e. BHARAT; especially when our cities have been renamed to identify with the Indian ethos.

That the purpose of the amendment to Article 1 will ensure the citizens of this Country to get over the colonial past. The removal of the English name though appears symbolic, will instill a sense of pride in our own nationality, especially for the future generations to come. Infact the word INDIA being replaced with BHARAT, would justify the hard fought freedom by our ancestors. Hence this Petition.

15.11.1948 The Constituent Assembly while debating Article 1 of the draft constitution, noted as follow:

Article 1. [COI Article 1]

Shri M. Ananthasayanam Ayyangar(Madras : General): Sir, I submit that amendments Nos. 83 to 96, both inclusive, may kindly be allowed to stand over. They relate to the alternative names, or rather the substitution of

C

names—BHARAT, BHARAT VARSHA,
HINDUSTAN—for the word INDIA, in
Article 1, clause (1).

It requires some consideration. Through you I
am requesting the Assembly to kindly pass
over these items and allow these amendments
to stand over for some time. A few days later
when we come to the Preamble these
amendments might be then taken up. I am
referring to amendments Nos. 83 to 96, both
inclusive, and also amendment No. 97 which
reads:

“That in clause (1) of article 1, for the word
‘India’ the word ‘Bharat (India)’ and for the
word ‘States’ the word ‘Provinces’ be
substituted.”

Seth Govind Das (C.P & Berar : General) : Sir,
I wholeheartedly support Pandit Pant's
proposition. The House very well knows how
clear I am for naming out country Bharat, but
at the same time we must try to bring

D

unanimity of every group in this House. Of course, if that is not possible, we can go our own ways; but up to the time there was any possibility of reaching a unanimous decision by any compromise, that effort must be made.

Sir, I support this proposition, and I hope that by the efforts of our leaders, there will not be any division on fundamental points like this, and not only this proposition, but other propositions also, like that our national language, national script etc., we shall be able to carry unanimously. I, therefore, support the views just expressed by the Honourable Pandit Pant.

02.02.20
.....

Hence this petition.

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (C) No. OF 2020

IN THE MATTER OF:-

Namah
Age-32 years
S/o. Shri Jagdish Yadav
R/o. R-155, R- Block
Ramesh Park, Laxmi Nagar
Delhi-110092 ...Petitioner

Versus

Union of India Contesting Respondent
Through
Secretary Ministry of Parliamentary Affairs
Parliament House
Sansad Bhavan
New Delhi-110001

WRIT PETITION UNDER ARTICLE 32 OF THE
CONSTITUTION OF INDIA

AND IN THE MATTER OF:

FOR ENFORCEMENT OF FUNDAMENTAL RIGHTS OF THE
PETITIONER & GENERAL PUBLIC UNDER ARTICLE 21 OF
THE CONSTITUTION OF INDIA

To

The Hon'ble Chief Justice of India
and his companion Justices of the
Supreme Court of India

The writ petition of the
abovenamed Petitioner

MOST RESPECTFULLY SHOWETH: -

1. That the present petition is being filed under Article 32 of the Constitution of India in public interest by the Petitioner as a citizen of this country seeking enforcement of the fundamental/legal rights provided by virtue of Articles 21 of the Constitution of India which entitles every citizen the equal right to call his/her own country as BHARAT & further seeking an appropriate direction to the respondent to suitably amend Article I of the Constitution of India, which presently states, India that is BHARAT, to henceforth state, BHARAT/HINDUSTAN is a Union. of States. The respondents are the State within the meaning of Article 12 of the Constitution of India and are statutorily bound to protect the citizens/non-citizens alike from actions, which are per se a relic of the British Raj & a symbol of slavery. Hence the respondent is amenable to the writ jurisdiction of this Hon'ble Court.

1A.

(a) That the petitioner's full Name is Namaha his complete postal address is R-155, R Block, Laxmi Nagar, New Delhi-110092. His email address is mauxruhvasarh@gmail.com; his Phone Number is 09650000345. That proof regarding personal identification is his Adhar number 333832685872. His

occupation is of a farmer and annual income is Rs. 4.5 Lacs.

That no PAN number has been allotted and his National Unique Identity Card number is Adhar number 333832685872.

- (b) The facts constituting the cause of action is the failure on the part of Union of India/Respondent to do away with the symbol of slavery by using the name 'India' instead of Bharat or Hindustan.
- (c) The nature of injury being caused to the public is the loss of identity & ethos as inheritors of the hard-won freedom from foreign rule.
- (d) The nature and extent of personal interest, if any: None.
- (e) Details regarding any civil, criminal or revenue litigation, involving the petitioner or any of the petitioners, which has or could have a legal nexus with the issue(s) involved in the Public Interest Litigation: None.
- (f) Whether the concerned Government Authority was moved for relief sought in the petition and if so, with what result: That no purpose shall be served by making a representation as in the past similar representation's have not been acted upon. Even a bill introduced for the said purpose met with inaction.

BRIEF FACTS OF THE CASE:-

2. On 15.11.1948 the Constituent Assembly while debating Article 1 of the draft constitution, noted as follow:

Article 1. [COI Article 1]

Shri M. Ananthasayanam Ayyangar(Madras : General): Sir, I submit that amendments Nos. 83 to 96, both inclusive, may kindly be allowed to stand over. They relate to the alternative names, or rather the substitution of names—BHARAT, BHARAT VARSHA, HINDUSTAN—for the word INDIA, in Article 1, clause (1).

It requires some consideration. Through you I am requesting the Assembly to kindly pass over these items and allow these amendments to stand over for some time. A few days later when we come to the Preamble these amendments might be then taken up. I am referring to amendments Nos. 83 to 96, both inclusive, and also amendment No. 97 which reads:

“That in clause (1) of article 1, for the word ‘India’ the word ‘Bharat (India)’ and for the word ‘States’ the word ‘Provinces’ be substituted.”

Seth Govind Das (C.P & Berar : General) : Sir, I wholeheartedly support Pandit Pant's proposition. The House very well knows how clear I am for naming out country

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Bharat, but at the same time we must try to bring unanimity of every group in this House. Of course, if that is not possible, we can go our own ways; but up to the time there was any possibility of reaching a unanimous decision by any compromise, that effort must be made. Sir, I support this proposition, and I hope that by the efforts of our leaders, there will not be any division on fundamental points like this, and not only this proposition, but other propositions also, like that our national language, national script etc., we shall be able to carry unanimously. I, therefore, support the views just expressed by the Honourable Pandit Pant.

The aforesaid discussion/debate reveals that even at the relevant time there was a strong wave in favor of naming the country as BHARAT or HINDUSTAN. However, the shadow of the British Raj and all things English was so strong that precedence was given to the word i.e. INDIA coined by the British Raj. However, now the time is ripe to recognize the country by its original and authentic name i.e. BHARAT; especially when our cities have been renamed to identify with the Indian ethos.

4. That the petitioner is left with no efficacious, alternative remedy in law than to approach this Hon'ble Court, by way of present writ petition on the following amongst other:

GROUNDS

5. That the purpose of the amendment to Article 1 will ensure the citizens of this Country to get over the colonial past. The removal of the English name though appears symbolic, will instill a sense of pride in our own nationality, especially for the future generations to come. Infact the word INDIA being replaced with BHARAT, would justify the hard fought freedom by our ancestors.
6. That the Respondent owe a duty to its citizens to carry out the amendment to Article 1 of the Constitution of India.
7. That the amendment would in tune with the new wave whereby our cities have been renamed to identify with the Indian Ethos.
8. That the present petitioner has not filed any other petition in any High Court or this Hon'ble Court in respect of the subject matter of the present petition.
9. That the petitioner submits that there is no other effective alternate remedy to redress the grievance of and therefore the Petitioner has approached this Hon'ble Court.
10. That the captioned petition is being filed by the Petitioner as a Public Interest Litigation and there exists no civil, criminal, or revenue litigation involving the petitioner, which has or could have a legal nexus with the issues involved in the present Public Interest Litigation.

11. That the present Petition is *bonafide* and is being filed for the protection of the Constitutional Rights and in the interest of the public at large.

PRAYER

It is therefore, most respectfully prayed that this Hon'ble Court may pleased to:-

- a) Issue appropriate writ order or directions in the nature of mandamus advising the respondent to take appropriate steps to bring about amendment of Article 1 of the Constitution of India to the effect that the same refers to the country as BHARAT/HINDUSTAN, to the exclusion of India; and/or
- b) Pass such order or further order(s) and grant any other appropriate relief(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

AND FOR THIS ACT OF KINDNESS THE PETITIONER AS IN DUTY BOUND SHALL FOR EVER PRAY

Drawn on: 31.01.2020

Filed on: 02.02.2020

Filed By

(RAJ KISHOR CHOUDHARY)
Advocate for the Petitioner

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IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (C) No.

OF 2020

IN THE MATTER OF:-

Namah

...Petitioner

Versus

Union of India

..... Contesting Respondent

AFFIDAVIT

I, Namah, Age-32 years S/o. Shri Jagdish Yadav, R/o. R-155, R- Block,
Ramesh Park, Laxmi Nagar, Delhi-110092, presently at New Delhi, do
hereby solemnly affirm and state on Oath as under:-

1. That I am the petitioner in the aforesaid matter and as such I am fully conversant with the facts and circumstances of the case and competent to swear this affidavit.
2. That I have read the contents of Synopsis and list of dates from pages B to D and of the Writ Petition from pages 1 to 6. I have understood the contents of the same in my vernacular i.e. Hindi. The facts mentioned therein are belief to be true to my knowledge.
3. That the annexures are true copies of their respective originals and form the part of the record.

DEPONENT

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VERIFICATION:-

I, the deponent abovenamed do hereby verify and solemnly affirm that the contents of the above affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom.

Verified at New Delhi on this 02nd day of February, 2020.

DEPONENT

Appendix

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THE CONSTITUTION OF INDIA

PREAMBLE

WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India a SOVEREIGN DEMOCRATIC REPUBLIC and to secure to all its citizens
JUSTICE, social, economic and political;
LIBERTY of thought, expression, belief, faith and worship;
EQUALITY of status and of opportunity;
and to promote among them all
FRATERNITY assuring the dignity of the individual and the Unity and
integrity of the Nation;
IN THIS FOREMOST ASSEMBLY this twenty-ninth day of November
do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS
CONSTITUTION

COMMENTARY

As objectives specified in the Preamble remain the basic structure of our Constitution. It cannot be amended in exercise of the power granted under Art. 368 of the Constitution. The doctrine of 'basic structure' has been followed by the following judgments of the Supreme Court: Kesavananda Bharati v. State of Kerala, AIR 1973 SC 1463; paragraph 242, 243, 244, 245 and 246; Minerva Mills Ltd v. Union of India, AIR 1980 SC 1789.

PART I

THE UNION AND ITS TERRITORY

1. Name and territory of the Union.—(1) India, that is Bharat, shall be a Union of States.

(2) The States and the territories thereof shall be as specified in the First Schedule.

(3) The territory of India shall comprise—

(a) The territories of the States;

(b) the Union Territories specified in the First Schedule; and

(c) such other territories as may be acquired.

2. Admission or establishment of new States.—Parliament may by law admit into the Union, or establish, new States on such terms and conditions as it thinks fit.

3. States to be associated with the Union.—[App. by the Constitution (Forty-third Amendment) Act, 1979, sec. 3 (w.e.f. 26-4-1979).]

Appendix

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B24828

THE CONSTITUTION OF INDIA

PREAMBLE

WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India a ¹[SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC] and to ensure to all its citizens:

JUSTICE, social, economic and political;

LIBERTY of thought, expression, belief, faith and worship;

EQUALITY of status and of opportunity;

and to promote among them all

FRATERNITY assuring the dignity of the individual and the ²[unity and integrity of the Nation];

IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November, 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.

COMMENTS

The objectives specified in the Preamble contain the basic structure of our Constitution, which cannot be amended in exercise of the power under article 368 of the Constitution. For the theory of "basic structure". See the following judgments of the Supreme Court; *Shri Vananda Bharati v. State of Kerala*, AIR 1973 SC 1461, paragraphs 292, 437, 599, 682 and 54; *Minerva Mills Ltd. v. Union of India*, AIR 1980 SC 1789.

PART I

THE UNION AND ITS TERRITORY

1. Name and territory of the Union.—(1) India, that is Bharat, shall be a Union of States.

³[(2) The States and the territories thereof shall be as specified in the First Schedule.]

(3) The territory of India shall comprise—

(a) The territories of the States;

⁴[(b) the Union territories specified in the First Schedule; and]

(c) such other territories as may be acquired.

2. Admission or establishment of new States.—Parliament may by law admit into the Union, or establish, new States on such terms and conditions as it thinks fit.

⁵[2A. Sikkim to be associated with the Union.—[Rep. by the Constitution Thirty-sixth Amendment) Act, 1975, sec. 5 (w.e.f. 26-4-1975).]]

1. Subs. by the Constitution (Forty-second Amendment) Act, 1976, sec. 2, for "SOVEREIGN DEMOCRATIC REPUBLIC" (w.e.f. 3-1-1977).

2. Subs. by the Constitution (71st Amendment) Act, 1994, sec. 3, for "Sovereign Democratic Republic" (w.e.f. 3-1-1994).

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TO BE INTRODUCED IN LOK SABHA

Bill No. 121 of 2014

THE CONSTITUTION (AMENDMENT) BILL, 2014

By

SHRI YOGI ADITYANATH, M.P.

A

BILL

further to amend the Constitution of India

Be it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

- | | |
|--|-------------------------|
| 1. This Act may be called the Constitution (Amendment) Act, 2014. | Short title. |
| 2. In article 1 of the Constitution, for clause (1), the following clause shall be substituted, namely:— | Amendment of article 1. |
| "(1) Bharat, that is Hindustan, shall be a Union of States." | |

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Substitution of
reference to
'India' by
'Hindustan'.

3. Throughout the Constitution, for the word "India", wherever it occurs, the word "Hindustan" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The ancient and traditional names of our country are Bharat and Hindustan. These two names were popular during pre-British period. After the establishment of the British rule, Britishers used the name "India" which was popular in their own country. The framers of the Constitution recognised the ancient name of the country 'Bharat' and gave it its due place in the Constitution. Article 1 of the Constitution provides that "India, that is Bharat, shall be a Union of States". However, due to popularity of the English name, the traditional name of our country 'Hindustan' has been left out.

The Bill seeks to amend the Constitution with a view to changing the nomenclature of our country from "India, that is Bharat" to "Bharat, that is Hindustan". The word "India" denotes the symbol of slavery and thus deserves to be omitted from our Constitution.

The Bill seeks to achieve the above objective.

NEW DELHI;

YOGI ADITYANATH

July 18, 2014.

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ANNEXURE

EXTRACT FROM THE CONSTITUTION OF INDIA

THE UNION AND ITS TERRITORY

1. (1) India, that is Bharat, shall be a Union of States.

Name and
territory of
the Union.

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LOK SABHA

A

BILL

further to amend the Constitution of India

(Shri Yogi Adityanath, M.P.)