

12 05.04.2022

PA(SS)

WPA(P) 326 of 2021  
Haren Bagchi Biswas alias  
Harendranath Biswas  
Vs.  
Union of India & Ors.

Mr. Rabindra Narayan Dutta,  
Mr. Sibasis Ghosh,  
Mr. Hare Krishna Halder,  
Mr. Ardhendu Nag,  
Mr. Arkoday Mukherjee, Advocates  
..for the petitioner

Mr. Y. J. Dastoor, ASG,  
Ms. Sarda Sha, Advocates  
..for the respondent No. 1

Mr. Prasun Ghosh,  
Ms. Suchishmita Chatterjee (Ghosh), Advocates  
..for the respondent No. 2

This petition has been filed by the petitioner with the plea that having regard to the contribution of Netaji Subhas Chandra Bose in the freedom struggle, his picture should be printed on the Indian currency.

Having heard the learned Counsel for parties, we noticed that the similar issue had come up before the Division Bench of the Madras High Court in W.P(MD) No.13964 of 2021 in the case of **K.K. Ramesh vs. The Union of India and Ors.** wherein initially the Division Bench had directed the authorities to consider the

Madras High Court had held that:

“5.No doubt, this Court by order dated 04.02.2021 directed the authorities to consider the petitioner's representation and pass appropriate orders. Paragraph Nos.4 and 5 of the order read as follows:-

“4.We need not say anything on the greatness of Netaji, apart from the contribution made, which starts from his resignation from the coveted post to the creation of Indian National Army. His contribution towards the Indian Freedom movement is unparalleled.

5.Though we are of the view that prayer as sought for cannot be granted, one cannot ignore the great sacrifice made by the great leader and the persons, who served along with him. History of the nation will have to be told and retold again and again for the posterity to remember. Thus, keeping in view of the judicial constraint, we are not in a position to accede to the request made by the petitioner. However, we would only call upon the respondents 1 to 4, as the case may be, to consider the said request made.”

6.Pursuant to the direction given by this Court only, the impugned order has been passed and the impugned order, dated 12.07.2021 is extracted hereunder:-

Court had called upon the Government of India to consider your request for printing of photograph of Netaji Subhash Chandra Bose on Indian Bank note and your representation dated 20.01.2021 and 18.02.2021, and to state that on the advice of the Government of India, the Reserve Bank of India (RBI) had constituted a Committee in October, 2010 for designing future currency notes. The Committee, inter alia, deliberated on the issue of changing the existing image of Mahatma Gandhi and inclusion of certain other personalities in the new design of bank notes. After due consideration, the Committee decided that no other personality could better represent the ethos of India than Mahatma Gandhi, and whose portrait it decided to retain on the obverse and on the watermark. The above recommendation of the Committee has been accepted by the Ministry of Finance.

2.This issues with the approval of Competent Authority.”

7.It is evident from the impugned order that on the advice of the Government of India, a Committee was constituted by the Reserve Bank of India in October, 2010 for designing future currency notes and the Committee deliberated on the issue of changing the existing image of Mahatma Gandhi and inclusion of certain other

India than Mahatma Gandhi and therefore, no other personality image was decided to be included in the currency note. The Committee report has been accepted by the Ministry of Finance, thereby rejecting the claim of the petitioner.

8. This Court is not underestimating the fight and sacrifice made by Netaji Subash Chandra Bose and other great leaders for freedom moment of this Country. There are many known heroes and unsung heroes. If everybody starts making such a claim there will not be an end. Moreover, recent days, there are claims and counter claims based on religion, community and region. If every claim is started to be entertained, there will not be any end. The Central Government as well as Reserve Bank of India have already constituted a Committee and took a decision that it is only the father of the Nation Mahatma Gandhi could represent the ethos of India and therefore, it was decided to retain the Mahatma Gandhi's image in the currency notes and no other personality image is decided to be included. The said decision cannot be found fault with. It is only the Government which can take a decision and this Court cannot substitute the views stated in the Committee report which has been accepted by the Government. Therefore, the impugned order cannot be said to be illegal and therefore, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.”

considered by the Committee constituted by the Reserve Bank of India who had deliberated upon similar prayer and had not found it feasible to accept it.

Learned Counsel for the Reserve Bank of India placing reliance upon the judgment of the Hon'ble Supreme Court in the matter of **State of Karnataka and Another vs. All India Manufacturers Organisation and Others** reported in **(2006) 4 SCC 683** has also submitted that such a judgment is in rem.

Having regard to the above, we are of the opinion that no case for issuing the direction as prayed for in the present case is made out. The writ petition is accordingly dismissed.

**(Prakash Shrivastava, C.J.)**

**(Rajarshi Bharadwaj, J.)**