

ORDER DATED 14.07.2011 OF HIGH COURT, CALCUTTA

14.07.11 C.P.A.N. 1270 of 2010 C.P.A.N. 65 of 2011 With w.p. 32027 of 2008 Mr. Kamal Dey, ..., Petitioner (in person) Farooq M. Raiaack, Addl. SOI. Gen. Mr. Uttam Kr. Mazumder Mr. Debasish Kundu ..., For the Union of India Mr. Ashok Kumar Banerjee, G.P. Sakya Sen For the State Mr. Alok Ghosh u..... For the High Court Authority The Emblem "Ashoka Chakra", our national pride, should not be used without the words "Satyameva Jayate" to which our attention has been drawn by Mr. Kamal Dey, who is appearing 'in person' in the matter as the petitioner. It appears that earlier an order was passed on 18th December, 2009 by the Division Bench of this Court here the Court has specifically directed as follows: - "...the Schedule 11 under Rule 7 of the State Emblem of India (Regulation of Use) Rules, 2007 made under the State Emblem of India (Prohibition of Improper Use) Act, 2005 Part I, the constitutional principle is that the State Emblem of India should not be used on any official documents, reports, orders or proceedings with signature of authorities and other dignitaries which may display the Emblem on their cars and in the Part II, the authorities which may display the 'Ashoka Chakra' which is a part of the Emblem on triangular metal plaques on their cars and as such, it is not the category of the vehicle being used, but the authority using the vehicle is the prime criteria for the consideration of eligibility for display of the National Emblem. ' Learned Additional Solicitor General appearing on behalf of the Central Government submitted that he would file a compliance report with regard to the directions given by the Court from time to time. Learned Government Pleader appearing with Mr. Sakya Sen, Learned Advocate on behalf of the State authorities has also stated that they have already taken steps in the matter and would also file a compliance report to that effect. Both the Learned Counsel for the Central Government as well as the State Government submitted before us that such Emblem should not be used on any official documents, reports, orders or proceedings with signature of authorities and other dignitaries which may display the Emblem on their cars and in the Part II, the authorities which may display the 'Ashoka Chakra' which is a part of the Emblem on triangular metal plaques on their cars and as such, it is not the category of the vehicle being used, but the authority using the vehicle is the prime criteria for the consideration of eligibility for display of the National Emblem. ' Mr. Dey, the petitioner in person in the matter also pointed out that some of the Offices of the State authorities are also using the said Emblem without the words "Satyameva Jayate". Learned Government Pleader appearing on behalf of the State authorities submitted that if three weeks time is granted in the matter, they will ensure that the authorised 'use of such Emblem without the words "Satyameva Jayate" is immediately stopped and they will file a compliance report in respect of the order passed by this Court within a period of three weeks from date. Learned Additional Solicitor General also made the submission before us and prays for time to file a compliance report by way of affidavit. However, we allow such prayer to file compliance Office Serial Date No Office notes, reports, orders or proceedings with signature to ensure that there should not be any lapse and/or default on their part to give effect to the orders already passed by the Division Bench in this regard. We further direct that the persons who are not entitled under Part I and Part II of the Schedule 11 under Rule 7 be restrained from using the said Emblem on their cars forthwith and the authorities concerned must ensure it. Learned Government Pleader appearing for the State authorities has specifically stated before us that the order should be complied with in true spirit and they would take steps in the matter accordingly and would ensure that the order is complied with on or before the next date of hearing. We further make it clear that it is the duty of the State authorities to bring it to the notice of the State Departments as well as the Central Government Departments so that the order can be given effect to. On the prayer of Mr. Dey, appearing as petitioner in person here, who has pointed out before us certain atrocities committed by the police against him in view of the fact that steps have been taken by him to file this Office Serial Date No Office notes, reports, orders or proceedings with signature who are not entitled to use the said Emblem in violation of the Rules, which include the Office of Director General of Police and it was because of steps taken by him, he had to suffer in the hands of the police authorities. It is submitted by Mr. Dey that he should not be harassed in the hands of the police authorities by any means, rather he submitted that under Article 21 of the Constitution of India it is the foremost duty of the State authorities to render all assistance and to ensure the life, security and livelihood to the citizen of India. It was because of the petitioner that this Court became aware such flagrant violence and misuse

of National Emblem and there are enough truth in his petition. The manner in which such National Emblem has been misused is a matter of shame. In view of that, we feel it would be proper for us to direct the State authorities to ensure the security and safety of the writ petitioner Kamal Dey and it is the duty of the police authorities to see that he should not suffer in any manner whatsoever and all possible measures should be taken for his safety and security. A plain copy of this order may be handed over to the learned Government Pleader as well as to the learned Office Serial Date Note Office notes. reports. Orders or proceedings with signature submitted before us that they will take all necessary steps in the matter to ensure the security and safety to Mr. Dey, we do not think any order need be passed excepting the said authority must act properly. Before we part, certain Books and Periodicals which have been placed before us by Mr. Dey from which it appears that the Emblem has also been used by them improperly. The following Books and Periodicals are as follows WISDOM, International Monthly Digest; Wisdom Publications, No. 17 (Old No 9), Desika Road (near Alwarpet), Mulapore, Chennai — 600 004 (India). The Sunday Indian (The Nation's Greatest News Weekly); Planman Media Pvt. Ltd., 48, Community Centre, Naraina Vihar Industrial Area, Phase — I, New Delhi - 110 028. Jeeban Bigyan Parichay & Physical Science 'PRANTIK', 18, Dr. Kartick Bose Street, Kolkata 700 009 (For Classes VI, VII & VIII) Accordingly; we direct that notice should be served upon them and they must apprise the fact that they will Office Serial Date Note Office notes. reports. Orders or proceedings with signature not use the said Emblem in accordance with Part 11 of the Rules as we have stated earlier in our order in any manner whatsoever without even the words "Satyameva Jayate" or the words 'Ashoka Chakra'. We further direct the Central Government and State that they will take all necessary steps in the matter to remove the same. A show-cause notice should be issued to the said Printers and Publishers by the Registrar-General. The notice should be served and they must show Cause on the next date of hearing as to why steps should not be taken against them for such violation within a period of three weeks from date which has been fixed after three weeks. The matter to appear on 4th August, 2011. Let photocopy of this order duly countersigned by Assistant Registrar (Cpurt) be given to the parties on the usual undertakings. (Pl AKI CYANDRA GHOSE, J.) EN SEN, J.)