

**IN THE HIGH COURT OF ORISSA, CUTTACK
(Original Jurisdiction Cases)**

W.P.(C) (PIL) No. 17775 of 2023

Code No. :.....

IN THE MATTER OF:

An application under article 226 of
Constitution of India.

AND

IN THE MATTER OF:

An application for Public Interest
Litigation.

AND

IN THE MATTER OF:

An application in the nature of
Public Interest Litigation
challenging loopholes in the
exchange policy of ₹2000
banknotes vide RBI Circular dated
19 05 2023.

AND

IN THE MATTER OF :

An application challenging the
Clean Note Policy of RBI in ₹2000
banknotes vide RBI Circular dated
19 05 2023.

**BIJAYA KUMAR RAGADA
Enrl No.O-1154/1995**

AND

IN THE MATTER OF :

An application challenging the issue of legal tender of ₹2000 banknotes.

AND

IN THE MATTER OF :

An application for apprehension of conversion of black money in the form of ₹2000 banknotes into white due to no guidelines for exchange policy.

AND

In the matter of :

An application challenging the circular claiming the exchange policy as not demonetization but actually it is demonetization of ₹2000 banknotes because of forceful withdrawal of the ₹2000 banknotes by RBI before 30 09 2023.

AND

IN THE MATTER OF :

An application problems arising in ATMs because of shortage of ₹500 banknotes which are already exchanged in lieu of ₹2000

banknotes as per instruction to the banks by RBI.

AND

IN THE MATTER OF:

Smt. Jayanti Das, aged about 62years, W/o-Sri KumudaBandhu Das, At-Mahamadia Bazar, Po-Chandinichowk, Ps-Lalbag, Town/Dist-Cuttack

..... Petitioner

-Versus-

1. Union of India, represented through its Secretary Ministry of Finance Department, At-ShastriBhawan, SansadMarg, Jeevan Deep Building,Dist-New Delhi, State-Delhi.
2. Reserve Bank of India,represented through its Chief General Manager, At-21st Floor, Central Office Building, ShahidBhagat Singh Marg, Fort Mumbai, State-Maharashtra.

..... .Opp. Parties

To,

The Hon'ble Chief Justice of Orissa High Court
and His Lordship's Companion Justices of the
said Hon'ble Court.

The matter out of which this PIL writ
application arises was never before this
Hon'ble court at the instance of the
petitioner in the present form.

The humble petition of the
petitioner named above.

MOST RESPECTFULLY SHEWETH

1. That the instant writ petition under Article 226 of the Constitution of India is being filed by way of Public Interest Litigation by the petitioner seeking for a direction to make necessary changes to the RBI notification dated 19.05.2023 which permits exchange of Rs. 2000/- denomination banknotes either through bank account or through requisition slip with full details like mobile number, Aadhar card number, source of income, PAN card as such persons who have these detail can be assumed to have surplus money as the rest of 81 crores having free ration does not come under this purview, and without obtaining any requisition slip and identity proof, is arbitrary and violative of article 14 of Constitution of India.

2. That the petitioner is a citizen of India and resides within the territorial jurisdiction of this Hon'ble

Court and the cause of action for filing of the present Public Interest Litigation also arose within the jurisdiction of this Hon'ble Court.

3. That the petitioner is a social activist and always fights for the well being and development of the general people at large and more concerned for the overall development of the down trodden people of the society. The petitioner is also actively associated for the different cause of the society drastically affecting the well being of the people, such as illiteracy, blind religious faith and exploitation of people by the group of religious monarch by exerting fear under the garb of religious faith and customs.

4. That it is humbly submitted that the petitioner is filing the present writ petition on her own and not at the instance of someone else. The litigation cost, including the Advocate's fee and the Travelling Expenses of the lawyer, if any, are being borne by the petitioner herself.

5. **That the facts of the case in brief as follows –**
That the notification issued by the RBI (Opp. Party No.2) dated 19.05.2023 reads as under:

“May 19, 2023”

Rs.2000 Denomination Banknotes - Withdrawal from Circulation; Will continue as Legal Tender.

1. The Rs.2000 denomination banknote was introduced in November 2016 under Section 24(1) of

RBI Act, 1934, primarily to meet the currency requirement of the economy in an expeditious manner after the withdrawal of legal tender status of all Rs.500 and Rs.1000 banknotes in circulation at that time. The objective of introducing Rs.2000 banknotes was met once banknotes in other denominations became available in adequate quantities. Therefore, printing of Rs.2000 banknotes was stopped in 2018-19.

2. About 89% of the Rs.2000 denomination banknotes were issued prior to March 2017 and are at the end of their estimated life-span of 4-5 years. The total value of these banknotes in circulation has declined from Rs.6.73 lakh crore at its peak as on March 31, 2018 (37.3% of Notes in Circulation) to Rs.3.62 lakh crore constituting only 10.8% of Notes in Circulation on March 31, 2023. It has also been observed that this denomination is not commonly used for transactions. Further, the stock of banknotes in other denominations continues to be adequate to meet the currency requirement of the public.

3. In view of the above, and in pursuance of the "Clean Note Policy" of the Reserve Bank of India, it has been decided to withdraw the Rs.2000 denomination banknotes from circulation.

4. The banknotes in Rs.2000 denomination will continue to be legal tender.

5. It may be noted that RBI had undertaken a similar withdrawal of notes from circulation in 2013-2014.

6. Accordingly, members of the public may deposit Rs.2000 banknotes into their bank accounts and/or exchange them into banknotes of other denominations at any bank branch. Deposit into bank accounts can be made in the usual manner, that is, without restrictions and subject to extant instructions and other applicable statutory provisions.

7. In order to ensure operational convenience and to avoid disruption or regular activities of bank branches, exchange of Rs.2000 banknotes into banknotes of other denominations can be made upto a limit of Rs.20,000/- at a time at any bank starting from May 23, 2023.

8. To complete the exercise in a time-bound manner and to provide adequate time to the members of public, all banks shall provide deposit and/or exchange facility for Rs.2000 banknotes until September 30, 2023. Separate guidelines have been issued to the banks.

9. The facility for exchange of Rs.2000 banknotes upto the limit of Rs.20,000/- at a time shall also be provided at the 19 Regional Offices (ROs) of RBI having Issue Departments from May 23, 2023.

10. The Reserve Bank of India has advised banks to stop issuing Rs.2000 denomination banknotes with immediate effect..

11. Members of the public are encouraged to utilise the time up to September 30, 2023 to deposit and/or exchange the Rs.2000 banknotes. A document on Frequently Asked Questions FAQs in the matter has been hosted on the RBI website for information and convenience of the public.

(YogeshDayal)

Chief General Manager

The true copy of notification dated 19.05.2023 issued by the RBI is annexed herewith and marked as **Annexure-1**.

6. That the petitioner respectfully submits that there are certain loopholes in the notification dated 19.05.2023 issued by RBI for which the petitioner send representations to the Opp. Parties through mail on 26.05.2023 requesting them to make necessary changes in notification in the larger interest of the society.

The true copy of representations dated 26.05.2023 is annexed herewith and marked as **Annexure-2**

7. That the present Writ petition has been file on the following amongst others

GROUND S

i. For that the reason mentioned for withdrawal of ₹2000 banknotes is life span of the currency note printed in 2017 which is not correct and unbelievable for a common man as currency of other denomination printed in that year or prior to that which are heavily changing hands are still in circulation; so the reason mentioned is not correct.

ii. For that Clean Note Policy is also not easy to accept as more deteriorated and damaged currency of other denominations like 500 rupee etc. are in circulation; then why not they are withdrawn.

iii. For that the RBI has mentioned that ₹2000 banknotes will be legal tender but not mentioned clearly till which date.

iv. For that the Members of the public can exchange ₹2000 banknotes up to a limit of ₹20,000/- at a time. RBI has to clarify limit of ₹20,000/- at a time can be applied how many times per day by the same person and there is serious apprehension that the same person can use several branches of several banks in the same day.

It is a clear case of encouragement for brokers to exchange black money of others who are basically tax evaders and involved in different scams starting from mining, chit fund, fake certificate and many others who have hoarded ₹2000 banknotes as black money.

RBI has forgotten to tighten the noose of the persons having tons of black money and it could have been the best way to catch hold of them simply applying the rule to deposit ₹2000 banknotes in their account where the KYC is applicable.

v. For that the RBI has also not issued guidelines for exchange of ₹2000 banknotes like the persons who exchange the currency to fill up forms mentioning all the details like occupation, monthly income, permanent address, whether ration card holder or not, mobile number, Aadhar card, PAN card; mentioning whether he is doing the exchange for self or for somebody else

etc. which would have checked the unlawful entry of persons to the banking system.

vi. Without such guidelines and proper identification of the person who exchanges ₹2000 banknotes there is every chance of abuse of official position of the bank manager and other bank staff to help the offender for quid pro quo.

There is also apprehension that influential persons and criminals who are actually the culprits and are holding ₹2000 banknotes as black money can threaten bank manager and other bank staff as there is no guideline and limit for exchange per day and so this is a total failure and unnecessary exercise of exchange of ₹2000 banknotes.

Vii. For that the A non-account holder also can exchange ₹2000 banknotes up to a limit of ₹20,000/- at a time at any bank branch. This particular instruction of RBI is only made for encouragement of converting black money into white. it can be inferred that the same person can exchange several times repeatedly standing in the same queue and the concerned bank does not have KYC of that person and without any risk a person can exchange any amount of ₹2000 banknotes as no documentation is done and no identity card is checked.

There cannot be more blunder than this and threat to the economy as RBI is allowing the conversion of black money into white legally on the pretext of clean money policy.

Viii. For that the It is necessary to say that as per government data 81 crores of people of India out of about 140 crores population live on the alms of free ration so definitely they don't have ₹2000 banknotes to exchange.

Ix. For that the illegal money in the form of ₹2000 banknotes are with the scamsters and RBI either knowingly or unknowingly allowing them to make their black money white by not following proper identification protocol through CCTV surveillance which is very easy to do in its most advanced digitalized banks.

X. For that the By following such a simple CCTV surveillance due to fear psychosis and threat the scamsters and counterfeit ₹2000 banknotes holders will never exchange and the black money will rot and at least due to such a simple exercise the economy will not suffer.

Xi. For that the Under the circumstances Opp. Parties requested to make necessary changes in the press release, notification and circular to different banks based on the above grey areas identified.

Xii. For that the It appears from the circular that RBI has issued the circular without proper precaution and field survey having political motive in mind as several state elections and general election are ahead which is not good for a democracy and so RBI should explain to the Court the urgency of this policy commenced instantly from 23.05.2023 and RBI should also provide data of such exchange policy of currency note on the pretext of clean note policy prior to notification dated 19.05.2023 in the past.

8. That, there being no other speedy and efficacious alternative remedy available petitioner begs to invoke the extraordinary jurisdiction of this Hon'ble court under Article 226 of the Constitution of India.

P R A Y E R

The petitioner, therefore, prays that this Hon'ble court be graciously pleased to admit the public litigation and issue a Rule NISI calling upon the OPP. Parties to show cause as to why a writ of mandamus or

any other appropriate Writ/Writs shall not be issued to the Opp. Parties:-

(i) Shall not to make necessary changes in the press release, notification and circular to different banks based on the above grey areas identified like ascertaining the limit of exchange by a person per day in cash because THE SAME PERSON CAN EXCHANGE SEVERAL TIMES REPEATEDLY STANDING IN THE QUEUE.

(ii) Shall not to make mandatory for exchange of ₹2000 banknotes either through bank account or through requisition slip with full details like mobile number, Aadhar card number, source of income, PAN card as such persons who have these detail can be assumed to have surplus money as the rest of 81 CRORES HAVING FREE RATION DOES NOT COME UNDER THIS PURVIEW.

(iii) Shall notto provide the details of the minutes and the office note with name and designation of the officers of RBI passed such statutory policy and survey report which confirmed that ₹2000 banknotes are mutilated and life span has expired based on which they issued circular for withdrawal of ₹2000 banknotes from circulation..

(iv) Shall not to explain to the court why only ₹2000 banknotes and not any other currency of other denomination whose lifespan is already expired and are

in mutilated condition printed much earlier to ₹2000 banknotes and still in circulation.

(v) Shall not to explain to the court what are the checks and balances followed in this exchange policy procedure so that the black money holders are caught red handedly.

If the Opp. Parties fail to show cause or show insufficient cause, to make the said rule absolute

And pass an order(s)/direction(s) as this Hon'ble Court deem fit and proper.

And for this act of kindness the petitioner as in duty bound shall ever pray.

Cuttack

By the petitioner through

Date :

Advocate

BIJAYA KUMAR RAGADA
Enrl No.O-1154/1995

AFFIDAVIT

I, Jayanti Das, aged about 62years, W/o-Sri KumudaBandhu Das, At-Mahamadia Bazar, Po-Chandinichowk, Ps-Lalbag, Town/Dist-Cuttack, do hereby solemnly affirm and state as follows :

1. That I am the petitioner in this writ application.
2. That the facts stated in this writ application all are true to the best of my knowledge.

Identified by

Advocate

Deponent

CERTIFICATE

Certified that due to non-availability of cartridge paper this matter has been typed on thick white papers.

Cuttack

By the petitioner through

Date :

Advocate

BIJAYA KUMAR RAGADA
Enrl No.O-1154/1995

IN THE HIGH COURT OF ORISSA, CUTTACK
(Original Jurisdiction Cases)
W.P. (C) (PIL) No. _____ of 2023

Smt. Jayanti Das Petitioner

-versus-

Union Of India &AnrOpp. Parties

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4.	The true copy of representations dated 26.05.2023 is annexed herewith and marked as <u>Annexure-2</u>	
5	VAKALATNAMA	

Cuttack

By the petitioner through

Date :

Advocate

BIJAYA KUMAR RAGADA
Enrl No.O-1154/1995

LIST OF DATES AND EVENTS

19.05.2023 : Notification issued by the RBI.

26.05.2023: Representations given by the
petitioner to the Opp. Parties.

Cuttack By the petitioner through

Date : **Advocate**

BIJAYA KUMAR RAGADA
Enrl No.O-1154/1995

