

## INDIAN CIVILIAN AWARDS: IN PROSPECT AND RETROSPECT

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'Title' has been viewed differently by different personalities all over the world. A person seeking a quiet life is greatly helped by not having a title.<sup>1</sup> Members rise from CMG (known sometimes in white hall as 'call me God') to the KCMG ('kindly call me God') to...the GCMG ('God calls me God').<sup>2</sup> Titles distinguish the mediocre, embarrass the superior, and are disgraced by the inferior.<sup>3</sup>

'Honour' too has been described in different words by different dramatists and poets and philosophers. Honour pricks me on. Yea, but how if honour prick me off when I come on? How then? Can honour set to a leg? No. Or, an arm? No. Or take away the grief of a wound? No. Honour hath no skill in surgery, then? No. What is honour? A word. What is in that word? Honour. What is that honour? Sir.<sup>4</sup> Brothers all in honour, as in one community, scholars and gentlemen.<sup>5</sup>

Conferment of titles of nobility is prohibited by many countries. It has found specific mention in their constitutions, e.g. in the United States of America, Japan, Republic of Ireland, Danzing, Philippines, Ireland, and Weimar. Some of them allow conferment of foreign titles but with the prior approval of the Government. Many of them do recognise merit or works of extraordinary nature, and confer honours of different kinds. In France, the Plumes Academiques is awarded for merit in teaching and for literature, science and other cultural activities.

Notwithstanding specific bar by the United States of America's Constitution, it confers civil awards. It honours those Americans and others with Presidential Medal of Freedom since the year 1957 who make exceptional contributions to national security, or interest, world peace, culture and so forth. The Canadian Government established the Order of Canada in 1967. It is awarded in a wide variety of fields including agriculture, ballet, medicine,

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<sup>1</sup> Captain Mark Phillips (1948) Ex-husband of Princess Anne Attrib in John Daindith (ed.), *BLOOMSBURY TREASURY & QUOTATIONS* 722 (London : Bloomsbury Publishing Pic., 1994).

<sup>2</sup> Anthony Sampson (1926 ) British Writer and Journalist, *id.*

<sup>3</sup> George Bernard Shaw (1856-1950) Irish dramatist and critic *Man and Superman*, *id.*

<sup>4</sup> William Shakespeare (1564-1616), *id.*, at 313.

<sup>5</sup> William Wordsworth (1770-1850), *id.*

philanthropy, etc. It has three levels of membership – Companion, Officer and Member. The total number of living Companions at any time is restricted to 150. Not more than 15 Companions, 46 Officers and 92 Members may be appointed in any given year. The Order of Merit is the inspiration behind the National Awards. In Britain it was instituted in 1902. It is awarded for outstanding service by British scientists, writers or other distinguished civilians. It is limited to 24 members. It does not carry any title or rank.

In pre-independence period in India, the British Government followed the practice of conferment on Indians of titles such as Dewan, Rai Sahib, Rai Bahadur, etc. British Government exploited the conferment of titles in a variety of ways to serve their own interests. Many of the awardees too abused the titles, besides creating a superclass of themselves in the Indian society and British system. Therefore, the framers of the Indian Constitution wanted to put an end to the practice of conferring titles by the British Government. They were opposed to creation of any class of holders of such titles. At the same time, they were in favour of recognising academic and military merits and works of excellence. They were also against the use of such distinctions-academic or military, as prefixes or suffixes in the names of awardees.

A policy of instituting National Awards and Honours had been adopted before the Constitution of India was formally drafted. On February 13, 1948 the Prime Minister's Committee on Honours and Awards was set up under the Chairmanship of the Constitutional Adviser to the Government of India, Sir B.N. Rau. Its purpose was to recommend the number and nature of civil and military awards; the frequency with which they were to be awarded, etc. It submitted its report on March 9, 1948. It gave extensive suggestions in respect of each of the subjects upon which it had been required to give its recommendations. Thereafter, in a series of meetings held between May 30, 1948 and October 29, 1953 the Cabinet had occasions to discuss the nature and conditions of the proposed National Awards. These awards were formally instituted in January 1954.<sup>6</sup>

Indian Constitution, like other countries' constitutions, prohibits conferment of titles. Article 18 specifically provides:

- (1) No title, not being a military or academic distinction, shall be conferred by the state.
- (2) No citizen of India shall accept any title from any foreign state.
- (3) No person who is not a citizen of India shall, while he holds any office of profit or trust under the state, accept without the consent of the president any title from any foreign state.

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<sup>6</sup> AIR 1996 SC 770.

(4) No person holding any office of profit under the state shall, without the consent of the president, accept any present, emolument or office of any kind from or under any foreign state.

Clause (1) of Article 18 is general in nature. It is applicable to both Indian citizens and non-citizens. It forbids conferment of title, not military or academic distinction, by the State. The distinction implies, infers and includes "award", "honour", "prize", and "title" as well. State includes University also. Clause (2) prevents Indian citizens from accepting any title from any foreign state. Clauses (3) and (4) deal with persons other than Indian citizens who hold any office of profit or trust under the state. These clauses forbid acceptance of any 'title' or present, emolument or office of any kind from or under any foreign state without the consent of the Indian President.

'Title' is different from the degree or designation, such as Matric, Inter, B.A., M.A., M. Phil., Ph.D., Dr., Advocate, and Professor. Whether Justice, Mr. Justice, Hon'ble Mr. Justice, Hon'ble Dr. Justice, Ms. Justice, etc. are designations is debatable. Title connotes honour, award or prize while degree or designation is earned after pursuing certain course, qualifying certain examination and interview.

On the proper interpretation of Article 18 two views may emerge: first, the title in Article 18(1) is used in an expansive sense to include awards, distinctions, orders, decorations or titles of any sort whatsoever, except those that qualify as military or academic distinctions. Second, what is sought to be prohibited are titles of nobility and those that carry suffixes or prefixes, which violate the concept of equality by creating a separate class. According to this view, the words "military or academic distinctions" were added in Article 18 by way of abundant caution. It was not meant to prevent the state from honouring or recognising meritorious or humanitarian services rendered by citizens.

In consonance with the above constitutional provisions, the Indian States have instituted various awards. Amongst them are included Sangeet Natak Akademi Award, Lalit Kala Akademi Award, Sahitya Akademi Award, Kabir Puraskar, Communal Harmony Award, etc. but the most important amongst these awards are civilian awards and gallantary awards. Latter category of awards includes Ashoka Chakra, Kirti Chakra, Vir Chakra and Shauriya Chakra. Civilian or academic awards, with which we are more concerned are confined to two categories – Bharat Ratna award and Padma awards. Padma awards are further classified into three categories namely: Padma Vibhushan, Padma Bhushan and Padma Shri. Within the decoration of Padma Vibhushan, initially there have been three categories – Pahela Varg, Dusra Varg, and Tisra Varg. All persons upon whom the decoration of Padma Vibhushan (Tisra Varg) had been conferred under the regulations issued with notification dated 2nd January, 1954 are, for all purposes of these regulations to be deemed to be persons on whom the decoration of Padma Shri has been conferred by the

President. Similarly, all persons upon whom the decorations of Padma Vibhushan (Pahela Varg and Dusra Varg) had been conferred are to be deemed to be persons on whom the decoration of Padma Vibhushan and Padma Bhushan, respectively, have been conferred by the President.

Bharat Ratna is the highest civilian honour. It is given for exceptional service towards advancement of art, literature and science and in recognition of public service of the highest order. Padma awards (Padma Vibhushan, Padma Bhushan and Padma Shri) are given for exceptional and distinguished service, distinguished service of high order and distinguished service, respectively, in any field, including service rendered by government servants.

Recommendations for Padma awards are received from the State Governments/Union Territory administrations, Central Ministries/ departments, institutions of excellence, etc. They are considered by an Awards Committee. On the basis of the recommendations of the Awards Committee, as approved by the President, Padma awards are announced on the eve of the Republic Day. Any person without distinction of race, occupation, position or sex is eligible for these awards.

In the year 1969 and again in 1970, a member of Lok Sabha, Acharya J.B. Kripalani moved a non-official Bill for the abolition of conferment of decorations on persons. The Bill was named as "The Conferment of Decoration on Persons (Abolition) Bill, 1969. It highlighted that although Article 18 had abolished titles, they were sought to be brought in by the back door in the form of decorations. The decorations were not always awarded according to merit. The Government of the day is not the best judge of the merits or the eminence of the recipient. These "new titles" were at first given to very few exceptional persons. This small stream had since become quite a flood. The Bill attracted enormous attention of Parliament. It also led to a very sumptuous debate but failed to succeed in its mission.

On August 8, 1977 the institution of the National Awards was cancelled. It was revived on January 25, 1980. Since then the awards have been conferred annually on the Republic Day, excepting during the years from 1993 to 1997, till the controversy raised over the constitutional validity of these awards was cleared in its favour by the Supreme Court in a judgment<sup>7</sup> on two petitions originally filed in two High Courts of Kerala and Madhya Pradesh (Indore Bench) and transferred to the Apex Court for adjudication.

The petitioners in these petitions contended that Article 18(1) of the Constitution did not define the words "titles" and "distinction"; that the word "title" should be given the widest possible meaning and amplitude; that since the only exception to this rule has been carved out in respect of military and academic distinctions, it follows that all other distinctions were impliedly prohibited; and that the National Awards made distinctions according to rank which was clearly violative of Article 14 of the constitution.

The respondent, on the contrary, contended that almost every country in the world followed the practice of conferring awards; that the appellations which appeared as prefixes or suffixes were sought to be interdicted by Article 18(1) of the Constitution; that since the National Awards were not titles of nobility and were not to be used as suffixes or prefixes, they were not prohibited by Article 18 of the Constitution; and that guidelines for selection of probable recipients were extremely wide, imprecise and amenable to abuse.

Disposing of the petitions, the Court held that it was clear that in enacting Article 18(1), the framers of the Constitution sought to put an end to the practice followed by the British in respect of conferment of titles. They, therefore, prohibited titles of nobility and all other titles that carry suffixes or prefixes as they result in the creation of a distinct unequal class of citizens. However, the framers did not intend that the state should not officially recognise merit or work of an extraordinary nature. They, however, mandated that the honours conferred by the state should not be used as suffixes or prefixes i.e., as titles, by the recipients.

Further, awards of this nature were conferred by many countries around the world. Even countries such as the United States of America, whose Constitution specifically barred the conferment of titles of nobility, followed the practice of regularly conferring civil awards.

It was also held by the court that the National Awards were not violative of the principles of equality as guaranteed by the provisions of the Constitution. The theory of equality did not mandate that merit should not be recognised. Article 51A of the Constitution laid down the fundamental duties of every citizen of India. It was necessary that there should be a system of awards and decorations to recognise excellence in the performance of these duties.

The National Awards did not amount to "titles" within the meaning of Article 18(1) and they should not be used as suffixes or prefixes. These awards could be given to the citizens for exceptional and distinguished services rendered in the field of art, literature, science and other fields. These awards are national in character and only those who have achieved distinction at national level could be considered for these awards.

The guidelines for selection of probable recipients were extremely wide, imprecise, amenable to abuse and wholly unsatisfactory for the important objective that they sought to achieve. The existing procedure for selection of candidates was wholly vague and was open to abuse at the whims and fancies of the persons in authority. Conferment of Padma awards without any firm guidelines and fool-proof method of selection is bound to breed nepotism, favouritism, patronage and even corruption.

The fixing of criteria, which would ensure that the recipients of these awards were subjected to feelings of respect rather than suspicion, needed to be examined by a high level committee that might be appointed by the Prime Minister in consultation with the President of India. The Committee might

keep in view that the number of awards should not be so large as to dilute their value. The number of awards under each category must be curtailed to preserve their prestige and dignity. In any given year the awards, all put together, could not exceed fifty.

In pursuance of the Court's judgement, the Government had constituted a High Level Review Committee chaired by the Vice –President of India, to go into the guidelines for the Padma awards and certain other aspects. The Review Committee submitted its report in November, 1996. The same has been accepted by the government, and the institution of the awards revived.

Before announcement of awards, efforts are made to contact and seek consent of the proposed awardees. On refusal to accept award by anyone his/her name is dropped from the list of the awardees. There have been cases of refusal even after announcement of names of awardees and awards. Also, there are cases of return of awards after acceptance of them. Provisions pertaining to awards are silent on the points of refusal and return. But there is specific provision about the power of the President to cancel and annul the award of decoration to any person. On cancellation of the award, the name of the awardee is erased from the register and he is required to surrender the decoration and the sanad. But the President is competent to restore the decoration and sanad and to withdraw the orders of cancellation and annulment. The notice of cancellation or restoration in every case is to be published in the Gazette of India.

During the period 1954 to 2001, there are as many as 39 recipients of Bharat Ratna award, 11 of whom were conferred this award posthumously. Amongst the recipients are included Presidents, Prime Ministers, industrialists, scientists, and artists. Recipients of Padma awards during the period 1980-2001 numbered 1146 – Padma Vibhushan 107, Padma Bhushan 297 and Padma Shri 740 (*Table 1*). During this period 21 persons have been conferred Bharat Ratna (*Table 2*).

**TABLE – 1**  
**Indian Civilian Awards – 2001-1980**

<b>Year</b>	<b>Bharat Vibhushan</b>	<b>Padma Bhushan</b>	<b>Padma Shri</b>	<b>Padma Ratna</b>	<b>Total</b>
2001	1	12	32	66	111
2000	-	13	20	42	75
1999	3	18 (4BR)	14	34	60
1998	2	6 (2BR)	18	32	58
1997	3	3BR	-	-	6
1992	3	13 (3BR)	33	87	1333
1991	3	11 (3BR)	24	83	121
1990	2	8 (2BR)	24	69	103
1989	-	4 (1BR)	13	27	44
1988	1	3	13	27	45
1987	1	5 (2BR)	12	32	50
1986	-	3	14	30	47
1985	-	2	21	44	67
1984	-	-	17	53	72
1983	1	-	17	53	71
1982	-	1	15	31	47
1981	-	2	9	27	38
1980	1	3(1BR)	1	-	5
<b>Total</b>	<b>21</b>	<b>107</b>	<b>297</b>	<b>740</b>	<b>1167</b>

**Source:** India

**BR:** Recommended by Army

**TABLE—2**  
**Recipients of Bharat Ratna—1954-2001**

S. No.	Name		Year
1.	Dr Sarvepalli Radhakrishna	(1818-1957)	1954
2.	Chakarvarti Rajagopalachari	(1878-1972)	1954
3.	Dr Chandrasekhar Venkat Raman	(1888-1970)	1955
4.	Dr Bhagwan Das	(1869-1958)	1955
5.	Dr Mokshagundam Visvesvaraya	(1861-1962)	1955
6.	Jawaharlal Nehru	(1889-1964)	1955
7.	Govind Ballabh Pant	(1887-1961)	1957
8.	Dr Dhondo Keshave Karve	(1858-1962)	1958
9.	Dr Bidhan Chandra Roy	(1882-1962)	1961
10.	Purushottam Das Tandon	(1882-1962)	1961
11.	Dr Rajendra Prasad	(1884-1963)	1962
12.	Dr Zakir Husain	(1897-1969)	1963
13.	Dr Pandurang Vaman Kane	(1880-1972)	1963
14.	Lal Bahadur Shastri (Posthumous)	(1904-1966)	1966
15.	Indira Gandhi	(1917-1984)	1971
16.	Varahagiri Venkatagiri	(1894-1980)	1957
17.	Kumaraswami Kamraj (Posthumous)	(1903-1975)	1976
18.	Mary Teresa Bojaxhiu (Mother Teresa)	(1910-1997)	1980
19.	Acharya Vinobha Bhave (Posthumous)	(1895-1982)	1983
20.	Khan Abdul Ghaffar Khan	(1890-1988)	1987
21.	Marudu Gopalan Ramachandran (Posthumous)	(1917-1987)	1988
22.	Dr Bhim Rao Ramji Ambedkar (Posthumous)	(1891-1956)	1990
23.	Dr Nelson Rolihlahla Mandela(b-1918)		1990
24.	Rajiv Gandhi (Posthumous)	(1944-1991)	1991
25.	Sardar Vallabhbhai Patel (Posthumous)	(1875-1950)	1991

26.	Morarji Ranchhodji Desai	(1896-1995)	1991
27.	Maulana Abul Kalam Azad (Posthumous)	(1888-1958)	1992
28.	Jehangir Ratanji Dadabhai Tata	(1904-1993)	1992
29.	Satyajit Ray	(1922-1992)	1992
30.	Aruna Asaf Ali (Posthumous)	(1909-1996)	1997
31.	Gulzari Lal Nanda (Posthumous)	(1898-1997)	1997
32.	Dr Avul Pakir Jainulabdeen Abdul Kalam	(1931)	1997
33.	Madurai Shanmuhavadiva Subbalakshmi	(1916)	1998
34.	Chidambaram Subramaniam	(1960)	1988
35.	Loknayak Jayaparkash Narayan (Posthumous)	(1999)	1999
36.	Professor Amartyasen		
37.	Lokpriya Gopinath Bordoloi (Posthumous)		1999
38.	Pandit Ravi Shankar		1999
39.	Ms. Lata Dinanath Mangeshkar		2001

*Source.* 'India'

Finally, there are quite a few fanciful facts which may appear to be no less undesirable – to say in mild words. At the top of them all is the naked truth that despite prominent prohibition of use of these awards as contained in the Constitution, confirmed and cautioned against by the Apex Court of the country, these have been and are in rampant use publicly by very many of them, including those enjoying high status in 'sarkar' and society. It would surely suggest wholesome cause of worry today, and no less justification for war against it – sooner the better!