



**Balaji Raghavan v. Union of  
India**



## Article 18: Abolition of Titles

- (1) *No title, not being a military or academic distinction, shall be conferred by the State.*
- (1) *No citizen of India shall accept any title from any foreign State.*
- (1) *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*
- (1) *No person holding any office of profit or trust 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*

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## **Object of Article 18**

- ***Application of principle of democratic equality***
- ***Seeks to prevent the power to confer title being abused for corrupting the public life***
- ***To maintain that State stands to prevent the growth of any nobility in India***
- ***To promote equality of status as envisaged in the Preamble of the Constitution***



## **Sanction behind Article 18**

- ***Receiving a title by a person is violation of a prohibition, but not an offence.***
- ***Such prohibition can be enforced against the State by a person by a writ under the Constitution***
- ***Remedy is available only for the enforcement of rights conferred by the Constitution***

# CONSTITUTIONALITY OF BHARAT RATNA AWARDS

- *1954 – Introduction of decorations in the form of medals – Bharat Ratna, Padma Vibhushan, Padma Bhushan, Padma Shri*
- *The awards are for exceptional services towards the advancement of Art, Literature and Science, and in recognition of public service of highest order*
- *The Government clarified that the said civilian awards shall not be used as suffixes or prefixes to the name of awardees so as to give them the appearance of titles.*
- *However it was noticed that the awards were misused by the awardees by using the awards as titles qualifying their names.*



# BALAJI RAGHAVAN V UNION OF INDIA

- *In light of the events of misuse of National awards, the Constitutionality of the awards was challenged as violative of Article 18 of the Constitution*
- *A petition was filed under Article 226 of the Constitution in High Court of Madras by Balaji Raghavan, seeking, by way of a writ of mandamus, to prevent the Union of India from conferring any of the National Awards.*
- *The issue went to the Hon'ble Supreme Court and the issue was –*  
*“Whether the Awards, Bharat Ratna, Padma Vibhushan, Padma Bhushan and Padma Shri (‘National Awards’) are “Titles” within the meaning of Article 18(1) of the Constitution of India?”*

# CONTENTIONS

## PETITIONER

- *The terms 'title' and 'distinction' has not been defined in the Article*
- *The National Awards make distinction according to rank, hence the conferment is violative of Article 14*
- *Recipients followed the practice of appending the awards to their names as their title*

## RESPONDENT

- *Ordinary meaning of "title" is honour, rank, function or office in which there is a distinctive appellation*
- *Article 18(1) seeks to interdict titles of nobility such as 'Maharaja', 'Nawab' etc.*

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# CONTENTIONS

## PETITIONER

- *No objective guidelines provided for the selection of recipients*
- *Awards had degenerated to rewards to those who serve the political ends of the Government*
- *The word 'title' in Article 18(1) is used in an expansive sense to include awards, distinctions, orders, decorations or titles of any sort whatsoever, except military and academic distinctions.*

## RESPONDENT

- *National Awards do not confer titles of nobility, cannot be prefixed or suffixed, hence not prohibited*
- *Also, various republican and socialist nations follow the practice of conferring awards for meritorious services rendered by its citizens*

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# CONSTITUENT ASSEMBLY DEBATES

## Initial Clause

*"No titles except those denoting an office or a profession shall be conferred by the Union."*

### Support

- *Mr. K.T. Shah - Conferring of titles offended against fundamental principles of equality*
- *Distinction had to be made between titles which are heritable and thereby create inequality and titles given by governments for the purpose of rewarding merit*

### Opposition

- *Mr. C. Rajagopalachari - It should be left open to the legislature to decide from time to time whether titles are good or bad.*
- *If there was a nationalist, communist or socialist policy, and the profit motive was removed, there would be a great necessity for creating a new motive in the form of titles.*



## Amendment

***"No heritable title shall be conferred by the Union."***

### Support

➤ ***Sri Prakasa supported by saying that all that the clause sought to do was abolish the corroding, corrupting practice which makes individuals go about currying favour with authority to get particular distinctions.***

### Opposition

➤ ***Seth Govind Das and Mr. H.V. Kamath complained that the clause covered only the future conferment of titles and that it was necessary also to abolish titles conferred earlier by the "alien imperialist Government".***



**Amendment – *"No title shall be conferred by the State"***



# THE FINAL AMENDMENT

- *Mr. T.T. Krishnamachari sought to add the words "not being a military or academic distinction" after the word 'title' in the clause*
- *It was necessary because:*
  - *Certain types of titles had to be permitted, the Government having already decided to confer certain military distinctions*
  - *The State might decide to revive academic titles, and*
  - *A university might not be completely divorced from the definition of State*
- *The Amendment was accepted on December 1, 1948.*

# INTERPRETATION

- *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 mandated that the honours conferred by the State should not be used as suffixes or prefixes, i.e., as titles, by the recipients.*

# POSITION IN OTHER COUNTRIES

➤ *The United States of America, whose Constitutions specifically bar the conferment of titles of nobility, follow the practice of regularly conferring civil awards, like the Presidential Medal of Freedom*

➤ *The Canadian Government established the Order of Canada in 1967 and it is awarded for a wide variety of fields including agriculture, ballet, medicine, philanthropy, etc. The Order of Canada has three levels of membership - Companion, Officer and Member.*

➤ *In France, the Palmes Academiques is awarded for merit in teaching and for literature, science and other cultural activities.*

# JUDGEMENT

- *The National Awards are not violative of the principles of equality as guaranteed by the provisions of the Constitution.*
- *The theory of equality does not mandate that merit should not be recognized.*
- *Article 51A(j) exhorts every citizen "to strive towards excellence in all spheres of individual and collective activity, so that the nation constantly rises to higher levels of endeavour and achievement."*
- *It is, therefore, necessary that there should be a system of awards and decorations to recognise excellence in the performance of these duties.*
- *The National Awards do not amount to "titles" within the meaning of Article 18(1) and they should not be used as suffixes or prefixes.*

# PROCEDURE LAID DOWN

## **National Committee**

- *By Prime Minister of India in Consultation with the President*

## **Members**

- *The Speaker of Lok Sabha*
- *The Chief Justice of India or his nominee*
- *The leader of Opposition in the Lok Sabha.*

## **State Committee**

- *By consultation with the Governor*
- *Members - Speaker of the Legislative Assembly, Chief Justice of the State or his nominee and the leader of the Opposition.*

## ***Functions of State Committee***

***•Recommend the names of the persons, who in their opinion are deserving of a particular award***

## ***Final Decision***

***•By the National Committee on Awards.***  
***•No award should be conferred except on the recommendation of the National Committee.***  
***•Recommendation must have the approval of the Prime Minister and the President of India.***

## ***Number of Awards***

***•In any given year the awards, all put together, may not exceed fifty.***



# CONCLUSION

- × *The Supreme Court gave direction regarding procedure to be adopted before grant of award.*
- × *The grant of Padma Awards without any firm or proper guidelines which should be foolproof method of selection, is bound to breed nepotism, favoritism and corruption.*
- × *It noted that there should be system of awards and decorations to recognise excellence in performance of duties by the citizens*