

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal(Civil)...../2003
(CC 6637/2003)

(From the judgement and order dated 20/12/2002 in CMWP 50108/2002
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

RAKESH SRIVASTAVA 'NYAYIK' Petitioner (s)

VERSUS

UNION OF INDIA & ORS. Respondent (s)

(With Appln(s). for c/delay in filing SLP)

Date : 12/09/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE BRIJESH KUMAR
HON'BLE MR. JUSTICE S.B. SINHA

For Petitioner (s)Mr. S.M. Tripathi, Adv.
Dr. Indra Pratap Singh, Adv.
Mr. Rameshwar Prasad Goyal, Adv.

For Respondent (s)Mr. Soli J. Sorabjee, AG
Mr. Hemant Sharma, Adv.
Ms. Sushama Suri, Adv.

UPON hearing counsel the Court made the following
O R D E R

Delay condoned.

The Special Leave Petition is dismissed.

[Alka Dudeja] [Suraj Prakash]
Court Master Court Master

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION [C] NO. OF 2003
(CC 6637/2003)

Rakesh Srivastava 'Nyayik' ... Petitioner (s)

Versus

Union of India & Ors. ... Respondent(s)

O R D E R

Delay condoned.

The petitioner herein, said to be a public spirited citizen filed a writ petition before the Allahabad High Court ascertaining that the first respondent herein has failed to implement the guidelines referred to in the decision of this Court in the case of Balaji Raghavan Vs. Union of India [(1996) 1 SCC 361]. Further prayer made therein was for issuance of a direction upon the first respondent to state as to under what circumstances the award of Bharat Ratna was not awarded to Mahamana Pt. Madan Mohan Malaviya and Sir Syed Ahmad Khan.

The said writ petition was summarily dismissed by a Bench of the Allahabad High Court.

When the matter came up for hearing, instead of issuing notice, we orally directed the learned Attorney General to take instructions on the allegations made in this petition. The learned

-2-

Attorney General in compliance with the order has placed before us the relevant documents showing that the order has been substantially complied with inasmuch as two sets of Committees have been constituted; one for the Bharat Ratna and the other for the Padma Vibhushan and Padma Shree.

In Balaji Raghavan (supra) this Court inter alia directed:

33. The guidelines contained in the communique from the Ministry of Home Affairs towards the selection of probable recipients are extremely wide, imprecise, amenable to abuse and wholly unsatisfactory for the important objective that they seek to achieve. There are no limitations prescribed for the maximum number of awards that can be granted in a given year or the maximum number that is permissible in each category. The Prime Minister's Committee on Awards and Honours, 1948 had recommended certain limitations in terms of numbers but these have not been incorporated in the extant guidelines. As stated earlier, most countries have provided for such limitations in respect of their civil awards. That is for the obvious reason that the importance of the awards is not diluted. While in the grant of the Bharat Ratna award sufficient restraint has been shown, the same cannot be said of all other awards. The exercise of such restraint is absolutely necessary to safeguard the importance of the awards. That is why the need for necessarily granting awards every year also requires reconsideration. These and the fixing of other criteria, which will ensure that the recipients of these awards are subjected to feelings of respect rather than suspicion, need to be examined by a high-level Committee that may be appointed by the Prime Minister in consultation with the President of India.

-3-

Even otherwise it is time that such a Committee looks into the working of the existing guidelines in view of the experience gained. We say no more as we have entrusted the task of setting up of the Committee to high-level functionaries. We may only say that the Committee may keep in view our anxiety that the number of Awards should not be so large as to dilute their value.

Kuldip Singh, J., however, in a separate opinion observed:

40. Therefore, to ensure that Padma awards are truly national in character and above party and political considerations, I suggest that a committee at national level be constituted by the Prime Minister of India in consultation with the President of India which may include, among others, the Speaker of the Lok Sabha, the Chief Justice of India or his nominee and the Leader of Opposition in the Lok Sabha. At the State level similar committees may be formed by the Chief Minister of the State in consultation with the Governor. The committee may, among others, include Speaker of the Legislative Assembly, Chief Justice of the State or his nominee and the Leader of the Opposition.

The question, therefore, which arises for consideration is as to whether the directions of this Court have substantially been complied with or not.

After the decision of this Court in Balaji Raghavan (supra), the Ministry of Home Affairs issued a memorandum on 7th May, 1996 for laying down the guidelines for Padma Awards and certain other aspects, the composition whereof was as follows:

-4-

"Chairman

(1) Vice President of India

Members

(2) Cabinet Secretary

(3) Attorney-General for India

(4) Home Secretary

(5) Foreign Secretary

(6) Secretary to the President

(7) Shri Ram Niwas Mirdha

(8) Prof. U.R. Anantha Murthy,

President Sahitya Akademi

(9) Prof. (Miss) A.S. Desai, Chairperson, UGC.

(10) Prof. MY. Qaudri, Vice-Chancellor,

Kashmir University

(11) Prof. Yash Pal, National Research

Professor.

The terms of reference of the Committee were as under:

"(i) To review the existing guidelines and to fix the criteria for the selection of persons for the Padma Awards (criteria which will enhance respect for the Padma Awards);

(ii) To lay down restrictions on the number of Awards to be given and to ensure that the number is not so high as to dilute the value of the Awards; and

(iii) To decide whether the Awards should be given every year."

Upon detailed deliberations, the Committee was of the opinion that the institution of Padma Awards had on the whole worked quite satisfactorily and that the number of awards given per year (about 65 on an

-5-

average) could not be regarded as very high considering the size of our country, the large number of potential candidates for the awards, and the new avenues open to our people for achieving excellence. Further, the Committee agreed that the credibility of the awards would be judged not merely by the language of the guidelines, but also by the action of the Awards Committee in the actual selection of persons for the awards. The Committee was of the view that the crux of the issue was essentially one of proper application/ implementation of the guidelines and of careful selection of deserving persons for the awards by the Awards Committee. In the view of the Committee, any rigid criteria for selection would hinder more than help.

The detailed criteria for selection of persons of the award, however, was laid down. One criteria related to grant of award of Bharat Ratna whereas another related to award of Padma Awards. The Committee opined that whereas annual awards of Bharat Ratna should be restricted to a maximum of three in a particular year; but so far as Padma Awards are concerned, the number thereof may be restricted to a maximum of 60.

In relation to Awards of Bharat Ratna it was opined that it is not necessary that award should be given every year but in the case of Padma Awards, it was recommended that the same be given every year on the Republic Day. The Committee made other recommendations as regards grant of Padma Awards, composition of the Awards Committee, recommendations thereof, backlog and various other relevant factors.

It was inter alia laid down:

-6-

"Posthumous Awards: As a rule, the awards of Bharat Ratna and the Padma Awards should not be conferred posthumously. However, if the person proposed to be honoured has died recently (say, within a period of one year preceding the Republic Day on which it is proposed to announce the award), then Government could consider giving an award posthumously. However, this should

be done very rarely and only in highly deserving cases.

No misuse of awards as titles: The awards are not titles and cannot be used as suffixes or prefixes in any manner whatsoever. In the case of any misuse the defaulter will forfeit the award."

It appears that thereafter two committees were constituted in terms of the said recommendations.

The list of persons who attended the meeting on 13th July, 1996 by way of example may be noticed:

- "(1) Shri K.R. Narayanan,
Vice-President of India- Chairman
- (2) Shri Surendra Singh,
Cabinet Secretary - Member
- (3) Shri Ashok H. Desai,
Attorney General - Member
- (4) Shri K. Padmanabhaiah,
Home Secretary - Member
- (5) Shri Salman Haider,
Foreign Secretary - Member
- (6) Shri S.S. Sohoni,
Secretary to the President - Member
- (7) Shri Ram Niwas Mirdha - Member
- (8) Prof. (Ms.) A.S. Desai,
Chairperson, UGC - Member
- (9) Prof. M.Y. Qaudri,
Vice-Chancellor, Kashmir University - Member
- (10) Prof. Yash Pal,
National Research Professor - Member"

-7-

Before us, the learned Attorney General has also placed the names of the persons who were members of the Committee in 1997 & 98, 1999 & 2000 (combined), 2001, 2002, 2003; from a perusal whereof it appears whereas the same comprises of three bureaucrats, namely, Cabinet Secretary, Secretary to the President and Home Secretary, the other members of the Committee are persons of repute drawn up from different sections of the society.

We, therefore, are of the opinion that it cannot be said that the judgment of this Court in Balaaji Raghavan (supra) has in any manner been deviated from. Furthermore, as has rightly been pointed out by the High Court, it is not for this Court to call upon the first respondent herein to state as to why some awards had not been made in favour of certain persons, howsoever eminent they may be. It is for the Committee concerned to consider the said matter and not for the High Court/this Court.

We, therefore, do not find any merit in this Special Leave Petition which is accordingly dismissed.

.....CJI.

.....J.
(Brijesh Kumar)

.....J.
(S.B. Sinha)

New Delhi,
September 12, 2003.

