



Who Holds The Ribbon? A Constitutional Perspective On Inaugurating India's New Parliament Building

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Synopsis

In this article, we delve into a compelling exploration of who should inaugurate the new Parliament building in India - an act bearing profound symbolic, constitutional, and political implications. As an advocate, the author brings a unique perspective to this discourse, balancing legal interpretation, comparative practices in other democracies, and the symbolism of the act itself.

The article begins by unpacking the constitutional roles of the President and Prime Minister in India, as outlined in Articles 52, 60, 74, and 79. It subsequently presents a comparative analysis of inauguration practices in democracies like the United Kingdom, United States, and France.

Bolstered by this contextual understanding, the article advocates for the President of India to inaugurate the new Parliament building. This advocacy is founded upon an interpretation of Article 79, and an appreciation of the President's symbolic role in representing the unity and integrity of the nation.

The discussion concludes by affirming the democratic principles enshrined in the Indian Constitution, arguing that the President's inauguration of the new Parliament building would effectively embody these principles, affirm the robustness of our democratic institutions, and uphold the spirit of the Constitution. The article invites further discourse, asking the reader, "Who do you think should hold the ribbon?"

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1. Introduction: Purpose of the Article

The purpose of this article is to engage in a thoughtful exploration of who should inaugurate the new Parliament building in India. This seemingly straightforward question is steeped in symbolic, constitutional, and political significance. Therefore, it warrants an in-depth examination, which this article aims to provide by delving into comparative practices in other democracies and discussing the legal and constitutional dimensions in the Indian context.

2. Unpacking the Constitutional Framework

The roles of the President and the Prime Minister, as well as the structure of the Parliament in India, are explicitly laid out in the Constitution.

- **Role of the President: Article 52 and Article 60:** Article 52 establishes the office of the President, the ceremonial head of state. Article 60 further underscores the President's role as the defender of the Constitution and upholder of the law.
- **Role of the Prime Minister: Article 74:** Article 74 establishes the office of the Prime Minister, the chief executive, who leads the Council of Ministers and drives the legislative agenda.
- **The Parliament: Article 79:** Article 79 stipulates that India's Parliament includes the President and the two Houses (Rajya Sabha and Lok Sabha), signifying the President's integral role in India's legislative framework.

3. Comparative Analysis: Inauguration Practices in Other Democracies

- **United Kingdom:** In the UK, the Monarch, as the ceremonial head of state, presides over significant state events, including the State Opening of Parliament.
- **United States:** In the US, the President, as both the head of state and government, officiates at significant state ceremonies.
- **France:** In the French semi-presidential system, significant state events could be presided over by either the President or the Prime Minister, or both, given their shared executive powers.

4. Advocacy for the President's Role in the Inauguration

Drawing upon the roles defined in the Indian Constitution and the practices in other democracies, I, as an advocate, put forth that the President of India should be the one to inaugurate the new Parliament building.

- **Interpreting Article 79:** Although the Constitution doesn't provide explicit guidelines on who should inaugurate a new Parliament building, interpreting Article 79 suggests that the President, being a part of the Parliament and a symbol of the nation's unity, would be an apt choice.
- **The Symbolic Role of the President:** The President's role carries profound symbolic value in our democracy. The President inaugurating the new Parliament building would serve as a potent symbol of the strength, continuity, and integrity of our democratic institutions.

5. Supreme Court upholds executive authority in new Parliament building inauguration, dismisses PIL

In the matter of the Public Interest Litigation seeking the President of India to inaugurate the new Parliament building, the Supreme Court, after hearing the arguments, has refused to entertain the petition. The Court found that there were no sufficient grounds to intervene and alter the established practices regarding inauguration ceremonies. The Court emphasized the executive's authority in matters of ceremonial functions and the importance of respecting the separation of powers.

Introduction:

The Supreme Court's refusal to entertain a Public Interest Litigation (PIL) seeking a direction for the President of India to inaugurate the new Parliament building instead of the Prime Minister calls for a reflection on the importance of respecting the Court's decision. While the PIL represented a specific viewpoint, it is essential to acknowledge the Court's role in assessing legality and constitutionality, even if one disagrees with the judgment.

Preserving the Separation of Powers:

Understanding and respecting the separation of powers and the independence of the judiciary is vital for legal professionals. The Court's decision suggests that it did not find sufficient grounds to intervene in the inauguration protocol, emphasizing its role in interpreting the law rather than directing changes in executive decisions.

The Role of PILs in Fostering Discourse:

Although the PIL did not achieve the desired outcome, it remains an invaluable mechanism for raising important questions and stimulating public discourse on constitutional matters. It serves as a platform to express dissent, challenge existing practices, and foster critical dialogue around issues of constitutional significance.

Executive Discretion in Ceremonial Functions:

Decisions regarding protocols and ceremonial functions often fall within the purview of the executive branch of government. Such decisions are influenced by various factors, including constitutional provisions, historical practices, and political considerations. Ultimately, the choice of who should inaugurate the new Parliament building lies with the discretion of the government and its elected representatives.

Continuing Advocacy through Constructive Dialogue:

In light of the Supreme Court's refusal to entertain the PIL, it is important to channel concerns and advocacies through appropriate channels and engage in constructive dialogue. Respect for the rule of law and the institutions upholding it remains crucial in preserving a robust and democratic society.

While disagreements with court judgments are natural in a democratic society, it is paramount to respect the Supreme Court's decision in upholding the rule of law. The decision underscores the importance of separation of powers and highlights the significance of engaging in constructive dialogue and advocacy through appropriate channels to bring about desired changes within the democratic framework.

6. An Advocate's Perspective on Upholding Democratic Principles

The inauguration of the new Parliament building in India is not just a ceremonial event; it is a moment of significant constitutional import and symbolism. While the decision of who should inaugurate the building is essentially a political one, it's crucial to consider the underlying constitutional principles that govern our democratic system.

The analysis presented in this article is an effort to stimulate dialogue and encourage further exploration of this topic. While each democracy has its unique traditions and practices, the discussion here underscores the importance of symbolic acts in strengthening the fabric of our democracy and ensuring the robustness of our constitutional institutions.

It is hoped that this article contributes to an enriched understanding of the constitutionality of the inauguration event, and triggers a broader discourse on how best we can preserve and celebrate our democratic traditions in such significant state ceremonies.

In the spirit of our vibrant democracy, we welcome differing perspectives and interpretations to foster a robust debate on this topic.

7. Conclusion: Embodying Constitutional Principles

In conclusion, the article delved into the significant question of who should inaugurate the new Parliament building in India. It explored the constitutional roles of the President and Prime Minister, examined comparative practices in other democracies, and advocated for the President's role in the inauguration.

While the Supreme Court's refusal to entertain the PIL seeking a direction for the President to inaugurate the new Parliament building brings closure to the legal aspect of the debate, it is crucial to acknowledge and respect the Court's decision. The separation of powers and the independence of the judiciary are fundamental principles of our democracy, and the Court's role is to interpret the law and assess its constitutionality.

The article recognized the symbolic value of the President's role in representing the unity and integrity of the nation, drawing upon interpretations of Article 79 and considering the practices in other democracies. It highlighted the significance of upholding democratic principles and the spirit of the Constitution in such significant state ceremonies.

While the outcome may not align with the author's personal view as an advocate, it is important to continue engaging in constructive dialogue and advocacy through appropriate channels. The article underscored the need for a robust discourse on the constitutionality of inauguration events, encouraging further exploration and debate.

Ultimately, the article emphasizes the importance of upholding democratic principles, respecting the rule of law, and preserving the integrity of our constitutional framework. It invites readers to reflect on the issues raised and to contribute to the ongoing conversation about the inauguration of India's new Parliament building and the democratic ideals it represents.

The discussion doesn't end here; it's just the beginning. So, who do you think should hold the ribbon?

Disclaimer: An Advocate's Perspective on Inaugurating India's New Parliament Building

In conclusion, the article "Who Holds the Ribbon? The views expressed in this article solely represent the perspective of the advocate.

A Constitutional Perspective on Inaugurating India's New Parliament Building" presented a comprehensive analysis from the advocate's viewpoint regarding the inauguration of the new Parliament building in India. The exploration encompassed the constitutional roles of the President and Prime Minister, a comparative analysis of practices in other democracies, and a persuasive advocacy for the President's role in the inauguration.

While the Supreme Court's decision to refuse entertaining the PIL seeking a direction for the President to inaugurate the new Parliament building has brought a definitive legal stance to the debate, it is important to recognize and respect the Court's verdict. The Court's role lies in interpreting the law and assessing its constitutionality, and its decision reflects the limitations of judicial intervention in matters of ceremonial functions.

Throughout the article, the advocate highlighted the symbolic significance of the President's role, drawing from constitutional provisions such as Article 79 and insights from other democratic nations. The advocate emphasized the importance of upholding democratic principles and embodying the spirit of the Constitution in significant state ceremonies.

It is essential to acknowledge that the perspective presented in the article stems from the advocate's personal view. While the outcome may not align with opposing viewpoints or the Court's decision, it is crucial to foster constructive dialogue, engage in further exploration, and respect the diverse perspectives surrounding the inauguration of India's new Parliament building.

In conclusion, the article urges readers to reflect on the issues raised and encourages continued discourse on the constitutional aspects of inauguration events. The aim is to facilitate a deeper understanding of the democratic principles underpinning such ceremonies and to contribute to the ongoing conversation about the best approach to upholding these principles in the context of India's new Parliament building.