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A Bill to Protect Vande Mataram Under the National Honour Act

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A Bill to Protect Vande Mataram Under the National Honour Act

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*On , the opening day of the Monsoon Session of Parliament, the **Union Home Minister** introduced in the **Rajya Sabha** a Bill to amend the **Prevention of Insults to National Honour Act, 1971**. The amendment seeks to extend to the **national song, Vande Mataram**, the same criminal protection that the law already provides to the **National Anthem**. The move has reopened a long-running constitutional debate about national symbols, reverence and the freedom of expression.*

WHAT THE BILL PROPOSES

The **Prevention of Insults to National Honour Act, 1971** is the parent statute that penalises acts showing disrespect to India's principal national symbols. As it stands, the Act protects:

- the **National Flag**,
- the **Constitution of India**, and
- the **National Anthem** (Jana Gana Mana).

Under the existing law, **intentionally preventing the singing of the National Anthem** or causing disturbance to an assembly engaged in singing it can attract imprisonment of **up to three years**, a fine, or both. The 2026 Bill proposes to add the **national song, Vande Mataram**, to this protected list, so that comparable acts of insult against it become punishable.

Song Versus Anthem: The Legal Distinction

A frequent point of confusion is that **Vande Mataram is the National Song, not the National Anthem**. The two enjoy sentimental parity but not identical legal footing.

FEATURE	NATIONAL ANTHEM	NATIONAL SONG
Composition	Jana Gana Mana, by Rabindranath Tagore	Vande Mataram, by Bankim Chandra Chattopadhyay
Adopted	January 24, 1950	January 24, 1950 (status of honour)
First sung / written	Sung at Congress session, 1911	Written around 1876 ; published in the novel Anandamath (1882)
Statutory protection	Yes, under the 1971 Act	Proposed by the 2026 Bill

HISTORICAL AND CONSTITUTIONAL BACKGROUND

Vande Mataram was composed by **Bankim Chandra Chattopadhyay**, first written around **1876** and later woven into his Bengali novel **Anandamath**, published in **1882**. It became a rallying cry of the freedom struggle, sung at Congress sessions from 1896 onward.

On **January 24, 1950**, the **Constituent Assembly**, in a statement read by the President Dr Rajendra Prasad, declared that **Vande Mataram**, which had played a historic part in the freedom struggle, **shall be honoured equally with Jana Gana Mana and shall have equal status with it**. Crucially, this was a **statement of the Assembly, not a provision of the Constitution**. Unlike the National Anthem, the National Song carries **no express constitutional article** mandating its recital, which is exactly the gap the new Bill addresses at the statutory level.

THE FREE SPEECH DIMENSION

The Bill sits at the intersection of two constitutional values: reverence for national symbols and the **freedom of speech and expression under Article 19(1)(a)**.

The leading precedent is **Bijoe Emmanuel v. State of Kerala (1986)**, the “National Anthem case.” Three Jehovah’s Witness children were expelled for declining to sing the National Anthem, though they stood respectfully. The Supreme Court held that their expulsion violated **Articles 19(1)(a) and 25** (freedom of conscience and religion), ruling that **no one can be compelled to sing** and that standing respectfully without singing is not an offence.

The judgment establishes a vital principle: the law penalises **active disrespect**, not silence or conscientious abstention. Any extension of **penal** protection to Vande Mataram must be read alongside this ceiling, so that honouring a national symbol does not slide into compelled speech.

UPSC RELEVANCE

GS Paper 2: Indian Constitution, fundamental rights, and their reasonable restrictions; functioning of the legislature; landmark judgments shaping rights jurisprudence.

Prelims pointers:

- **Vande Mataram** is the **National Song**, written by **Bankim Chandra Chattopadhyay**, published in **Anandamath (1882)**.
- The **Prevention of Insults to National Honour Act, 1971** protects the National Flag, the Constitution and the National Anthem.
- The Constituent Assembly gave Vande Mataram equal status of honour on **January 24, 1950**.
- **Bijoe Emmanuel v. State of Kerala (1986)** held that no one can be compelled to sing the National Anthem.

Mains question: “National symbols command respect, but the Constitution also protects the freedom not to speak.” In light of the proposed amendment to the National Honour Act, examine the balance between reverence for national symbols and the freedom of expression under Article 19(1)(a). (15 marks, 250 words)

★ FACTS CORNER, KNOWLEDGEPEDIA

Parent law: Prevention of Insults to National Honour Act, 1971.

Current punishment for insulting the National Anthem: imprisonment up to three years, or fine, or both.

National Song author: Bankim Chandra Chattopadhyay; National Anthem author: Rabindranath Tagore.

Anandamath, the novel carrying Vande Mataram, was published in 1882; the song was first written around 1876.

January 24, 1950: the Constituent Assembly adopted both Jana Gana Mana as Anthem and gave Vande Mataram an equal status of honour.

Key case: *Bijoe Emmanuel v. State of Kerala* (1986) protected the right not to sing while standing respectfully.

Constitutional angle: freedom of speech, Article 19(1)(a); freedom of conscience, Article 25.

Sources: PIB, Ministry of Home Affairs · The Prevention of Insults to National Honour Act, 1971, India Code · Bijoe Emmanuel v. State of Kerala, 1986, Supreme Court

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