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Vande Mataram Gets Statutory Protection: Parliament Passes the National Honour Amendment

30 July 2026 ·

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CURATED & WRITTEN BY

**Bharat Choudhary**

UPSC Educator & Content Creator

[in linkedin.com/in/epicbharat](https://www.linkedin.com/in/epicbharat)

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Vande Mataram Gets Statutory Protection: Parliament Passes the National Honour Amendment

30 July 2026 · 4 min read ·

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The Lok Sabha passed the Prevention of Insults to National Honour (Amendment) Bill, 2026 on July 30, 2026, a day after the Rajya Sabha's passage on July 29, extending to Vande Mataram the statutory protection long available to the National Anthem.

WHAT THE BILL DOES

PARAMETER	DETAIL
Parent Act	Prevention of Insults to National Honour Act, 1971
Previously protected	The National Flag, the Constitution and the National Anthem
Newly protected	Vande Mataram , the National Song
New offence	Obstructing or insulting the singing of Vande Mataram
Penalty	Imprisonment up to 3 years , or fine, or both
Repeat offence	Minimum 1 year imprisonment
Rajya Sabha passage	29 July 2026
Lok Sabha passage	30 July 2026 , amid Opposition protest

WHY VANDE MATARAM NEEDED A STATUTE AT ALL

Vande Mataram was composed by **Bankim Chandra Chattopadhyay** in **1875** and published in his novel **Anandamath (1882)**. It was first sung publicly at the **1896 Calcutta session of the Indian National Congress**, by Rabindranath Tagore. On **24 January 1950**, President **Dr Rajendra Prasad**, on behalf of the Constituent Assembly, declared that Jana Gana Mana would be the National Anthem while Vande Mataram would be “**honoured equally with it**” and hold **equal status**.

That declaration, however, was a Constituent Assembly statement, not a constitutional provision or an ordinary law. **Article 51A(a)** of the Constitution, which makes it a Fundamental Duty of every citizen to respect the Constitution, the National Flag and the National Anthem, does **not name the National Song**. Until this amendment, Vande Mataram’s protection rested entirely on this 1950 convention and on the general provisions of the 1971 Act, which itself did not name it. This is the precise gap the 2026 amendment closes: it converts a seven-decade-old declaration into a statutory protection carrying criminal penalties, in the National Song’s 150th anniversary year (1875-2025 marking 150 years since composition).

MILESTONE	YEAR
Composed by Bankim Chandra Chattopadhyay	1875
Published in Anandamath	1882
First sung, Calcutta INC session (by Tagore)	1896
Constituent Assembly declaration of equal status	24 January 1950
Statutory protection under the 1971 Act (as amended)	2026

THE FREE-EXPRESSION QUESTION

Extending criminal liability for “insult” to a song, rather than a flag or a formal state ceremony, raises a live constitutional question the courts have already partly answered in an adjacent context. In **Bijoe Emmanuel v. State of Kerala (1986)**, the Supreme Court held that students who stood respectfully but did not sing the National Anthem, for reasons of religious conscience, had not committed any punishable offence, because standing respectfully already discharged the constitutional expectation, and compelling the act of singing itself would violate their freedom of conscience under **Article 25** and freedom of expression under **Article 19(1)(a)**.

The amendment’s drafters have to navigate this precedent carefully: the offence is framed around “obstruction or insult” to the singing, not around a citizen’s own refusal to sing, which keeps it closer to protecting a ceremonial occasion from disruption than to compelling individual participation. Whether courts read the new provision’s scope the same way in practice, particularly what counts as “insult,” is likely to be tested in future litigation.

UPSC RELEVANCE

GS Paper 2: Fundamental Duties; Fundamental Rights, particularly Articles 19 and 25; Parliament, passage of Bills.

GS Paper 1: The Indian national movement, its cultural and literary dimensions.

Prelims pointers:

- Parent Act: **Prevention of Insults to National Honour Act, 1971.**
- Vande Mataram composed **1875**; published in **Anandamath, 1882**; first sung **1896** by Tagore at the Calcutta INC session.
- Equal status declared by the Constituent Assembly on **24 January 1950.**
- **Article 51A(a)** names the Constitution, National Flag and National Anthem, but **not** the National Song.
- Landmark case on compelled anthem participation: **Bijoe Emmanuel v. State of Kerala (1986).**
- New penalty: up to **3 years** imprisonment, or fine, or both; **minimum 1 year** for a repeat offence.

★ FACTS CORNER, KNOWLEDGE PEDIA

PREVENTION OF INSULTS TO NATIONAL HONOUR (AMENDMENT) BILL, 2026:

Rajya Sabha passed 29 July 2026; Lok Sabha passed 30 July 2026.

Amends the Prevention of Insults to National Honour Act, 1971.

Extends statutory protection to Vande Mataram; penalty up to 3 years or fine or both, minimum 1 year for repeat offence.

VANDE MATARAM:

Composed 1875 by Bankim Chandra Chattopadhyay; published in Anandamath, 1882.

First sung 1896, Calcutta INC session, by Rabindranath Tagore.

Equal status with the National Anthem declared by the Constituent Assembly, 24 January 1950.

Not named in Article 51A(a), unlike the National Anthem.

PRECEDENT:

Bijoe Emmanuel v. State of Kerala (1986): respectful standing without singing does not violate the law; compelled singing would breach Articles 19(1)(a) and 25.

Sources: *PRS Legislative Research, Lok Sabha, PIB*

Source: Vande Mataram Gets Statutory Protection: Parliament Passes the National Honour Amendment —

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