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Prevention of Insults to National Honour (Amendment) Bill, 2026 Seeks Equal Statutory Protection for National Song 'Vande Mataram'

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Recent Developments:

- The **Prevention of Insults to National Honour (Amendment) Bill, 2026** is proposed to be introduced during the **Monsoon Session of Parliament**.
- The Bill seeks to amend the **Prevention of Insults to National Honour Act, 1971** by extending the same statutory protection available to the **National Anthem, "Jana Gana Mana"**, to the **National Song, "Vande Mataram"**.
- If enacted, **intentional obstruction, prevention, or disturbance** during the singing of **Vande Mataram** would become a punishable offence carrying **imprisonment up to 3 years, fine, or both**, similar to the existing provision for the National Anthem.

Background of the National Song:

Historical Evolution:

- **Vande Mataram** was composed by **Bankim Chandra Chatterjee**.
- The song was first published in **1875** and later included in the novel **Anandamath (1882)**.
- **Vande Mataram** became one of the most influential patriotic songs during India's **freedom movement**.
- On **24 January 1950**, the **Constituent Assembly** accorded **Vande Mataram** the status of the **National Song**, while **Jana Gana Mana** was adopted as the **National Anthem**.

Difference Between National Anthem and National Song:

- The **National Anthem** enjoys explicit statutory protection under the **Prevention of Insults to National Honour Act, 1971**.
- The **National Song** has traditionally been governed through **executive guidelines** rather than penal legislation.
- The proposed amendment seeks to remove this statutory distinction by extending similar legal protection to the National Song.

Key Provisions of the Proposed Bill:

Extension of Statutory Protection:

- The Bill proposes to include **Vande Mataram** within the ambit of **Section 3** of the **Prevention of Insults to National Honour Act, 1971**.
- Any person who **intentionally prevents, obstructs, or causes disturbance** during the singing of the National Song may be prosecuted.

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Punishment:

- The offence would be punishable with:
- **Imprisonment up to 3 years.**
- **Fine.**
- **Both imprisonment and fine**, depending upon the circumstances.

Legislative Objective:

- The amendment seeks to provide **equal statutory respect** to the National Song and reinforce respect towards India's national symbols.

Existing Legal Framework:

Prevention of Insults to National Honour Act, 1971:

- The Act protects important national symbols against intentional insult.
- The Act presently covers:
- **National Flag.**
- **Constitution of India.**
- **National Anthem.**
- **Section 3** criminalises intentional prevention of the singing of the National Anthem or causing disturbance during its rendition.

Ministry of Home Affairs Guidelines on National Song:

- The **Ministry of Home Affairs (MHA)** has issued executive guidelines regarding the National Song.
- The guidelines:
- Specify the **authorised lyrics** of **Vande Mataram**.
- Prescribe occasions for its rendition, including **National Flag unfurling, ceremonial functions, and cultural events.**
- Require people to **stand to attention** during the official rendition.
- Encourage **community singing** in educational institutions.
- These guidelines presently carry **no penal consequences** for non-compliance.

Constitutional Dimensions:

Fundamental Duties:

- **Article 51A(a)** imposes a **Fundamental Duty** upon every citizen to **abide by the Constitution and respect its ideals, institutions, the National Flag and the National Anthem.**
- The Constitution does **not expressly mention the National Song** under Fundamental Duties.

Fundamental Rights Involved:

- **Article 19(1)(a)** guarantees **Freedom of Speech and Expression.**
- **Article 25(1)** guarantees **Freedom of Conscience and Freedom of Religion.**
- Any future implementation of the amendment is likely to be examined in the light of these constitutional guarantees.

Important Judicial Pronouncements:

Bijoe Emmanuel v. State of Kerala (1986):

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- Three students belonging to the **Jehovah's Witnesses** community respectfully stood during the National Anthem but declined to sing it due to their religious beliefs.
- The **Supreme Court** held that:
- Respectful silence does **not amount to disrespect**.
- There is **no legal obligation** to sing the National Anthem.
- Expulsion from school violated **Article 19(1)(a)** and **Article 25(1)**.
- The judgment reaffirmed the constitutional principles of **religious freedom, individual liberty, and tolerance**.

Salman v. State of Kerala (2014):

- The **Kerala High Court** held that intentionally creating **noise, obstruction, or disturbance** during the singing of the National Anthem may attract liability under **Section 3** of the 1971 Act.
- The Court observed that whether an act amounts to disturbance depends upon the facts and requires proper investigation.

Recent Supreme Court Observation:

- The Supreme Court declined to entertain a challenge against the MHA advisory relating to **Vande Mataram**, describing the petition as **premature**.
- The Court noted that the executive guidelines were **advisory** and did not impose any penal consequences.
- The proposed amendment may alter this legal position by introducing statutory penalties.

Significance of the Amendment:

National Integration, Constitutional Symbolism:

- The amendment seeks to strengthen respect for national symbols.
- The proposal attempts to place the **National Song** on a statutory footing comparable to the **National Anthem**.
- The amendment reflects the State's emphasis on promoting **constitutional patriotism** and national unity.

Legal Implications:

- The amendment expands the scope of criminal liability under the **1971 Act**.
- Courts may subsequently interpret the meaning of **intentional obstruction** and **disturbance** in relation to the National Song.
- Future judicial scrutiny is likely to balance **national honour** with **Fundamental Rights** guaranteed under the Constitution.

Issues and Constitutional Debate:

Supporting Arguments:

- Equal legal protection may strengthen respect for important national symbols.
- Statutory recognition may remove the existing legal distinction between the National Anthem and the National Song.
- The amendment may discourage deliberate acts intended to insult or disrupt national ceremonies.

Concerns Raised:

- The amendment may generate questions regarding the scope of **Freedom of Speech and Expression**.
- The law may require careful interpretation to ensure that **respectful silence** is not equated with criminal misconduct.

- The principles laid down in **Bijoe Emmanuel** are likely to remain important while interpreting the amended law.

UPSC Value Addition:

Relevant Constitutional Articles:

- **Article 19(1)(a)** — Freedom of Speech and Expression.
- **Article 25(1)** — Freedom of Conscience and Freedom of Religion.
- **Article 51A(a)** — Fundamental Duty to respect the Constitution, National Flag and National Anthem.

Important Acts:

- **Prevention of Insults to National Honour Act, 1971.**
- **State Emblem of India (Prohibition of Improper Use) Act, 2005.**

Important Cases:

- **Bijoe Emmanuel v. State of Kerala (1986).**
- **Salman v. State of Kerala (2014)**