

ITEM NO.12

COURT NO.4

SECTION X

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

Writ Petition(s) (Civil) No(s). 855/2016

SHYAM NARAYAN CHOUKSEY

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

(with appln. (s) for exemption from filing O.T. and office report)

Date : 28/10/2016 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE AMITAVA ROY

For Petitioner(s) Abhinav Shrivastava, AOR

For Respondent(s)

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

The petitioner, a public spirited person, has preferred this writ petition under Article 32 of the Constitution of India for issue of a writ of mandamus or any other appropriate writ, order or direction commanding the respondent to take appropriate steps to specify what would be constituting disrespect and abuse of the National Anthem. In the petition, reference has been made to Prevention of Insults to National Honour Act, 1971. It is averred in the petition that sometimes the National Anthem is sung in various circumstances which are not permissible and cannot be legally countenanced regard being had to the national honour. Two examples cited in the petition may be stated for the present. It is averred that on one occasion, during an interview, the National Anthem was played to test the behavioral pattern of the candidate. It is contended that the National Anthem cannot be sung or played by way of surprise. The other example that has been cited is that

on certain occasions, the same is played in a variety show to dramatize the whole thing.

Mr. Abhinav Srivastava, learned counsel appearing for the petitioner would submit that the National Anthem is to be respected and shown due honour by everyone in this country. Certain suggestions have been given to avoid the abuses. The said suggestions are :

- a. There should be no commercial exploitation to gain financial advantage or any kind of benefit.
- b. There should be no interruption in between till the completion of National Anthem and no abridged version of National Anthem shall be sung at any point of time.
- c. There should not be dramatization of the National Anthem and it should not be sung in an entertainment programme.
- d. It should not be sung before the people who do not understand it unless they are properly apprised that when the National Anthem of India is to be played, they are required to show respect.
- e. It should not be printed on undesirable objects and should not be displayed in such a manner and at such places which may be disgraceful to its status and may tantamount to disrespect.

Apart from the aforesaid suggestions, it has also been prayed that directions should be issued that the National Anthem should be played in the cinema theaters across the country before the feature film and proper norms and protocol should be fixed with regard to playing or singing of National Anthem in an official function and the functions where certain constitutional dignitaries are present in strict compliance.

There are certain other prayers. We need not refer to them at present.

Issue notice returnable within three weeks.

In addition, a copy of this Petition be served on the office of the Central Agency so that it can make arrangements for engaging a counsel to represent before this Court.

That apart, a copy of the petition be served on Mr. B.K. Prasad, learned counsel who ordinarily appears for the Central Agency of the Union of India.

Let the matter be listed on 30.11.2016.

(Gulshan Kumar Arora)
Court Master

(H.S. Parasher)
Court Master