

17-00 hrs.

PREVENTION OF INSULTS TO
NATIONAL HONOUR (AMEND-
MENT) BILL, 1986.

*(Amendment of Section 2, etc.)**[English]*

MR. CHAIRMAN : Now the House will take up the Bill introduced by Shri H. N. Nanje Gowda to amend the Prevention of Insults to National Honour Act, 1971.

SHRI H. N. NANJE GOWDA
(Hassan) : Sir, I beg to move*:

“That the Bill to amend the Prevention of Insults to National Honour Act, 1971, be taken into consideration.”

Sir, this Bill I am bringing at a critical juncture. I use the words ‘critical juncture’ because there are divisive forces in the country which are threatening the very roots of our unity and national integration.

It does not give me any pleasure to bring this Bill and that too after forty years of Independence. Forty years is too long a time in the history of a nation to realise and protect the fundamental concept of honouring our national symbols. We look with reverence to our national anthem, national flag, Constitution, national bird and national animal. Be it national anthem ‘Jana Gana Mana...’ which was given to us by our eminent poet and great patriot Shri Rabindra Nath Tagore or “*Vande Matram*” which was composed by yet another patriot and inspiring poet Shri Bankim Chandra Chatterji or the horizontal tricolour flag with its chakra of the peace-loving emperor Ashoka and the ever inspiring Sarnath lion Capital which we have adopted as our national emblem, we look at them with reverence.

We are a country practising different religions, speaking different languages,

*Moved with the recommendation of the President,

having different customs and different traditions. We do not have a language to bind us together. We do not have common customs to us bind us together. We do not have a single religion to bind us together. It is only these national symbols which are our national honour and are the binding force. We look at these things with great reverence. Our national honour is both history and geography synchronised as one force as the great living Kannada poet Dr. Puttappa has aptly described—

“O DIVYA CHETHNA...NEE
ANIKETHANA”

This symbolises the meaning of our national honour. There are occasions wherein these national symbols have personified as next to devine and at times the symbol takes over everything else. It comes first; even much more elevated than the race, religion or language. I beg to take this august House to a very great occasion of July 22, 1947 when our first Prime Minister Pandit Jawaharlal Nehru made the following observation while moving the Resolution on the National Flag in the Constituent Assembly :

I quote :

“I remember and many in this House will remember how we look at this flag not only with pride and enthusiasm, but with a tingling in our veins and also how, when we were sometimes down and out, the sight of this flag gave us courage to go on ... Many who are not present here today, many of our comrades who have passed away, held on to this flag, a few of them even upto death, and handed it over, as they sank to others to hold it aloft. Therefore behind this national honour, there is the struggle of the people for freedom with all its up and downs and trials and disasters, and a certain triumph—which I feel in moving this resolution on the conclusion of that struggle ..”

Sir, the flag that was given to us by

Bapu, Panditji, Shrimati Sarojini Naidu and Shrimati Hansa Mehta, who ultimately presented the flag to the Constituent Assembly, and the flag on which the philosopher-statemán Dr. Radhakrishnan said "as a force which denotes Dharma in motion" is everything for us.

The country cannot forget the men and women, young and old, valids and invalids, who held this flag high and sang aloft loudly in all the corners of the country :

*Tiraga Jhanda Ooncha Rahe Hamara
Jaan Jaye to Jaye Per Iski Shan Na
Jane Paye*

Sir, words fail to express the richest sentiment, we here, and our countrymen, possess on the national flag. Our highest national honour is our flag. But Alas ! how it hurts everybody to look at the instances of insults, acts of disrespect, events of shame in the recent days which had hurt the pride of the country.

I think it may not be out of place to quote how the other nations respect ? I think it may not be out of place to quote one of the judgements in the Supreme Court of the United States of America in the Minersville School District versus Gobitis case. Writing the majority judgment, that is 8 to 1, honourable Justice Frankfurter opined that religious freedom must give way to political authority, at least so long as that authority was not used directly to promote or restricts religion.

He observed :

"The mere possession of religious convictions which contradict the relevant concerns of a political society does not relieve the citizen from the discharge of political responsibilities. National unity is the basis of national security and that the court should defer to the local determination that a compulsory flag salute is an effective means of creating national unity."

There are many instances like that.

Coming to the recent events, I wish to draw the attention of the House to what happened to the singing of National Anthem, which is yet another esteemed area of our national pride and honour. I need not deal at length the controversy concerning the singing of National Anthem in the light of judgment of the Supreme Court. To be precise, the reversal of the Kerala High Court order by the ruling of the Supreme Court that singing of National Anthem is not binding on all, has really created deep concern and a stir all over the country.

Sir, the matter as you know was discussed in both the Houses also. One thing we have noticed is that people in our country, whether literate or illiterate, whether urban or rural, they all have learnt to respect the National Anthem, by standing up, when it is played. So, they show respect to our national honour. After Independence, i.e. from the very next day—I am coming from a rural place—I have not seen even a single day, when the Schools start functioning without the National Anthem. But often I wonder, why this practice is not there in higher education, at the University level ? Why such practice is not there ? For that, I think some guidelines should be issued to the University Grants Commission in turn to write to all Universities to bring this into practice.

17.11 hrs.

[MR. DEPUTY SPEAKER *in the Chair*]

Coming to the sanctity attached to the National Anthem, I am reminded of a case again in the United States, where a thief, entered into one house with a view to commit theft. The house owner could not prevent him, from carrying his booty. He carried everything with him and he was about to leave the house, then, the house-owner played the National Anthem tape. As soon as the thief heard the National Anthem, he stood in attention by keeping down, the booty. Immediately, the house-owner tied him with rope

[Shri H. N. Nanje Gowda]
and then called the Police.

Here, Sir, the real National character, the patriotic outlook of the American judiciary comes to light. When the matter went to the Court, the thief was released and the house owner was punished.

The Court noticed that the house owner misused the tape of the National Anthem, while on the other hand, the thief showed due respect to it. This is just an instance to show how a nation respects its National Anthem.

While suggesting the House to consider the clause for increasing the period of punishment of the present act, I would like to request the Members to consider this in the back-drop of the following aspect :—

Our younger generation should be properly educated about the great legacy, behind the National Symbols. Mere reference regarding National Symbols is not sufficient and it cannot help our future citizens to understand the pathos or the great sacrifice or message behind these symbols. So, mere reference regarding these subjects at the primary level is not sufficient. National honour should be a part of the curriculum at the university level education. So, the University Grants Commission should advise the Universities to include teaching of these subjects appropriately.

I would also like to suggest that the media, particularly, the Newspapers, All India Radio, and Doordarshan should be able to educate the masses on the national honour. I draw the attention of the House of a very insignificant but most horrifying area of activity which mars the sequence of National Anthem.

Sir, as you might have seen, particularly in the public functions where VIPs are involved, I have noticed, the Press photographers and cameramen clicking while the National Anthem is on. While we understand and appreciate the professional dedication, the Press photographers

Corps should not dishonour the National Anthem. But they should not dishonour the national anthem. While national anthem is sung, they must also show respect to it. Thereafter, they can click their cameras. Otherwise, I have noticed this horrifying thing on a number of occasions.

As regards having an efficient machinery, I feel there is still need for strict and vigilant action to ensure respect for national symbols. No doubt, Government have recently issued a circular warning newspapers and periodicals against violations of the Emblems and Names Act. It is not enough.

Last month, there was a Republic Day function in Bangalore. The Guard of Honour was inspected by the Governor. At that time, the national flag was upside down on the jeep. Such lapses show how casually the officers in charge take these things. I do not think they respect these symbols. We have to see that they show reverence to them.

I have included one new clause wherein I have spoken about persons committing offences like showing disrespect or insulting our national symbols. Why do they do so? The most tragic and retrograde feature is this : some of our colleagues, elected representatives in this House, and some other legislators, former Chief Ministers, have done this. A former Chief Minister tore the pages of the book of our Constitution. A Member was giving a call to boycott the Republic Day celebrations. We are expected to be a model to others. When we do not know our fundamental duties, and do not have the fundamental character of respecting our national symbols, national flag and our Constitution, how can we be the model, and represent the people?

So, it is necessary that this legislation should be brought in. Such people should not be allowed to vote, or to contest in the elections, because such disrespect, dishonour or insult to our national honour, when committed by the elected representatives, is a very serious matter.

So, the penalty for it should also be very severe on those elected representatives who have a responsibility to guide the destiny of the nation. If we do not know how to respect the national honour and national symbols, what right do we have? As long as there are ** in our society, we should bring in this legislation, to prevent them from entering Parliament or the legislature.

SHRI MOOL CHAND DAGA (Pali) : How can the hon. Member say this against a Member of the House?

MR. DEPUTY SPEAKER : I will see.

SHRI H. N. NANJE GOWDA : The other day, the hon. Speaker also observed that the Supreme Court's judgement was a matter of concern; he also felt that Parliament should make a law to make singing of national anthem compulsory.

One more thing : there are many other Acts e. g. on Civil Liberties and on Untouchability. We have come across many cases wherein people are punished for violating them.

But under this Act, though many offences were committed, many instances are there, many instances took place wherein our national honour was insulted, I am sorry to say that not even a single case is there where such offenders are punished. It is a sorry state of affairs. Why I am telling this is because a person who has to implement it, whether it is the State Government or the Central Government, whether it is the Police, is not serious about it. I doubt whether they are having any reverence for that. That is the problem. So, let them not take it in a casual manner because our national honour means a unifying force. As I said, we do not have a common custom, common tradition, common language; we have different languages, and so on. There is no binding force except our national honour, our national anthem, our national flag.

The Minister may say in the end that this amendment may be inadequate. Now, it is for the Government to decide about it. But we have to bring stringent measures to see that our national honour is guarded and no one should be allowed to insult our national honour.

With these words, I request the hon. Minister to accept my amendment.

MR. DEPUTY SPEAKER : Motion moved :

'That the Bill to amend the Prevention of Insults to National Honour Act, 1971, be taken into consideration.'

SHRI SHARAD DIGHE (Bombay North Central) : Mr. Deputy Speaker, Sir, the mover of this Bill has again raised a very important issue by way of moving this amending Bill. This subject had already been discussed in this House in the last session and the sentiments of the members of this House are also known and are on record. So also the reaction of the Government has also gone on record. Even though the intention of this Bill is very good, I may point out that it is inadequate to meet the situation which he wants to meet. What the hon. member is suggesting by way of this Bill is to increase the punishment. Instead of three years, he wants to have it for five years and also wants to lay down a fine of Rs. 5000/-. Thereafter, he also suggests that if this offence is committed second time, the person may be disqualified from voting or even hold any post in local bodies, Legislatures or Parliament or contesting elections also.

Now, there are two parts, as far as these offences are concerned. As far as the main Act, namely, The Prevention of Insults to National Honour Act is concerned, it refers to only two points. Firstly, if anybody burns, mutilates defaces, defiles, disfigures, destroys, tramples upon or otherwise brings into contempt the Indian National Flag or the Constitution of India or any part thereof, shall be punished. Now, for this offence, the mover

** Expunged as ordered by the chair.

[Shri Sharad Dighe]

suggests that the punishment should be for five years instead of three years and a fine of Rs. 5000/- should also be there. And the second offence which is contemplated by the main Act is whoever intentionally prevents the singing of the National Anthem or causes disturbance in an assembly engaged in such singing shall be punished. Here also, the Mover of the Bill wants to enhance the punishment and as I said, for this offence, for a second time, he wants to disqualify a person from voting and also from getting elected to the State Legislature, Parliament or local bodies.

Now, there is no difficulty as far as the first offence is concerned, namely, burning, mutilating the Flag or the Constitution. The provisions in the main Act are sufficient and it is good that the Mover of the Bill wants enhancement of the punishment for this so that a stricter view can be taken. There have been several cases in the last few months, where the Constitution was burnt and as far as Tamil Nadu was concerned those Members were disqualified by the Speaker himself.

Then there have also been cases of burning of the Flag and as far as I remember on the last Republic Day also some burnt National Flags were hoisted in one of the States by terrorists and other people. So, no doubt, such activity should be punished and if necessary they can be also disqualified from voting, from holding any post or contesting any election.

Now, as far as the second offence is concerned, namely, preventing the singing of the Indian National Anthem that is there in this Act, but the main problem is, nobody prevents; the main problem is some people have refused to sing. The case which arose in Kerala, as far as the three children were concerned, they refused to sing the National Anthem on the ground of religious conscience. They belong to the Faith of Jehovah's witness, a world-wide sect of Christians who refuse to sing any National Anthem, not only in this country but wherever they are, having taken that stand in other countries also, Australia, England, America, everywhere

they are there, they say, "According to our conscience we do not salute the Flag, we do not sing the National Anthem" and therefore when this act took place in our country, in one of the schools in Kerala, the matter went to the Kerala High Court and the Kerala High Court upheld the punishment given by the Director General of Education, namely, dismissing those pupils from the School.

Now, when the matter went to the Supreme Court, the Supreme Court had set aside the judgment of the Kerala High Court. Now the main point on which the Supreme Court set aside is that there is no law which compels a citizen, of this country to sing the National Anthem. Paragraph 10 in that judgment, the judgment which I am referring to of the Supreme Court is reported in 1986 Volume 3, September volume, Supreme Court Cases at page 615. And the relevant paragraph is paragraph 10 of that judgment at page 623, and it clearly says as follows.

"We may at once say that there is no provision of law which obliges anyone to sing the National Anthem if a person who stands up respectfully when the National Anthem is sung does not join the singing."

So the law which we have got, that is Prevention of Insults to National Honour Act, 1971 only says that whoever prevents somebody from singing or whoever creates trouble, then only it is an offence. So, firstly, the main law will have to be amended in such a manner that not to sing the National Anthem would be an offence. Whether that can be done or whether it is practicable or not, it is for the Law Department to consider. So the main malady is not only to provide for stringent punishment but to have a law which can compel a citizen of this country to sing National Anthem compulsorily. Then if we rely upon the fundamental duties which are mentioned in Article 51-A(a)—that is also referred to in this judgment—it also says :

"It is true Article 51A(a) of the

Constitution enjoins a duty on every citizen of India”

“to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem”.

That is the view of the Supreme Court. Therefore, the main malady is that we have not got clear laws on which we can rely. In that particular case, Kerala High Court relied upon circulars issued by the Director of Public Instructions, Kerala. The Supreme Court has said that these circulars are violative of the Fundamental Rights under Article 19(1) and also Article 25. Therefore, mere enhancement of punishment is not going to solve the problem. What is required is a specific law and also to make the law in such a manner that it is not hit by the Fundamental Rights of the citizens of India as envisaged under Article 19 and Article 25 of the Constitution. We have been told at the time of last discussion that Government does not accept this judgment and it has filed a review petition in the Supreme Court. Of course, it is for the Law Department and the Government to consider that. But I still feel that merely a review petition or application will not solve the problem. Here I am very much bold to say that your review application will not succeed on this as I see the reasoning on this. Therefore, what is required for the Government is to bring a Bill before the House and then meet the situation which has arisen out of the Supreme Court judgment.

Therefore, what I submit is that this Bill has a good intention, good motive and we have already expressed our feelings in the earlier debate on the National Anthem. I take this opportunity to appeal to the Government to bring amendments as early as possible and not rely upon the review application which it has filed before the Supreme Court. This situation can be met properly and ultimately in a legal manner.

With these words, I support the motive and intention of this Bill.

SHRI V.S. KRISHNA IYER (Bangalore South): I support particularly the

spirit in which this Bill has been brought forward by my esteemed friend, Mr. Nanje Gowda.

Today I am reminded of my student days, that is, 45 years ago when I had invited the veteran Parliamentarian and a seniormost Member of this House, Prof. N.G. Ranga, to Bangalore to inaugurate the Students Congress and to hoist the Congress flag. Sir, I still remember his words. His words are still echoing in my ears. He had asked us to defend this Flag and to be prepared for any sacrifice to protect this Flag which is the symbol of free India. Even today his words are ringing in my ears. The only thing is that I feel sad that even during the 40th anniversary of our independent India, we are still discussing a matter like this. It is unfortunate that even this elementary discipline which is required of citizens, is not to be founded among many. What will the other countries think of us when we are still passing a Bill like this? The enactment of a Bill like this has become necessary particularly in view of the situation arising out of the judgement of the Supreme Court with regard to the National Anthem singing case. In this connection, I would like to make one or two suggestions. Of course it has also been made by the Mover, Shri Nanje Gowda, but the only one more addition which I would like to make is that in addition to what has been stated in the Amendment Bill which has been brought forward, I strongly feel that the Government should bring forward an amendment to the effect that there shall not be any flag which is identical to the National Flag of India. Particularly the colour is very misleading. I was a Congress man myself. I fought for that flag during the freedom movement of our country..... (Interruptions)

SHRI SHANTARAM NAIK (Panaji): Our party flag has also got some history.

SHRI V. S. KRISHNA IYER: I know. Please listen to me. I was a Congress man myself. Please don't equate your party with the nation..... (Interruptions) It is no exaggeration if I say that on many

[Shri V. S. Krishna Iyer]

occasions I have seen that where the National Flag is to be hoisted, the party flag of that colour has been hoisted. You may be surprised that we have got such people in our country. But the fact is that nearly 65 per cent of the people of this country being illiterate, there are many people who cannot distinguish between the National Flag and the party flag of Congress (S) or Congress (I) or whatever it is. (*Inter-uptions*). I have got great regards for the party which has got that flag. That flag, of course, is different. I am talking about the colour. I say with all sincerity and in all humility that it is high time that we should not allow any party to have the same colour for the flag as that of the National Flag..... (*Interruptions*). Of course, difference is there. I know how the National flag question was debated here. I know how the National colour, was evolved..... (*Interruptions*)

AN HON. MEMBER : Don't change our colours.

SHRI V. S. KRISHNA IYER : You cannot equate the National Flag with the party flag. Nation is above the party. I am not joking or I am not casting any aspersions. You may not be knowing but our Karnataka friends know me better. I sincerely feel like that because yours is not the only party which has got that colour. Even Congress(S) has got the flag of that colour—I do not know whether even now they are having the flag of the same colour. It creates confusion.

Our country is an illiterate country. Now, in the new education policy, how to honour the National Flag, the National Anthem and the Constitution of India are inculcated. It is very very necessary so that our young children must know not only how to respect the Flag but also the significance of the Flag. Shri Nanje Gowda has said how this flag was evolved. As a freedom fighter I also know. Our flag is the symbol of our nation. It is symbol of integrity and unity of our country and more than that everybody knows it stands for sacrifice, purity and honesty. It is not a piece of cloth. It signifies so many things.

Everybody, particularly our school children—not only middle and primary school children but college students must participate in the flag hoisting functions. They should be so patriot Every Indian citizen at one place or the other should salute the National Flag and they should sing the National Anthem. That is very necessary. I would request the Government to see that it is compulsorily done.

Everybody should be taught how to respect the National Flag. Every student in the schools should be taught how to respect the National Flag. They should be told about the significance of the flag and how to honour the National Anthem.

What I have to say, even now, it has been clearly mentioned in the rules, and Government Notifications issued from time to time, when the National Flag has to be hoisted. We have seen on every occasion, even in our ordinary meetings, not political party meetings, but public meetings. the National Flag is being hoisted. In conferences also National Flag is hoisted. That should be prevented. Of course, rules clearly state that the National Flag must be hoisted on two occasions. That is clearly stated. They have also stated where, how and when we should hoist it on the house tops. That is not being observed. That should be properly taught. I would request the Government, through the media of Doordarshan and All India Radio they must teach the public when the National Flag must be hoisted and what is our duty when the Flag is hoisted and when the National Anthem must be sung and what is our duty when the National Anthem is sung. It is very necessary.

It understand out of innocence people do not give respect to the National Flag or the National Anthem. We should excuse them. But if it is wilfully done, then even this amendment is not so severe, we must make it more severe. Shri Nanje Gowda in the Bill has said—he must lose his voting right, right to contest, etc. once for all. (*Interruptions*). It is very necessary. If it is wilfully done, this punishment should be given.

In Kerala, in the case of National

Anthem, it was wilfully done. They were deliberately doing. The children are not responsible. Either the institution or the parents somebody is responsible. A severe and more stringent punishment of not only losing voting right but some more punishment should be given.

I am very happy that Shri Sharad Dighe has just now explained the implications of the Supreme Court judgement and of course, being a very eminent advocate Shri Chidambaram knows what is to be done. It is high time that something is done. Supreme Court has given their ruling, we do not know what will happen in the review. Even otherwise it is high time that the Government comes forward with the amendment. If necessary, Government should come with the amendment to the Constitution to see that in no circumstance, there will be no disrespect to the National Flag and National Anthem and the Constitution of India.

With these words I support the Amendment Bill for consideration and passing moved by Shri Nanje Gowda.

SHRI SRIBALLAV PANIGRAHI (Deogarh): I thank you for calling me to participate in this debate, I thank our hon. friend Shri Nanje Gowda for having brought this Bill. As you know in the last Session there was a lot of heat generated over the Supreme Court judgement relating to the deliberate non-singing of the National Anthem. And Government also expressed equal concern and clearly assured that they would be going to the Supreme Court for review. But, Sir, it is high time for the Government to give a fresh look at the legal provision relating to the insult to national honour, be it National Flag or be it National Anthem.

Sir, my hon. friend, Mr. Dighe, has analysed the legal aspects of the judgment and also pointed out the existing flaw that till today there is no provision anywhere making the singing of the National Anthem compulsory. So, when the provision making it compulsory is not there, the punishment side also may not be relevant. Anyway, Sir, this Amending Bill that we are discussing right now not only provides for stringent punishment, but it also provides for enhanced punishment. Instead of three

years it has been raised to five years and the fine is Rs. 5000 together with a disqualifying provision. Anybody committing the mistake for the second time will be debarred from contesting elections etc. Very good, I agree with the spirit, with the intention of this Bill. But at the same time I would point out that there are three Private Members' Bills introduced in this House in this connection relating to this Insult to National Honour Act. One is suggesting for enhancement of punishment, another Bill is there by our friend, Mr. S'antaram Naik, for making the singing of National Anthem at the school level compulsory. Our very patriot friend, Shahabuddin Sahib has also introduced another Bill. (*Interruptions*). We know that his Bill is separate, and is entirely different in tone, content and spirit. He wants to stretch over this Act to the community as a whole, that is, insult to the community if some disrespect is shown and something like this. But the situation demands that we should do something in this regard. After 40 years of freedom, there have been increasing cases of insult to our National symbols like the National Flag, the National Anthem and also the Constitution. Sometimes we take notice of it, sometimes we do not take notice of it, some times it is deliberate, sometimes it is not deliberate, but it is out of ignorance. So, two things are necessary. One is that we have to create a greater awareness among the people, the vast number of illiterates that are there, they do not know what it is. When the Head of the State goes to a certain village and attends a function, the illiterate people go there, a large number of men, women and even children, they do not know what is National Anthem, how to sing it and whether it is necessary and all those things. Again about our new student generation, the young generation, we have also to inculcate the spirit of patriotism in them. The school syllabi should include something of this. There should be lessons on national symbols. They are the glory of our nation and they have glorious background. How to pay respect to national symbols should be taught to them. It is a very serious matter. The national symbols are very sacred and sacrosanct. Our Constitution, our National Flag and our

[Shri Sriballav Panigrahi]

National Anthem are very sacred to us. Under no circumstances, we can bear any insult to these national symbols. The spirit and soul of the nation are reflected in them.

The National Anthem is not merely a song. It is composed by Gurudev Rabindranath Tagore and it carries the message of national integration. It is of paramount importance to the society, to the nation and in the National Anthem there is a reference to every region of our country. We feel proud while singing our National Anthem.

Again national flag should not be regarded as a mere piece of cloth. It symbolises many things and it represents sacrifices at the time of independence. Lot of sacrifices were made. Many students, young men, have fallen to the bullets of the British while trying to bring down the Union Jack and also trying to hoist the Tricolour in its place. They have shot down many people. It has patriotic and revolutionary historical background and we cannot bear under any circumstances any insult to these things.

The cases of insult are increasing. I do not think whatever provisions we have are adequate to catch hold of the culprits. There is no attempt to catch the culprits in many places. We take it lightly. Recently, what has happened in Tamilnadu? They do not have any regard for our Constitution. They tore it up on the floor of the Assembly and have of course been disqualified. Exemplary punishment should be there.

Shrimati Indira Gandhi, the late beloved Prime Minister, said that our National Anthem are no ordinary things. They unite the country and bind it together. That is why, I want to say that the glory of the flag must be protected even at the cost of life. The same is true of National Anthem also. This aspect has to be gone through in detail.

There should not be any hesitation to

look into the legal aspects and if need be, amending even the Constitution of India as quickly as possible. Disobedience and insults etc., particularly when deliberate, call for very stringent and exemplary punishment and how it could be prevented should be thought of.

The hon. Minister is himself a lawyer. He should get it examined in his Department. He must also, at the same time, come forward with a comprehensive legislation to meet the requirement of the time.

While agreeing with this amending Bill, its spirit, and its intention, I feel that many more things are still left behind.

Therefore, I would request the hon. Minister to come before the House with a comprehensive Bill so as to meet the requirement of the situation keeping the respect and sanctity of our national symbol intact so that at no time nobody can venture to do any insult to it.

[Translation]

*DR. S. JAGATHRAKSHAKAN (Chengalpattu): Honourable Deputy Speaker, Sir, I rise to support the Prevention of Insult to National Honour (Amendment) Bill, 1987. Many Honourable Members have stated the historic origin of our National Anthem and National Flag.

As far as the National Flag is concerned, in Tamil Nadu, it has a great significance. In Tamil Nadu, in the birth place of the wife of our Honourable Minister of State for Home Affairs, i.e. in Thirupur a great patriot was born. He was Thirupur Kumaran who defended the flag till the last drop of the blood.

The National Flag and National Anthem are the standing symbols of our sovereignty. These have been defended with every patriotic fervour by Mahatma Gandhiji, Baghat Singh and other compatriots.

I shudder to think that India has come to a stage that even a tender child refuses

*The speech was originally delivered in Tamil.

to sing the National Anthem. I am afraid to learn to what extent we have become degraded. Some miscreants have injected poison into the mind of the child which was very well born in India, brought up in India and which possess all the rights enjoyable by any other citizen of India, but certainly not the right to refuse to sing the National Anthem. I am very sorry to note this. Therefore, at this juncture I warmly welcome this legislative measure.

National Flag is an important symbol of our Nation, its prestige. Take the case of foreign countries where in all public and Government offices, the National Flag is hoisted and saluted every morning.

However, in India, particularly in Tamil Nadu, the condition is contrary. My sincere appeal is that at least in Government Offices National Flag should be hoisted and saluted daily. National Flag is not a party Flag. It is above all party considerations. Respect for the National Flag must be in the blood and mind of every citizen. I fear we were unable to spread this basic education among the people. Therefore, the Honourable members are constrained to bring this measure.

I am extremely sad to note that even after 40 years of Independence, we have not learnt to respect our National Flag, National Anthem and Constitution. Instead we have started desecrating them.

Recently, in Tamil Nadu, there was a sad episode. Copies of the Constitution were burnt. Many legislators including the former DMK Chief Minister burnt the copies of the Constitution. Some 10 DMK legislators who took oath in the name of the Constitution to defend it have burnt the copies of the Constitution and all of them were expelled from the Legislative Assembly by the Government headed by our Honourable Dr. M. G. Ramachandran. The decision, however, has not been ratified by the Election Commission here in Delhi. We did not expel the DMK members for political reasons

but because they have committed the infamous offence of burning the Constitution.

Sir, in the case of foreign countries, it is entirely a different thing. Day before yesterday, I read in a newspaper that in a foreign country whoever disrespects the National Flag on National Anthem will be punished in hanging. I do not say we must go to that extent. But what I feel that the punishments suggested in the Bill that is 5 years imprisonment and 5000 rupees fine is not enough. Stricter punishments must be imposed. They need not be banded but at least be banished from the country.

18 00 hrs.

During the Emergency, children used to sing National Anthem in schools and even in Cinema Theatres national Anthem was sung. I urge that singing of National Anthem must be made compulsory in all functions attended by Ministers of States and the Central Government and officials. Singing means not playing cassettes. National must be sung vocally. When Shri Rajiv Gandhi, our Prime Minister unveiled the Statue of Bharathiar, a great poet of this country, he sang the National Anthem actually. So also our Honourable Chief Minister Dr. M. G. Ramachandran sang the National Anthem by himself, at that function.

I would therefore say that any disrespect to the National Another National Flag and Constitution of India must be construed as an attempt to sabotage the country's unity and integrity.

With these words I conclude and support the measure.

[English]

MR. DEPUTY SPEAKER : The House stands adjourned to reassemble tomorrow at 5 p.m.

18 01 hrs.

The Lok Sabha then adjourned till Seventeen of the Clock on Saturday, February 28, 1987/Phalguna 9, 1908 (Saka)