

"That leave be granted to introduce a Bill to provide for the payment of compensation by the State to citizens or their dependants for injury suffered and damage to property in the course of civil disturbance or riot."

*The motion was adopted.*

SHRI G. S. BASAVARAJU : I introduce the Bill.

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16.02 hrs.

PREVENTION OF INSULTS TO NATIONAL HONOUR (AMENDMENT) BILL 1987—*Contd.*

(Amendment of section 2, etc.)

MR. DEPUTY SPEAKER : Now, further consideration of the motion moved by Shri H. N. Nanje Gowda on the 27th February, 1987. Shri Shantaram Naik.

SHRI SHANTARAM NAIK (Panaji) : Mr. Deputy Speaker, Sir, this Bill is the most welcome Bill because it seeks to restore the national honour. The Prevention of Insults to National Honour (Amendment) Bill, 1986 seeks to amend or insert a clause, namely clause 4 which says :

"4. Notwithstanding anything contained in any other law for the time being in force, any person, who is sentenced for committing an offence as provided under section 2 or section 3 of the Act, if recommitts the offence, he/she shall be deprived of his/her right to vote or contest any election to any local body, Legislature of a State and to Parliament."

MR. DEPUTY SPEAKER : Sir section 2 of the principal Act reads :

"Whoever in any public place or in any other place within public view burns, mutilates, defaces, defiles, disfigures, destroys, tramples upon or otherwise brings into contempt (whether by words, either spoken or written, or by acts) the Indian National Flag or the Constitution of India or any part

thereof, shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both."

MR. DEPUTY SPEAKER : Sir, section 3 says :

"Whoever intentionally prevents the singing of the Indian National Anthem or causes disturbance to any assembly engaged in such singing shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both."

Now, the provisions of this Act, as they stand, are very diluted or very meagre. They do not meet the need of the day.

(Interruptions)

The provision only says, "whoever intentionally prevents" the singing of national anthem can be punished by virtue of this section. Therefore, our colleague has sought to amend this provision to make compulsory imprisonment for those who are violating this provision. I have also given a notice of a similar Bill in this House which is rather exhaustive. In my Bill which I proposed to introduce, I have sought to insert a clause which will make singing of National Anthem compulsory from per-primary to the higher secondary stage in all the schools throughout the country, at the beginning of each class. My Bill for which notice has been given, contains this provision. Another provision which I seek to make is this : apart from making it compulsory in the school, it also provides for a notification for the Government to issue from time to time as to when the singing of national anthem should be made compulsory. That notification gives a sort of leverage for the Government in that as and when government wants, it can issue notification and as and when Government wants, it can withdraw. This leverage is there in the second Clause which I want to include.

Firstly we must do this. In all educational institutions, from the pre-primary to secondary stage, we should make it compulsory.

Secondly, we have to respect our national symbols, national honour, at all costs, People who have sacrificed for this land,

[Mr. Deputy Speaker]

have not sacrificed simply for somebody to come and defile our national honour and our national emblem.

Mrs. Gandhi used to say while referring to our national flag that it is not just a piece of cloth and nobody should consider it as a piece of cloth.

In the same way, national flag and national anthem should be dear to us in all conditions

Today we see in many public functions—as our colleague Mr. Amitabh Bachchan has suggested during the course of a discussion in the House under Rule 193 on national emblems—our Ashoka Chakra even on the number plate of Raj Bhavan car. Is it a place for Ashoka Chakra, Ashoka emblem, to be shown?

In some public functions and in Government functions, I have seen Ashoka Stambha being used on crockery of the Government, on plates, on saucers, and on napkins, which we just rub after using it. I will bring it one day and show you. This is not where our Ashoka Stambha and national emblem should be put.

The Bill is not exhaustive; it only seeks to enhance the punishment; keeping the crux as it is.

It is a welcome Bill because it creates an atmosphere whereby we all decide to honour with full strength our national honour and national emblem.

[Translation]

SHRI VIRDHI CHANDER JAIN (Barmer) : Mr. Deputy Speaker, Sir, I welcome the Bill presented by Hon. Shri Gowda. We have to make efforts to maintain our national unity and integrity and in view of the emergence of the terrorist and communal forces in the country, it has become all the more necessary to pay attention to this issue. In our country there are different languages, dialects and people but there is unity in this diversity and our National Flag, National Anthem and our Constitution are essential to maintain this unity. If these are

attacked in any way, it would mean an insult to our nation, an insult to the honour of our nation. The Supreme Court's judgement in regard to the students of Kerala that they can act according to their own religion and conscience and there should be no compulsion for them to sing the National Anthem is not proper. We censure such a judgement and we want that if necessary amendment should be made in the constitution to change this decision for it could have a very bad effect. Secondly, our National Flag is also not getting due respect. The terrorists are shouting Khalistan slogans and are working from inside the Golden Temple and are posing a great challenge to our country's unity and integrity. The Private Member's Bill presented by Hon. Shri Gowda has provisions for three years sentence. I want the sentence to be more stringent. There should be provision for life imprisonment in such cases. If life imprisonment is not provided and severe punishment is not given then everyone will have to think over the situation. (Interruptions)

[English]

SHRI AJAY MUSHRAN (Jabalpur) : They should be hanged.

[Translation]

SHRI VIRDHI CHANDER JAIN : There are several provisions for hanging for different crimes. Provision is there to deal with treason. It would be better to provide for life imprisonment or for ten years imprisonment. It is important to amend the law in order to maintain the unity and integrity of the country. The former Chief Minister of Tamil Nadu alongwith the Members of his party tore a copy of the Constitution. Hindi is our National language. Yet they do not respect it. Hindi has been accepted as the National Language. The whole nation has accepted it. Still copies of our Constitution are being burnt and National Language is not being honoured by them. Such a situation cannot be allowed to continue in this country and in order to control it, stern action should be taken. The Central Government should present a necessary Bill and necessary amendment should be made in the Constitution so that due respect is shown to our National Flag and our National Anthem. We pay tribute to those leaders and workers who sacrificed

their lives for this country's freedom and for this flag. We have to maintain this independence. In order to maintain that, it is essential to protect our Constitution, National Flag and our National Anthem. With these words I support this Motion.

**DR. G. S. RAJHANS** (Jhanjharpur) :  
 Mr. Deputy Speaker, Sir, I think that in the last two or two and a half years there has never been a Private Member's Bill better than this Bill. Today there is a crisis and restlessness in the whole nation on the issue of our unity and integrity. We are not comprehending that the people who want to destroy our unity and integrity, are doing so much harm to the nation. I feel very surprised at times when I find that the school-going children are not interested in watching serials like 'Ramayana' on the T. V. They are not interested in knowing about their own culture. They want to watch foreign serials. Our society is drifting away. The new generation has no desire to know as to what is our culture and our legacy. I was reading the other day that in Japan, people with a new culture are emerging who are not aware as to what difficulties their forefathers had to face during the Second World War. The people these used to work hard for 14 to 18 hours daily in the fields and in the factories and that too on only one meal a day. That society was drifting away. That is why the Japanese Government has made this rule that its people would be acquainted with their history and culture. The singing of National Anthem has been made compulsory before starting any public function and also in schools and colleges where it must be sung before the commencement of regular studies. The reason is that the society has become so affluent that people have forgotten as to what difficulties their forefathers had to face. They think that the affluence which they are enjoying today was always there. In order to make them realise as to how the people made sacrifices for the affluence which they have today, this measure has been adopted. I would say that our new generation is also not aware of the price which the country had to pay in order to achieve independence or the price which we are paying today to maintain the unity of the country. In order to awaken this feeling in our people it is essential to honour and to show respect to our National Flag and other National symbols. During the days of emergency when

the National Anthem was sung in any cinema hall, people used to stand up and sing it till it ended. The principle of process of learning of human nature is that when we repeat a thing by association of ideas, this feeling comes as to why it has been so. We sing, 'Punjab, Sindh, Gujarat, Maratha'. Why do we say these words? When we worship we say have offered water from the river Ganga, the Narmada etc., whereas it is all symbolic. When we mix waters of other rivers, we say we are offering to God the water of all rivers of India. Our forefathers must have thought something about national integration. Our unity and integrity is so greatly threatened today as it has never been before, at least since we became independent. Hence, citizenship of those who insult our national symbol, I think, should be cancelled. They have no right to continue as citizens and they must be so punished that others may learn as to what can happen if insults of this kind are hurled. Burning the Constitution is not merely burning of some pieces of paper but it is playing with the feelings of 70 crores of people. Therefore, severe punishment should be awarded to those who burn our Constitution or even a part of it.

I would like to submit one or two more points. Many years ago, when I was still a boy and was studying in a school, I saw that in an incident of firing at Patna, many students were killed. The enraged students burnt the National Flag. The situation deteriorated and late Pt. Nehru went there. The students thought that Pt. Nehru would demand a judicial inquiry into the incident and would reprimand those who were responsible for firing. Instead, Pt. Nehru told sternly that he was not prepared to talk with those who had burnt down the flag. When the students protested that this flag was nothing except a piece of cloth, Panditji said that for him it was the symbol of the whole nation. In the midst of lakhs of people he said that he can never tolerate any insult to the flag and that he was not prepared to compromise on this issue. Then those people understood the importance of that piece of cloth. Since then this piece of cloth is being shown full respect. It is as important for us as is our own life. Rather it is dearer to us than our own life. If we do not respect ourselves then who would respect us. Hence, I would say that by bringing this Bill, Shri H. N. Nanje Gowda has done a laudable

[Dr. G. S. Rajhans]

work and I fully agree with him that those who insult national honour and national symbols should be awarded the severest punishment. The Government should bring a Bill which should provide for compulsory singing of the National Anthem in all the schools and colleges and before commencement of any public function. Those who do not join in the singing of the National Anthem should be given severe punishment. Until this feeling is inculcated, the people will not understand as to what is the importance of this nation?

A lot can be said about this Bill. It is not the only national symbol. There are other symbols as well which are insulted in the country. The symbol is symbol whether it is the flag, Constitution or anything else. It represents our sentiments and all these sentiments should be protected. Our National Anthem is not merely a poem written by Rabindranath Tagore or a song from Bengal but it belongs to the entire country. I remember, when on an earlier occasion, discussion took place in this House on this subject some of the Hon. Members had very clumsily said that Gurudev Rabindranath Tagore had written this song to glorify some British emperor; but there can be nothing far from truth. Gurudev did not write this song to glorify or to eulogise someone. On the contrary, he had created this song for the people of this country and that was why during the freedom struggle the song was on the lips of the people in every household. Therefore, the National Anthem, 'Jan Gan Man Adhinayak' or the National Song "Sujlam Sufam Ma'ayaj Sheetlam", must be given full honour as they had been instrumental in getting country's freedom. I would say that the practice of singing the National Anthem at the end of the film shows in the cinema halls and before and after the T. V. programmes should be restored.

\*SHRI G. S. BASAVARAJU (Tumkur): My Deputy Speaker, Sir, I and my friend Shri H. N. Nanje Gowda have brought this Bill with some specific and very important objectives. Recently some school students in

\*The speech was originally delivered in Kannada.

Kerala refused to sing National Anthem and the Supreme Court has also given its judgement in this regard. Therefore, we thought that it is very essential to bring such a Bill for consideration in this august House.

Even after 40 years of our independence I do not know how many of our people show due respect to our National Anthem and National Flag.

The decisions of courts and the attitude of some educational institutions are really shocking. In fact, this is a great threat to our democracy. Out of our population of 75 crores I do not know how many know the National Anthem. Even now I remember my college days when I was studying for my science and law degrees. We were coming before 11 O'Clock and used to sing the national anthem before entering our class rooms. The present trend of some of the educational institutions is different. From primary schools to colleges it appears that nobody is bothering about our national anthem. The teaching staff also do not take any interest in inspiring nor ensure that the students sing the national anthem and show due respect to our national symbols. We are achieving success after success in modern technologies but we have failed to enthuse our younger generation about the values of life. The father of the nation, Mahatma Gandhi, Swamy Vivekananda and other great leaders had showed us the path. Unfortunately the present tendency is not follow the path. I therefore want to say that it must be made compulsory for all our citizens to sing national anthem once in a day. Earlier, national anthem was played in cinema halls and in other important functions. These days national anthem is not played or sung in most of the functions. When national anthem is sung in some functions, some people bend their heads and keep mum. They think that there would be great loss if they open their mouth.

Our national poet Rabindranath Tagore wrote our anthem "Janaganamanna" with the main objective of awakening the people and to inspire them about the greatness of our country.

One of my friends while speaking on this Bill said that 14 years imprisonment should



be awarded to a person who does not show due respect to the national symbols. I go a step further and say that the punishment should be made more stringent.

Four months ago I saw a person perhaps a peon working in a Government office carrying a bag. That person in fact had converted the national flag into a bag to carry vegetables and other things. I took the bag from him and told him that he should never dishonour the national symbols. The House perhaps knows that there are some people in our country who do not know which colour of our national flag should be on top while hoisting it. Hence, it is very essential for us to inculcate a sense of respect in the minds of our people about our national symbols. This process of inculcation should start from the pre primary schools and both the teachers and the parents have to take this responsibility in promoting it.

Shri Shantaram Naik just now narrated how the Ashoka Chakra is misused in the Government office and in other functions. We should never allow such things to happen at least in future.

During the celebrations like Independence day and Republic day, officials go on picnic or to cinema. Many of them do not attend the national functions. Many of us take keen interest in some religious festival even though it is likely to create some disturbances among people. People spend lakhs and lakhs of rupees to celebrate some regional festivals. Why don't they take the same pride in celebrating the national functions. It is horrible to note that some members of this august House also went to the extent of preaching the boycott of the Republic day celebrations. Such persons have no right to stay in this country and they should be deprived of their citizenship.

The national comes first and the rest of the things like religion, region, etc. come next. Therefore, we have to realise this responsibility and to build up a responsible generation. Teachers, parents, and all other responsible persons of our society should build a strong nation.

This Bill has very laudable objectives and hence, I commend the Bill for the kind consideration of this House.

I thank you, Sir, for giving me this opportunity to speak on the vital issue and with these words I conclude my speech.

**SHRI GIRDHARI LAL VYAS (Bhilwara):** Mr. Deputy Speaker, Sir, I rise to support the Bill seeking amendment to the Prevention of Insults to National Honour Act, 1971. This is a very important Bill and the Government should pay full attention to it. The law as it exists now is so ineffective that no action has been taken against anyone under it till today. The Government should take such cases, which put the national honour at stake, very seriously.

The existing law provides imprisonment upto 20 years for insulting the National Honour, National Anthem and the National Flag. Have you ever called to see what punishment has been provided in other countries for those who cause insult to the National Honour, National Anthem and the National Flag? Have you ever studied it? There are several countries where the person violating such a law is either shot dead or is hanged. There are a number of provisions in those countries and stringent laws are there in this regard. But back home, we see that the provisions are quite flabby. Till date you have not filed any case relating to this law before any court. Therefore, I want that the Government should awake in the right earnest and should enact such a legislation under which such people are dealt with sternly.

The people of India had to struggle for years to uphold the dignity of this National Flag. For how long did the foreign powers rule this country? The Muslims ruled us, the Britishers ruled us and it was after 1000 years of slavery that we achieved independence and adopted our National Flag. You might have read that in olden times people used to lay their lives in wars to protect the honour of their flag. They saw to it that the flag kept aloft even in the face of bullets and bombs. Falling down of flag meant great insult to it. Our ancestors suffered a lot to protect the honour of the National Flag and to hold it high. It was under these circumstances that our country attained freedom. Today when we are striving hard to maintain the integrity

[Shri Girdhari Lal Vyas]

16.31 hrs.

[SHRIMATI BASAVARAJESWARI  
in the Chair]

of our country, the Government should show firmness to maintain the honour of the National Flag. The Bill that has been brought forward in the House to maintain the honour of the National Flag is not complete in itself. The Government should bring forward a comprehensive legislation for this purpose. The legislation so enacted should provide for a death penalty to the one who causes insult to the National Flag. As long as you do not make this kind of provision and arouse a feeling among the people for the National Flag. You cannot protect its honour fully.

The same is true of our National Anthem. A provision, should also be made to maintain the honour of the National Anthem. I do not know for what reasons the Supreme Court has given such a verdict, although the Judges of the Supreme Court are also the citizens of this country and they too might be having the same amount of respect for the National Anthem. The Government should amend the Constitution in such a way that it is brought out of the purview of the Supreme Court or any other court to deliver judgements leaving it to the sweet will of a person to sing or not to sing the National Anthem. Therefore, you should bring forward an amendment to the Constitution so that no such verdict is pronounced.

Just now, an Hon. Member has said that some agitated people even tore the Constitution. We have witnessed such scenes in the Parliament, State Legislatures and at other places. They insult the Constitution by such acts. It is indeed a matter of shame for us if somebody causes insult or shows disrespect to the Constitution, which our Constitution makers had framed so painstakingly. Therefore, stern action should be taken against such person, howsoever highly placed he may be. He should not be spared.

What is needed today is that we should make such arrangements in the rural areas, in the schools and other places whereby the

people could understand the significance of the National Anthem and may sing it. This you can do through the mass media like Radio, Television etc. They should be educated in such a way that they may be prepared to sacrifice themselves for maintaining its honour, as has been said by a great poet, "Jhunda Uncha Rahe Hamara". The intention of the poet behind these lines was that we must be prepared to sacrifice even our lives for the protection of the honour of our National Flag.

There are a number of persons. One such Hon. Member being in the Parliament, who had given a call to boycott the Republic Day. This is highly shameful. I would request the Hon. Home Minister that citizenship of such a person should be terminated and he should be expelled from the Parliament. Some stern action must be taken against him. This is not good that there are persons who while living in India give a call for the boycott of the Republic Day of the country. Such dangerous persons are a potential threat to the country. They also pose a danger to the unity and integrity of our country. Such a situation has got to be tackled firmly. All those persons belonging to his society who supported his call should be dealt with sternly. Fortunately, there were some right thinking people who got over the situation. Otherwise it would have caused a great insult to the country and we would have had to hang our head in shame. Stern action should be taken against such persons who create lawlessness. But I regret to say that no action has so far been taken against them. It was because of this that we opposed him today also and did not allow him to introduce his Bill. Such people should not speak in Parliament and their voice should not be heard outside the Parliament also. Whatever he did was wrong and if a wrong thing is uttered in the public, it is bound to be misused. It was in this context that we deliberately rejected his private Member's Bill whereas no Private Member's Bill is generally rejected. I would like to tell the Hon. Home Minister that leniency will not work in such cases. A firm action should be taken against such persons. The persons with such communal feelings keep a soft corner for other countries. As is a saying in Marwari "Maal khaye maari ka geet gaye Beere ka". They are living in India but their loyalty lies elsewhere. Such persons

should be dealt with firmly so that they do not get a chance to play with the unity, integrity and honour of the country. They should not be given any chance to play with the Constitution of our country. I hope, you will make some definite provision in this regard. Under the leadership of our Prime Minister, Shri Rajiv Gandhi, the country has grown stronger during the last two years and under his leadership you, being the incharge of Home Ministry, will bring forward such a legislation which would strengthen the unity and integrity of the country on the one hand and would render the traitors weak on the other hand so that nobody could dare indulge in such an act in future.

With these words, I support this Bill and conclude.

[English]

SHRI UTTAM RATHOD (Hingoli) :  
 Madam Chairperson, I rise to speak on the Bill introduced by Mr. Nanje Gowda and Mr. Basavaraju, both of whom, I am told have left the House.

Luckily, for us, we are discussing this Bill, excepting Mr. Pandey, all of us were born during the British period or during the national struggle that was on. Naturally, when such a verdict comes from the supreme body—the supreme Court—one feels a little uncomfortable. I feel, the Supreme Court has miserably failed in avoiding to look at the duties that have been enumerated in Article 51A in Sub-Clause (a) which is as follows :

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

I wish, all those who want or who desire to have the citizenship of this country must abide by this and nobody should be made an exception.

Earlier also, so many people have spoken about the sacrifices that were rendered during the national struggle, especially in protecting the national flag. I know, when we accepted a secular democracy, we also visualised that there would be a sense of tolerance among all the communities that

live in this country. But, suddenly we find certain people are developing a typical sentimentalism about some of the things which may disrupt the integrity of this country. So, as a democratic country, as a secular country, it is our responsibility to explain to our people not to create an atmosphere which will disturb the brotherhood in this country.

Again, in Article 51A, you will find that in the duties, we have mentioned :

“(e) to promote harmony and the spirit of common brotherhood amongst all the people of all religions, linguistic, regional and all that.”

Giving new concession is dangerous,

If we do anything now, I am afraid, we may hurt the feelings of the other communities and it may lead to very bad incidents. As it is also, we have had many communal tensions and many communal riots in this country before partition. Subsequently, we did not have many of them. But recently, we have found that there is a trend all over to assert identities in such a way that the whole unity of this country will be disrupted. That is why I say that we should, all of us, see that a sense of tolerance is developed, and we should all abide by certain principles which bind us together. These duties, according to me, are the real provisions in our Constitution which guarantee the keeping together people of this country.

Madam, tell me one instance where a citizen in Russia can show disrespect to the principles that have been enshrined in their Constitution. Show me a single instance where, in the United Kingdom, a citizen—whether he is a man from Malaysia or India—can show disrespect to its national emblems—i. e. a man who has accepted the citizenship of a country cannot take chances like that.

When we speak of personal freedom and all that, should we not try to learn something from those countries ? Here, I remember one incident : at the time when I. N. A. had come back to India, Pandit Ji appeared in the court on behalf of INA and pleaded for them. Unfortunately, the same Pandit Ji could not do justice to the INA personnel,

[Shri Uttam Rathod]

Lord Mountbatten intervened and told Pandit Ji : 'Those people who have disobeyed and broken the discipline of the Army, should not be considered for re-employment in the Army.' Pandit Ji accepted that advice. There are certain disciplines in every department, which are to be accepted by all of us. At that time, I had also felt very bad about it. It had hurt many people.

A nicely-written Bengali book tells us what are the feelings of a Muslim gentleman who had fought with INA, but who had to go back to Lahore i. e. what he feels about this country, about Subhash Bose and about the struggle they had waged. But discipline had to be maintained, and Pandit Ji had accepted this principle. So also in national life, we will have to have some sort of discipline, and every one of us should abide by it.

Today, whoever asks for concession, gets them. It may please the person for the time being, but it is going to take us in the wrong direction, and it will go against the national interests—all of us Indians have to accept this.

Where are those Muslim freedom fighters ? Is it not an irony of fate that the Muslims who had thought that we would have one united India have been forgotten ? We do not have their statues. We do not have anything to speak about their sacrifices.

We speak about change of heart. People who were with the British all of a sudden have become nationalists. We say it is a change of heart. This may be a change of heart, but I must say that those who believe in it, have also an ungrateful heart, because they have forgotten the sacrifices of those people.

On this occasion, I will say that Article 51 of the Constitution should be accepted in letter and spirit, and implemented by Government. Otherwise, we are afraid that we are going in the wrong direction, a direction which will not allow us to retain or even enjoy the fruits of freedom, for which our forefathers have sacrificed so much.

[Translation]

SHRIMATI USHA CHOUDHARI (Amravati) : Madam Chairman, I support this Bill. When Shri Rathod and Shri Vyas were speaking, I was feeling that we have reached a point when it has become essential to bring this Bill in the House and to request the Government to take some effective steps in this regard.

During discussion on the Bill, on the one hand I was feeling glad that we are discussing a subject which will enhance our feelings of nationalism and on the other hand, I was feeling unhappy as to why we have reached a stage where it has become necessary to bring this Bill ?

I do not want to indulge in criticism but we can see that religion has become so important in the lives of Indian people and we tend to concentrate so much in our particular religious ceremonies that it automatically becomes a part of our lives and it influences our personal lives to such an extent that we become emotional whenever the question of religion comes up before us. After independence, religion has become so important in our lives that we mingle religion and national unity and we forget that all our rivers of different faiths lead to the same ocean of unity. We must remember that all religions lead to the same ultimate aim. We have forgotten these ideals today. That is why fundamentalism is increasing and feelings for national integration are vanishing day by day. That is why we are discussing this Bill seriously today.

Two or three points have been raised here today, I do not want to repeat them. There are many such schools and colleges which run on the basis of religion, caste and community. In such schools we find that prayers are held in the name of a particular religion. We should control such activities. I am not saying that we should disrespect religion. I am saying that children must be taught the value of national integration as well. I remember an incident which can serve as an example of the unity of the country. I hail from a village called Yaval Shahid. There 9 people became martyrs in one day. There was a sixteen year old boy in that village who had never gone to any school and had never been told about the



importance of national integration nor had he read about the importance of National Anthem and National Song in any book. The Britishers killed eight people and as each one fell, the National Flag was taken by another before it could fall on the ground. This was all being watched by that 16 year old lad from a certain distance. He was thinking that the flag could not be allowed to fall on the ground and ran to take hold of it and become a martyr while doing so. Many such incidents have occurred in our country. I want to emphasise that such things were in the atmosphere of that time. In that atmosphere every person wanted to respect the National Flag and the National symbols. We demand for the creation of the same atmosphere once again. We hold ourselves responsible for being unable to recreate that atmosphere.

I want to submit that such emotional incidents should be a part of the syllabus. The children at present are not acquainted with the importance of the national integration. Unless their feelings are inspired it will not be of much use. Such incidents which occurred during our struggle for independence, the deeds of our common people, the sacrifices made by our ordinary folk in their own villages and localities for the freedom and unity of the country and for protecting our national symbols like National Anthem etc should be included in the syllabus and should be translated into every regional language so that the message is conveyed. It will have a good effect.

Madam Chairman, I support the punishment which has been proposed but would like to submit that there are many such people in the hilly areas and in the rural areas who have never had the opportunity to stand up on hearing the National Anthem in any celebration and who are also not familiar with the National Anthem. They should be familiarised with the Anthem through Television and other media. I would also like to submit that in the village where 9 or 10 people had become martyrs and also in other parts of the country where hundreds and thousands of people had sacrificed their lives, whenever representatives of the Government or administration are requested to visit the place, they do not have time to do so and show complete neglect. Provisions

for punishment of such people should be there who though hold important positions in the administration yet neglect such places and have no regard for national unity.

With these words I support this Bill.

SHRI K. D. SULTANPURI (Shimla) : Madam Chairman, I support the Bill introduced by the Hon. Member in the House. So far as national unity is concerned, our late Prime Minister, Shrimati Indira Gandhi sacrificed her life for it. As regards the issue of the minority community and whether it should be allowed to open its own schools and impart the type of education that it prefers, even if it has anti-national overtones, I want to submit that this should not happen.

During our struggle for independence, the people worked unitedly. But today such elements have come forward who speak for the disintegration of this country. That is why they want such education in the schools and universities. Some people have attempted to burn our National Flag. Many have opposed the provisions in our Constitution regarding Hindi. They have tried to show that Hindi is being forcibly imposed upon them. But it is not true. The framers of our Constitution had unanimously adopted Hindi as our National Language. Various languages like Hindi, English, Punjabi, Tamil, Telugu, Malayalam, Oriya etc are spoken in our country and every regional language is accorded due respect.

[English]

MR. CHAIRMAN : Just one minute.

The time allotted for this Bill is already over. There are four more Hon. Members. Is it the opinion of the House that we extend the time by another half-an-hour ?

SEVERAL HON. MEMBERS : One hour.

MR. CHAIRMAN : All right.

17.00 hrs.

[Translation]

SHRI K. D. SULTANPURI : I want to submit that our Hon. Lady Member Shrimati

[Shri K. D. Sultanpuri]

Usha Choudhary has said that our National Anthem has not reached the interiors of our hill areas. It is not correct. Our border areas which include some hill areas as well and also Punjab have played a vital role in our struggle for independence. The people of these areas have sacrificed everything while singing the National Anthem. Even in Andaman and Nicobar area our Sikh brethren laid down their lives for attaining freedom of the country. Choudhary Sundar Singh, who has also been a freedom fighter and had accompanied us to that area, and we saw there a photograph of Baba Prithivi Singh Azad depicting how he spent his days in exile. Similarly in our districts of Mandi and Shimla, many people were awarded life imprisonment and they sang the National Anthem to their death. The communal forces which are trying to weaken the path shown by our leaders should be fought individually as well as on the religions front. We should fight such forces collectively. Those elements which are not concerned about the welfare of the nation should be eliminated. Only when these anti-national elements cease to exist in our country, can our nation really prosper. This Motion is very good and we would like to give a call to all our countrymen to become one to maintain the unity and integrity of the country. The communal elements which are determined to indulge in communal activities must also do some introspection. With these words I support the Motion.

SHRI MANOJ PANDEY (Bettiah) : Madam Chairman, I support the Bill brought by Hon. Shri Nanje Gowda. No other thing is more important for the nation than our national honour. The earlier speakers have submitted as to why has it become necessary to bring this Bill. It is a very important subject. During the last few years we have witnessed a situation in which the number of such persons have increased who have tried to attack the honour of the country. The most regretful thing is that educated people occupying high positions insult our National Anthem which is an attack on our national honour and our press gives them much importance and we also discuss about it here. This is an unfortunate situation. There is a background of all the symbols of national honour, which had been built by

our forefathers and if somebody ignores that for some reason, then he is the greatest enemy of the society. I personally feel that those persons should be dealt with strictly who cause injury to our national honour. I do not think that those persons thinking will be changed by penalising them with some time and sending them to jail for a few years. It is in itself a process and this process is continuing before us. For the last several years these people have hurt our sentiments and there is also some organisation behind it. We know who is responsible internally and externally for this. They play a major role in inciting them. I want to say this thing for the reason that it is very distressing situation and it becomes a matter of more concern when an ex-chief Minister also talks of changing the National Anthem. They hurt national honour in lieu of a negligible pleasures. If this type of atmosphere is created in the country it will be a very disturbing situation. Here, all of us are discussing this Bill, but we are gradually forgetting the sentiments lying hidden in its background, the sentiments which our forefathers inculcated in us. The main thing today is that we go on hurting our National Anthem or our national emblem or other thing of national honour and after making a mention of this in some newspapers we forget all about it. The most unfortunate thing is that a number of our organisations and institutions have acted in undesirable manner but we have been ignoring them so far, treating them to be minor things. I would like to emphasise that it is not an ordinary crime; it is a bigger crime than stealing, committing dacoity or murder. If the Constitution provides for life imprisonment for a murder, then I feel that the criminals committing such crimes should be given much more punishment. With these words, I conclude.

SHRI KEYUR BHUSHAN (Raipur) : Madam Chairman, The Bill introduced by Shri Gowda is a very important one keeping in view the country's present situation. The administration, the ordinary citizen and the entire nation should think about it. So far as I can understand, wherever the question of disrespect to the Constitution, to the country, to the national honour, to the National Anthem, to the National Flag, to the Republic Day or Independence Day comes up, it is not an ordinary thing beca-

use it is all a deliberate and well planned conspiracy. If you travel throughout the country and see from Kanyakumari to Kashmir, you will not find this type of sentiments anywhere. Since the day we achieved Independence, there has been a resurgence of nationalism in us and nationalism is becoming stronger and stronger. Then, where from this voice is coming? You should analyse this voice. You will clearly find that it is the conspiracy of those traitors who want to disintegrate the country not only from within the country but also from outside. It is only the result of their conspiracy. It should not be taken lightly. Whenever there has been a conspiracy to indulge in disruptive activities in the country, every time it has been done in the name of religion only. All of us know that whatever may be the religion, it does not teach to disintegrate any country and whenever there has been a conspiracy in this country, it has been successful only in the name of religion. History is the witness that we have always considered the nation above religion. You study any religion, you will find that the religion always comes to the fore in protecting the country. You study Islam or any other religion, I had the opportunity to study them to some extent and I found everywhere this very thing that the religion is meant for uplifting the country. You will find this thing everywhere in Hinduism that religion is meant for protecting the country. You study Gurugranth Sahib also, you will find in the entire Book that religion is meant for building and protecting the nation. Then why these people use religion for dividing the country into pieces. In the history also you will find this very thing that never before the Britishers, religion was utilised in disintegrating the country or dividing it into pieces. You may study the Mughal period or the period when Hindu Kings held the reign of administration, this thing had never happened before in the empire of Akabar the Great, we find that all the religions flourished like flowers in the garden. The battle between the last Mughal emperor and the Britishers took place in which a number of soldiers sacrificed their lives. They died as martyrs, but no religion came in their way, all fought against the Britishers unitedly. Thereafter the British Raj was established in our country and we all worked against it unitedly in the freedom Movement and made sacrifices unitedly. They knew it that if India achieved independence following the

same old principles, what would be the position of the World and the imperialists. They knew that if India remained united it would emerge as the apostle of peace and would become a great nation. Therefore, when they found that the situation was going out of their control, they started conspiring and they conspired to disintegrate the country by fanning the communal feelings. Today also, the voice that is being raised is the voice of those selected few imperialists who want to create chaotic conditions by spreading communal riots here. For this, some programme should be framed. First of all, we have to make such an arrangement that as and when we find that disrespect is being shown to the national symbols, we should stop that instantly. I have enumerated 6 or 7 things before you. Similarly, the institutions being run in the name of religion, specially the educational institutions, may be by Hindus, or Muslims, Sikhs or Christian, some restrictions should be imposed on them because they teach fundamentalism. Why should we tolerate it? Why should we recognise them. We should ensure that no aid is given to those religions which do not teach secularism, which do not have the feeling of secularism. We should derecognise them. Further, if any religion is at all to be taught that we will teach. We will teach common teachings of all the religions in our schools and colleges. We will oppose those who are trying to take the country towards communalism, in every field. At the same time, it is my submission that such a syllabus should be adopted in which feelings of secularism are reflected.

\*SHRI CHINTAMANI JENA (Bala-sore): Madam Chairman, at the outset I thank you for giving me the opportunity to speak. I would like to speak in my mother tongue Oriya for which I have given notice.

Madam Chairmam, Hon. Member Shri H. N. Nanje Gowda has moved the Prevention of Insults to National Honour (Amendment) Bill. I rise to speak a few words in support of this Bill. Shri Gowda has brought forward this Bill before the House while the country is passing through a very critical moment.

\*The speech was originally delivered in Oriya.

[Shri Chintamani Jena]

As you know madam, India is a secular country. People of different religion live in this country. They speak different languages and dialects but they are all Indians and it is our first and foremost duty to preserve the unity and integrity of India. We give due regard to our national flag and national anthem. But it is regrettable that some people out of their sheer madness are trying to disintegrate the country. They are showing disrespect to our national anthems. Many people have sacrificed their lives to get our freedom. Under the leadership of Netaji Subhash Chandra Bose, the Azad Hind Fauj was formed to get our independence. Many people have laid down their lives for the national flag and for upholding our national anthem. But today Madam, very unfortunate incidents are taking place in the country. Though I do not wish to discuss the ruling of Supreme Court, but I shall be failing in my duty if I do not express my view with regard to the ruling about national anthem. I think people occupying high position in the country should think many times before giving opinion on a vital issue like national anthem, because it creates tension in the minds of our people.

Madam, our late Prime Minister Smt. Indira Gandhi and our present Prime Minister Shri Rajiv Gandhi has made it very clear that there would be no compromise on the issue of insult to our national honour. Some mad people do not know that they speak and what they think. They do not know how their activities hurt the sentiments of the people. Our Prime Minister and Hon. Speaker have also made their stand very clear on this issue. I am sure the Hon. Minister of State for Home Affairs who is present in the House will assure us in his reply that he will take necessary action against the people who dishonour our national flag and national anthem. In this context I would like to quote : Clause 4 of the Bill. I quote :

"Notwithstanding any thing contained in any other law for the time being enforced, any person, who is sentenced for committing an offence as provided under Section 2 or Section 3 of the Act, if recommit the offence, he/she shall be deprived of his/her right to

vote or contest any election to any local body, legislature of a State and to Parliament."

I would like to suggest that in place of he/she shall be deprived of his/her right to vote to contest election to any local body, legislature of a State and to Parliament it should be made that his/her citizenship should be withdrawn." This is my suggestion. I hope this House will agree to incorporate my suggestion. Because mere imprisonment or fine is not sufficient for such persons.

The House is aware, that we speak in favour of making Hindi as our National language. There is a lot of hue and cry on this issue. Many Hon. Members are very critical of making Hindi as our National language. Our Prime Minister has made it very clear time and again that Hindi will not be imposed on the non-Hindi speaking people. Constitution has accorded recognition to Hindi as a national language. Our first Prime Minister Pandit Jawaharlal Nehru at the time of framing the Constitution had also clearly said that Hindi will not be imposed on the non-Hindi speaking people. Despite all this, some people are burning the Constitution as only a mad person can do. The main intention of those people is to misguide our innocent people and thereby create some wrong impression in their minds. I request the Government to be very cautious of such people. I am grateful to our Prime Minister who has said that the action would be taken against such people. The dishonour to our Constitution cannot be tolerated. He has assured that a legislation will be introduced if necessary to fully ensure the honour of our national anthem. The unity and integrity of the nation should be preserved at any cost. I request the Minister to take necessary steps in this regard. A comprehensive Bill should be brought forward before this House by the Government as early as possible. I would like to say a word about Ashok Chakra which is our national emblem. I have observed that in many functions particularly in 5-Star hotels paper napkins with Ashok Chakra symbol printed on them are being used to rub hands after eating refreshment etc. This is really reprehensible. I hope Hon. Minister will see to it and take some steps so that national emblem should not be printed on paper napkins.



Madam, as you know our's is a secular country and nobody in this country has any right to interfere in other's religion. Despite this provision in our Constitution some people are mixing politics with religion and are indulging in activities which is a threat to the unity and integrity of our country. Therefore I request the Minister to be very careful of such people and take necessary action against them.

With these words I support the An end-  
 ment Bill and conclude my speech.

[English]

THE MINISTER OF STATE IN  
 THE MINISTRY OF HOME AFFAIRS  
 (SHRI CHINTAMANI PANIGRAHI) :  
 Madam Chairman, I must thank honourable  
 Shri Nanje Gowda for bringing forward this  
 Bill in this House which has highlighted and  
 has reflected the thought and the feelings of  
 our entire nation over this incident of show-  
 ing dishonour to our National Anthem.

Madam, this House and the country are  
 one in this regard with the sentiments of the  
 Hon Members and also the sentiments  
 expressed in this House are the sentiments  
 all over the country.

Madam, I also share the noble and patrio-  
 tic sentiments of our Hon. Members who  
 have participated in this debate today, like  
 Shri Shantaram Naik, Sri Virdhi Chander  
 Jain, Dr. Rajbans, Shri Basavaraju, Shri  
 Vyas, Shri Uttam Rathod, Shrimati Usha  
 Choudhari, Shri Sultanpuri, Shri Manoj  
 Pandey, Shri Keyur Bhushan and our last  
 speaker, Shri Jena.

Madam, before I say anything, I would  
 say that this has been so much discussed in  
 this House, I must only quote what the  
 Prime Minister has said. I hope no one can  
 better express the feeling that the Hon.  
 Prime Minister has expressed. The Hon.  
 Prime Minister said :

"These symbols in a sense embody the  
 soul and the spirit of the nation.  
 They are and they must be sacred to  
 us. And they are an integral part of  
 our freedom, of our unity. They have

come out of freedom struggle. They  
 are symbol of free India today."

I hope, there is no better expression than  
 the words of Hon. Prime Minister. Therefore,  
 Madam, there is no question of any com-  
 promise on such a vital issue like this and  
 the Government is fully seized of this matter.  
 I am only reminded of one great saint, the  
 greatest revolutionary of our time, Sir  
 Aurobindo who has said : As individuals  
 have souls, so also the nation has its soul.  
 And as the soul of individual cannot be  
 divided and the soul is immortal, similarly,  
 the nation's soul is immortal. And these  
 symbols represent the soul of the nation—  
 not only the soul, but the sufferings of the  
 entire country and the regions during the last  
 so many thousands of years. So, it symbolises  
 our own spirit, our spirit of how the whole  
 countrymen are united and integrated.  
 Therefore, on these symbols, there is no  
 question of any compromise.

Here, I think, the whole matter is *sub*  
*judice* recently. And we have expressed our  
 opinion that we do not agree with the judge-  
 ment of the Supreme Court. I think, that  
 is final. And against this controversial  
 judgement, the Attorney General of India  
 and three others have filed a writ petition in  
 the form of *mandamus* in the Supreme court  
 for review of its decision by a larger Bench  
 consisting of not less than 5 judges because  
 it has been felt that these judgements would  
 have wider repercussions prejudicial to the  
 unity and integrity of India. Its decision is  
 awaited and I hope perhaps on the 28th of  
 this month, the case is coming for bearing.  
 Let us wait till that time and I hope every-  
 thing good will come out of it because the  
 nation's sentiment has been expressed and  
 everybody knows what are the feelings of the  
 whole nation on this kind of incident. And  
 we have strong views already. As Mr.  
 Nanje Gowda and other Members have  
 suggested, supposing after the judgement is  
 issued we find there is some lacuna some-  
 where, well the Government is fully, seriously  
 concerned about this matter because there  
 can be no compromise as the Prime Minister  
 has said and as all the Members have said.  
 Therefore, whatever stringent measures are  
 thought of, possibly they can be thought of  
 after the judgement. Now the desire of the  
 House has to be carried out. If any Member

[Shri Chintamani Panigrahi]

thinks that we are going to compromise on this question, it is not correct. Now, here, I must also mention that on this type of incident, we should not think of only having stringent measure by which we shall have to check up this kind of thing. There is a section of people who are attacking more and more the integrity and unity of India and the democratic way of life that we have cherished for so many years. I am reminded of the great poet, Robert Frost who has said, "Two ways lead to the road. I took the road less-travelled by and that makes all the difference." There are countries in the world who have accepted socialism as their objectives but there are countries in the world who have not accepted democratic way of life or parliamentary democracy to achieve that objective. But, Sir, there are countries who have accepted parliamentary democracy as a way of life but they have not accepted socialism as their way. Therefore, Madam, there are two ways to the road. All the countries have travelled either one way or the other which is more-travelled by. But India has travelled a road which is less-travelled by. We have accepted parliamentary democracy as a way of life and we have accepted socialism as our objective. Therefore, this parliamentary democracy or democratic way of life stays and it will stay, whatever attacks it faces. I am reminded of the great saint of your South, Sathya Sai Baba. I hope I have not become his spiritual. Some American correspondent asks, Sai Baba, who is not a politician. He asked, "Can India survive through this turmoil?" Though he is not a politician, as a spiritualist, he said :

"India has 6,000 years old history. As long as the Himalayas stand there, as long as the snow falls over the Himalayas, as long as snow melts over the Himalayas and flow into the Ganges and as long as the Ganges is not dried up, the civilisation and culture of India will remain immortal. Nobody can ever destroy this country."

That is the spirit of our culture. That is the spirit of our civilisation and that is the spirit in which Shri Bhagat Singh died. That is the spirit in which many thousands of people

have faced gallows to keep the Honour of this country.

Do you think that any individual in any part of the country can dishonour this flag and emblem and that we shall tolerate it? It cannot be because it comes out of our blood. Therefore, we are very much attached to Honour the national symbol.

With these words, I must appeal to Shri H. N. Nanje Gowda because you have highlighted the feelings of this House and the country, I must appeal to you, kindly to withdraw this Bill, because immediately the judgment is known to us, whatever difficulty is there, it has to be overcome and again it has to come to the House. Therefore, I appeal to you kindly to withdraw the Bill.

SHRI H. N. NANJE GOWDA : I am thankful to the Minister. He has agreed with the views of all Members. But one thing which worries me is, we have elected representatives who are dishonouring our national symbols, particularly. I would like to know whether Government is going to bring any measures to rob them of their citizenship because as representatives of people, they owe a moral responsibility to give a lead to others. If they dishonour, where is the end? If you do not have any provision to bring them to book, then it will be very difficult.

I would like to submit, unfortunately though the provision is there, limited provision to punish the offenders under this Act, I have not come across even a single case where one is booked and prosecuted in this country and even after 40 years of independence, these offences are being committed. Our national Honour is humiliated, disrespected, Our Constitution and Our national flag are burnt. Our national anthem is not sung. They show it disrespect. But not even on a single occasion, anybody was booked for this offence. They want to implement the provisions of this Bill in a casual way. I do not know why they take it so lightly. They do not have as much reverence as they should have implementing this law. I would like to know from the Hon. Minister whether Government would consider seriously to implement the provisions of this Bill and bring in a provision where

If elected representatives commit any offence, they must be removed from membership and their citizenship should be scrapped.

**SHRI CHINTAMANI PANIGRAHI :** I am happy that Shri H. N. Nanje Gowda brought forward one more remark that the other Members have not mentioned. During the last six months, under this Act, seven persons were arrested and charge-sheeted and in nine states, we wanted to collect information but, nine states have reported that no such incidents have taken place. From this, it is very much visible and I can also inform you that we are taking serious action in this matter and wherever such violations have taken place, serious action is being taken.

**SHRI H. N. NANJE GOWDA :** What about removal of membership of elected representatives if they commit this offence?

**SHRI CHINTAMANI PANIGRAHI :** You must be aware that, of late, the entire nation is rising up against this kind of offence. Somebody wanted that we should boycott the Republic Day but the whole nation came up against it and the man who wanted to boycott gave up his slogans. Our people in large majority are coming forward to defend the integrity and Honour of the country. This is a unique thing. Mass awakening is coming up. Once this mass awakening is there, it is reflected in the House. And once it is reflected in the House, then any member who violates this kind of thing, you can understand the House will decide something and it will be done. If the House decides to do something, it will be done. There is nothing to prevent this.

**SHRI H. N. NANJE GOWDA :** I beg to move for leave to withdraw the Bill to amend the Prevention of Insults to National Honour Act, 1971.

**MR. CHAIRMAN :** The question is :

"That leave be granted to withdraw the Bill to amend the Prevention of Insults to National Honour Act, 1971."

*The motion was adopted*

**SHRI H. N. NANJE GOWDA :** I withdraw the Bill.

17 36 hrs.

# CONSTITUTION (AMENDMENT) BILL, 1986

(Amendment of article 315)

**MR. CHAIRMAN :** Now, we take up the next item. Mr. Shantaram, Naik.

**SHRI SHANTARAM NAIK (Panaji) :** I beg to move\* :

"That the Bill further to amend the Constitution of India, be taken into consideration".

We have now 24 States and seven Union Territories. When we enacted the Constitution, subsequently we have carried out amendments to the Constitution and we have this sort of two-tier structure whereby we have States and Union Territories. Now, two of the Union Territories out of the 9 Union Territories have been granted Statehood. It is a very welcome measure. But these Union Territories were created with the aim that they should be looked after better. The Central Government, in a way, wanted to give them a better status and better financing. But in practice, in some aspects, the Union Territories stand relegated to a backward position. If we see the Constitution itself, we find that Article 1 of the Constitution says—I may draw the attention of the Hon. Law Minister who is also present here now to this Clause—Article 1, Sub-Clause (1) says :

"India, that is Bharat, shall be a Union of States".

There are definitions which say that the 'States' include the Union Territories. Somehow, we get an impression that Union Territories are treated apart from the States. Even in the very first Clause of the Constitution of India which says : "India, that is Bharat, shall be a Union of States". What

\*Moved with the recommendation of the President.