

want to say that unless you get young people, children, young people even older people, to run and develop sports culture and take interest in mass participation, you cannot broad-base sports. When we do it, we are told that you are wasting time and money in fun games ; if we do not do it, you say there is no mass base and what you are doing to build up sports. So, it has got to be two-pronged attack while we are talking about centres of excellence and improving the standard of sports. We are trying very much now to make, convert Novodaya schools ; for instance, we are giving to every Novodaya school the status of sports school with all the infrastructure ; we hope to convert our central schools into sports-oriented schools as we go along. This is a process which is an ongoing process, and I don't think any one of us has a magic wand by which it can be done overnight.

I thank you for your participation in the discussion.

SHRI T. BASHEER (Chirayinkil) : What about the title of national athletes ?

SHRIMATI MARGARET ALVA : I am sorry, that point was made by declaring athletes as national athletes. We are giving them all that they want. They are national pride. I don't think we can not deny them anything. Yesterday it was mentioned by somebody else Neither Pele nor Maridonas, we have checked, have been declared as national athletes in their own countries. We have checked it from the embassy. So, I would not go further into it. I thank you for your support and I hope that, with the cooperation of all of you, sports will march a step forward.

DISCUSSION RE : NEED TO PRESERVE SANCTITY AND DIGNITY OF THE NATIONAL SYMBOLS

[English]

MR. DEPUTY SPEAKER : The House now shall take up item No. 12. Only one hour has been allotted for this discussion.

Shri C. Madhav Reddy.

SHRI C. MADHAV REDDI (Adilabad) : Mr. Deputy Speaker, Sir, The honour and dignity of the national anthem is very important in the context of various incidents and episodes which have happened in our country. There are instances reported that our National Flag is being burnt the Constitution of this country is being burnt and so on. There are also instances of the National Anthem not being sung deliberately.

Now, the most important incident which has occurred and which has attracted the attention of everybody in this House is the incident relating to the singing of the National Anthem in one of the schools in the Kerala State. There is a judgment of the High Court and the Supreme Court. Now a petition for revising the judgment is pending before the Supreme Court. I do not want to cast aspersion on the judges, but, certainly, I am within my right to comment on the judgment notwithstanding the fact that our petition is pending before the Supreme Court. Though technically it is *sub-judice*, Yet I feel that—it seems that the court has not started hearing.

14.14 hrs.

[SHRIMATI BASAVARAJESWARI—*in the Chair*] in the fact, the court has not accepted the petition for constituting a bench.

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. CHIDAMBARAM) : They have a bench of 5 members Constituted.

SHRI C. MADHAV REDDI : But even then I think I am within my limit to quote the judgment and to tell this House the consequences of the judgment and the action that we have to take, the government has to take. Otherwise, there is no meaning in accepting this kind of discussion here, because everybody knew that we are going to refer to this judgment.

The whole episode started with the refusal of a section of students about, three students belonging to the Jehovah's Witnesses sect, in one of the schools in Kerala State, while they had respectfully stood up when the National Anthem was being sung, they refused to participate, and refused to sing.

Now, this refusal was on the ground that their religion and their conscience did not permit that they should participate in the singing. A fundamental question has been raised in the judgment delivered by a two-member Bench of the Supreme Court, and that is whether the Fundamental Rights guaranteed under Articles 19 and 25 of the Constitution, Right to Freedom of expression and the Right to Freedom of Religion—that is right to free expression and the right to protect religion Freedom of conscience and free profession, practice and propagation of religion—whether that Fundamental Right should have Precedence over the right to Fundamental Duties enunciated in Article 51.

Article 19 is very clear, I need not refer to or read out the Article, which is very well-known to us, and Article 25 also is well-known. But Article 51 which guarantees or which casts some duties on the citizens of this country to observe the Fundamental Duties, says :

“51 A. It shall be the duty of every citizen of India—

- (a) to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem ; .. .”

Now, that only means that the National Anthem should be respected, there cannot be any disrespect shown to the National Anthem in this case.

Now, the question arises as to what is disrespect, what constitutes disrespect to the National Anthem. Because, the Supreme Court says that participating in the singing of National Anthem is not necessary. It is enough if respect is shown to the National Anthem, if the people stand up with respect. Just standing up and not singing National Anthem is enough under this Article, that

means that sufficient respect has been shown to the National Anthem in this case.

Now, the question arises as to what constitutes disrespect to the National Anthem. Is it necessary for somebody to sing the National Anthem ? The National Anthem is meant for singing, we must be clear about this that the National Anthem is only meant for singing, it is written for singing, it is tuned for singing and if you do not participate in the singing, with the same tune in which it is cast, then certainly, it constitutes a disrespect. But if suppose somebody is passive while the National Anthem is being sung, if a member of mass is passive,—that is passive and he does not sing—according to my view it does not constitute a disrespect, but when it is challenged and when he refuses to sing it constitutes disrespect. This aspect has been lost sight of by the Supreme Court, that this was a case in which it was challenged and the pupils were asked to sing and they refused to sing the National Anthem. Refusing to sing is a serious matter. Being a part of the mass where the national song is being sung with full throated gust and patriotic fervor which thrills your heart, if a man says : “No, I do not want to sing ; I can just stand up, but I do not want to participate and I do not want to sing”, then what type of citizen is he going to be if he is not going to be thrilled by the national anthem ? It is not necessary for everybody to sing. But the fact remains that it is challenged that you are not singing and you say that you will not sing ; your religion, your conscience says that you should not sing. That is where the real mischief lies. This has been lost sight of by the Supreme Court. But even so, I feel that when the Government says that it is not prepared to accept this judgment of the Supreme Court and it has gone in for appeal ; the hon. Minister has expressed on the floor of this House that there is no question of changing the national anthem, there is no question of showing any disrespect and that he is going to see that the statute is changed and so on, then what is the statute which we have today? The only statute dealing with this is the statute relating to the Prevention of Insults to the National Honour Act. Section 3 of this Act says :

“Whoever intentionally prevents singing

of the 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."

This is the section which is applicable. Now, this section does not specifically mention about the refusal to sing. What happens if a particular person being a member of the mass refuses to sing? Does it constitute a crime? No. It is a very clear case of a lacuna in the Act. And the Minister has accepted this. Having accepted it, why do you not take action to amend this Act? Why should you leave the lacuna? Why should you go to the Supreme Court for changing the judgment because the judgment was delivered four months back? Already four months have passed. During these four months, schools in Kerala have stopped singing the national anthem. That is the report.

SHRI P. CHIDAMBARAM : But that is not correct.

SHRI C. MADHAV REDDI : Any way, that is the report. Even so, Jehovah's Witnesses children are not singing. This is a fact. The point is that when Government sees a lacuna in the Act, immediate action should be taken to see that lacuna does not remain and does not cause any disrespect to the national symbols or national anthem even for a fraction of a minute. And when you pass an Act, you must give it retrospective effect. No period should lapse during which it would be possible for anybody to say that there is no need for him to sing the national anthem and he continues to show disrespect to the national anthem. What type of administration are we having? When we go to the Supreme Court, what is it on which we are relying? What are the points raised? Only the point on which we are relying is Article 51 of the Constitution because there a duty is cast on each individual to see that the national anthem or national symbols are respected. I have read some extracts of the judgment. Even though I do not agree with many of the observations made by the judges, the ruling given on certain legal matters, particularly article 19 and article 21, clearly says that unless there is a statute, you cannot

restrict the freedom of expression and freedom of religion and other freedoms mentioned in those articles.

So, there is no statute. If there is no statute, it cannot be enforced. Even when the full Bench is going to hear this case; I am sure there is not going to be any change in the judgement except some observations here and there. The main lacuna remains that we do not have a statute today on the Statute Book which restricts the freedoms enshrined in Articles 19 and 25. That is the main fact. That being so, there is no justification for the Government to go in for the reconsideration of judgement. Well, reconsideration can take place certainly but in the mean time the Government should have immediately come forward before this House to amend the Act, that is, the Prevention of Insult to National Honour Act. That has not been done. That should be done immediately.

I feel that in a matter of this type where national honour involved, where the people are going to feel about it and they are going to see the complications which are likely to come because of the judgement, it is possible that the fundamentalists who are already very active in this country, might come forward tomorrow and say and advise their own students not to sing the National Anthem because it is against their religion. What are you going to do? There have been such circumstances in the past. It is not the Jehova's children that have come forward for the first time, earlier also there were some other sects which had raised such slogans and it will give scope for some other fundamentalists to raise these points. For this reason, you should not have given any scope for them to raise such issues. It seems to me that we take action only after there is some agitation, some pressures or counter-pressures, and when we yield to pressures, we do not know to what type of pressures we are yielding, whether they are the right pressures or the wrong pressures, as we have done in the case of Muslim Widows Bill. My point is that instead of waiting for the pressures to build up in the country in various schools, why don't you take action to see that the scope is not there for such pressures, for such fundamentalist

thinking among the people? So, that is the point which is most relevant and even now I feel that the Government should come forward immediately, in this session itself, to introduce a Bill amending Section 3 of the Insult to National Honour Act and then only we can prevent the fissiparous tendencies to develop.

SHRI D.P. YADAVA (Monghyr) : Madam Chair Person, I thank very much Mr. Madhav Raddi Ji for raising this issue and bringing this to the national forum which is regarding national symbols. How has this case been raised? A bit of background has to be known about this Mr. Krishna Warriar, Head Master of Sudarsana Sanskrit School, Trichur (Kerala), who has been waiting to break chains ever since his anti-anthem stance which was reported last year is responsible for debate. A fissiparous tendency has developed in this country and some sort of air is given to it to further blow it up which is a danger to the national integrity and unity. Now, let us deal national symbols? Let this House make it known to the public, to the people of this country, that the national symbols are the National Flag, the State Emblem, the National Anthem and the National Song. These are four fundamental things. These are four fundamental aspirations of the country which cannot be compromised at any cost with anybody at any stage.

About the National Anthem, when we go back to its history, this is itself the history of the Indian National Congress. We trace back the history of the Indian National Congress, the people who participated in the movement of freedom fighting, the persons involved in making the country free. We recapitulate and remember them, their valour, what they had done by giving everything of the self and the family for making this country free.

This National Anthem - Jana-gana-mana-adhinayaka, jaya he, was composed by Rabindra Nath Tagore and was adopted by our Constituent Assembly as a National Anthem of India on the 24th January, 1950 i.e. two days before we got the sovereign status of our country. So, this is a

historical day. On that day the whole House of the Constituent Assembly adopted this National Anthem as one of the aspirations of our country. This is the symbol of the country. Why was it adopted? It has got a history. It was written by late Rabindra Nath Tagore, the great nobel laurette, who had the fervour, zeal and perspective of the Indian society. In the first sentence—Jana-gana mana adhinayaka, jaya he, he hails. What is the meaning of this National Anthem? It has been illustrated thoroughly like—

Thou art the ruler of the minds of all people, dispenser of India's destiny.
Thy name rouses the hearts of Punjab,
Sind, Gujarat and Maratha.

Of the Dravida and Orissa and Bengal ;
It echoes in the hills of Vindhya and
Himalayas, mingles in the music of
Jamuna and Ganges and is charted by
the waves of the Indian Sea.

They pray for thy blessings and sing thy
praise. The saving of all people waits
in thy hand, thou dispenser of India's
destiny. Victory, victory, victory to thee.

This National Anthem is not a simple anthem. This is an integrating force right from Panjab to West Bengal and right from Kanya Kumari to Kashmir—whole of the country. Should there be any occasion, can there be any instance where a single person is allowed to hurt the feelings which were so cherished by Rabindra Nath Tagore? I personally feel, any one who has got an iota of doubt about sincerity of oneness of the country, they must be declared as traitor of the country. They are traitors and we must not pardon them. I fully share the views of Shri Madhav Reddi—that should the necessity arise let the Minister come forward, the whole House will combine together and we shall vote; the whole country and the whole House is unanimous on this issue of National Anthem. This the symbol of our sovereignty. It is not compromisable at any place or with any person whoever he may be.

Likewise take the case of the flag also,

Some time people insult our flag. There is a Notification and constitutional provision, where persons involved in this Act will be punished. This should be stringent. If any one insults the national flag, tears the national flag or mutilates it, it should be severely dealt with. It should not be allowed to go as they like. So, the National Flag has also got a history and has a design which was adopted by the Constituent Assembly itself on 22nd July 1947, about 20 or 25 days before we got the Independence. So, everything—the National Flag, the National Emblem, the National Anthem and the National Song—has got a historical perspective and all these historical perspectives have been adopted and made not by us alone, but those makers of our Constitution, those stalwarts who were not only the members of the Constituent Assembly, but they were the freedom fighters also. So, all these freedom fighters who fought for the country assembled together in the form of the Constituent Assembly of India and formulated aspirations for the country.

Pandit Jawaharlal Nehru at one place has very rightly said about the Emblem. He said :

“The Emblem, more than anything else represents India’s past as well as her aspirations for the future.”

Are we going to compromise with the aspirations of the future? No, Sir, these is no question of compromising in the case of National Flag also.

About the State Emblem, I think more or less the same issue will arise. So, all these things—the National Flag, the National Emblem and the National Anthem—are covered under the National Symbols and if at all there is necessity, I would respectfully request the Minister to come forward with a Bill which should be passed unanimously in this House.

Sir, this kind of a case sometimes was reported in one of the American courts also, where it was very frankly said :

“Religious freedom is one thing, nation-

al awareness, unity and honour are another. Is it for the legislature to take necessary steps by amending the existing law of national honour, integrity and identity, and supercede nationality instead of religion?”

Very categorically even in the American court when the Flag case came it was said that there was no question of insulting anything and there should be no compromise and that was the episode of the American court which I have cited.

Now I am quoting one of the editorials written by Shri Rajmohan Gandhi. He has very aptly said about this episode. He said :

“Our nationhood is not based on a single race, religion or language. History and geography have fashioned India as she is and there are intangible bonds that link Indians across this sub-continent. But if we are looking for recognizable symbols of India, we have to be thankful for the flag, for our anthem and for our national motto. If dishonouring them is an offence, how many of us can claim innocence in relation to it? Can that nation prosper, or even survive for long, which day by day repudiates what it still dares to call its national maxim that thought about the victory of truth?”

So, Shri Rajmohan Gandhi has very aptly said that we cannot compromise so far as our national flag is concerned. In this way the whole House, Madam, is one on this issue. The suit is coming up in the Supreme Court now and, I hope the honourable Judges of the Supreme Court will feel the anxiety of the nation of about 750 million people whom we represent. The aspirations of about 750 million people are represented in this House and the whole House is unanimous on this issue and I hope the hon. Judges will take note of our feelings. This is not a matter of technical thing or judicial thing or anything else. It is a matter of purely the aspirations of the country, the prestige of the country and what is called the whole status of our sovereignty will be judged in this case. So, I will appeal through this House to the hon. Judges also

not to do anything so that we are compelled to bring in a legislation in this House. And should there be any occasion we must bring in legislation. This is the unanimous view of this House.

With these words, I thank you.

MR. CHAIRMAN : Shri Bholanath Sen.

14.41 hrs.

SHRI BHOLANATH SEN (Calcutta South) : Madam, Chairman, Sir...

SHRI P. CHIDAMBARAM : Madam, Chairman, Sir ?

SHRI BHOLANATH SEN : I am sorry. Madam Chairperson, now.

SHRI S. JAIPAL REDDY : It is only in correcting the injustice done to women-kind with retrospective effect.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRIMATI SHEILA DIKSHIT) : You are mixing up the chair and the madam.

[Translation]

SHRI BALKAVI BAIRAGI (Mandsaur) : Madam, his name is Bhola (meaning innocent), so kindly excuse him.

SHRI BHOLANATH SEN : This is the difficulty, Chairman is Ardhnarishwar.

[English]

Madam Chairperson, this is a very very serious subject which has come before this House today. From the time India was partitioned on account of religion and other divisive reasons, India has been towing the line of secularism at all costs. When Gandhiji was in Noa Khali trying to stop communal violence, from Punjab, train-loads of dead bodies were sent to Delhi. One man in the East, Mahatma Gandhi, just by undertaking a fast, stopped killings in a course of a day or two, and stopped all violence that was there. But it did not stop in the West. Since then, every now and then, for one reason or the other, from one corner or the other, problems have been raised to create a

situation where again a sense of disunity could crop up. It is well-known that India is a country where people of so many religions live. So many languages, so many food habits, dress habits, so many differences are there amongst the people. And yet there is one unity—we are all Indians. And this was in the mind of everyone when the national flag was accepted.

Pandit Jawaharlal Nehru presented the national flag before the House on a motion and I just want to read a few sentences—kindly you will pardon me—to say how big the dream was of our leader. He was talking about the Ashok Chakram. Thereafter he is saying :

“Now because I have mentioned the name of Asoka, I should like you to think that the Asokan period in Indian history was essentially an international period of Indian history. It was not a narrowly national period. It was a period when India’s ambassadors went abroad to far countries and went abroad not in the way of an Empire and imperialism but as ambassadors of peace and culture and goodwill.”

About this culture and goodwill, we talked in the Parliament House yesterday. Something was said, peace, culture and goodwill. That was the reason why this symbol was accepted. He further went on to say :

“Therefore, this Flag what I have the ; honour to present to you is not, I hope and trust, a Flag of Empire, a Flag of Imperialism, a Flag of domination over anybody, but a Flag of freedom not only for ourselves, but a symbol of freedom to all people who may see it.”

“And wherever it may go—and I hope it will go far,—not only where Indians dwell as our ambassadors and ministers but across the far seas where it may be carried by Indian ships, wherever it may go it will bring a message, I hope, of freedom to those people, a message of comradeship, a message that India wants to be friends with every country of the world and India wants to help any people

who seek freedom.”

India is following that path since that day. That was the dream of those who were incarcerated in jails, those who have given up every comfort and lived a life of a person dedicated only to freedom, freedom not only for our men, freedom not only for India but freedom for all oppressed people of the world. That was the idea of Congress. That was done under the leadership of Mahatma Gandhi and it is to be noted also what Mrs. Sarojini Naidu said. Just a few lines from that debate. I would like to place what the wording was at that time. Parsees, Jains and all were in, the Constituent Assembly and Punjabis and everybody, people from all States, were framing, the Constitution. They were becoming the founding fathers of the Constitution. A new era was beginning to start, a new era for India in their search for truth. This is what she says.

She has said :

“On the day when peace was signed at Versailles after the last war, I happened to be in Paris. There was great rejoicing everywhere and flags of all nations decorated the Opera House. There came on the platform a famous actress with a beautiful voice, for whom the proceedings were interrupted while she wrapped round herself the flag of France. The entire audience rose as one man and sang with her the National Anthem of France—the Marseillaise. An Indian near me with tears in his eyes turned to me and said “When shall we have our own Flag?”. “The time will soon come”, I answered, “when we shall have our own Flag and our own Anthem.”

Then she is saying :

“It was also a moment of anguish for me when a few months later forty-two Nations sent their women to an International Conference in Berlin. There they were planning to have, one morning, a Flag parade of the Nations. India had no official flag. But at my suggestion some of the women Indian delegates tore

strips from their saris, sitting up till the small hours of the morning to make the Tricolour Flag, so that our country should not be humiliated for the lack of a National Banner.”

She is saying that this is the flag not only of the Hindus but also of the Muslims and Parsees and of the Zorostrians, Christians and everybody. She is giving the names from each community as all of them went to the gallows or to the jails. People welcomed their incarceration only for the sake of the freedom of the country, freedom of the downtrodden and freedom of the world. This is the flag that contains the emblem and that is the flag of India. It is known all over the world now. If you go to the United Nations, wherever our men go, specially our Prime Minister, you will find the flag is flying, whether it is America, whether it is Russia, our flag is flying. Can we disrespect that flag, the flag which is meant for the progress, the flag which is meant for the freedom of all downtrodden people, and for the freedom of the world? Can we do such things which will put our heads down in shame and make us a criminal in our own mind?

People are saying about the judgement that has come in. I have gone through that judgement. The most peculiar mistake, to my mind, is that the learned judges have said about Part-III of the Constitution and talked about Article 51(a) of the Constitution. One thing I would like to say. So far as Part-III is concerned—i.e. about the Fundamental Rights—it is talking about the freedom of Religion. What has that religion to do with the national anthem. You have the right to practice your own religion. Nobody is going to stop you. You have the right not to practice your religion. You have the right to have your own schools. You have the right not to have own schools. Freedom of religion is there? But that is nothing to do with the national anthem. This Clause that has been given under Article 51(a) is more or less same as the Russian Constitution. Unfortunately, I have not got the book of Russian Constitution in Delhi. Same thing is there. National Anthem is nothing to do with religion.

National Anthem is Anthem of the nation by which it sings the history of the past ; it sings the hope of the future. That is the National Anthem. Fortunately, I have got the translated version of Tagore himself – *Jana Gana Mana*. Is there any religion excepting the religion of man ? There is no religion in the narrow sense of the term which the Constitution has mentioned. There is no religion in the narrow sense of the term by which our country can be divided in our very presence. There is no religion in the narrow sense of the term by which our people can kill each other. Unnecessarily, people are being killed in the name of religion in this narrow sense. There is no religion of that type. There is no ritual. I have brought the book of Tagore containing the Anthem which he himself translated. I am reading it :

‘Thou art the ruler of the minds of all people...

Personally he has translated. This was sung in 1911 in the Calcutta Congress for the first time in Bengali. Then it was not known as the National Anthem. Pandit Jawaharlal Nehru has said in the Centenary Volume that I feel proud that I have got myself, somehow or other, associated in bringing about this song as the National Anthem. This will remind me not only the thoughts that I had about this great national song but also it will be a constant reminder to our people of the thoughts of Rabindra Nath Tagore. Two persons have influenced his life—One is Mahatma Gandhiji and the other is Tagore. It was because of the greatness of them individually. I am now reading the translation made by him. Everybody can follow it :

“Thou art the ruler of the minds of all people,

Thou Dispenser of India’s destiny.

Thy name rouses the hearts of the Punjab, Sind, Gujrat and Maratha, of Dravid, Orissa and Bengal.

It echoes in the hills of the Vindhya and Himalayas,

mingles in the music of Jumna and Ganges, and is chanted by the waves of the Indian Sea.

They pray for thy blessing and sing thy praise,

Thou Dispenser of India’s destiny,

Victory, Victory, Victory to thee.

Day and night, thy voice goes out from land to land,

calling Hindus, Buddhists, Sikhs and Jains round thy throne

and Parsees, Mussalmans and Christians.

Offerings are brought to thy shrine by the East and the West

to be woven in a garland of love.

Thou bringest the hearts of all peoples into the harmony of one life,

Thou Dispenser of India’s destiny,

Victory, Victory, Victory to thee.

Eternal Charioteer, thou drivest man’s history

along the road rugged with rises and falls of Nations.

Amidst all tribulations and terror thy trumpet sounds to hearten those that despair and droop,

and guide all people in their paths of peril and pilgrimage.

Thou Dispenser of India’s destiny,

Victory, Victory, Victory to thee.”

When the long dreary night was dense with gloom

and the country lay still in a stupor thy Mother’s arms-held her, thy wakeful eyes bent upon her face,

till she was rescued from the dark evil
 dreams,

that oppressed her spirit,

Thou Dispenser of India's destiny,

Victory, Victory, Victory to thee.

The night dawns, the sun rises in the
 East,

The birds sing, the morning breeze
 brings a stir of new life,

Touched by golden rays of thy love

India wakes up and bends her head at
 thy feet,

Thou King of all Kings,

Thou Dispenser of India's destiny,

Victory, Victory, Victory to thee.

Is it religion? I mean in the narrow sense? It is the religion of man. As Pandit Jawaharlal Nehru said that his religion was the religion of man. He was not limited to a narrow or to a geographical area. His mind went broader and broader and he touched really the whole of the universe. This was the type on man he was. That is why, Pandit Jawaharlal Nehru suggested that this song might be accepted as the national song.

Part III deals with religion. The Hindus will pray to their God like the Hindus; the Muslims will pray in their own way; the Christians will pray in their own way. These are the things that are there. In fact, the Constitution provides that no religious instruction shall be given in State-aided school. Article 28 reads :

"(1) No religious instruction shall be provided in any educational institution wholly maintained out of State funds.

"(2) Nothing in clause (1) shall apply to an educational institution which is administered by the State, but has

been established under any endowment or trust which requires that religious instruction shall be imparted in such institution."

Suppose a minority institution wants to impart religious instruction, they are free to do so. But this is the national anthem whereby everybody and, all types of people of our world are remembered and asked to come and join in the march for growth of our nation. That is why, everybody is mentioned here - the Christians, the Jains, the Muslims, the Hindus and others. That is why, all parts of the land, all provinces, have been mentioned here.

This is the biggest mistake that was committed. The Supreme Court viewed with narrow, myopic outlook, that these are the Fundamental Rights and these are the Fundamental Duties; that Article 25 is only subject to certain things that are mentioned there. But this is the national anthem. Whether you make a law or not, what does it matter? It is the duty of every one to respect the national anthem. It was being flouted, and that is why, in the Constitution, by an amendment in 1976 it was brought in. That is a different concept altogether.

A man behaves like a husband when he is a husband; he behaves like a father when he is father; he behaves like a son when he is son. A song may be a song, but when it is a national anthem, it stands on a different footing. When it is national anthem, every citizen in India owes a duty and he feels proud, and ought to feel proud, that he is a citizen of India. A citizen can file an application under article 226. I was surprised, these three boys did go to the High Court and Supreme Court. They must have affirmed and filed an affidavit, they must have affirmed a petition and they must have gone through the Constitutional machinery for the protection of whatever they thought their right to be. How could they go like this? If the witnesses of Jehovah do not believe in these things, namely, human laws and institutions, how can they say that they are citizens and that Article 19 and 25 had been violated. It is only a citizen who has got the Fundamental Rights under Article 19 as well as the Fundamental Duties. But this has been overlooked.

I am very glad that, very promptly, action was taken by the Attorney General and an application has been made for review. It has been said that the prevention of insult to National honour Act should be amended. I only suggest that there is no hurry ; in a case like this there should not be any hurry, in the sense that the law need not be amended immediatly, because we do not know what the Supreme Court will do. Whatever the Supreme Court says, let it be considered and thereafter action can be taken ; before that, the law need not be amended.

Another thing is this. This is the occasion when every one should rise as one man because our unity is at stake, the very existence of one nation or one India is at stake.

15.00 hrs.

So, whatever we do, we should work very carefully so that our India, our motherland remains united and free as always we expect it to be.

I forgot to say, there was a problem once whether Vandemataram is to be sung because the word "mother" is mentioned there. I notice that in Bangladesh and Indonesia "mother" is mentioned in their own national anthem. Whether it is true or not, there are forces which are trying to disrupt our life and our dream of peaceful existence in the world. We should be careful about it.

I thank you for the opportunity given to me.

15.01 hrs.

RE : PRIVATE MEMBERS' BUSINESS

[English]

MR. CHAIRMAN : The House is now going to the private members' business. Shri Piyus Tiraky to move his motion.

SHRI S. JAIPAL REDDY : (Mahbubnagar) : I want to make a submission, Madam. The private members' resolution is being taken up today. The point that I want to make is that there is another private

members' resolution tabled by Shri Bhattam Srirama Murty which is very relevant. So, we must see to it that he tables his resolution today itself.

MR. CHAIRMAN : That will be seen. Today, as it stands, Mr. Piyus Tiraky has to move his Motion.

SHRI S. JAIPAL REDDY : We have discussed it at great length.

MR. CHAIRMAN : I will take notice of it. We will look into it.

SHRI C. MADHAV REDDI (Adilabad) : From opposition, there is no speaker on this.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRIMATI SHEILA DIKSHIT) : I think, on the previous one we have allotted six hours, of which we have already taken five hours and forty minutes. The Hon. Minister is going to reply now and thereafter we will take up the next one.

SHRI S. JAIPAL REDDY : The only point that I would like to mention is that before the House adjourns today, we should see to it that the Hon. Member Shri Bhattam Srirama Murty is able to table his resolution.

MR. CHAIRMAN : We have taken notice of it. Whatever has been allotted is getting over. Mr. Piyus. Tiraky.

15 02 hrs.

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

[English]

Twenty Seventh Report

SHRI PIYUS TIRAKY (Alipurduars) : I beg to move

"That this House do agree with the Twenty-seventh Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 26th November, 1986",