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Indian Polity & Constitution (GS Paper II)

National Song & Fundamental Rights



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Why in news?

The Supreme Court, while hearing T**.M. Krishna v. Union of India**, observed that **a person who refuses to sing Vande Mataram on grounds of conscience/religious belief should not face criminal punishment**. The Court referred to the 1986 **Bijoe Emmanuel v. State of Kerala** judgment.

Key Points

- **National Song**: Vande Mataram
- **Core issue**: Can refusal to sing the National Song attract penal consequences?
- **Constitutional provisions:**
- **Article 25**: Freedom of conscience and freedom of religion
- **Article 26**: Freedom to manage religious affairs
- **Article 19**: Freedom of speech and expression
- **Important precedent: Bijoe Emmanuel Case (1986)**- students who respectfully refused to sing the National Anthem due to religious beliefs were protected by the Supreme Court.
- **2026 development**: Amendment to the **Prevention of Insults to National Honour Act, 1971** extends penal protection to the National Song; the amended provision can involve **imprisonment up to 3 years, fine, or both** for intentionally preventing/disrupting rendition.
- **SC's observation**: The State may determine the form of the National Song, but **individual constitutional rights cannot be overridden merely through penal consequences.**

Prelims Question

Q. With reference to the Supreme Court's recent observations on the National Song, consider the following statements:

1. Article 25 protects freedom of conscience and freedom of religion.

2. Bijoe Emmanuel v. State of Kerala was related to refusal to sing the National Anthem on religious grounds.

3. The Supreme Court has held that courts should decide which version of the National Song represents national aspirations.

Which of the statements given above is/are correct?

A. 1 and 2 only

B. 2 and 3 only

C. 1 and 3 only

D. 1, 2 and 3

Answer: A

Mains Question

"Freedom of conscience is an essential component of constitutional secularism." Discuss in the context of the Supreme Court's recent observations on refusal to sing the National Song. (10 marks, 150 words)

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