

## SC makes anthem in cinemas optional

Attorney-General K.K. Venugopal submitted the committee would conduct a comprehensive study of the issue. The government began the hearing by referring to its latest affidavit, suggesting that the court modify its November 30, 2016, order and give cinema hall owners discretion till the committee took a final decision.

Referring to complaints filed under the 1971 Act against Infosys founder Narayanamurthy and Congress MP Shashi Tharoor for disrespecting the anthem, Mr. Venugopal said: "Respect or disrespect to the anthem has to be decided on a case-by-case basis. Your Lordships cannot think of a 1,000 ways of respect to the anthem."

The Bench summed up: "Three things are obvious. The Anthem has to be respected as it is the salutation to the motherland. The list of occasions for showing respect to the Anthem. Proper decorum has to be maintained during the Anthem."

Advocate Abhinav Shrivastav, for petitioner S.N. Chouksey, argued that guidelines for respect of the anthem by the inter-ministerial committee would hardly ensure public compliance. He said similar executive orders were issued in 2012 and 2016, but to no avail. Mr. Shrivastav urged the court to intervene and interpret the 1971 Act in the light of Article 51A of the Constitution which calls for respecting the ideals of nation such as the Constitution, the national flag and the anthem.

"The Act is totally widely worded. What will constitute disrespect to the national anthem? The government's guidelines have no teeth. The court will have to interpret respect to the anthem," said senior advocate Siddharth Luthra, appearing for an intervener.

"The national anthem is a tool for national integration. The Preamble uses the word 'fraternity' and assures integrity. The court's order to play the anthem in cinemas and for all to stand regardless of caste or religion subserves the cause of integrity. Therefore, the November 30, 2016 order should not be recalled," Mr. Shrivastav said.

Senior advocate Rajeev Dhavan said the anthem had a ceremonial significance and a "sacred element," which should not be trivialised by playing it four times a day in cinemas.

Senior advocate Sajan Poovayya said national symbols like the anthem were identified with the term 'secular' in the Preamble and unified diverse communities.

Senior advocate C.U. Singh, for the Kodungalloor Film Society, said the petitioners were in the wrong forum and should make their arguments for change in law before Parliament.

Advocate P.V. Dinesh said the court should consider the plight of film festival organisers and lovers who would be forced to play the anthem and stand up dozens of times in a day.

The court disposed of the petitions, agreeing with Mr. Venugopal that the petitioners could make their representations to the inter-ministerial committee.

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