

## On playing National Anthem in cinema halls: Not by diktat alone

By making it [optional](#) for cinema halls to play the national anthem before every show, the Supreme Court has at last removed the coercive element it had unfortunately introduced by an interim order in November 2016. Laying down a judicial rule that the anthem must be played on certain occasions in specific places, in the absence of any statutory provision to this effect, was unnecessary and opened the court to charges of over-reach. With the [Centre saying this directive could be placed on hold](#), and that it would set up an inter-ministerial committee to recommend regulations for the presentation of the national anthem, the court has said it is not mandatory to play it in cinema halls. The panel will also suggest changes in the Prevention of Insults to National Honour Act, 1971, or in the Orders relating to the anthem issued from time to time. Justice D.Y. Chandrachud, one of the three judges on the Bench, had at an earlier hearing doubted the wisdom of asking patrons of cinema to visibly demonstrate their patriotism each time they entered a theatre to watch a film, remarking that there was no need for an Indian to “wear his patriotism on his sleeve”. He had asked at what point would such “moral policing” stop if it were to be prescribed that some kinds of apparel should not be worn at the movies as they could amount to showing disrespect to the national anthem. The court’s order also had some unintended, but not unforeseen, consequences. The audience began looking for signs of ‘disrespect’ and there were reports of vigilantism, with people beaten up or harangued for not standing up.

Even those who contend that “constitutional patriotism” and the demonstration of respect for the national anthem require the framing of such mandatory measures cannot explain why cinema houses should be singled out or why such rules shouldn’t apply to other halls or enclosures where meetings and performances take place. This is not to suggest that symbols of national honour are undeserving of respect. Neither is it to question the idea that citizens must show due respect whenever the anthem is played or the flag is displayed. But as the Bench has pointed out, “the prescription of the place or occasion has to be made by the executive keeping in view the concept of fundamental duties provided under the Constitution and the law.” In a mature democracy, there is really no need for any special emphasis, much less any judicial direction, on the occasion and manner in which citizens ought to display and demonstrate their patriotism. If rules are needed for the purpose, it is for Parliament to prescribe them by law. As subscribers to common democratic ideals, citizens should be presumed to have a natural respect for symbols of national honour, and should not have to be made unwilling participants in a coercive project.

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