

PATRIOTISM CAN'T BE REVEALED BY A GROSS PHYSICAL ACT: HC

Relevant for: Indian Polity | Topic: Judiciary in India: its Structure, Organization & Functioning, Judges of SC & High Courts, Judgments and related Issues

There is no doubt that nationalism in a democracy like India is very vital but hyper and surfeit adherence to it goes against the prosperity of our nation from all its past glory, the Madras High Court observed on Monday. The court set aside a Judicial Magistrate's order to register a criminal case against certain persons in Coimbatore, who organised and participated in a Christmas celebration, where a cake containing an icing of the national flag was cut and consumed.

Justice N. Anand Venkatesh of the High Court wrote: "A patriot is not one who only raises the flag, symbolises his national pride and wears it on his sleeve, but also a person who bats for good governance. The symbolisation of national pride is not synonymous with patriotism, just like how cutting a cake is not unpatriotic. Rig Veda asks us to let noble thoughts come to us from every side, which reflects the Indian ethos i.e., tolerance."

Allowing a State appeal preferred against the Magistrate's 2017 order, the judge agreed with Additional Advocate General C. Emilias that the act of cutting a cake with an icing of the Indian flag on December 25, 2013 in Coimbatore would not amount to an offence under Section 2 of the Prevention of Insults to National Honour Act of 1971.

Justice Venkatesh observed that patriotism could not be determined just by a gross physical act. The intention behind such act would be the true test though it could be possible that sometimes the very act itself manifests the intention behind it. In so far as the Coimbatore Christmas celebration was concerned, the intention did not appear to be to insult the national tricolour and instead the participants had felt proud to be a part of the nation, he added.

Referring to the national flag which people pin to their clothes during Independence Day and Republic Day celebrations every year, the judge said those flags are not possessed forever. Instead, "they become a part of any other wastepaper after the participants leave the venue. Will this mean that each of the participants had insulted the flag and should be proceeded against?" the judge asked.

END

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