

No force-feeding please

In November 2016, the Supreme Court of India ordered that "all cinema halls shall play the National Anthem before a feature film starts". Earlier, in September, there had been an attack on the army base at Uri and the Indian Army had conducted surgical strikes across the Line of Control in Kashmir. Nationalism appeared to have gained centre stage in public discourse. The figure of the jawan was being held up to stanch questioning of government policy, be it on surgical strikes or even demonetisation. Patriotism tests were being devised for citizens. At that time, the apex court order seemed to become part of a rising clamour that sought to label citizens as "nationalist" or "anti-national". On October 23, however, while hearing a petition by a film society against the 2016 judgement, Justice D.Y. Chandrachud asked: "Why do people have to wear their patriotism on their sleeve?" It is a reassuring question. It shows yet again that the apex court is open to questioning itself, that it is willing to reconsider its own judgments.

The 2016 order, delivered by a bench headed by now Chief Justice Dipak Misra, had not only made it compulsory for moviegoers to stand for the anthem, it had also instructed that patrons be locked in so that they are unable to disrupt the mandatory rendition by leaving. In his observations on October 23, Justice Chandrachud articulated the flaw in the 2016 judgment: "Why should we assume that if we don't play the national anthem in movie halls, we cease to be patriotic?" The 2016 order assumed an unverified and unverifiable patriotism deficit. And opened the door to a slippery slope. If movie halls must compulsorily play the national anthem, why, Justice Chandrachud asked, should it not be played at "drama and other public places?" The Court may amend its earlier order to make the playing of the anthem optional, he said.

The court must, indeed, modify its 2016 order. But the government must also listen to Justice Chandrachud, take his cue. As he also pointed out, government can take the call on the question of regulating the playing of the anthem in movie halls and other public spaces. Justice Chandrachud's remarks have done well to remind us that love for the country need not be tested at every turn and that symbolic displays of nationalism are, in certain contexts and spaces, a curb on individual freedoms.

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