

Take back order on National Anthem in cinema halls till fresh circular is issued, Centre tells Supreme Court

The Supreme Court order making it mandatory to play the National Anthem before screening a film found resonating criticism from within the highest judiciary itself.

In a dramatic turnaround, the Centre told the Supreme Court to take back its order making it compulsory for cinema halls to play the National Anthem before screening a film and compelling patrons to stand up and show respect.

On November 30, 2016, a Supreme Court Bench led by Justice Dipak Misra, before he became Chief Justice of India, had directed that "all cinema halls in India shall play the National Anthem before the feature film starts and all present in the hall are obliged to stand up to show respect to the National Anthem."

The court had justified that the playing of the anthem in cinema halls is to be conceived as an opportunity for the public to express their "love for the motherland." The Bench had observed that said the protocol of showing respect and honour to the anthem was rooted in "our national identity, national integrity and constitutional patriotism."

But the November 2016 order had found resonating criticism from within the highest judiciary itself.

Supreme Court judge, Justice D.Y. Chandrachud, in October 2017, while sharing the Bench with Justice Misra, now Chief Justice Misra, had lashed out at the logic behind the November 2016 order, saying there was no need for an Indian to "wear his patriotism on his sleeves."

"Next thing will be that people should not wear t-shirts and

shorts to movies because it will amount to disrespect to the National Anthem... where do we stop this moral policing?" Justice Chandrachud had slammed the order. The Bench was hearing a petition filed by Kodungalloor Film Society in Kerala to recall the November order.

Following this, the apex court left it to the government to "take a call" and issue a notification describing the circumstances and occasions for showing respect to the National Anthem.

In a five-page affidavit filed by the Ministry of Home Affairs, the government informed the court that an inter-ministerial committee has been formed for framing guidelines on "all aspects relating to the playing and singing of the National Anthem. The guidelines would require extensive consultations and would require six months' time, the government said. Once the recommendations are ready, the government would issue the requisite notification or circular.

In the meantime, till such a circular is issued, the government told the Supreme Court to restore the position as it stood before the November 30, 2016 order making it mandatory for playing the Anthem in cinema halls.

The November 2016 order had come on a writ petition filed by Shyam Narayan Chouksey. The petition, which referred to the Prevention of Insults to National Honour Act of 1971, had claimed that the "National Anthem is sung in various circumstances which are not permissible and can never be countenanced in law."

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