

(2016) 03 MAD CK 0152
In the Madras High Court
Case No : W.P. No. 11116 of 2015

N. Selvathirumal

APPELLANT

Vs

Union of India and Others

RESPONDENT

Date of Decision : 03-03-2016

Acts Referred:

Constitution of India, 1950 — Article 51(A), Article 51A(a)

Citation : (2016) AIR(Madras) 107 : (2016) 2 MLJ 641

Hon'ble Judges : Sanjay Kishan Kaul, C.J. and M.M. Sundresh, J.

Bench : Division Bench

Advocate : S. John J. Raja Singh, for the Appellant; G. Nagarajan, for the Respondent

Final Decision : Disposed off

Judgement

Sanjay Kishan Kaul, C.J.

1. The petitioner has approached this Court aggrieved by the non-singing of the National Anthem in various Schools in Tamil Nadu through this Public Interest Litigation. The petitioner claims to be an Ex-serviceman, who is now working with the Railway Reservation Office in the Madras High Court Campus. We are now informed that the petitioner was shifted to the Railway Claims Tribunal, Chetpet, Chennai.

2. The petitioner has drawn the attention of this Court to Article 51A(a) of the Indian Constitution, which reads as under:-

"to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem."

3. The submission, thus is that a citizen should have adequate knowledge of the National Anthem and the National Flag, since the Schools where no National Anthem has been sung have been arrayed as respondents.

4. The petitioner states that the Central Government Schools such as Kendriya

Vedyalayas and all the State Government Schools are singing/playing the National Anthem daily during their morning assembly programmes.

5. The petitioner has made various representations in this behalf. He further alleges that there is no rule in the Affiliation Bye Laws or any other Circulars of the CBSE which mandates playing of the National Anthem, though in pursuance to RTI reply, he was informed that the Government of India has released an advisory for all the Schools that the day's work may begin with community singing of the Anthem and that adequate provisions should be made in the programmes for popularising the singing of the Anthem and promoting respect for the National Flag.

6. The counter-affidavit filed by the CBSE states that the Circular dated 10.11.2015 bearing No. Acad-76/2015 has been issued in the following terms:-

"The Central Board of Secondary Education in its frame work of the Values Education lists the Article 51(A) of the Indian Constitution - Fundamental Duties that contains 10 principles and the first one is "to abide by the constitution and respect its ideals and institutions, the National Flag and the National Anthem". The Board has framed four behavioural descriptors for students for this principle. The second descriptor entails singing of National Anthem with decorum (Ref. Page. 53, Continuous and Comprehensive Evaluation, Manual for Teachers, Classes VI to VIII).

In compliance of the direction given by the Hon"ble High Court of Calcutta in its order dated 22.09.2014, it is notified that the schools must strictly comply the orders relating to National Anthem of India.

The following link can be accessed for the orders relating to the National Anthem of India: ([http://www.mha.nic.in/sites/upload_files/mha/files/pdf/NationalAnthem\(E\).pdf](http://www.mha.nic.in/sites/upload_files/mha/files/pdf/NationalAnthem(E).pdf))

7. The stand of the authorities including the Union of India is that the National Anthem ought to be sung and is being sung. This is the stand of the Schools also.

8. Thus, all the authorities are ad idem that singing/playing of the National Anthem is something which is required to be adhered to.

9. The learned counsel for the petitioner seeks to suggest that the ground reality is that it is not being sung. It is impossible for us now to verify with each School for this purpose, especially since various Schools are not disputing this requirement as stipulated by the CBSE and the Government of India for singing/playing of the National Anthem.

10. We would expect that keeping in mind the mandate of the Constitution of India, the respect for the National Anthem and the National Flag, the Circulars issued by the CBSE and the other authorities, singing of the National Anthem would be taking place in various Institutions.

11. The private Schools must follow such singing of the National Anthem as part

of their curriculum.

12. The various authorities would thus make endeavours to verify that what is stated on paper also transpires into ground reality.

13. The writ petition, accordingly, stands disposed of. No costs.