



The Prevention of Insults to National Honour (Amendment) Bill, 2026

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The Prevention of Insults to National Honour (Amendment) Bill, 2026 amends Section 3 of the Prevention of Insults to National Honour Act, 1971. It extends the same legal protection to the National Song, Vande Mataram that is currently afforded to the National Anthem, Jana Gana Mana. The amendment makes it an offence to intentionally prevent the singing of the National Song or to cause a disturbance to an assembly engaged in its singing.

Why Was the Amendment Proposed?

According to the Statement of Objects and Reasons, the 1971 Act **safeguards the National Anthem** by making it a **criminal offense to deliberately stop its singing** or to cause disruptions to any group engaged in singing it.

It recalls the Constituent Assembly meeting held on 24th January 1950. At the meeting, its then President, Dr. Rajendra Prasad, highlighted the historic role of *Vande Mataram* in India's freedom struggle. He stated that it should be honoured equally with *Jana Gana Mana* and accorded equal status.

However, there was no specific legal provision extending similar protection to the National Song. The Bill addressed this gap. It proposed to include ***Vande Mataram* within Section 3 of the 1971 Act.**

Major Provisions of the 2026 Bill

- **Amendment of Section 3:** Clause 2 substitutes the existing Section 3 with a provision covering both the National Anthem (*Jana Gana Mana*) and the National Song (*Vande Mataram*).
- **Conduct covered:** The substituted Section 3 applies where a person intentionally:
 - (a) prevents the singing of the National Anthem or the National Song; or
 - (b) causes disturbance to any assembly engaged in such singing.
- **Short title:** Clause 1 provides that the law may be called the Prevention of Insults to National Honour (Amendment) Act, 2026.

The Amendment at a Glance

<i>Feature/Provision</i>	<i>The Prevention of Insults to National Honour Act, 1971 (Original Act)</i>	<i>The Prevention of Insults to National Honour (Amendment) Bill, 2026</i>
Scope of Protection under Section 3	Specific legal protection solely to the Indian National Anthem (Jana Gana Mana).	Expands the scope of Section 3 to include both the National Anthem and the National Song (Vande Mataram).
Prohibited conduct	Penalises whoever intentionally prevents the singing of the Indian National Anthem, or causes disturbance to any assembly engaged in such singing.	Penalises whoever intentionally prevents the singing of the National Anthem or the National Song , or causes disturbance to any assembly engaged in such singing.
Punishment	Imprisonment for a term which may extend to three years, or with fine, or with both.	The punishment remains unchanged.
Repeat convictions	Under Section 3A (added in 2003), anyone convicted a second or subsequent time for an offense under Section 2 or 3 is punishable with imprisonment for a minimum term of one year .	The enhanced penalty of a minimum one-year imprisonment remains in effect. Repeat offenders who intentionally disrupt the singing of <i>Vande Mataram</i> will now also face this mandatory minimum one-year prison sentence.

Vande Mataram: A Melody That Became a Movement

- *Vande Mataram*, meaning “Mother, I Bow to Thee”, was composed by Bankim Chandra Chatterjee.
- It was first published in the literary journal *Bangadarshan* on 7th November 1875. It was later included in the novel *Anandamath*, published in 1882.
- Rabindranath Tagore set it to music and first sang it at the 1896 session of the Indian National Congress in Calcutta.
- The song became a powerful symbol of resistance during the freedom struggle. It was first used as a political slogan on 7th August 1905 during the Swadeshi movement.
- On 24th January 1950, Constituent Assembly President Dr. Rajendra Prasad stated that *Vande Mataram* should be honoured equally with *Jana Gana Mana* and accorded equal status.

The Prevention of Insults to National Honour Act, 1971

To contextualise the 2026 Amendment, it is essential to understand the foundation laid by the **Prevention of Insults to National Honour Act, 1971**. Enacted on 23rd December 1971, the Act extends to the whole of India and **provides statutory protection to the Indian National Flag, the Constitution of India and the Indian National Anthem, Jana Gana Mana**.

Key Provisions of the Existing Act

- **Section 2 - National Flag and Constitution:** Deals with insults to the Indian National Flag and the Constitution of India. It stipulates that anyone who burns, mutilates, defaces, defiles, disfigures, destroys, tramples upon, or otherwise shows disrespect to the Flag or the Constitution in a public place can face imprisonment for up to three years, a fine, or both.
- **Lawful criticism protected:** Comments criticising the Constitution, the National Flag or government measures, when made with a view to securing lawful amendment or alteration, do not constitute an offence under Section 2.
- **Section 3 - National Anthem:** Specifically addresses the National Anthem. It states that anyone who intentionally prevents the singing of the Indian National Anthem or causes a disturbance to any assembly engaged in singing it shall be punished with imprisonment extending up to three years, or a fine, or both.
- **Section 3A - Repeat offences:** Added by a 2003 amendment, this section enforces an enhanced minimum penalty of one year of imprisonment for second and subsequent convictions under Sections 2 or 3.

References

- https://prsindia.org/files/bills_acts/bills_parliament/2026/Bill_Text_National_Honour_Bill_2026.pdf
- https://www.indiacode.nic.in/bitstream/123456789/15401/1/insults_to_national_honour_act%2C_1971.pdf
- <https://www.pib.gov.in/PressReleasePage.aspx?PRID=2186984®=48&lang=2>

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