National Anthem in Cinema Halls

Why in news?

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The Supreme Court has modified its earlier order regarding mandatory playing of national anthem in cinema halls.

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What is the court's observation?

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- In its earlier order, the court ordered all cinema halls to play the anthem before screening a film.
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- The Supreme Court has modified this and has now made it optional for cinema halls to play the national anthem before every show.
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- The court observed that playing of the anthem was directive, but showing respect was mandatory.
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- Accordingly, if the anthem is played, patrons in the hall are bound to show respect by standing up.
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- The court clarified that the exception granted to disabled persons from standing up during the anthem shall remain in force on all occasions.
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What lies before the Centre?

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- The current modification will be in place till the Union government takes a final decision.
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- This will be based on the recommendations of a 12-member high-profile inter-ministerial committee.

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- The committee was set up, following the court's earlier order.
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- It will specify the occasions, circumstances and events for the solemn rendering of the anthem.
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- The ministerial panel will also examine whether any amendments are necessary to the Prevention of Insult to National Honour Act of 1971.
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- The 1971 Act deals with national anthem, related mandates and punishments thereof for any violations.
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- But the petitioner calls for the SC to intervene and interpret the 1971 Act in the light of Article 51A on fundamental duties.
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- The Supreme Court disposed of the petitions, and directed to make the representations before the inter-ministerial committee.
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Why is the modification so significant?

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- Making it mandatory to play national anthem by a judicial rule in the absence of any statutory provision to this effect seemed as a **judicial over-reach.**
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- The court’s earlier order also had some unintended consequences like reports of **vigilantism**, with people criticized or beaten up for not standing up.
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- The need for visibly demonstrating one's patriotism was felt as a case of **moral policing**.
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- The rationale behind **singling out cinema houses** leaving out other types of meeting and assemblies was also questionable.
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- Above all, the mandatory demonstration of patriotism is not a healthy signature of a **mature democracy** like that India.
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- The court's modification to the order has thus removed the coercive element.
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- Even if rules are needed for the purpose, it is for the Parliament to prescribe them by law.

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Source: The Hindu

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