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THE NATIONAL HONOUR (AMENDMENT) ACT, 2026

VANDE MATARAM GETS THE ANTHEM'S SHIELD

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A NATION
A STRONGER
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PROTECTED
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THE NATIONAL HONOUR (AMENDMENT) ACT, 2026

VANDE MATARAM GETS THE ANTHEM'S SHIELD

IN ONE LINE

A single-clause central Act that substitutes Section 3 of the Prevention of Insults to National Honour Act, 1971, so that the National Song is protected on the same terms as the National Anthem.

Why this matters

- It is the only central Act of 2026 so far that changes a penal provision on national symbols.
- Prelims will ask what it changed; Mains and interviews will ask whether it should have.
- It sits on the join between statute law, fundamental rights and fundamental duties.

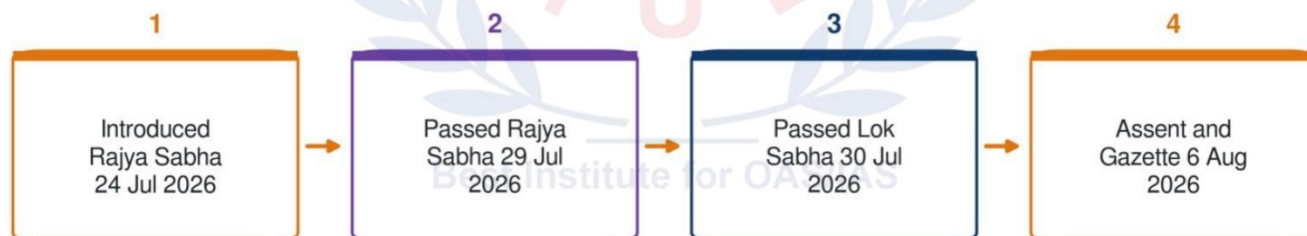


Fig 1 — How the Bill became Act No. 11 of 2026

WHAT YOU GET IN HERE

Section 3, before and after · **The exact dates and numbers** · **The four rulings that matter** · **Ten hard questions with a key**

TO THE ASPIRANT

PREFACE

This is a small Act with a large syllabus footprint. It has one operative clause, and you can learn that clause in a minute. What takes work is everything around it: which section it touched, which it did not, and what the courts had already decided about the words it left untouched.

Every fact here traces to the Gazette text, to Parliament's own record of the Bill's passage, or to reported judgments. Where commentary and statute differ, the statute is what is printed here.

Three Things This Handout Does Differently

- 1. It prints the section, not a summary of it.** You get the two limbs of the offence separately, because most wrong answers come from merging them.
- 2. It marks what the Act did not do.** No duty to sing was created, no Article was amended, no punishment was raised. Each of those is a ready-made false statement.
- 3. It carries the case law with the statute.** Section 3 has been read by courts since 1986, and that reading is what decides how the new words will work.

How to Use It

- **First pass, twenty minutes.** Read the cover, this page and the recap. You are learning the shape of the topic, not the detail.
- **Second pass, thirty minutes.** Read the body straight through, every table and every box. Do not stop to memorise.
- **Third pass, thirty minutes.** Attempt the ten questions before reading the key, then go back to whatever you got wrong.
- **Revision, five minutes.** The recap page alone, on the morning of the paper.

WHAT THE COLOURED BOXES MEAN

EXAM ALERT — likely to be asked

MUST REMEMBER — commonly got wrong

STATIC GK LINK — ties this to your standing syllabus

NUMBER ALERT — memorise exactly

CONCEPT LINK — why it matters

FACT-CHECK CAUTION — the popular version is wrong

Learn these six once. After that you can read a page by its colours.

What the amendment actually did

One operative clause. It replaced Section 3 of the 1971 Act with a new Section 3 naming the National Anthem and the National Song together. No other section of the parent Act was touched.

Note the technique. The section was substituted, not supplemented. There is no new Section 3B for the Song, and the two symbols now share one provision, one punishment and one set of words.

Section 3, before and after

Symbol covered Before: Anthem only · From 6 Aug 2026: Anthem and Song

Maximum term Before: 3 years, fine, or both · From 6 Aug 2026: Unchanged

Second conviction Before: Not under 1 year · From 6 Aug 2026: Same, Song included

Terms defined Before: None · From 6 Aug 2026: Still none

Section 2 Insults to the National Flag and the Constitution. Up to three years, fine, or both.

Section 3 Preventing or disturbing the singing of the Anthem, and since 2026 the Song.

Section 3A Minimum one year on a second or later conviction under Section 2 or 3. Inserted in 2003.

Extent The whole of India. The Act is central law, not a state subject.



Fig 2 — Two sections, two kinds of insult

NUMBER ALERT

Act No. 11 of 2026. Assent and Gazette publication, 6 August 2026.

Parent Act: No. 69 of 1971, dated 23 December 1971.

Punishment: up to 3 years, or fine, or both. Repeat: not less than 1 year.

STATIC GK LINK

The 1971 Act has been amended three times: 2003 (Act 31), 2005 (Act 51) and 2026 (Act 11).

The 2005 amendment widened Section 2, adding uses of the Flag such as wearing it below the waist.

The 1971 frame it sits in

The parent Act, section by section

What Section 2 actually forbids

Section 3 is about singing. Section 2 is about acts done to the Flag or the Constitution — burning, mutilating, defiling, trampling, or

otherwise showing disrespect, in a public place or within public view.

Four uses of the Flag the 2005 amendment named

As clothing below the waist Wearing it as any part of a costume or uniform worn below the waist.

On household cloth Embroidered or printed on cushions, handkerchiefs, napkins or undergarments.

Touching the ground Intentionally letting it touch the ground or the floor, or trail in water.

As a covering Draping it over a statue, a monument, a speaker's desk or a vehicle.

FACT-CHECK CAUTION

Criticism is not an offence. Explanation 1 to Section 2 protects disapproval of the Constitution or the Flag expressed to seek a lawful amendment.

MUST REMEMBER

The Act creates no duty to sing. It punishes stopping others, not staying silent. Non-participation without any act of obstruction is not the offence in either limb.

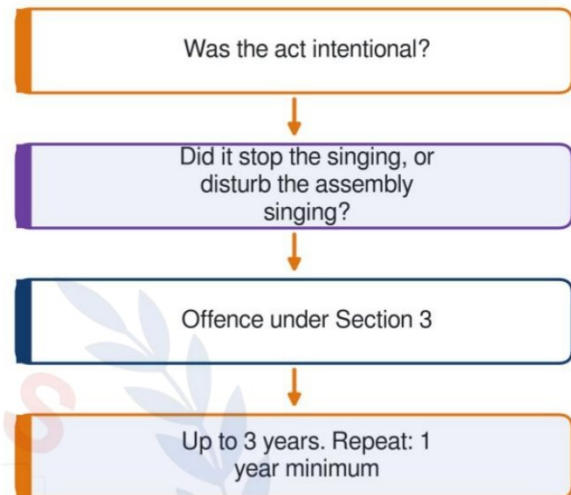


Fig 3 — The test a court applies

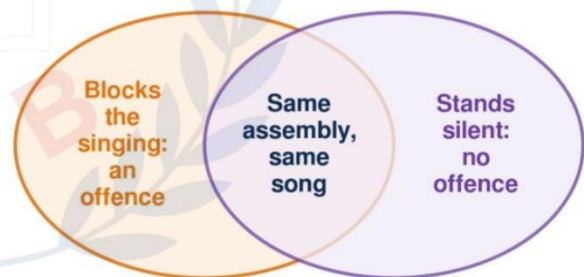


Fig 4 — Where the line falls

The offence, limb by limb

- 1. Intentionally** The word governs both limbs. An accident, a failed sound system or a genuine mistake falls outside the section.
- 2. Prevents the singing** Some act must stop the Anthem or the Song from being sung. Disagreement expressed elsewhere is not prevention.
- 3. Causes disturbance** The disturbance must be to an assembly already engaged in that singing. No assembly, no second limb.

Vande Mataram: the status question

The Constitution names no National Song. The song's standing rests on a statement made in the Constituent Assembly on 24 January 1950 by its President, Dr Rajendra Prasad, giving it honour equal to the Anthem.

Four facts examiners return to

Bankim Chandra Bankim Chandra Chattopadhyay wrote the song; it appeared in the journal Bangadarshan in 1875.

Anandamath The 1882 novel in which the song was placed, and by which it spread.

1896 Rabindranath Tagore sang it at the Calcutta session of the Congress.

The first two stanzas The 1937 Congress Working Committee resolution confined national occasions to them.

- 1875 Published in Bangadarshan
- 1882 Carried into Anandamath
- 1896 Sung at the Calcutta session
- 1937 First two stanzas settled
- 1950 Equal honour declared
- 1971 Parent Act protects the Anthem
- 2026 Section 3 covers the Song

Fig 5 — From a magazine to a penal section

FACT-CHECK CAUTION

It is often written that the National Song is covered by Article 51A(a). It is not: that duty names the Constitution, the Flag and the Anthem.

The 2026 Act did not change the Constitution. Statutory protection and constitutional recognition are different things.

The two symbols side by side

Both symbols were settled on the same day. On 24 January 1950 the Constituent Assembly adopted Jana Gana Mana as the National Anthem, and its President in the same breath gave Vande Mataram equal honour.

Anthem and Song compared

Written by Anthem: Rabindranath Tagore
· Song: Bankim Chandra

Settled on Anthem: 24 Jan 1950 · Song: Same day

Named in the Constitution Anthem: In Article 51A(a) · Song: Nowhere

Playing time set Anthem: About 52 seconds · Song: None set

Covered by Section 3 Anthem: Since 1971
· Song: Since 2026

NUMBER ALERT

Jana Gana Mana was first sung on 27 December 1911, at the Calcutta session of the Congress.

Full rendition about 52 seconds; the short version about 20 seconds.

Note the asymmetry the amendment did not remove. The Anthem is named in the Constitution and now shares a penal section with the Song; the Song is named in neither the Constitution nor any fundamental duty.

Each symbol and its legal basis

National Flag Section 2 of the 1971 Act; Flag Code of India, 2002

National Emblem State Emblem of India (Prohibition of Improper Use) Act, 2005

National Anthem Section 3 of the 1971 Act; Article 51A(a)

National Song Section 3 of the 1971 Act, from August 2026

Read that column carefully. Two of the four are protected by the 1971 Act, one by a separate 2005 statute, and the Flag also by a

code that is executive instruction rather than law.

STATIC GK LINK

The State Emblem Act of 2005 is a separate statute. It is not part of the 1971 Act and was not touched in 2026.

A question that lists all four symbols usually turns on which statute protects which.

What the courts have already said

- 1. Bijoe Emmanuel, 1986** Three schoolchildren stood respectfully but did not sing the Anthem. The Supreme Court held Section 3 was not attracted.
- 2. Salman, Kerala High Court, 2014** Section 3 reaches deliberate obstruction and disruption, not mere presence or respectful silence.
- 3. Cinema halls, 2016 and 2018** The Supreme Court first required the Anthem before a feature film, then in 2018 made the practice optional again.
- 4. March 2026** The Supreme Court declined to test a Home Ministry directive on the Song because it said 'may' and carried no penalty.

The Court added that a constitutional question would arise if the singing were made compulsory or non-compliance were made criminal. The amendment supplies the second half of that condition, which is why it is being watched.

EXAM ALERT

Pair the 1986 ruling with the 2026 Act: the ruling narrows what Section 3 reaches, the Act widens what it covers.

A stock question asks whether the Act compels singing. It does not, and saying so is the whole mark.

The argument on both sides

The debate in four lines

Equal honour of 1950 finally backed by law Central words still undefined after five decades

Flag and Anthem protected; the Song was the gap Vague penal words invite uneven enforcement

The offence stays narrow: obstruction only Later stanzas raise conscience issues under Article 25

Punishment unchanged; nothing made harsher Respectful abstention is not expressly protected

The drafting objection borrows the reasoning of Shreya Singhal, 2015, where a penal provision fell partly because its words gave no fair notice of what was forbidden. Read Articles 14 and 19(1)(a) alongside it.

The three expressions left undefined

- 'Intentionally prevents' — no statutory test of what amounts to prevention.
- 'Causes disturbance' — no threshold separating dissent from disruption.
- 'Assembly engaged in such singing' — no size, no definition of assembly.

CONCEPT LINK

Carry three provisions into any answer on this Act: Article 19(1)(a) with 19(2), Article 25, and Article 51A(a).

The 1971 Act is a statute. The Flag Code is executive instruction. Do not treat the two as the same kind of rule.

Timing explains the rest. A year-long commemoration of 150 years of the song opened on 7 November 2025, and a Home Ministry directive of 6 February 2026 asked for it at official events and school assemblies.

Bijoe Emmanuel, closely

The case is worth knowing in its own right, because it is the only Supreme Court ruling that reads Section 3 against a person who did not sing. Judgment of 11 August 1986; Chinappa Reddy and Dutt JJ.

The case in four steps

The facts Bijoe, Binu Mol and Bindu Emmanuel stood at the Kerala school assembly and did not sing. They had done so for years without complaint.

The trigger An MLA noticed; the matter reached the Assembly; the school expelled them on official instruction.

The High Court Kerala High Court upheld the expulsion, at single bench and again on appeal.

The holding The Supreme Court set that aside, ordered readmission, and held the expulsion contrary to Articles 19(1)(a) and 25(1).

CONCEPT LINK

Two rights, not one. The freedom of speech includes the freedom not to speak; the freedom of conscience protects the reason for the silence.

The Court took the standing as the respect, and the silence as the belief. Neither prevented nor disturbed the singing, so Section 3 was never engaged.

EXAM ALERT

Cited as (1986) 3 SCC 615. The bench, the year and the two Articles are the four things asked.

After the 2026 Act the same reasoning must now be applied to the National Song, on words the amendment did not define.

The song in the freedom struggle

Bankim wrote against the backdrop of the eighteenth-century Sannyasi revolt, and the song reached the country through Anandamath. What made it political was 1905: the partition of Bengal turned a hymn into a slogan.

The names that come with it

Sannyasi revolt The eighteenth-century rising that forms the backdrop of the novel.

1905 Partition of Bengal; the song becomes the cry of the Swadeshi movement.

Bande Mataram, 1906 The nationalist daily edited by Bipin Chandra Pal, with Aurobindo Ghosh among its writers.

Rabindranath Tagore Set the song to music and sang it at the Congress session of 1896.

Why only the first two stanzas

The later stanzas address the motherland as a goddess. In 1937 the Congress Working Committee settled national occasions on the first two, and the 1950 statement carried that settlement forward without disturbing it.

MUST REMEMBER

The National Song is the first two stanzas. An instruction asking for all six is administrative, and does not change that status. This is the thread that ties the 1937 compromise to the Article 25 argument made in 2026.

Keep the two roles apart in an answer. Before 1950 the song was an instrument of politics; after 1950 it is a state symbol. The 2026 Act belongs entirely to the second story.

Where the duty itself comes from

Article 51A sits in Part IVA, put into the Constitution by the Forty-second Amendment of 1976 on the Swaran Singh Committee's recommendation. There were ten duties; an eleventh was added in 2002.

CONCEPT LINK

Clause (a) asks a citizen to abide by the Constitution and respect its ideals, its institutions, the National Flag and the National Anthem. The National Song is absent.

Fundamental duties are not enforceable by a court. The 1971 Act is, and that is the difference the 2026 amendment works on.

The rest of the symbol set

The rest are worth one line: the Saka calendar of 1957, the tiger, the peacock, the lotus, the banyan, and the Ganga, declared the National River in 2008.

EXAM ALERT

None of those carries a statute of its own. Only the Flag, the Emblem, the Anthem and now the Song are protected by penal law.

That contrast is the point of a symbol question, and it is what the 2026 Act changed.

One more statute is worth the name. The Emblems and Names (Prevention of Improper Use) Act, 1950 stops certain names and emblems being used in trade, business, a profession, a patent, a trademark or a design without the Centre's permission.

The Schedule, entries 1 to 28

The Schedule — Emblems and Names (Prevention of Improper Use) Act, 1950

- 1 — United Nations
- 2 — World Health Organization
- 3 — The National Flag
- 4 — The Union And State Governments
- 5 — St John Ambulance
- 6 — The President And Governor
- 7 — Any Name Suggesting Government Patronage
- 8 — UNESCO

9 — Rashtrapati, Rashtrapati Bhavan, Raj Bhavan

9a — Gandhi, Nehru, Indira Gandhi, Shivaji, The Prime Minister

9b — Lal Bahadur Shastri

10 — Government Medals

11 — ICAO

12 — The World Interpol

13 — World Meteorological Organization

14 — Tuberculosis Association Of India

15 — IAEA

16 — Ashoka And Dharma Chakra

17 — Parliament, Courts, Government Offices

18 — Ramakrishna Math And Mission

19 — Sri Sarada Math

20 — Bharat Scouts And Guides

21 — International Olympic Committee

22 — The National Youth Emblem

23 — Auroville

24 — Sri Sathya Sai Central Trust

25 — The Name Sri Sathya Sai

26 — The NHRC Emblem

27 — The NHRC Name

28 — Fifa

Penalty: fine up to five hundred rupees, and no prosecution without the Centre's prior sanction.

NUMBER ALERT

Act No. 12 of 1950, in force from 1 September 1950. The Schedule began with three entries; 9A and 9B were inserted later, so twenty-eight numbers carry thirty entries.

RAPID RECAP

REVISE THIS PAGE THE NIGHT BEFORE

Key terms at a glance

Substitution The old Section 3 was replaced whole, not added to.

Two limbs Preventing the singing; disturbing an assembly engaged in it.

Section 3A Minimum one year on a second conviction; now reaches the Song.

Article 51A(a) Fundamental duty naming the Constitution, Flag and Anthem only.

Facts and formulas to keep

- Act No. 11 of 2026; assent and Gazette 6 August 2026.
- Introduced in the Rajya Sabha 24 July, passed there 29 July, Lok Sabha 30 July 2026.
- Parent Act No. 69 of 1971; amended in 2003, 2005 and 2026.
- Punishment up to three years, or fine, or both; repeat not less than one year.
- Song published 1875, in Anandamath 1882, sung at Congress 1896, equal honour declared 24 January 1950.

MISTAKES PEOPLE ACTUALLY MAKE

Saying the Act makes singing compulsory. It does not; it punishes obstruction.

Placing the National Song inside Article 51A(a). Only Flag and Anthem are there.

Calling it a new Section 3B. Section 3 was substituted.

Saying the punishment was raised. The quantum is untouched.

MEMORY TRICKS

Three, one, eleven: three years maximum, one year on repeat, Act eleven of 2026.

Two, three, three-A: Flag in 2, singing in 3, repeat in 3A.

Chant the last two digits of the Song's dates: 75, 96, 37, 50.

QUESTION BANK

TEN QUESTIONS · ALL ANSWERABLE FROM THIS HANDOUT

Answer all ten, then check yourself against the key on the last page.

1. At a government function in September 2026 a man stands quietly while Vande Mataram is sung, declines to sing it, and does nothing else. What is his position under the amended Section 3?
 - (A) He commits the offence, since the Song now carries the same protection as the Anthem
 - (B) He commits no offence, because neither preventing nor disturbing has occurred
 - (C) He commits the offence only if he repeats the conduct, under Section 3A
 - (D) He commits an offence under Section 2, which covers disrespect to national symbols
2. Which one of the following correctly describes the legislative technique used by the Prevention of Insults to National Honour (Amendment) Act, 2026?
 - (A) A new Section 3B was inserted to deal separately with the National Song
 - (B) Article 51A(a) was amended so that the fundamental duty names the National Song
 - (C) The maximum punishment in Section 3 was raised from three years to five
 - (D) Section 3 was substituted by a new section naming both the Anthem and the Song
3. Match each provision with what it deals with.

List I

 - (A) Section 2 of the 1971 Act
 - (B) Section 3 as substituted in 2026
 - (C) Section 3A
 - (D) Article 51A(a)

List II

 - (1) Not less than one year on a second conviction
 - (2) Duty to respect the Constitution, Flag and Anthem
 - (3) Insults to the National Flag and the Constitution
 - (4) Preventing or disturbing the Anthem or the Song
 - (A) A-3, B-4, C-1, D-2
 - (B) A-4, B-3, C-1, D-2
 - (C) A-3, B-4, C-2, D-1
 - (D) A-1, B-4, C-3, D-2
4. Match each year with the event belonging to it.

List I

 - (A) 1875
 - (B) 1896
 - (C) 1937
 - (D) 1950

List II

 - (1) National occasions confined to the first two stanzas

- (2) First published in the journal Bangadarshan
- (3) Declared to carry honour equal to the Anthem
- (4) Sung by Rabindranath Tagore at a Congress session

- (A) A-2, B-4, C-3, D-1
- (B) A-4, B-2, C-1, D-3
- (C) A-2, B-4, C-1, D-3
- (D) A-1, B-4, C-2, D-3

5. Consider the following statements about the 2026 amendment:

- 1. It makes the singing of the National Song compulsory at government functions.
- 2. The maximum punishment for a first offence under Section 3 remains three years, or fine, or both.
- 3. The minimum of one year on a second conviction now applies where the National Song is involved.
- 4. It adds the National Song to the fundamental duty in Article 51A(a).

Which of the statements given above are correct?

- (A) 1 and 2 only
- (B) 2 and 3 only
- (C) 2, 3 and 4 only
- (D) 1, 3 and 4 only

6. Consider the following statements:

- 1. The Constitution expressly names Vande Mataram as the National Song.
- 2. In 1986 the Supreme Court held that standing respectfully without singing does not attract Section 3.

- 3. In March 2026 the Court declined to interfere with a Home Ministry directive partly because it carried no penalty.
- 4. The 2026 amendment defines the expression 'causes disturbance' for the first time.

Which of the statements given above are correct?

- (A) 1 and 4 only
- (B) 1, 2 and 3 only
- (C) 2 and 3 only
- (D) 2, 3 and 4 only

7. Read the two statements below and choose the right option.

A: After August 2026 a person who silently declines to sing the National Song at an official function commits no offence under Section 3.

R: Section 3 punishes intentionally preventing the singing or disturbing an assembly engaged in it, and not non-participation.

- (A) Both A and R are true, and R is the correct explanation of A
- (B) Both A and R are true, but R is not the correct explanation of A
- (C) A is true but R is false
- (D) A is false but R is true

8. Read the two statements below and choose the right option.

A: The 2026 amendment removed the uncertainty about what conduct amounts to an insult to the National Song.

R: The substituted Section 3 leaves 'intentionally prevents', 'causes disturbance'

and 'assembly engaged in such singing' undefined.

- (A) Both A and R are true, and R is the correct explanation of A
 - (B) Both A and R are true, but R is not the correct explanation of A
 - (C) A is true but R is false
 - (D) A is false but R is true
9. Arrange the stages of the 2026 amendment in the order they occurred:
- 1. The Lok Sabha passes the Bill
 - 2. The Bill is introduced in the Rajya Sabha
 - 3. The Rajya Sabha passes the Bill
 - 4. It is published in the Gazette after the President's assent
- (A) 2 → 1 → 3 → 4
 - (B) 3 → 2 → 1 → 4
 - (C) 2 → 3 → 1 → 4
 - (D) 1 → 3 → 2 → 4
10. Arrange the following in correct chronological order:
- 1. Section 3A is inserted, prescribing a minimum term on a second conviction
 - 2. Vande Mataram first appears in the journal Bangadarshan
 - 3. Section 3 is substituted to cover the National Song
 - 4. The Prevention of Insults to National Honour Act is enacted
- (A) 2 → 4 → 1 → 3
 - (B) 4 → 2 → 1 → 3
 - (C) 2 → 4 → 3 → 1
 - (D) 2 → 1 → 4 → 3

ANSWER KEY

ANSWERS ONLY

- | | | | | |
|---------------|---------------|---------------|---------------|----------------|
| 1. (B) | 2. (D) | 3. (A) | 4. (C) | 5. (B) |
| 6. (C) | 7. (A) | 8. (D) | 9. (C) | 10. (A) |

Coded answers in full

3. **(A)** A-3, B-4, C-1, D-2
4. **(C)** A-2, B-4, C-1, D-3
9. **(C)** 2 → 3 → 1 → 4
10. **(A)** 2 → 4 → 1 → 3

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A CLOSING WORD

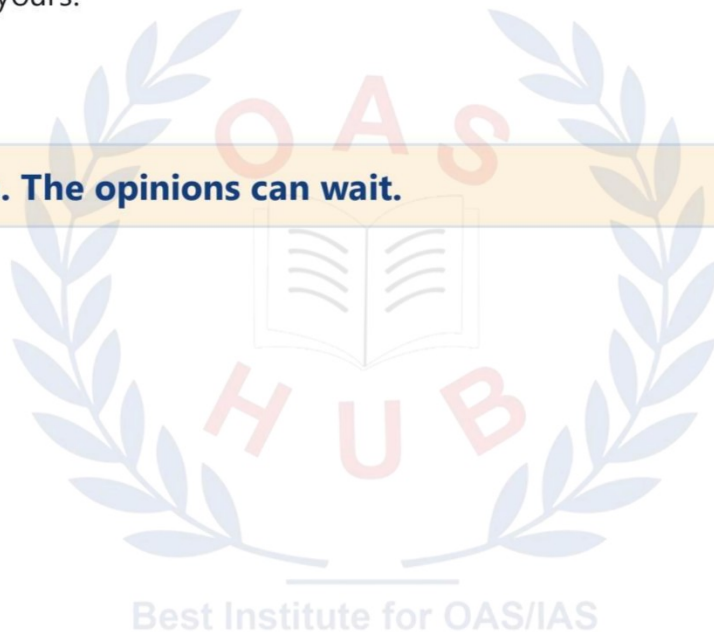
BEFORE YOU PUT THIS DOWN

Three things from this handout will carry you through almost any question set on it: the Act number and date, the two limbs of the offence, and the fact that nothing here compels anyone to sing.

For a Mains answer, do not argue the politics. Argue the drafting: a penal section whose central words are undefined is the point a trained examiner is looking for.

- The first reading tells you what is in the handout.
- The second tells you what you have actually retained.
- The third makes it yours.

Know the section. The opinions can wait.





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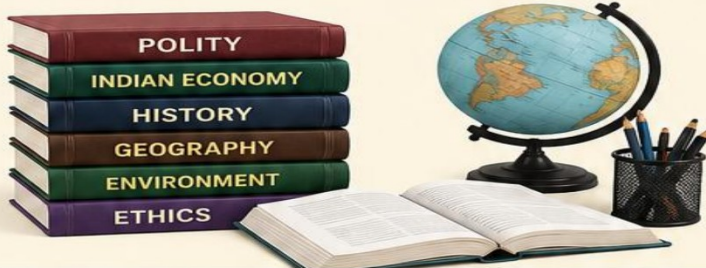
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