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The National Song Debate, A Reading Between the Lines

Context

- The controversy surrounding Vande Mataram reflects ongoing struggles over historical memory, constitutional values, and the political ownership of nationalism.
- Although the song occupies a revered place in India's anti-colonial heritage, its meaning has repeatedly been reshaped by competing visions of national identity.
- The current revival of debate in Parliament suggests an effort to reinterpret settled questions and redefine symbolic markers of national unity.

Historical Roots of the Song and Its Early Controversies

• Rabindranath Tagore's 1896 rendition and Controversy

- Vande Mataram, composed by **Bankim Chandra Chattopadhyay** in 1875, became a powerful emblem of India's freedom struggle.
- **Rabindranath Tagore's 1896 rendition** at the Congress session embedded it within the nationalist imagination.
- Yet its later stanzas, rich in **Hindu goddess imagery**, raised concerns among Muslim leaders who regarded certain verses as religiously exclusionary.
- These objections gained urgency after the Government of India Act, 1935 ushered in provincial elections, compelling the Congress to adopt a more inclusive public posture.

• CWC Adoption of First Two Stanzas

- A turning point came in 1937 when the **Congress Working Committee**, chaired by **Jawaharlal Nehru** and attended by major leaders such as Sardar Patel, Rajendra Prasad, Maulana Azad, and Subhas Chandra Bose, unanimously resolved to adopt only the **first two stanzas** for public and official occasions.
- Though **Mahatma Gandhi** was not a formal member, he was influential in shaping the final wording.
- The committee affirmed the song's historic significance while recognising the **validity of Muslim objections**.
- The selected stanzas were deemed **non-religious, inclusive**, and reflective of the song's essence.

- This decision was guided by the need for **communal harmony** and the practical responsibility of administering provinces with diverse populations.

Constituent Assembly Debates: Settling the Question

- Following Independence, the Constituent Assembly revisited the status of national symbols.
- Its composition highlighted India's pluralism: despite the post-Partition Hindu majority, leaders such as **R. Ambedkar** entered the Assembly through cross-community political arrangements.
- The Assembly considered **three contenders**, Vande Mataram, Sare Jahan Se Achha, and Jana Gana Mana.
- While Sare Jahan Se Achha carried secular appeal, concerns arose due to Allama Iqbal's later association with the Pakistan movement.
- The Assembly ultimately selected **Jana Gana Mana as the national anthem**, while giving Vande Mataram a place of honour.
- Notably, the **Constitution made no mention of a national song**, allowing its status to remain customary rather than legal.
- The distinction became clearer in 1976 when the **42nd Constitutional Amendment** introduced **fundamental duties**, including respect for the national anthem and flag, without extending similar provisions to the national song.

Legal and Judicial Interventions

- Courts have occasionally engaged with the question of Vande Mataram.
- In 2017, the **Madras High Court** suggested that schools sing it weekly and offices monthly, even recommending translation for those unable to sing it in Bengali or Sanskrit.
- The **Delhi High Court** considered petitions urging equal treatment of the national song and anthem.
- The Union government argued that while both deserve **equal respect**, only the national anthem enjoys **legal protection** under the **Prevention of Insults to National Honour Act, 1971**, which criminalises disruptions to the anthem but provides no parallel regime for the national song.
- This distinction underscores the enduring legal separation between the two symbols.

Contemporary Revival of the Controversy: Symbolic Politics or Constitutional Engineering?

- The renewed parliamentary debate is striking because **the issue was conclusively settled** both in 1937 and during constitution-making.
- One explanation for its revival lies in **symbolic politics**, where invoking Vande Mataram allows contemporary leaders to present themselves as champions of nationalism while indirectly questioning the judgment of earlier figures such as **Patel, Nehru, and Gandhi**.
- Selective memory transforms a nuanced historical decision into a simplistic narrative of compromise.
- A second possibility is the intention to **elevate the national song's legal status**.
- Proposals to create a new fundamental duty to respect Vande Mataram suggest the potential to **reshape national symbols** without constitutional amendment, echoing procedural strategies used in other policy domains.

- Such a move could eventually facilitate the introduction of a **new national anthem** or alter the established symbolic framework of the Republic.

Conclusion

- The evolution of Vande Mataram demonstrates how national symbols must adapt to pluralistic realities.
- Leaders such as **Nehru, Patel, Gandhi, and Rajendra Prasad** acted not out of hesitation but out of a commitment to **inclusive nationalism**.
- By respecting the song while choosing an anthem aligned with India's secular ethos, the Constituent Assembly safeguarded national unity.
- True patriotism lies in recognising the **historical complexity** of national symbols and preserving the **pluralistic balance** that has shaped India's democratic identity.

The National Song Debate, A Reading Between the Lines FAQs

Q1. Why did the Congress Working Committee in 1937 adopt only the first two stanzas of Vande Mataram?

Ans. The Congress Working Committee adopted only the first two stanzas because they were inclusive and avoided the religious imagery that some communities found objectionable.

Q2. What role did the Constituent Assembly play in deciding India's national anthem?

Ans. The Constituent Assembly selected Jana Gana Mana as the national anthem after evaluating several options.

Q3. Why does Vande Mataram not have the same legal status as the national anthem?

Ans. Vande Mataram does not have the same legal status because the Constitution does not mention a national song, and no law provides it legal protection.

Q4. How did the government justify treating the anthem and the national song differently in court?

Ans. The government justified the difference by citing the Prevention of Insults to National Honour Act, which protects only the national anthem.

Q5. What concern arises from reviving the controversy around Vande Mataram today?

Ans. The concern is that the renewed debate could be used to reshape national symbols for political purposes.

Source: **The Hindu**

A Verdict That is an Abdication of Judicial Function

Context

- The Supreme Court's judgment in the **16th** Presidential Reference has attracted both criticism and praise. The debate centres on whether the Court should fix timelines for high constitutional authorities such as the President, Governors, and Speakers.
- The judgment emphasises strict adherence to the written Constitution, avoiding judicial innovation where the text is silent.

- However, critics argue that this reflects a reluctance to exercise the Court's broader constitutional duty—interpreting the Constitution in a manner suited to present-day realities.
- Such judicial restraint, they warn, weakens the Court's role as a guardian of constitutional accountability.
- The Constitution does not prescribe **timelines** for many crucial functions of constitutional authorities.
 - A key example is the Speaker's quasi-judicial role under the **Tenth Schedule**, where they decide disqualification cases due to defection.
 - Despite the importance of these decisions, no time limits have been specified, often leading to long delays and political misuse.
- This article highlights how the Supreme Court's judgment in the 16th Presidential Reference has raised serious concerns about judicial restraint, constitutional accountability, and the misuse of constitutional silences by authorities such as Governors and Speakers.

The Lack of Timelines Creates a Constitutional Anomaly

- The absence of fixed timelines for key constitutional actions has produced a serious anomaly.
- Legislatures have a fixed five-year term, yet defection cases under the Tenth Schedule can remain undecided until the term expires — allowing defecting legislators to escape consequences entirely. This undermines the very purpose of the anti-defection law.
- Similar issues arise with Governors withholding assent or delaying action on Bills.
- While Governors may return a Bill for reconsideration, they cannot indefinitely sit on legislation and effectively block laws without justification.
- Such inaction **contradicts the Constitution's design**, as only courts — not Governors — have the authority to invalidate legislative or executive acts.

The Irony in the Supreme Court's Verdict

- The Supreme Court's decision in the Presidential Reference ironically strengthens the very problem it was expected to resolve.
- By refusing to impose timelines on constitutional authorities — particularly Governors — the Court held that since **Article 200** contains no explicit timeline, none should be read into it.
- This effectively legitimises Governors indefinitely withholding assent to Bills, allowing them to stall laws passed by elected Assemblies.
- In doing so, the Court not only ceded ground to the executive but also failed to recognise how **constitutional silence** can be misused to undermine democratic functioning.

A Missed Opportunity to Uphold Constitutional Morality

- The judgment also overlooks the doctrine of constitutional morality — a principle championed by Dr. B.R. Ambedkar in 1948.
- He urged that constitutional morality must guide those interpreting and operating the Constitution so that its spirit prevails even where the text is silent.
- In recent years, courts have invoked **constitutional morality** to advance progressive values in cases such as **Sabarimala** (women's entry) and **LGBTQIA+**

- Here, however, the Court declined to use that interpretive tool, missing an opportunity to protect the Constitution from misuse and ensure that its foundational ideals are upheld.

Ambedkar's Warning and the Costs of Judicial Hesitation

- B.R. Ambedkar had cautioned that a Constitution could be subverted not by changing its text but by altering the form of administration.
- His warning is strikingly relevant today: Speakers delaying defection rulings and Governors withholding assent to Bills beyond the Assembly's tenure exemplify how constitutional processes can be distorted without formally breaking the law.
- Ambedkar recognised that not every administrative detail could be written into the Constitution.
- Instead, he placed trust in future courts and institutions to uphold constitutional morality and protect the spirit of the document.
- Yet, the Supreme Court's reluctance to mandate timelines for constitutional authorities undermines this very trust.
- By refusing to interpret constitutional silences in a way that prevents misuse, the Court risks enabling outcomes that contradict the Constitution's purpose and democratic ideals.
- This moment serves as a reminder that constitutional morality — the principle Ambedkar saw as essential for the Republic's future — remains far from fully realised in India's political and administrative culture.

A Verdict That is an Abdication of Judicial Function FAQs

Q1. Why is the Supreme Court's judgment in the Presidential Reference controversial?

Ans. The judgment avoids prescribing timelines for constitutional authorities, which critics say weakens judicial oversight and allows misuse of constitutional silence in today's political context.

Q2. How does the lack of timelines create a constitutional anomaly?

Ans. Without deadlines, Speakers and Governors can indefinitely delay decisions—letting defectors avoid punishment and enabling Governors to block Bills passed by elected legislatures.

Q3. What irony does the Supreme Court's verdict reveal?

Ans. By refusing to read timelines into Article 200, the Court inadvertently empowers Governors to stall legislation, undermining democratic functioning instead of protecting it.

Q4. How is constitutional morality relevant to this issue?

Ans. Ambedkar urged that constitutional morality guide interpretation, ensuring the Constitution's spirit prevails. Critics argue the Court ignored this tool, missing a chance to curb misuse.

Q5. What warning from Ambedkar is echoed in this situation?

Ans. Ambedkar warned that Constitutions are subverted not by text changes but by administrative practices. Delays by Speakers and Governors exemplify such constitutional perversion today.

Source: TH

