

# **INDIA: Witnesses may challenge SC anthem order**

*The latest move by the Jehovah's Witnesses will seek to overturn the apex court's order on November 30, 2016, that all cinema halls in India would play the national anthem before the feature film starts.*

By Maneesh Chhibber

Indian Express (09.01.2017) – <http://bit.ly/2iffcL> – OVER 30 years ago, a college professor in Kerala, who belonged to the Jehovah's Witnesses sect, knocked at the doors of the highest court in India on behalf of his children, citing religion as the reason to safeguard their right to not sing the national anthem at school.

Next month, when a Supreme Court bench headed by Justice Dipak Misra restarts hearing petitions on its order last year on national anthems in cinema halls, the Jehovah's Witnesses may again be at the forefront in challenging that decision.

On August 11, 1986, the Supreme Court had allowed Emmanuel's plea and held that forcing the children to sing the national anthem at school violated their fundamental right to religion.

The latest move by the Jehovah's Witnesses will seek to overturn the apex court's order on November 30, 2016, that all cinema halls in India would play the national anthem before the feature film starts. This order also made it mandatory for all present in the hall "to stand up to show respect to the national anthem" as part of their "sacred obligation".

This time, it's learnt that representatives of Jehovah's Witnesses, including a US-based general counsel, are in the process of finalising a detailed application to be filed shortly in Supreme Court, which will restart hearings on February 14.

Among other things, the sect plans to seek the court's intervention in ordering that its followers won't have to stand up for the anthem in movie theatres. The sect hopes to convince the court that while it respects the national anthem and the flag, its religious beliefs prevent members from standing up for or singing the anthem.

The organisation has already secured relief on behalf of the sect on various issues in several countries, including saluting the flag and/or singing a country's national anthem.

"Our patriotism can never be in doubt. But even standing for the national anthem is not allowed in our religion. Courts in several other countries have accepted our pleas on this count. The fact that we are looking to contest the court's order doesn't mean that we don't respect our flag or our anthem. We hope to convince the court about that, like we have done in other countries, including the US and Canada," said sources linked to the sect's move.

When contacted, former Union law minister and senior advocate Kapil Sibal confirmed that he has been approached by representatives of the sect in this regard.

"They informed me that their religious views don't allow them to even stand up when the anthem is played. Their stand is that this doesn't mean they will ever do anything to disrespect any country's flag or anthem. These are issues of significant Constitutional importance," Sibal told The Indian Express.

Jehovah's Witnesses is a Christianity-based evangelical sect, which bases its beliefs solely on the text of the Bible. The

group does not celebrate Easter or Christmas and believes that traditional Churches have deviated from the text of the Bible.

However, the sect is not considered a part of mainstream Christianity because it also rejects the doctrine of the Holy Trinity.

In the 1986 case, the Supreme Court bench had ruled in favour of the Jehovah's Witnesses family. "Our tradition teaches tolerance, our philosophy teaches tolerance, our Constitution practices tolerance, let us not dilute it," the bench had said.

It had also noted that there was "no provision of law", which "obliges" anyone to sing the national anthem.

However, the bench of Justice Misra, in its order last year, had said that "a time has come" when "citizens of the country must realise that they live in a nation and are duty bound to show respect to the National Anthem, which is the symbol of Constitutional patriotism and inherent national quality".

On December 9, the bench clarified its order to state that "if a physically challenged person or physically handicapped person goes to the cinema hall to watch a film, he need not stand up, if he is incapable to stand, but must show such conduct which is commensurate with respect for the national anthem".

The order has drawn widespread criticism, with renowned jurist Soli Sorabjee terming it as an example of "judicial overreach".

In 1986, armed with the Supreme Court order, Emmanuel got his and other children from Jehovah's Witnesses re-admitted in the NSS High School at Kidangoor in Kottayam district, 4 km from their village Kadaplamattom near Pala. The school run by the Hindu organisation, Nair Service Society, had 11 students from the sect, at the time.

After sitting in the classes for a day, the Emmanuel children left school. Some of the other children from the sect moved to other schools.

Emmanuel decided not to have formal education for his other four children, either. None of his eight grandchildren, who study in various schools, sings the national anthem.

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