

CENTRAL INFORMATION COMMISSION

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CIC/SA/A/2016/001453

Harinder Dhingra v. PIO, MoEF

RTI request: 15.12.2015
First Appeal: Nil
Second Appeal: 2.6.2016
Date of Hearing: 19.12.2016
Date of decision: 27.12.2016

Appellant: Mr. Tarun Dhingra on behalf of the appellant is present

Public authority: Mr. Vaibhav C. Mathur, PIO, Asst. Inspector General of Forest, National Tiger Conservation Authority present.

Request for information

1. The appellant Mr. Harinder Dhingra filed a RTI request with PMO's Office in 2015 asking for the certification of the following along with the copies of relevant files:

- a. that Jana Gana Mana is the national anthem
- b. that Vande Mataram is the national song
- c. that Tiger is the national animal
- d. that peacock is national bird
- e. that lotus is national flower, and
- f. that hockey is the national game.

Response: Transferring application

3. Ministry of Environment, Forest and Climate Change, National Tiger Conservation Authority vide their letter dated 31.12.2015 replied to the questions of the applicant that:

Sl. No.	Question	Answer/Reply
1.	Kindly certify whether Jan Gan Man is the National Anthem of India.	Information sought by you does not pertain to this Authority.
2.	Kindly provide the certified copy of complete file in which "Jan Gan Man" was declared as a National Anthem of India.	

3.	Kindly certify whether Vande Mataram is the National Song of India.	
4.	Kindly provide the certified copy of complete file in which "Vande Mataram" song was declared as a National Song of India.	
5.	Kindly certify whether Tiger is the National Animal of India.	Transferred to the CPIO, Wildlife Division, MoEF&CC, New Delhi, under rule 6 (3) of RTI Act, 2005.
6.	Kindly provide the certified copy of complete file in which "Tiger" was declared as a national Animal of India.	
7.	Kindly certify whether peacock is the National Bird of India.	Information sought by you does not pertain to this Authority.
8.	Kindly provide the certified copy of complete file in which peacock was declared as a National Bird of India.	
9.	Kindly certify whether Lotus is the National Flower of India.	
10.	Kindly provide the certified copy of file in which lotus was declared as a National Flower of India.	
11.	Kindly certify whether Hockey is the National Game of India.	
12.	Kindly provide the certified copy of complete file in which Hockey was declared as a National Game of India.	

4. There was a spurt of transfers without any iota of information. First, the office of PMO ignored first two parts of RTI question (about national anthem), transferred points c, d and e to the Ministry of MoEF relating to tiger, peacock and lotus. The PIO of MoEF transferred the RTI application for information on aspect of tiger to CPIO, Wildlife division, MoEF. It has forwarded to National Tiger Conservation Authority (NTCA) and the CPIO of NCTA stated that it was again transferred to CPIO, Wildlife Division for information on tiger. According to NTCA officer the "national anthem and national song do not pertain to their authority". The first appellate authority considered that information was provided in time.

5. During hearing of second appeal, the Asst Inspector-in-General, of National Tiger Conservation Authority Dr. Vaibhav C. Mathur has reiterated this stand. It is surprising to know that on these national aspects the CPIOs of all high offices simply passed it on to the others without application of mind.

6. Interestingly, the PMO ignored national anthem related questions and the MoEF does not have anything to say about tiger and peacock being given national status. They ask National Tiger Conservation Authority to tell about peacock and lotus! More surprisingly the Additional Inspector General of Tiger Authority of NCTA says his office does not have any knowledge about conferring national status to the tiger. And, he sends it back to another wing of MoEF, (Wild Life Division) who did not respond at all.

7. The apex bodies of administration of the Central Government dealt with this RTI request in such a routine procedural manner with all their red-tape building heaps of files but giving nothing. Besides red tape, shirking the responsibility and washing off hands are biggest obstructions to access to the information.

Missing records

8. It is quite pathetic to know that MoEF does not have official records regarding the national animal, national bird and national flower. It reflects the condition of maintenance of records. After lot of questioning and arguments, Dr. Vaibhav C. Mathur produced a letter dated 30.05.2011, claiming to have received it today itself. On the direction of the Commission, its copy was given to the appellant. Interestingly, in this letter Mr. Jagdish Kishwan, Additional Director of Forest & Wildlife and Director of Wildlife Preservation, claimed that the tiger and peacock were notified as national animal and national bird respectively but the **said notifications were not forthcoming on the records of MoEF for quite some time**. This letter also says that "the MoEF hereby re-notifies the tiger as national animal and peacock as national bird of India". The MoEF lost those significant records and only because of this RTI application, it **re-notifies the national status to tiger and peacock**. Surprisingly again, this Director does not refer to national flower lotus. He did not choose to inform anything about lotus, whether notified earlier, availability of files or did they re-notify the national status to lotus flower. He did not even transfer it.

9. Neither the PMO nor the MoEF replied about the national anthem and national song. This silence gives rise to doubts whether the Union Government has *any records about Jana Gana Mana* and Vande Mataram.

10. It is relevant to recall the judgment of Honourable Supreme Court in ***Shyam Narayan Chouksey v Union of India***, (on November 30, 2016) found it 'imperative' to honour and respect the national anthem and national song. It described it as part of their sacred obligation. The Bench said: **"a time has come, the citizens of the country must realize that they live in a nation and are duty bound to show respect to National Anthem, which is the symbol of the constitutional patriotism and inherent national quality."**

Hundred years of history

11. On December 27, 2011, our National Anthem completed 100 years. Written by Rabindra Nath Tagore in Bengali, it was first sung on December 27, 1911 in the Calcutta [Now Kolkata] session of Indian National Congress. The building, where plenary session of Congress was held is called Bharat Sabha. It is on Bowbazar Street. That building still stands and is the silent reminder of that historical event. Rabindranath Tagore wrote 5 stanzas of the song, which is basically a Brahmo Hymn . Only the first stanza was adopted by the Constituent Assembly as the National Anthem on January 24, 1950. (source: <https://mevidur.wordpress.com/tag/theosophical-college-madanapalle>) All the 5 stanzas with the English translation by Rabindranath Tagore are given below:

1. Jano Gano Mano Adhinaayako Jayo Hey, Bhaaratō Bhaagyo Bidhaataa
Panjaabo Sindhu Gujaraato Maraathaa, Draabiro Utkalo Bango
Bindhyo Himaachalo Jamunaa Gangaa, Uchchhalo Jalodhi Tarango
Tabo Shubho Naamey Jaagey, Tabo Shubho Aashisho Maagey
Gaahey Tabo Jayogaathaa
Jano Gano Mangalo Daayako, Jayo Hey Bhaaratō Bhaagyo Bidhaataa
Jayo Hey, Jayo Hey, Jayo Hey, Jayo Jayo Jayo, Jayo Hey

***[Thou art the ruler of the minds of all people, Dispenser of India's destiny,
Thy name rouses the hearts of Punjab, Sindh, Gujarat & Maratha, of the Dravida
and Orissa and Bengal,
It echoes in the hills of the Vindhya and Himalayas, mingles in the music of
Jamuna and Ganges,
And is chanted by the waves of the Indian Sea. They pray for thy blessings and
sing thy praise,
The saving of all people waits in thy hands,
Thou dispenser of India's destiny,
Victory, Victory, Victory to thee.]***

2. Ohoroho Tobo Aahbaano Prachaarito, Shuni Tabo Udaaro Baani
Hindu Bauddho Shikho Jaino, Parashiko Musholmaano Christaani

Purabo Pashchimo Aashey,Tabo Singhaasano Paashey
Premohaaro Hawye Gaanthea
Jano Gano Oikyo Bidhaayako Jayo Hey,Bhaarato Bhaagyo Bidhaataa
Jayo Hey, Jayo Hey, Jayo Hey,Jayo Jayo Jayo, Jayo Hey

***[Day and night, thy voice goes out from land to land,
calling the Hindus, Buddhists, Sikhs and Jains round thy throne and the
Parsees, Mussalmans and Christians.
Offerings are brought to thy shrine by the East and the West
To be woven in a garland of love.
Thou bringest the hearts of all people into the harmony of one life,Thou
Dispenser of India's destiny,
Victory, Victory, Victory to thee."]***

3. Potono Abhbhudoy Bandhuro Ponthaa,Jugo Jugo Dhaabito Jaatri
Hey Chiro Saarothi, Tabo Ratha Chakrey Mukhorito Potho Dino Raatri
Daaruno Biplabo Maajhey,Tabo Shankhodhwoni Bajey
Sankato Dukkho Traataa
Jano Gano Potho Parichaayako,Jayo Hey Bhaarato Bhaagyo Bidhaataa
Jayo Hey, Jayo Hey, Jayo Hey,Jayo Jayo Jayo, Jayo Hey

***[The procession of pilgrims passes over the endless road, rugged with the rise
and fall of nations;
and it resounds with the thunder of thy wheel. Eternal Charioteer!
Through the dire days of doom thy trumpet sounds, and men are led by thee
across death.
Thy finger points the path to all people.
Oh dispenser of India's destiny!
Victory, victory, victory to thee.]***

4. Ghoru Timiro Ghono Nibiro,Nishithey Peerito Murchhito Deshey
Jagrato Chhilo Tabo Abicholo Mangalo,Noto Nayoney Animeshey
Duhswapney Aatankey,Rokkhaa Koriley Ankey
Snehamoyi Tumi Maataaa
Jano Gano Duhkho Trayako,Jayo Hey Bhaarato Bhaagyo Bidhaataa
Jayo Hey, Jayo Hey, Jayo Hey,Jayo Jayo Jayo, Jayo Hey

***[The darkness was dense and deep was the night; my country lay in a deathlike
silence of swoon.
But thy mother arms were round her and thine eyes gazed upon her troubled
face
in sleepless love through her hours of ghastly dreams.
Thou art the companion and the saviour of the people in their sorrows,
thou dispenser of India's destiny!
Victory, victory, victory to thee.]***

5. Raatri Prabhatilo Udilo Rabichhabi, Purbo Udayo Giri Bhaaley
Gaahey Bhangamo Punyo Samirano, Nabo Jibano Rasho Dhaley
Tabo Karunaaruno Ragey,Nidrito Bhaarato Jagey
Tabo Chorone Noto Maatha
Jayo Jayo Jayo Hey, Jayo Rajeshwaro, Bhaarato Bhaagyo Bidhaataa
Jayo Hey, Jayo Hey, Jayo Hey,Jayo Jayo Jayo, Jayo Hey

***[The night fades; the light breaks over the peaks of the Eastern hills,
the birds begin to sing and the morning breeze carries the breath of new life.***

***The rays of the mercy have touched the waking land with their blessings.
Victory to the King of Kings,
victory to thee, dispenser of India's destiny.
Victory, victory, victory to thee.]***

12. English translation of Jana Gana Mana, Morning Song of India, in Rabindranath's own handwriting is also available in <http://satyashodh.com/janaganaman/index.htm> Date Feb 28, 1919.

13. Print media traced the history: on December 27, 1911 Jana Gana Mana was rendered as a song at the annual session of the Indian National Congress in Kolkata. It was published in the Bengali journal Tatwabodini in January 1912, titled Bharat Bidhata and was classified as Brahma Sangeet.

14. The relevant portion of the official report of the 26th Session of the Congress reads: The proceedings commenced with a patriotic song composed by Babu Rabindranath Tagore. On Jan 25, 1912 Jana Gana Mana was sung the second time in a programme at the Maharshi Bhavan in Kolkata under the guidance of Rabindranath himself.

15. Yet another session of the Congress was held in Kolkata in 1917. On the third day, Dec 28, Jana Gana Mana was again sung. The official report of the Congress thus quoted Deshbandhu Chittaranjan Das "Brother delegates, at the very outset I desire to refer to the song which you have just listened to, it is a song of the glory and victory of India." (source: <http://timesofindia.indiatimes.com/city/bengaluru/Was-Jana-Gana-Mana-in-praise-of-George-V/articleshow/32609087.cms>)

16. Web sources and Wikipedia brought out some more details about our anthem: Poet Rabindranath Tagore, in 1919, spent some days at the Theosophical College, Madanapalle, (now in Andhra Pradesh) and sang **Jana Gana Mana** at the function there. The college authorities, greatly impressed by the lofty ideals of the song, selected it as their prayer song. In the days that followed, enchanted by the dreamy hills of Madanapalle, Tagore wrote down the English translation of the song and along with Cousins' wife, Margaret (an expert in Western music), set down the notation which is followed till this day. The song was carried beyond the borders of India by the college students and became

the **Morning Song of India** and subsequently the first stanza in Bengali was adopted as the *National Anthem of India*. Source: [https://en.wikisource.org/wiki/The Morning Song of India](https://en.wikisource.org/wiki/The_Morning_Song_of_India).

17. Many irresponsible texts are being circulated in the social media creating doubts and controversies like Jana Gana Mana was originally sung in praise of George V or that it was adjudged as best national anthem in the world recently etc. Though the websites like 'satyashodh' are offering evidences to dispel these hoax and irresponsible statements, very less percentage of browsers have access to these well-researched and substantiated articles. In his article on "100 years of our National Anthem: Jana Gana Mana, posted on December 29, 2011 by VIDUR (Kamal Nayan Chaturvedi) stated:

It is unfortunate that our National Anthem is mired in controversies. The poem was composed in December 1911, precisely at the time of the Coronation Durbar of George V, and "Bharat Bhagya vidhata" and "Adhinayaka" is considered by some to be in praise of King George V and not God. The composition was first sung during a convention of the then loyalist Indian National Congress in Calcutta on Dec. 26, 1911. It was sung on the second day of the convention, and the agenda of that day devoted itself to a loyal welcome of George V on his visit to India. The event was reported thus in the British Indian press: On December 28, 1911 the media reported that "the Bengali Poet Rabindranath Tagore sang a song composed by him specially to welcome the Emperor." (*Statesman, Englishman, Indian*)

Many historians aver that the newspaper reports cited above were misguided. The confusion arose in British Indian press since a different song, "Badshah Humara" written in Hindi by Rambhuj Chaudhary, was sung on the same occasion in praise of the monarch. The nationalist Indian press stated this difference of events clearly:-

"The proceedings of the Congress party session started with a prayer in Bengali to praise God (song of benediction). This was followed by a resolution expressing loyalty to King George V. Then another song was sung welcoming King George V." (Amrita Bazar Patrika, Dec.28,1911)

"The annual session of Congress began by singing a song composed by the great Bengali poet Ravindranath Tagore. Then a resolution expressing loyalty to King George V was passed. A song paying a heartfelt homage to King George V was then sung by a group of boys and girls." (The Bengalee, Dec. 28, 1911)

Janagana Mana & Vande Matharam

18. In the back drop of these controversies some sections of people raised questions against making Janagna Mana national anthem instead of Vande Mataram. They argued that Vande Mataram is the real national anthem as opposed to Jana Gana Mana. If one considers the true meaning, then Vande Mataram is the national anthem," But the sentiments in Jana Gana Mana have been expressed keeping the state in view, however, the sentiments expressed in Vande Mataram denote the nation's character and style. This is the difference between the two songs. Both deserve respect, 'Vande Mataram', literally, "I praise thee, Mother", is a poem by Bankim Chandra Chattopadhyay. A hymn to the 'Mother Land', it played a vital role in the Indian independence movement. During the pre-Independence days such religious sentiments were introduced into the demands for national anthem. While some said that Vandematharam song was anti-Muslim, the leaders explained how it was not so. Gandhi and Nehru clarified with their profound statements. In an article in *Harijan* dated July 1, 1939, Mahatma Gandhi wrote:

"...No matter what its source was and how and when it was composed, it had become a most powerful battle cry among Hindus and Musalmans of Bengal during the partition days. It was an anti-imperialist cry. As a lad, when I knew nothing of *Anandamath* or even Bankim, its immortal author, *Vande Mataram* had gripped me, and when I first heard it sung it had enthralled me. I associated the purest national spirit with it. It never occurred to me that it was a Hindu song or meant only for Hindus... It stirs to its depth the patriotism of millions in and outside Bengal. Its chosen stanzas are Bengal's gift among many others to the whole nation."

19. Jawaharlal Nehru spoke eloquently before the legislative committee of the Constituent Assembly on August 25, 1948:

"It is unfortunate that some kind of argument has arisen as between *Vande Maaram* and *Jana Gana Mana*. *Vande Mataram* is obviously and indisputably the premier national song of India, with a great historical tradition, and intimately connected with our struggle for freedom. That position it is bound to retain and no other song can displace it. It represents the position and poignancy of that struggle, but perhaps not so much the culmination of it. In regard to the national anthem tune, it was felt that the tune was more important than the words... It seemed therefore that while *Vande Mataram* should continue to be the national song par excellence in India, the national anthem tune should be that of *Jana*

Gana Mana, the wording of *Jana Gana Mana* to be suitably altered to fit in with the existing circumstances.”

20. It was also criticised that Vandematharam was accorded second status, that too after editing several parts of full song only to accommodate Muslim sentiments. But the literature shows both of these songs were edited and only first portions were recognized as national songs. Finally this was set at rest in the Constituent Assembly on 24th January 1950. The makers of Indian Constitution have accorded equal status to both Janagana Mana and Vandematharam, first was made national anthem and second the national song. Honourable Rajendra Prasad in the Chair at Eleven of the Clock, made following STATEMENT RE: NATIONAL ANTHEM

Mr. President: There is one matter which has been pending for discussion, namely the question of the National Anthem. At one time it was thought that the matter might be brought up before the House and a decision taken by the House by way of a resolution. But it has been felt that, instead of taking a formal decision by means of a resolution, it is better if I make a statement with regard to the National Anthem. Accordingly I make this statement.

The composition consisting of the words and music known as Jana Gana Mana is the National Anthem of India, subject to such alterations in the words as the Government may authorise as occasion arises; and the song Vande Mataram, which has played a historic part in the struggle for Indian freedom, shall be honoured equally with Jana Gana Mana and shall have equal status with it. (Applause). I hope this will satisfy the Members. (Source <http://parliamentofindia.nic.in/ls/debates/vol12p1.htm>)

21. It is significant to note that at the end of the day, the leaders signed the Constitution and rendered both Jana gana mana and Vande Matharam. (Source The proceedings of Constituent Assembly on 24th January 1950, CAD Volume XII <http://parliamentofindia.nic.in/ls/debates/vol12p1.htm>).

22. All this necessitates an official dossier from the Government of India, based on thorough research of records in response to this RTI question to provide an authentic answer to doubts and to remove misunderstandings among the people about Jana Gana Mana. In the backdrop of confusion created by the social media

propaganda of unauthentic statements, nation needs comprehensive authentic information about their national anthem and national song.

23. It is important to prevent possible adverse impact of these controversies denting the respect of the people. The Supreme Court was very apprehensive of such practices disrespectful to our national anthem, because of which it has prescribed certain obligations in their recent judgment.

24. Article 51(A) (a) of the Constitution states:

...it shall be the duty of every citizen of India to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem.....

25. The Prevention of Insults to National Honour Act, 1971, also deals with the citizen's duty to respect for the national anthem. Earlier in *Bijoe Emmanuel v. State of Kerala*, AIR 1987 SC 748 the Supreme Court wanted people to respect the national anthem when it was singing, except when a particular religion does not allow them to join in singing. In that case the apex court upheld freedom of a school going child not to join the singing of national anthem in school but did not resort to 'deliberate insult'. There must be a strong reason for not joining the singing. These two orders of apex court coupled with Article 51A of the Constitution and Act of 1971 castes a duty upon the citizens to respect the national anthem/song and on the governments to inspire the people to respect the national symbols. To instil respect for the national anthem, the Union Government should do all that they could to educate people about the historical importance, significant reasons for declaring it as national anthem. The non-response by PMO and MoEF to request for information about national anthem and song is not proper and legal. It is the breach of the Right to information of the people about their national anthem *Jana gana mana* and national song *Vandemataram*. Before punishing the people for not standing/respecting the national anthem, they should be informed its greatness.

26. In view of this, it is imperative for the Government of India, especially the office of PM and MoEF to gather the historical evidences to explain the significance of the national anthem, national song, national animal, bird and

flower besides national game. If such information is authentically collected, researched and presented, it will go a long way to restore the respect of the people towards this 'nationalism' and remove the misnomers. This will instil real patriotism.

27. The Commission directs the CPIO of MoEF to provide entire information along with the copies of the files pertaining to conferring national status to animal, bird and flower, without further transferring the RTI application in bits and pieces to different Departments. The Commission cannot approve and will not take the pathetic defence of the MoEF that records were lost.

28. The Commission remands the first two questions of the RTI application back to the CPIO of PMO with a direction to initiate fresh efforts to find out the historical facts about these two inspiring songs- *Jana Gana Mana* and *Vande Matharam* and status accorded to them to place facts before the nation and dispel widespread misnomers about them in larger public interest, as that is a national necessity to address the patriotic and secular sentiments of the people of India.

29. The Commission directs the CPIO of MoEF to collect information from its various wings to give complete information about national status accorded to animal, bird and flower along with relevant documents. The Commission requires the MoEF to enquire into the loss of records of notification of national animal and national bird.

30. Similarly the Commission noticed that there is lack of official information about national sport of India. Media reported that a ten year old girl wanted to know what was our official sports and she found from responses to her RTI requests that hockey was not national sport. Then, which is the national sport? The Commission directs the MoEF to transfer the sports part of RTI question to Ministry of Sports, which is hereby directed to inform the appellant about the details of India's national sport with certified copies of relevant records. All the information shall be furnished to the appellant in two months from date of receipt of this order.

Sd/-

(M. Sridhar Acharyulu)
Central Information Commissioner

Authenticated true copy

(Dinesh Kumar)
Deputy Registrar

Copy of decision given to the parties free of cost.

Addresses of the parties:

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