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PUCL Condemns Attempt to Tar TM Krishna as a Naxalite

The PUCL takes strong objection to the remark by the Solicitor General, Tushar Mehta made today in the SC during the hearing of the SLP filed by T.M. Krishna challenging the amendment to the Prevention of Insults to the National Honour Act giving 'National Song' the same protection as the 'National Anthem', as well as the Centre's circulars mandating the singing of the six stanzas of Vande Mataram, which include devotional hymns to deities, at official functions.

The Solicitor General in response to Senior Advocate Dr. S. Muralidhar's argument that the amendment was hastily passed without sufficient thought responded by stating that, "*Law-making is as per the Constitution. Law-making cannot be as per the Naxalites idea.*".

Dr. Muralidhar took objection to the statement and requested that it be withdrawn, upon which the Solicitor General refused to withdraw the expression. The Bench seemed to push back against this approach by the Solicitor General as Justice Bagchi is reported to have said, "*Even if you label someone as Naxalite, he does not lose the Constitutional rights*".

As the 2nd highest law officer of the Union Government, the Solicitor General of India is expected to maintain decorum in the court and advance arguments on constitutional principles of law and not by calling names and labelling persons as one or the other. Such arguments are most unbecoming of an officer of the court and it lowers the standard of arguments and the dignity of the highest court of this country.

The PUCL notes that it has become staple argument of the Union Government to characterise any opinion contrary to its stand – irrespective whether it is a dissenting opinion, critical remark or opposing stand - as 'Naxalite', thereby seeking to delegitimise both the opinion as well as the person putting forward the opinion.

T. M Krishna, who the Solicitor General seeks to delegitimise, is an eminent exponent of Carnatic music who has recently authored a well-received book on India's national symbols titled, '*We the people of India*'. The book itself archives the often unknown history underlying the national flag, the national song, the national anthem as well as the national emblem.

T. M. Krishna is also a renowned public intellectual whose writings have been collected in a book titled the '*The spirit of inquiry: Notes of dissent*'. In a foreword, Pratap Bhanu Mehta, characterises T.M Krishna as 'one of the most incandescent and luminous artistic voices of our generation', whose essays 'stand against the three biggest political evils of our time: authoritarianism, communalism and inequality'. To characterise someone who is so deeply invested in the 'idea of India' as a Naxalite is nothing other than an attempt to browbeat and silence constitutional speech.

The PUCL is of the opinion that the Solicitor General must not seek to shut down all opinions which seek to criticize the Union Government. To do so by the strategy of name calling does not behove his high constitutional office and is actually against core constitutional principles of free speech, dissent and democracy.

What this incident lays bare is not TM Krishna's allegiance or commitment to the Indian Constitution, for it is because of his faith in it that he has approached the Supreme Court of India. What is being tested is the commitment of the Solicitor General of India and the SC itself, to the Constitution

We stand with Dr. S. Muralidhar and TM Krishna and so must all democratically minded citizens.

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Kavita Srivastava , President PUCL.

V. Suresh, General, Secretary PUCL