

ॐ नमो भगवते वासुदेवाय

18/11/17

Circular No. 19/2016

No.O-21030/05/2016-Coord Part-I
Government of India
Ministry of Finance
Department of Revenue

New Delhi, dated 30th December, 2016

OFFICE MEMORANDUM

Subject : Orders relating to the National Anthem of India.

The undersigned is directed to enclose a copy of Ministry of Home Affairs' circular No. 14/6/2016-Public dated 6th December, 2016 for information and necessary action/compliance.

Encl: As above

Narendra Kumar
26/12/2016

(Narendra Kumar)
Under Secretary(Coord)
Telefax No. : 23095539

All officers/sections of Department of Revenue

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(Surenendra Singh)
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No. 14/6/2016-Public
Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralaya
Public Section

07 DEC 2016

North Block, New Delhi-1
Dated the 06th December, 2016

To,

The Chief Secretaries of all State Governments,
The Chief Secretaries/Administrators of all Union Territories.

Subject:- Orders relating to the National Anthem of India.

Sir/Madam,

I am directed to enclose a copy of the Hon'ble Supreme Court's Order dated 30.11.2016 delivered in the Writ Petition (Civil) No. 855 of 2016 on the above subject. The Hon'ble Supreme Court in the above said Order has directed as follows:-

- (a) There shall be no commercial exploitation to give financial advantage or any kind of benefit. To elaborate, the National Anthem should not be utilized by which the person involved with it either directly or indirectly shall have any commercial benefit or any other benefit.
- (b) There shall not be dramatization of the National Anthem and it should not be included as a part of any variety show. It is because when the National Anthem is sung or played it is imperative on the part of every one present to show due respect and honour. To think of a dramatized exhibition of the National Anthem is absolutely inconceivable.
- (c) National Anthem or a part of it shall not be printed on any object and also never be displayed in such a manner at such places which may be disgraceful to its status and tantamount to disrespect. It is because when the National Anthem is sung, the concept of protocol associated with it has its inherent roots in National identity, National integrity and Constitutional Patriotism.
- (d) All the cinema halls in India shall play the National Anthem before the feature film starts and all present in the hall are obliged to stand up to show respect to the National Anthem.
- (e) Prior to the National Anthem is played or sung in the cinema hall on the screen, the entry and exit doors shall remain closed so that no one can create any kind of disturbance which will amount to disrespect to the National Anthem. After the National Anthem is played or sung, the doors can be opened.

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(f) When the National Anthem shall be played in Cinema Halls, it shall be with the National Flag on the screen.

(g) The abridge version of the National Anthem made by any one for whatever reason shall not be played or displayed.

2. The above is conveyed to you for compliance and necessary action in this regard. You are also requested to give wide publicity in the local print and electronic media so that above Order is followed in letter and spirit.

3. The receipt of this letter may please be acknowledged and action taken in the matter be communicated to this Ministry.

Encl.: As above.

Yours faithfully,



(V.K. Rajan)
Deputy Secretary to the Govt. of India
Tel. 2309 4376

Copy to:-

1. All Ministries/Departments of Government of India.
2. President's Secretariat, Rashtrapati Bhawan, New Delhi.
3. Vice-President's Secretariat, New Delhi.
4. Prime Minister's Office, South Block, New Delhi.
5. Cabinet Secretariat, New Delhi.
6. Election Commission of India, New Delhi.
7. Lok Sabha Secretariat, New Delhi.
8. Rajya Sabha Secretariat, New Delhi.
9. Registrar, Supreme Court of India, New Delhi.
10. All High Courts.
11. Office of Comptroller and Auditor General of India, New Delhi.
12. The Union Public Service Commission, New Delhi.
13. Central Vigilance Commission, New Delhi.
14. NITI Aayog, Yojana Bhawan, New Delhi.
15. All attached & Subordinate Offices of the Ministry of Home Affairs.
16. 20 Spare copies.

संख्या 14/6/2016-पब्लिक
भारत सरकार
गृह मंत्रालय
पब्लिक अनुभाग

नॉर्थ ब्लॉक, नई दिल्ली -1
दिनांक 06 दिसम्बर, 2016

सेवा में,

सभी राज्य सरकारों के मुख्य सचिव/
सभी संघ राज्य क्षेत्रों के मुख्य सचिव/प्रशासक

विषय : भारत के राष्ट्रगान से संबंधित आदेश।

महोदय/महोदया,

मुझे उपर्युक्त विषय पर वर्ष 2016 की रिट वाचिका (सिविल) संख्या 855 में माननीय उच्चतम न्यायालय द्वारा दिये गए दिनांक 30/11/2016 के आदेश की प्रति संलग्न करने का निदेश हुआ है। माननीय उच्चतम न्यायालय ने उपर्युक्त आदेश में निम्नानुसार निदेश दिया है:-

- (क) इसका वित्तीय फायदा अथवा किसी प्रकार का लाभ देने के लिए किसी प्रकार का व्यवसायिक दुरुपयोग नहीं किया जाएगा। स्पष्टतः, राष्ट्रगान का उपयोग इस प्रकार नहीं किया जाएगा कि जिससे प्रत्यक्ष अथवा अप्रत्यक्ष रूप से जुड़े व्यक्ति का किसी प्रकार का व्यवसायिक लाभ अथवा अन्य किसी प्रकार का लाभ हो।
- (ख) राष्ट्रगान का नाट्य रूपांतर नहीं किया जाएगा और इसे किसी वैरायटी शो के भाग के रूप में शामिल नहीं किया जाना चाहिए। ऐसा इसलिए, क्योंकि जब राष्ट्रगान गाया जाता है अथवा बजाया जाता है तो वहां उपस्थित प्रत्येक व्यक्ति के लिए यह अनिवार्य है कि वह इसे यथोचित आदर और सम्मान दे। राष्ट्रगान के नाट्यरूपांतर प्रदर्शन के बारे में सोचना भी पूर्णरूपेण कल्पनातीत है।
- (ग) राष्ट्रगान अथवा इसके किसी भाग को किसी वस्तु पर छपा नहीं जाएगा और उसे कभी भी ऐसे स्थान पर इस प्रकार से प्रदर्शित नहीं किया जाएगा जो इसकी मर्यादा के लिए असम्मानजनक और असम्मान के समतुल्य हो। यह इसलिए, क्योंकि जब राष्ट्रगान गाया जाता है तो इससे संबद्ध प्रोटोकॉल की संकल्पना राष्ट्रीय पहचान, राष्ट्रीय अखंडता और संवैधानिक देशभक्ति की भावना में अंतर्निहित है।

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- (घ) भारत में स्थित सभी सिनेमा हाल फीचर फिल्म प्रारंभ होने से पहले राष्ट्रगान बजाएंगे और हाल में उपस्थित सभी व्यक्ति राष्ट्रगान को सम्मान देने के लिए खड़ा होने के लिए बाध्य हैं।
- (ङ) सिनेमा हाल में पर्दे पर राष्ट्रगान बजाए जाने अथवा गाए जाने से पहले प्रवेश और निकास द्वार बंद रहेंगे ताकि कोई भी व्यक्ति किसी प्रकार की अंशाति न फैला सके जो राष्ट्रगान के प्रति अनम्मान स्वरूप होगी। राष्ट्रगान के द्रज जाने अथवा गाए जाने के पश्चात द्वार खोले जा सकते हैं।
- (च) जब सिनेमा हालों में राष्ट्रगान बजाया जाएगा तो पर्दे पर राष्ट्रीय ध्वज दिखाई देता रहेगा।
- (छ) किसी भी व्यक्ति द्वारा किसी भी कारण से बनाया गया राष्ट्रगान का लघु रूप न तो बजाया जाएगा और ना ही प्रदर्शित किया जाएगा।

2. आपसे अनुरोध है कि माननीय उच्चतम न्यायालय के उपर्युक्त निर्देशों का कड़ाई से अनुपालन सुनिश्चित किया जाए और इस संबंध में आवश्यक कार्रवाई की जाए। आपसे यह भी अनुरोध है कि इसका स्थानीय समाचार पत्रों और इलैक्ट्रॉनिक मीडिया में व्यापक रूप से प्रचार किया जाए ताकि उपर्युक्त आदेश का अक्षरशः पालन किया जा सके।

3. कृपया इस पत्र की पावती दी जाए और की गई कार्रवाई से इस मंत्रालय को अवगत कराया जाए।

संलग्नक - यथोपरि

भवदीय,

वी.के. राजन

(वी.के. राजन)

भारत सरकार के उप सचिव

दूरभाष : 2309 4376

प्रति प्रेषित:-

1. भारत सरकार के सभी मंत्रालय/विभाग।
2. राष्ट्रपति सचिवालय, राष्ट्रपति भवन, नई दिल्ली।
3. उप-राष्ट्रपति सचिवालय, नई दिल्ली।
4. प्रधानमंत्री कार्यालय, साउथ ब्लॉक, नई दिल्ली।
5. मंत्रिमंडल सचिवालय, नई दिल्ली।
6. भारत का निर्वाचन आयोग, नई दिल्ली।
7. लोक सभा सचिवालय, नई दिल्ली।
8. राज्य सभा सचिवालय, नई दिल्ली।
9. रजिस्ट्रार, भारत का उच्चतम न्यायालय, नई दिल्ली।
10. सभी उच्च न्यायालय।
11. भारत के नियंत्रक एवं महालेखापरीक्षक का कार्यालय, नई दिल्ली।
12. संघ लोक सेवा आयोग, नई दिल्ली।
13. केन्द्रीय नतर्कता आयोग, नई दिल्ली।
14. नीति आयोग, योजना भवन, नई दिल्ली।
15. गृह मंत्रालय के सभी संबद्ध और अधीनस्थ कार्यालय।
16. 20 अतिरिक्त प्रतियां।

वी.के. राजन

(वी.के. राजन)

भारत सरकार के उप सचिव

दूरभाष : 2309 4376

of the contents of the petition.

It has been averred in the petition that sometimes National Anthem is sung in various circumstances which are not permissible and can never be countenanced in law. The emphasis is on showing requisite and necessary respect when the National Anthem is sung or played. The assertion is that it is the duty of every person to show respect when the National Anthem is played or recited or sung.

Having heard the learned counsel for the parties and awaiting the reply from the Union of India, as an interim measure, it is directed that the following directions shall be scrupulously followed:-

(a) There shall be no commercial exploitation to give financial advantage or any kind of benefit. To elaborate, the National Anthem should not be utilized by which the person involved with it either directly or indirectly shall have any commercial benefit or any other benefit.

(b) There shall not be dramatization of the National Anthem and it should not be included as a part of any variety show. It is because when the National Anthem is sung or played it is imperative on the part of every one present to show due respect and honour. To think of a dramatized exhibition of the National Anthem is absolutely inconceivable.

(c) National Anthem or a part of it shall not be printed on any object and also never be displayed in such a manner at such places which

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may be disrespectful to its status and tantamount to disrespect. It is because when the National Anthem is sung, the concept of protocol associated with it has its inherent roots in National identity, National integrity and Constitutional Patriotism.

(d) All the cinema halls in India shall play the National Anthem before the feature film starts and all present in the hall are obliged to stand up to show respect to the National Anthem.

(e) Prior to the National Anthem is played or sung in the cinema hall on the screen, the entry and exit doors shall remain closed so that no one can create any kind of disturbance which will amount to disrespect to the National Anthem. After the National Anthem is played or sung, the doors can be opened.

(f) When the National Anthem shall be played in the Cinema Halls, it shall be with the National Flag on the screen.

(g) The abridge version of the National Anthem made by any one for whatever reason shall not be played or displayed.

We have so directed as Mr. Mukul Rohtagi, learned Attorney General for India submits with all humility at his command and recommend that National Anthem has to be respected. The directions are issued, for love and respect for the motherland is reflected when one shows respect to the National

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anthem as well as to the National Flag. That apart, it would instill the feeling within one, a sense committed patriotism and nationalism.

In this regard, we may refer to clause (a) of Article 51(A), Fundamental Duties occurring in Part IVA of the Constitution. It reads as follows:

"51A. Fundamental duties - It shall be the duty of every citizen of India -

(a) to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem".

From the aforesaid, it is clear as crystal that it is the sacred obligation of every citizen to abide by the ideals engrafted in the Constitution. And one such ideal is to show respect for the National Anthem and the National Flag. Be it stated, 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. It does not allow any different notion or the perception of individual rights, that have individually thought of have no space. The idea is constitutionally impermissible.

Mr. Rohatgi has submitted that the Union of India shall circulate this order to the Chief Secretaries of all the States and Union Territories. That apart, Mr. Rohatgi submits that the order shall be shown in the electronic Media and

published in the public media so that every one knows that such an order has been passed and follow the same in letter and spirit.

This order shall be given effect to within a period of 10 days.

Let the matter be listed on 14th February, 2017 for further hearing.

(Madhu Bala)
Court Master

(H.S. Parashar)
Court Master

S.No.	Name of the Government of India's Ministries/Depts.
1.	Department of Space, New BEL Bangalore-560094
2.	Department of Ayush, New Delhi-110001 TNA
3.	Department of Economic Affairs, North Block, New Delhi-110001
4.	Ministry of Housing & Urban Poverty Affairs, Nirman Bhawan, New Delhi
5.	Department of Secondary and Higher Education, Shastri Bhawan, New Delhi
6.	Department of Consumer Affairs, Krishi Bhawan, New Delhi
7.	Department of Fertilizer, Shastri Bhawan, New Delhi
8.	Ministry of Corporate Affairs, Shastri Bhawan, New Delhi
9.	Department of Personnel & Training, North Block, New Delhi
10.	Ministry of Agricultural Research and Education, Krishi Bhawan, New Delhi
11.	Department of Agriculture and Cooperation, Krishi Bhawan, New Delhi
12.	Ministry of Coal, Shastri Bhawan, New Delhi
13.	Department of Food & Public Distribution, Krishi Bhawan, New Delhi
14.	Food Processing, Panchsheel Bhawan, August Kranti Marg, New Delhi
15.	Ministry of Mines, Shastri Bhawan, New Delhi
16.	Ministry of Home Affairs, North Block, New Delhi
17.	Department of Rural Development, Krishi Bhawan, New Delhi
18.	Ministry of Tribal Affairs, Shastri Bhawan, New Delhi
19.	Ministry of Water Resources, CGO, New Delhi S. S. Bhawan, N.D
20.	Department of Post, Dak Bhawan, Sansad Marg, New Delhi
21.	Department of Telecommunication, 347-D, Dak Bhawan, Sansad Marg, New Delhi
22.	Ministry of New & Renewable Sources of Energy, CGO Complex, Block-14, New Delhi-3
23.	Ministry of Civil Aviation, Rajiv Gandhi Bhawan, Safdarjung Airport, New Delhi-3
24.	Department of Atomic Energy, Anu Shakti Bhawan, Chhatrapati Shivaji Maharaj Marg, Mumbai-400039
25.	Ministry of Tourism, Transport Bhawan, New Delhi
26.	Ministry of Environment & Forests, Paryavaran Bhawan, CGO Complex, New Delhi-3
27.	Department of Animal Husbandry, Dairying and Fisheries, Krishi Bhawan, New Delhi
28.	Department of Supply, 'C' Wing, Nirman Bhawan, New Delhi
29.	Ministry of Petroleum & Natural Gas, Shastri Bhawan, New Delhi
30.	Department of Shipping Transport, Parivahan Bhawan, New Delhi
31.	Ministry of Earth Science, CGO Complex, Block No. 12, New Delhi
32.	Department of Administration Reforms & Public Grievances, Sardar Patel Bhawan, New Delhi
33.	Department of Bio-Technology, CGO Complex, Block No. 2, New Delhi
34.	Department of Financial Services, Jeevan Deep Building, Sansad Marg, New Delhi
35.	Election Commission of India, Nirvachan Sadan, Ashok Road, New Delhi
36.	O/o Comptroller & Auditor General of India, 10, Bahadur Shah Marg, New Delhi
37.	Department of Heavy Industry, Udyog Bhawan, New Delhi
38.	Department of Land Processing, NBO Building, 'G' Wing, Nirman Bhawan, New Delhi
39.	Cabinet Secretariat, Rashtrapati Bhawan, New Delhi
40.	Department of Women & Child Development, Shastri Bhawan, New Delhi
41.	Ministry of Youth Affairs & Sports, Shastri Bhawan, New Delhi
42.	Niti Ayog, Yojana Bhawan, New Delhi
43.	Ministry of Defence, Room No.33, 'A' Wing, Sena Bhawan, New Delhi
44.	Department of Chemical & Petro Chemical, Shastri Bhawan, New Delhi
45.	Department of Revenue, North Block, New Delhi
46.	Railway Board, Rail Bhawan, New Delhi

47.	Ministry of Small Scale Industries, Udyog Bhawan, New Delhi, MSME, Udyog Bhawan, New Delhi
48.	Department of Public Enterprises, Block-14, CGO Complex, New Delhi
49.	Ministry of Textiles, Ministry of Industry, Udyog Bhawan, New Delhi
50.	Ministry of Commerce, Udyog Bhawan, New Delhi
51.	Department of Scientific & Industrial Research, Technology Bhawan, New Mehrauli Road, New Delhi-15
52.	Ministry of External Affairs, South Block, New Delhi
53.	Ministry of Power, Shram Shakti Bhawan, New Delhi
54.	Department of Legal Affairs, Shastri Bhawan, New Delhi
55.	Department of Legislative, Shastri Bhawan, New Delhi
56.	Ministry of Development of North Eastern Region, Vigyan Bhawan, New Delhi
57.	Department of Expenditure, North Block, New Delhi
58.	Ministry of Urban Development, Nirman Bhawan, New Delhi
59.	Ministry of Labour & Employment, Shram Shakti Bhawan, New Delhi
60.	Union Public Service Commission, Dhoolpur House, Shahjahan Road, New Delhi
61.	Ministry of Parliamentary Affairs, 87, Sansad Marg, New Delhi
62.	Ministry of Cultural, Shastri Bhawan, New Delhi
63.	Ministry of Statistics & Programme Implementation, Sardar Patel Bhawan, New Delhi
64.	Ministry of Social Justice & Empowerment, Shastri Bhawan, New Delhi
65.	Ministry of Information & Broadcasting, Shastri Bhawan, New Delhi
66.	Ministry of Health & Family Welfare, Nirman Bhawan, New Delhi
67.	Department of Road Transport & Highways, Parivahan Bhawan, New Delhi
68.	Department of Disinvestment, Block-II & 14-A, CGO Complex, Lodi Road, New Delhi
69.	Ministry of Panchayati Raj, Sardar Patel Bhawan, New Delhi
70.	Ministry of Minority Affairs, Paryavaran Bhawan, New Delhi
71.	Minority Commission, Lok Nayak Bhawan, New Delhi
72.	Ministry of Steel, Udyog Bhawan, New Delhi
73.	Department of Space, Lok Nayak Bhawan, New Delhi
74.	Department of Atomic Energy, South Block, New Delhi