

DELHI JAL BOARD: GOVT. OF NCT OF DELHI
OFFICE OF THE ASSTT. COMMISSIONER(W)
VARUNALAYA PHASE-II
KAROL BAGH, NEW DELHI-110005
PHONE:- 011-23544796

F.No. 55(2014)/e-file No.19208/AC(W)/2016/ Dated: .12.2016
16/01/2017

Subject : Orders relating to the National Anthem of India.

Please find enclosed herewith the copy of letter dated 22.12.2016 bearing No. F.53/53/2016/GAD/CN/5853 issued by Dy. Secretary (GAD/CN) Govt. of NCT of Delhi & letter No. 14/6/2016-Public dated 07.12.2016 issued by Dy. Secretary to the Govt. of India, Ministry of Home Affairs/Grih Mantralaya along with a copy of the Hon'ble Supreme Court's Order dated 30.11.2016 delivered on the Writ Petition(Civil) No. 855 of 2016 on the above noted subject.

All the DDOs/Controlling Officers are requested that the aforesaid orders/communication may be brought to the notice amongst employees working under their kind control for strict compliance.

Encl : As above.

(SHEKHAR KUMAR)
ASSTT. COMMISSIONER (W)

All D.D.Os/Controlling Officers.
Copy for information to:-

1. Chairman/Vice Chairman, DJB
2. Chief Executive officer.
3. All Members/C.V.O. /Addl. C.E.O/Secretary, DJB.
4. All Directors/All C.E.s/System Administrator.
5. CSO/Dy. CSO/AO(PR).
6. EE(EDP)- for upload on DJB's website.

ASSTT. COMMISSIONER (W)

Signature Not Verified

Digitally signed by SHEKHAR
KUMAR
Date: 2017.01.13 18:16:18 IST
Reason: Approved



GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
GENERAL ADMINISTRATION DEPARTMENT
(CO-ORDINATION BRANCH)
DELHI SECRETARIAT, I.P. ESTATE, NEW DELHI - 110002

No. F. 53/53/2016/GAD/CN/5853

Date: 22/12/2016

To

1. All Pr. Secretaries/Secretaries/HODs, Govt. of NCT of Delhi.
2. Chairperson, NDMC, New Delhi.
3. Commissioner, North Delhi Municipal Corporation, Delhi.
4. Commissioner, South Delhi Municipal Corporation, Delhi.
5. Commissioner, East Delhi Municipal Corporation, Delhi.
6. Heads of Autonomous Bodies/PSUs, Govt. of NCT of Delhi, New Delhi
7. Addl. Secretary to CM, Govt. of NCT Of Delhi.
8. Secretaries to Ministers of Govt. of NCT of Delhi.
9. Secretary, Delhi Vidhan Sabha Secretariat, Old Secretariat, Delhi.
10. Chief Executive Officer, O/o the Cantonment Board, Delhi Cantonment, Delhi-10.

Sub: Orders relating to the National Anthem of India.

Sir/Madam,

I am directed to forward herewith copy of communication No. 14/6/2016-Public dated 06.12.2016, received from Ministry of Home Affairs, Govt. of India on the aforesaid subject for compliance and necessary action.

It is further requested that the aforesaid communication from Ministry of Home Affairs, Govt. of India may be brought to the notice of all organizations/institutions under the administrative control of the department/organization.

Yours faithfully,

Encl: As stated above.

(Amitabh Kundoo)
Dy. Secretary (GAD/CN)

Date: 22/12/2016

No. F. 53/53/2016/GAD/CN/5853

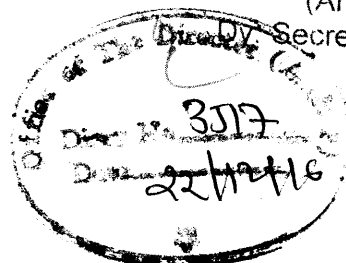
Copy to:

1. Director-cum-Secretary, Directorate of Information and Publicity, Govt. of NCT of Delhi with the request to take appropriate action as per para 2 of the enclosed letter No. 14/6/2016-Public dated 06.12.2016.
2. Dy. Secretary to Govt. of India, Ministry of Home Affairs, Public Section, North Block, New Delhi -1 with reference to letter No. 14/6/2016-Public dated 06.12.2016.
3. OSD to Chief Secretary, Govt. of NCT of Delhi.

(Amitabh Kundoo)
Dy. Secretary (GAD/CN)

3272/Email
22/12/16

2490
22/12/16.



Asstt. Commissioner (W)
Delhi Jal Board
Diary No... 3371
Date... 22.12.2016

Delhi Secretariat
 Govt. of NCT of Delhi
 R&I Bt.
 09 DEC 2016
 YAD/2016/55788

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

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 10

07 DEC 2016

North Block, New Delhi-1
 Dated the 06 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:-

[Handwritten signature]

09-12-16

[Handwritten signature]

[Handwritten signature]

SS(GAD)

[Handwritten signature]

13/12

[Handwritten signature]

13.12

DS (GAD)

14-12-16

[Handwritten signature]

[Handwritten signature]

- (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.

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

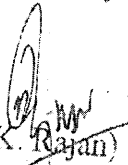
(g) The abridge version of the National Anthem made by any one for whatever reason shall not be played or displayed.

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.

ITEM NO. 7

COURT NO. 3

SECTION PIL (W)

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s) (Civil) No(s) 855/2016

SHYAM NARAYAN CHOUKSEY

Petitioner(s)

VERSUS

UNION OF INDIA
(With office report)

Respondent(s)

Date : 30/11/2016 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE AMITAVA ROY

For Petitioner(s) Mr. Abhinav Shrivastav, Adv.
Mr. Rituvendra Singh, Adv.
Mr. Harmeet Singh Ruprah, Adv.

For Respondent(s) Mr. Mukul Rohtagi, AG
Mr. Ashok Kumar Panda, Sr. Adv.
Mr. Avijit Prasad, Adv.
Ms. Movita, Adv.
Mr. B.K. Prasad, Adv.

UPON hearing the counsel the Court made the following
O R D E R

We have heard Mr. Abhinav Srivastav, learned counsel for the petitioner and Mr. Mukul Rohatgi, learned Attorney General for India along with Mr. A.K. Panda, learned senior counsel for the Union of India.

This Court on 28.10.2016 while entertaining the Writ Petition under Article 32 of the Constitution of India had noted the submissions advanced by the learned counsel for the petitioner, made reference to the enactment, namely, Prevention of Insults to National Honour Act, 1971. It had also taken note

of the averments in 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

(8)

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.

(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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(10)

published in the print 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.

(Adhu Bala)
Court Master

(H.S. Parashar)
Court Master

DS-11/CN

