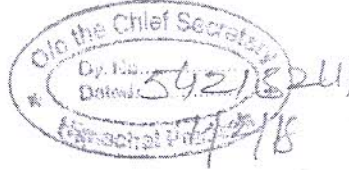


Diry No. 5422/1037
Date: 8/2/18

No. 14/6/2016-Public
Government of India
Ministry of Home Affairs
(Public Section)



1
26

North Block, New Delhi
Dated the 18th January, 2018

18 JAN 2018

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-reg.

30.1.18
To Secy (Home)
Sir/Madam,
Secy (GAD)

I am directed to refer to this Ministry's letters of even number dated 06.12.2016, 21.12.2016, 23.03.2017 and 12.05.2017 on the above mentioned subject. The Hon'ble Supreme Court vide its Order dated 09.01.2018 (copy enclosed) in the Writ Petition (Civil) No. 855 of 2016 has disposed of the Writ Petition and directed as follows:-

- The Committee appointed by the Union Government shall submit its recommendations to the competent authority in terms of Notification dated 5th December, 2017, for follow up action.
- The order passed on 30th November, 2016, is modified to the extent that playing of the National Anthem prior to the screening of feature films in cinema halls is not mandatory, but optional or directory.
- Since the Committee constituted by the Union government is looking into all aspects of the matter, it shall make its recommendations uninfluenced by the interim directions of this Court, as clarified in our dated 23rd October, 2017. Similarly, the competent authority shall in taking its decision(s) not be constrained or influenced by any of the interim decisions.
- Citizens or persons are bound to show respect as required under executive orders relating to the National Anthem of India and the prevailing law, whenever it is played or sung on specified occasions.
- The exemption granted to disabled persons shall remain in force till the final decision of the competent authority with regard to each occasion whenever the National Anthem is played or sung.

1/2
Ds (Home)

2/2/18

89-A

S.O. (GAD-A)

sd/-
5/2/18

2. The above directions of Hon'ble Supreme Court are conveyed to you for compliance and necessary action in this regard.

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

☎: 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,
12. The Union Public Service Commission,
13. Central Vigilance Commission,
14. NITI Aayog, Yojana Bhawan,
15. All attached & Subordinate Offices of the Ministry of Home Affairs.
16. 20 Spare copies.

REPORTABLE

IN THE SUPREME COURT OF INDIA

R-9/18

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO.855 OF 2016

SHYAM NARAYAN CHOUKSEY

... Petitioner(s)

Versus

588613

UNION OF INDIA & OTHERS

... Respondent(s)

J U D G M E N T

Certified to be true copy
of the Judgment of the
Supreme Court of India

Dipak Misra, CJI.

The petitioner, a public spirited person, has approached this Court under Article 32 of the Constitution of India for issue of a writ of mandamus or any other appropriate writ, order or direction commanding the respondents to take appropriate steps for inculcating in the public a proper sense for paying due respect to the National Anthem; to issue a writ, order or direction as to what is required to be done and not to be done when the National Anthem is being played or sung; to specify what will constitute disrespect and abuse of the National Anthem; and to restrain the

use of the National Anthem for any commercial exploitation or to gain financial advantage in any manner.

2. Apart from the aforesaid prayers, there are many other prayers and one such prayer includes that no one should print the National Anthem on any undesirable object or display it in a manner and at such places which may be disgraceful and may tantamount to showing disrespect to the National Anthem.

3. After issue of notice, learned Attorney General for India entered appearance. On 30th November, 2016, taking note of the assertions made in the petition, this Court had passed an interim order, which reads thus:-

"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 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."

4. After issuing the directions, this Court noted the submissions of the learned Attorney General which were to the following effect:-

