



EAST COAST RAILWAY

मुख्य कार्मिक अधिकारी का कार्यालय/
Office of the Chief Personnel Officer

द्वितीय तल, - 751 017

Rail Sadan, IInd Floor, Bhubaneswar-751 017

स्थापना क्रमांक/ Estt. Srl. No. 51/2017

पूतरे/कार्मिक/आर/ECOR/Pers/R/Welfare

Date: 18.05.2017

सेवा मे,

सभी प्रमुख विभागाध्यक्षों/समन्वयक विभागाध्यक्षों, पू त रे/भुवनेश्वर

मं.रे.प्र/व.मं.का.अधिकारी/मं.का.अधिकारी-खोरधारोड,वालातेरु, संबलपुर,

मु.कारखाना प्रबंधक/कारखाना कार्मिक अधिकारी- मंचेश्वर, अतिरिक्त रजिस्ट्रार/रेल दावा अधिकरण,

व.का अधिकारी(नि)/भुवनेश्वर

महा सचिव/इकोर श्र. कां., महा सचिव/इकोर श्र. यू.,

महा सचिव/एआई ओ बी सी आर ई ए, महा सचिव/ ए आई एस सी एस टी आर ई ए

विषय /Sub: Orders relating to the National Anthem of India.

पूतरे के विषय क्रमांक/ECOR's Subject Serial No.- MISC-6/2017

उपर्युक्त विषय पर बोर्ड पत्र सं- E(G)2017/CL 4-3 दिनांक 28.04.2017 की प्रतिलिपि सूचना, मार्गदर्शन एवं आवश्यक कार्रवाई हेतु अग्रेषित है।

A copy of the Board's No.E(G)2017/CL 4-3 dated- 28.04.2017 on the above quoted subject is forwarded herewith for information, guidance and necessary action.

Encl: As above,

(M.Ganga Bhawani)

Dy.Chief Personnel Officer(IR&W)

For Chief Personnel Officer

प्रतिलिपि प्रेषित/Copy to :

- 1) महाप्रबंधक के सचिव/पूर्व तट रेलवे, भुवनेश्वर
- 2) मुकाधि/मुकाधि(प्रशा.), उप म.प्र. अध्यक्ष(रेलवे भर्ती प्रकोष्ठ)
- 3) उप मुख्य प्रबंधक(सू.प्रौ), उप मुकाधि(औ.सं.एवं कल्याण), वकाधि(इंजी.)
- 4) वकाधि(मुख्या.), वकाधि(स्टाफ), वकाधि(राज. एवं न्याया.)
- 5) मुकाधि के निजी सचिव/सहा.कार्मिक अधि.(मुख्या.-1),सहा.कार्मिक अधि.(कल्याण), सहा.कार्मिक अधि.(दिल), सहा.कार्मिक अधि

RB-899

क्र.सं./Sl.No.....
दिनांक/Date..... 1/5/17
आदेश/Initial.....

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GOVERNMENT OF INDIA भारत सरकार
MINISTRY OF RAILWAYS रेल मंत्रालय
(**RAILWAY BOARD** रेलवे बोर्ड)

स.सं.(G.M)
व्यक्ति/Name
दिनांक/Date
01/5

No. E(G) 2017/ CL 4-3

New Delhi, dated April 28/04/2017

E.O.R

**The General Managers,
All Zonal Railways &
Production Units.**

M. Circulated
8/5/17
3/5

Sub: Orders relating to the National Anthem of India

A copy of the Ministry of Home Affairs letter No.14/6/2016-
Public dated 23.03.2017 is sent herewith for information and
compliance.

DA : As above.

(Signature)
(D. Joseph)
Deputy Director Est.(G)
Railway Board

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

North Block, New Delhi-1
Dated the 23rd March, 2017

To,

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

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

Sir/Madam,

In supersession of this Ministry's letter of even number dated 21.12.2016 (copy enclosed), I am directed to state that the Hon'ble Supreme Court in its Order dated 9.12.2016 in the Writ Petition (Civil) No. 855 of 2016 (copy enclosed) had directed as follows :-

".... Learned Attorney General for India submitted that how the physically challenged or physically handicapped persons shall show respect to the National Anthem, the Central Government will issue guidelines within ten days hence. As the guidelines are going to be issued, we clarify, if a physically challenged person or physically handicapped persons goes to the Cinema hall to watch a film, he need not stand up, if he is incapable to stand, but must show such conduct which is commensurate with respect for the National Anthem. When we say physically challenged or physically handicapped persons, it means persons with disability as defined under Sections 2(i) and 2(t) of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995...."

2. Subsequently, the Hon'ble Supreme Court in its order dated 14.2.2017 has observed the following:-

".... At this juncture, we may state that the Parliament has brought a new legislation called 'The Rights of Persons with Disabilities Act, 2016'. Section 102 repeals 'The Persons with Disabilities (Equal Opportunities Protection of Rights and Full Participation) Act, 1995.' This Court on 9.12.2016 has modified the earlier order regard being had to the handicapped persons keeping in view the 1995 Act...."

Accordingly, the following guidelines are prescribed for persons with disabilities as defined under Section 2(s) read with Section 2(zc) of the Rights of Persons with Disabilities Act, 2016 for showing respect to the National Anthem :-

(i) The persons with locomotor disabilities and other wheel chair users having affected lower limbs shall position himself/herself to the extent of maximum attentiveness and alertness with or without the help of appropriate aids and appliances. For example a wheel chair bound person with disability shall make the wheel chair static, position himself/herself maintaining the maximum possible alertness physically.

If the person with disability is on crutch, he/she become stable(non-mobile) to the extent of maximum alertness.

(iii) The person with hearing disability (deaf or hard of hearing) if capable to stand, shall stand with attentiveness. However, there must be appropriate indication on the screen that the

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National Anthem is being played or sung as the persons with hearing disability are likely to miss the auditory cues. Suitable instructions may be given in the form of captioning as well as in sign language on the screen so that the persons with hearing impairment are well informed that the National Anthem is being played.

(iv) The person with blindness and low vision shall stand up in respect to National Anthem.

(v) The escorts of the persons with disabilities shall stand-up when National Anthem is played.

4. Further in case of person with intellectual disabilities (mental retardation), it is stated that such disability is associated with a condition of arrested or incomplete development of mind, especially characterized by impairment of skills manifested during developmental period, skills which contribute to the overall level of intelligence- cognitive, language, motor and social abilities. Mental retardation is a challenging-problem, a multi-dimensional phenomenon, involving bio-psycho-social factors. The following characteristics may hamper in showing respect to the National Anthem by these class of persons with disabilities :-

(a) Lack of understanding and comprehension.

(b) Associated conditions like epilepsy, Attention Deficit, Hyperactive Disorder, Sensor impairments, Psychiatric illness, motor problems etc.

(c) Most of them will have behavioural problems like flapping of the hands, screaming, shouting, abnormal body movements, difficulty in performing practical task etc.

4.1. While the persons with mild intellectual disability without associated conditions can be trained to understand and respect National Anthem, the same may not hold good in other cases. Relaxation to such class of person with disabilities may be considered. Wide publicity may be given to generate public awareness in this regard so as to avoid any unwarranted incident against persons with intellectual disabilities as some of the person with intellectual disabilities may not exhibit physical disabilities.

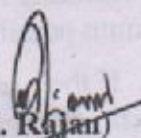
5. The Central Government has notified the Rights of Persons with Disabilities Act, 2016 on 28.12.2016 which recognizes 21 categories of disabilities. The Central Government is in the process of framing guidelines for assessment and certification of new categories of disabilities which were not included in the Persons with Disabilities Act, 1995. The Department of Empowerment of Persons with Disabilities (Divyangjan) will suggest further modification in the guidelines as and when the said guidelines for assessment of new categories of disabilities are framed and notified by them. In such eventualities, these guidelines will be further amended or modified or expanded.

6. The above is conveyed to you in compliance of the Orders of the Hon'ble Supreme Court quoted above.

7. 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 Government of India
Tel. 2309 4376