



VIDYASAGAR UNIVERSITY

P.O. : Vidyasagar University, Midnapore - 721 102, Dist.: Paschim Medinipur,
West Bengal, INDIA.

Date: 17.07.2017

NOTIFICATION

I have been directed by the Hon'ble Vice-Chancellor to circulate the extract of the order passed by Hon'ble Supreme Court of India relating to National Anthem of India. All members of the University Community are hereby requested to adhere to the order of the Hon'ble Supreme Court.

The Office of the Dean of Students' Welfare and the Office of the National Service Scheme (NSS) are requested to intimate the guideline through a public awareness programme.


Please find enclosed herewith a copy of the extract of order.

Memo No. : VU/R/Noti./793/2017 dated 17.07.2017

Copy forwarded for information and necessary action to to:

1. The Dean(Actg.), Faculty of Arts and Commerce,
2. The Dean(Actg.), Faculty of Science,
3. All HOD's of all Academic and Administrative Departments - with a request to circulate the notification among all employees and students of his/her department.
4. The Director (Actg.), DDE - with a request to circulate the notification among all employees,
5. The Deputy Registrar,
6. The Assistant Registrar,
7. The Secretary to the Vice-Chancellor for kind information to the Hon'ble Vice-Chancellor,
8. The Information Scientist for wide circulation on the University website,
9. The Secretary/ President, VUTA,
10. The President, WBCUPA,
11. The Secretary / President, VUOA,
12. The Secretary / President, VUSKU,
13. The Secretary / President, VUSU,
14. The Secretary / President, VURSA,
15. The Office Supdt., Registrar's office,
16. The Establishment Section,
17. University Notice Board,
18. Guard File

sd/-
Registrar


17/07/17
(Dr. J. K. Nandi)
Registrar



Registrar
Vidyasagar University
Midnapore-721102

Extract of the Order passed
by
the Hon'ble Supreme Court of India
regarding
National Anthem of India

The Court made the following

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

Scrivastav, learned counsel for

We have heard Mr. Abhinav Srivastav, learned counsel for

Rohatgi, learned Attorney General

the petitioner and Mr. Mukul Rohatgi, learned Attorney General

Panda, learned senior counsel for

for India along with Mr. A.K. Panda, learned senior counsel for

the Union of India.

while entertaining the writ

This Court on 28.10.2016 while entertaining the Writ

of the Constitution of India had

Petition under Article 32 of the Constitution of India had

by the learned counsel for the

noted the submissions advanced by the learned counsel for the

enactment, namely, Prevention

petitioner, made reference to the enactment, namely, Prevention

1971. It had also taken note

of Insults to National Honour Act, 1971. It had also taken note

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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

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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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