

9 pages

351

पूर्वोत्तर रेलवे



1/123/2017

कार्यालय
महाप्रबन्धक (कार्मिक)
गोरखपुर।

ई0पी0न0-50-18

क्रमांक-123/2017

सं0 का/310/1/भाग-सात/चार

दिनांक 03-07-2017

सचिव/महाप्रबन्धक

सचिव/अपर महाप्रबन्धक

सची विभागाध्यक्ष

सभी मण्डल रेल प्रबन्धक

सभी कार्मिक अधिकारी

सभी मुख्य कारखाना प्रबन्धक

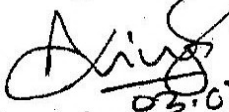
सभी अतिरिक्त मण्डलाधिकारी/स्थापना

पूर्वोत्तर रेलवे।

विषय:-भारत के राष्ट्रगान से सम्बन्धित आदेश।

रेलवे बोर्ड का पत्र सं0 ई(जी)2017/सीएल 4-3 दिनांक 12 जून 2017 की अंग्रेजी प्रतिलिपि अनुलग्नक सहित की अंग्रेजी एवं हिन्दी प्रतिलिपि सूचना, मार्गदर्शन एवं आवश्यक कार्यवाही हेतु संलग्न कर प्रेषित की जा रही है।

संलग्नक/यथोपरि


03.07.17

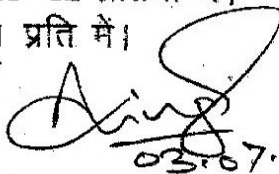
(ए0 के0 सिंह)

उपमुकाधि/अराज

कृते महाप्रबन्धक/कार्मिक

प्रतिलिपि निम्न को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित :-

- 1- महामंत्री/एन.ई.रेलवे मजदूर यूनियन/गोरखपुर - 40 प्रतियों में।
- 2- महामंत्री/प्रमोटी अधिकारी संघ/पूउरे/गोरखपुर - 02 प्रतियों में।
- 3- महामंत्री/रेसुब एशोसियेशन/पूउरे/गोरखपुर - 02 प्रतियों में।
- 4- पूर्वोत्तर रेलवे प्रथम श्रेणी अधिकारी संघ/गोरखपुर - 01 प्रति में।
- 5- महामंत्री/एससी/एसटी एवं ओबीसी एशोसियेशन/गोर0-02 प्रतियों में।
- 6- मुकार्याधी/एमपीपी को बेबसाइट पर अपलोड हेतु - 01 प्रति में।


03.07.17

कृते महाप्रबन्धक/कार्मिक

29/6/17
2
123/2017
GOVERNMENT OF INDIA भारत सरकार
MINISTRY OF RAILWAYS रेल मंत्रालय
(RAILWAY BOARD रेलवे बोर्ड)

24
No. E(G) 2017/ CL 4-3

New Delhi, dated June 12, 2017

The General Manager (P)
North Eastern Railway
GORAKHPUR.

14.06.2017
मुकाबिल
मुकाबिल प्रशा.
16/06/17
22/6
Sub: Orders relating to the National Anthem of India.

465
Copy of Ministry of Home Affairs OM No.14/06/2016-Public dated 23.03.2017 referred to in this office letter of even number dated 28.04.2017 is enclosed herewith as desired.

DA : As above.

547
20.6.17
(D. Joseph)
Deputy Director Est.(G)
Railway Board

3
123/2017

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....."

3. 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.

(ii) 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

123/201
National Anthem is being played or sung as the persons with hearing disability are the auditory cues. Suitable instructions may be given in the form of captioning as well as language on the screen so that the persons with hearing impairment are well informed that 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

RB-3247
123/2017

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

GN
CPO
CSC

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

New Delhi, dated April 28.04.2017

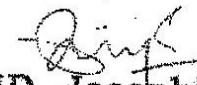
The General Managers,
All Zonal Railways &
Production Units.

Dy CPO/W

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.


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

6
12/21/2017

1
12

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 serial 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:-

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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 laid 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.

(ii) If the person with disability is on crutch, he/she becomes 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

7
12/3/2017

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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.

(i) 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. 2369 4376

8
123/2017

सं.14/6/2016-पब्लिक

भारत सरकार

गृह मंत्रालय

पब्लिक अनुभाग

नार्थ ब्लॉक, नई दिल्ली

दिनांक: // मई, 2017

सेवा में,

सभी राज्यों के मुख्य सचिव,

सभी संघ राज्य क्षेत्रों के मुख्य सचिव/प्रशासक,

राज्य सरकारों/संघ राज्य क्षेत्रों के पुलिस महानिदेशक

विषय : भारत के राष्ट्र गान से संबंधित आदेश।

महोदय/महोदया,

इस मंत्रालय के दिनांक 23/03/2017 के समसंख्यक पत्र (प्रति संलग्न) के अनुक्रम में मुझे यह उल्लेख करने का निदेश हुआ है कि माननीय उच्चतम न्यायालय ने वर्ष 2017, की आई ए संख्या 15 के संबंध में वर्ष 2016 की रिट याचिका (सिविल) संख्या 855 में दिनांक 18/04/2017 के अपने आदेश (प्रति संलग्न) में निम्नलिखित टिप्पणियां की हैं:-

"यह आवेदन इस न्यायालय के दिनांक 30 नवंबर, 2016 एवं 9 दिसंबर, 2016 के आदेश के दायरे से कतिपय श्रेणियों के दिव्यांग व्यक्तियों को छूट देने हेतु प्रतिवादी संख्या 1 को निदेश देने हेतु एनपीआरडी द्वारा दायर किया गया है। उल्लिखित व्यक्तियों की श्रेणियां निम्नलिखित हैं:-

- (i) वृद्धि चेतन प्रयोक्ता - सेरेवरल पाल्सी, पार्किंसंस, मल्टीपल सेलेरोसिस, मसकुलर डिस्ट्राफी या अन्य परिस्थितियां
- (ii) ऑस्टिज़म से पीड़ित व्यक्ति
- (iii) सेरेवरल पाल्सी से पीड़ित व्यक्ति
- (iv) बौद्धिक अक्षमता
- (v) मानसिक बीमारी
- (vi) बधिर मूक
- (vii) मल्टीपल अक्षमता
- (viii) पार्किंसंस, मल्टीपल सेलेरोसिस
- (ix) कुष्ठ रोग से ठीक हुए व्यक्ति
- (x) मसकुलर डिस्ट्राफी

1242
पक्षकारों के विद्वान काउंसिल को सुनने के बाद हम इस आदेश में संशोधन करते हैं तथा इस आशय का निदेश देते हैं कि व्हील चेयर प्रयोक्ता, ऑस्टिज़म, सेरेब्रल पाल्सी, मल्टीपल अक्षमता, पार्किंसंस, मल्टीपल सेलेरोसिस से पीड़ित व्यक्ति, कुष्ठ रोग से ठीक हुए व्यक्ति, मसकुलर डिस्ट्रॉफी तथा मूक एवं बधिर, तथा दृष्टिहीन व्यक्ति इस न्यायालय के आदेश के दायरे में न माने जाएं।

जहां तक अन्य श्रेणियों का संबंध है, जिनका हमने इस आवेदन में उल्लेख होने का संदर्भ नहीं किया है, उनके बारे में भारत संघ द्वारा विचार किया जा सकता है।"

3. आपको उपर्युक्त के संबंध में माननीय उच्चतम न्यायालय के आदेश के अनुपालनार्थ तथा इस संबंध में आवश्यक कार्रवाई हेतु संसूचित किया जाता है। आपसे यह भी अनुरोध है कि आप इलेक्ट्रॉनिक तथा स्थानीय प्रिंट मीडिया में इसका व्यापक प्रचार प्रसार करें ताकि उपर्युक्त आदेश का अक्षरशः अनुपालन किया जाए।

4. केन्द्र सरकार ने दिव्यांग व्यक्तियों का अधिकार अधिनियम, 2016 दिनांक 28/12/2016 को अधिसूचित किया जिसके अंतर्गत 21 श्रेणियों के दिव्यांगता को मान्यता दी गई है। केन्द्र सरकार उन नई श्रेणियों की दिव्यांगता के मूल्यांकन एवं अभिप्रमाणन हेतु दिशा-निर्देशों को निरूपित करने की प्रक्रिया चला रही है जो विकलांग व्यक्ति अधिनियम, 1995 में शामिल नहीं हैं। दिव्यांगजन सशक्तिकरण विभाग उनके द्वारा निरूपित एवं अधिसूचित नई श्रेणियों के दिव्यांग व्यक्तियों के आकलन हेतु उक्त दिशा-निर्देशों को बनाए जाने के बाद उन दिशा-निर्देशों में आगे और संशोधन करने संबंधी सुझाव देगा। इन परिस्थितियों के मद्देनजर इन दिशा-निर्देशों में आगे और सुधार या संशोधन या विस्तार किया जाएगा।

5. इस पत्र की पावती भेजने का कष्ट करें तथा की गई कार्रवाई के संबंध में इस मंत्रालय को सूचित करें।

संलग्नक : यथोपरि ।

भवदीय,

श्री प्रकाश

(श्री प्रकाश)

संयुक्त सचिव, भारत सरकार

दूरभाष : 23092962