48651 DRY 1317117 771R.

University Grants Commission 35, Feroze Shah Road New Delhi-110001

2514/ Km

F.No.6-4/2017(SCT)

The Registrar,

Panjab Universtiy Chandigarh, PIN - 160 014. 0 6 JUL 2017

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

Sir/Madam

I am directed to enclose a copy of Letter No. 18-56/2016-U1A dated 12.01.2017 along with its enclosure received from Ministry of Human Resource Development Department of Higher Education, Shastri Bhawan, New Delhi on the subject mentioned above and to request you to send action taken report to Shri. S.K. Saha, Under Secretary Ministry of Human Resource Development, New Delhi directly under intimation to UGC immediately.

An early action in the matter will be highly appreciated as the Ministry of Human Resource Development is pressing hard for the above report to be supplied to the Ministry of Home Affairs, New Delhi.

Yours faithfully,

(Madhu Mehra) Under Secretary

Made

Enclos:- As above

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Mr. Guelantille

5 NO 1 (PR) F. No.18-56/2016-U1A Government of India Ministry of Human Resource Development Department of Higher Education

No. 2-60/CPA II 13 02 2017

Shastri Bhawan, New Delhi Dated the 12 January, 2017

To

Sent Through a office The Secretary, University Grants Commission Secretary Sectt. 82113 Bahadur Shah Zafar Marg, Date 81 New Delhi-110002

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

I am directed to forward herewith a copy of OM No. C.30021/01/2016-CDN(Pt.I) dated 28.12.2016 alongwith a copy of letter No. 14/6/2016-Public dated 22.12.2016 of Ministry of Home Affairs(MHA) on the above mentioned subject and to say that necessary action may be taken in the matter under intimation to this Ministry.

Yours faithfully,

Under Secretary to the Govt. of India

Encl: As above.

S (Parliament/CPP-II/NSOF/ "P Ref./ASP/ASSIST/SAP)

SCIPAL ON SINGLE No. C.30021/01/2016-CDN(Pt.I)
Government of India
Ministry of Human Resource Development
Department of Higher Education
CDN Section

R. No. 229-C, Shastri Bhawan, New Delhi. Dated, the 28th December, 2016

The undersigned is directed to forward herewith a copy of letter no. 14/6/2016 -Public dated 22nd December, 2016 received from Ministry of Home Affairs on the above

> Under Secretary(CDN) Intercom: 724

Enclosures: As above.

1. AS(TE) - 157541

subject for information and necessary action.

2. JS(A) — 157541 (1) 3. JS&FA — 157541 (2) 4. JS(CU&L) — 157541 (2) 5. JS(ICC/P) — 157541 (4) 6. JS(NIT & DL) — 157541 (5) 7. JS(HE) — 157541 (6)

8. JS(BP) — /5754/ (%)
9. DDG(Stat) __ /5754/ (%)

10. DS(EAD)_ 15754/(9)

Copy to:

US(EE.I) for similar action in respect of D/o SE&L 15 75 41 (16)



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 21^{5th}December, 2016

To,

2 2 DEC 2016

The Chief Secretaries of all State Governments, 2 L Ut
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 continuation of this Ministry's letter of even No. dated 06.12.2016, I am directed to state that the Hon'ble Supreme Court in its Order dated 09.12.2016 in the Writ Petition Civil No. 855 of 2016 (copy enclosed) has directed as follows:-

"..., learned Attorney General for India submitted that how the physically challenged or physically handicapped persons shall show respect to the National Lwill issue guidelines within ten days hence.

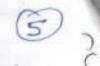
Issued, we clarify his the guidelines are going to be issued, we clarify, if a physically challenged I persons goes to person physically handicapped persons goes to the Cinema hall to watch a six mespanie to film, he need not stand up, if he is incapable to stand, but must show such an expect for the conduct which is commensurate with respect for the National Anthem. When we smally handicapped say physically challenged or physically handicapped persons, it means persons Sections 2(i) and with disability as defined under Sections 2(i) and 2 (t) of the Persons with Prefection of Rights and Full Participation)

Act, 1995...."

Accordingly, the following guidelines are prescribed in this regard:

described and other wheel chair users that position himself / herself to the extent of the chair users with or maximum attentiveness and alertness with or without the help of the sample a white appropriate aids and appliances. For example a wheel chair bound person as her chair static, position himself / herself assists at the second position of the sample as white appropriate aids and appliances. For example a wheel chair bound person as her chair static, position himself / herself assists at the second position and alertness physically.





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

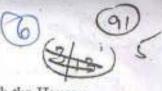
- (iii) The person with hearing disability (deaf or hard of hearing) if capable to stand, shall stand with attentiveness. However, there must be appropriate indication on the screen that the National Anthem is being played or sung as the persons with hearing disability are likely to miss the auditory 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 persons 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.
- Further in case of persons 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:

Lack of understanding and comprehension.

The critically, Alle (b) DeAssociated conditions like epilepsy, Attention Deficit, Hyperactive amends, Psychiatric illness, motor problems etc.

with a street problem (c), the Most of them will have behavioral problems like flapping of the hands, a street that the performing practical task etc.

3.1: 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 persons with disabilities may be considered. Wide publicity may be given to generate public awareness in this regard so as to the persons with intellectual disabilities as with intellectual disabilities may not exhibit physical disabilities.



- The Rights of Persons with Disabilities Bill has been passed by both the Houses of Parliament which recognizes 21 categories of disabilities and the issues concerning the new categories of disabilities also need to be considered after the notification in this regard is issued. In view of this and para 3 and 3.1 above, the Department of Empowerment of Persons with Disabilities will suggest further modifications in guidelines as and when required or necessary. In such eventualities, these guidelines will be further amended or modified or expanded.
- The above is conveyed to you in compliance of the orders of the Hon'ble 5. Supreme Court quoted above.
- 6. The receipt of this letter may please be acknowledged and action taken in the matter be communicated to this Ministry.

The party section is average The grant angles, are but for

Yours faithfully,

Deputy Secretary to the Govt. of India

Tel. 2309 4376

Encl.: As above.

Copy to:-

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All Ministries/Departments of Government of India.

in Francia, New 2. President's Secretariat, Rashtrapati Bhawan, New Delhi.

Delhi. 3. Vice-President's Secretariat, New Delhi.

pick, New Delhi4. Prime Minister's Office, South Block, New Delhi.

Cabinet Secretariat, New Delhi.

6. Election Commission of India, New Delhi.

Lok Sabha Secretariat, New Delhi.

8. Rajya Sabha Secretariat, New Delhi.

9. Registrar, Supreme Court of India, New Delhi.

10. All High Courts.

Compared of India, Office of Comptroller and Auditor General of India, New Delhi.

The Union Public Service Commission, New Delhi.

13. Central Vigilance Commission, New Delhi.

14. NITI Aayog, Yojana Bhawan, New Delhi.

the Affairs. 15. All attached and Subordinate Offices of the Ministry of Home Affairs.

16.20 Spare copies.

Copy also to:-

The Secretary, Department of Empowerment of Persons with Disabilities for action in respect of para 4 above.

(413)

ITEM NO.801

COURT NO.3

SECTION PIL (W)

SUPREME COURT OF INDIA RECORD OF PROCEEDINGS

IA Nos._____/2016 in Writ Petition(s) (Civil) No(s). 855/2016

SHYAM NARAYAN CHOOKSEY

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

(With appln. (s) for impleadment and recall of the order dated 30.11.2016 and office report)

Date : 09/12/2016 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 Shrivastava, AOR
Mr. Rituvendra Singh, Adv.
Mr. Hameet Singh R., Adv.

For Respondent(s) Mr. Mukul Rohatgi, AG Mr. R.K. Rathore, Ad. Mr. B. Krishna Prasad, AOR

Mr. Siddharth Luthra, Sr. Adv. (AC)

Ms. Tara Nagula; Adv.

Ms. Gargi Khenna, Adv.

Ms. Siddhartha Mehta, Adv.

Ms. Supriva Juneia, Adv.

Ms. Supriva Juneia, Adv.

Ms. Supriya Juneja, Adv.

Mr. C.U. Singh, Sr. Adv.

Mr. P.V. Dinesh, Adv.

Ms. Sinha T.P., Adv.

Mr. R. Beniwal, Adv.

Mr. Namit Saxena, Adv.

Mr. Biresh K., Adv.

Mr. Arushi Singh, Adv.

UPON hearing the counsel the Court made the following

These two applications have been filed one seeking impleadment in the writ petition and the other for recall of the order dated



30.11.2016.

On being mentioned by Mr. P.V. Dinesh, learned counsel, the I.As. are taken on Board.

Registry is directed to register the I.As.

Heard Mr. C.U. Singh, learned senior counsel along with Mr. P.V. Dinesh, learned counsel for the applicants, Mr. Mukul Rohatgi, learned Attorney General for India, and Mr. Sidharth Luthra, learned senior counsel who has sought leave of the Court to assist.

The prayer in the application is for recall of our order dated 30.11.2016. When it was brought to the notice of Mr. C.U. Singh, learned senior counsel about the grounds urged, we must fairly state that Mr. Singh submitted that he will have a re-look at the grounds and will amend the same.

As far as the recall of the order is concerned, the same has to be heard on merits when the matter is finally debated upon. Be it noted, Mr. Dinesh, learned counsel for the applicant at the time of mentioning had submitted that there has to be some kind of exemption for the physically challenged persons or physically physically persons. Mr. Siddharth Luthra, learned senior counsel handicapped persons. handicapped persons. Mr. Siddharth Luthra, learned senior counsel learned senior counsel who was present in Court has referred to the Persons with to the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full persons of kinghts and Full Portunities (Equal Opportunities)

Mr. Rohatgi, learned Attorney General for India submitted that berne, Grencol for India submi how the physically challenged or physically handrcapped persons god ou physicall ly handrospped persons shall show respect to the National Anthem, the Central Government ord nor Authem, will issue guidelines within ten days hence. As the guidelines are Day's Drawer J going to be issued, we clarify, if a physically challenged person at phyline or physically handicapped person 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 I to a little desired to believe its

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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)

Another aspect needs to be cleared. When we said that the doors shall be closed, we did not mean that the doors shall be bolted as mentioned in the case of Municipal Corporation of Delhi. Delhi vs. Uphsar Tragedy Victims Association and Ors. [(2011) 14 SCC 481) but only to regulate the ingress and egress during the period while the National Anthem is played.

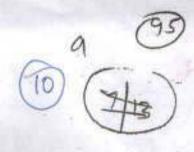
Let the matter be listed on the date fixed, i.e., 14.2.2017. Will state and the state with the

(Golshan Kumar Arora) (H.S. Parasher)

Court Master Court Master

Vig. 10 Vice Pospidentes

Addiquest paramete Addiques Ad



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 66December, 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:-

(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.

ization of the National Anthers shall not be dramatization of the National Anthem and it should of any variety show. It is because when the played it is imperative National Anthem is sung or played it is imperative on the part of every espectand honour. To those present to show due respect and honour. To think of a dramatized Anthem is absolutely increxhibition of the National Anthem is absolutely inconceivable.

t of it shall not be price) National Anthem or a part of it shall not be printed on any object and such a manner at such places which may be homeometric dispraceful to its status and tantamount to disrespect. It is because when us, the concept of protocol associated with it is a manner at such places which may be not the national Anthem is sung, the concept of protocol associated with it is a manner of protocol associated with its manner

in the first the land (d) All the cinema halls in India shall play the National Anthem before the parabolished hall are obliged to stand up to show respect to the National Anthem.

and shall come a second (e) Prior to the National Anthem is played or sung in the cinema hall on the page shall come a second control of the entry and exit doors shall remain closed so that no one can also which will amount to disrespect to the National Anthem. After the National Anthem is played or sung, the



- f) When the National Anthem shall be played in Cinema Halls, it shall be with the National Flay 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 Ministrie.

Encl.: As above.

Yours faithfully,

Deputy Secretary to the Govt. of India Tel. 2309 4376

Copy to:

New Balbi.

- 1. All Ministries/Departments of Government of India.
- Physican No. 21 President's Secretarial Rashtrapati Bhawan, New Delhi.
- Block New Delhi. 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.
- Was in Marie 15. All attached & Subordinate Offices of the Ministry of Home Affairs.
 - 16.20 Spare copies.

ITEM NO.7

COURT NO.3

SECTION DIL (W)

SUPREME COURT-OF INDIA RECORD OF PROCEEDINGS

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 :

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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.

used the Court made the following the counsel the Court made the following ORDER BOKR

himay scivestay, learned counsel for We have heard Mr. Abhinav Srivastay, learned counsel for I money it learned Attorney General Mukul Rohatgi, learned Attorney General E lacased sentor counsel for 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 Patition 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



averments in the petition.

It has been averred in the patition that sometimes Mational 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 or any other benefit , commercial Benefit or any other benefit.

The MASI

not be dramatization (b) There shall not be dramatization of the of it should not be included as and it should not be included as July show it is because part of any variety show. It is because when And introduced of pulsayou the National Anthem is sung or played it is per on crery most promimperative on the part of every one present to with the think show due respect and honour. To think of a the transfer of the Matienal 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

The second secon

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may be disgraceful to its status and tantemount 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.

it shall be with the New Cinema Halls, it shall be with the National Flag on the screen.

ersion of the Facienal (g) to The abridge version of the National Anthem abutever reason shall not be played or displayed.

The directions are issued, for love and respect to the National

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Anthem as well as to the National Flag. That spart, 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:

STATE OF THE PARTY OF THE PARTY

"51A Fundamental dubies " 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"

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. Se it stated. Stated has come; the citizens of the country must be realize that they live in a nation and are duty bound to show respect to National Anthem which is the symbol of the country must be and inherent national quality. It from the perception of the country and individual rights, that have individually thought of have no space. The idea is constitutionally impermissible.

Mr. Rohatgi has submitted that the Union of India state that the Union of India state that the Onion Territories. That apart, Mr. Rohatgi submits that the order shall be shown in the electronic Media and

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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.

(Madhu Bala) Court Master (H.S. Parashar) Court Master

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	75 Ministries/Deptt.
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	Department of Secondary and Higher Education, Daw Delhi
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3.	Ministry of Civil Aviation, Rajiv Gandhi Bhawan, Safdarjung Ali port, 158 Ministry of Civil Aviation, Rajiv Gandhi Bhawan, Chhatrapati Shivaji Maharaj Marg. Department of Atomic Energy, Anu Shakti Bhawan, Chhatrapati Shivaji Maharaj Marg.
4.	Department of Atomic Energy, 20
-	Mumbai-400039 Ministry of Teurism, Transport Bhawan, New Delhi Ministry of Teurism, Transport Bhawan, New Delhi Recess Parvayaran Bhawan, CGO Complex, New Delhi Recess Parvayaran Bhawan, CGO Complex, New Delhi
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8: 474	Department of Supply.
29, bh	Ministry of Petroleum & Hanna Pariyahan Bhawan, New Delhi
31/0	Ministry of Earth Science, CGO Complex, Block No. 12, New Delhi Department of Administration Reforms & Public Grievances, Sardar Patel Bhawan, New
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37.04	Department of Heavy Industry, Udyog Bhawan, New Delhi Department of Land Processing, NBO Building, 'G' Wing, Nirman Bhawan, New Delhi Department of Land Processing, NBO Building, 'G' Wing, Nirman Bhawan, New Delhi
38.	Department of Land Processing
39.	Department of Land Processing, New Delhi Cabinet Secretariat, Rashtrapati Bhawan, New Delhi Department of Women & Child Development, Shastri Bhawan, New Delhi Department of Women & Sports, Shastri Bhawan, New Delhi
40.	Department of Women & Child Development, Olars, Phawan New Delhi
41.	Ministry of Youth Allans & Sports,
42.	Niti Ayog, Yojana Bhawan, New Delhi
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15.	Railway Board, Rail Bhawan, New Delhi

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47.	Ministry of Small Scale Industries, Udyog Bhawan, New Delhi, MSME, Udyog Bhawan New Delhi
48.	Department of Public Enterpirses, Block-14, CGO Complex, New Delhi
49.	Ministry of Textiles, Ministry of Indusry, Udyog Bhawan, New Delhi
50,	Ministry of Commerce, Udyog Bhawan, New Delhi
51,	Department of Scientific & Industrial Research, Technology Bhawan, New Mehrauli Road, New Belhi-15
52.	Ministry of External Affairs, South Block, New Delhi
53.	Ministry of Power, Shram Shakti Bhawan, New Delhi
54.	Department of Legal Affairs, Shastri Bhawan, New Delhi
55.	Department of Legislative, Shastri Bhawan, New Delhi
56	Ministry of Development of North Eastern Region, Vigyan Bhawan, New Delhi
57.	Department of Expenditure, North Block, New Delhi
58.	Ministry of Urban Develoment, Nirman Bhawan, New Delhi
59.	Ministry of Labour & Employment, Shram Shakti Bhawan, New Delhi
60.	Union Public Service Commission, Dholpur House, Shahjahan Road, New Delhi
61.	Ministry of Parliamentary Affairs, 87, Sansad Marg, New Delhi
62.	Ministry of Cultural, Shastri Bhawan, New Delhi
63.	Ministry of Statistics & Programme Implementation, Sardar Patel Bhawan, New Delhi
54.	Ministry of Social Justice & Empowerment, Shastri Bhawan, New Delhi
55.	Ministry of Information & Broadcasting, Shastri Bhawan, New Delhi
56.	Ministry of Health & Family Welfare, Nirman Bhawan, New Delhi
7.	Department of Road Transport & Highways, Parivahan Bhawan, New Delhi
8	Department of Disinvestment, Block-II & 14-A, CGO Complex, Lodi Road, New Delhi
9	Ministry of Panchayati Raj, Sardar Patel Bhawan, New Delhi
0	Ministry of Minority Affairs, Paryavaran Bhawan, New Delhi
L	Minority Commission, Lok Nayak Bhawan, New Delhi
2.	Ministry of Steel, Udyog Bhawan, New Delhi
3.	Department of Space, Lok Nayak Bhawan, New Delhi
4.50	Department of Automic Energy, South Block, New Delhi