

No. 15/3/2015-Public
Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralaya
Public Section

North Block, New Delhi-1
Dated the 16 January, 2015.

To
The Chief Secretaries Administrators of
All State Governments UT Administrations,
Secretaries of all Ministries Departments of Govt. of India.

Subject:- Strict compliance of the provisions contained in the Flag Code of India, 2002 and
Prevention of Insults to National Honour Act, 1971- regarding.

Sir/Madam,

1. I am directed to say that complaints are being received by this Ministry from various quarters about the insult or disrespect to the Indian National Flag on several occasions. The National Flag represents hopes and aspirations of the people of our country and hence should occupy a position of honour. A copy each of the Prevention of Insults to National Honour Act, 1971 and Flag Code of India, 2002 are enclosed herewith for strict compliance of the provisions contained in the Act and the Flag Code. You are requested to create awareness programme in this regard.

2. It has been brought to the notice of this Ministry that on important events, the National Flag made of plastic are being used in place of paper Flags. Since, plastic flags are not biodegradable like the paper flags, these do not get decomposed for a long time and are harmful to the atmosphere. Further, ensuring the appropriate disposal of National Flags made of plastic with the dignity of the flag is a problem. It may also be noted that as per Section 2 of the Prevention of Insults to National Honour Act, 1971- Whoever in any public place or in any other place within public view burns, mutilates, defaces, defiles, disfigures, destroys, tramples upon or otherwise shows disrespect to or brings into contempt (whether by words, either spoken or written, or by acts) the Indian National Flag or any part thereof, shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

3. You are, therefore, requested to ensure that on important national, cultural and sports events Flags made of paper only are used by public in terms of the provisions of the Flag Code of India and such paper Flags are not discarded or thrown on the ground after the event. Such Flags are to be disposed of in private consistent with the dignity of the Flag. Wide publicity for not using the National Flag made of plastic should be made alongwith its advertisement in the electronic and print media.

Hindi version will follow.

Yours faithfully,

Shyamala Mohan

(Shyamala Mohan)

Director to the Government of India

Tel. No. 2309 2587


Encl. - As above.

Protocol Branch

Dy. No. 174

Date. 17/1/15

1. Cabinet Secretariat, New Delhi.
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. Election Commission of India, New Delhi.
6. Lok Sabha Secretariat, New Delhi.
7. Rajya Sabha Secretariat, New Delhi.
8. Registrar, Supreme Court of India, New Delhi.
9. Delhi High Court, New Delhi.
10. Office of Comptroller and Auditor General of India, New Delhi.
11. The Union Public Service Commission, New Delhi.
12. Central Vigilance Commission, New Delhi.
13. NITI Aayog, Yojana Bhawan, New Delhi.
14. All Attached & Subordinate Offices of the Ministry of Home Affairs.
15. 20 Spare Copies.


(Shyamala Mohan)
Director to the Government of India
Tel. No. 2309 2587

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19 JAN 2015

Subject:- Strict compliance of the provisions contained in the Flag Code of India, 2002 and Prevention of Insults to National Honour Act, 1971- regarding.

Sir/Madam,

I am directed to say that a number of complaints are received by this Ministry about the non-proper display of the Indian National Flag on various official websites.

2. The use/display/hoisting of the National Flag is regulated by the Prevention of Insults to National Honour Act, 1971 and Flag Code of India, 2002, which are available on this Ministry's website www.mha.nic.in.

3. You are, therefore, requested to ensure that the display of the Indian National Flag placed on your website, as well as the websites of your attached and subordinate offices are strictly according to the abovesaid Act and Code.

Hindi versions will follow.

Yours faithfully,

M. Shyamala
(Shyamala Mohan)

Director to the Government of India
Tel. No. 2309 2587

Copy to:-

1. Cabinet Secretariat, New Delhi.
2. President's Secretariat, Rashtrapati Bhawan, New Delhi.
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THE PREVENTION OF INSULTS TO NATIONAL HONOUR ACT, 1971
No. 69 of 1971 (23rd December, 1971)

(Amended by the Prevention of Insults to National Honour (Amendment) Act, 2005)
No. 51 of 2005 (20th December, 2005)

An Act to Prevent Insults to National Honour

Be it enacted by Parliament in the Twenty- second year of the Republic of India as follows: -

1. SHORT TITLE AND EXTENT

- (1) This Act may be called the Prevention of Insults to National Honour Act, 1971.
- (2) It extends to the whole of India.

2. INSULT TO INDIAN NATIONAL FLAG AND CONSTITUTION OF INDIA

Whoever in any public place or in any other place within public view burns, mutilates, defaces, defiles, disfigures, destroys, tramples upon or *otherwise shows disrespect to or brings into contempt (whether by words, either spoken or written, or by acts) the Indian National Flag or the Constitution of India or any part thereof, shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

Explanation 1 – Comments expressing disapprobation or criticism of the Constitution or of the Indian National Flag or of any measures of the Government with a view to obtain an amendment of the Constitution of India or an alteration of the Indian National Flag by lawful means do not constitute an offence under this section.

Explanation 2 – The expression, “Indian National Flag” includes any picture, painting, drawing or photograph, or other visible representation of the Indian National Flag, or of any part or parts thereof, made of any substance or represented on any substance.

Explanation 3 – The expression “public place” means any place intended for use by, or accessible to, the public and includes any public conveyance.

*Explanation 4 - The disrespect to the Indian National flag means and includes—

- (a) a gross affront or indignity offered to the Indian National Flag; or
- (b) dipping the Indian National Flag in salute to any person or thing; or
- (c) flying the Indian National Flag at half-mast except on occasions on which the Flag is flown at half-mast on public buildings in accordance with the instructions issued by the Government; or

- (d) using the Indian National Flag as a drapery in any form whatsoever except in state funerals or armed forces or other para-military forces funerals; or
- (e) #using the Indian National Flag:-
 - (i) as a portion of costume, uniform or accessory of any description which is worn below the waist of any person; or
 - (ii) by embroidering or printing it on cushions, handkerchiefs, napkins, undergarments or any dress material; or
- (f) putting any kind of inscription upon the Indian National Flag; or
- (g) using the Indian National Flag as a receptacle for receiving, delivering or carrying anything except flower petals before the Indian National Flag is unfurled as part of celebrations on special occasions including the Republic Day or the Independence Day; or
- (h) using the Indian National Flag as covering for a statue or a monument or a speaker's desk or a speaker's platform; or
- (i) allowing the Indian National Flag to touch the ground or the floor or trail in water intentionally; or
- (j) draping the Indian National Flag over the hood, top, and sides or back or on a vehicle, train, boat or an aircraft or any other similar object; or
- (k) using the Indian National Flag as a covering for a building; or
- (l) intentionally displaying the Indian National Flag with the "saffron" down.

3. PREVENTION OF SINGING OF NATIONAL ANTHEM

Whoever intentionally prevents the singing of the Indian National Anthem or causes disturbances to any assembly engaged in such singing shall be punished with imprisonment for a term, which may extend to three years, or with fine, or with both.

*3A MINIMUM PENALTY ON SECOND OR SUBSEQUENT OFFENCE

Whoever having already been convicted of an offence under section 2 or section 3 is again convicted of any such offence shall be punishable for the second and for every subsequent offence, with imprisonment for a term, which shall not be less than one year.

Note 1: * Inserted vide The Prevention of Insults to National Honour (Amendment) Act, 2003 (No. 31 of 2003 dated 8.5.2003)

Note 2: # Inserted vide The Prevention of Insults to National Honour (Amendment) Act, 2005 (No. 51 of 2005 dated 20.12.2005)

Amendment to the prevention of insults to National Honour Act, 1971

The Union Cabinet today approved a proposal to amend the Prevention of Insults to National Honour Act, 1971, withdrawing the restriction on the use of National Flag as a portion of costume or uniform by the members of public, in general, and the sports-persons, in particular.

The Government had constituted a National Flag Committee in October, 2000 to examine various issues relating to the use/display of the National Flag including the extent to which unrestricted /liberal use of the National Flag by members of the public could be permitted. The Report of the Committee was considered by the Ministry of Home Affairs and the matter was placed before the Cabinet for accepting the recommendations made by the Committee with certain modifications. On acceptance of the proposals by the Cabinet, a new "Flag Code of India-2002" was finalized and brought into effect from 26th January, 2002 superseding 'Flag Code-India'. The most notable feature of the Flag Code of India, 2002 is that it withdraws all restrictions on the display of the National Flag by members of general public, private organizations, educational institutions, etc., except to the extent provided in the Emblems and Names (Prevention of Improper Use) Act, 1950 and the Prevention of Insults to National Honour Act, 1971 (amended in 2003) and any other law enacted on the subject.

The Cabinet, while approving liberalization in the use/display of the National Flag by members of public, had inter-alia decided that "in due course, amendment to the Prevention of Insults to National Honour Act, 1971 may be considered with a view to making the penalty for deliberate insult to National Flag for second and subsequent offence more stringent and defining the 'insult' at greater length by including serious disrespect to the Flag such as use of Flag on costumes, etc., within the purview of 'insults'".

In pursuance of the decision of the Cabinet, the Prevention of Insults to National Honour Act, 1971 was amended on May 8, 2003, by the Prevention to Insults to National Honour (Amendment) Act, 2003. In terms of the amendment, 'disrespect' to the National Flag was made a punishable offence (along with 'insults' to the National Flag). An inclusive definition of disrespect was added to the Act.

The Cabinet approved the proposal to withdraw the restriction to use National Flag on costumes, dress material etc. with certain safeguards like that the National Flag will not be used on undergarments and dresses or accessories worn below the waist. For example, the existing prohibition on the use of the National Flag, as contained in Explanation 4(e) below section 2 of the Act will be substituted by the following :-

<u>Existing Prohibition</u>	<u>Substitution</u>
Using the Indian National Flag as a portion of costume or uniform of any description or embroidering or printing it on cushions, handkerchiefs, napkins or any dress material.	Using the National Flag on any undergarment or any dress, costume, uniform or accessory worn below the waist or embroidering or printing it on cushions, gloves, handkerchiefs, napkins or any dress material.

YSR/DS/HS/LV