

005291

A 7 4

IMMEDIATE1
58

REGISTRARS' SECRETARIAT

No. Date 17/1/19

 R(S/I) DR(Ltgn.) CM R(S/C) PRO A R(J) Protocol D R(A) APRO/PIO G R(F) Chief Libn. E Addl.R(GA) File E

REGISTRAR GENERAL.

F.No. 15/1/2019-Public
Government of India
Ministry of Home Affairs
Public Section

North Block, New Delhi - 01.

Dated the 7th January, 2019

08 JAN 2019

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 'The Prevention of Insults to National Honour Act, 1971' - reg.

Sir/ Madam,

I am directed to say that the Indian National Flag represents hopes and aspirations of the people of our country and hence should occupy a position of honour. There is universal affection and respect for, and loyalty to, the National flag. Yet, a perceptible lack of awareness is often noticed amongst people as well as organizations/agencies of the Government, in regard to laws, practices and conventions that apply to display of the National Flag. A copy each of 'The Prevention of Insults to national Honour Act, 1971' and 'Flag Code of India, 2002' which governs display of National Flag, are enclosed herewith for strict compliance of the provisions contained in the Act and the Flag Code (copy also available on this Ministry's website www.mha.gov.in). You are requested to undertake mass awareness programme in this regard and also to give it wide publicity through advertisements in the electronic and print media.

2. Further, it has been brought to notice of this Ministry that on the occasions of important national, cultural and sports events, the National Flags made of plastic are also being used in place of National Flags made of paper. Since, plastic flags are not biodegradable like paper flags, these do not get decomposed for a long time and ensuring appropriate disposal of National Flags made of plastic commensurate with dignity of the flag, is a practical problem. You are, therefore, requested to ensure that on the occasions of important national, cultural and sports events, Flags made of paper only are used by the public in terms of the provisions of the 'Flag Code of India, 2002' and such paper

103300

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. Thus, you are also requested to give wide publicity, for not using the National Flag made of plastic in the electronic and print media.

Yours faithfully,

Encl: As above.

Deepak Kumar
07/01/2019
(Deepak Kumar)

Under Secretary to the Government of India
Tel: 2309 2421

Copy to:

1. President's Secretariat, Rashtrapati Bhawan, New Delhi.
 2. Vice – President's Secretariat, New Delhi.
 3. Prime Minister's Office, South Block, New Delhi.
 4. Cabinet Secretariat, New Delhi.
 5. Office of all Governors.
 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. Registrar, 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.
-
15. All attached & Subordinate Offices of the Ministry of Home Affairs.
 16. 20 Spare Copies.

Deepak Kumar
07/01/2019
(Deepak Kumar)

Under Secretary to the Government of India

3

(3)

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

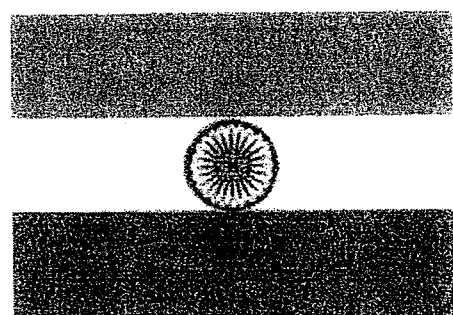
Whoever having already been convicted of an offence under section 2 or section 3 is again convicted of any such offence shall be punishable for the second and for every subsequent offence, with imprisonment for a term, which shall not be less than one year.

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)

Flag Code of India

2002



Government of India
Ministry of Home Affairs
New Delhi

6

FLAG CODE OF INDIA

The Indian National Flag represents the hopes and aspirations of the people of India. It is the symbol of our national pride. Over the last five decades, several people including members of armed forces have ungrudgingly laid down their lives to keep the tricolour flying in its full glory.

There is universal affection and respect for, and loyalty to, the National Flag. Yet, a perceptible lack of awareness is often noticed, not only amongst people but also in the organisations/agencies of the government, in regard to laws, practices and conventions that apply to the display of the National Flag. Apart from non-statutory instructions issued by the Government from time to time, display of the National Flag is governed by the provisions of the Emblems and Names (Prevention of Improper Use) Act, 1950 (No.12 of 1950) and the Prevention of Insults to National Honour Act, 1971 (No. 69 of 1971). Flag Code of India, 2002 is an attempt to bring together all such laws, conventions, practices and instructions for the guidance and benefit of all concerned.

For the sake of convenience, Flag Code of India, 2002, has been divided into three parts. Part I of the Code contains general description of the National Flag. Part II of the Code is devoted to the display of the National Flag by members of public, private organizations, educational institutions, etc. Part III of the Code relates to display of the National Flag by Central and State governments and their organisations and agencies.

Flag Code of India, 2002, takes effect from January 26, 2002 and supersedes the 'Flag Code - India' as it existed.

7

(7)

PART I
GENERAL

1.1 The National Flag shall be a tri-colour panel made up of three rectangular panels or sub-panels of equal widths. The colour of the top panel shall be India saffron (Kesari) and that of the bottom panel shall be India green. The middle panel shall be white, bearing at its centre the design of Ashoka Chakra in navy blue colour with 24 equally spaced spokes. The Ashoka Chakra shall preferably be screen printed or otherwise printed or stenciled or suitably embroidered and shall be completely visible on both sides of the Flag in the centre of the white panel.

1.2 The National Flag of India shall be made of hand spun and hand woven wool/cotton/silk khadi bunting.

1.3 The National Flag shall be rectangular in shape. The ratio of the length to the height (width) of the Flag shall be 3:2.

1.4 The standard sizes of the National Flag shall be as follows:-

Flag Size No.	Dimensions in mm
1	6300 X 4200
2	3600 X 2400
3	2700 X 1800
4	1800 X 1200
5	1350 X 900
6	900 X 600
7	450 X 300
8	225 X 150
9	150 X 100

1.5 An appropriate size should be chosen for display. The flags of 450X300 mm size are intended for aircrafts on VVIP flights, 225X150 mm size for motor-cars and 150X100 mm size for table flags.

8

PART II

HOISTING/DISPLAY/USE OF NATIONAL FLAG BY MEMBERS OF PUBLIC, PRIVATE ORGANISATIONS, EDUCATIONAL INSTITUTIONS, ETC.

SECTION I

2.1 There shall be no restriction 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 Emblems and Names (Prevention of Improper Use) Act, 1950.

Section 2: In this Act, unless the context otherwise requires:-

(a) "emblem" means any emblem, seal, flag, insignia, coat-of-arms or pictorial representation specified in the Schedule.

Section 3: Notwithstanding anything contained in any law for the time being in force, no person shall, except in such cases and under such conditions as may be prescribed by the Central Government, use, or continue to use, for the purpose of any trade, business, calling or profession, or in the title of any patent, or in any trade mark of design, any name or emblem specified in the Schedule or any colourable imitation thereof without the previous permission of the Central Government or of such officer of Government as may be authorised in this behalf by the Central Government.

NOTE: The Indian National Flag has been specified as an emblem in the Schedule to the Act.

9

9

the Prevention of Insults to National Honour Act, 1971** and any other law enacted on the subject. Keeping in view the provisions of the aforementioned Acts -

- (i) the Flag shall not be used for commercial purposes in violation of the Emblem and Names (Prevention of Improper Use) Act, 1950;
- (ii) the Flag shall not be dipped in salute to any person or thing;

**** The Prevention of Insults to National Honour Act, 1971**

Section 2: Whoever in any public place or in any other place within public view burns, mutilates, defaces, defiles, disfigures, destroys, tramples upon or otherwise 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.

Explanation 1. - Comments expressing disapprobation or criticism of..... the Indian National Flag or of any measures of the Government with a view to obtain 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.

- (iii) the Flag shall not be flown 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;
- (iv) the Flag shall not be used as a drapery in any form whatsoever, including private funerals;
- (v) the Flag shall not be used as a portion of costume or uniform of any description nor shall it be embroidered or printed upon cushions, handkerchiefs, napkins or any dress material;
- (vi) lettering of any kind shall not be put upon the Flag;
- (vii) the Flag shall not be used as a receptacle for receiving, delivering, holding or carrying anything;

provided that there shall be no objection to keeping flower petals inside the Flag before it is unfurled as part of celebrations on special occasions and on National Days like the Republic Day and the Independence Day;

- (viii) when used on occasions like unveiling of a statue, the Flag shall be displayed distinctly and separately and it shall not be used as a covering for the statue or monument;
- (ix) the Flag shall not be used to cover a speaker's desk nor shall it be draped over a speaker's platform;
- (x) the Flag shall not be intentionally allowed to touch the ground or the floor or trail in water.
- (xi) the Flag shall not be draped over the hood, top, sides or back of a vehicle, train, boat or an aircraft;
- (xii) the Flag shall not be used as a covering for a building; and
- (xiii) the Flag shall not be intentionally displayed with the "saffron" down.

2.2 A member of public, a private organization or an educational institution may hoist/display the National Flag on all days and occasions, ceremonial or otherwise. Consistent with the dignity and honour of the National Flag -

- (i) whenever the National Flag is displayed, it should occupy the position of honour and should be distinctly placed;
- (ii) a damaged or dishevelled Flag should not be displayed;
- (iii) the Flag should not be flown from a single masthead simultaneously with any other flag or flags;
- (iv) the Flag should not be flown on any vehicle except in accordance with the provisions contained in Section IX of Part III of this Code;
- (v) when the Flag is displayed on a speaker's platform, it should be flown on the speaker's right as he faces the audience or flat against the wall, above and behind the speaker;
- (vi) when the Flag is displayed flat and horizontal on a wall, the saffron band should be upper most and when displayed vertically, the saffron band shall be on the right with reference to the Flag (i.e. left to the person facing the Flag);
- (vii) to the extent possible, the Flag should conform to the specifications prescribed in Part I of this Code.
- (viii) no other flag or bunting should be placed higher than or above or side by side with the National Flag; nor should any object including flowers or garlands or emblem be placed on or above the Flag-mast from which the Flag is flown;
- (ix) the Flag should not be used as a festoon, rosette or bunting or in any other manner for decoration;
- (x) the Flag made of paper may be waved by public on occasions of important national, cultural and sports

(12)

events. However, such paper Flags should not be discarded or thrown on the ground after the event. As far as possible, it should be disposed of in private consistent with the dignity of the Flag;

- (xi) where the Flag is displayed in open, it should, as far as possible, be flown from sunrise to sunset, irrespective of weather conditions;
- (xii) the Flag should not be displayed or fastened in any manner as may damage it; and
- (xiii) when the Flag is in a damaged or soiled condition, it shall be destroyed as a whole in private, preferably by burning or by any other method consistent with the dignity of the Flag.

SECTION II

2.3 The National Flag may be hoisted in educational institutions (schools, colleges, sports camps, scout camps, etc.) to inspire respect for the Flag. A model set of instructions for guidance is given below -

- (i) The School will assemble in open square formation with pupils forming the three sides and the Flag-staff at the centre of the fourth side. The Headmaster, the pupil leader and the person unfurling the Flag (if other than the Headmaster) will stand three paces behind the Flag-staff.
- (ii) The pupils will fall according to classes and in squads of ten (or other number according to strength). These squads will be arranged one behind the other. The pupil leader of the class will stand to the right of the first row of his class and the form master will stand three paces behind the last row of his class, towards the middle. The classes

13

(13)

will be arranged along the square in the order of seniority with the seniormost class at the right end.

- (iii) The distance between each row should be at least one pace (30 inches); and the space between Form and Form should be the same.
- (iv) When each Form or Class is ready, the Class leader will step forward and salute the selected school pupil leader. As soon as all the Forms are ready, the school pupil leader will step up to the Headmaster and salute him. The Headmaster will return the salute. Then, the Flag will be unfurled. The School pupil leader may assist.
- (v) The School pupil leader in charge of the parade (or assembly) will call the parade to attention, just before the unfurling, and he will call them to the salute when the Flag flies out. The parade will keep at the salute for a brief interval, and then on the command "order", the parade will come to the attention position.
- (vi) The Flag Salutation will be followed by the National Anthem. The parade will be kept at the attention during this part of the function
- (vii) On all occasions when the pledge is taken, the pledge will follow the National Anthem. When taking the pledge the Assembly will stand to attention and the Headmaster will administer the pledge ceremoniously and the Assembly will repeat it after him.
- (viii) In pledging allegiance to the National Flag, the practice to be adopted in Schools is as follows:-

Standing with folded hands, all repeat together the following pledge:

"I pledge allegiance to the National Flag and to the Sovereign Socialist Secular Democratic Republic for which it stands."

14

PART. III

HOISTING/DISPLAY OF THE NATIONAL FLAG BY THE CENTRAL AND STATE GOVERNMENTS AND THEIR ORGANISATIONS AND AGENCIES.

SECTION I

DEFENCE INSTALLATIONS/HEADS OF MISSIONS/POSTS

3.1 The provisions of this Part shall not apply to Defence Installations that have their own rule for display of the National Flag.

3.2 The National Flag may also be flown on the Headquarters and the residences of the Heads of Missions/Posts abroad in the countries where it is customary for diplomatic and consular representatives to fly their National Flags on the Headquarters and their official residences.

SECTION II

OFFICIAL DISPLAY

3.3 Subject to the provisions contained in Section I above, it shall be mandatory for all Governments and their organisations/agencies to follow the provisions contained in this Part.

3.4 On all occasions for official display, only the Flag conforming to specifications laid down by the Bureau of Indian Standards and bearing their standard mark shall be used. On other occasions also, it is desirable that only such Flags of appropriate size are flown.