

Dated: 13/05/2015

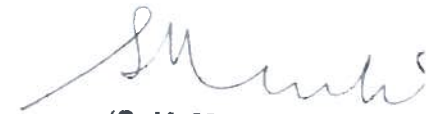
CIRCULAR

Subject: Strict compliance of the provision contained in the Flag code of India, 2002 and Prevention of Insults of National Honour Act, 1971- regarding

The undersigned is directed to refer to MHA's letter No. 1/06/2012-Public dated 23.04.2015 on the above subject and to circulate herewith a copy of the same for strict compliance of the provisions contained in the Flag code of India, 2002 and Prevention of Insults of National Honour Act, 1971. The same has been uploaded on Ministry's Website as well as intrafpi.

2. As mentioned in the above letter of MHA, violation of the provisions of the above said Act and Code, calls for strict action against concerned Officials/Organizations.

Encl: As above.


(S. K. Mohanty)
Under Secretary (Estt.)

To
All Staff and Officers of this Ministry

Copy to:

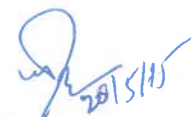

- I. PS to Hon'ble Minister (FPI)
- II. PS to Hon'ble MOS (FPI)
- III. Sr. PPS to Secretary (FPI)
- IV. PS to AS
- V. PA to JS (AP)/ PS to JS (RS)
- VI. All Directors/DS.
- VII. NIC Division - with the request to upload the same on intrafpi and website of this Ministry.
- VIII. NIFTEM / IICPT Division.
- IX. Hindi Section - for Hindi Version pls.
- X. Notice Board

1781
2015/15

Please send it to
The Registrar, NIFTEM
14/5/15

BRF

ARDC)
Pl. put up a draft circular


2015/15
As discussed earlier
not required. Copy may
be sent to DGM, MNC, ARIC,
Gen Adm. 



705
19/05/15

North Block, New Delhi-1
Dated the 29, April, 2015

To

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

123 APR 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.

As per order dated 13.2.2015 in Contempt Case No. 30 of 2014-M. Rajkumar Vs. UOI & Others filed in connection with PIL No. 20 of 2012 and Contempt Petition No. 1123 of 2012 of the Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh, the copies of the Flag Code of India, 2002 and The Prevention of Insults to National Honour Act, 1971 are enclosed for strict compliance of the provisions contained in the said Act and Code.

2. It is also requested that suitable instructions in this regard may please be issued to all the concerned agencies. Strict action should be taken against the concerned officials and individuals/organizations for any violation of the provisions of the abovesaid Act and Code. Wide publicity for not using the National Flag made of plastic should be made alongwith its advertisement in the electronic and print media.

Yours faithfully,

Encl.:- As above.

M. Shyamala
(Shyamala Mohan)

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

45-931
Copy to:-

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. The Registrar, 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.
16. Shri B.N. Reddy, Assistant Solicitor General of India, 2/2-25/P/4-A, D.D. Colony, Bagh Amberpet, Hyderabad-500013, for information and further necessary action.
17. The Registrar, High Court of Judicature at Hyderabad for the State of Telangana and Andhra Pradesh, for information.
18. Shri M. Rajkumar S/o Late Shri Maddela Mallaiah, Advocate, R/o H.No.3-6-348/33 & 34, Basheerbagh, Hyderabad-500029, for information.

21/4
S. Ranjani

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.

The significance of the colours and the chakra in the National Flag was amply described by Dr. S. Radhakrishnan in the Constituent Assembly which unanimously adopted the National Flag. Dr. S. Radhakrishnan explained—"Bhagwa or the saffron colour denotes renunciation of disinterestedness. Our leaders must be indifferent to material gains and dedicate themselves to their work. The white in the centre is light, the path of truth to guide our conduct. The green shows our relation to soil, our relation to the plant life here on which all other life depends. The Ashoka Wheel in the center of the white is the wheel of the law of dharma. Truth or satya, dharma or virtue ought to be the controlling principles of those who work under this flag. Again, the wheel denotes motion. There is death in stagnation. There is life in movement. India should no more resist change, it must move and go forward. The wheel represents the dynamism of a peaceful change."

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 organizations/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

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.

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.

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

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."

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SECTION III

CORRECT DISPLAY

- 3.5 Wherever the Flag is flown, it should occupy the position of honour and be distinctly placed.
- 3.6 Where the practice is to fly the Flag on any public building, it shall be flown on that building on all days including Sundays and holidays and, except as provided in this Code, it shall be flown from sun-rise to sun-set irrespective of weather conditions. The Flag may be flown on such a building at night also but this should be only on very special occasions.
- 3.7 The Flag shall always be hoisted briskly and lowered slowly and ceremoniously. When the hoisting and the lowering of the Flag is accompanied by appropriate bugle calls, the hoisting and lowering should be simultaneous with the bugle calls.
- 3.8 When the Flag is displayed from a staff projecting horizontally or at an angle from a windowsill, balcony, or front of a building, the saffron band shall be at the farther end of the staff.
- 3.9 When the Flag is displayed flat and horizontal on a wall, the saffron band shall be upper most and when displayed vertically, the saffron band shall be to the right with reference to the Flag, i.e., it may be to the left of a person facing it.
- 3.10 When the Flag is displayed on a speaker's platform, it shall be flown on a staff on the speaker's right as he faces the audience or flat against the wall above and behind the speaker.
- 3.11 When used on occasions like the unveiling of a statue, the Flag shall be displayed distinctly and separately.
- 3.12 When the Flag is displayed alone on a motor car, it shall be flown from a staff, which should be affixed firmly either on the middle front of the bonnet or to the front right side of the car.

SECTION V

MISUSE

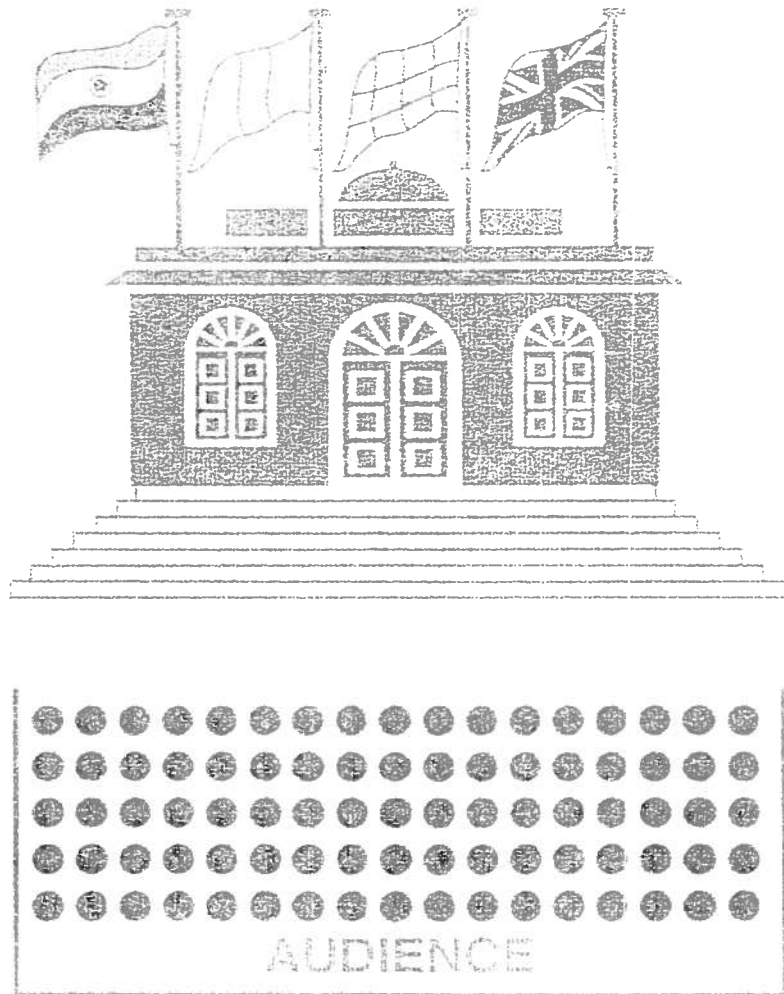
- 3.22 The Flag shall not be used as a drapery in any form whatsoever except in State/Military/Central Para military Forces funerals hereinafter provided.
- 3.23 The Flag shall not be draped over the hood, top, sides or back of a vehicle, train or boat.
- 3.24 The Flag shall not be used or stored in such a manner as may damage or soil it.
- 3.25 When the Flag is in a damaged or soiled condition, it shall not be cast aside or disrespectfully disposed of but shall be destroyed as a whole in private, preferably by burning or by any other method consistent with the dignity of the Flag.
- 3.26 The Flag shall not be used as a covering for a building.
- 3.27 The Flag shall not be used as a portion of a costume or uniform of any description. It shall not be embroidered or printed upon cushions, handkerchiefs, napkins or boxes.
- 3.28 Lettering of any kind shall not be put upon the Flag.
- 3.29 The Flag shall not be used in any form of advertisement nor shall an advertising sign be fastened to the pole from which the Flag is flown.
- 3.30 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.

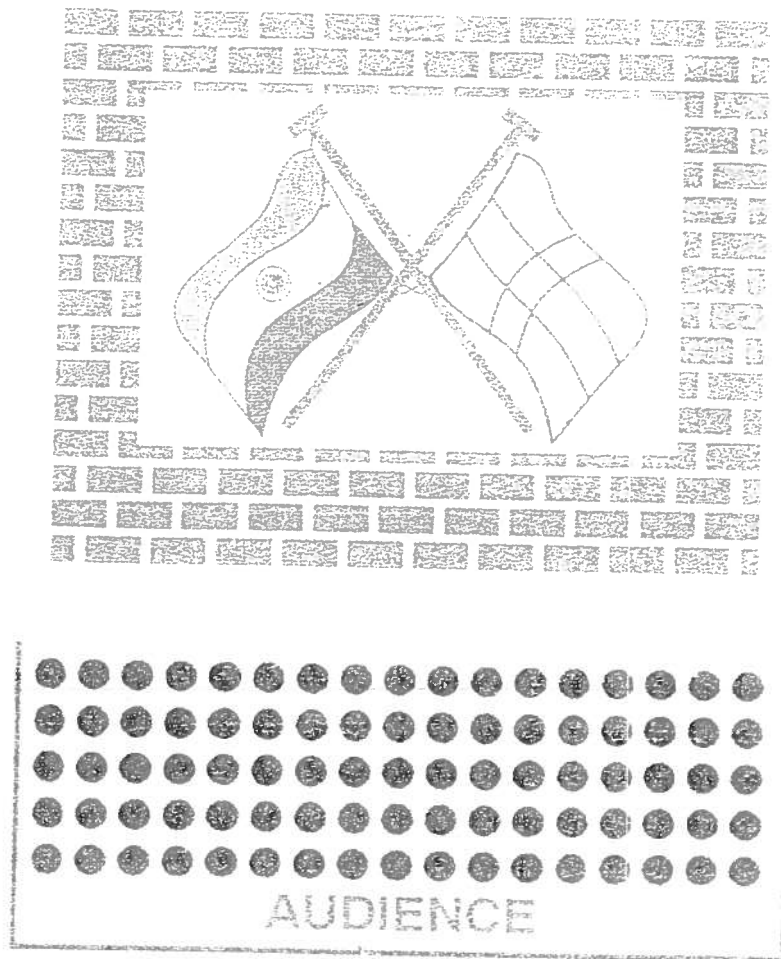
ARTICLE

DISPLAY WITH FLAGS OF OTHER NATIONS AND OF UNITED NATIONS

332 When displayed in a straight line with flags of other countries, the National Flag shall be on the extreme right. If an observer were to stand in the center of the row of the flags facing the audience, the National Flag should be to his extreme right. The position is illustrated in the diagram below.



When the flag of one State is placed side by side with another flag from the other State, the national flag shall be on the right of the flag's own height, and its staff shall be in front of the staff of the other flag. The position is illustrated in the diagram below:



3.37 When the National Flag is flown with flags of other countries, the flag masts shall be of equal size. International usage forbids the display of the flag of one nation above that of another nation in time of peace.

3.38 The National Flag shall not be flown from a single mast-head simultaneously with any other flag or flags. There shall be separate mast-heads for different flags.

SECTION VIII

DISPLAY OVER PUBLIC BUILDINGS / OFFICIAL RESIDENCES

3.39 Normally the National Flag should be flown only on important public buildings such as High Courts, Secretariats, Commissioners' Offices, Collectorates, Jails and offices of the District Boards, Municipalities and Zilla Parishads and Departmental/Public Sector Undertakings.

3.40 In frontier areas, the National Flag may be flown on the border customs posts, check posts, out posts and at other special places where flying of the Flag has special significance. In addition, it may be flown on the camp sites of border patrols.

3.41 The National Flag should be flown on the official residences of the President, Vice-President, Governors and Lieutenant Governors when they are at Headquarters and on the building in which they stay during their visits to places outside the Headquarters. The Flag flown on the official residence should, however, be brought down as soon as the dignitary leaves the Headquarters and it should be re-hoisted on that building as he enters the main

SECTION IX

DISPLAY ON MOTOR CARS

3.44 The privilege of flying the National Flag on motor cars is limited to the:-

- (1) President;
- (2) Vice-President;
- (3) Governors and Lieutenant Governors;
- (4) Heads of Indian Missions/Posts abroad in the countries to which they are accredited;
- (5) Prime Minister and other-Cabinet Ministers;
Ministers of State and Deputy Ministers of the Union;
Chief Minister and other Cabinet Ministers of a State or Union Territory;
Ministers of State and Deputy Ministers of a State or Union Territory;
- (6) Speaker of the Lok Sabha;
Deputy Chairman of the Rajya Sabha;
Deputy Speaker of the Lok Sabha;
Chairmen of Legislative Councils in States
Speakers of Legislative Assemblies in States and Union territories.
Deputy Chairmen of Legislative Councils in States;
Deputy Speakers of Legislative Assemblies in States and Union territories;

SECTION XI

HALF-MASTING

3.50 In the event of the death of the following dignitaries, the National Flag shall be half-masted at the places indicated against each on the day of the death of the dignitary:-

<u>Dignitary</u>	<u>Place or places</u>
President	Throughout India
Vice-President	
Prime Minister	
Speaker of the Lok Sabha	Delhi
Chief Justice of India	
Union Cabinet Minister	Delhi and State Capitals
Minister of State or Deputy Minister of the Union	Delhi
Governor	Throughout the State or Union territory concerned. Capital of the State concerned.
Lt. Governor	
Chief Minister of a State	
Chief Minister of a Union territory	
Cabinet Minister in a State	

3.51 If the intimation of the death of any dignitary is received in the afternoon, the Flag shall be half-masted on the following day also at the place or places indicated above, provided the funeral has not taken place before sun-rise on that day.

3.57 When flown at half-mast, the Flag shall be hoisted to the peak for an instant, then lowered to the half-mast position, but before lowering the Flag for the day, it shall be raised again to the peak.

Note:- By half-mast is meant hauling down the Flag to one half the distance between the top and the guy-line and in the absence of the guy-line, half of the staff.

3.58 On occasions of State/Military/Central Para-Military Forces funerals, the Flag shall be draped over the bier or coffin with the saffron towards the head of the bier or coffin. The Flag shall not be lowered into the grave or burnt in the pyre.

3.59 In the event of death of either the Head of the State or Head of the Government of a foreign country, the Indian Mission accredited to that country may fly the National Flag at half-mast even if that event falls on Republic Day, Independence Day, Mahatama Gandhi's Birthday, National Week (6th to 13th April, in the memory of martyrs of Jalianwala Bagh) or any other particular day of national rejoicing as may be specified by the Government of India. In the event of death of any other dignitary of that country, the National Flag should not be flown at half-mast by the Missions except when the local practice or protocol (which should be ascertained from the Dean of the Diplomatic Corps, where necessary) require that the National Flag of a Foreign Mission in that country should also be flown at half-mast.



(2F) 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)