

**PREVENTION OF INSULTS TO NATIONAL HONOUR ACT,
1971**

69 of 1971

[23rd December, 1971]

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STATEMENT OF OBJECTS AND REASONS "Cases involving deliberate disrespect to National Flag, the National Anthem and the Constitution have come to the notice in the recent past. Some of these incidents were discussed in both the Houses of Parliament and members expressed great anxiety about the disrespect shown to the national symbols. Government were urged to prevent the recurrence of such incidents. Disrespect to the National Flag and the Constitution or the National Anthem is not punishable under the existing law. Public acts of insults to these symbols of sovereignty and the integrity of the nation must be prevented. Hence the Bill. The scope of the law is restricted to overt acts of insult to and attack on, the national symbols by burning, trampling defiling or mutilating in public. It is not intended to prohibit honest and bona fide criticism of the symbols, and express provisions to this effect have been made in the Bill." -Gazette of India, 31-8-1970, Pt. II, S. 2, Extra., p. 833.

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 ¹["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.

²Explanation 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 Indian National 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

³ (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 statute 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.

1. In Section 2, the words "otherwise brings" shall be substituted by Prevention of Insults to National Honour (Amendment) Act, 2003. , (Act 31 of 2003), Gazette of India, Extra., Part II, Section 1, dated 9th May, 2003, pp. 1-2, No. 34

2. In Section 2, Explanation 4, shall be inserted by Prevention of Insults to National Honour (Amendment) Act, 2003. , (Act 31 of 2003), Gazette of India, Extra., Part II, Section 1, dated 9th May, 2003, pp. 1-2, No. 34

3. In Sec. (2) of Explanation 4, Clause(e) Shall be substituted by the Prevention of Insults to National Honour (Amendment) Act, 2005.

3. Prevention of singing of India National Anthem, etc :-

Whoever intentionally prevents the singing of the Indian National Anthem or causes disturbance 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. Enhanced penalty on second and subsequent convictions. :-

1 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.

1. Section 3A, shall be inserted by Prevention of Insults to National Honour (Amendment) Act, 2003. , (Act 31 of 2003), Gazette of India, Extra., Part II, Section 1, dated 9th May, 2003, pp. 1-2, No. 34