

**GOVERNMENT OF INDIA  
HOME AFFAIRS  
LOK SABHA**

UNSTARRED QUESTION NO:3818  
ANSWERED ON:08.04.2003  
FLAG CODE  
MINATISEN;PRAHLAD SINGH PATEL

**Will the Minister of HOME AFFAIRS be pleased to state:**

- (a) whether the Government have further streamlined the rules regarding hoisting of the National Flag;
- (b) if so, the details thereof;
- (c) whether the responsibility for enforcing the said rules lies with the Central or the State Government;
- (d) if so, the manner in which the action is to be taken in cases of violation of these rules in particular by the VIPs;
- (e) whether any guidelines have been prepared in this regard;
- (f) if so, the details thereof;
- (g) whether the Government have decided to amend the prevention of insults to the National Honour Act, 1971; and
- (h) if so, the details thereof?

**Answer**

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI I.D. SWAMI)

(a) & (b): A new Flag Code of India, 2002 was brought out w.e.f. 26th January, 2002. Part-I of the Code contains general description of the National Flag. Part-II of the Code is devoted to display of the National Flag by members of public, private organisations, educational institutions, etc. Paragraph 2.1 of Section-I of Part-II of the Code explicitly states that there shall be no restriction on the display of the National Flag by members of general public, private organisations, 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 and any other law enacted on the subject. Though the Flag Code of India, 2002, being a compendium of instructions without a legislative back up, is not enforceable against citizens, clauses

(i) to (xiii) of para 2.1 prohibit certain acts which will or may amount to `insult` to, or `misuse` of, the National Flag within the meaning of these two Acts. Paragraph 2.2 of Section -I of Part-II of the Code contains certain `dos and don'ts` which are essentially advisory in nature, consistent with the dignity and honour of the Flag. The provisions of Part-III of the Code are applicable to Government Departments/organisations/functionaries and, being in the nature of Government instructions, are binding on them.

(c),(d),(e) & (f): Flag Code is a compendium of executive instructions and has no legal back up. Therefore, action cannot be taken against general public for violation of the provisions of the Code. However, insult to the National Flag is an offence under the Prevention of Insults to National Honour Act, 1971. Action under the Act against offenders is taken by the concerned State/Union Territory Government.

(g) & (h): Under section 2 of the Prevention of Insults to National Honour Act, 1971 an act of insult to the Indian National Flag is punishable with imprisonment for a term which may extend to three years, or with fine or with both. It is proposed to amend the Act so as to define the term `insult` at a greater length by including `serious disrespect` to the National Flag within the purview of insult and provide for a minimum imprisonment of one year in the case of second or subsequent offence of insult to the National Flag. The Prevention of Insults to National Honour (Amendment) Bill, 2003 has been introduced in the Lok Sabha on March 7, 2003