

Prevention of Insults to National Honour (Amendment) Act, 2005

February 15, 2013

Prevention of Insults to National Honour (Amendment) Act, 2005¹

[Act No. 51 OF 2005]

[December 20, 2005]

An Act further to amend the Prevention of Insults to National Honour Act, 1971 Be it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:- Prefatory Note.-Statement of Objects and Reasons.-Section 2 of the Prevention of Insults to National Honour Act, 1971, inter alia, provides punishment for disrespect to the National Flag. One of the actions that constitutes disrespect to the National Flag is using the 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.

2. There were demands from the common citizens in general, and the sportspersons in particular, to express their love and affection for the National Flag by displaying it on their dresses, headgear, T-shirts, vests, etc., in a respectable manner. The Department related Parliamentary Standing Committee on Home Affairs was also of the view that the restrictions imposed by Explanation 4(e) of Section 2 of the said Act are demotivating the general public and sportspersons.

3. In view of the above, it is proposed to amend the said Explanation of Section 2 of the said Act, which will enable the members of the public to use the National Flag on their costumes, uniform or accessory of any description in a respectable manner with the safeguard that the National Flag shall not be used as a portion of costumes, uniform or accessory of any description worn below the waist, nor it would be used by way of embroidering or printing in items of daily use such as cushions, handkerchiefs, napkins, undergarments or any dress material.

4. The Bill seeks to achieve the above objects.

1. Received the assent of the President on December 20, 2005 and published in the Gazette of India, Extra., Part II, Section 1

1. Short title.

This Act may be called the Prevention of Insults to National Honour (Amendment) Act, 2005.

2. Amendment of Section 2 of Act 69 of 1971.

In the Prevention of Insults to National Honour Act, 1971, in Section 2, in Explanation 4, for clause (e), the following clause shall be substituted, namely:-

“(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”.
