

The Prevention of Insults to National Honour Act, 1971

February 18, 2013

[Act No.69 of 1971]

[23rd December, 1971]

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 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.

²["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 Indian National Flag as 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 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."

1. Subs. for the words "otherwise brings, the words "otherwise shows disrespect to or brings" shall be substituted for Prevention of Insults to National Honour (Amendment) Act, 2003 (Act No. 31 of 2003) w.e.f. 8-5-2003.

2. Inserted by Prevention of Insults to National Honour (Amendment) Act, 2003 (Act No. 31 of 2003) w.e.f. 8-5-2003

3. Subs. by Act No. 51 of 2005 w.e.f. 20-12-2005.

3. Prevention of singing of Indian 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.

¹Enhanced penalty on second and subsequent convictions. 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. Inserted by PREVENTION OF INSULTS TO NATIONAL HONOUR (AMENDMENT) ACT, 2003 (Act No. 31 of 2003) w.e.f. 8-5-2003 .
