

3

No. EDN-H (21) F(10) 09/2022-Misc
Directorate of Higher Education
Himachal Pradesh
Tel:01772653120Extn.234 e-mail:genbr@rediffmail.com Fax: 2812882

Dated: Shimla-171001 the February, 2022

To

All the Deputy Directors of Higher Education
Himachal Pradesh.

Subject: - **Regarding strict compliance of the provisions of "Flag Code" of India, 2002" and "The prevention of Insults to National Honour Act, 1971"- Advisory.**

Sir,

Please find enclosed herewith a copy of letter no. EDN-A-Kha(7)1/2014 dated: 10/02/2022 received from Addl. Secretary (Hr. Edu) to the Govt. of H.P., on the subject cited above.

In this connection, you are hereby directed to circulate the same amongst all the educational institutes under your control with directions to adhere to the instructions mentioned in the letter from the Under Secretary to the Govt. of India Ministry of Home Affairs, New Delhi to maintain the honour and dignity of National Flag.

- sd -
Addl. Director of Higher Education
Himachal Pradesh, Shimla-1

Endst. No. Even dated Shimla-171001 the February, 2022
Copy for information and necessary action to:-

1. The Principal Secretary (Edu) to the Government of Himachal Pradesh w.r.t. letter under reference.
2. The Secretary (GAD) to the Government of Himachal Pradesh w.r.t. letter no. GAD-A(F)9-1/2021 dated: 03/02/2022.
- ✓ 3. The Technical Officer, IT Cell Directorate of Higher Education, with request to upload the same on the departmental website.
4. Guard file.

शिक्षा निदेशालय उच्चतर शिक्षा
22 FEB 2022

Addl. Director of Higher Education
Himachal Pradesh, Shimla-1

①

No. EDN-A-Kha (7)1/2014
Government of Himachal Pradesh
Department of Higher Education

From

The Secretary (Hr. Education) to the
Government of Himachal Pradesh

To

✓ Director of Higher Education,
Himachal Pradesh Shimla-171001.

DHE	106437
10 FEB 2022	
Gen	

Dated, Shimla-2 the 10th February, 2022

Subject:

Regardings Strict Compliance of the Provisions Contained in
the 'Flag Code of India, 2002' and 'The prevention of Insults to
National Honour Act, 1971'-Advisory.

Sir,

I am directed to enclose herewith a photocopy of GAD letter
dated 03-02-2022 alongwith its enclosures received from Joint Secretary (GAD)
to the Government of Himachal Pradesh on the subject cited above and to
request you to look into the matter and take further necessary action accordingly.

Yours faithfully,



(Navneet Kapoor)

Addl. Secretary (Hr. Edu.) to the,
Government of Himachal Pradesh.

Section-A

The Secretary(GAD) to the
Government of Himachal Pradesh, Shimla.

55537362
9/2/2022

115

To

1. All Administrative Secretaries,
to the Govt. of Himachal Pradesh.
2. The Registrar General,
High Court of Himachal Pradesh
3. The Secretary to Governor, Himachal Pradesh.
4. The Secretary, Himachal Pradesh Vidhan Sabha, Shimla-4
5. All Heads of the Department in Himachal Pradesh.

All Managing Directors/ CEOs,
Boards /Corporations & Autonomous institutions in H.P.

All Deputy Commissioners in Himachal Pradesh.

All Superintendents of Police in Himachal Pradesh.

P.S. to All Ministers, H.P.

Dated Shimla-2.

03 February, 2022.

Subject:- *Strict Compliance of the Provisions Contained in the 'Flag Code of India, 2002' and 'The Prevention of Insults to National Honour Act, 1971' Advisory.*

Sir/Madam,

I am directed to enclose herewith a copy of letter No.15/1/2022-Public, dated 12.01.2022 received from the Under Secretary to the Govt. of India, Ministry of Home Affairs, New Delhi on above cited subject with the request to adhere to the instructions ibid in letter and spirit. It is also requested that suitable instructions in this regard may also be issued to all concerned authorities/agencies under your control. A copy each of 'The Prevention of Insults to National Honour Act, 1971' and 'Flag Code of India, 2002' may kindly be downloaded from official website of the Ministry of Home Affairs i.e. (www.mha.gov.in).

Yours faithfully,

(Surjeet Singh Rathore)
Joint Secretary(GAD) to the
Government of Himachal Pradesh.
Ph. 0177-2622686(O)

Endst. No. & Date: As above.

February, 2022

Copy for information is forwarded to the Under Secretary to the Government of India, Ministry of Home Affairs (Public Section) w.r.t. his letter referred above.

Joint Secretary(GAD) to the
Government of Himachal Pradesh

Ministry of Home Affairs
(Public Section)

187

North Block, New Delhi - 01.

Dated 1/11 January, 2022

555252/12

19/1/2022

11 2 JAN 2022

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

Subject: Strict compliance of the provisions of Flag Code of India, 2002 and the Prevention of Insults to National Honour Act, 1971- Advisory.

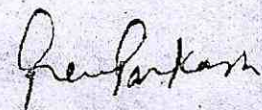
Madam,

I am directed to say that the Indian National Flag represents hopes and aspirations of people of our country and hence should occupy a position of honour. There is universal affection and respect for, and loyalty to, the National flag. Yet, a perceptible lack of awareness is often noticed amongst people as well as organizations/agencies of the Government, in regard to laws, practices and conventions that apply to display of the National Flag. Copy of 'The Prevention of Insults to National Honour Act, 1971' and 'Flag Code of India, 2002' [as amended in 2021], which governs display of National Flag, are available on this Ministry's website www.mha.gov.in.

As per para 2.2 (x) of Section-I (Part-II) of the Flag Code of India, the National Flag made of paper may be waved by public on occasions of important national, cultural and sports events. You are requested to ensure that on the occasions of important national, cultural and sports events, Flags made of paper only are used by the public and such paper flags are not discarded or thrown on the ground after the event. Such Flags are to be disposed of, in private, consistent with the dignity of the Flag.

You are requested to undertake mass awareness programme in this regard and also to give it wide publicity through advertisements in the electronic and print media.

Yours faithfully,



(Prem Parkash)

Under Secretary to the Government of India

Tel: 23092421

1/2-

- Secretariat, New Delhi.
Office of all Governors.
Election Commission of India, New Delhi.
7. Lok Sabha Secretariat, New Delhi.
8. Rajya Sabha Secretariat, New Delhi.
9. Registrar, Supreme Court of India, New Delhi.
10. Registrar, all High Courts.
11. Office of Comptroller and Auditor General of India, New Delhi.
12. The Union Public Service Commission, New Delhi.
13. Central Vigilance Commission, New Delhi.
14. NITI Aayog, Yojana Bhawan, New Delhi.
15. All attached & Subordinate Offices of the Ministry of Home Affairs.
16. 5 Spare Copies.

Prem Parkash 11/01
(Prem Parkash)
Under Secretary to the Government of India
Tel: 2309 2421

THE PREVENTION OF INSULTS TO NATIONAL HONOUR ACT, 1971

No. 69 of 1971

(23rd December, 1971)

189

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

No. 51 of 2005

(20th December, 2005)

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: -

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 *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.

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 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
- (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.

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)