

PART II

HOISTING/DISPLAY/USE OF NATIONAL FLAG BY MEMBERS OF PUBLIC, PRIVATE ORGANISATIONS, EDUCATIONAL INSTITUTIONS, ETC.

SECTION I

2.1 There shall be no restriction on the display of the National Flag by members of general public, private organizations, educational institutions, etc., except to the extent provided in the Emblems and Names (Prevention of Improper Use) Act, 1950* and

*The Emblems and Names (Prevention of Improper Use) Act, 1950.

Section 2: In this Act, unless the context otherwise requires:-

(a) "emblem" means any emblem, seal, flag, insignia, coat-of-arms or pictorial representation specified in the Schedule.

Section 3: Notwithstanding anything contained in any law for the time being in force, no person shall, except in such cases and under such conditions as may be prescribed by the Central Government, use, or continue to use, for the purpose of any trade, business, calling or profession, or in the title of any patent, or in any trade mark of design, any name or emblem specified in the Schedule or any colourable imitation thereof without the previous permission of the Central Government or of such officer of the Government as may be authorised in this behalf by the Central Government.

NOTE: The Indian National Flag has been specified as an emblem in the Schedule to the Act.

the Prevention of Insults to National Honour Act, 1971** and any other law enacted on the subject. Keeping in view the provisions of the aforementioned Acts -

(i) the Flag shall not be used for commercial purposes in violation of the Emblem and Names (Prevention of Improper Use) Act, 1950;

(ii) the Flag shall not be dipped in salute to any person or thing;

** The Prevention of Insults to National Honour Act, 1971

Section 2: Whoever in any public place or in any other place within public view burns, mutilates, defaces, defiles, disfigures, destroys, tramples upon or otherwise brings into contempt (whether by words, either spoken or written, or by acts) the Indian National Flag 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 Indian National Flag or of any measures of the Government with a view to obtain 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.

- (iii) the Flag shall not be flown 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;
- (iv) the Flag shall not be used as a drapery in any form whatsoever, including private funerals;
- (v) the Flag shall not be used as a portion of costume or uniform of any description nor shall it be embroidered or printed upon cushions, handkerchiefs, napkins or any dress material;
- (vi) lettering of any kind shall not be put upon the Flag;
- (vii) the Flag shall not be used as a receptacle for receiving, delivering, holding or carrying anything; provided that there shall be no objection to keeping flower petals inside the Flag before it is unfurled as part of celebrations on special occasions and on National Days like the Republic Day and the Independence Day;
- (viii) when used on occasions like unveiling of a statue, the Flag shall be displayed distinctly and separately and it shall not be used as a covering for the statue or monument;
- (ix) the Flag shall not be used to cover a speaker's desk nor shall it be draped over a speaker's platform;
- (x) the Flag shall not be intentionally allowed to touch the ground or the floor or trail in water.
- (xi) the Flag shall not be draped over the hood, top, sides or back of a vehicle, train, boat or an aircraft;
- (xii) the Flag shall not be used as a covering for a building; and
- (xiii) the Flag shall not be intentionally displayed with the "saffron" down.

2.2 A member of public, a private organization or an educational institution may hoist/display the National Flag on all days and occasions, ceremonial or otherwise. Consistent with the dignity and honour of the National Flag -

- (i) whenever the National Flag is displayed, it should occupy the position of honour and should be distinctly placed;
- (ii) a damaged or dishevelled Flag should not be displayed;
- (iii) the Flag should not be flown from a single masthead simultaneously with any other flag or flags;
- (iv) the Flag should not be flown on any vehicle except in accordance with the provisions contained in Section IX of Part III of this Code;
- (v) when the Flag is displayed on a speaker's platform, it should be flown on the speaker's right as he faces the audience or flat against the wall, above and behind the speaker;
- (vi) when the Flag is displayed flat and horizontal on a wall, the saffron band should be upper most and when displayed vertically, the saffron band shall be on the right with reference to the Flag (i.e. left to the person facing the Flag);
- (vii) to the extent possible, the Flag should conform to the specifications prescribed in Part I of this Code.
- (viii) no other flag or bunting should be placed higher than or above or side by side with the National Flag; nor should any object including flowers or garlands or emblem be placed on or above the Flag-mast from which the Flag is flown;
- (ix) the Flag should not be used as a festoon, rosette or bunting or in any other manner for decoration;
- (x) the Flag made of paper may be waved by public on occasions of important national, cultural and sports

events. However, such paper Flags should not be discarded or thrown on the ground after the event. As far as possible, it should be disposed of in private consistent with the dignity of the Flag;

(xi) where the Flag is displayed in open, it should, as far as possible, be flown from sunrise to sunset, irrespective of weather conditions;

(xii) the Flag should not be displayed or fastened in any manner as may damage it; and

(xiii) when the Flag is in a damaged or soiled condition, it shall be destroyed as a whole in private, preferably by burning or by any other method consistent with the dignity of the Flag.

SECTION II

2.3 The National Flag may be hoisted in educational institutions (schools, colleges, sports camps, scout camps, etc.) to inspire respect for the Flag. A model set of instructions for guidance is given below -

(i) The School will assemble in open square formation with pupils forming the three sides and the Flag-staff at the centre of the fourth side. The Headmaster, the pupil leader and the person unfurling the Flag (if other than the Headmaster) will stand three paces behind the Flag-staff.

(ii) The pupils will fall according to classes and in squads of ten (or other number according to strength). These squads will be arranged one behind the other. The pupil leader of the class will stand to the right of the first row of his class and the form master will stand three paces behind the last row of his class, towards the middle. The classes

will be arranged along the square in the order of seniority with the seniormost class at the right end.

(iii) The distance between each row should be at least one pace (30 inches); and the space between Form and Form should be the same.

(iv) When each Form or Class is ready, the Class leader will step forward and salute the selected school pupil leader. As soon as all the Forms are ready, the school pupil leader will step up to the Headmaster and salute him. The Headmaster will return the salute. Then, the Flag will be unfurled. The School pupil leader may assist.

(v) The School pupil leader in charge of the parade (or assembly) will call the parade to attention, just before the unfurling, and he will call them to the salute when the Flag flies out. The parade will keep at the salute for a brief interval, and then on the command "order", the parade will come to the attention position.

(vi) The Flag Salutation will be followed by the National Anthem. The parade will be kept at the attention during this part of the function

(vii) On all occasions when the pledge is taken, the pledge will follow the National Anthem. When taking the pledge the Assembly will stand to attention and the Headmaster will administer the pledge ceremoniously and the Assembly will repeat it after him.

(viii) In pledging allegiance to the National Flag, the practice to be adopted in Schools is as follows:-

Standing with folded hands, all repeat together the following pledge:

"I pledge allegiance to the National Flag and to the Sovereign Socialist Secular Democratic Republic for which it stands."