Dir. of Trg. & Tech. Education
Diary No. 5942
18 SEP 2012
Muni Maya Ram Marg,
I. V. Tower, Pitam Pura,
Delhi-1

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
GENERAL ADMINISTRATION DEPARTMENT
(CO-ORDINATION BRANCH)
DELHI SECRETARIAT, I.P. ESTATE, NEW DELHI-110113
Telephone No. 23392006

No.F.27/2/98/GAD/CN/3884-3887 Dated 14/09/2012

To

1. The Pr. Secretary to C.M. / Secretaries to all Ministers / OSD to all Parliamentary Secretaries, Govt. of NCT of Delhi, New Delhi / Delhi.

2. All HODs/Pr. Secretaries/Spl. Secretaries/Addl. Secretaries Govt. of NCT of Delhi, New Delhi / Delhi.

3. Head of all Local / Autonomous / Public Sector Undertakings Govt. of NCT of Delhi, New Delhi/Delhi.

Subject : Strict compliance of the provisions contained in the Flag Code of India 2002, Prevention of Insults of National Honour Act, 1971; State Emblem of India (Prohibition of Improper Use) Act, 2005 and in the State Emblem of India (Regulation of Use) Rules, 2007.

Sir/Madam,

I am directed to enclose herewith a copy of letter No.19/11/2012-Public dated 28th May, 2012 of Director to the Government of India, Ministry of Home Affairs along with its enclosures, for information and necessary action. Kindly acknowledge the receipt of this letter.

Yours faithfully,

(AMITABH KUNDOO)
Dy. Secretary (GAD/CN.)

Encls. : As above.

No.F.27/2/98/GAD/CN/ Dated :

Copy for information to : The Director to the Govt. of India, Ministry of Home Affairs, North Block, New Delhi in reference to your letter No. 19/11/2012-Public dated 28th May, 2012.

(AMITABH KUNDOO)
Dy. Secretary (GAD/CN.)

178/c

232/c

No. 19/11/2012-Public
Government of India / Bharat Sarkar
Ministry of Home Affairs / Grih Mantralaya

1
29

North Block, New Delhi.
Dated the 28th May, 2012.

28 MAY 2012

Delhi Secretariat
R&I Br.
Govt. of NCT of Delhi
GAD/12/18037
30 MAY 2012

Office of the Chief Secretary
Govt. of NCT of Delhi
30 MAY 2012

To

The Chief Secretaries / Administrators of
all State Governments / UT Administration,
Secretaries of all Ministries/Deptts. of Govt. of India.

Dy.No. 361/DS(A)-III
04/06/12

Subject:- Strict compliance of the provisions contained in the Flag Code of India 2002, Prevention of Insults to National Honour Act, 1971; State Emblem of India (Prohibition of Improper Use) Act, 2005 and in the State Emblem of India (Regulation of Use) Rules, 2007

Sir/Madam,

As per direction given by the Hon'ble High Court of Allahabad, Lucknow Bench, Lucknow in hearing of the case no. Writ Petition No. 5920 (M/B) (PIL) of 2001, copies of the Flag Code of India 2002, Prevention of Insults to National Honour Act, 1971, the State Emblem of India (Prohibition of Improper Use) Act, 2005 and the State Emblem of India (Regulation of Use) Rules, 2007 [read with the State Emblem of India (Regulation of Use) Amendment Rules, 2010] are enclosed herewith for strict compliance of the provisions contained in these Acts, Rules and Code.

2. It is also requested that suitable instructions in this regard may please be issued to all the concerned agencies. Strict action should be taken against the concerned officials and individuals/organisations for any violation of the provisions of the said Acts, Rules and Flag Code of India 2002.

Encls. : As above

Yours faithfully,

(Shyamala Mohan)
Director to the Govt. of India
Tel. No. 2309 2587

177/C

2

Copy to:-

1. Cabinet Secretariat, New Delhi.
2. President's Secretariat, Rashtrapati Bhawan, New Delhi.
3. Vice-President's Secretariat, New Delhi.
4. Prime Minister's Office, South Block, New Delhi
5. Election Commission of India, New Delhi
6. Lok Sabha Secretariat, New Delhi.
7. Rajya Sabha Secretariat, New Delhi.
8. Registrar, Supreme Court of India, New Delhi.
9. Delhi High Court, New Delhi.
10. Office of Comptroller and Auditor General of India, New Delhi
11. The Union Public Service Commission, New Delhi.
12. Central Vigilance Commission, New Delhi
13. Planning Commission, Yojana Bhawan, New Delhi
14. All attached & Subordinate Offices of the Ministry of Home Affairs.
15. 20 Spare copies

M Shyamala

(Shyamala Mohan)
Director to the Govt. of India
Tel. No. 2309 2587

176/C

3
231/C

सं. 19/11/2012-पब्लिक
भारत सरकार
गृह मंत्रालय
****

नॉर्थ ब्लॉक, नई दिल्ली
दिनांक : 28 मई, 2012

28 MAY 2012

सेवा में

सभी राज्य सरकारों/संघ राज्य क्षेत्र प्रशासनों के
मुख्य सचिव/प्रशासक
भारत सरकार के सभी मंत्रालयों/विभागों के सचिव।

विषय:- भारतीय झंडा संहिता 2002, राष्ट्रीय गौरव अपमान निवारण अधिनियम, 1971; भारत का राज्य संप्रतीक (अनुचित प्रयोग प्रतिषेध) अधिनियम, 2005 और भारत का राज्य संप्रतीक (प्रयोग का विनियम) नियम, 2007 में निहित उपबन्धों का कड़ाई से अनुपालन।

महोदय/महोदया,

मामला सं. वर्ष 2001 की रिट याचिका सं. 5920 (एम/बी) (पी आई एल) की सुनवाई में माननीय इलाहाबाद उच्च न्यायालय, लखनऊ खण्डपीठ, लखनऊ द्वारा दिए गए निदेशानुसार भारतीय झंडा संहिता 2002, राष्ट्रीय गौरव अपमान निवारण अधिनियम, 1971, भारत का राज्य संप्रतीक (अनुचित प्रयोग प्रतिषेध) अधिनियम, 2005 और भारत का राज्य संप्रतीक (प्रयोग का विनियम) नियम, 2007 [भारत का राज्य संप्रतीक (प्रयोग का विनियम) संशोधन नियम, 2010 के साथ पठित] की प्रतियां, इन अधिनियमों, नियमों और संहिता में निहित उपबन्धों का कड़ाई से अनुपालन किए जाने के लिए इस पत्र के साथ संलग्न हैं।

2. यह भी अनुरोध है कि इस संबंध में उचित अनुदेश सभी संबंधित एजेंसियों को जारी किए जाएं। उक्त अधिनियमों, नियमों और भारतीय झंडा संहिता 2002 के उपबन्धों का किसी भी प्रकार से उल्लंघन किए जाने पर संबंधित अधिकारियों और व्यक्ति-विशेष/संगठनों के खिलाफ कड़ी कार्रवाई की जाए।

संलग्नक : उपर्युक्त अनुसार।

भवदीया,

श्यामला मोहन

(श्यामला मोहन)
निदेशक, भारत सरकार
दूरभाष : 23092587

प्रति प्रेषित:

1. मंत्रिमंडल सचिवालय, नई दिल्ली।
2. राष्ट्रपति सचिवालय, राष्ट्रपति भवन, नई दिल्ली।
3. उप-राष्ट्रपति सचिवालय, नई दिल्ली।
4. प्रधानमंत्री कार्यालय, साउथ ब्लॉक, नई दिल्ली।
5. भारत का निर्वाचन आयोग, नई दिल्ली।
6. लोक सभा सचिवालय, नई दिल्ली।
7. राज्य सभा सचिवालय, नई दिल्ली।
8. रजिस्ट्रार, भारत का उच्चतम न्यायालय, नई दिल्ली।
9. दिल्ली उच्च न्यायालय, नई दिल्ली।
10. भारत के नियंत्रक एवं महालेखापरीक्षक का कार्यालय, नई दिल्ली।
11. संघ लोक सेवा आयोग, नई दिल्ली।
12. केन्द्रीय सतर्कता आयोग, नई दिल्ली।
13. योजना आयोग, योजना भवन, नई दिल्ली।
14. गृह मंत्रालय के सभी सम्बद्ध और अधीनस्थ कार्यालय।
15. 20 अतिरिक्त प्रतियां

श्या. मो.

(श्यामला मोहन)
निदेशक, भारत सरकार
दूरभाष: 23092587

5

THE PREVENTION OF INSULTS TO NATIONAL HONOUR ACT, 1971

No. 69 of 1971 (23rd December, 1971)

(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: -

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 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

7/73/c

229/c

राष्ट्रीय गौरव अपमान निवारण अधिनियम, 1971

1971 की संख्या 69 (23 दिसम्बर, 1971)

(राष्ट्रीय गौरव अपमान निवारण (संशोधन) अधिनियम, 2003 द्वारा संशोधित)

2005 की संख्या 51 (20 दिसम्बर, 2005)

राष्ट्रीय गौरव अपमान निवारण के लिए एक अधिनियम

इसे संसद द्वारा भारतीय गणतंत्र के बाइसवें वर्ष में निम्न प्रकार से अधिनियमित किया जाए:-

1. संक्षिप्त शीर्षक और विस्तार

(1) यह अधिनियम राष्ट्रीय गौरव अपमान निवारण अधिनियम, 1971 कहलाएगा।

(2) इसका विस्तार संपूर्ण भारत पर होगा।

2. भारतीय राष्ट्रीय झंडे तथा भारतीय संविधान का अपमान

कोई भी व्यक्ति जो किसी सार्वजनिक स्थान पर या किसी भी ऐसे स्थान पर सार्वजनिक रूप से भारतीय राष्ट्रीय झंडे या भारत के संविधान या उसके किसी भाग को जलाता है, विकृत करता है, विरूपित करता है, दूषित करता है, कुरूपित करता है, नष्ट करता है, कुचलता है या अन्यथा उसके प्रति अनादर प्रकट करता है या (मौखिक या लिखित शब्दों में, या कृत्यों द्वारा) अपमान करता है तो उसे तीन वर्ष तक के कारावास से, या जुर्माने से, या दोनों से दंडित किया जाएगा।

स्पष्टीकरण 1- भारत के संविधान में संशोधन करने या विधिसम्मत तरीके से भारतीय राष्ट्रीय झंडे में परिवर्तन करने की दृष्टि से सरकार के किसी उपाय की आलोचना या अस्वीकृति व्यक्त करते हुए की गई कोई टिप्पणी इस धारा के अंतर्गत अपराध नहीं बनती।

स्पष्टीकरण 2- 'भारतीय राष्ट्रीय झंडे' की अभिव्यक्ति में कोई भी तस्वीर, पेंटिंग, ड्राईंग या फोटोग्राफ या भारतीय राष्ट्रीय झंडे या उसके किसी भाग या भागों का अन्य स्पष्ट चित्रण जो किसी पदार्थ से बना हो या पदार्थ पर दर्शाया गया हो, शामिल है।

स्पष्टीकरण 3- 'सार्वजनिक स्थान' की अभिव्यक्ति के अर्थ में ऐसा कोई स्थान जो जनता द्वारा उपयोग के लिए हो अथवा जहां जनता की पहुंच हो और इसमें कोई भी सार्वजनिक वाहन शामिल है।

*स्पष्टीकरण 4- भारतीय राष्ट्रीय झंडे के अपमान का अर्थ निम्नलिखित होगा और इसमें निम्नलिखित शामिल होंगे-

(क) भारतीय राष्ट्रीय झंडे का घोर अपमान या अनादर करना; या

(ख) किसी व्यक्ति या वस्तु को सलामी देने के लिए भारतीय राष्ट्रीय झंडे को झुकाना; या

(ग) सरकार द्वारा जारी अनुदेशों के अनुसार जिन अवसरों पर सरकारी भवनों पर भारतीय राष्ट्रीय झंडे को आधा झुकाकर फहराया जाना हो, उन अवसरों के सिवाय झंडे को आधा झुकाकर फहराना; या

(घ) राजकीय अंत्येष्टियों या सशस्त्र सैन्य बलों या अन्य अर्धसैनिक बलों की अंत्येष्टियों को छोड़कर झंडे का किसी अन्य रूप में लपेटने के लिए प्रयोग करना; या

(ङ) #भारतीय राष्ट्रीय ध्वज का,

(i) किसी भी प्रकार की ऐसी वेषभूषा, वर्दी या उपसाधन के, जो किसी व्यक्ति की कमर से नीचे पहना जाता है, किसी भाग के रूप में, या

(ii) कुशनों, रूमालों नैपकिनों, अधोवस्त्रों या किसी पोशाक सामग्री पर कशीदाकारी या छपाई करके, उपयोग करना; या

(च) भारतीय राष्ट्रीय झंडे पर किसी प्रकार का उत्कीर्णन करना; या

(छ) गणतंत्र दिवस या स्वतंत्रता दिवस सहित विशेष अवसरों पर समारोह के एक अंग के रूप में भारतीय राष्ट्रीय झंडे को फहराए जाने से पूर्व उसमें फूलों की पंखुड़ियां रखे जाने के सिवाय भारतीय राष्टीय झंडे को किसी वस्तु को प्राप्त करने, देने या ले जाने वाले पात्र के रूप में प्रयोग करना; या

(ज) किसी प्रतिमा या स्मारक या वक्ता की मेज या वक्ता के मंच को ढकने के लिए भारतीय राष्ट्रीय झंडे का प्रयोग करना; या

(झ) जानबूझकर भारतीय राष्ट्रीय झंडे को जमीन या फर्श से छूने देना या पानी पर घसीटने देना; या

(ञ) भारतीय राष्ट्रीय झंडे को किसी वाहन, रेलगाड़ी, नाव या किसी वायुयान या ऐसी किसी अन्य वस्तु के हुड, टाप और बगल या पिछले भाग पर लपेटना, या

(ट) भारतीय राष्ट्रीय झंडे को किसी भवन में पर्दा लगाने के लिए प्रयोग करना; या

(ठ) जानबूझकर 'केसरी' पट्टी को नीचे रखकर भारतीय राष्ट्रीय झंडे को फहराना।

3. <u>राष्ट्रीय गान के गायन को रोकना</u>

जो कोई व्यक्ति जानबूझकर भारतीय राष्ट्रीय गान को गाए जाने से रोकता है या ऐसा गायन कर रही किसी सभा में व्यवधान पैदा करता है उसे तीन वर्ष तक के कारावास, या जुर्माने, या दोनों से दंडित किया जाएगा।

* 3क <u>दूसरी बार के या बाद के अपराध के लिए न्यूनतम दंड</u>

जो कोई व्यक्ति, जिसे धारा 2 या धारा 3 के अंतर्गत किसी अपराध के लिए पहले ही दोषसिद्ध ठहराया गया हो, ऐसे किसी अपराध के लिए फिर से दोषसिद्ध ठहराया जाता है तो उसे दूसरी बार के या उसके बाद के हर बार के अपराध के लिए कम से कम एक वर्ष के कारावास से दंडित किया जा सकेगा।

नोट 1 : * राष्ट्रीय गौरव निवारण्ण (संशोधन) अधिनियम, 2003 (2003 की संख्या 31, दिनांक 8.5.2003) के तहत जोड़ा गया।

नोट 2 : #राष्ट्रीय गौरव निवारण (संशोधन) अधिनियम, 2005 (2005 की संख्या 51, दिनांक 20.12.2005) के तहत जोड़ा गया।

रजिस्ट्री सं० डी० एल०—(एन)04/0007/2003—05 REGISTERED NO. DL—(N)04/0007/2003—05

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II — खण्ड 1
PART II — Section 1
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 61] नई दिल्ली, बुधवार, दिसम्बर 21, 2005 / अग्रहायण 30, 1927
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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 21*st December,* 2005/*Agrahayana* 30, 1927 (*Saka*)

The following Act of Parliament received the assent of the President on the 20th December, 2005 and is hereby published for general information:—

THE STATE EMBLEM OF INDIA (PROHIBITION OF IMPROPER USE) ACT, 2005

No. 50 OF 2005

[20*th December,* 2005.]

An Act to prohibit the improper use of State Emblem of India for professional and commerical purpose and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

Short title, extent, application and commencement.

1. (*1*) This Act may be called the State Emblem of India (Prohibition of Improper Use) Act, 2005.

(*2*) It extends to the whole of India, and also applies to citizens of India ouside India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "competent authority" means any authority competent under any law for the time being in force to register any company, firm, other body of persons or any trade mark or design or to grant a patent;

(*b*) "emblem" means the State Emblem of India as described and specified in the Schedule to be used as an official seal of the Government.

Prohibition of improper use of emblem.

3. Notwithstanding anything contained in any other law for the time being in force, no person shall use the emblem or any colourable imitation thereof in any manner which tends to create an impression that it relates to the Government or that it is an offical document of the Central Government or, as the case may be, the State Government, without the previous permission of the Central Government or of such officer of that Government as may be authorised by it in this behalf.

Explanation.— For the purposes of this section, "person" includes a former functionary of the Central Government or the State Governments.

Prohibition of use of emblem for wrongful gain.

4. No person shall use the emblem for the purpose of any trade, business, calling or profession or in the title of any patent, or in any trade mark or design, except in such cases and under such conditions as may be prescribed.

Prohibition of registration of certain companies, etc.

5. (*1*) Notwithstanding anything contained in any other law for the time being in force, no competent authority shall,—

(*a*) register a trade mark or design which bears the emblem, or

(*b*) grant a patent in respect of an invention which bears a title containing the emblem.

(*2*) If any question arises before a competent authority whether any emblem is an emblem specified in the Schedule or a colourable imitation thereof, the competent authority shall refer the question to the Central Government and the decision of the Central Government thereon shall be final.

General powers of Central Government to regulate use of emblem.

6. (*1*) The Central Government may make such provision by rules as appears to it to be necessary, to regulate the use of the emblem in official seal that is used in offices of the Central Government and the State Government and their organisations inclulding diplomatic missions abroad, subject to such restrictions and conditions as may be prescribed.

(*2*) Subject to the provisions of this Act, the Central Government shall have powers—

(*a*) to notify the use of emblem on stationery, the method of printing or embossing it on demi-official stationery by the constitutional authorities, Ministers, Members of Parliament, Members of Legislative Assemblies, officers of the Central Government and the State Governments;

(*b*) to specify the design of the official seal consisting of the emblem;

(*c*) to restrict the dispaly of emblem on vehicles of constitutional authorities, foreign dignitaries, Ministers of the Central Government and the State Governments;

(*d*) to provide for guidelines for display of emblem on public buildings in India, the diplomatic missions and on the buildings occupied by the India's consulates abroad;

(*e*) to specify conditions for the use of emblem for various other purposes including the use for educational purposes and the armed forces personnel;

(*f*) to do all such things (including the specification of design of the emblem and its use in the manner whatsoever) as the Central Government considers necessary or expedient for the exercise of the foregoing powers.

Penalty.

7. (*1*) Any person who contravenes the provisions of section 3 shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to five thousand rupees, or with both, or if having been previously convicted of an offence under this section, is again convicted of any such offence, he shall be punishable for the second and for every subsequent offence with imprisonment

for a term which shall not be less than six months, which may extend to two years and with fine which may extend to five thousand rupees.

(2) Any person who contravenes the provisions of section 4 for any wrongful gain shall be punishable for such offence with imprisonment for a term which shall not be less than six months, which may extend to two years and with fine which may extend to five thousand rupees.

Previous sanction for prosecution.

8. No prosecution for any offence punishable under this Act shall be instituted, except with the previous sanction of the Central Government or of any officer authorised in this behalf by general or special order of the Central Government.

Savings.

9. Nothing in this Act shall exempt any person from any suit or other proceedings which might be brought against him under any other law for the time being in force.

Act to have overriding effect.

10. The provisions of this Act or any rule made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other enactment or instrument having effect by virtue of such enactment.

Power to make rules.

11. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

(a) cases and conditions regulating the use of emblem under section 4;

(b) making rules to regulate the use of the emblem in official seal of the Government and specifying restrictions and conditions relating thereto under sub-section (1) of section 6;

(c) the use of emblem on stationery, design of official seal consisting of emblem and other matters under sub-section (2) of section 6;

(d) authorising officer by general or special order for giving previous sanction for instituting prosecution under section 8; and

(e) any other matter which is required to be, or may be, prescribed.

(3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both houses agree in making any modification in the rule or both houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

THE SCHEDULE

[*See* section 2(*b*)]

STATE EMBLEM OF INDIA

DESCRIPTION AND DESIGN

The State Emblem of India is an adaptation from the Sarnath Lion Capital of Asoka which is preserved in the Sarnath Museum. The Lion Capital has four lions mounted back to back on a circular abacus. The frieze of the abacus is adorned with sculptures in high relief of an elephant, a galloping horse, a bull and a lion separated by intervening Dharma Chakras. The abacus rests on a bell-shaped lotus.

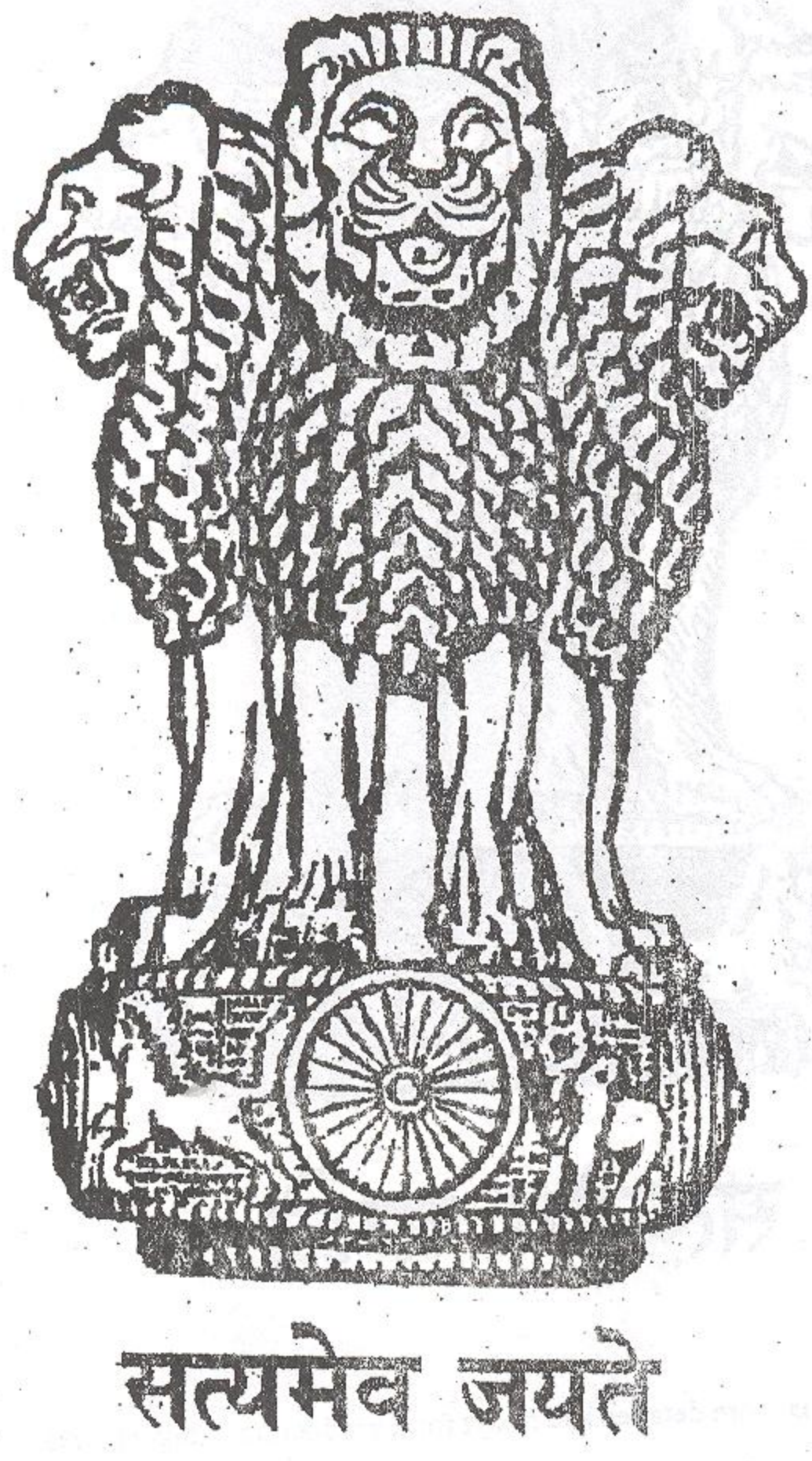
The profile of the Lion Capital showing three lions mounted on the abacus with a Dharma Chakra in the centre, a bull on the right and a galloping horse on the left, and outlines of Dharma Chakras on the extreme right and left has been adopted as the State Emblem of India. The bell-shaped lotus has been omitted.

The motto "Satyameva Jayate"—Truth alone triumphs—written in Devanagari script below the profile of the Lion Capital is part of the State Emblem of India.

The State Emblem of India shall conform to the designs as set out in Appendix I or Appendix II.

168/e
14
225/c

APPENDIX I



सत्यमेव जयते

Note.— This design is in simplified form and meant for reproduction in small sizes, such as for use in stationery, seals and die-printing.

APPENDIX II

सत्यमेव जयते

Note.— This design is more detailed and meant for reproduction in bigger sizes.

T. K. VISWANATHAN,
Secy., to the Govt. of India.

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भारत का राज्य संप्रतीक (अनुचित प्रयोग प्रतिषेध) अधिनियम, 2005

(2005 का अधिनियम संख्यांक 50)

[20 दिसम्बर, 2005]

वृत्तिक और वाणिज्यिक प्रयोजनों के लिए भारत के राज्य संप्रतीक के अनुचित प्रयोग का प्रतिषेध करने और उससे संबंधित या उसके आनुषंगिक विषयों के लिए अधिनियम

भारत गणराज्य के छप्पनवें वर्ष में संसद् द्वारा निम्नलिखित रूप में यह अधिनियमित हो: —

संक्षिप्त नाम, विस्तार, लागू होना और प्रारंभ।

1. (1) इस अधिनियम का संक्षिप्त नाम भारत का राज्य संप्रतीक (अनुचित प्रयोग प्रतिषेध) अधिनियम, 2005 है।

(2) इसका विस्तार संपूर्ण भारत पर है और यह भारत के बाहर, भारत के नागरिकों को भी लागू होता है।

(3) यह उस तारीख को प्रवृत्त होगा, जो केंद्रीय सरकार, राजपत्र में अधिसूचना द्वारा, नियत करे।

परिभाषाएं।

2. इस अधिनियम में, जब तक कि संदर्भ से अन्यथा अपेक्षित न हो,—

(क) "सक्षम प्राधिकारी" से ऐसा प्राधिकारी अभिप्रेत है, जो तत्समय प्रवृत्त किसी विधि के अधीन किसी कंपनी, फर्म, अन्य व्यक्ति निकाय या किसी व्यापार चिह्न या डिजाइन को रजिस्ट्रीकृत करने या कोई पेटेंट प्रदान करने के लिए सक्षम है;

(ख) "संप्रतीक" से सरकार की शासकीय मुद्रा के रूप में प्रयोग किए जाने के लिए अनुसूची में यथावर्णित और विनिर्दिष्ट भारत का राज्य संप्रतीक अभिप्रेत है।

संप्रतीक के अनुचित प्रयोग का प्रतिषेध।

3. तत्समय प्रवृत्त किसी अन्य विधि में किसी बात के होते हुए भी, कोई व्यक्ति, संप्रतीक या उसकी मिलती-जुलती नकल का, किसी ऐसी रीति में, जिससे यह धारणा उत्पन्न होती है कि वह सरकार से संबंधित है या यह कि वह, यथास्थिति, केन्द्रीय सरकार या राज्य सरकार का कोई शासकीय दस्तावेज है, केन्द्रीय सरकार या उस सरकार के ऐसे अधिकारी की पूर्व अनुज्ञा के बिना, जिसे वह सरकार इस निमित्त प्राधिकृत करे, प्रयोग नहीं करेगा।

स्पष्टीकरण—इस धारा के प्रयोजनों के लिए, "व्यक्ति" के अन्तर्गत केन्द्रीय सरकार या राज्य सरकारों का कोई भूतपूर्व कृत्यकारी भी है।

सदोष अभिलाभ के लिए संप्रतीक के प्रयोग का प्रतिषेध।

4. कोई व्यक्ति, किसी व्यापार, कारबार, आजीविका या वृत्ति के प्रयोजन के लिए या किसी पेटेंट के नाम में या किसी व्यापार चिह्न या डिजाइन में संप्रतीक का प्रयोग, ऐसे मामलों में और ऐसी शर्तों के अधीन करने के सिवाय, जो विहित की जाएं, नहीं करेगा।

कतिपय कंपनियों आदि के रजिस्ट्रीकरण का प्रतिषेध।

5. (1) तत्समय प्रवृत्त किसी अन्य विधि में किसी बात के होते हुए भी, कोई सक्षम प्राधिकारी,—

(क) किसी ऐसे व्यापार चिह्न या डिजाइन को, जिस पर संप्रतीक हो, रजिस्टर नहीं करेगा, या

(ख) किसी ऐसे आविष्कार के संबंध में जिसका ऐसा नाम हो, जिसमें संप्रतीक आ जाता हो, कोई पेटेन्ट प्रदान नहीं करेगा।

(2) यदि किसी सक्षम प्राधिकारी के समक्ष यह प्रश्न उठता है कि कोई संप्रतीक अनुसूची में विनिर्दिष्ट संप्रतीक या उसकी मिलती-जुलती नकल है या नहीं तो सक्षम प्राधिकारी उस प्रश्न को केन्द्रीय सरकार को निर्दिष्ट करेगा और उस पर केन्द्रीय सरकार का विनिश्चय अंतिम होगा।

संप्रतीक के प्रयोग को विनियमित करने की केंद्रीय सरकार की साधारण शक्तियां।

6. (1) केंद्रीय सरकार ऐसी शासकीय मुद्रा में, जिसका केंद्रीय सरकार और राज्य सरकार तथा उनके संगठनों, जिनके अंतर्गत विदेशों में राजनयिक मिशन भी हैं, के कार्यालयों में उपयोग किया जाता है, संप्रतीक के उपयोग को विनियमित करने के लिए, ऐसे निबंधनों और शर्तों के अधीन रहते हुए, जो विहित की जाएं नियमों द्वारा ऐसा उपबंध कर सकेगी, जो उसे आवश्यक प्रतीत हो।

(2) इस अधिनियम के उपबंधों के अधीन रहते हुए केन्द्रीय सरकार को निम्नलिखित शक्तियां होंगी,—

(क) सांविधानिक प्राधिकारियों, मंत्रियों, संसद् सदस्यों, विधान सभा सदस्यों, केन्द्रीय सरकार और राज्य सरकारों के अधिकारियों द्वारा लेखन सामग्री पर संप्रतीक के प्रयोग, अर्ध शासकीय लेखन सामग्री पर उसके मुद्रण या समुद्भृत की रीति को अधिसूचित करना;

(ख) शासकीय मुद्रा की, जिसमें संप्रतीक समाविष्ट हो, डिजाइन को विनिर्दिष्ट करना;

(ग) सांविधानिक प्राधिकारियों, विदेशी उच्च पदस्थों, केन्द्रीय सरकार और राज्य सरकारों के मंत्रियों के वाहनों पर संप्रतीक के संप्रदर्शन को निर्बंधित करना;

(घ) भारत में लोक भवनों, राजनयिक मिशनों और विदेश में भारत के कौंसल कार्यालयों के दखलकृत भवनों पर संप्रतीक को संप्रदर्शित करने के लिए मार्गदर्शक सिद्धांतों का उपबंध करना;

(ङ) विभिन्न अन्य प्रयोजनों के लिए, जिनके अंतर्गत शैक्षिक प्रयोजनों और सशस्त्र कार्मिकों के लिए प्रयोग भी है, संप्रतीक के प्रयोग के लिए शर्तें विनिर्दिष्ट करना;

(च) ऐसी सभी बातें (जिनके अंतर्गत संप्रतीक के डिजाइन का विनिर्देश और इसके प्रयोग की रीति, जहां वह है, भी है) करना जो केन्द्रीय सरकार पूर्वगामी शक्तियों का प्रयोग करने के लिए आवश्यक या समीचीन समझे।

शास्ति।

7. (1) कोई व्यक्ति, जो धारा 3 के उपबंधों का उल्लंघन करेगा, ऐसे कारावास से, जिसकी अवधि दो वर्ष तक की हो सकेगी या जुर्माने से, जो पांच हजार रुपए तक का हो सकेगा या दोनों से दंडनीय होगा या यदि उसे इस धारा के अधीन किसी अपराध के लिए पहले ही सिद्धदोष ठहराए जा चुका हो और उसके पश्चात् उसे, उस अपराध के लिए पुनः दोषसिद्ध किया जाता है तो वह दूसरे और प्रत्येक पश्चात्वर्ती अपराध के लिए ऐसे कारावास से, जिसकी अवधि छह मास से कम की नहीं होगी, किन्तु जो दो वर्ष तक की हो सकेगी और जुर्माने से, जो पांच हजार रुपए तक का हो सकेगा, दंडनीय होगा।

(2) कोई व्यक्ति, जो सदोष अभिलाभ के लिए धारा 4 के उपबंधों का उल्लंघन करेगा, ऐसे अपराध के लिए ऐसे कारावास से, जिसकी अवधि छह मास से कम की नहीं होगी, किंतु दो वर्ष तक की हो सकेगी और जुर्माने से, जो पांच हजार रुपए तक का हो सकेगा, दंडनीय होगा।

अभियोजन के लिए पूर्व मंजूरी।

8. इस अधिनियम के अधीन दंडनीय किसी अपराध के लिए कोई अभियोजन, केन्द्रीय सरकार की या केन्द्रीय सरकार के साधारण या विशेष आदेश द्वारा इस निमित्त प्राधिकृत किसी अधिकारी की पूर्व मंजूरी के बिना, संस्थित नहीं किया जाएगा।

व्यावृत्ति।

9. इस अधिनियम की किसी बात से किसी व्यक्ति को, ऐसे किसी वाद या अन्य कार्यवाही से, जो तत्समय प्रवृत्त किसी अन्य विधि के अधीन उसके विरुद्ध की जा सकती है, छूट प्राप्त नहीं होगी।

अधिनियम का अभ्यारोही प्रभाव होना।

10. इस अधिनियम या इसके अधीन बनाए गए किसी नियम के उपबंध, किसी अन्य अधिनियमिति या ऐसी अधिनियमिति के आधार पर प्रभाव रखने वाली लिखत में अंतर्विष्ट किसी असंगत बात के होते हुए भी प्रभावी होंगे।

नियम बनाने की शक्ति।

11. (1) केन्द्रीय सरकार, इस अधिनियम के प्रयोजनों को कार्यान्वित करने के लिए नियम, राजपत्र में अधिसूचना द्वारा बना सकेगी।

(2) विशिष्टतया और पूर्वगामी शक्तियों की व्यापकता पर प्रतिकूल प्रभाव डाले बिना, ऐसे नियम निम्नलिखित सभी या किन्हीं विषयों के लिए उपबंध कर सकेंगे, अर्थात्:—

(क) धारा 4 के अधीन संप्रतीक के प्रयोग को विनियमित करने वाले मामले और शर्तें;

(ख) धारा 6 की उपधारा (1) के अधीन सरकार की शासकीय मुद्रा में संप्रतीक के प्रयोग को विनियमित करने और उससे संबंधित निर्बंधनों और शर्तों को विनिर्दिष्ट करने के लिए नियम बनाना;

(ग) धारा 6 की उपधारा (2) के अधीन लेखन सामग्री पर संप्रतीक का प्रयोग, संप्रतीक वाली शासकीय मुद्रा का डिजाइन और अन्य विषय;

(घ) धारा 8 के अधीन अभियोजन संस्थित करने के लिए पूर्व मंजूरी देने के लिए साधारण या विशेष आदेश द्वारा अधिकारी को प्राधिकृत करना; और

(ङ) कोई अन्य विषय, जिसे विहित किया जाना अपेक्षित हो या जिसे विहित किया जाए।

(3) इस धारा के अधीन बनाया गया प्रत्येक नियम, बनाए जाने के पश्चात्, यथाशीघ्र, संसद् के प्रत्येक सदन के समक्ष, जब वह सत्र में हो, कुल तीस दिन की अवधि के लिए रखा जाएगा। यह अवधि एक सत्र में अथवा दो या अधिक आनुक्रमिक सत्रों में पूरी हो सकेगी, यदि उस सत्र के या पूर्वोक्त आनुक्रमिक सत्रों के ठीक बाद के सत्र के अवसान के पूर्व दोनों सदन उस नियम में कोई परिवर्तन करने के लिए सहमत हो जाएं तो तत्पश्चात् वह ऐसे परिवर्तित रूप में ही प्रभावी होगा, यदि उक्त अवसान के पूर्व दोनों सदन सहमत हो जाएं कि वह नियम नहीं बनाया जाना चाहिए तो तत्पश्चात् वह निष्प्रभाव हो जाएगा। किन्तु नियम के ऐसे परिवर्तित या निष्प्रभाव होने से उसके अधीन पहले की गई किसी बात की विधिमान्यता पर प्रतिकूल प्रभाव नहीं पड़ेगा।

अनुसूची

[धारा 2(ख) देखिए]

भारत का राज्य संप्रतीक

वर्णन और डिजाइन

भारत का राज्य संप्रतीक अशोक के सारनाथ स्थित उस सिंह स्तंभ शीर्ष से अंगीकार किया गया है जो सारनाथ संग्रहालय में परिरक्षित है। सिंह स्तंभ शीर्ष पर चार सिंह वृत्ताकार शीर्ष फलक पर पीठ लगाए बैठे हैं। शीर्ष-फलक की मध्य पट्टी ऊर्ध्वांकित एक हाथी, एक दौड़ते हुए घोड़े, एक सांड और एक सिंह की मूर्तियों से अलंकृत है, जिन्हें मध्यवर्ती धर्मचक्र द्वारा पृथक् किया गया है। शीर्ष फलक घण्टे के आकार के कमल पर रखा हुआ है।

पार्श्व चित्र में शीर्ष फलक पर तीन सिंह बैठे दिखाई देते हैं, बीच में धर्मचक्र, उसके दाहिनी ओर एक बैल और बाईं ओर दौड़ता हुआ एक घोड़ा है और उनके एकदम दाहिनी और बाईं ओर धर्मचक्र को भारत के राज्य संप्रतीक के रूप में अंगीकृत किया गया है। घण्टे के आकार के कमल का लोप कर दिया गया है।

सिंह स्तंभ शीर्ष चित्र के पार्श्व चित्र के नीचे देवनागरी लिपि में लिखा आदर्श वाक्य ''सत्यमेव जयते''—सत्य की ही विजय होती है—भारत के राज्य संप्रतीक का भाग है।

भारत का राज्य संप्रतीक परिशिष्ट–1 या परिशिष्ट–2 में यथाउपवर्णित डिजाइन के अनुरूप होगा।

162/C

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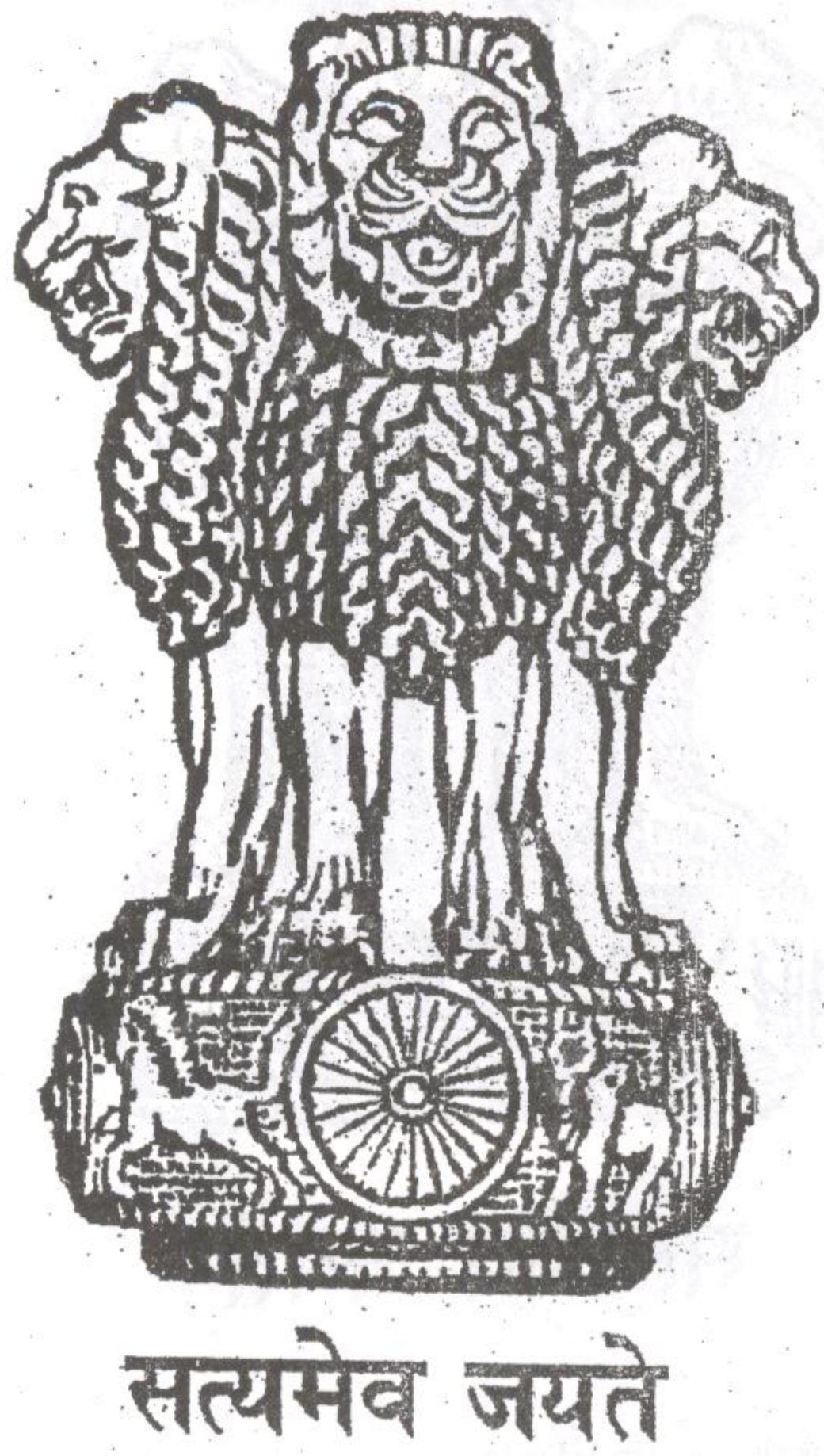
222/C

APPENDIX I



सत्यमेव जयते

Note.— This design is in simplified form and meant for reproduction in small sizes, such as for use in stationery, seals and die-printing.

APPENDIX II

सत्यमेव जयते

Note.— This design is more detailed and meant for reproduction in bigger sizes.

T. K. VISWANATHAN,
Secy., to the Govt. of India.

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अधिसूचना

नई दिल्ली, 4 अक्तूबर, 2007

सा.का.नि. 643(अ).—केन्द्रीय सरकार, भारत का राज्य संप्रतीक (अनुचित प्रयोग प्रतिषेध) अधिनियम, 2005 (2005 का 50) की धारा 11 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, शासकीय मुद्रा में और लेखन सामग्री पर भारत के राज्य संप्रतीक के प्रयोग और उसके डिजाइन को विनियमित करने के लिए निम्नलिखित नियम बनाती है, अर्थात् :—

1. **संक्षिप्त नाम, विस्तार, लागू होना और प्रारंभ.**—(1) इन नियमों का नाम भारत का राज्य संप्रतीक (प्रयोग का विनियम) नियम, 2007 है ।

(2) इसका विस्तार संपूर्ण भारत और भारत के बाहर भारत के नागरिकों पर भी होगा ।

(3) यह राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे ।

2. **परिभाषाएं.**—इन नियमों में, जब तक कि संदर्भ से अन्यथा अपेक्षित न हो, —

(क) "अधिनियम" से भारत का राज्य संप्रतीक (अनुचित प्रयोग प्रतिषेध) अधिनियम, 2005 (2005 का 50) अभिप्रेत है;

(ख) "संप्रतीक" से अधिनियम की धारा 2 के खण्ड (ख) में यथापरिभाषित भारत का राज्य संप्रतीक अभिप्रेत है ;

(ग) "अनुसूची" से इन नियमों से संलग्न अनुसूची अभिप्रेत है ;

(घ) किसी संघ राज्यक्षेत्र के संबंध में, "राज्य सरकार" से संविधान के अनुच्छेद 239 के अधीन राष्ट्रपति द्वारा नियुक्त किया गया उस संघ राज्यक्षेत्र का प्रशासक अभिप्रेत है।

3. **शासकीय मुद्रा का डिजाइन.**—(1) शासकीय मुद्रा के डिजाइन में अंडाकार या गोल विरचना में संलग्न संप्रतीक होगा ।

(2) विरचना के आंतरिक और बाहरी घेरों के बीच मंत्रालय या कार्यालय का नाम उपदर्शित होगा ।

(3) जहां किसी मंत्रालय या कार्यालय का पूरा नाम रखा जाना संभव नहीं है, वहां उसके नाम का संक्षिप्त रूप अंकित किया जा सकेगा ।

4. **राज्यों या संघ राज्यक्षेत्रों द्वारा अंगीकार करना.**—(1) कोई राज्य सरकार संप्रतीक को, केन्द्रीय सरकार का अनुमोदन प्राप्त किए बिना, यथास्थिति, राज्य या संघ राज्यक्षेत्र के शासकीय संप्रतीक के रूप में अंगीकार कर सकेगी ।

(2) जहां कोई राज्य सरकार, यथास्थिति, उस राज्य या संघ राज्यक्षेत्र के संप्रतीक में, संप्रतीक या उसके किसी भाग का सम्मिलित करने

का प्रस्ताव करती है, वहां वह केन्द्रीय सरकार का पूर्व अनुमोदन प्राप्त करने के पश्चात् ऐसा करेगी और डिजाइन तथा अभिन्यास को केन्द्रीय सरकार से अनुमोदित कराएगी :

परन्तु जहां किसी राज्य सरकार ने, इन नियमों के प्रवृत्त होने के पूर्व, यथास्थिति, उस राज्य या संघ राज्यक्षेत्र के संप्रतीक में संप्रतीक या उसका भाग पहले से ही सम्मिलित किया हुआ है, वहां वह इन नियमों के अन्य उपबंधों के अधीन रहते हुए, संप्रतीक का प्रयोग जारी रख सकेगी ।

5. **शासकीय मुद्रा में प्रयोग.**—शासकीय मुद्रा में संप्रतीक का प्रयोग, अनुसूची-I में विनिर्दिष्ट प्राधिकारियों तक निर्बंधित होगा ।

6. **लेखन सामग्री पर प्रयोग.**—(1) शासकीय या अर्ध-शासकीय लेखन सामग्री पर संप्रतीक का प्रयोग पूर्वोक्त अनुसूची-I में विनिर्दिष्ट प्राधिकारियों तक निर्बंधित रहेगा ।

(2) संप्रतीक, जब शासकीय या अर्ध-शासकीय लेखन सामग्री पर मुद्रित या समुद्भूत किया जाए तो वह ऐसी लेखन सामग्री के शीर्ष के मध्य में सुस्पष्ट रूप से उपदर्शित होगा ।

7. **वाहनों पर संप्रदर्शन.**—वाहनों पर संप्रतीक का प्रयोग अनुसूची II में विनिर्दिष्ट प्राधिकारियों तक निर्बंधित होगा।

8. **सरकारी भवनों पर संप्रदर्शन.**—(1) संप्रतीक को, राष्ट्रपति भवन, संसद भवन, उच्चतम न्यायालय और केन्द्रीय सचिवालय भवन जैसे अति महत्वपूर्ण सरकारी भवनों पर संप्रदर्शित किया जा सकेगा ।

(2) संप्रतीक को, उन राज्यों या संघ राज्यक्षेत्रों के राजभवन या राज निवास और राज्य विधान मंडल, उच्च न्यायालयों और सचिवालय भवनों पर भी संप्रदर्शित किया जा सकेगा, जिन्होंने संप्रतीक को अंगीकार किया है या जिन्होंने राज्य या संघ राज्यक्षेत्र के संप्रतीक में, संप्रतीक को सम्मिलित किया हुआ है ।

(3) संप्रतीक को, विदेशों में भारत के राजनयिक मिशन के परिसरों पर संप्रदर्शित किया जा सकेगा और मिशनों के प्रमुख अपने प्रत्यायन के देशों में अपने निवास स्थानों पर संप्रतीक को संप्रदर्शित कर सकेंगे ।

(4) संप्रतीक को, विदेशों में भारत के कौंसलावास द्वारा अधिभोग किए गए भवनों पर, उनके प्रवेश द्वारों पर और उनके प्रत्यायन के देशों में कौंसलीय पदों के प्रमुखों के निवास स्थानों पर संप्रदर्शित किया जा सकेगा ।

9. **विभिन्न अन्य प्रयोजनों के लिए प्रयोग.**—इन नियमों के उपबंधों के अधीन रहते हुए, संप्रतीक का प्रयोग अनुसूची-III में यथानिर्दिष्ट अन्य प्रयोजनों के लिए किया जा सकेगा ।

10. **संप्रतीक के प्रयोग पर निर्बंधन.**—(1) इन नियमों के अधीन प्राधिकृत व्यक्तियों से भिन्न कोई भी व्यक्ति (जिसके अंतर्गत भूतपूर्व मंत्री, भूतपूर्व संसद सदस्य, विधान सभाओं के भूतपूर्व सदस्य, भूतपूर्व न्यायाधीश और सेवानिवृत्त सरकारी पदधारी जैसे सरकार के भूतपूर्व कृत्यकारी भी हैं) किसी भी रीति में, संप्रतीक का प्रयोग नहीं करेगा ।

(2) इन नियमों के अधीन प्राधिकृत किए गए से भिन्न कोई आयोग या समिति, पब्लिक सेक्टर उपक्रम, बैंक, नगरपालिका परिषद्, पंचायतराज संस्था, परिषद्, गैर-सरकारी संगठन, विश्वविद्यालय किसी भी रीति में संप्रतीक का प्रयोग नहीं करेगा ।

(3) कोई संगम या व्यक्ति निकाय, चाहे निगमित हो या नहीं, किसी रीति में अपने लेटरहेडों, पुस्तिकाओं, आसनों, कलगी, बैज, हाउस फ्लैगों पर या किसी अन्य प्रयोजन के लिए संप्रतीक का प्रयोग नहीं करेगा ।

(4) ऐसी लेखन-सामग्री पर, जिसके अंतर्गत लैटरहेड, परिचय-कार्ड और बधाई कार्ड भी हैं, जो ऐसे व्यक्ति के नाम के साथ लेखन सामग्री पर इन नियमों के अधीन संप्रतीक का प्रयोग करने के लिए प्राधिकृत हैं, अधिवक्ता, संपादक, चार्टर्ड अकाउंटेंट, जैसे शब्द नहीं होंगे ।

11. **संप्रतीक के प्रयोग को निर्बंधित करने वाली दशाएं और शर्तें.**—(1) कोई भी व्यक्ति, किसी व्यापार, कारबार, आजीविका या वृत्ति के प्रयोजन के लिए या किसी पेटेंट के शीर्षक में या किसी व्यापार चिह्न अथवा डिजाइन में संप्रतीक या उससे मिलती-जुलती नकल का प्रयोग नहीं करेगा या उसका प्रयोग करना जारी नहीं रखेगा :

परन्तु कोई व्यक्ति या व्यक्ति समूह, संगम, निकाय, निगम, केन्द्रीय सरकार के पूर्व अनुमोदन से उसके द्वारा आयोजित किसी समारोह के संबंध में या केन्द्रीय सरकार या राज्य सरकार के किसी मंत्रालय या विभाग के साथ संयुक्त रूप से किसी प्रकाशन के संबंध में संप्रतीक का प्रयोग कर सकेगा।

12. **संप्रतीक के डिजाइन की उपलब्धता.**—(1) संप्रतीक के फोटो ग्राफिक डिजाइन प्रबंधक, फोटोलिथो खण्ड, भारत सरकार मुद्रणालय, मिंटो रोड, नई दिल्ली में उपलब्ध हैं और उनसे प्राप्त किए जा सकते हैं ।

(2) संप्रतीक के मानक, डाई का नमूना, मुख्य नियंत्रक, मुद्रण और लेखन सामग्री, नई दिल्ली से प्राप्त किया जा सकता है ।

अनुसूची-I

(नियम 5 और 6 देखें)

संविधानिक या कानूनी प्राधिकारी, केन्द्रीय सरकार के मंत्रालय या विभाग, राज्य सरकारें या संघ राज्यक्षेत्र प्रशासन और अन्य सरकारी कृत्यकारी, जो संप्रतीक का प्रयोग कर सकेंगे ।

(i) राष्ट्रपति, उप-राष्ट्रपति, प्रधानमंत्री और संघ का कोई मंत्री ;

(ii) राज्यपाल, उप-राज्यपाल, प्रशासन, यदि, यथास्थिति, संप्रतीक को उस राज्य या संघ राज्यक्षेत्र द्वारा अंगीकार किया गया है या उसके संप्रतीक में उसे सम्मिलित किया गया है ;

(iii) भारत की संसद का कार्यालय और उसके अधिकारी ;

(iv) न्यायाधीश और न्यायपालिका के कार्यालय और उसके अधिकारी ;

(v) योजना आयोग का कार्यालय और उसके अधिकारी;

(vi) भारत का मुख्य निर्वाचन आयुक्त, निर्वाचन आयुक्त और भारत निर्वाचन आयोग का कार्यालय और उसके अधिकारी ;

(vii) भारत का नियंत्रक एवं महालेखापरीक्षक, भारत के नियंत्रक एवं महालेखापरीक्षक का कार्यालय और उसके अधिकारी ;

(viii) संघ लोक सेवा आयोग का अध्यक्ष और उसके सदस्य और संघ लोक सेवा आयोग का कार्यालय और उसके अधिकारी ;

(ix) केन्द्रीय सरकार के मंत्रालय, विभाग और कार्यालय तथा उनके अधिकारी ;

(x) विदेशों में राजनयिक मिशन और उनके अधिकारी ;

(xi) राज्यों और संघ राज्यक्षेत्रों के मुख्यमंत्री और मंत्री, यदि उस राज्य या संघ राज्यक्षेत्र द्वारा संप्रतीक अंगीकृत किया गया है या उसके संप्रतीक में संप्रतीक सम्मिलित किया गया है ;

(xii) संसद सदस्य और यथास्थिति, राज्य या संघ राज्यों की विधान सभाओं या विधान परिषदों के सदस्य ;

(xiii) राज्य और संघ राज्यक्षेत्र सरकारों के मंत्रालय, विभाग और कार्यालय और उनके अधिकारी, यदि उस राज्य या संघ राज्यक्षेत्र द्वारा संप्रतीक अंगीकृत किया गया है या उसके संप्रतीक में संप्रतीक सम्मिलित किया गया है ;

(xiv) राज्य और संघ राज्यक्षेत्र की विधान सभाओं या विधान परिषदों के कार्यालय और अधिकारी, यदि उस राज्य या संघ राज्यक्षेत्र द्वारा संप्रतीक अंगीकृत किया है या उसके संप्रतीक में संप्रतीक सम्मिलित किया गया है ;

(xv) संसद के किसी अधिनियम द्वारा गठित या स्थापित अथवा केन्द्रीय सरकार द्वारा स्थापित आयोग और प्राधिकरण ;

(xvi) राज्य विधान मंडल के किसी अधिनियम द्वारा गठित या स्थापित या राज्य सरकार द्वारा स्थापित आयोग और प्राधिकारी, यदि उस राज्य या संघ राज्यक्षेत्र द्वारा संप्रतीक अंगीकृत किया गया है या उसके संप्रतीक में संप्रतीक सम्मिलित किया गया है ;

स्पष्टीकरण : इस अनुसूची के प्रयोजन के लिए, "अधिकारी" पद से केन्द्रीय सरकार या राज्य सरकार या संघ राज्यक्षेत्र प्रशासन का कोई राजपत्रित अधिकारी अभिप्रेत है।

अनुसूची II

(नियम 7 देखें)

भाग 1

सांविधानिक प्राधिकारी और अन्य उच्चाधिकारी, जो अपनी कारों पर संप्रतीक संप्रदर्शित कर सकेंगे

(1) राष्ट्रपति भवन की कारें, जब निम्नलिखित उच्चाधिकारी या उनके पति या पत्नी ऐसे वाहनों में यात्रा कर रहे हों :

(क) राष्ट्रपति,

(ख) विदेशी राज्यों के प्रमुख अतिथि,

(ग) विदेशी राज्यों के अतिथि, उप-राष्ट्रपति या समतुल्य प्रास्थिति के उच्चाधिकारी,

(घ) विदेशी सरकारों के प्रमुख अतिथि या किसी विदेशी राज्य के राजकुमार या राजकुमारी जैसे समतुल्य प्रास्थिति वाले उच्चाधिकारी,

(ङ) राष्ट्रपति की कार के पीछे चलने वाली अतिरिक्त कार ;

(ii) उप-राष्ट्रपति की कार, जब वह या उसका पति या उसकी पत्नी ऐसे वाहन में यात्रा कर रहे हों ;

(iii) राजभवन और राज निवासों की कारें, यदि उस राज्य या संघ राज्यक्षेत्र द्वारा संप्रतीक अंगीकृत किया गया है या उसके संप्रतीक में उसे सम्मिलित किया गया है, जब संबंधित राज्य या संघ राज्यक्षेत्र के भीतर ऐसे वाहनों द्वारा निम्नलिखित उच्चाधिकारी या उनके पति या पत्नी यात्रा कर रहे हों :

(क) राष्ट्रपति,

(ख) उप-राष्ट्रपति,

(ग) राज्य का राज्यपाल,

(घ) संघ राज्यक्षेत्र का उप-राज्यपाल,

(ङ) विदेशी राज्यों के प्रमुख अतिथि,

(xv) विद्यालय की पाठ्य पुस्तकें, इतिहास, कला या संस्कृति की पुस्तकें या संप्रतीक के उद्गम, महत्व या अंगीकार करने को स्पष्ट करने या उसका दृष्टांत देने के प्रयोजन के लिए किसी अध्याय, धारा आदि के पाठ के भाग रूप में किसी नियतकालिक पत्रिका में :

परन्तु संप्रतीक ऐसे प्रकाशन के मुख्य पृष्ठ, शीर्षक या आवरण पर प्रयोग नहीं किया जाएगा जिससे कि यह धारणा बनाई जा सके कि यह सरकारी प्रकाशन है।

स्पष्टीकरण—इस अनुसूची के प्रयोजन के लिए ''सरकार'' के अंतर्गत केन्द्रीय सरकार, राज्य सरकार और संघ राज्यक्षेत्र प्रशासन हैं जिसने, यथास्थिति, संप्रतीक अंगीकृत किया है या उस राज्य या संघ राज्यक्षेत्र के संप्रतीक में संप्रतीक सम्मिलित किया है।

[फा. सं. 13/9/2006-पब्लिक]

अरुण कुमार यादव, संयुक्त सचिव

MINISTRY OF HOME AFFAIRS

NOTIFICATION

New Delhi, the 4th October, 2007

G.S.R. 643(E).— In exercise of the powers conferred by Section 11 of the State Emblem of India (Prohibition of Improper Use) Act, 2005 (50 of 2005), the Central Government hereby makes the following rules regulating the use of the State Emblem of India in official seal and on stationery and its design, namely :—

1. Short title, extent, application and commencement.— (1) These rules may be called the State Emblem of India (Regulation of Use) Rules, 2007.

(2) It extends to the whole of India and also to the citizens of India outside India.

(3) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.—In these rules, unless the context otherwise requires,—

(a) "Act" means the State Emblem of India (Prohibition of Improper Use) Act, 2005 (50 of 2005);

(b) "Emblem" means the State Emblem of India as defined in clause (b) of Section 2 of the Act;

(c) "Schedule" means a Schedule appended to these rules;

(d) "State Government" in relation to a Union territory means the Administrator of that Union territory appointed by the President under article 239 of the Constitution.

3. Design of the official seal.— (1) The design of the Official Seal shall have the emblem enclosed in an oval or round frame.

(2) The name of the Ministry or the office shall appear between the inner and outer rims of the frame.

(3) The abbreviated form of the name of a Ministry or the office may be inscribed where it is not possible to accommodate the name in full.

4. Adoption by States or Union territories.— (1) A State Government may adopt the emblem as the official Emblem of the State or the Union territory, as the case may be, without obtaining the approval of the Central Government.

(2) Where a State Government proposes to incorporate the emblem or any part thereof in the Emblem of that State or Union territory, as the case may be, it shall do so after obtaining the prior approval of the Central Government and shall get the design and lay out approved by the Central Government :

Provided that where a State Government has already incorporated the emblem or part thereof in the Emblem of that State or Union territory, as the case may be, prior to the coming into force of these rules, it may, subject to the other provisions of these rules, continue to use the emblem.

5. Use in official seals.—The use of the emblem in official seal shall be restricted to the authorities specified in Schedule I.

6. Use on stationery.— (1) The use of the emblem on official or demi-official stationery shall be restricted to the authorities specified in the Schedule I aforesaid.

(2) The emblem, when printed or embossed on official or demi-official stationery, shall appear prominently on the middle of the top of such stationery.

7. Display on vehicles.—The use of the emblem on vehicles shall be restricted to the authorities specified in Schedule II.

8. Display on public buildings.—(1) The emblem may be displayed on very important public buildings, like, the Rashtrapati Bhawan, Parliament House, Supreme Court and Central Secretariat buildings.

(2) The emblem may be displayed on Raj Bhawan or Raj Niwas and State Legislature, High Courts and Secretariat buildings of the States or the Union Territories that have adopted the emblem or have incorporated the emblem in the Emblem of the State or the Union Territory.

(3) The emblem may be displayed on the premises of India's Diplomatic Mission abroad and the heads of Missions may display the emblem at their residences in the countries of their accreditation.

(4) The emblem may be displayed on the buildings occupied by India's Consulates abroad at the entrance doors thereof and on the residences of Heads of consular posts in the countries of their accreditation.

9. Use for various other purposes.—Subject to the provisions of these rules, the emblem may be used for other purposes as are specified in Schedule III.

10. Restriction on the use of the emblem.—(1) No person (including former functionaries of the Government, like, former Ministers, former Members of Parliament, former Members of Legislative Assemblies, former judges and retired Government officials), other than those authorised under these rules, shall use the emblem in any manner.

(2) No Commission or Committee, Public Sector Undertaking, Bank, Municipal Council, Panchayat Raj Institution, Parishad, non-government organisation, University, other than those authorised under these rules, shall use the emblem in any manner.

(3) No association or body of persons, whether incorporated or not, shall use the emblem on their letter-heads, brochures, seats, crests, badges, house flags or for any other purpose in any manner.

(4) The stationery, including letter heads, visiting cards and greeting cards, with emblem printed or embossed on it, shall not bear words, like, Advocate, Editor, Chartered Accountant with the name of the person authorised to use the emblem under these rules on the stationery.

11. Cases and conditions restricting the use of the emblem.—No person shall use or continue to use the emblem or any colourable imitation thereof for the purpose of any trade, business, calling or profession or in the title of any patent, or in any trade mark or design:

Provided that a person or a group of persons, association, body, corporate, may use the emblem in connection with an event organised by it or a publication brought out jointly with a Ministry or Department of the Central or State Government, with the prior approval of the Central Government.

12. Availability of design of the emblem.—(1) Photographic designs of the emblem are available with, and can be obtained from, the Manager, Photo Litho Wing, Government of India Press, Minto Road, New Delhi.

(2) Sample of standard dies of the emblem can be obtained from the Office of the Chief Controller of Printing and Stationery, New Delhi.

SCHEDULE I

(See rules 5 and 6)

Constitutional or Statutory Authorities, Ministries or Departments of the Central Government, State Governments or Union Territory Administrations and other Government Functionaries which may use the Emblem.

(i) President, Vice-President, Prime Minister and a Union Minister;

(ii) Governors, Lieutenant Governors, Administrators, if the emblem is adopted by, or incorporated in the Emblem of, that State or the Union Territory, as the case may be;

(iii) Office and officers of the Parliament of India;

(iv) Judges and office and officers of the Judiciary;

(v) Office and officers of the Planning Commission;

(vi) Chief Election Commissioner of India, Election Commissioners and the office and officers of the Election Commission of India;

(vii) Comptroller and Auditor General of India, the office and officers of the Comptroller and Auditor General of India;

(viii) Chairperson and Members of the Union Public Service Commission and the office and officers of the Union Public Service Commission;

(ix) Ministries, Departments and offices of the Central Government and their officers;

(x) Diplomatic Missions abroad and their officers;

(xi) Chief Ministers and Ministers of the States and the Union territories, if the emblem is adopted by, or incorporated in the Emblem of, that State or the Union territory;

(xii) Members of Parliament and members of State or the Union territory Legislative Assemblies or Councils, as the case may be;

(xiii) Ministries, Departments and offices of the State and the Union territory Governments and their officers, if the emblem is adopted by, or incorporated in the Emblem of, that State or the Union territory;

(xiv) Office and officers of the State or the Union territory Legislative Assemblies or Councils, if the emblem is adopted by, or incorporated in the Emblem of, that State or the Union territory;

(xv) Commissions and authorities, constituted or established by an Act of Parliament or set up by the Central Government;

(xvi) Commissions and authorities constituted or established by an Act of the State Legislature or set up by the State Government, if the emblem is adopted by, or incorporated in the Emblem of, that State or the Union territory;

Explanation - For the purpose of this Schedule, the expression 'officer' shall mean a gazetted officer of the Central Government; or the State Government or the Union territory Administration.

SCHEDULE II

(See rule 7)

PART I

Constitutional Authorities and other Dignitaries which may Display the Emblem on their Cars

(i) cars of Rashtrapati Bhawan, when the following dignitaries or their spouses are travelling by such vehicles:

(a) President,

(b) visiting Heads of foreign States,

(c) visiting Vice-Presidents of foreign State or dignitaries of equivalent status,

(d) visiting heads of foreign Governments or dignitaries of equivalent status like Crown Prince or Princess of a foreign State,

(e) the spare car following the car of the President;

(ii) car of Vice-President when he or his spouse is travelling by such vehicle;

(iii) cars of Raj Bhawan and Raj Niwas, if the emblem is adopted by, or incorporated in the Emblem of, that State or the Union territory, when the following dignitaries or their spouses are travelling by such vehicles within the State or the Union territory concerned:

(a) President,

(b) Vice-President,

(c) Governor of the State,

(d) Lieutenant Governor of the Union territory,

(e) Visiting Heads of foreign States,

(f) Visiting Vice-Presidents of foreign States or dignitaries of equivalent status,

(g) Visiting Heads of foreign Governments or dignitaries of equivalent status;

(iv) cars and other means of transport used by the Heads of India's Diplomatic Missions in the countries of their accreditation;

(v) cars and other means of transport used by the Heads of India's Counsellor posts abroad in the countries of their accreditation;

(vi) cars maintained by the Protocol Division of the Ministry of External Affairs when in use for duty with the foreign dignitaries of the rank of Cabinet Ministers and above visiting India, and Ambassadors accredited to India on ceremonial occasions.

PART II

Authorities which may Display the Ashoka Chakra (which is Part of the Emblem) on Triangular Metal Plaques on their Cars

(i) cars of the Prime Minister and Ministers of the Union, Speaker and Deputy Speaker of the Lok Sabha, Deputy Chairperson of the Rajya Sabha when travelling anywhere in India;

(ii) cars of Chief Justice of India and Judges of the Supreme Court, and Chief Justices and Judges of High Courts within their respective territories;

(iii) cars of Cabinet Ministers in States, Ministers of States in States, Speakers and Deputy Speakers of the State Legislative Assemblies, Chairmen and Deputy Chairmen of Councils of States, Ministers (other than Deputy Ministers) of Union territories with Legislature, and Speakers and Deputy Speakers of Legislative Assemblies in Union territories, when they are travelling within their State or Union territory, as the case may be (if the emblem is adopted by, or is incorporated in the Emblem of, the State or the Union territory).

SCHEDULE III

(See rule 9)

Other Purposes for which Emblem may be used

(i) Visiting Cards of the functionaries or officers specified in Schedule-I for legitimate representational purpose;

(ii) Greeting Cards sent by functionaries or officers specified in Schedule-I for legitimate representational purpose;

(iii) official publications of the Government;

(iv) films and documentaries produced by the Government;

(v) stamp papers;

(vi) Government advertisements, banners, pamphlets, boards, etc.;

(vii) crests, flags, seats with such modification as considered necessary;

(viii) identity cards, licenses, permits, etc., issued by the Government;

(ix) websites of the Government;

(x) coins, currency notes, promissory notes and postal stamps issued by the Mint or Press of the Government of India;

(xi) Medals, Certificates and Sanads instituted by the Government;

(xii) invitation cards for functions of the Government;

(xiii) representational glassware crockery and cutlery used at the Rashtrapati Bhawan, Raj Bhawans, Raj Niwases and Indian Missions or Posts abroad;

(xiv) Badges, collars, buttons, etc., with such modifications as are considered necessary, on the uniforms of—

(a) commissioned or gazetted officers of the armed forces of the Union;

(b) gazetted officers of uniformed services (other than armed forces) of the Union and such of the State Governments and Union territory Administrations that have adopted the emblem, or have incorporated the emblem in the Emblem of that State or Union territory;

(c) authorised staff of Rashtrapati Bhawan and Indian Missions or Posts abroad;

(xv) school textbooks, books on history, art or culture or in any periodical as part of the text of a Chapter, Section, etc., for the purpose of explaining or illustrating the origin, significance or adoption of the emblem:

Provided that the emblem shall not be used on the front page, title or cover of such publication so as to give an impression that it is a Government publication.

Explanation :—For the purpose of this Schedule, the "Government" includes the Central Government; the State Governments and Union territory Administrations, which have adopted or incorporated the emblem in the Emblem of that State or Union territory, as the case may be.

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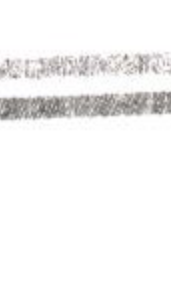
Flag Code of India

2002



मत्यमेव जयते

Government of India
Ministry of Home Affairs
New Delhi

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152/L

FLAG CODE OF INDIA

The Indian National flag represents the hopes and aspirations of the people of India. It is the symbol of our national pride. Over the last five decades, several people including members of armed forces have ungrudgingly laid down their lives to keep the tricolour flying in its full glory.

The significance of the colours and the chakra in the National Flag was amply described by Dr. S. Radhakrishnan in the Constituent Assembly which unanimously adopted the National Flag. Dr. S. Radhakrishnan explained—"Bhagwa or the saffron colour denotes renunciation of disinterestedness. Our leaders must be indifferent to material gains and dedicate themselves to their work. The white in the centre is light, the path of truth to guide our conduct. The green shows our relation to soil, our relation to the plant life here on which all other life depends. The Ashoka Wheel in the center of the white is the wheel of the law of dharma. Truth or satya, dharma or virtue ought to be the controlling principles of those who work under this flag. Again, the wheel denotes motion. There is death in stagnation. There is life in movement. India should no more resist change, it must move and go forward. The wheel represents the dynamism of a peaceful change."

There is universal affection and respect for, and loyalty to, the National Flag. Yet, a perceptible lack of awareness is often noticed not only amongst people but also in the organizations/agencies of the Government, in regard to laws, practices and conventions that apply to the display of the National Flag. Apart from non-statutory instructions issued by the Government from time to time, display of the National Flag is governed by the provisions of the Emblems and Names (Prevention of Improper Use) Act, 1950 (No. 12 of 1950) and the

Prevention of Insults to National Honour Act, 1971 (No. 69 of 1971). Flag Code of India, 2002 is an attempt to bring together all such laws, conventions, practices and instructions for the guidance and benefit of all concerned.

For the sake of convenience, Flag Code of India, 2002, has been divided into three parts. Part I of the Code contains general description of the National Flag. Part II of the Code is devoted to the display of the National Flag by members of public, private organizations, educational institutions, etc. Part III of the Code relates to display of the National Flag by Central and State Governments and their organizations and agencies.

Flag Code of India, 2002, takes effect from January 26, 2002 and supersedes the 'Flag Code—India' as it existed.

150/c

PART I

GENERAL

1.1 The National Flag shall be a tri-colour panel made up of three rectangular panels or sub-panels of equal widths. The colour of the top panel shall be India saffron (Kesari) and that of the bottom panel shall be India green. The middle panel shall be white, bearing at its centre the design of Ashoka Chakra in navy blue colour with 24 equally spaced spokes. The Ashoka Chakra shall preferably be screen printed or otherwise printed or stenciled or suitably embroidered and shall be completely visible on both sides of the Flag in the centre of the white panel.

1.2 The National Flag of India shall be made of hand spun and hand woven wool/cotton/silk khadi bunting.

1.3 The National Flag shall be rectangular in shape. The ratio of the length to the height (width) of the Flag shall be 3:2.

1.4 The standard sizes of the National Flag shall be as follows:-

Flag Size No.	Dimensions in mm
1	6300 X 4200
2	3600 X 2400
3	2700 X 1800
4	1800 X 1200
5	1350 X 900
6	900 X 600
7	450 X 300
8	225 X 150
9	150 X 100

1.5 An appropriate size should be chosen for display. The flags of 450X300 mm size are intended for aircrafts on VVIP flights, 225X150 mm size for motor-cars and 150X100 mm size for table flags.

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 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."

PART. III

HOISTING/DISPLAY OF THE NATIONAL FLAG BY THE CENTRAL AND STATE GOVERNMENTS AND THEIR ORGANISATIONS AND AGENCIES.

SECTION I

DEFENCE INSTALLATIONS/HEADS OF MISSIONS/POSTS

3.1 The provisions of this Part shall not apply to Defence Installations that have their own rule for display of the National Flag.

3.2 The National Flag may also be flown on the Headquarters and the residences of the Heads of Missions/Posts abroad in the countries where it is customary for diplomatic and consular representatives to fly their National Flags on the Headquarters and their official residences.

SECTION II

OFFICIAL DISPLAY

3.3 Subject to the provisions contained in Section I above, it shall be mandatory for all Governments and their organisations/ agencies to follow the provisions contained in this Part.

3.4 On all occasions for official display, only the Flag conforming to specifications laid down by the Bureau of Indian Standards and bearing their standard mark shall be used. On other occasions also, it is desirable that only such Flags of appropriate size are flown.

1427/C

SECTION III

CORRECT DISPLAY

3.5 Wherever the Flag is flown, it should occupy the position of honour and be distinctly placed.

3.6 Where the practice is to fly the Flag on any public building, it shall be flown on that building on all days including Sundays and holidays and, except as provided in this Code, it shall be flown from sun-rise to sun-set irrespective of weather conditions. The Flag may be flown on such a building at night also but this should be only on very special occasions.

3.7 The Flag shall always be hoisted briskly and lowered slowly and ceremoniously. When the hoisting and the lowering of the Flag is accompanied by appropriate bugle calls, the hoisting and lowering should be simultaneous with the bugle calls.

3.8 When the Flag is displayed from a staff projecting horizontally or at an angle from a windowsill, balcony, or front of a building, the saffron band shall be at the farther end of the staff.

3.9 When the Flag is displayed flat and horizontal on a wall, the saffron band shall be upper most and when displayed vertically, the saffron band shall be to the right with reference to the Flag, i.e., it may be to the left of a person facing it.

3.10 When the Flag is displayed on a speaker's platform, it shall be flown on a staff on the speaker's right as he faces the audience or flat against the wall above and behind the speaker.

3.11 When used on occasions like the unveiling of a statue, the Flag shall be displayed distinctly and separately.

3.12 When the Flag is displayed alone on a motor car, it shall be flown from a staff, which should be affixed firmly either on the middle front of the bonnet or to the front right side of the car.

3.13 When the Flag is carried in a procession or a parade, it shall be either on the marching right, i.e. the Flag's own right, or if there is a line of other flags, in front of the centre of the line.

SECTION IV

INCORRECT DISPLAY

3.14 A damaged or disheveled Flag shall not be displayed.

3.15 The Flag shall not be dipped in salute to any person or thing.

3.16 No other flag or bunting shall be placed higher than or above or, except as hereinafter provided, side by side with the National Flag; nor shall any object including flowers or garlands or emblem be placed on or above the Flag-mast from which the Flag is flown.

3.17 The Flag shall not be used as a festoon, rosette or bunting or in any other manner for decoration.

3.18 The Flag shall not be used to cover a speaker's desk nor shall it be draped over a speaker's platform.

3.19 The Flag shall not be displayed with the "saffron" down.

3.20 The Flag shall not be allowed to touch the ground or the floor or trail in water.

3.21 The Flag shall not be displayed or fastened in any manner as may damage it.

SECTION V

MISUSE

3.22 The Flag shall not be used as a drapery in any form whatsoever except in State/Military/Central Para military Forces funerals hereinafter provided.

3.23 The Flag shall not be draped over the hood, top, sides or back of a vehicle, train or boat.

3.24 The Flag shall not be used or stored in such a manner as may damage or soil it.

3.25 When the Flag is in a damaged or soiled condition, it shall not be cast aside or disrespectfully disposed of but shall be destroyed as a whole in private, preferably by burning or by any other method consistent with the dignity of the Flag.

3.26 The Flag shall not be used as a covering for a building.

2.27 The Flag shall not be used as a portion of a costume or uniform of any description. It shall not be embroidered or printed upon cushions, handkerchiefs, napkins or boxes.

3.28 Lettering of any kind shall not be put upon the Flag.

3.29 The Flag shall not be used in any form of advertisement nor shall an advertising sign be fastened to the pole from which the Flag is flown.

3.30 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.

139/1c

SECTION VI

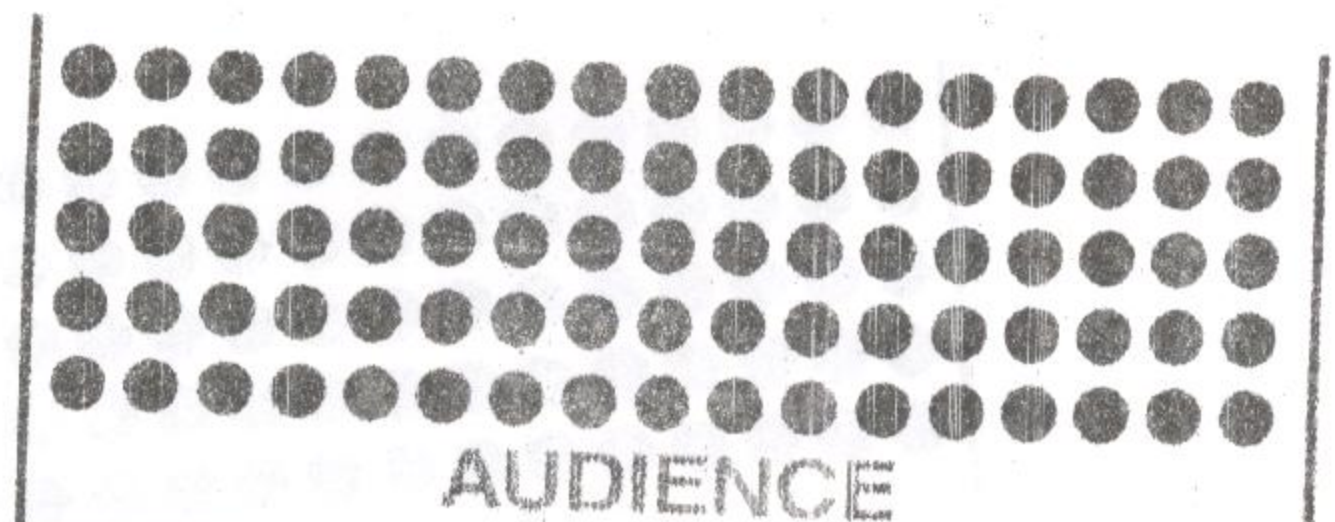
SALUTE

3.31 During the ceremony of hoisting or lowering the Flag or when the Flag is passing in a parade or in a review, all persons present should face the Flag and stand at attention. Those present in uniform should render the appropriate salute. When the Flag is in a moving column, persons present will stand at attention or salute as the Flag passes them. A dignitary may take the salute without a head dress.

3.33 Flags of foreign countries shall proceed as from the National Flag in alphabetical order on the basis of English versions of the names of the countries concerned. It would be permissible in such a case to begin and also to end the row of flags with the National Flag and also to include National Flag in the normal countrywise alphabetical order. The National Flag shall be hoisted first and lowered last.

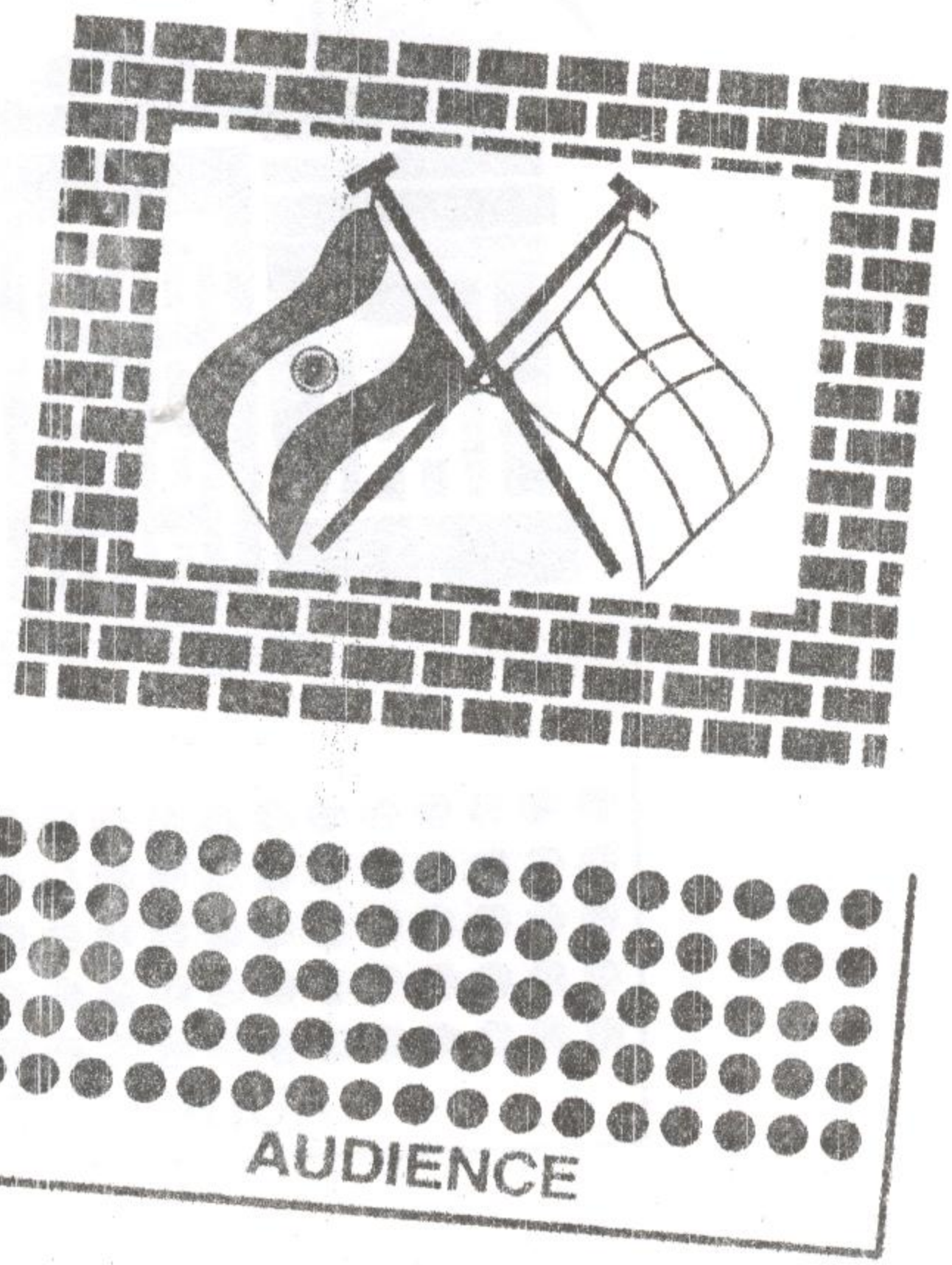
3.34 In case flags are to be flown in an open circle i.e., in an arc or a semi-circle, the same procedure shall be adopted as is indicated in the preceding clause of this Section. In case flags are to be flown in a closed, i.e., complete circle, the National Flag shall mark the beginning of the circle and the flags of other countries should proceed in a clockwise manner until the last flag is placed next to the National Flag. It is not necessary to use separate National Flags to mark the beginning and the end of the circle of flags. The National Flag shall also be included in its alphabetical order in such a closed circle.

3.36 When the United Nation's Flag is flown along with the National Flag, it can be displayed on either side of the National Flag. The general practice is to fly the National Flag on the extreme right with reference to the direction which it is facing (i.e. extreme left of an observer facing the masts flying the Flags). The position is illustrated in the diagram below:-



136/L

3.35 When the National Flag is displayed against a wall with another flag from crossed staffs, the National Flag shall be on the right i.e. the Flag's own right, and its staff shall be in front of the staff of the other flag. The position is illustrated in the diagram below:-



3.37 When the National Flag is flown with flags of other countries, the flag masts shall be of equal size. International usage forbids the display of the flag of one nation above that of another nation in time of peace.

3.38 The National Flag shall not be flown from a single mast-head simultaneously with any other flag or flags. There shall be separate mast-heads for different flags.

SECTION VIII

DISPLAY OVER PUBLIC BUILDINGS / OFFICIAL RESIDENCES

3.39 Normally the National Flag should be flown only on important public buildings such as High Courts, Secretariats, Commissioners' Offices, Collectorates, Jails and offices of the District Boards, Municipalities and Zilla Parishads and Departmental/Public Sector Undertakings.

3.40 In frontier areas, the National Flag may be flown on the border customs posts, check posts, out posts and at other special places where flying of the Flag has special significance. In addition, it may be flown on the camp sites of border patrols.

3.41 The National Flag should be flown on the official residences of the President, Vice-President, Governors and Lieutenant Governors when they are at Headquarters and on the building in which they stay during their visits to places outside the Headquarters. The Flag flown on the official residence should, however, be brought down as soon as the dignitary leaves the Headquarters and it should be re-hoisted on that building as he enters the main

gate of the building on return to the Headquarters. When the dignitary is on a visit to a place outside the Headquarters, the Flag should be hoisted on the building in which he stays as he enters the main gate of that building and it should be brought down as soon as he leaves that place. However, the Flag should be flown from sun-rise to sun-set on such official residences, irrespective of whether the dignitary is at Headquarters or not on the - Republic Day, Independence Day, Mahatama Gandhi's Birthday, National Week (6th to 13th April, in the memory of martyrs of Jalianwala Bagh), any other particular day of national rejoicing as may be specified by the Government of India or, in the case of a State, on the anniversary of formation of that State.

3.42 When the President, the Vice-President or the Prime Minister visits an institution, the National Flag may be flown by the institution as a mark of respect.

3.43 On the occasions of the visit to India by foreign dignitaries, namely, President, Vice-President, Emperor / King or Heir Prince and the Prime Minister, the National Flag may be flown along with the Flag of the foreign country concerned in accordance with the rules contained in Section VII by such private institutions as are according reception to the visiting foreign dignitaries and on such public buildings as the foreign dignitaries intend to visit on the day of visit to the institution.

133/C

(21)

SECTION IX

DISPLAY ON MOTOR CARS

3.44 The privilege of flying the National Flag on motor cars is limited to the:-

(1) President;

(2) Vice-President;

(3) Governors and Lieutenant Governors;

(4) Heads of Indian Missions/Posts abroad in the countries to which they are accredited;

(5) Prime Minister and other Cabinet Ministers;

Ministers of State and Deputy Ministers of the Union;

Chief Minister and other Cabinet Ministers of a State or Union Territory;

Ministers of State and Deputy Ministers of a State or Union Territory;

(6) Speaker of the Lok Sabha;

Deputy Chairman of the Rajya Sabha;

Deputy Speaker of the Lok Sabha;

Chairmen of Legislative Councils in States

Speakers of Legislative Assemblies in States and Union territories.

Deputy Chairmen of Legislative Councils in States;

Deputy Speakers of Legislative Assemblies in States and Union territories;

(7) Chief Justice of India;
Judges of Supreme Court;
Chief Justice of High Courts;
Judges of High Courts.

3.45 The dignitaries mentioned in Clauses (5) to (7) of paragraph 3.44 may fly the National Flag on their cars, whenever they consider it necessary or advisable.

3.46 When a foreign dignitary travels in a car provided by Government, the National Flag will be flown on the right side of the car and the Flag of the foreign countries will be flown on the left side of the car.

SECTION X

DISPLAY ON TRAINS / AIRCRAFTS

3.47 When the President travels by special train within the country, the National Flag should be flown from the driver's cab on the side facing the platform of the station from where the train departs. The Flag should be flown only when the special train is stationary or when coming into the station where it is going to halt.

3.48 The National Flag will be flown on the aircraft carrying the President, the Vice-President or the Prime Minister on a visit to a foreign country. Alongside the National Flag, the Flag of the country visited should also be flown but, when the aircraft lands in countries enroute, the National Flags of the countries touched would be flown instead, as a gesture of courtesy and goodwill.

3.49 When the President goes on tour within India, the National Flag will be displayed on the side by which the President will embark the aircraft or disembark from it.

131/L

(23)

SECTION XI

HALF-MASTING

3.50 In the event of the death of the following dignitaries, the National Flag shall be half-masted at the places indicated against each on the day of the death of the dignitary:-

Dignitary	Place or places
President Vice-President Prime Minister	Throughout India
Speaker of the Lok Sabha Chief Justice of India	Delhi
Union Cabinet Minister	Delhi and State Capitals
Minister of State or Deputy Minister of the Union	Delhi
Governor Lt. Governor Chief Minister of a State Chief Minister of a Union territory	Throughout the State or Union territory concerned.
Cabinet Minister in a State	Capital of the State concerned.

3.51 If the intimation of the death of any dignitary is received in the afternoon, the Flag shall be half-masted on the following day also at the place or places indicated above, provided the funeral has not taken place before sun-rise on that day.

130/c

3.52 On the day of the funeral of a dignitary mentioned above, the Flag shall be half-masted at the place where the funeral takes place.

3.53 If State mourning is to be observed on the death of any dignitary, the Flag shall be half-masted throughout the period of the mourning throughout India in the case of the Union dignitaries and throughout the State or Union territory concerned in the case of a State or Union territory dignitary.

3.54 Half-masting of the Flag and, where necessary, observance of State mourning on the death of foreign dignitaries will be governed by special instructions which will issue from the Ministry of Home Affairs in individual cases.

3.55 Notwithstanding the above provisions, in the event of a half-mast day coinciding with the Republic Day, Independence Day, Mahatama Gandhi's Birthday, National Week (6th to 13th April, in the memory of martyrs of Jalianwala Bagh), any other particular day of national rejoicing as may be specified by the Government of India or, in the case of a State, on the anniversary of formation of that State, the Flags shall not be flown at half-mast except over the building where the body of the deceased is lying until such time it has been removed and that Flag shall be raised to the full-mast position after the body has been removed.

3.56 If mourning were to be observed in a parade or procession where a Flag is carried, two streamers of black crepe shall be attached to the spear head, allowing the streamers to fall naturally. The use of black crepe in such a manner shall be only by an order of the Government.

3.57 When flown at half-mast, the Flag shall be hoisted to the peak for an instant, then lowered to the half-mast position, but before lowering the Flag for the day, it shall be raised again to the peak.

Note:- By half-mast is meant hauling down the Flag to one half the distance between the top and the guy-line and in the absence of the guy-line, half of the staff.

3.58 On occasions of State/Military/Central Para-Military Forces funerals, the Flag shall be draped over the bier or coffin with the saffron towards the head of the bier or coffin. The Flag shall not be lowered into the grave or burnt in the pyre.

3.59 In the event of death of either the Head of the State or Head of the Government of a foreign country, the Indian Mission accredited to that country may fly the National Flag at half-mast even if that event falls on Republic Day, Independence Day, Mahatama Gandhi's Birthday, National Week (6th to 13th April, in the memory of martyrs of Jalianwala Bagh) or any other particular day of national rejoicing as may be specified by the Government of India. In the event of death of any other dignitary of that country, the National Flag should not be flown at half-mast by the Missions except when the local practice or protocol (which should be ascertained from the Dean of the Diplomatic Corps, where necessary) require that the National Flag of a Foreign Mission in that country should also be flown at half-mast.

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