

# **THE PREVENTION OF INSULTS TO NATIONAL HONOUR ACT, 1971**

## **SUMMARY**

The Prevention of Insults to National Honour Act, 1971 is an Indian law that seeks to prevent insults to national honour. It criminalizes actions that intentionally or knowingly show disrespect to the Indian national flag, constitution, or national anthem. This includes acts such as burning, mutilating, or defiling the national flag, using the national anthem for commercial purposes, or intentionally preventing the singing of the national anthem. Violators of the act can face imprisonment for up to three years, a fine, or both. The act also provides provisions for search and seizure of items used to commit the offense, and for forfeiture of properties used for such acts.

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### **Section 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.

### **Simplified**

(1) The name of this law is the Prevention of Insults to National Honour Act, 1971.

(2) This law is applicable throughout the entire country of India.

### **Section 2: Insults 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 Indian National Flag is flown at half-mast on public buildings in accordance with the instructions issued by the Government; or
- (d) using the Indian National Flag as a drapery in any form whatsoever except in State funerals or armed forces or other paramilitary forces funerals; or
- (e) using the Indian National Flag:
  - (i) as a portion of costume, uniform or accessory of any description which is worn below the waist of any person; or
  - (ii) by embroidering or printing it on cushions, handkerchiefs, napkins, undergarments or any dress material;
- (f) putting any kind of inscription upon the Indian National Flag; or
- (g) using the Indian National Flag as a receptacle for receiving, delivering or carrying anything except flower petals before the Indian National Flag is unfurled as part of celebrations on special occasions including the Republic Day or the Independence day; or

(h) using the Indian National Flag as covering for a statute or a monument or a speaker's desk or a speaker's platform; or

(i) allowing the Indian National Flag to touch the ground or the floor or trail in water intentionally; or

(j) draping the Indian National Flag over the hood, top and sides or back or on a vehicle, train, boat or an aircraft or any other similar object; or

(k) using the Indian National Flag as a covering for a building; or

(l) intentionally displaying the Indian National Flag with the "saffron" down.

### **Simplified**

If someone in a place where others can see, such as in public or in view of the public, does any of the following to the Indian National Flag or the Constitution of India, they can be put in jail for up to three years, fined, or both:

Burns it

Cuts, damages, or destroys it

Draws on it or disrespects it in any way

Steps on or otherwise mistreats it

Explanation 1 - If you say or write something to criticize the Constitution or the National Flag because you want to change them legally, you are not committing a crime.

Explanation 2 - The term "Indian National Flag" includes any image or representation of the flag, no matter what it's made of or how it's shown.

Explanation 3 - A "public place" is anywhere that the public can use or go to, including transportation used by the public.

Explanation 4 - Disrespecting the Indian National Flag includes actions like:

Insulting or showing serious disrespect to the flag

Lowering the flag as a salute to someone or something

Flying the flag at half-mast when it's not allowed by the government

Using the flag as a decoration or covering, except at specific funerals

Wearing the flag as part of clothing, or printing it on certain items

Writing on the flag

Using the flag to hold or carry things, except for flower petals during certain celebrations

Using the flag to cover statues, podiums, or buildings

Letting the flag touch the ground or water on purpose

Putting the flag on vehicles in a way that's not allowed

Displaying the flag upside down

Explanation using Example

Imagine a scenario where an individual, during a protest, decides to show their dissatisfaction with the government by burning a representation of the Indian National Flag. This act is witnessed by others in a public park, which is a place accessible to the public. Law enforcement officers who are present at the scene arrest the individual for this act.

In court, the individual is charged under Section 2 of The Prevention of Insults to National Honour Act, 1971, which prohibits the burning of the Indian National Flag in a public place. The individual's action is seen as showing disrespect to the flag, and thus, they are liable for punishment which may include imprisonment, a fine, or both. However, if the individual had merely spoken or written critical words about the flag with the intention to seek a lawful amendment or alteration, it would not constitute an offence under this section, as per Explanation 1.

### **Section 3: Prevention Of Singing Of Indian National Anthem, Etc**

Whoever intentionally prevents the singing of the Indian National Anthem or causes disturbance to any assembly engaged in such singing shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

#### **Simplified**

If someone deliberately stops the Indian National Anthem from being sung or interrupts a group of people singing it, they can be jailed for up to three years, fined, or both.

## Explanation using Example

Imagine a scenario where a group of people have gathered at a public event to celebrate Independence Day. As part of the ceremony, they start singing the Indian National Anthem. During the singing, an individual, disagreeing with the patriotic display, starts blowing a loud horn to disrupt the singing intentionally. This act of intentional disruption falls under the purview of Section 3 of The Prevention of Insults to National Honour Act, 1971. The individual could face legal consequences, including imprisonment of up to three years, a fine, or both, for preventing the singing of the national anthem and causing a disturbance.

## **Section 3A: Enhanced Penalty On Second And Subsequent Convictions**

3A Enhanced penalty on second and subsequent convictions - Whoever, having already been convicted of an offence under section 2 or section 3, is again convicted of any such offence shall be punishable for the second and for every subsequent offence, with imprisonment for a term which shall not be less than one year.

### **Simplified**

Increased punishment for repeat offenders - If a person has been found guilty before for disrespecting the nation's symbols or the Constitution, as outlined in section 2 or 3 of this law, and then does it again, they will face a harsher penalty. For the second and any further times they commit the same crime, they will be sentenced to jail for at least one year.

## Explanation using Example

Imagine a person named John who was previously convicted for disrespecting the Indian National Flag, which is an offence under Section 2 of The Prevention of Insults to National Honour Act, 1971. After serving his sentence, John once again commits a similar offence by defacing a national emblem. This time, due to Section 3A of the act, John faces a harsher punishment. Since this is his second conviction for such an offence, the court sentences him to a minimum of one year in prison, reflecting the enhanced penalty for repeat offenders mandated by Section 3A.

