

THE PREVENTION OF INSULTS TO NATIONAL HONOUR (AMENDMENT) ACT, 2003

ACT NO. 31 OF 2003

[8th May, 2003.]

An Act to amend the Prevention of Insults to National Honour Act, 1971.

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

1.

Short title.

1. Short title.-This Act may be called the Prevention of Insults to National Honour (Amendment) Act, 2003.

2.

Amendment of section 2.

2. Amendment of section 2.-In section 2 of the Prevention of Insults to National Honour Act, 1971 (69 of 1971) (hereinafter referred to as the principal Act),-

(a) for the words (otherwise brings", the words "otherwise shows disrespect to or brings" shall be substituted;

(b) after Explanation 3, the following Explanation shall be inserted, namely:-

'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 para-military forces

funerals; or

(e) using the Indian National Flag as a portion of costume or uniform of any description or embroidering or printing it on cushions, handkerchiefs, napkins or any dress material; or

(f) putting any kind of inscription upon the Indian National Flag; or

(g) using the Indian National Flag as a receptacle for receiving, delivering or carrying anything except flower petals before the Indian National Flag is unfurled as a part of celebrations on special occasions including the Republic Day or the Independence Day; or

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

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

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

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

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

3.

Insertion of new section 3A.

3. Insertion of new section 3A.-After section 3 of the principal Act, the following section shall be inserted, namely:-

"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."

SUBJASH C. JAIN,

Secy. to the Govt. of India.