

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

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:—

Short title.

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

Amendment of section 2.

2. In section 2 of the Prevention of Insults to National Honour Act, 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 part of celebrations on special occasions including the Republic Day or the Independence day; or

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

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

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

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

(l) intentionally displaying the Indian National Flag with the “saffron” down.’

3. After section 3 of the principal Act, the following section shall be inserted, namely:—

“3A. 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.”

Insertion of new section 3A.

Enhanced penalty on second and subsequent convictions.