

IndiaCode

The Prevention of Insults to National Honour Act, 1971

(ACT NO. 69 OF 1971)

(*As on the 6th August, 2026*)

LIST OF AMENDING ACTS

1. The Prevention of Insults to National Honour (Amendment) Act, 2003 (31 of 2003).
2. The Prevention of Insults to National Honour (Amendment) Act, 2005 (51 of 2005).
3. The Prevention of Insults to National Honour (Amendment) Act, 2026 (11 of 2026).

LIST OF ABBREVIATIONS USED

Cl., cls.	*for*	Clause, clauses.
Ins.	,,	Inserted.
Notifn.	.	Notification.
S., ss.	,,	Section, sections.
Sch.	,,	Schedule.
Subs.	,,	Substituted.
w.e.f.	,,	with effect from.

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THE PREVENTION OF INSULTS TO NATIONAL HONOUR ACT, 1971

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title and extent.
2. Insults to Indian National Flag and Constitution of India.
3. Preventing or disturbing singing of Indian National Anthem or National Song.

3A. Enhanced penalty on second and subsequent convictions.

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THE PREVENTION OF INSULTS TO NATIONAL HONOUR ACT, 1971

ACT NO. 69 OF 1971

[23*rd December,* 1971.]

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. 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, difiles, disfigures, destroys, tramples upon or [1][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.

[2][*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

[3][(*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; or]

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

1. Subs. by Act 31 of 2003, s. 2, for "otherwise brings" (w.e.f. 8-5-2003).
2. The *Explanation* ins. by s. 2, *ibid.* (w.e.f. 8-5-2003).
3. Subs. by Act 51 of 2005, for cl. (*e*) (w.e.f. 20-12-2005).

(*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.]

[1][**3. Preventing or disturbing singing of Indian National Anthem or National Song**.—Whoever, intentionally—

(*a*) prevents the singing of the National Anthem or the National Song; or

(*b*) causes disturbance to any assembly engaged in such singing,

shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.]

[2][**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.]

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1. Subs.by Act 11 of 2026, s. 2, for section 3 (w.e.f. 6-8-2026).

2. Ins. by Act 31 of 2003, s. 3 (w.e.f. 8-5-2003).

STATEMENT OF OBJECTS AND REASONS

Cases involving deliberate disrespect to the National Flag, the National Anthem and the Constitution have come to notice in the recent past. Some of these incidents were discussed in both Houses of Parliament and Members expressed great anxiety about the disrespect shown to the national symbols. Government were urged to prevent recurrence of such incidents. Disrespect to the National Flag, the Constitution or the National Anthem is not punishable under the existing law. Public acts of insult to these symbols of the sovereignty and the integrity of the nation must be prevented. Hence the Bill. The scope of the law is restricted to overt acts of insult to, and attacks on, the national symbols by burning, trampling, defiling or mutilating in public. It is not intended to prohibit honest and *bona fide* criticism of the symbols, and express provision to this effect has been made in the Bill.

NEW DELHI; K. C. PANT.

The 24*th April*, 1971.

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