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# ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110001.

No. 509/35/2014-RCC *190-224 (CEC)* Dated: 4<sup>th</sup> March, 2014.

To,

*478-SIIC All Political parties*  
The President/General Secretary/Chairperson  
of all recognized National and State Political Parties.

Subject: - In the Allahabad High Court at Lucknow Bench-W.P. (PIL-Civil) (B) No.603 of 2014- Pratap Chandra Vs. Union of India & others-regarding

Sir,

I am directed to forward herewith a copy of the Order dated 30/01/2014 passed by the Hon'ble High Court of Allahabad at Lucknow Bench on the issue of use of National flag in rallies of political parties. The relief claimed in the petition was for a direction to the respondents (Central Government, State Government of Uttar Pradesh, Election Commission and State Election Commission) not to allow the use of national flag in rallies of political parties. The Hon'ble High court of Allahabad disposed of the petition with the observation that there is no prohibition of proper use of national flag by political parties in rallies and that it is the bounden duty of the authorities concerned to ensure strict compliance and observance of the provisions of the Flag Code and the provisions of Emblem and names (Prevention of Improper use) Act, 1950 and the Prevention of insults to National Honour Act 1971.

The above said Order of the Hon'ble High Court may be noted and also brought to the notice of the cadres of the party at all level to ensure that there is no violation of the provisions of the Flag Code and the Acts mentioned in the Order.

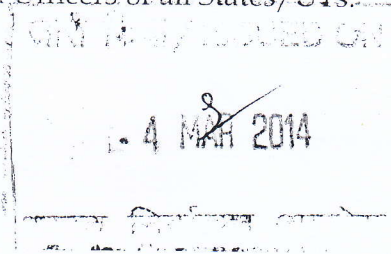
Kindly acknowledge receipt.

Yours faithfully,



(N.T.BHUTIA)  
UNDER SECRETARY

Copy to : The Chief Electoral Officers of all States/UTs.



This is an **UNCERTIFIED** copy for information/reference. For authentic copy please refer to certified copy only. In case of any mistake, please bring it to the notice of Deputy Registrar(Copying).

**HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH**

?Court No. - 2

Case :- MISC. BENCH No. - 603 of 2014

Petitioner :- Pratap Chandra [P.I.L.]

Respondent :- Union Of India Through Secretary Ministry Of Home & Others

Counsel for Petitioner :- Vijay Kumar Pandey

Counsel for Respondent :- C.S.C.,A.S.G.,Aprajita Bansal,Manish Mathur

Hon'ble Imtiyaz Murtaza, J.

Hon'ble Devendra Kumar Upadhyaya, J.

Heard Sri Vijay Kumar Pandey, learned counsel for the petitioner, Sri K.C. Kaushik, Assistant Solicitor General of India for respondent no. 1, Sri Manish Mathur for respondent no. 2, learned Chief Standing Counsel for respondents no. 3 and 4 and Ms. Aprajita Bansal for respondent no. 5.

Through the instant Public Interest Litigation, a direction has been sought to be issued to the respondents not to allow the use of the National Flag in any particular rallies of any political parties.

For proper use of the National Flag, Flag Code of India has been notified by the Government of India, wherein certain provisions have been made. According to paragraph 2.1 of the said Code, there is no restriction in display of National Flag by members of general public, private organisations, educational institutions etc., except to the extent provided in the Emblems and Names (Prevention of Improper Use) Act, 1950 and Prevention of Insults to National Honour Act, 1971 or any other law enacted for the said purpose.

The Flag Code specifically prohibits the use of National Flag for commercial purpose in violation of the Emblems and Names (Prevention of Improper Use) Act, 1950. It also clearly envisages that the Flag shall not be dipped in salute to any person or thing and further that 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. There are certain other instructions in the Flag Code.

The Flag Code and other enactments referred to hereinabove have been promulgated for their strict observance. We may also refer that any contravention of the provisions of the Emblems and Names (Prevention of Improper Use) Act, 1950, attracts penal action.

On a specific query being put to the learned counsel for the petitioner, as to whether there is any prohibition for proper use of National Flag by the political parties in rallies, he could not satisfy the Court. However, he stated that it is the bounden duty of the State authorities to ensure that the national flag is used only in proper manner and in accordance with the provisions contained in the Flag Code of India as also in the enactment, namely, the Emblems and Names (Prevention of Improper Use) Act, 1950 and the provisions of the Prevention of Insults to National Honour Act, 1971. Needless to say that in order to preserve the honour and respect attached to the National Flag, it is the bounden duty of the authorities concerned to ensure strict compliance and observance of the provisions of the Flag Code of India and the legislations, as referred to hereinabove. We hope and expect that strict compliance thereof shall be ensured by all concerned.

With the aforesaid observations, the petition is disposed of finally.

Order Date :- 30.1.2014

MFA/-