

No. 24/311/2014-Public  
Government of India/Bharat Sarkar  
Ministry of Home Affairs/Grih Mantralaya  
Public Section

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North Block, New Delhi-1  
Dated the 8 September, 2014

To

Shri Pinaq Dudhwala,  
B-905, Orchid Suburbia, On Link Road,  
Kandivali West, Mumbai, Maharashtra-400097.

Subject:- Information sought under RTI Act, 2005- regarding.

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Please refer to your request dated 18/08/2014, received by the undersigned on 28.8.2014, through RTI Section of this Ministry vide their O.M. No. No. A-43020/01/2014-RTI dated 26.8.2014 on the above noted subject.

2. As regards your queries, it is informed that the use/display/hoisting of the National Flag is regulated by the Prevention of Insults to National Honour Act, 1971 and Flag Code of India, 2002, which are available on this Ministry's website [www.mha.nic.in](http://www.mha.nic.in).

3. The insult to the Indian National Flag is a punishable offence under Section 2 of the Prevention of Insults to National Honour Act, 1971 and it contains an illustrative list of insults to or disrespect of the National Flag which is a punishable offence under this Act, with imprisonment for a term which may extend to three years, or with fine, or with both.

4. From time-to-time the Ministry of Home Affairs has been sending advisory to all State Governments/UT Administrations for strict compliance of the provisions contained in the abovesaid Act and Code. This Ministry has also published an advertisement in leading newspapers for the strict compliance of the provisions contained in the Act and the Flag Code on the eve of Independence Day 2014 i.e. on 14<sup>th</sup> August 2014.

5. Appeal, if any, may be made under Section 19 (1) of the Right to Information Act to the Appellate Authority within 30 days. The particulars of Appellate Authority are as under:-

Shri Satpal Chouhan, Joint Secretary (Admn.) & Appellate Authority, Room No. 194, Ministry of Home Affairs, North Block, New Delhi-110001.

*M. Shyamala*  
(Shyamala Mohan)  
Director & CPIO

Copy to:-

1. SO(IT), MHA, North Block, New Delhi, , alongwith copy of the RTI application of the applicant, for uploading of RTI application received and its reply under the concerned CPIO with search facility based on key words in the MHA website under the heading RTI Act-Information under 4(1)(b) of the Act.

2. RTI Section, MHA, North Block, New Delhi w.r.t. their O.M. cited above.

No.A-43020/ 01 /2014-RTI

Government of India/Bharat Sarkar  
Ministry of Home Affairs/Grih Mantralaya

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New Delhi, Dated the 26<sup>th</sup> Aug, 2014.OFFICE MEMORANDUM

Subject: Application of Shri/Smt/Kum. Pinag Dudhwale.....  
..... under the Right to  
Information Act, 2005.

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The undersigned is directed to forward herewith an application dated 18/08/2014 under the RTI Act, 2005 of Shri/Smt/Kum. Pinag Dudhwale..... (received in this Ministry on 22/08/2014 /by way of transfer from ..... ) to Administration Division for providing information, as the requested information pertains to/more closely related to the functions of the said Division. It is requested that if the subject matter pertains to any other CPIO/Public Authority, the application may be further transferred to that Authority directly, under intimation to the applicant.

3. The applicant has paid the requisite fee of Rs.10/- vide Receipt No. 30439..... dated 25/08/2014 ( copy enclosed ) / ~~not paid the fee since he claims to/belongs to the Below Poverty Line (BPL) Category.~~

Encl: As above.


( S. Samanta )

Under Secretary to the Govt. of India.

To ✓ Director (A&V).....  
Ministry of Home Affairs,  
North Block/NDCC-II Building  
New Delhi

for Public Section

Copy for information to:

Shri/Smt/Ms. Pinag Dudhwale,.....  
..... B-905, Orchid Suburbia.....  
..... Kandivali West.....  
..... Mumbai - 400097.....  
..... Maharashtra.....

(He/She is requested to contact the above-mentioned CPIO/Public Authority for further information in the matter).

28/8/14  
us(P)  
29/8/14  
ms. N

गृह मंत्रालय  
Ministry of Home Affairs

जी. ए. आर. 6 / G. A. R. 6  
(नियम 22(1) देखें) (See Rule 22(i))

रसीद / RECEIPT

सं./No. 30437

दिनांक 25-08-2014  
Dated 25-08-2014

श्री/श्रीमती/सुश्री

Received From Shri/Smt./Km.

Piraj Dudhwala

के पत्र संख्या/संदर्भ संख्या के साथ

with Letter No./Reference No.

के दिनांक 20

Dated 20

बैंकर्स चेक/ड्राफ्ट/भारतीय पोस्टल आर्डर संख्या

Banker's Cheque/Draft/Indian Postal Order No.

22F 955002

के रूप में रुपये की नकद धनराशि

the sum of Rupees by Cash

सूचना के अधिकार अधिनियम, 2005 के शुल्क हेतु प्राप्त की।

on account of fee under Right to Information Act 2005.

आद्यक्षर/Initials

S

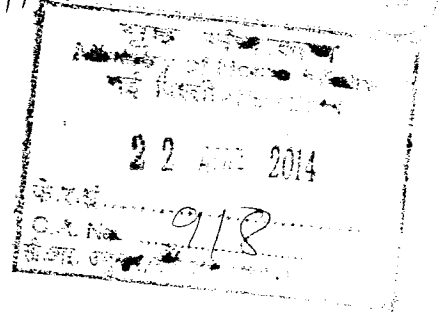
रुपये /Rs.

10/-

पदनाम / Designation

Dy. No. 4800/K/1/2014  
26/8/14

520



**2. Period to which the information relates: 2014-2015**

**3. Details of Information**

I kindly request following Information:

- 1) Are citizen of India allowed to put picture of tricolor(Indian flag) as a display profile on social networking site/mobile application like Whatsapp, Facebook etc?
- 2) As cited under point 1, Is it consider to be an offense under prevention of Insults to National Honor Act 1971 and State Emblem of India(Prohibition of improper use) Act 2005. What is the punishment for such an act?
- 3) If it is consider to be an offense, what steps government is taking to prevent and educate citizen in the larger interest of nation building and public awareness?

**4. Application fee details**

Encl. Application Fee of Rs 10/- by IPO No.22F-955882 PAY TO: Accounts Officer

**5. Below Items are for your kind information and consideration**

- As per section 6(3) of the RTI Act 2005, In case, the requested information is held by another public authority,I request the PIO to transfer the application or part of it within FIVE days and immediately inform me about such transfer.
- As per section 7(3) of the RTI Act 2005, In case, there are further fee required to provide the requested information, I request the PIO to inform me of the additional fee amount along with the calculations made to arrive at the amount.
- As per section 7(8)(iii) and 7(3)(ii) of the RTI Act 2005, I request the PIO to inform me of the particulars of First Appellate Authority.

**6. Declaration**

I declare that I am a citizen of India. I assure you that I shall not allow/cause to use/pass/ share/display/ or circulate the information received in any case and under any circumstances, with any person or in any manner which would be detrimental to the Unity and Sovereignty or against the Interest of India.

Thank you,  
Yours faithfully,

*Ranaj*

Monday, August 18th 2014

DIN (A-10)

**The Right to Information Act 2005  
Application for obtaining information**

**From,**  
Pinaq Dudhwala  
B 905,  
Orchid Suburbia,  
On Link Road,  
Kandivali West,  
Mumbai - 400097  
Maharashtra  
Phone: 9004583859

**To,**

The Public Information Officer  
Under Secretary(RTI) ,  
RTI cell,  
Ministry of Home Affairs,  
Government of India,  
North Block,  
Central Secretariat,  
New Delhi 110004  
Tel: 23092011/23092161  
Fax: 23093750/23092398

**SUB : Information Regarding - Picture of Indian National flag as display profile in social networking sites.**

Dear Public Information Officer:

Under the Right to Information Act 2005,Section 6, I need some information. The details of the information are as follows

**1. Details of the applicant**

Name: Pinaq Dudhwala  
Email: pinaq.dudhwala@gmail.com  
Address: B 905, Orchid Suburbia, On Link Road, Kandivali West, Mumbai - 400097  
Maharashtra  
Phone: 9004583859