

**THE HON'BLE SRI JUSTICE R. SUBHASH REDDY
AND
THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR**

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CONTEMPT CASE No.30 OF 2014
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ORDER: (Per Hon'ble Sri Justice R. Subhash Reddy)

This Contempt Case, under Sections 10 to 12 of the Contempt of Courts Act, 1971, is filed alleging violation of the directions issued by this Court in the order, dated 30.08.2012, passed in C.C.No.1123 of 2012 in P.I.L.No.20 of 2012, for upholding the dignity of National Flag as provided under the Prevention of Insults to National Honour Act, 1971 and under the provisions of the Flag Code of India, 2002.

Petitioner, as a party-in-person, has filed P.I.L.No.20 of 2012, precisely, with the grievance that sufficient attention, which is required to be paid to our National Flag as per the Flag Code, is not being paid by the authorities. After referring to the provisions under the Flag Code of India, 2002, and after hearing the petitioner in person, this Court, by order, dated 09.07.2012, disposed of the P.I.L. with the following directions:

“In order to stop all these, as has been pointed out before us by the party-in-person, we would only direct the respondents – authorities that they must take necessary action in the matter by issuing proper

advertisement in the print media as well as in the electronic media so that awareness can be reached to the people of the country that we must show respect to our National Flag and shall treat the same with dignity and respect. Such awareness programmes should be taken up and should be published in such media immediately, so that we can ensure that our National Flag is not dishonoured in any manner whatsoever. The respondents – authorities must take steps in the matter accordingly and would start doing so within a period of one week from today, until the Independence Day is over.”

Alleging violation of the aforesaid order, petitioner has filed C.C.No.1123 of 2012, which was disposed of by order, dated 30.08.2012, by recording a finding that State Government has taken necessary steps in the matter and further, observing that if there is any fault by any person, the same shall be brought to the notice of this Court by the concerned authorities, so as to find out at whose instance there was failure or why he has failed to give effect to the order of this Court in spite of publication made by the State authorities. Learned Assistant Solicitor General appearing for the Central Government was also directed to report compliance in the matter. Alleging violation of the order, dated 30.08.2012, the present Contempt Case is filed.

In this Contempt Case, it is the grievance of the

petitioner that in spite of the orders passed by this Court in the aforesaid P.I.L. and C.C.No.1123 of 2012, Flag Code is not being followed and he has also filed certain photographs showing the instances where the Flag Code is being violated.

Detailed counter affidavits are filed on behalf of respondents.

Having heard the petitioner in person and also the learned Assistant Solicitor General and learned Advocate General appearing for the respondents, we have perused the material on record.

From a perusal of the material placed before this Court, we are satisfied that necessary instructions were given by the Ministry of Home Affairs through print and electronic media for following the provisions contained in the Flag Code on various occasions, namely, Independence Day, Republic Day etc. It is true that there is material filed by the petitioner to show that the Flag Code is not followed in its true object and spirit, but at the same time, it cannot be said that such instances are either wilful or deliberate, so as to proceed under the provisions of the Contempt of Courts Act.

For the aforesaid reasons, we deem it appropriate to

close this Contempt Case with a direction to the respondents to enlighten the public at large about the Flag Code to be followed on Independence Day, Republic Day etc., and to continue to issue necessary advertisements in print and electronic media so that people can follow the provisions of the Flag Code. If any institutions or organisations are not following the Flag Code in its true spirit and object, it is open for the petitioner to bring it to the notice of authorities concerned about the orders passed by this Court in P.I.L.No.20 of 2012.

Subject to the above observations, the Contempt Case is closed. Pending miscellaneous applications, if any, shall stand closed. No costs.

R.SUBHASH

REDDY, J

C. PRAVEEN

KUMAR, J

February 13, 2015

MD/ajr

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