

Hoisting of national flag 'a fundamental right'

NEW DELHI, JAN. 23. The Supreme Court today declared that citizens have a fundamental right to hoist the National Flag with respect and dignity on their premises, throughout the year.

The Court ruled that hoisting of the flag by the citizens is a fundamental right under Article 19(1) (a) of the Constitution. Giving a wider interpretation to the Article relating to the freedom of speech and expression, the Court said, "the right to fly the National Flag with respect and dignity is a fundamental right as it is a manifestation of feelings and sentiments of people towards their country."

The ruling came from a Bench headed by the Chief Justice, V.N. Khare, while dismissing an appeal preferred by the Centre against a Delhi High Court judgment on the issue. — PTI

A triumph for the Tricolour

By Anjali Malhotra

NEW DELHI, JAN. 23. Business tycoon Naveen Jindal may have won the right for the common man to fly the National Flag two years ago, but in its final judgment here today the Supreme Court held that hoisting the Tricolour by citizens is a fundamental right.

"I could never understand why the common man was not allowed to fly the country's flag. If only Government buildings are allowed to display it, then it is a symbol of the Government and not the people. But in a democratic republic, the flag is a symbol of the people and that is why free flying should be a fundamental right," said Mr.

Jindal at a press conference today to announce the launch of the Flag Foundation of India.

Pleased with the judgment, he said: "this is an auspicious day. The flag is a symbol above religious and political affiliations. It displays the love for the country. For me, it has always been a source of inspiration and I think it will also inspire every Indian of their duty to the nation."

Two years ago, the Union Cabinet had approved an amendment to the Flag Code, allowing free flying of the flag. Today's judgment held that the "Right to fly the National flag with respect and dignity is a fundamental right under Article 19 (1) (A) of the Constitution as it is a manifestation of the feelings and sentiments of the people towards their country."

A struggle that started more than 10 years ago, Mr. Jindal recalls that he wanted to display the National Flag in his factory but was forced to bring it down. "I wanted the factory workers to believe that they were working not for the factory alone but for the entire country. So I had displayed the greatest symbol of our country. But unfortunately, I had to take it down."

It was the beginning of a long struggle at the end of which the National Flag is now within the reach of every citizen.

"However, along with the Fundamental Right, there is also the fundamental duty of every citizen," said Mr. Naveen. "It is not an absolute right but is subject to reasonable restrictions. Citizens have to remember to protect the dignity of the Flag and abide by the rules set down by the Government."