

MUNICIPAL CORPORATION OF GREATER MUMBAI**Chief Engineer (Development Plan) Department**

NO.CHE /34368/ DP/ Dy.M.A. (Heritage) Dtd. 27 MAR 2019

CIRCULAR

Sub :- Proposals of erecting Flag Masts and display of National Flag on these Masts in public open spaces including heritage sites / precincts.

Ref :-MGC/A/6974 dtd. 15.2.2019.

A number of proposals are being received by the Ward Offices requesting for NOC to erect high Flag Masts and display the National Flag on it. The Heritage Committee (MHCC) had also received few such applications and the MHCC after deliberations has opined that from heritage point of view, highly significant heritage sites falling under heritage Grade-I category or precincts need to be conserved in their original form and any additional external interventions / additions to such sites / precincts must be discouraged.

The MHCC found it pertinent to recall the judgement of the Supreme Court of India pronouncing that under **Article 19 (1) A** of the Constitution, citizens have the fundamental right to fly the National Flag on their premises round the year, provided the premises do not undermine the dignity of the tricolor, However, proposals made to MHCC were in heritage premises which were public. In this regard, attention was also drawn by the MHCC to the **Flag Code of India 2002** that prescribes a set of laws, practices and conventions that apply to the display of the National Flag. **Part III** of the Code relates to display of the National Flag by Central and State Governments and their organizations and agencies. **Section VIII 3.39** of the Code states that "Normally the National Flag should be flown only on important public buildings such as High Courts, Secretariats, Commissioner's Offices, Collectorates, Jails and offices of the District Boards, Municipalities and Zilla Parishads and Departmental / Public Sector undertakings. **Section III 3.5** states that "Where the practices is to fly the Flag on any public building, it shall be flown on that buildings on all days including Sunday and holidays and excepts as provided in this Code, it shall be flown from sun-rise to sun-set irrespective of weather conditions. The Flag may be flown on such a building at night also but his should be only on very special occasions". In regard to official display, **Section II 3.3** of the Code states that "it shall be mandatory for all Governments and their organizations/agencies to follow the provisions contained in this Part". **Section II 3.4** prescribes that "On all occasions for official display, only the Flag conforming to specifications laid down by the Bureau of Indian Standards and bearing their standard mark shall be used. On other occasions also, it is desirable that only such Flags of appropriate size are flown."

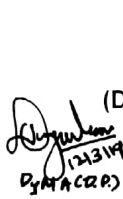
The above makes it quite clear that public sites, including heritage sites, fall within the domain of public organizations and private proposals or privately sponsored proposals may not be entertained. This is more so since stipulations in regard to observances of the conditions of the Code are many and tough and would entail a great degree of public vigilance. Additionally such public sites are not listed by the Code as places where normally the National Flag is sought to be displayed.

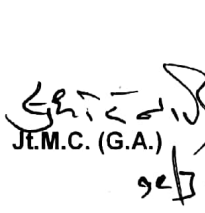
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A further point of significance is that displaying the National Flag on such public/ heritage sites that are not secured round the clock may lead to issues of nuisance / security and attract miscreants to create community tensions by tampering with proper display of the National Flag. In the current atmosphere of grave security concerns facing Mumbai, it would be unwise to create fresh issues that stretch the security apparatus of the City.

On all these counts, such **proposals of erecting high Flag masts and display of the National Flag on these masts in any public open space including heritage sites / precincts must be carefully & judiciously scrutinised on the basis of aforesaid parameters / guidelines / model code for national flag and thereafter should be submitted for administrative approval of Addl. M.C. & Hon. Municipal Commissioner.**

All the concerned departments and staff are hereby directed to take note of the above said policy and follow it scrupulously.


15/3/2019
Chief Engineer
(Development Plan)


Jt.M.C. (G.A.)
AMC (City)
setive


Municipal Commissioner

No. CHE/DP/34368 /Dy.M.A.DT. 27 MAR 2019

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27/3/2019
(Chief Engineer)
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