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कल्याण मंत्रालय, भारत सरकार

Indian Council of Medical Research
Department of Health Research, Ministry of Health
and Family Welfare, Government of India

क्रमांक.E16/48/2022-प्रशासन/E.Office No.139791

दिनांक:07/07/2025

सेवा में,

निदेशक/प्रभारी निदेशक
परिषद के सभी संस्थान/केन्द्र

महोदय/महोदया,

विभिन्न मंत्रालयों/विभागों से प्राप्त निम्नलिखित पत्र, सूचना एवं आवश्यक कार्यवाही के लिए संलग्न है।

Sl. No	Reference No. & Date	Name of Ministry	Subject
1.	No. 13/5/2025-Public Dated: 16.06.2025	Ministry of Home Affairs, Public Section, North Block, New Delhi	Display of State Emblem of India.
2.	No.S-15/21/2021- (PG)-DARPG (e- 7085) Dated:24.06.2025	Ministry of Personnel, Public Grievances & Pensions, Department of Administrative Reforms and Public Grievances, New Delhi	Institutional mechanism for feedback- based analysis of grievances to review disposal quality-reg.

Digitally signed by
JAGDISH RAJESH
Date: 12-07-2025
18:24:44

भवदीय,

जगदीश राजेश

उप महानिदेशक (प्रशासन)

अनुलग्नक:यथोक्त

प्रतिलिपि:

1. महानिदेशक/अपर महानिदेशक/वरि.उपमहानिदेशक (प्रशा.)/वरि.वित्त सलाहकार के निजी सचिव
2. परिषद के सभी प्रभाग प्रमुख
3. उपमहानिदेशक (प्रशा.)/सहा. महानिदेशक (प्रशा.)/सहायक महानिदेशक (वित्त)
4. डॉ. मनजीत सिंह चालगा, आई.सी.एम.आर. की वेबसाइट पर अपलोड करने के अनुरोध के साथ।

[Secy-goi] Institutional mechanism for feedback-based analysis of grievances to review disposal quality - reg. - Office Memorandum dated 24.06.2025

Prashant Pandey < p.pandey@nic.in >

Tue, 24 Jun 2025 12:24:24 PM +0530

DG ICMR OFFICE
Diary No. : 1077396
Date : 26/6/2025

To "secy-goi"<secy-goi@ismgr.nic.in>,"chiefsecretaries"<chiefsecretaries@ismgr.nic.in>,"chairmancbdt"<chairmancbdt@nic.in>,"cagoffice"<cagoffice@cag.gov.in>,"chmn-cbic"<chmn-cbic@gov.in>,"crb"<crb@rb.railnet.gov.in>,"ceo"<ceo@uidai.gov.in>,"ceo-niti"<ceo-niti@gov.in>

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Respected Sir/Madam,

Kindly find attached Department of Administrative Reforms & Public Grievances' Office Memorandum dated 24th June 2025 on the above subject.

सादर । With regards,

प्रशान्त पाण्डेय । Prashant Pandey
अवर सचिव (लोक शिकायत) । Under Secretary (Public Grievances)
प्रशासनिक सुधार और लोक शिकायत विभाग । Department of Administrative Reforms & Public Grievances
कार्मिक, लोक शिकायत और पेंशन मंत्रालय । Ministry of Personnel, Public Grievances & Pensions
6वीं मंजिल, जवाहर व्यापार भवन । 6th Floor, Jawahar Vyapar Bhawan
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Sr. AO - Admin.

JS (AN) / JS (RK)
CABDZ (AN)

RB

Signature

SNo - 214
3/7/25

Mr. Dinit / Consultant
6/24/2025, 12:26 PM

F.No. S-15/21/2021-(PG)-DARPG (e-7085)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Administrative Reforms and Public
Grievances

5th Floor, Sardar Patel Bhawan, Sansad Marg,
New Delhi, dated 24th June 2025

OFFICE MEMORANDUM

Subject: Institutional mechanism for feedback-based analysis of grievances to review disposal quality - reg.

The undersigned is directed to refer to the directions of the Hon'ble Prime Minister in the meeting of Council of Ministers held on 4th June 2025, mentioned through the Cabinet Secretariat's observation on e-SamikSha dated 04.06.2025 (OBS/3550) regarding establishing a robust institutional mechanism for review of disposal quality and resolution accuracy of public grievances and feedback-based analysis so that the grievances shall not be closed mechanically.

2. In this regard comprehensive guidelines issued by DARPG on 23 August 2024 for handling public grievances (copy enclosed) may kindly be referred to. The guidelines place particular emphasis on root cause analysis of public grievances and the quality assessment of grievance disposal, to be undertaken by the Nodal Grievance Officer (GRO). To facilitate this, it has been recommended that a dedicated Grievance Cell be established within each Ministry/Department. The guidelines also provide information about the dashboards developed by DARPG to support such analytical efforts.

3. Ministries/ Departments are requested to strengthen institutional mechanism of dedicated Grievance cell in their Ministries and make active use of the dashboard available at <https://pgportal.gov.in/ccfeedback> for in-depth scrutiny of grievance disposals by GROs. Efforts shall be made to undertake daily scrutiny of at least 15% of feedback received through the feedback portal and report shall be submitted to the concerned secretaries during their review of public grievances. DARPG will develop a module on feedback portal to reflect the findings of these analysis, which will facilitate regular review of grievance redressal quality by the apex offices.

This issues with approval of Competent Authority.

Encls. As above.

Digitally signed by
D Parthasarathy Bhaskar
Date: 24-06-2025
11:00:10

(Parthasarathy Bhaskar)
Deputy Secretary to the Govt. of India
Tel. 011-23401429

To

- i. All Secretaries to GOI(through email list)
- ii. Chief Secretaries of all States/UTs(through email list)
- iii. PS to Secretary, DARPG
- iv. Nodal Public Grievance officers of Ministries/Department/Attached and Subordinate organizations of Govt. of India and State/UT Govts
- v. NIC, DARPG

Copy for information to:

- i. PMO (Kind Attention: Sh Amit Khare, Advisor to PM)
- ii. PS to Cabinet Secretary
- iii. PS to Secretary (Coordination & PG), Cabinet Secretariat

F.No. S-15/21/2021-(PG)-DARPG(e-7085)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Administrative Reforms and Public Grievance

5th Floor, Sardar Patel Bhawan, Sansad Marg,
New Delhi, dated the 23rd August, 2024

OFFICE MEMORANDUM

Subject: Comprehensive guidelines for handling the Public Grievances.

The undersigned is directed to say that in line with the directions of the Hon'ble PM during his interaction with the Secretaries to the GOI on 29th June 2024, DARPG has undertaken a review of existing processes to make CPGRAMS more sensitive, accessible and meaningful to the citizen.

In the past, DARPG had introduced several measures for strengthening CPGRAMS and also issued a comprehensive guideline to strengthening Grievance Redressal Mechanism vide this Department OM of even no. dated 27.07.2022, which stand revised/reiterated as under:

1. An integrated user-friendly grievance filing platform

CPGRAMS is a common open platform for registration of complains by the citizens on any issue against any public authority in Central Government or States/ UT. It provides role-based access to all Central Ministries/ Departments as well as States / UTs. In addition to CPGRAMS, Ministries/ Departments are also having their own public grievance platforms for services rendered by them. Most of the States too have their own portals for Public Grievances. Integration of all these platforms is important to provide citizen a single window experience and wider accessibility to various PG platforms. This will help deduplication and save time and efforts of officials from resolving same grievances on multiple portals. Hence integration of all PG portals of Central Government offices and State/ UTs through API shall be a priority to optimize operational efficiency of all PG portals.

2. Appointment of Nodal Officer for Public Grievances

Nodal Officer for Public Grievances plays a pivotal role in ensuring that grievances from citizens are addressed promptly, fairly, and efficiently. While appointing the Nodal officer for PG, the Ministries shall ensure that the nodal officer shall have enough experience, competency and authority to deal with the public complaints. He shall have the knowledge about the work flow and mapping of officers in each and every vertical in the Ministry/Department including attached/subordinate/autonomous bodies. In the Ministries/Departments where large number of Public Grievances are received, it is advised to appoint a dedicated Nodal officer with independent charge on sufficient rank so as to ensure timely and qualitative disposal of public grievances.

3. Role of Nodal Public Grievance officer

An indicative list of activities to be performed by the Nodal Officer for PG is given as follows:

- (i) **Effective categorization:** Performance of CPGRAMS is based on the effective categorization of complaints and their mapping with right authorities. Hence accurate and updated categorization is critical for grievances reaching the right authority in shortest possible time. Nodal PG officer, under the guidance of Secretary, shall undertake review of categorization once in a six months to ensure their relevance and effectiveness for citizen in filing of grievances.
- (ii) **Appointment of Nodal Technical GRO:** Updating of Grievance Redressal Officers (GRO) on CPGRAMS along with their mobile number, ensuring that correct mapping of GROs with the corresponding categories in CPGRAMS etc. is at the heart of the faster grievance resolution process. It is suggested that Nodal GRO appoint a Nodal Technical GRO under him for enabling this process. Updation of Officers' information regarding his/her mobile number, transfer, retirement and all other technical information regarding CPGRAMS of the Ministry/Department needs to rest with the Nodal Technical GRO.
- (iii) **Monitoring pendency:** It is the responsibility of the Nodal Officer to monitor grievances and check quality of disposal. It is the responsibility of Nodal GROs to ensure that the grievances are handled with sensitivity and communication to citizens are polite and respectful.
- (iv) Nodal PG officer can view the performance of other GROs in the nodal PG officer's dashboard in CPGRAMS. He is expected to utilize this facility to review the performance of other GROs in his Ministry.
- (v) DARPG has created a portal for the feedback collected by BSNL on the grievances disposed by the GROs on CPGRAMS. The portal can be accessed on pgportal.gov.in/ccfeedback/ The Nodal officer is expected to analyze the feedback and work on the areas of poor/low feedback.
- (vi) Root Cause Analysis of Public Grievances to identify areas of concerns and address them through systemic reforms is one of the main objectives of the Public Grievance System. DARPG has set up Data Strategy Unit and developed analytics dashboards powered with AI for deeper analysis of grievances. The Nodal Officer can use the facility developed by DARPG to analyse the pain-points in their schemes/ programmes and address them on a sustainable basis.
- (vii) DARPG is publishing monthly reports on CPGRAMS. The Reports contains relative performance of Ministry / Departments including the ranking of Ministries on the parameters of Grievance Redressal and Assessment Index (GRAI). Nodal Officer shall utilize the report for

improving overall performance and ranking of their Ministries/Departments.

- (viii) Nodal officer shall take note of the complaints appearing in the newspaper/ social media etc. and take suo moto action on the complaints.
- (ix) At least one day in a month shall be utilized by Nodal GRO for having meetings with all Grievance Redressal Officers in his Ministry/Department regarding pendency, quality of redressal and complaints being received.

4. Setting up a dedicated Grievance Cell in every Ministry

To support the Nodal GRO, a dedicated Grievance Cell shall be set up in every Ministry. The Cell shall be adequately staffed with resources having domain knowledge of schemes/ programmes of the Ministry and also having experience and skill for data analytics and root cause analysis of grievances. The Grievance Cell will function under the overall supervision of Nodal Grievance Officer.

5. Timelines for resolving the grievances

5.1 The 10 steps reforms initiated in CPGRAMS have significantly brought down the average resolution time. Keeping this in view, the maximum redressal time advised by DARPG, for cases in CPGRAMS is further reduced to 21 days. In such cases, where the redressal requires longer time, an Interim reply may be given stating the reason for the same and expected timeline when the grievance could be resolved.

5.2 There might be certain categories of grievances where resolution of grievance is not possible within the stipulated timelines of 21 days due to procedural intricacies etc. Ministries/Departments may identify such categories and suggest the timelines as a guideline to GROs. DARPG will assist Ministries/Departments in this process through use of an algorithm which will generate the optimal time for resolution of a particular grievance based on past history.

5.3 The grievances of urgent/priority nature have been identified on the existing CPGRAMS system based on individual Ministry level prompts. Nodal GROs may like to validate the tagging of grievances by DARPG and ensure that all GROs prioritize these grievances while undertaking resolution

6. Escalation process: Appointment of Appellate Authorities

CPGRAMS though by nature is an appeal portal as most of the grievances filed on CPGRAMS are against the previous disposals on other grievance portals, yet it offers one more opportunity to the citizen to raise appeal against the disposal of grievance on CPGRAMS. The appeals are received through CPGRAMS portal or through feedback call centers. Appeal workflow in CPGRAMS presently requires appointment of an officer of the Additional /Joint Secretary rank as the Nodal Appellate Authority (NAA). Sub Appellate Authorities (SAA) may be appointed by the Ministries/Departments under the NAA to offer localized redressal of appeals against

GROs. The Appellate Authorities are required to examine the appeal independently and take a view to allow or reject the appeal. The appeal shall be disposed of in a maximum of 30 days.

7. Redressal/ Closure of Grievances

7.1 Grievances shall be redressed under '*whole of the Government approach*'. This means that in no case grievance shall be closed by stating "*Does not pertain to this Ministry/ Department/ Office*" or its equivalent language. Efforts shall be made to transfer the same to the right authority if the subject of the grievance does not pertain to the receiving Ministry.

7.2 It has also been observed that Grievances are sometimes closed by GRO after noting that some document/information is not available. It is to submit that there is an existing mechanism in CPGRAMS to ask additional documentation from the citizen. GROs may seek any additional information/documents through this mechanism. They may also call the citizen and get the additional papers, if needed.

7.3 After redressal the grievance GRO shall file a detailed Action Taken Report (ATR). DARPG has redesigned its existing Action Taken Reports (ATR) on CPGRAMS to ensure faster closure of frivolous cases and meaningful reporting in other cases. In such cases identified by the GRO as frivolous, GROs would not require to submit detailed ATR and feedback will be disabled on such grievances.

7.4 It has been observed that in several cases, while closing the grievance GROs do not upload the Relied Upon Document. As such, GROs must ensure to upload any letter/order issued by the Ministries/Department for redressal of grievances. They also must give valid and speaking reason while closing the grievances, in case of non-acceptance of request of the citizen.

7.5 The disposed grievance will be treated as closed unless the citizen has filed the appeal. If the appeal is received from the citizen against the disposed grievance, the grievance will be treated as closed only after disposal of appeal.

7.6 CPGRAMS has multilingual auto translation facility. This facility shall be utilized and reply to the citizen shall be given in the language grievance was filed.

7.7 GROs are advised to follow the Standard Operating Procedure for handling the grievance on CPGRAMS which is enclosed at Annexure to this Circular.

8. Feedback on disposed grievances

8.1 On resolution of grievance, an SMS/email is sent on the registered mobile number & email address of the citizen. If the citizen is not satisfied with the resolution, they can provide feedback on the portal and raise appeal on the portal itself. DARPG has also set up a call center to survey the citizen response on disposal of grievances. Every disposed of grievances is dialed by the operator and citizen response on the disposal is obtained.

8.2 Going forward feedback will be integrated with other mechanisms like WhatsApp, chatbot etc so that citizens who are not satisfied with their grievance redressal can file an appeal through any of the above mode of feedback. DARPG has created a separate portal <https://pgportal.gov.in/ccfeedback> where all feedback with call records are available. Nodal PG Officer has been given login credentials to access this portal. Ministries may use this portal for detailed analysis of citizen feedback on their programme/ policies and devise internal mechanism to deal with the feedback to make systemic improvements.

9. Analysis of grievances to review impact of the schemes/ programmes and scope for improvements

9.1 Public grievances are direct feedback from the citizens on performance of programmes / policies/ service delivery of the Government. Analysis of grievances provide meaningful insight and indicate the areas that require specific attention. Analysis of grievances is extremely useful for driving efficiency in government programmes and policies.

9.2 DARPG has set up Data Strategy Unit and developed two AI powered analytical tools. These dashboards can be accessed on <https://treedashboard.in/> and <https://dashboard-pmopg.nic.in/igms2/sign-in>. DARPG has already shared login credentials of both the dashboards with the Ministries. The facility of DSU on CPGRAMS may be utilized by the Ministries/ Departments for deeper analysis of their grievances.

10. Benchmarking Performances: Grievance Redressal Assessment Index (GRAI)

DARPG has introduced a comprehensive Grievance Redressal Assessment Index (GRAI). The objective of GRAI is to assist the Ministries/Departments to review, analyses and streamline their internal grievance redressal mechanism with SWOT analysis. GRAI is based on 4 dimensions of Efficiency, Feedback, Domain and organizational Commitment. It ranks the Ministries Departments on their relative performance for effective handling grievances. The rankings are published every month in the monthly reports on CPGRAMS. An award policy be also introduced to recognize the best practices in handling Public grievances.

11. Communication and Awareness

The link of CPGRAMS shall be prominently displayed at the homepage of every Ministry/ Department. The individual schemes/ programmes of the Ministry shall contain the link of grievance portal/ helpline where citizen can contact in case of a grievance. Other mediums of communication including social media handles of Ministry/ Departments shall also be used to create awareness about the grievance/ complaint filing systems in GOI. Success stories and the best practices of CPGRAMS shall be publicized through PIB Statements and social media handles of the Ministries.

12. Training and Capacity Building

DARPG will organize training for GROs on last Friday of every month. User Manual for GRO interface and Citizen interface are also available for self-learning by GROs. A course module on CPGRAMS is available in iGOT. Ministries shall utilize those training facilities to ensure effective and meaningful handling of public grievance. For training of State GROs, DARPG has collaborated with State ATIs under its SEVOTTAM scheme. It supports ATI for training @ Rs 1500 per GRO / per day

13. Review of PG Cases/ PG Appeals in SOMs

To institutionalize the mechanism of grievance resolution, and to ensure quality disposal, the Secretary of the line Ministries/Departments may review disposal process of CPGRAMS in Senior Officers Meetings. Secretary/Addl Secretary/Joint Secretary should also examine disposal of grievances every week and issue necessary direction for improvement in quality of disposal.

14. Annexure:

An illustrative Grievance Handling process is annexed to these guidelines and can be referred to by Nodal GRO/GRO while handling various situations in grievances.

This issues with approval of Competent Authority.

Signed by D Parthasarathy
Bhaskar
Date: 23-08-2024 16:55:35

(Parthasarathy Bhaskar)
Deputy Secretary to the Govt. of India
011-23401429

To

- i. All Secretaries to GOI
- ii. All Chief Secretaries of States/ UTs
- iii. All Heads of autonomous/ Statutory bodies
- iv. Nodal Public Grievance officers of Ministries/Department/Attached and Subordinate organizations of Govt. of India/ State Govts
- v. NIC, DARPG

Copy for information to:-

- i. PMO (Kind Attention: Sh Amit Khare, Advisor to PM)
- ii. Cabinet Secretary
- iii. Secretary to the President Secretariat
- iv. Secretary General, Rajya Sabha Secretariat
- v. Secretary General, Lok Sabha Secretariat,
- vi. Secretary (Coordination &PG), Cabinet Secretariat

Grievance Handling Process - ANNEXURE-A

1. GRIEVANCE HANDLING PROCESS IN CPGRAMS- STEP BY STEP GUIDE

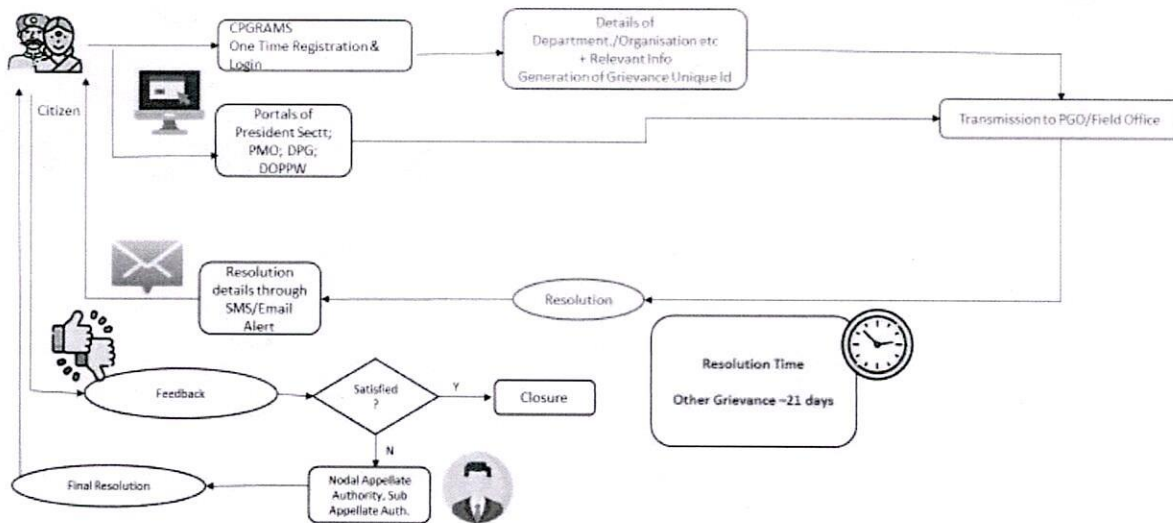
1.1 CPGRAMS is a Centralized portal which receives grievances on various issues ranging from service delivery, demand under schemes, queries on programmes, complaints against malpractices, corruption, discrimination, etc. The portal is connected to all the Ministries/Departments of the Government of India and its States through role-based access to the officers in the portal. When a citizen lodges a grievance, it gets redirected to the concerned authorities, ensuring it is resolved within the given time frame. CPGRAMS is also available in mobile application.

1.2 Going forward Complaints/ grievances received through physical mode/ Whatsapp/Chatbot shall also be registered in CPGRAMS. There is a possibility that the same grievances have been received by multiple authorities. Hence to avoid duplicate registrations in CPGRAMS only the authority concerned with the subject and also the grievance is addressed to them shall register the grievance in CPGRAMS. NIC will develop a protocol to assign unique code to such grievances registered by the Ministries/ Call center

1.3 After successful registration of the complaint a unique registration ID is generated through which the citizen can track status of his complaint. On resolution of grievance an SMS/email is sent to the registered mobile number & email address of the citizen. If the citizen is not satisfied with the resolution, he can provide feedback on the portal and raise appeal on the portal itself. In those cases where self -feedback is not available on the portal, DARPG tries to reach out the citizen through feedback call center to know whether their grievance has been actually resolved or not Unsatisfied citizen has the option to reopen / file an appeal through feedback call. The CPGRAMS process can be explained in the following Chart

1.4 Chart for Grievance Flow:

CPGRAMS Flow



2. References in CPGRAMS not falling under the category of Grievance:

2.1 CPGRAMS Guidelines provides that the following category of references do not fall under the ambit of Public Grievances as they are covered under separate protocols. Following categories are the illustrative list of such references:

- a. RTI Matters
- b. Court related / Sub-judice matters
- c. Religious Matters
- d. Grievances of Government employees concerning service matters
- e. Suggestions
- d. Anything that impacts upon territorial integrity of the country or friendly relations with other countries.

2.2 In case complaint is received under any such categories, it can be closed by the GRO clarifying the rule position to the citizens. DARPG will enhance capability of system for auto identification of such references. However, till such facility is created GRO can identify and mark the complaint under the above categories. He is not supposed to file ATR on those categories and complaints will not go into feedback loop.

2.3 Sometimes frivolous/Spam / abusive / complaints are also received in CPGRAMS. DARPG has developed AI capability to filter those complains at the initial stage. Those grievances are going into Spam box of GRO. If GRO validates the complaint as frivolous/ SPAM then the complaint will be automatically closed and no action will be required on such complaints. Those complaints will not be sent for feedback

2.4 CPGRAMS also receives suggestions from the citizens. The subject specific suggestions may be forwarded to the concerned Division of the Ministries and an acknowledgment may be sent to the citizen. A template for such acknowledgement will be built in the PG portal. However generic suggestions with no substance can be simply closed. GRO is not supposed to act on the suggestion. Once GRO identifies a reference as suggestion, it will not require to file an Action Taken Report and will not go into feedback loop.

2.5 CPGRAMS also receives lots of references demanding a benefit under a scheme. Though they are not a grievance as such, however, those demand shall be noted by the concerned divisions. GRO therefore shall forward all such references to the concerned division and bulk close such references with a polite rule position. Such references shall also be identified by the GRO as a new demand under a scheme and excluded from the feedback loop.

3. Handling complaints:

Different scenarios for a GRO are explained as under:

3.1 Complaint reaches the concerned GRO:

3.1.1 The Grievances shall ordinarily be resolved within a time frame of 21 days. However, grievances identified as priority by the system or where early action is critical such grievances shall be attended to promptly and resolved maximum within 3 days.

3.1.2 If the grievance will take time to resolve beyond the stipulated 21 days an interim reply shall be given to the citizen through interim Action Taken Report (ATR). After final resolution ATR shall be updated with final response. Interim ATR will not go for feedback till the complaint is finally resolved.

3.1.3 If the grievance lacks necessary critical information without which it cannot be processed, the same can be collected either by calling the complainant on his/her registered number by GRO or through feedback call center or use the feature of CPGRAMS for seeking additional information from them complainant. Grievances shall not be closed on the ground of incomplete information without making genuine effort to reach the complainant and get the complete information. Seeking information through feedback call center will require to establish a workflow between GRO and call Center in CPGRAMS. Going forward, DARPG will develop such a system for the benefit of the GROs.

3.1.5 If GRO is not able to get the requisite information despite his best efforts then the grievance can be closed. Since the grievances could not be redressed in such cases those grievances shall not be sent for feedback. They shall be treated under a separate category "**Closed due to insufficient information**". The feedback call

Center will inform the citizen that their grievances could not be resolved due to lack of information (specify information) and they can file again with complete information.

3.1.6 While resolving the grievances if GRO has observed any policy/ process issue that have resulted in grievance he will bring the same to the notice of the concerned Division in Ministry with a copy to the Nodal PG officer.

3.1.7 If the grievance cannot be resolved then, the response to applicant shall contain a reasoned explanation for the same. Such grievances shall not go for feedback loop.

3.2. Complaint got assigned to wrong GRO:

3.2.1 If the grievance does not pertain to GRO, he shall immediately forward the same to the concerned GRO if he knows the correct mapping. If not then it shall be forwarded to the Nodal PG officer of his Ministries/Department/ who will find out the right authority and forward the complaint to them for action. The complaint/ grievance shall be forwarded to the concerned GRO / Nodal; GRO within 48 hours of receipt of the complaint. In no case complaint/ grievance shall be closed by stating that "it does not pertain to this Office ".

3.3. Complaints has multiple issues pertaining to different GROs:

If complaint has more than one issue relating to different GROs, the GRO who has received the complaint will collect input from other GROs and ensure a coordinated redressal within the timelines of 21 days.

3.4. Grievance pertaining to Schemes of Central Ministries implemented through States:

Grievances pertaining to the schemes of Government of India shall be examined and redressed by the concerned Ministries irrespective of the fact that the scheme is implemented through the State Government. The onus of redressal in such complaints are on the concerned Ministry. Therefore, Ministries shall seek information from the implementing agency, examine the reply and take a final call on the resolution to be provided to the citizen. Such grievances cannot be transferred to the States for disposal.

3.5. Corruption Complaints:

3.5.1 Complaint relating to corruption, bribery, harassment or having any other vigilance angle of citizens shall be examined closely under the broad guidelines and timelines prescribed by the DoPT and CVC and in consultation with the CVO of the Ministry. If complaints are found worth to take up then an acknowledgement shall be sent to the complainant. As vigilance cases are governed by the procedure and rules stipulated by CVC and DoPT, no ATR will be needed to be filed nor will such complaints/ grievances will go into the feedback. However, after the action is

completed an ATR for internal use may be preferred by the Ministry/Departments. From the citizen's point of view such complaints may be closed with an interim reply

3.5.2 However, if the complaint is found false, malicious, intentional and filed by habitual complaints time and again then such complainants are flagged and blocked in CPGRAMS

4. Escalation Process:

4.1 CPGRAMS has multichannel feedback and appeal mechanism. Going forward, Citizen can file appeal through Portal, Chatbot, WhatsApp and feedback call center. It shall be ensured that only a single appeal is filed for a grievance.

4.2 Appeals will reach to the officer designated as Appellate authorities. The appellate authorities are the officers next senior to the GRO in the hierarchy. The appellate authority will examine the appeal and take an independent view on the appeal after careful examination of grievances and resolution provided by the GRO. The appeals shall ordinarily be closed within 30 days. Appeals will not go into feedback process.

File No. 13/5/2025-Public
Government of India/भारत सरकार
Ministry of Home Affairs/गृह मंत्रालय
Public Section/ पब्लिक अनुभाग

North Block, New Delhi - 01.

Dated the 16 June, 2025

To,

The Chief Secretaries/ Administrators of
All State Governments/ UT Administrations,
Secretaries of all Ministries/ Departments of Govt. of India.

Subject: Display of State Emblem of India.

Sir/Madam,

The State Emblem of India is the official seal of the Government of India. The Emblem consists of the profile of the Lion Capital showing three Lions mounted on the abacus, with a Dharma Chakra in the Centre, a bull on the right, a galloping horse on the left and outlines of Dharma Chakras on the extreme right and left with the motto "Satyameva Jayate" - written in Devanagari script below the profile of the Lion Capital. Design of the State Emblem of India is provided in the Appendix I & II of the Schedule of the State Emblem of India (Prohibition of Improper Use) Act, 2005.

2. The Ministry of Home Affairs, from time to time, has been sending advisories to all the State Governments/UT Administrations, Ministries/Departments and all other concerned authorities for strict compliance of the provisions relating to the use and display of the State Emblem of India. Advisories had been issued on 04.08.2016; 05.02.2019 and 03.02.2025 to the concerned authorities including the State Governments with a view to create awareness about the provisions of the State Emblem of India (Prohibition of Improper Use) Act, 2005 and the State Emblem of India (Regulation of Use) Rules, 2007 [as amended in 2010] and restrict its violation.

3. In a Writ Petition No. 4635 of 2024 (GM-RES-PIL), filed in the Hon'ble High Court of Karnataka regarding the misuse, illegal and unauthorised display of Symbols, Seals, Flags, Emblem and Names at various places in various manners, the Hon'ble High Court of Karnataka vide order dated 04.04.2025 (copy enclosed), has issued the following directions:-

- (i) The respondent-authorities are directed that notice shall be issued by way of different public modes through print and visual media to remove all kinds of unauthorized Flags, Emblems, Names, Symbols, Stickers, Seals, Logos of any kind which are prohibited. There shall be instructions to all to remove such emblems and discontinue unauthorized use thereof within four weeks.
- (ii) The higher-ups of the respondents shall chalk out the methods and programmes to sensitise the officials and implementing authorities to see and ensure that the misuse of National Emblem and National Symbols in various forms do not occur, stopped and prevented.
- (iii) Where such conduct of using them unauthorisedly is noticed, they are dealt with sternly.
- (iv) The respondents shall instruct the implementing authorities to register the cases under the provisions of the relevant Acts and the Rules wherever the complaints with regard to the misuse of the National Symbols and Emblems are found correct. Necessary circulars in this regard should be issued.

S.No. 19227
03-07-2025

S.No. 213
3/7/25


Mr. Sumit / consultant
Soylos

- (v) The school children or the law students shall also be involved in spreading awareness against misuse and unauthorized display of National Symbols and Emblems by any person, body or organization.
- (vi) The respondents should frame regulations for imposition of fine and for cancellation of driving licence by providing such penal measures in the relevant Rules for violating law on use of the National Emblems and Symbols.
- (vii) The traffic police should be educated by undertaking programmes and imparting training to keep observance and proper vigil to take penal action whenever they come across the violation of the kind and nature

4. It is therefore requested that suitable instructions may be issued to all concerned Government agencies to comply with the direction of Hon'ble Court and steps may be taken to create mass awareness in this regard among the common citizens of India through the electronic and print media. Action should also be taken against concerned officials (for incomplete display of the State Emblem of India) and individuals/organisations (who are using State Emblem of India unauthorizedly) for any violation of the State Emblem of India (Prohibition of Improper Use) Act, 2005 and the State Emblem of India (Regulation of Use) Rules, 2007 [read with the State Emblem of India (Regulation of Use) Amendment Rules, 2010]. Any complaint of improper use of the State Emblem of India should be investigated thoroughly for taking action in the matter.

Encls: As above.

Yours faithfully,


(G. Parthasarathi)
Joint Secretary to the Government of India
☎ 011-2309 2125

Copy to:-

1. President's Secretariat, Rashtrapati Bhawan, New Delhi.
2. Vice-President's Secretariat, New Delhi.
3. Prime Minister's Office, South Block, New Delhi.
4. Cabinet Secretariat, New Delhi.
5. Office of all Governors.
6. Election Commission of India, New Delhi.
7. Lok Sabha Secretariat, New Delhi.
8. Rajya Sabha Secretariat, New Delhi.
9. Registrar, Supreme Court of India, New Delhi.
10. All High Courts.
11. Office of Comptroller and Auditor General of India, New Delhi.
12. The Union Public Service Commission, New Delhi.
13. Central Vigilance Commission, New Delhi.
14. NITI Aayog, Yojana Bhawan, New Delhi.
15. All attached & Subordinate Offices of the Ministry of Home Affairs.
16. 20 Spare copies.

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 4TH DAY OF APRIL, 2025



PRESENT

THE HON'BLE MR. N.V. ANJARIA, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE M.I.ARUN

WRIT PETITION NO.4635 OF 2024 (GM-RES-PIL)

BETWEEN:

HIGH COURT LEGAL SERVICES COMMITTEE
REPRESENTED BY ITS SECRETARY
SMT. KAVERI
HIGH COURT BUILDING
BENGALURU - 560 001

... PETITIONER

(BY SMT. SOHANI A. HOLLA, ADVOCATE)

AND:

1. PRINCIPAL SECRETARY
GOVT. OF KARNATAKA
DEPARTMENT OF TRANSPORT
No. 153, FIRST FLOOR
M.S. BUILDING
BENGALURU - 560 001
2. ADDL. CHIEF SECRETARY
GOVT. OF KARNATAKA
DEPARTMENT OF HOME
GOVERNMENT SECRETARIAT
VIDHANA SOUDHA
BENGALURU - 560 001
3. DIRECTOR, GOVERNMENT OF INDIA/
BHARAT SARKAR
MINISTRY OF HOME AFFAIRS/
GRIH MANTRALAYA
PUBLIC SECTION

NORTH BLOCK
NEW DELHI - 110 001

4 . MINSITRY OF ROAD TRANSPORT
AND HIGHWAYS
ROOM No.310
TRANSPORT BHAVAN
1-PARLIAMENT STREET
NEW DELHI - 110 001

5 . DIRECTOR, MINISTRY OF
CONSUMER AFFAIRS
FOOD & PUBLIC DISTRIBUTION
ROOM NO 54C, KRISHI BHAVAN
NEW DELHI - 110 001

... RESPONDENTS

(SMT. NILOUFER AKBAR, AGA FOR RESPONDENT NOS.1 AND 2
SRI H. SHANTHI BHUSHAN, DSGI FOR RESPONDENT NOS.3 TO 5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE WRIT OF MANDAMUS BY GIVING DIRECTION TO RESPONDENTS TO IMPLEMENT THE PROVISIONS OF THE EMBLEMS AND NAMES (PREVENTION OF IMPROPER USE) ACT 1950, OF THE EMBLEMS AND NAMES (PREVENTION OF IMPROPER USE) RULES 1982, OF THE STATE EMBLEM OF INDIA (PROHIBITION OF IMPROPER USE) ACT 2005 WITH THE STATE EMBLEM OF INDIA (REGULATION OF USE) RULES 2007 AND 2010; ALONG WITH THE PROVISIONS OF RULE (145) (A) OF KARNATAKA MOTOR VEHICLE RULES AND RULES (50) & (51) OF CENTRAL MOTOR VEHICLES RULES & ETC.

THIS WRIT PETITION HAVING BEEN HEARD AND RESERVED FOR JUDGMENT, COMING ON FOR PRONOUNCEMENT THIS DAY, JUDGMENT WAS PRONOUNCED AS UNDER:

CORAM: HON'BLE THE CHIEF JUSTICE MR. JUSTICE
N.V. ANJARIA
and
HON'BLE MR. JUSTICE M.I.ARUN

CAV JUDGMENT

(PER: HON'BLE THE CHIEF JUSTICE
MR. JUSTICE N. V. ANJARIA)

National Symbols and National Emblems represent pride and honour of our nation and country. They signify sovereignty for the country. For instance, as the trio-colour does it.

1.1 Not only that, these Symbols, Emblems and Names, disseminate nation's illuminating stories and preach ideals of our glorious history, essentials of culture, fundamental values and national ethos. They in their style, projection, make and mould, often carry landmarks of Indian civilization and history. The National Symbols and Emblems are identity in themselves which stand to elate and embellish the status and dignity of the country.

1.2 An honour ensured to the National Symbols, Emblems and Names is also an honour accorded and extended to our country. The misuse, misprojection and misstatement of these Symbols, Emblems and Names have to be prevented resolutely.

2. The present is a public interest petition filed by the High Court Legal Services Committee.

2.1 The prayer made is to direct the respondent-authorities to implement the provisions of the Emblems and Names (Prevention of Improper Use) Act, 1950 and the Emblems and Names (Prevention of Improper Use) Rules, 1982. It also seeks to implement the provisions of the State Emblem of India (Prohibition of Improper Use) Act, 2005 with the State Emblem of India (Regulation of Use) Rules, 2007 and Rules of 2010. The petition along with the aforesaid prayers further prays for implementation of the provisions of the Rule 145 (A) of the Karnataka Motor Vehicle Rules, 1989 and Rules 50 and 51 of the Central Motor Vehicle Rules, 1989.

3. In the backdrop of the institution of this petition as public interest petition, was an order dated 09.06.2023 passed by this Court in **Sri Ananda Shetty Vs. The State through the Police Inspector and another**, which is **Criminal Petition No.1850 of 2017**. The issue involved in the said criminal petition was regarding use and misuse of the name-"Human Rights Commission".

3.1 The extraction of the said order dated 09.06.2023 is relevant,

"During the course of the proceedings, having regard to the submissions made at the Bar, this Court found that the names of "Human Rights Commission" and many other such statutory and constitutional authorities were being misused by many persons. It was found that various NGOs/Organisations/Societies and individuals have been misusing such names on the number plates of private vehicles. It was found that the name of the State Government was being used on the number plates, which again would be in contravention of the provisions contained in the Motor Vehicles Act and Rules. Consequently, various directions were issued by this Court to the respondent-State Government, through Home Department and Transport Department to ensure that the names of the State Government, the Central Government, Statutory Authorities and Commissions shall not be used on the number plates of the private vehicles. The directions were given to ensure that all such unauthorized number plates are removed and penalty be imposed.

Inspite of the efforts at the hands of the respondent-State, this Court find that such unauthorized number plates are still being found on the vehicles plying on the roads, especially in the city of Bengaluru."

3.1.1 The Court further observed that as it was a criminal petition, the Court had limitation and could not keep the matter pending only for implementation of various orders issued by the Court to the State Government and its State authorities to remove unauthorized number-plates and to prevent the misuse of official symbols by the

individuals and organizations. Learned Single Judge, therefore, requested the High Court Legal Services Committee to register a public interest litigation in the subject. Accordingly, the petition was filed moving the Court.

3.2 The issue flagged in this public interest proceedings is thus about misuse and unauthorised use of the names of the authorities, emblems and symbols on the registered number plates of the vehicles as was found in the proceedings of the criminal petition in **Sri Ananda Shetty** (*supra*) where the name of Human Rights Commission and other statutory authorities were mentioned on the number plates misusing the same. It appears that during the pendency of the aforesaid criminal petition, the Court issued various directions from time to time requiring the authorities to ensure that the names of the state governments, the central government, statutory authorities or commissions are not mentioned on the number plates of the private vehicles.

3.2.1 The petitioner-Legal Services Committee highlighted the issues which were identified by the Court while dealing with the said criminal petition, to be,

- (i) Names of "Human Rights Commission" and many such other statutory and constitutional authorities are misused by public.
- (ii) Various Non-Governmental Organizations, organizations, societies and individuals have been misusing such names on the number plates of private vehicles.
- (iii) Corporators/ex-corporators of various municipal corporations, municipal councils etc., and members/ex-members of various Panchayats use their designations on private vehicles in violation of provisions of Acts and Rules.

3.2.2 The petition pleaded about the Karnataka State Emblem, its kind, nature and character to submit that it stands on the lofty principles. Paragraph 13 is extracted herein,

"That the Karnataka State emblem has a red shield charged with a white two-headed bird, Gandabherunda bordered in blue. The crest depicts the Lion Capital King Ashoka (also used as the emblem of the Government of India) on a blue circular abacus with a blue frieze carrying sculptures in high relief of a galloping horse on the left, a Dharmachakra in the center, a bull on the right, and the outlines of Dharmachakras on the extreme left and right as part of Sarnath's Ashoka pillar. The shield is flanked on either side by red-maned, yellow lion-elephant indicating the auspicious mythological character "Gajakesari" a hybrid form of two wise and powerful animals Lion and Elephant- a mythical creature believed to be conquering the world, same referring to a kingdom which justifies all characteristics of a conqueror

standing on a green, leafy compartment. Below the compartment is written in stylized Devanagari script, the national motto of India. "Satyameva Jayathe" for "Truth alone Triumphs". The concept of Sathya and Dharma was so ingrained in the people of this Nation that the whole edifice of this country and its people stood on those two principles and that is the reason why it was taken as an emblem for the State and the Nation. Thus, reminding the people of this country that the lofty principles of Sathya (truth) and Dharma (universal order) has to be upheld at all times and under all circumstances."

3.2.3 In paragraph 14, the National Emblem of four roaring lions was mentioned. It was adopted by the Government of India on 26.01.1950 to highlight that it is a symbol representing the sovereignty of the country.

3.2.4. Paragraph 14 is extracted herein,

"The four roaring lions as National Emblem is adopted by the Government of India on 26th January 1950 is regarded as a symbol of sovereign power of Government of India. It is based on the Lion Capital of Ashoka, a sculpture that was originally erected at Saranath, a place where Goutama Buddha first taught Dharma. The emblem four Asiatic lions standing back to back symbolizing power, courage, confidence and faith. The lions are mounted on a circular abacus and the abacus is mounted as a lotus. The wheel of law, Dharmachakra, in the center having 24 spokes (symbolizing the progress and evolution of human civilization, a bull on the right, a galloping horse on the left. The motto "Satyameva Jayate" ("Truth alone Triumphs") is inscribed below the abacus in Devanagiri script."

3.3 Noticing the applicable statutes, the Emblems and Names (Prevention of Improper Use) Act, 1950 regulates use of the National Flag, the Names, the Emblems, the Official Seals or any other insignia or coat-of-arms used by the Governments or their Departments. The rules called the Emblems and Names (Prevention of Improper Use) Rules, 1982 are framed in exercise of the powers under the Act.

3.3.1 The Statement of Objects and Reasons of 1950 Act is as under,

"Statement of Objects and Reasons.- The General Assembly of the United Nations Organisation recommended in 1946 that members of the United Nations should take necessary legislative or other appropriate measures to prevent the use, without proper authority, and in particular for commercial purposes, of the emblem, the official seal and the name of the United Nations and of the abbreviations of that name. A similar recommendation has since been received also from the World Health Organisation."

3.3.2 'Emblem' is defined in Section 2(a) to mean any emblem, seal, flag, insignia, coat-of-arms or pictorial representation specified in the Schedule. Section 3 contains Prohibition of improper use of certain emblems and names to provide that notwithstanding anything contained in law for the time being in

force, no person shall, except in such cases permitted and under such conditions prescribed, use for the purpose of any trade, business, calling or profession, etc. as also for the purpose of any trade mark or design, etc. any name or emblem specified in the Schedule. Even any colourable imitation thereof cannot be done without previous permission of the Central Government or of such officer authorised for the purpose.

3.3.3 The aforementioned Rules of 1982 came to be framed in exercise of powers conferred under Section 9 of the Act. The said Rules contemplates appointment of designated officer and Rule 8 deals with the use of Emblems and Names contained in the Schedule. The Schedule referable at Section 2(d) contains description and designs including pictorial depictions.

3.4 Another Act called the State Emblem of India (Prohibition of Improper Use) Act, 2005 came to be enacted by the Parliament. It is stated in the Statement of Objects and Reasons of the Act *inter alia* that the use of State Emblem is governed presently by a set of executive instructions with regard to standard design of the State Emblem of India, its adoption by the State Government, its use in official seals and on stationery, design of official seal, display on

(14)

the vehicles and on public buildings and for various other such purposes.

3.4.1 It is stated that the State Emblem of India being the official seal of Government, its use in any manner and in any document or anything leads to create an impression that it is an official document or thing of the Government. Therefore, it is considered appropriate to prevent its misuse by unauthorised persons. It is stated that use of emblem, unless authorised, by the Central Government cannot be permitted by the member of public including retired government officials and public servants as also it cannot be permitted to be used and its improper use has to be prohibited for professionals and commercial people who use such emblem for such private projection.

3.4.2 The prohibition of use of emblem for wrongful gain is Section 4 of the 2005 Act. Under Section 3 of the 2005 Act, it is clearly provided that no person shall use emblem or any colourable imitation in any manner which tends to create an impression that it relates to the Government or that it is an official document. In this Section "person" includes a formal functionary of the Central Government or the State Governments. Section 8 is about the prosecution and previous sanction for prosecution to provide that

no prosecution for any offence punishable under the Act shall have to be instituted with the previous sanction of the Central Government.

3.4.3 The Rules are framed in exercise of powers under Section 11 of the 2005 Act known as the State Regulation of India (Regulation of Use) Rules, 2007. It provides adoption by States or Union Territories and further provides that the State Government may adopt the emblem as the official emblem of the State or Union Territory without obtaining the approval of the Central Government. Rule 7 of 2007 Rules provides for display on vehicles to state that the use of emblem on vehicles shall be restricted to the authorities specified in Schedule II. Similarly, Rule 8 deals with the issue of display on public buildings and Rule 9 is as regards use of the emblem for various other purposes.

3.4.4 The restriction of use of emblem is contemplated as per Rule 10 of the State Emblem of India (Regulation of Use) Rules, 2007.

The Rule is as under,

"10. Restriction on the use of the emblem.-

(1) No person (including former functionaries of the Government, like, former Ministers, former Members of Parliament, former Members of Legislative Assemblies, former Judges and retired Government officials), other than those

authorised under these rules, shall use the emblem in any manner.

(2) No Commission or Committee, Public Sector Undertaking, Bank, Municipal Council, Panchayat Raj Institution, Parishad, Non-Government Organisation, University, other than those authorised under these rules, shall use the emblem in any manner.

(3) No association or body of persons, whether incorporated or not, shall use the emblem on their letterheads, brochures, seats, crests, badges, house flags or for any other purpose in any manner.

(4) No professional qualification or private profession shall be mentioned with the name of the person authorised to use the emblem under these rules on the stationery, including letter heads, visiting cards and greetings cards with emblem printed or embossed on it. "

3.4.5 Schedule I of the 2007 Rules with reference to Rules 5 and 6 enlists the constitutional and other statutory authorities who may use the emblem. Schedule II Part I and Schedule II Part II stipulates about the other dignitaries and authorities which may display the emblem on their cars and may display the Ashoka Chakra, which is an emblem of triangular metal plaques on their cars. Schedule III which is a context of Rule 9 deals with other purpose for which the emblem may be used.

3.5 The Government of India, Ministry of Home Affairs has issued Circular dated 11.03.2016 to all the State Governments and

Departments regarding display of complete State Emblem of India (SEI) with the motto "*Satyameva Jayate*". The Government of Karnataka with reference to the aforementioned Circular of the Central Government, issued Circular dated 18.04.2016 directing all the Departments of the State to follow the directions issued by the Government of India.

3.5.1 Furthermore, the Karnataka Government through its Department of Electronics issued Circular dated 01.04.2022 prohibiting the use of State Emblem/logo by the State organization other than Government departments and even the State supported organizations. The Act of 2005 and Rules of 2007, referred to the above bars the use of State Emblem by any one other person than those authorised under the Rules.

4. While the above aspects are highlighted by learned advocate Smt. Sohani A Holla for the petitioner, learned Deputy Solicitor General of India Mr. H. Shanthi Bhushan who appeared for respondent Nos.3 to 5 and learned Additional Government Advocate Smt. Niloufer Akbar for respondent Nos.1 and 2 submitted before the Court that they do not have any objection for grant of the prayers made in the petition since they are for implementation of statutes with a purpose to prevent the misuse of

the National Emblems and National Symbols unauthorisedly by private persons.

5. The Hon'ble Supreme Court in **M/s. Sable Waghire & Company Vs. Union of India**, [(1975) 1 SCC 763] observed and analysed about the object and reasons for promulgating the Emblems and Names (Prevention of Improper Use) Act, 1950,

"The General Assembly of the United Nation Organisation recommended in 1946 that the members of UN should take necessary legislative or other appropriate measures to prevent the use without proper authority and in particular for commercial purposes of the emblem, the official seal and the name of the United Nations and of the abbreviations of the name. A similar recommendation has since received also from the World Health Organisation for the prevention of the use of its name (and abbreviations, emblem and official seal). Instances have also come to light of the use in India (and abroad) of the Indian National flag and emblem and of the names or pictorial representations of Mahatma Gandhi and other national leaders for commercial and other trade purposes and in a manner likely to offend the sentiments of the people."

(para 15)

5.1 In **Sable Waghire** (*supra*), the Apex Court had occasion to consider the validity of Sections 3, 4 and 8 of the Act of 1950 wherein it was observed and held,

"There is also no merit in the contention that section 3 and 4 violate the provisions of Article 19 (1) (f) and (g) of the Constitution. The petitioners'

right to trade in bidis is not at all interfered with by the legislation. Section 3 in terms provides for enabling the affected persons to adjust their business or affairs inasmuch as the Central Government can permit some time to alter their emblems, designs, etc. to carry on with their trade. Indeed in the present case the petitioners on their own application obtained an extension of time presumably under section 3 of the Act and, therefore, cannot complain on that score.

(para 18)

5.1.1 It was further observed,

"There is built-in safeguard in section 3 itself for mitigating any hardship to persons or any rigor of the law. The provisions are accordingly regulatory in nature and even, if at all, impose only reasonable restrictions on the exercise of the petitioners' right under Article 19 (1) (f) and (g). Section 4 is a consequential provision and validly co-exists with section 3."

(para 18)

5.2 In **M/s. Sable Waghire** (*supra*) the Hon'ble Supreme Court *inter alia* observed that the saying that "What is there in name" is not always true, specially when the name relates to the officiality or it is one which had national sovereign image or connotation,

"What is in a name may not always be innocent. Logically proper names are proper connotative but have often gathered a content, a halo around them sometimes or for all times to come. National or International significance gets attached to certain names or institutions over the years or ages and then they belong to the nations. Human sentiments and often a deep sense of religiosity pervade through and provide a sacred mantel as it were to the nomenclature..."

(para 16)

5.3 The Madras High Court in **S. Mukachand Bothra (deceased) Vs. Central Government represented by the Secretary, Ministry of Home Affairs and others, [(2022) 1 Mad LJ 434]** had an occasion to consider the writ petition in which the direction was sought against a private person who misused the National Emblem for his personal use and personal gain. The petitioner was a son of the original writ petitioner who wanted to pursue the issue inasmuch as his father was victimized due to misuse of Indian National Emblem by Ex-Member of Parliament.

5.3.1 The Ex-Member of Parliament had used the Indian National Emblem on his letter pad to lodge a complaint against the original writ petitioner. It was contended that the authorities had entertained the complaint and had arrested the father of the petitioner keeping him in custody for 21 days. It was contended by the petitioner that his father was a financier in cinema field and when his father demanded return of the loan amount, the disputes arose and for the purpose of ensuring arrest of petitioner's father, National Emblem was misused.

5.3.2 The Madras High Court in **Mukachand Bothra (supra)** expressed its concern about the misuse of the emblem and

observed about the implementation of the law in that regard in the following words. Extracting paragraph 53,

"The very idea of misuse of Emblems, Flags, Symbols, Names, Stickers etc., are to escape from the penal actions by the law enforcing authorities. Therefore, implementation of the Act and Rules are of paramount importance in order to minimise the commission of offences by unauthorisedly using such Emblems, Names, Flags, Stickers etc.,. The very statement of object and reasons of the Act itself enumerates that the enactment was made to prevent misuse. Therefore, implementation of the Act and Rules are vital for the purpose of prevention of crimes, commission of offences and violations etc.,. Unfortunately, the Act and Rules are not at all implemented by the competent authorities. It is painful to record that not even a single case has been registered in the entire State of Tamil Nadu, under the provisions of the Act and Rules. This being the situation, an urgent actions are imminent considering the growing tendency of misuse of Emblems, Stickers, Names, Government Symbols etc., in vehicles, buildings, letter pads etc.,"

5.4 It is true and unfortunate that there is tendency amongst the constitutional authorities who are the former authorities no more in the office, the former Members of the Parliament or Ex-Legislators have been misusing the Emblem, Flags, Names, etc. by fixing them in their letter heads and the number plates of the vehicles. This conduct is both unfortunate and depreciable. The misuse of Symbols, Seals, Flags, Emblem and Names have to be countered

for their illegal and unauthorised display at various places in various manners.

5.5 The Madras High Court in **Mukachand Bothra** (*supra*) viewed such misusing of the emblems, etc. seriously to observe that the constitutional authorities while holding office and after demitting the office are expected to maintain good conduct in all respects.

6. The state of affairs prevails in the society which needs to be immediately remedied by the law enforcing agencies that the people at large are witnessed on public roads and public places and also the institutions who have been unauthorisedly using the emblem, government names, department names in contravention of Rule 10 of the State Emblem of India (Regulation of Use), 2007 aforementioned that the said rule contains a prohibition.

7. In light of foregoing discussion, the prayer in the petition deserves to be allowed.

8. A writ of mandamus is hereby issued to

- (i) the Secretary, Ministry of Home Affairs, Government of India
- (ii) the Secretary, Ministry of Road Transport, Government of India
- (iii) the Director, Ministry of Consumer Affairs, Government of India

(iv) the Principal Secretary, Department of Home, Government of Karnataka and

(v) the Principal Secretary, Department of Transport, Government of Karnataka, to strictly implement the provisions of,

- (a) The Emblems and Names (Prevention of Improper Use) Act, 1950;
- (b) The Emblems and Names (Prevention of Improper Use) Rules, 1982;
- (c) The State Emblem of India (Prohibition of Improper Use) Act, 2005;
- (d) The State Emblem of India (Regulation of use) Rules, 2007 as well as Rules of 2010;
- (e) All applicable provisions of Central Motor Vehicle Rules, 1989, in particular Rules 50 and 51, as well as the applicable rules of Karnataka Motor Vehicle Rules, 1989 , in particular 145-A;

9. The respondents are directed to instruct and require all implementing authorities below them to ensure the compliance of the aforementioned statutory provisions of the Acts and the Rules.

10. In addition to the above general directions to implement the Act and the Rules, the following specific directions are given which would further sub-serve the public purpose,

- (i) The respondent-authorities are directed that notice shall be issued by way of different public modes through print and visual media to remove all kinds of unauthorised Flags, Emblems, Names, Symbols, Stickers, Seals, Logos of any kind which are prohibited. There shall be instructions to all to remove such emblems and discontinue unauthorised use thereof within four weeks.
- (ii) The higher-ups of the respondents shall chalk out the methods and programmes to sensitise the officials and implementing authorities to see and ensure that the misuse of National Emblem and National Symbols in various forms do not occur, stopped and prevented.
- (iii) Where such conduct of using them unauthorisedly is noticed, they are dealt with sternly.
- (iv) The respondents shall instruct the implementing authorities to register the cases under the provisions of the relevant Acts and the Rules wherever the complaints with regard to the misuse of the National Symbols and Emblems are found correct. Necessary circulars in this regard should be issued.

(v) The school children or the law students shall also be involved in spreading awareness against misuse and unauthorised display of National Symbols and Emblems by any person, body or organization.

(vi) The respondents should frame regulations for imposition of fine and for cancellation of driving licence by providing such penal measures in the relevant Rules for violating law on use of the National Emblems and Symbols.

(vii) The traffic police should be educated by undertaking programmes and imparting training to keep observance and proper vigil to take penal action whenever they come across the violation of the kind and nature.

11. The present public interest petition is disposed of in terms of the aforesaid observations and directions.

**Sd/-
(N.V. ANJARIA)
CHIEF JUSTICE**

**Sd/-
(M.I.ARUN)
JUDGE**

AHB

LIST OF UNION SECRETARIES

Sl.No.	Secretaries	Address
1	Secretary, Department of Agriculture & Cooperation	Krishi Bhawan, New Delhi
2	Secretary, Department of Animal Husbandry and Dairying	Krishi Bhawan, New Delhi
3	Secretary, Department of Agriculture Research and Education	Krishi Bhawan, New Delhi
4	Secretary, Department of Fertilizers	"A" Wing, Shastri Bhawan, New Delhi
5	Secretary, Department of Pharmaceuticals	"A" Wing, Shastri Bhawan, New Delhi
6	Secretary, Ministry of Civil Aviation	New, Safdarjung Airport Area, New Delhi
7	Secretary, Ministry of Coal	"A" Wing, Shastri Bhawan, New Delhi
8	Secretary, Department of Commerce	Waranjaya Bhawan
9	Secretary, Department of Industrial Policy & Promotion	Waranjaya Bhawan
10	Secretary, Department of Telecommunications	Sansad Bhawan, New Delhi
11	Secretary, Department of Posts	Sansad Marg, Dak Bhawan, New Delhi
12	Secretary, Dept. of Electronics & Information Technology	Electronics Niketan, CGO Complex, New Delhi
13	Secretary, Department of Consumer Affairs	Krishi Bhawan, New Delhi
14	Secretary, Department of Food and Public Distribution	Krishi Bhawan, New Delhi
15	Secretary, Ministry of Corporate Affairs	"A" Wing, Shastri Bhawan, New Delhi
16	Secretary, Ministry of Culture	"C" Wing, Shastri Bhawan, New Delhi
17	Secretary, Department of Defence	South Block, New Delhi
18	Secretary, Department of Defence Production	South Block, New Delhi
19	Secretary, Department of Defence Research & Development	DRDO Bhawan, New Delhi
20	Secretary, Ministry of Development of North Eastern Region	Vigyan Bhawan Annex, Maulana Azad Road, New Delhi
21	Secretary, Department of Disinvestment	CGO Complex, Block No. 14, New Delhi
22	Secretary, Ministry of Drinking Water & Sanitation	Pandit Deendayal Artyodaya Bhawan, CGO, New Delhi
23	Secretary, Ministry of Earth Sciences	Prithvi Bhawan, Lodhi Road, New Delhi

24.	Secretary, Ministry of Environment & Forests	Paryavaran Bhawan, CGO Complex, Lodhi Road, New Delhi.
25.	Secretary, Ministry of External Affairs	South Block, New Delhi
26.	Secretary, Department of Economic Affairs	North Block, New Delhi
27.	Secretary, Department of Expenditure	North Block, New Delhi
28.	Secretary, Department of Revenue	North Block, New Delhi
29.	Secretary, Department of Financial Services	Jeevan Deep Building, New Delhi
30.	Secretary, Ministry of Food Processing Industries	Panchasheel Bhawan, New Delhi
31.	Secretary, Department of Health & Family Welfare	C Wing Nirman Bhawan, New Delhi
32.	Secretary, Department of Ayurveda, Yoga & Naturopathy	INA, New Delhi
33.	Secretary, Department of Health Research	2 nd Floor IRC8 Building, Red Cross Road, New Delhi
34.	Secretary, Department of Aids control	88, Janpath Road, Janpath, HC Mathur Lane, New Delhi
35.	Secretary, Department Heavy Industry	Udyog Bhawan, Rafi Marg, New Delhi
36.	Secretary, Department of Public Enterprises	Lodi Estate, CGO Complex, Lodhi Colony, New Delhi
37.	Secretary, Ministry of Home Affairs	North Block, New Delhi
38.	Secretary, Department of Official Language	NDCC-II Building, Jai Singh Marg, New Delhi.
39.	Secretary, Ministry of Housing and Urban	Nirman Bhawan, Manlana Azad Road, New Delhi
40.	Secretary, Department of Higher Education	Shastri Bhawan, New Delhi
41.	Secretary, Department of School Education	Shastri Bhawan, New Delhi
42.	Secretary, Ministry of Information & Broadcasting	Shastri Bhawan, New Delhi
43.	Secretary, Ministry of Labour & Employment	Shram Shakti Bhawan, Rafi Marg, New Delhi
44.	Secretary, Department of Justice	Mansing Road, Jaisalmer House, New Delhi
45.	Secretary, * ** Department Legal Affairs	"A" Wing, Shastri Bhawan, New Delhi.
46.	Secretary, Legislative Department	"A" Wing, Shastri Bhawan, New Delhi.
47.	Secretary, Ministry of Mines	"C" Wing, Shastri Bhawan, New Delhi.
48.	Secretary, Ministry of Minority Affairs	Paryavaran Bhawan, CGO Complex, New Delhi