

बिहार सरकार
जल संसाधन विभाग

पत्रांक:- जनसम्पर्क/6/14 (विविध) - 1063

प्रेषक,

विपिन बिहारी मिश्र,
संयुक्त सचिव (अभियंत्रण)

सेवा में,

सभी मुख्य अभियंता,
जल संसाधन विभाग।
सभी अपर सचिव,
जल संसाधन विभाग।
सभी संयुक्त सचिव,
जल संसाधन विभाग।

निदेशक,
क्रय, भंडार एवं सामग्री प्रबंधन निदेशालय।
संयुक्त निदेशक,

FMISC

सभी उप सचिव,
जल संसाधन विभाग/कमाण्ड क्षेत्र विकास निदेशालय।
जन सम्पर्क पदाधिकारी
जल संसाधन विभाग।

पटना, दिनांक- 24/12/2014

विषय:- विभागीय विज्ञापन प्रकाशन सामग्री तैयार करने हेतु सहायताार्थ "Guidelines on Content Regulation of Government Advertising" के उपयोग के संबंध में।

महाशय,

उपर्युक्त विषय के आलोक में निदेशानुसार "Guidelines on Content Regulation of Government Advertising" की प्रति संलग्न करते हुए कहना है कि उक्त मार्गदर्शिका के आलोक में भविष्य में विभागीय विज्ञापन प्रकाशन सामग्री तैयार किया जाय।

अनु०:- यथोक्त।

विश्वासभाजन

[Handwritten Signature]
24/12/14

(विपिन बिहारी मिश्र)
संयुक्त सचिव (अभियंत्रण)

पत्रांक - 1063, पटना, दिनांक - 24/12/2014

प्रतिलिपि:-माननीय मंत्री के आप्त सचिव/सचिव के आप्त सचिव/अभि० प्रमुख (उ०)/(मध्य) को सूचनार्थ सम्प्रेषित।

[Handwritten Signature]
24/12/14
(विपिन बिहारी मिश्र)
संयुक्त सचिव (अभियंत्रण)

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GUIDELINES ON CONTENT REGULATION OF GOVERNMENT ADVERTISING

24th SEPTEMBER, 2014

**Prepared by the Committee
Constituted by the Supreme Court in its Judgment in
Civil Writ Petition No. 13 of 2003 and No. 197 of 2004
Decided on 23rd April, 2014**

GUIDELINES ON CONTENT REGULATION OF GOVERNMENT ADVERTISING

PREAMBLE :

Whereas Civil Writ Petition No.13 of 2003 and No.197 of 2004 (Common Cause vs. Union of India and Centre for Public Interest Litigation vs. Union of India) was filed in public interest under article 32 of the Constitution of India "to throw light on the enduring use of publicly funded government advertising campaigns as de facto political advertising canvass which is violative of articles 14 and 21 of the constitution" ;

And Whereas the Supreme Court while disposing of the said petition in its judgment dated 23.4.2014 came to the finding that existing Directorate of Advertising and Visual Publicity (DAVP) guidelines do not govern the issues raised in the petition and do not lay down any criteria "for the publicly funded government advertisements to qualify for "public purpose" as opposed to partisan ends and political mileage, and there is need for substantive guidelines to be issued by the Supreme Court until the legislature enacts a law in this regard";

And Whereas under article 141 of the Constitution the law declared by the Supreme Court is binding on all the courts in India;

And Whereas the Supreme Court was of the opinion that the subject matter for which guidelines are to be framed was "sensational and significant" and hence deemed it proper to constitute a Committee of three members to undertake the task of suggesting guidelines to the Court in this regard within a period of three months after detailed study of the best practices in public advertisements in different jurisdictions;

And whereas the said Committee held wide consultations with all the stake holders, sought and received suggestions from a cross section of society and of the Ministries and Departments of Government at the Central and State levels,

Now therefore the Committee has formulated the following Guidelines for regulating the content of Government Advertising for consideration of the Supreme Court as directed:

(1) These Guidelines shall be called the Government Advertisement (Content Regulation) Guidelines 2014.

(2) They shall come into force with effect from

2. APPLICATION:

(1) These Guidelines shall apply to all Government advertisements other than Classified Advertisements.

(2) These Guidelines shall apply to the content of all Government Advertising till a suitable legislation is enacted by the Government to prevent the misuse of public funds on advertisements to gain political mileage as distinct from legitimate Government messaging.

(3) These Guidelines shall apply to all -

(a) institutions of Government;

(b) public sector undertakings;

(c) local bodies and other autonomous bodies / organizations established under a Statute.

3. DEFINITIONS:

In these Guidelines unless the context otherwise requires:

(a) "Classified Advertisements" include public notices, tenders, recruitment notices, statutory notifications.

(b) "DAVP Guidelines" means the existing guidelines of the Directorate of Advertising and Visual Publicity of the Ministry of Information and Broadcasting dealing with the eligibility and empanelment procedures and rates of payment and such other matters;

- (c) "Government" means Central Government, State Governments / Union Territory Administrations and also includes local bodies, public sector undertakings and other autonomous bodies / organizations established under a Statute.
- (d) "Government advertising" means any message, conveyed and paid for by the government for placement in media such as newspapers, television, radio, internet, cinema and such other, media but does not include classified advertisements; and includes both copy (written text/audio) and creatives (visuals/video/multi media) put out in print, electronic, outdoor or digital media.

4. OBJECTS:

The objects of these Guidelines are :-

- (a) to prevent arbitrary use of public funds for advertising by public authorities to project particular personalities, parties or governments without any attendant public interest.
- (b) neither to belittle the need nor to deny the authority of the Union and State Governments and its agencies to disseminate information necessary for public to know on the policies and programmes of Government but only to exclude the possibility of any misuse of public funds on advertisement campaigns in order to gain political mileage by the political establishment;
- (c) to address the gap in the existing DAVP Guidelines which only deal with the eligibility and empanelment of newspapers/journals or other media, their rates of payment, and such like matters and not on how to regulate the content of Government advertisements;
- (d) to ensure that "all government activities satisfy the test of reasonableness and public interest, particularly while dealing with public funds and property";

- (e) to ensure that government messaging is well co-ordinated, effectively managed in the best democratic traditions and is responsive to the diverse information needs of the public.

5. **GOVERNMENT ADVERTISEMENT TO INFORM CITIZENS:**

Subject to these Guidelines Government may place advertisements or purchase advertising space or time in any medium to inform citizens about their rights and responsibilities, about government policies, programmes, services or initiatives, or about dangers or risks to public health, safety or the environment.

6. **THE FIVE PRINCIPLES OF CONTENT REGULATION:**

While placing advertisements or purchasing advertising space in any media, the Government shall be guided by the following principles, namely :-

(1) **Advertising Campaigns to be related to Government responsibilities :**

While it is the duty of the Government to provide the public with timely, accurate, clear, objective and complete information about its policies, programmes, services and initiatives since the public has a right to such information., the content of government advertisements should be relevant to the governments' constitutional and legal obligations as well as the citizens' rights and entitlements.

(2) **Advertisement materials should be presented in an objective, fair and accessible manner and be designed to meet the objectives of the campaign :**

- (i) The material shall be presented in a fair and objective manner and shall be capable of fulfilling the intended objectives;
- (ii) Government shall exercise due caution while deciding the content, layout, size and design of the message including the target area and the creative

- requirement of the intended communication in order to ensure that the maximum reach and impact are achieved in the most cost effective manner;
- (iii) Content of advertisement must enable the recipients of the information to distinguish between facts and analysis and where information is presented as a fact, it should be accurate and verifiable;
 - (iv) Pre-existing policies, products, services and initiatives should not be presented as new unless there has been a substantial change or modification of such policies, products or services;
 - (v) Content of advertisement should provide information in a manner that accommodates special needs of disadvantaged individuals or groups identified as being within the target audience;
 - (vi) Multiple formats may be used to ensure equal access;
 - (vii) Every effort shall be made to pre-test the material in case of large scale campaign with target audiences.
- (3) **Advertisement materials should be objective and not directed at promoting political interests of ruling party :**
- (i) Display material must be presented in objective language and be free of political argument or partisan standpoint;
 - (ii) Government advertising shall maintain political neutrality and avoid glorification of political personalities and projecting a positive impression of the party in power or a negative impression of parties critical of the government.
 - (iii) Advertisement materials must not -
 - (a) mention the party in government by name;
 - (b) directly attack the views or actions of others in opposition;
 - (c) include party political symbol or logo or flag;
 - (d) aim to influence public support for a political party, candidate for election; or
 - (e) refer or link to the websites of political parties or politicians.
 - (iv) Government advertisement materials should avoid photographs of political leaders and if it is felt essential for effective Government messaging, only the

photographs of the President / Prime Minister or Governor / Chief Minister should be used;

(v) Government advertisements shall not be used at patronizing media houses or aimed at receiving favourable reporting for the party or person in power.

(4) **Advertisement Campaigns be justified and undertaken in an efficient and cost-effective manner :**

(a) Since it is the responsibility of government to safeguard the trust and confidence in the integrity and impartiality of public services and hence it should be the policy of governments to use public funds in such a manner as to obtain maximum value for taxpayers' money;

(b) Advertisement Campaigns must be justified and undertaken in an efficient and cost-effective manner;

(c) The Government shall -

(i) decide and announce beforehand, a list of personalities on whose birth or death anniversaries, advertisements could be released every year and specify which Ministry/Department could release the same;

(ii) avoid the issue of multiple advertisements by different departments and PSUs of the same Government in Commemorative Advertisements and shall issue a single advertisement only;

(d) Though advertising by governments should remain regulated all the time; it is particularly important to scrupulously follow these principles before and during the elections. As far as possible, during the period prior to elections, only those advertisements required by law (such as public health and safety advisories or job and contract advertisements) alone be released by governments;

- (e) Advertisement campaigns should only be need based; and
 - (f) In case of large volume advertisement campaigns, post-campaign impact assessment is necessary to be included in the planning process itself and shall identify the indicators to measure success when the campaign has ended.
- (5) **Government advertising must comply with legal requirements and financial regulations and procedures :**

Governments shall ensure that all Advertisements comply with :-

- (i) relevant laws regarding privacy, intellectual property rights, election laws and consumer protection laws apart from laws in respect of broadcasting and media; and
- (ii) copyright laws and ownership rights associated with works subject to copyright are fully respected.

7. **COMPLIANCE AND ENFORCEMENT:**

- (1) The Government shall appoint an Ombudsman who shall be an eminent expert independent of the Government to receive complaints of violations of Guidelines and to recommend action in accordance with the Guidelines.
- (2) Heads of government departments and agencies shall be responsible for ensuring compliance with these Guidelines and shall follow a procedure of certification of compliance before advertisements are released to the media.
- (3) As part of the performance audit of the Ministry/Department/Agency –
 - (a) there shall be separate audit of the compliance of Advertisement Guidelines by the Ministry/Department/Agency concerned; and

(b) The annual report of such ministry/department/agency shall publish the findings of such audit and the money spent on advertising.

(4) The regulatory bodies of print and electronic media will be within their powers to impose sanctions against such media groups acting against these Guidelines in seeking or obtaining government advertisements.

8. **GENERAL:**

(1) These Guidelines shall be in addition to and not in derogation of the existing Guidelines which are in place under the existing Advertisement Policy of Government.

(2) These Guidelines are equally applicable to State Governments and its agencies. The State Governments shall undertake amendments to whatever policies they have in this regard and observe the Guidelines strictly in letter and spirit.

(3) The Ombudsman may recommend suitable changes to the Guidelines to deal with new circumstances and situations.

(4) The Government shall take necessary steps to initiate necessary legislation on the subject, given its importance for democracy, human rights and good governance.

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