**COMMON CAUSE**

**A REGISTERED SOCIETY**

**AN ORGANISATION FOR VENTILATING COMMON PROBLEMS OF THE PEOPLE**

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June 19, 2014

Mr. Anurag Srivastava,

Joint Secretary (P & A),

Ministry of Information & Broadcasting,

Government of India,

5th Floor, Room no. 552, 'A' Wing,

Shastri Bhawan, New Delhi 110001

Dear Mr. Srivastava,

Subject: Guidelines for Public Advertising Campaigns.

This refers to your Public Notice inviting suggestions for framing of guidelines for publicly funded government advertisement campaigns in the context of the judgment of the Hon'ble Supreme Court of India in WP (C) No. 13/2003 : Common Cause Vs. Union of India.

I have the pleasure to submit the attached proposition of guidelines on behalf of Common Cause, petitioner in the said public interest litigation.

Kindly acknowledge the receipt of this communication.

With regards,

Kamal Kant Jaswal

Director, Common Cause

**PROPOSED GUIDELINES FOR GOVERNMENT ADVERTISING**

**PRINCIPLE 1:** Advertising must be relevant to government

1. Members of the public have the right to access authoritative and comprehensive information about government policies, programs and services which affect their entitlements, rights and obligations. Hence, public funds may legitimately be used to conduct information programs or education campaigns in various media of mass communication to promote government priorities, explain government policies, programs or services and to inform members of the public of their entitlements, rights and obligations.
2. All advertisements issued by the Central Government, State Governments and their agencies and instrumentalities must subserve public interest in an objective, reasonable, and effective manner.
3. The subject matter of public advertising must be directly related to the responsibilities, policies, and priorities of the government/public authority concerned. For example, public advertising may seek to:
   * Raise public awareness about extant and proposed laws, government policies, programs and services;
   * Showcase the nation’s culture, heritage and natural beauty to promote tourism; and
   * Disseminate scientific, emergency, medical, health, safety or any other public welfare information.
4. Public advertisements must be factually accurate, objective and fair

and show due regard to democratic values and accountability.

1. Public advertising shall not be used to garner media support for partisan ends. The amplitude of a public advertising campaign shall be commensurate with the public interest objective sought to be achieved.
2. No advertisement or advertising campaign funded by public resources shall promote partisan interests, or advance the agenda of a particular political party or alliance. Hence:

* Public advertisements must be presented in an objective manner and be free of partisan arguments.

* Any public advertisement that presents the activities, programs or initiatives of the Government in a politically partisan or biased manner, or projects the achievements of an incumbent so as to score a point over the previous government(s) shall be construed as an advertisement to promote partisan interests.

1. Public advertising shall not:

* Aim at garnering public support for a political party or leader of a political party or formation.
* Portray pre-existing government policies, products, and services as those initiated by the incumbent.
* Attempt to foster a positive impression of a particular political party or promote partisan interests by mentioning any political party by name, or by including a partisan slogan, or the image of any political leader, past or present, in an advertisement.
* Use the images of national leaders, such as Mahatma Gandhi and Dr. B. R. Ambedkar, to project them as patron of a particular political party.

Where it is unavoidable to publish the image of a political leader as a Constitutional authority, such image should not exceed the size of a passport photograph.

1. No major public advertising campaign, with an outlay exceeding the prescribed threshold which shall be Rupees one crore for the present, shall be launched unless the Secretary of the Government Department, or the Chief Executive of the public authority concerned, as the case may be, certifies that the campaign satisfies the aforesaid conditions and is covered by appropriate sanction. Full particulars of all certified campaigns shall be displayed on the websites of the public authority concerned.
2. All major public advertising campaigns shall be subject to scrutiny by an independent Review Committee comprising three eminent public personalities to be nominated by the Head of the Government, the Leader of the Opposition in the Lower House and the Chief Justice. The Review Committee shall submit an annual report to the Lower House on the compliance status of public advertising campaigns launched during the period of report.