

Ron. 20/02/2023



**DEPARTMENT OF INFORMATION & PUBLIC RELATIONS
GOVERNMENT OF SIKKIM
GANGTOK**

No.516/IPR/22-23

Dated:15.02.2023

To,

The Head of Departments
Government of Sikkim
Gangtok

Subject: Guidelines on content regulation of government advertisement.

Sir/Madam,

May kindly find enclosed herewith a copy of Notification No. 04/IPR/15-16 dated 28/11/2015 regarding the guidelines on content regulation of government advertisement for further reference. This may be referred in view of writ Petition (Civil) No.142 of 2022, Common Cause vs. Union of India and others.

Thanking you,

Yours sincerely


Director
IPR Department

Encl: As above



GOVERNMENT

SIKKIM

GAZETTE



EXTRAORDINARY
PUBLISHED BY AUTHORITY

Gangtok

Friday 18th December, 2015

No. 473

GOVERNMENT OF SIKKIM
INFORMATION & PUBLIC RELATIONS DEPARTMENT
TADONG GANGTOK 737102

Dated 20th November, 2015

NO. 04/PR/15-16

NOTIFICATION

THE GUIDELINES ON CONTENT REGULATION OF
GOVERNMENT ADVERTISING

1. (1) These Guidelines shall be called the Sikkim Government Advertisement (Content Regulation) Guidelines, 2015.
(2) They shall come into force with immediate effect.
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) "Advertisement Policy" means the existing policy of the Information & Public Relations Department, Government of Sikkim dealing with the eligibility and empanelment procedures and rates of payment and such other matters;
 - (b) "Classified Advertisements" include public notices, tenders, recruitment notices, statutory notifications;

- (c) "Government" means the Government of Sikkim 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, internet 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 State Government 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 Advertisement Policy 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-ordinate, 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, the 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:

- (a) The material shall be presented in a fair and objective manner and shall be capable of fulfilling the intended objectives;

- (b) The 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;
 - (c) 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;
 - (d) 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;
 - (e) 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;
 - (f) Multiple formats may be used to ensure equal access;
 - (g) 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:**
- (a) Display material must be presented in objective language and be free of political argument or partisan standpoint;
 - (b) 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;
 - (c) Advertisement materials must not –
 - (i) mention the party in government by name;
 - (ii) directly attack the views or actions of others in opposition;
 - (iii) include party political symbol or logo or flag;
 - (iv) aim to influence public support for a political party, candidate for election; or
 - (v) refer to link to the websites of political parties or politicians.
 - (d) 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 and Chief Justice of India should be used;
 - (e) Government advertisements shall not be used at patronizing media houses or aimed at receiving favorable 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 government 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 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 government 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 government;
- (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:**

The Government shall ensure that all advertisements comply with:

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

7. COMPLIANCE AND ENFORCEMENT:

- (1) The Government shall constitute a three member body consisting of persons with unimpeachable neutrality and impartiality and who have excelled in their respective fields who are to be named by the Union Government.
- (2) The body so constituted shall function as Ombudsman to recommend suitable changes to the Guidelines to deal with new circumstances and situations.
- (3) 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.
- (4) For the performance audit of the department, the existing machinery available is adequate to ensure due performance, as well as accountability and proper utilization of fund.
- (5) 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:

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.

Secretary
IPR Department

S.G.P.G. - 473/ Com.6/Gazette/ 30 Cps./18.12.2015

Judgement - dt. 18.3.2016

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REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

REVIEW PETITION (C) NOS.1879-1881/2015

IN

WRIT PETITION (C) NOS.13/2003, 197/2004 & 302/2012

STATE OF KARNATAKA

...PETITIONER

VERSUS

COMMON CAUSE AND ORS.ETC. ETC. ...RESPONDENTS

WITH

R.P.(C) NO.1876-1877/2015 IN W.P.(C)
NO.197/2004, R.P.(C) NO.1834/2015 IN W.P.(C)
NO.197/2004, R.P.(C) NOS.2703-2705/2015 IN
W.P.(C) NOS.13/2003, 197/2004 & 302/2012, R.P.
(C) NOS.3191-3193/2015 IN W.P. (C) NOS.13/2003,
197/2004 & 302/2012, R.P.(C) NOS.3275-
3277/2015 IN W.P. (C). NOS.13/2003, 197/2004 &
302/2012, R.P.(C) NO.3259/2015 IN W.P.(C)
NO.197/2004, R.P.(C) NOS.3674-3676/2015 IN
W.P. (C) NOS.13/2003, 197/2004 & 302/2012, R.P.
(C) NOS.123-125/2016 IN W.P.(C) NOS.13/2003,
197/2004 & 302/2012.

ORDER

1. We have heard the learned counsels for all the contesting parties. Upon due consideration, we review our judgment dated 13th May, 2015 passed in Writ Petition

and Writ Petition (Civil) No.302 of 2012 to the extent indicated below:

- (i) The exception carved out in paragraph 23 of the aforesaid judgment dated 13th May, 2015 permitting the publication of the photographs of the President, Prime Minister and Chief Justice of the country, subject to the said authorities themselves deciding the question, is now extended to the Governors and the Chief Ministers of the States.
- (ii) In lieu of the photograph of the Prime Minister, the photograph of the Departmental (Cabinet) Minister/Minister In-charge of the concerned Ministry may be published, if so desired.
- (iii) In the States, similarly, the photograph of the Departmental (Cabinet) Minister/Minister In-charge in lieu of the photograph of the Chief Minister may be published, if so desired.
- (iv) All other observations/directions in the aforesaid judgment dated 13th May, 2015

shall continue to remain in force subject to
the above modification.

2. The review petitions are disposed of in the above
terms.

.....,J.
(RANJAN GOGOI)

.....,J.
(PINAKI CHANDRA GHOSE)

NEW DELHI;
MARCH 18, 2016.