



GOVERNMENT OF KERALA

Abstract

INFORMATION & PUBLIC RELATIONS DEPARTMENT—GOVERNMENT ADVERTISEMENT—
CONTENT REGULATION—REVISION OF THE EXISTING POLICIES, PROCEEDINGS,
GUIDELINES—JUDGMENT DATED 13-5-2015 OF HON'BLE SUPREME COURT
IN WP(C) No. 13 OF 2003 WITH WP(C) No. 197 OF 2014 AND
WP(C) No. 302 OF 2012 AND JUDGMENT DATED 18-3-2016 OF
HON'BLE SUPREME COURT IN REVIEW PETITION (CIVIL) Nos.
1879-1881/2015 IN WP(C) Nos. 13/2013, 197/2004
AND 302/2012—COMPLIED—ORDERS ISSUED

INFORMATION & PUBLIC RELATIONS (D) DEPARTMENT

G. O. (P) No. 4/2021/I&PRD. Dated, Thiruvananthapuram, 28th April, 2021.

- Read:*—1. G. O. (P) No. 8/99/I&PRD, dated 7-7-1999.
2. G. O. (P) No. 2/2020/I&PRD, dated 10-12-2020.
 3. G. O. (P) No. 3/2021/I&PRD, dated 26-2-2021.
 4. Judgment dated 13-5-2015 of Hon'ble Supreme Court in Writ Petition (civil) No. 13 of 2003 with WP(C) No. 197 of 2014 and WP(C) No. 302 of 2012.
 5. Judgment dated 18-3-2016 of Hon'ble Supreme Court in Review Petition (civil) Nos. 1879-1881/2015 in Writ Petition (civil) No. 13 of 2003 with WP(C) No. 197 of 2014 and WP(C) No. 302 of 2012.

ORDER

The Government have issued the policies, proceedings and guidelines related to government advertisements issued for publication in the print media as per G.O. read as 1st paper above. These policies, proceedings and guidelines were revised and amended contemporarily as per G.O. read as 2nd paper above. The Government have issued the policies and guidelines related to the Government advertisement issued for telecasting in the television channels as per G.O. read as 3rd paper above. In addition to this; various proceedings, circulars, office orders were issued from time to time by this department relating to the content regulation of government advertisements, creative designing/production of creatives and usage of photographs in the government advertisements etc.

In order to prevent the arbitrary use of public funds for advertising by the public authorities to project particular personalities, parties or Governments without any attendant public interest and to exclude the possibility of any misuse of the public funds on advertisement campaigns in order to gain political mileage by the political establishment and also to ensure that all Government activities satisfy the test of reasonableness and public interest particularly while dealing with public funds and property, the Hon'ble Supreme Court have issued judgments related to the content regulation of government advertisements as per 4th and 5th papers read above.

The Government have examined matter in detail and hereby issue orders by integrating and by amending all the previous orders issued earlier in relation to the content regulation of government advertisements and also by incorporating the guidelines on the content regulation of government advertising issued by the Hon'ble Supreme Court. This order shall supersede all the previous orders and guidelines in this regard. The applicability of these guidelines is to all government advertisements other than classified advertisements in all medium of communication, thereby including internet advertising. These guidelines shall apply to all government institutions, public sector undertakings, local bodies and other autonomous bodies/organisations established under a statute.

THE PRINCIPLES OF CONTENT REGULATION (incorporating the judgments of the Apex Court in this regard and previous orders issued by this department).

While placing advertisements or purchasing advertising space in any media, the Government should follow the 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 and 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 to 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/Chief Justice of the country/Governors and Chief Ministers of States should be used.

The photograph of the Cabinet Minister/Minister in charge in lieu of the photograph of the Chief Minister may be published if so desired.

- (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) Advertisement campaigns should only be need based; and
 - (e) 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

Government 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) copy right laws and ownership rights associated with works subject to copy right are fully respected.
- (6) Classified advertisements like work tender advertisement, purchase tender advertisements, notifications, accusation memo, expression of interest etc. should be published in a standard black & white format.
- (7) Display advertisements with normal importance should be published in black and white format.
- (8) Display advertisement with utter most importance may be published in colour format if so desired.
- (9) The display advertisements related to the district wise programmes shall be issued for publication in the respective local editions only, if possible.
- (10) Government shall exercise due caution while designing the advertisement creative and avoid the usage of photographs from the internet. The photographs available in the photography section of I&PR department should be used.
- (11) The advertisements related to the various projects, programmes and schemes of a department may be published as a single advertisement, if possible.
- (12) The multiple advertisements of various departments may be published as a single advertisement if possible.

(13) Government shall exercise due caution while preparing the content of government advertisements, it should be ensured that government messaging is well coordinate, effectively managed in the best democratic traditions and is responsive to the diverse information needs of the public.

(14) The advertisements issued on certain occasions to mark the years completed by the government institutions (celebrations like silver jubilee, golden jubilee, centenary etc.) should be avoided, if possible.

The judgment of the Hon'ble Supreme Court read above are thus complied with.

By order of the Governor,

SEENA, A. N.,
Deputy Secretary.

To

All Heads of Departments.

All Departments in Secretariat.

The Registrar, High Court, Ernakulam (with C.L.).

The Secretary, Kerala Public Service Commission (with C.L.).

The Registrar, All Universities.

Head of the various Boards, Corporations, Local Self Government Institutions, Autonomous Bodies, Public Undertakings, Government Missions, Various Government Commissions, Government owned companies.

Private Secretary to Hon'ble Chief Minister.

Private Secretaries to all Ministers.

CA to Secretary, I&PRD.

PA to Chief Secretary.

PA to Addl. Chief Secretary.

Deputy Secretary, I&PRD.

Accounts Officer, I&PRD.

CA to DPR.

Regional Deputy Directors.

Deputy Director, Advertising & Marketing.

Information Officer (Advt.—Print).

All District Information Officers.

Registrar, C-DIT Thiruvananthapuram.

PRD Website.

Stock File/Office Copy.
