

No.2/1/Comp./2016-CCRG
Government of India
Committee on Content Regulation of Government Advertising
Fourth Floor, Sochna Bhawan, C.G.O. Complex,
Lodi Road, New Delhi-110003

16th September, 2016.

ORDER

The Committee received a complaint dated 10th May, 2016 from Sh. Ajay Maken against the Government of NCT of Delhi on 11th May, 2016. The Committee issued notices to the GNCT of Delhi for their comments on 26th May, 2016 and followed up with reminders on 13th and 23rd June, 2016. The GNCT of Delhi informed the Committee that they were in the process of appointing their own committee for regulating the content of the Government advertisements. However, the Hon'ble Delhi High Court in its order dated 10th August, 2016 directed that the complaint of Sh. Ajay Maken will be decided by this Committee as expeditiously as possible, preferably within six weeks from the date of the order. Subsequently, the Committee issued notice to the GNCT of Delhi on 17th August, 2016 with a request to submit their response to the Committee by 23rd August, 2016. As the Government of NCT of Delhi did not furnish their comments on the complaint, the Committee issued another notice on 24th August, 2016 requesting the GNCT to submit their comments by 11 A.M. on 29th August, 2016 and in the event of non-submission of the same, the Committee would be constrained to take an ex-parte decision. The GNCT of Delhi has submitted their comments on 30.8.2016.

2. The complainant, Sh. Ajay Maken has alleged that the GNCT of Delhi has violated the guidelines issued by the Hon'ble Supreme Court vide its judgment dated 13th May, 2015 in the following nine areas:-

- 1) Outstation/ National Level Ads by GNCTD;
- 2) Ads in Newspapers - deceptively designed as Newspaper reports;
- 3) False/ Misleading Ads;
- 4) Large-scale Ads on Anniversary of party in power;
- 5) Ads for self-glorification and to target political opponents;
- 6) Ads against the media;
- 7) Ads mentioning the party in power by name;
- 8) Ads on issues outside the jurisdiction of the GNCTD;
- 9) Unequal distribution of Ads to patronize select media houses

3 (1) Outstation/ National Level Advertisements: The complainant alleged that the Delhi Government, headed by Chief Minister Sh. Arvind Kejriwal on completing its one year in office on 14.02.2016, and to celebrate the same, the GNCTD launched a massive advertisement and publicity campaign which aimed at glorifying the party in power, not only in Delhi, but in all the States and Union Territories. He estimated that the GNCTD has spent over Rs 100 crore on the said Ad campaign imposing a burden on the public exchequer of Delhi. In support of his complaint he has annexed copies of newspapers published outside Delhi carrying the advertisements issued by GNCTD. The complainant stated that some of the advertisements in the outstation newspapers ran into 3 to 4 full pages.

3 (1) (2) The complaint mentioned that the GNCTD issued similar advertisements in Radio Channels and TV Channels situated outside Delhi. Further, he pointed out that the said radio Ads were aired in Hindi on radio channels in states/cities where Hindi is not generally understood/ spoken by the local population. The complaint alleges that apart from glorification of the Party in Power, such Ads to regional and national media channels served no public purpose. Copies of release orders to TV channel were annexed.

3 (1) (3) The complainant argued that outstation Ads are of no benefit to the public of Delhi or that of the concerned state. The advertisements generated crores of revenue for the media houses and amounted to patronization of the media house/ newspapers at the cost of Delhi's Taxpayers money which could affect the neutrality of media houses.

Comments of Government of National Capital Territory of Delhi:

3 (1) (4) The Government Advertisements are a part of wider Information, Education and Communication (IEC) exercise aimed at awareness generation that entails generating awareness about not only State/City specific schemes, but best practices, successful programs and idioms that are relevant and therefore imitable across geographical boundaries of Cities and States. Thus, indulging in IEC activities and awareness generation amongst people at large is an inalienable duty as well as the right of any Government that cares for public good, and can therefore never be bounded by limited geographical considerations.

3 (1) (5) The Government of NCT of Delhi has taken a conscious decision to communicate the path-breaking accomplishments made in health, education, water supply, roads, transport, etc to not only the citizenry of Delhi but also people across the country. The objectives are manifold.

3 (1) (6) One of them is to attract the best talent from different parts of the country to the national capital. The achievements made in all these critical sectors need to be highlighted to attract businesses, best talent, best doctors, best engineers, best teachers to national capital. Over the next one-year government wants to recruit nurses, teachers, doctors and this can only be possible through effective communication.

3 (1) (7) Delhi is not any other State; Delhi is the national Capital. The importance of this statement can be gauged through another prism which is how other state governments routinely place advertisements in dailies published from the national capital.

3 (1) (8) The observations made that advertisements placed all over India amount to wasteful expenditure is again regrettably misconceived. The Advertisements only amount to a fraction of government expenditure in the overall scheme of things. If one does a cost benefit analysis, one would appreciate that by spending a small amount of money on advertisements the GNCTD stands to gain significantly in terms of tax revenues and high GDP.

3 (1) (9) The advertisements and publicity have an important role in any democracy where the right of freedom of speech and expression, freedom of disseminating and procuring information are critical for any elected government.

3 (1) (10) The Government of NCT of Delhi has been widely circulating the information pertaining to the various measures of seminal public interest. For instance, some private schools had been charging exorbitant fees from parents. Delhi Government has put an end to such unconscionable practices. It has decided to hire competent chartered accountants to audit the accounts of private schools to ensure transparency and equity in their fee structures. Now to be able to achieve that, the Government placed advertisement in mainstream papers inviting applications from sufficiently qualified accountants who could carry out this enormous task.

3 (1) (11) Another instance is of the Delhi Government publishing advertisements imploring all traders with annual turnover of more than Rs 20 lakh to mandatorily register themselves with the VAT department. One more instance is of the media awareness drive on dengue prevention and control carried out by the Government on a regular basis. The Advertisements with regard to abolition of private management quota in nursery admissions, pollution control measures, air pollution awareness drives, rights of the common man to get free medicines and diagnostic tests in government hospitals, information regarding waiver of arrears of water bills and thus alerting citizens not to pay any bribe to meter readers who might mislead the poor citizens, etc have been some of the other advertisements that the Government of NCT of Delhi have published in the recent past.

3 (1) (12) Thus the observation made that the money spent on advertisements for dissemination of information to the entire country was unjustified and against basic financial

tenet is not correct for the above mentioned reasons. It is a conscious policy decision taken after much careful consideration. The Government of NCT of Delhi has complied with all policy guidelines and financial tenets while making this expenditure.

3 (2) Advertisements in Newspapers- deceptively designed as newspaper reports: The complainant alleged that from February, 2016 onwards the GNCTD has started a new trend of publishing Ads/ Advertorials which are styled and designed in such a deceptive manner, so as to give the readers an impression that the same are actual/genuine newspaper articles and reports, rather than paid advertisements. Therefore, advertisements in form of newspaper reports are utterly misleading and are aimed to deceive people at large by giving the impression that newspapers are lauding the work of the Government.

3 (2) (2) Copies of a few of such Ad/ Advertorials of the GNCTD were annexed and copy of a clarification as published by the Indian Express in its newspaper dated 14.02.2016 was also annexed.

Comments of Government of National Capital Territory of Delhi:

3 (2) (3) The Government of NCT of Delhi released advertorials to Newspapers for which the material/content was prepared by media houses only. These advertorials were published under different heads by different publications like Consumer connect initiative (Times of India), Space marketing initiative (The Tribune), Vigyapan Parishist (Dainik Jagran) so there was no deceiving in the act. It is pertinent to mention here that as a normal practice Central Government PSU's and State Governments also issues advertorials on regular basis to the publications. Recently the Government of Uttar Pradesh, Government of Madhya Pradesh, and Government of Punjab issued advertorials in the Delhi publications.

3(3) False/ Misleading Advertisements: The complaint further alleges that most of the 'One year celebratory' Ads and Advertorials published by the GNCTD in form of newspaper reports contain false, incorrect and misleading information. He alleges that the contents of these full page Ads were purely political in nature, target the opposition parties and serve no attendant public purpose whatsoever.

3 (3) (2) The complaint lists the following advertisements to be in the category of misleading and false advertisements/ advertorials.

A. "Three ISBTs to be revamped"

3 (3) (3) In a full page advertisement dated 16.02.2016 published in the TOI across the country, under the headline “Three ISBTS to be revamped”, the GNCTD has claimed as follows:

- a. *“the bus fleet in the capital has been augmented”*
- b. *“Work on restoration of the facade, creation of facilities toilets..... will be completed before the Commonwealth Games”.*
- c. *Further, the said Ad also quotes and claims that one Shri Arvinder Singh is the present Transport Minister of GNCTD.*

With regard to the baseless claims made by the GNCTD in the said advertisement, it is submitted that:

- a. As per the records of the Transport Department of the GNCTD itself, not even a single DTC bus was purchased by the GNCTD, in fact the bus fleet has considerably declined under the present government.
- b. The claims to complete the up-gradation work before the Commonwealth Games is also baseless, as the said games were already concluded in the year 2010 itself.
- c. Even Shri Arvinder Singh had ceased to be the Transport Minister in 2013 i.e. in the regime of the previous Government. Thus, the said full page advertisement is nothing but a public eyewash wherein the taxpayers money has been completely wasted for false glorification of the current Chief Minister and his party.

3 (3) (4) A Copy along with Typed Copy of the Advertisement dated 16.02.2016 was annexed along with a copy of the records of the Transport Department, GNCTD, confirming that there has been no increase in the fleet of buses.

B. 350 Crores saved in construction of Elevated Corridor

3 (3) (5) In a separate full page Advertisement dated 17.02.2016, published as a newspaper report, the GNCTD has claimed that in the construction of the fly-over/ elevated corridor from ‘Madhuban Chawk to Mukarba Chawk’ (Outer Ring Road), it has managed to save Rs. 100 Crores, by reducing the construction cost of the said fly-over from 421 Crores to 321 Crores. It has been claimed that Rs. 421 Crores was the Original Cost of the project, approved by the previous Congress Government. The complainant contended that an RTI Reply dated 24.02.2016 reveals that tender for the said fly-over was awarded on 19.03.2013 (by the

previous Government), was for Rs. 2,79,90,17,435/- (Rs. 279 Crores). Thus, when the tender was itself for Rs. 279 Crores, the GNCTD (through the said Ad) fooled the public, by claiming that the proposed cost of the fly-over was Rs. 421 Crores. Further, in the said Ad, the present Chief Minister has himself stated that the final construction cost of the said flyover was Rs. 321 Crores. So this being the admitted position, there arises no question of any funds being saved, rather, the GNCTD has spent extra funds in completion of the said project, as compared to the original Tender Cost of Rs. 279 Crores approved in March, 2013.

3 (3) (6) A copy along with True Translated Copy of the Ad dated 17.02.2016 was annexed. a copy of the RTI reply dated 24.02.2016 confirming that no money was saved in construction of the flyover was also annexed.

C. “CBI raid draws widespread criticism”

3 (3) (7) In the same set of ‘One year achievements’, another Ad was published by GNCTD in form of newspaper report, under the headline “CBI raid draws widespread criticism”. The complaint contended that it was a politically motivated advertisement and it did not serve any public purpose whatsoever.

3 (3) (8) A copy along with Typed Copy of the Ad titled as “CBI raid draws widespread criticism” was annexed. A document containing the particulars of the said Ads, as well as the misleading information therein, was annexed.

Comments of Government of National Capital Territory of Delhi:

3 (3) (9) It is submitted that no false/misleading information was given in the advertisements of Government of NCT of Delhi. As far as the information/content in the advertisements is concerned, it is pertinent to inform that the responsibility for the contents of the advertisements vest with the concerned department of the Government of NCT of Delhi (enclosed copy of the OM regarding release of advertisement F.16(32)/Advt/DIP/2009-10/Part File 130-137 dated 12/01/2016, point 5).

3 (3) (10) The Directorate of Information and Publicity only releases the advertisement after the content is duly approved by the concerned HOD or the Competent Authority. Moreover, the Hon’ble Supreme Court took the cognizance of the matter in the contempt petition (c) no. 485/2015 in writ petition (c) no. 197/2004 dated 28.04.2016 and has disposed of the same vindicating Government of NCT of Delhi stand.

3(4) Large-scale Advertisements on Anniversary' of the party in power: The complainant alleged that in blatant violation of the spirit of the Hon'ble Supreme Court guidelines, the GNCTD has been indulging in brazen misuse of public money by releasing large scale advertisement campaigns for glorifying the party in power and its leaders on irrelevant occasions such as:

- Four months anniversary of AAP Government
- Six months anniversary of APP Government
- One year Anniversary of AAP Government

Comments of Government of National Capital Territory of Delhi:

3 (4) (2) It is totally baseless and wrong to say that Large Scale Advertisements on Anniversary of party in power was released. Whereas the fact is that on the completion of six months/one year of elected Government of NCT of Delhi, the advertisements were released to different publications/Electronic media. The advertisements were issued on the completion of first year of good governance highlighted the tremendous work done by the government in the field of education, health, electricity, pricing, water supply and pricing, social welfare schemes and other infrastructural projects in a short span of one year. So, in precise it is submitted that the aim of the advertisement campaign was to present the 'Report Card' and highlight the model of governance to the people of not only Delhi but also the entire country to apprise the people of other states. This is also a normal practice of various governments in the country.

3(5) Advertisements to attack the opposition and for self glorification: The complaint further stated that a TV Ad dated 17.06.2015, depicted a Woman- supporting Shri Kejriwal and was only aimed at glorifying Shri Kejriwal, portraying him as a godly figure and to cast a negative impression of the opposition/ previous governments/ media etc. A true copy of the Transcript of the said TV Ad dated 17.06.2015 was attached.

3 (5) (2) The complainant stated that in August, 2015, the GNCTD launched another ad campaign titled as "woh pareshaan karte rahe, hum kaam karte rahe" (they kept troubling us, but we kept working). He argued that the single purpose of such Ads was to target the opposition and glorify the party in power.

3 (5) (3) Copies of some of the Ads published under the above-mentioned Ad campaign were annexed.

3 (5) (4) The GNCTD in July, 2015, came out with large scale hoardings and TV Ads to target the Prime Minister of India and other opposition parties. The complainant argued that these advertisements did not seek to serve any attendant public interest.

3 (5) (5) A copy of the picture of hoarding released in July, 2015 with a message aiming against the PM was attached.

3 (5) (6) A copy of the transcript of the TV ad published against the PM in July, 2015, after an unfortunate stabbing incident leading to the death of a young girl was attached.

Comments of Government of National Capital Territory of Delhi:

3 (5) (7) In a journey from people to government the face of the party becomes the head of the government i.e.; Chief Minister, in case of Delhi Shri Arvind Kejriwal. He is the natural face or identity of the government as he is the Chief Minister of Delhi and not Delhi Government. So, logically Shri Arvind Kejriwal represents the citizens of the capital city of the country. Keeping in view the fact, it is obvious that the government process of disseminating information, education and communication of policies and programmes to the citizens bear the stamp of the Chief Minister, Shri Arvind Kejriwal. This is no exception as the government communication strategy of every Indian state is represented by its Chief Minister and that of the nation by the Hon'ble Prime Minister. The Directorate humbly submits that there can never be any dearth of publicity for a popular Chief Minister. If one may say so, he often gets more of it than, he would like otherwise.

3 (5) (8) Whether we would like it or not it is a hard reality that people in India associate their Governments with either Chief Minister of the state or Prime Minister, in the case of Central government. So it should be taken in same spirit as there is no glorification.

3 (5) (9) The Guideline No. 6(1) of the Supreme Court says that it is the duty of the Government to provide the information timely because the public has the fundamental right to such information. Due caution was exercised while designing these campaigns so that it reaches the maximum number of people.

3 (5) (10) Last but not least, it is vehemently denied that any advertisement was released against the Hon'ble Prime Minister or Opposition by the Government of NCT of Delhi. As per available record, the hoarding advertisement given in the annexure 14 was never issued by the DIP. So, it is not fair to castigate the Government of NCT of Delhi for the act for which it is not responsible.

3 (6) Advertisements against the media: The complainant said that on 21.09.2015, the GNCTD came out with a full page advertisement in all the leading newspapers of Delhi, which is solely aimed at criticizing the Aaj Tak (News Channel) for a story done by it on the issue of onion

prices in Delhi. That on 19.09.2015, Aaj Tak News Channel did a story that the GNCTD purchased onions at a lower price but sold the same at a higher price in the market.

3 (6) (2) The complainant argued that all press/ news agencies cover the Government and its activities on a daily basis and in case the Government considers itself aggrieved by any such reports, it is always open to the Government of the day to address the said issue by way of Press Conferences, News bites/clarifications, Public debates, raising the issues in the Assembly/ Parliament etc. Thus, undoubtedly the Government has several ways of addressing such issues, however, instead of adopting any of the said measures in the above situation, the Government of NCT of Delhi has once again abused its position, by illegally spending huge public funds on publishing the said obnoxious advertisement.

Comments of Government of National Capital Territory of Delhi:

3 (6) (3) The DIP has issued the advertisement after obtaining the approval of the Competent Authority (approved copy of the advertisement was attached). No advertisements have been issued against the media. So this allegation is vehemently denied.

3 (7) Advertisements mentioning the party in power by name: The petitioner alleges that while Clause 6 (3)(iii)(a) of the Government Advertisement Guidelines of the Hon'ble Supreme Court specifically prohibits all Governments (State and Centre) from naming the party in power in Government Advertisements, the GNCTD has been mentioning the Aam Aadmi Party/ AAP in all its advertisements.

3 (7) (2) Some copies of GNCTD Ads allegedly mentioning the ruling party by name were attached.

Comments of Government of National Capital Territory of Delhi:

3 (7) (3) The allegation of naming the party in power in advertisements is concerned it is vehemently denied. AAP is such a common and intrinsic word of Hindi language that if we stop its use in a communication then the government will never be able to communicate at all. Can you imagine for a Hindi speaker or a Hindi audience to omit the word 'aap' from his vocabulary. It is a fact that the AAM AADMI PARTY abbreviation is AAP but we cannot do anything about it. AAP ki sarkar means its your government. This cannot be considered to be promotion of a political party.

3 (7) (4) Also, the Hon'ble Supreme Court in its order on government ads has specifically stated that informing the public of a government's achievements is permissible.

3(8) Advertisements on issues outside the jurisdiction of the GNCTD

a) GNCTD Ad dated 07.10.2015 on Dadri lynching incident

3 (8) (2) The complaint alleged that the GNCTD on 07.10.2015 aired an Ad on Radio and TV on the issue of the lynching incident which took place in Dadri Uttar Pradesh. The said Ad was aired in the voice of the Chief Minister of Delhi and sought to achieve political benefits out of the vulnerable situation that took place in Uttar Pradesh after the unfortunate lynching incident.

3 (8) (3) The complaint further alleged that the said Ad campaign was nothing but a self-promotional exercise by the CM as the subject matter of the Ad falls outside the jurisdiction of GNCTD. Also, it is imperative to bring to the notice of the Committee that though the CM is free to opine his views on such issues by the way of Press/ Media Statements but cannot be allowed to abuse public funds for Advertisements which do not fall within the domain of the Government.

3 (8) (4) A copy of the transcript of the Ad dated 07.10.2015 was attached.

b) GNCTD Ad dated 10.03.2016 on Haryana Riots

3 (8) (5) The complaint alleged that once again, in a shameless exercise to take advantage of the vulnerable situation that had occurred in Haryana due to reservation riots, the Chief Minister of GNCTD published an Ad blaming the Haryana Government and the Congress Party for the riots. In this regard it is once again submitted that if GNCTD is allowed to publish such Ads then the same would not only lead to unrest in the society but also a gross abuse of public wealth for purely political purposes.

3 (8) (6) A copy of the transcript of the Ad dated 10.03.2016 was annexed to the petition.

Comments of Government of National Capital Territory of Delhi:

3 (8) (7) The DIP issued all advertisements after obtaining the approval of the Competent Authority i.e., Deputy Chief Minister, Government of NCT of Delhi. Detailed reply about advertisements issued outside Delhi has already been furnished in point number 1.

3(9) Unequal distribution of ads to patronize select media houses

The complaint alleges that the GNCTD is giving Ads only to a select media houses and newspapers in order to receive favourable coverage from them and that many media houses/

newspapers were completely blacked-out and not given any ads at any occasion whatsoever. Whereas, some selected publications/ news channels were rewarded with heavy advertisement contracts.

Comments of Government of National Capital Territory of Delhi:

3 (9) (2) The primary objective of the Government in advertising is to secure the widest possible coverage of the intended content or message through newspapers. In releasing advertisements to newspapers, the DIP does not take into account of the editorial policies of newspapers. Last but not least, the Government advertisements are not intended to be financial assistance to newspapers whereas the DIP released the advertisement on the basis of DAVP list of Publications. The Government of NCT of Delhi releases the print/Radio/TV/Outdoor Advertisements through DAVP approved media strictly on DAVP rates with the prior approval of the Competent Authority.

3 (8) (3) The Government of NCT of Delhi is fully obeying the guidelines on Content Regulation of Government Advertising issued by the Hon'ble Supreme Court. Last but not least, the Government of NCT of Delhi has complied with all policy guidelines and financial tenets while making the expenditure on advertisement.

Conclusion:

4 (1) The Committee has meticulously gone through the voluminous complaint and the response of the Government of NCT of Delhi. It is pertinent to mention in the beginning that it has also noted the observation/ order of Hon'ble Supreme Court of India dated 28.4.2016, which has stated as follows: "However, we would like to add that the impact and importance of a government advertisement cannot be lost on the functionaries of the Union as well as the State, the purpose and significance of which has been detailed in the judgment of this Court dated 13th May, 2015. The Court would expect all such functionaries to rise to the occasion and to act in the matter of publication of Government Advertisements with utmost responsibility so as to ensure that such advertisements carry the right message to the citizens and do not glorify and/or personify any particular individual presently in the helm of affairs of the Union or the State. Having said that we would also like to point out that a reading of the advertisements in question published by the Government of NCT of Delhi would go to show that some portions of the same have been somewhat inarticulately drafted and there is room for improvement. We are confident that in the advertisements that will henceforth be issued by the Government of NCT of Delhi as well as the State of Tamil Nadu and by all other States as well as the Union of India the purpose of Government advertisements as dealt with in the judgment dated 13th May, 2015 shall be kept in mind and the advertisements will be published in the true spirit in which they are required to be so published."

4 (2) However, the order dated 10.8.2016 of the Hon'ble Delhi High Court has asked this Committee to 'consider and decide' the complaint in accordance with the Guidelines. The committee as per the direction of the Hon'ble Delhi High Court has examined the complaint, and reached the following conclusions with regard to the nine alleged violations of the guidelines mentioned in the complaint.

4 (3) (1) Outstation/ National Level Ads by GNCTD: The allegation is that the Government of NCT of Delhi issued advertisement to newspapers, radio and TV channels situated in other States. On examination it appears that the Government of NCT of Delhi has not considered the Guidelines before issuing the advertisements in question. The fact that the advertisements running into one or more full pages were issued to newspapers located far outside the geographical area of Delhi, that too without having any relevance to the readers of those States or any benefit to the citizens of Delhi is in clear violation of the first objective of the guidelines namely to "To prevent arbitrary use of public funds for advertising by public authorities to project particular personalities, parties or governments without any attendant public interest." The Committee is not of the opinion that a State Government should not advertise outside its boundaries, but it should be for attracting investment, business, talent etc and the advertisements should be designed accordingly for the purpose and released for the specific target group. If some Chief Ministers think that they are very special and their policies are relevant to the entire country, in such cases their political parties should bear the expenditure of such publicity and not the Government as the very first objective of content regulation quoted above makes it amply clear. The Committee is of the opinion that the advertisements issued to newspapers, radio station and TV channels outside the NCT of Delhi are violating the guidelines.

4 (4) (2) Advertisements deceptively designed as newspaper reports: The allegation is that advertisements were deceptively designed as newspaper reports. The advertisements designed as newspaper reports are called the advertorial type of advertisement design and is very widely used and serves the purpose of an advertisement, assuming the credibility of a newspaper report and could be very effective in reaching certain target audience. This is an acceptable form of creative design. However, it should be very clear to the Government that it is also an advertisement paid for by the Government and hence all the guidelines as applicable to other type of advertisements apply to it. For the above reason, the committee finds that the allegation that publication of advertisements in the form of newspaper reports has violated the guidelines is without merit.

4 (4) (3): False and misleading advertisements: (i) The allegation is that the Government of NCT of Delhi issued advertisements which were factually incorrect and misleading. These allegations have not even denied by the Government in their comments. It only stated that the Directorate of Information & Publicity (DIP) is only the releasing agency and the advertisements are to be approved by the Head of the Department (HOD) concerned. The fact that even the name of the Transport Minister, based on whose statement/ interview the advertorial in the Times of India dated 16.2.2016 was designed, is wrong shows that the Government/ HOD concerned has not paid their complete attention while clearing the advertisement. As per the guidelines issued by the Supreme Court of India (para 6 (iii)) “...where information is presented as a fact, it should be accurate and verifiable;”. The accountability for ensuring that facts in the advertisements issued by the Government are accurate squarely lies with the Government. The Committee upholds this allegation.

4 (4) (3)(ii) In regard to the other two allegations, namely (i) “the bus fleet in the capital has been augmented” and (ii) “350 crores saved in construction of elevated corridor” the Committee in the absence of proper response/ records from the Govt. of NCT of Delhi is unable to come to the conclusion about the factual accuracy of these advertisements. The Committee would like the Govt. of NCT of Delhi to look into these allegations with regard to the facts and if these are not based on facts or accurate information, the Govt. should initiate action against those responsible for violation of the guidelines on the subject.

4 (4)(4): Large-scale advertisements on anniversary of party in power: The allegation is that the Government of NCT of Delhi issued large scale advertising on its anniversary. Para-9 of the Supreme Court of India judgment dated 13.5.2015 says that “...such advertisements do have the effect of keeping citizens informed of the government functioning and therefore would be permissible”. Since the SC guidelines permit issue of advertisements highlighting completion of a fixed period of government’s tenure like anniversaries, the Committee does not find any merit in the allegation.

4 (4) (5) Advertisements for self-glorification and to target political opponents: (i) The next allegation is that some of the advertisements issued by the Government of NCT of Delhi attacked the opposition and were aimed at self-glorification. In their comments on the allegation the Government of NCT of Delhi said that since the Chief Minister is the face of the State Government, he figures prominently in the advertisements. However, they have not said anything about the targeting the political opponents. The committee found that in the translated transcript of a TV spot released on the occasion of completion of 100 days in power, the Chief Minister’s name occurs nine times. In the same TV spot, which is a Government produced testimonial, a character of a beneficiary of low power tariff, makes a statement

against the political opponents of the Chief Minister, which reads “Every day when I watch TV, it seems that all the cheaters/ dishonest people have got together and are targeting Kejriwal and malign him on daily basis..”. The Committee is of the opinion that a Government produced advertisement should not have attacked the opposition in this way. The above mentioned advertisement describes the Chief Minister as a savior and eulogizes him by name. Para 6 (3) of the Supreme Court judgment reads, “Advertisement materials should be objective and not directed at promoting political interests of ruling party. Para 6 (3) (ii) of the same judgment stipulates that “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. In view of the above the Committee feels that the allegation is valid, as it is violative of the guidelines of SC referred to above.

4 (4) (5)(ii) The allegation is that the Government of NCT of Delhi has issued a hoarding advertisement aimed against the Prime Minister. In their comments the Government of NCT of Delhi has denied that they have issued the hoarding advertisement aimed against the Prime Minister. However, they have not stated what action it had taken against those who misused its logo to attack the Prime Minister. The committee fails to understand that someone unauthorized could issue an objectionable advertisement/ hoarding against the Prime Minister using the logo of the Government of NCT of Delhi and no action was initiated against that person by the Govt. of NCT of Delhi. The Government of NCT of Delhi has however not denied issuing another outdoor publicity advertisement which states “woh pareshan karte rahe, hum kaam karte rahe”. It is understood that ‘woh’ here is the political opposition. In view of the stipulations of the Supreme Court judgment mentioned in the above paragraph the committee finds this allegation also valid.

4 (4) (6): Advertisements against the media: The allegation is about a full page advertisement issued on 21.9.2015 to contradict a story carried by the Aajtak TV channel. The Government of NCT of Delhi thought that a news story carried by Aajtak TV channel on the procurement and sale of onions by the Government of NCT of Delhi, was incorrect. It issued a full page advertisement in several newspapers, whose heading read “Exposing the lies spread by Aajtak on the onion issue”. This advertisement also has a sentence which reads, “To defame the Delhi Government and Chief Minister Kejriwalji, Aaj Tak Channel often runs this kind of false news.” The committee finds that it is unusual for a government to take the route of advertisement to contradict a news story carried by one channel. In its comment, the Government of NCT of Delhi has only stated that this advertisement was issued with the approval of the competent authority. The contention of the complainant is correct that a Government has several ways to contradict an incorrect news item and make its clarification reach the people. The guidelines clearly state that “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". In view of this the Committee has come to the conclusion that issuing of such advertisement is a wasteful expenditure and is violative of SC guidelines.

4 (4) (7): Advertisements mentioning the party in power by name: The next allegation is that the advertisements issued by the Government of NCT of Delhi mention the party in power by name. In their comments the Government of NCT of Delhi had stated that the expression 'AAP Ki Sarkar' in Hindi means 'your government' and hence it did not amount to mentioning the political party by name. Even if one agrees with that contention, it is difficult to explain away how Government funded advertisements could describe the Delhi Government as "Aam Admi Party Government". This expression occurs at several places in the advertorials released by the Government. An advertorial is also an advertisement issued and paid for by the Government concerned and the use of the name of the political party in power in those advertisements is not permitted under the Supreme Court approved guidelines. Para(6) (3) (iii) of these guidelines lays down "Advertisement materials must not- mention the party in government by name". For example a sentence in the advertorial published in Indian Express on 15.2.2016 reads "Since the time Aam Admi Party (AAP) led government has been voted to power it is constantly gearing itself up to provide better health services for the common man." The opening sentence in another advertorial published in the same newspaper on 14.2.2016 reads, " The party which came to power on the belief that it would sweep away corruption from the system launched a helpline number for populace where they could call up in the event of facing corruption." The other examples include a heading in the advertorial in Times of India dated 14.1.2016 which reads, "AAP decision on power tariff benefits 36.06 lakh families.", another sentence in the same advertorial reads, "As part of AAP Health policy charges levied for all services in hospitals should be prominently displayed in hospital premises and on website.", another heading reads- "AAP sacks Minister for graft", another heading in the same newspaper on 15.1.2016 reads- "AAP presents country's first Swaraj budget". There are several other instances where the political party in power is mentioned by name and the credit for various decisions of the Government is given to the party. Since this is a clear violation of the para (6) (3) (iii) of the Supreme Court guidelines quoted above, the committee upholds the allegation.

4 (4) (8): Advertisements on issues outside the jurisdiction of the GNCTD: The allegation is that the Government of NCT of Delhi issued advertisements on incidents that took place in other States. The complainant brought two such instances to the notice of the Committee. The Government of NCT of Delhi in their comments has simply stated the said advertisements were released after obtaining the approval of the competent authority i.e. Deputy Chief Minister. They have not denied the issuing of these advertisements. Both the audio visual advertisement issued after an incident of lynching in Dadri in Uttar Pradesh and the print advertisement issued after some violent incidents in Haryana under the title, " a letter to the people of Haryana" show that the Government of NCT of Delhi used the mode of Government advertisements to publicise the personal or political opinion of the Chief Minister on incidents which took place in other States. It clearly violated the first of the five principles of content regulation laid down by the Supreme Court, namely "the advertisement campaigns to be related to Government

responsibilities". As stated earlier a Chief Minister has several ways to make his opinion reach the people and the luxury of issuing government advertisements for this purpose is not one of them, at least after the Supreme Court judgment dated 13.5.2015. In view of the above, the Committee feels that this allegation is valid. The Committee also has come to the conclusion that issuing of such type of advertisements was not warranted and has resulted in unnecessary wasteful expenditure.

4 (4) (9): Unequal distribution of advertisements to patronize select media houses: The allegation is that the Government of NCT of Delhi has favoured some of the media houses while some others were discriminated against in the distribution of advertisements. The complainant has not substantiated this allegation with facts and figures and also no media house has brought this to the notice of this Committee, so far. The committee, therefore does not uphold this allegation.

5. Both the complainant and the Government of the NCT of Delhi have brought the issue of CAG audit of Delhi Government's advertisements to the notice of the Committee. However, in accordance of the Delhi High Court Order dated 10.08.2016, the Committee is confining itself to the allegations raised in the complaint and to consider whether there is any violation of the guidelines as contained in the Hon'ble Supreme Court's judgment of 13.5.2015.

6. The Committee has unanimously come to the conclusion that the Government of NCT of Delhi has violated the guidelines issued by the Hon'ble Supreme Court of India in six of the nine areas listed by the complainant. They include 1. Outstation advertisements, 2. False/ misleading advertisements, 3. Advertisements for self-glorification and to target political opponents, 4. Advertisements against media, 5. Advertisements mentioning the party in power by name, and 6. Advertisements issued on incidents occurring in other states. As the Committee has come to a conclusion that the Government of NCT of Delhi has violated the guidelines, the issue of fixing responsibility arises. The Supreme Court has stated in its judgment on compliance and enforcement that the three member committee shall receive complaints of violations of Guidelines and to recommend action in accordance with the Guidelines. It also stated that the 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. In the present case the Government of NCT of Delhi has stated that some advertisements were released after getting clearance from Head of the Departments (HODs) and some advertisements were cleared by the Deputy Chief Minister.

7. In six areas listed in the above paragraph, where this Committee found violations of guidelines, the Committee directs that appropriate action should be initiated as per the relevant rules against all those responsible for the violations.

8. The main purpose and objective of the guidelines framed by the Hon'ble Supreme Court of India was also to prevent misuse of Government funds for the projection of image of the politician or the political party in power. Since the same has happened even after the judgment, the only way it could be remedied is to make the political party, the main beneficiary in the

process of violation to pay for the expenditure incurred by the Government. The Committee directs the Government of NCT of Delhi to assess the expenditure incurred by it in issuing advertisements (i) outside the territory of Delhi on the occasion of various anniversaries (except those tender/ appointment advertisements which are outside the purview of these guidelines), (ii) on those advertisements/ advertorials in which the name of Aam Admi Party is mentioned (iii) on those advertisements which publicized the views of the Chief Minister on incidents that took place in other States, and (iv) on those advertisements which targeted the opposition. The Committee further directs the Govt. of NCT of Delhi to get the entire expenditure so incurred on the above mentioned category of advertisements reimbursed to the State exchequer from the Aam Admi Party.

9. The Committee directs the Member Secretary to make the copies of this order available to the Lt. Governor, Delhi, and the Chief Secretary, Government of NCT of Delhi for taking necessary action. It further directs that copy of the order shall also be sent to:-

- (i) The Registrar, Hon'ble Delhi High Court for kind information, and
- (ii) Shri Ajay Maken, complainant.

-Sd-
(Shri Piyush Pandey)
Member

-Sd-
(Shri Rajat Sharma)
Member

-Sd-
(B.B. Tandon)
Chairman

ATTESTED

(N. V. REDDY)
Member Secretary