

**GOVERNMENT OF INDIA  
MINISTRY OF INFORMATION AND BROADCASTING**

**LOK SABHA  
UNSTARRED QUESTION NO. 3906  
TO BE ANSWERED ON 03/01/2019**

**MECHANISM TO MONITOR MISLEADING ADVERTISEMENTS**

**3906. SHRI RAHUL SHEWALE:  
SHRI SANJAY DHOTRE:  
SHRI BHARTRUHARI MAHTAB:**

Will the Minister of **INFORMATION AND BROADCASTING**

be pleased to state:

- (a) the existing mechanism to monitor the misleading advertisements in electronic, print and social media across the country;
- (b) the number of cases of misleading advertisement detected by the existing monitoring mechanism along with the status of such cases during each of the last three years and the current year;
- (c) the number of misleading advertisers being punished in the country so far, State/UT-wise;
- (d) the role and success achieved by the online portal launched by the Government to curb misleading advertisements in the country; and
- (e) the other steps taken/being taken by the Government to prevent misleading advertisements in electronic, print as well as social media?

**ANSWER**

**MINISTER OF STATE (INDEPENDENT CHARGE) IN THE MINISTRY OF  
INFORMATION & BROADCASTING  
[COL RAJYAVARDHAN RATHORE (Retd.)]**

(a): Advertisements telecast on TV channels are required to adhere to the Advertising Code prescribed under the Cable TV Networks (Regulation) Act, 1995 and Rules framed thereunder. As per existing regulatory frame work there is no pre-censorship on advertisements. Action is taken whenever violation of Code is established.

The Government has constituted an Inter-Ministerial Committee (IMC) to take cognizance suo-motu or look into specific complaints regarding violation of the Programme Code and Advertising Code, and make appropriate recommendations for further action by the Government.

In so far as Print Media is concerned, Press Council monitors and takes cognizance, suo-motu or on the complaints received on misleading advertisements. The Council has laid down Norm under the Head "Advertisement" for the adherence of the print media. Complaints against misleading advertisements are adjudicated as per the provision of Press Council (Procedure for Inquiry) Regulations, 1979.

Contt.....2/-

The Department of Consumer Affairs (DoCA) has informed that it has entered into an Memorandum of Understanding with Advertising Standards Council of India (ASCI) to monitor the misleading advertisements in print and electronic media on behalf of the Department of Consumer Affairs and take corrective actions to prevent this. There is one online portal "Grievance Against Misleading Advertisements" (GAMA) maintained by the Department for consumers to lodge the complaints online since March, 2015 and it is being used extensively by consumers. ASCI persuades the erring advertisers to issue corrective advertisements.

(b) to (d): State wise details of Complaints are not centrally maintained. Number of complaints received in Press Council of India (PCI) and GAMA Portal during the last three years and the current year (upto 29.12.2018) is as under:

	2015- 2016	2016-2017	2017-2018	2018-2019
Number of complaints	1051	2358	3653	2956

Complaints are dealt with in accordance with the law and after following due procedure.

(e): The Consumer Protection Bill 2018 which has been passed by the Lok Sabha on 20.12.2018, inter-alia, provides for establishment of Central Consumer Protection Authority (CCPA) to monitor misleading advertisements.

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**ANNEXURE AS REFERRED TO IN REPLY TO PARTS (a) TO (e) OF LOK SABHA  
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**36. Advertisements**

i) Commercial advertisements are information as much as social, economic or political information. What is more, advertisements shape attitude and ways of life at least as much, as other kinds of information and comment. Journalistic propriety demands that advertisements must be clearly distinguishable from news content carried in the newspaper.

ii) No advertisement shall be published, which promotes directly or indirectly production, sale or consumption of cigarettes, tobacco products, wine, alcohol, liquor and other intoxicants.

iii) Newspaper shall not publish advertisements, which have a tendency to malign or hurt the religious sentiments of any community or section of society.

iv) Advertisements which offend the provisions of the Drugs and Magical Remedies (Objectionable Advertisement) Act as amended in 2002, or any other statute should be rejected.

v) Newspapers should not publish an advertisement containing anything which is unlawful or illegal, or is contrary to public decency, good taste or to journalistic ethics or propriety.

vi) Journalistic propriety demands that advertisements must be clearly distinguishable from editorial matter carried in the newspaper. Newspapers while publishing advertisements should specify the amount received by them. The rationale behind this is that advertisements should be charged at rates usually chargeable by a newspaper since payment of more than the normal rates would amount to a subsidy to the paper.

vii) Publication of dummy or lifted advertisements that have neither been paid for, nor authorised by the advertisers, constitute breach of journalistic ethics specially when the paper raises a bill in respect of such advertisements.

viii) Deliberate failure to publish an advertisement in all the copies of a newspaper offends against the standards of journalistic ethics and constitutes gross professional misconduct.

ix) There should be total co-ordination and communication between the advertisement department and the editorial department of a newspaper in the matter of considering the legality propriety or otherwise of an advertisement received for publication.

x) The editors should insist on their right to have the final say in the acceptance or rejection of advertisements, specially those which border on or cross the line between decency and obscenity.

xi) Newspapers to carry caution notice with matrimonial advertisements carrying following text\* "Readers are advised to make appropriate thorough inquiries before acting upon any advertisement. This newspaper does not vouch or subscribe to claim and representation made by the advertiser regarding the particulars of status, age, income of the bride/bridegroom".

xii) An editor shall be responsible for all matters, including advertisements published in the newspaper. If responsibility is disclaimed, this shall be explicitly stated beforehand.

**\* Foot note: -**

The Hon'ble High Court of Delhi in connection with FAO No 65/1998 of Smt Harjeet Kaur Vs Shri Surinder Pal Singh directed the Press Council of India to instruct the newspaper to publish classified/matrimonial advertisement by advising them to alongside publish the said Caution Notice in their newspapers.

xiii) Tele-friendship advertisements carried by newspapers across the country inviting general public to dial the given number for 'entertaining' talk and offering suggestive tele-talk tend to pollute adolescent minds and promote immoral cultural ethos. The Press should refuse to accept such advertisements.

xiv) Classified advertisements of health and physical fitness services using undignified languages, indicative of covert soliciting, are violative of law as well as ethics. The newspaper should adopt a mechanism for vetting such an advertisement to ensure that the soliciting advertisements are not carried.

xv) Advertisements of contraceptive and supply of brand item attaching to the advertisement is not very ethical, given the social milieu and the traditional values held dear in our country. A newspaper has a sacred duty to educate people about precautionary measures to avoid AIDS and exhibit greater far sight in accepting advertisement even though issued by social welfare organisation.

(xvi) Employment News which is trusted as a purveyor of authentic news on government jobs should be more careful in accepting advertisements of only *bonafide* private bodies.

(xvii) While accepting advertisements of educational institutes newspapers may ensure that such advertisements carry the mandatory statement that the concerned institutes are recognized under the relevant enactments of law.

xviii) Advertisements play extremely vital role in shaping the values and concerns of the present day society and as more and more lenient view is taken of what is not the norm, the speedier may be acceptability of such matters in 'public perception' but at what cost is the essential point for consideration. It should be borne in mind that in the race to be globally relevant we do not leave behind the values that have earned India the unique place it enjoys globally on moral and ethical plane.

xix) Publication of an advertisement for adoption of an unborn behind is not only illegal but also unethical. The paper should duly scrutinize advertisements before publishing them.

xx) The newspaper cannot be held responsible for publication of an advertisement given by the advertisement agency related to legal dispute on behalf of its client.

xxi) All material published as an advertisement or promotional feature clearly so identified for the benefit of the public at large.

xxii) The newspapers and periodicals should scrutinize the advertisement inputs from ethical as well as legal angles in view of the editor's responsibility for all contents including advertisement. Under Section 7 of PRB Act, 1867. Revenue generation along cannot and should not be the sole aim of the Press, juxtaposed much large public responsibility.

xxiii) Publication seeking Kidney from willing altruistic donor is not to be made.

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**ANNEXURE AS REFERRED TO IN REPLY TO PARTS (a) TO (e) OF LOK SABHA UNSTARRED QUESTION NO. 3906 FOR 03.01.2019**

Complaint cases relating to allegedly Misleading Advertisements.

Misleading Advertisements 2015-2016

Sl. No.	Complainant	Respondent	Action Taken/Status
1.	Shri S.L. Sharma, Rajasthan	Media	Closed on 30.09.2015 for non-pursuance
2.	Shri Jai Singh, Uttar Pradesh	Amar Ujala	Closed on 30.09.2015 for non pursuance
3.	Shri Hakrinder Pal Singh, Advocate	Print Media	Closed on 26.10.2015 being non-pursuance
4.	Shri Rohit Kumar, Bihar	Prabhat Khabar	Closed on 23.06.2016 being non-pursuance
5.	Shri Ashish Gogia, Assistant General Manager, RBI, New Delhi	Dainik Bhaskar	Closed on 29.06.2016 being non-pursuance

Misleading Advertisements 2016-2017

Sl. No.	Complainant	Respondent	Action Taken/Status
1.	Shri Surkant, Mumbai	Mid-Day	Closed on 07.07.2017 for non pursuance
2.	Mrs. Geeta Devi	Bir Arjun	Closed on 12.08.2016 for default of requiremnts.
3.	Dr. Satyender Kapoor, Punjab	Print and Electronic Media	Closed on 12.08.2016 for default of requirements.
4.	Shri Hemant Kalra, Rajasthan	Dainik Bhaskar	Closed on 05.07.2017 for being non pursuance.
5.	Dr. Vishnu Rajgadiya, Jharkhand	Dainik Hindustan	Decided on 03.03.2017 and the case was dismissed.
6.	Dr. Lalit Mohan, Through Mail	Nav Bharat Times	Closed on 19.12.2016.

Misleading Advertisements 2016-2017

Sl. No.	Complainant	Respondent	Action Taken/Status
1.	Shri Awadesh Singh Bhadoriya	Dainik Bhaskar	Closed on 28.02.2018 for non pursuance.
2.	Shri Jitender Malviya, Jodhpur	Rajasthan Patrika	Closed on 04.04.2018 for non pursuance.
3.	Shri Dharmendra Kunwal, Mimbai	Maharashtra Times, Lokmat and Navbharat Times	Matter was listed for hearing on 17-18 December, 2018 at the same is adjourned..

Note:- No such case is registered during 2018-2019.

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