

F.No.M-24013/17/2014-MUC (Pt.I)  
Government of India  
Ministry of Information & Broadcasting  
(Media Unit Cell)

Shastri Bhavan, New Delhi-110 001

Dated: ..... April, 2016

**ORDER**

Hon'ble Supreme Court of India, while pronouncing its judgement on 13.05.2015 after hearing Writ Petition (Civil) No 13 of 2003 with Writ Petition (Civil) No.197 of 2004 and WP (Civil) No.302 of 2012, had directed to constitute a three member body consisting of persons with unimpeachable neutrality and impartiality and who have excelled in their respective fields for ironing out the creases that are bound to show from time to time in implementation of the Supreme Court Guidelines on Content Regulation of Government Advertising.


2. Following a consultation with Ministry of Law and Justice, this Ministry had constituted a three member Panel for selection of a Three Member Committee. The Selection Panel had held a meeting on 31.3.2016 in New Delhi. In accordance with the direction of Hon'ble Supreme Court dated 13.5.2015 and based on the recommendations of the Selection Panel, the Competent Authority in this Ministry has decided to constitute a Three Member Committee comprising the following persons:-

(1)	Shri B.B. Tandon, Former Chief Election Commissioner of India	Chairperson
(2)	Shri Rajat Sharma, Chairman and Editor-in-Chief of India TV and President of the News Broadcasters Association	Member
(3)	Shri Piyush Pandey, Executive Chairman and Creative Director, South Asia, Ogilvy & Mather	Member

3. The Competent Authority in this Ministry has also nominated Shri N.V. Reddy, Additional Director General, Directorate of Advertising and Visual Publicity (DAVP) as Member Secretary to the afore-mentioned Three Member Committee to facilitate its day-to-day functioning.

4. The terms of references, including the functions and powers, duties and responsibilities and tenure etc. of the Three Member Committee is indicated in the attached guidelines of Three Member Committee.

Encl: A/a.

  
( Manoj Kumar Bansal )  
Under Secretary to the Government of India  
Tele:23386199

To

All members of the Three Member Committee.

Copy to:-

1. PS to HMIB
2. PS to HMSIB
3. Chairman, Press Council of India, Soochna Bhavan, New Delhi  
(Chairman of Selection Panel)
4. Shri Prasoon Joshi, CEO, McCann Worldgroup India, New Delhi  
(Member of Selection Panel)
5. PPS to Secretary (I&B)
6. PPS to SS (I&B)

Copy also to DAVP (Shri K. Ganesan, DG) with a request to operationalize the above Order in the light of the Guidelines of Three Member Committee, a copy of which is enclosed.

## **GUIDELINES OF THREE MEMBER COMMITTEE**

### **OBJECTIVE**

As per directions of Hon'ble Supreme Court, Government of India is obliged to bring about legislation on the Content Regulation of Government funded advertisements in all media platforms. Preparation of a draft bill and passage of the same into an Act is a detailed process and likely to take time. Thus, to ensure compliance of orders of the Supreme Court in this regard, a Three Member Committee as directed by the Supreme Court is proposed for the period till legislation is actually brought on the subject matter.

2. Direction of Hon'ble Supreme Court regarding setting up a Three Member Committee as indicated at para 24 of the judgement dated 13.5.2015 is reproduced below:-

"24. In so far as the recommendation with regard to the appointment of Ombudsmen is concerned, we are of the view that for ironing out the creases that are bound to show from time to time in the implementation of the present directions and to oversee such implementation the Govt. should constitute a three member body consisting of persons with unimpeachable neutrality and impartiality and who have excelled in their respective fields. We could have but we refrain from naming the specific persons and leave the said exercise to be performed by the Union Government"

3. Based on the consultation held with Ministry of Law and Justice, Government of India, the framework of the Three Member Committee is given below:-

#### **I. Composition of the Three Member Committee-**

1. Chairperson: Retired Chairman/Member, Election Commission of India / Central Vigilance Commission/ Central Information Commission etc.
2. Member: Chairman/Member of self-regulatory agencies in the field of media/advertising, such as Advertising Standard Council of India (ASCI) / News Broadcasters Association (NBA) / Broadcasting Content Complaint Council (BCCC) etc.
3. Member: A reputed professional from Advertising or Print media industry.



The Body would be assisted by a nominated Addl. Director General, Directorate of Advertising and Visual Publicity (DAVP) who would act as member secretary to the Committee.

## **II. Panel for selection of the Committee**

For constituting the Three Member Committee, there will be a three member selection panel headed by Chairman, Press Council of India. The other two members in the selection panel will be Secretary (I&B) and an independent expert from advertisement / journalism stream.

In the selection panel, the first two members i.e. Chairman, PCI and Secretary (I&B) would be the permanent members while the third member may change in case of any explainable exigency. The panel would help selection of members of the Three Member Committee whenever any need arises owing to completion of tenure or resignation tendered by any member of the Committee.

## **III. Territorial Jurisdiction on Content Regulation**

1. The jurisdiction of the Three Member Committee would extend to advertisements issued by all –
  - (a) Ministries/Departments of Government of India and Union Territory Administrations;
  - (b) public sector undertakings of Government of India;
  - (c) local bodies and other autonomous bodies/organizations established under a Statute by Government of India / Union Territory Administrations.
2. Cases related to advertisements released by State Government will not come under the purview of the Three Member Committee.
3. The State Governments shall appoint their own Three Member Committee on the same basis as these Guidelines of the Central

Government for monitoring / implementation of the Supreme Court guidelines.

#### **IV. Functions and Powers of the Three Member Body**

1. The Three Member Committee would address complaints from the general public of violation on the implementation of the guidelines of Hon'ble Supreme Court. In cases of violation the Committee would make their recommendations to the Ministry /Department for remedial action for their satisfactory settlement.
2. The Committee would take suo motu cognizance of any violation / deviation of the guidelines of Hon'ble Supreme Court and recommend corrective action to the Ministry /Department.
3. As per the Hon'ble Supreme Court order, the Three Member Body would be responsible "for ironing out the creases that are bound to show from time to time in the implementation of the present directions and to oversee such implementation".
4. The Committee as such may recommend suitable changes to the Guidelines to deal with new circumstances and situations that may arise from time to time. However, Committee shall make such recommendations, if any, without making major policy changes within the policy direction in the Supreme Court Order dated 13.5.2015.

#### **V. Duties and responsibilities of the Three Member Committee**

1. The Committee shall not be bound by any legal rules of evidence (as followed by any court of law) and may follow such procedure that appears to it to be fair and proper for swift settlement of grievances.
2. The Committee will determine its own work process and the procedure for redressal of grievance that shall, inter-alia, includes (i) Grounds on which complaints shall be filed and (ii) Procedure for filling complaints.
3. The Committee will maintain confidentiality of any information or document in their possession or knowledge in the course of discharging its duties and not disclose such information or document to any person, except



with the consent of the person or party furnishing such information or document.

4. Furnish Monthly Report to Ministry of Information & Broadcasting highlighting cases taken up by it either suo motu or on the basis of any complaint received. The Committee shall also furnish an Annual Report containing a general review of activities of the office during the year to Ministry of Information & Broadcasting.

5. Committee may also send their recommendations on any matter within their scope and powers of function to the Government at any time as felt necessary.

#### **VI. Judgement**

For all decisions of the Committee, the view of majority shall prevail.

#### **VII. Tenure of the Three Member Committee**

The tenure of all the three members will be initially for a period of two years. The tenure of every member shall be extendable by one year at a time, but overall extension should not be more than two times.

#### **VIII. Resignation, removal of Chairperson and other members**

1. The chairperson or any other Member may, by notice in writing addressed to the Central Government, resign his office:

Provided that the Chairperson or a Member shall, unless he is permitted by the Central Government to relinquish his office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person is appointed as his successor or until the expiry of his term of office, whichever is the earliest.

2. Notwithstanding anything contained in sub-section (1), the Central Government may, by order, remove the Chairperson or any other Member from his office if such Chairperson or Member, as the case may be:

(a) is, or any time has been, adjudged as an insolvent, or

- (b) has been convicted of any offence which, in the opinion of the Central Government, involves moral turpitude, or
- (c) has acquired such financial or other interest as is likely to affect prejudicially his functions as a Member, or
- (d) has so abused his position as to render his continuance in office prejudicial to the public interest, or
- (e) has become physically or mentally incapable of acting as a Member.

#### **IX. Remuneration**

A consolidated fee shall be paid to all the members of the Committee. Government shall decide upon the remuneration and other allowances. These may be reviewed by the Government but not before 5 years from the date of last fixation of the same.

#### **X. Location**

1. The office of the Committee would be in Delhi with an office space of appropriate size and would be provided by the Government.
2. Secretarial help to the Committee would be given by DAVP by setting up a Cell comprising a Section Officer, Assistant(s) and a Multi-Tasking Staff (MTS). Secretarial help shall also be provided to the chairperson and members as under:
  - (i) Secretarial assistance to Chairman: Principal Private Secretary (PPS) / Private Secretary (PS) and an MTS.
  - (ii) Secretarial assistance to Members: Private Secretary (PS) / Personal Assistant (PA) and an MTS to each members.
  - (iii) Any other additional staff may be forwarded to the Chairman / Members as and when required.

#### **XI. Miscellaneous provisions**

1. Ministry of I&B would make separate budgetary allocation to DAVP for the day to day functioning of the Committee.

2. Tours and other allowances: Tours by the Chairman / Members, if necessary, for work within the country shall be permitted for not more than 10 days in a year. TA/DA will be paid as per the laid down procedure of Government of India.

3. If any difficulty arises in giving effect to the work of the Committee, Ministry of Information & Broadcasting will make such provisions for removing the difficulty.

.....