

**GOVERNMENT OF INDIA
INFORMATION AND BROADCASTING
LOK SABHA**

UNSTARRED QUESTION NO:2715

ANSWERED ON:11.12.2006

COMPREHENSIVE LAW TO IMPOSE ON EXAGGERATION ADVERTISEMENTS

Lagadapati Shri Rajagopal

Will the Minister of INFORMATION AND BROADCASTING be pleased to state:

(a) whether the Government is aware that there is exaggeration in advertisement of many products which do not really reveal the potential of their products;

(b) if so, whether the government has any plan to bring in a comprehensive law to impose on such exaggerated advertisements so as to protect the consumers;

(c) if so, whether any consultations with FICCI, ASSOCHAM, CII, etc., have been held in this regard; and

(d) if so, the details thereof?

Answer

THE MINISTER OF INFORMATION AND BROADCASTING AND PARLIAMENTARY AFFAIRS (SHRI P. R. DASMUNSI)

(a): Some instances have been brought to the notice of the Government. As far as electronic media is concerned, all programmes and advertisements of satellite TV channels transmitted or retransmitted through cable service are required to adhere to the provisions of the Advertising code prescribed under the Cable Television Networks (Regulation) Act, 1995 and the rules framed thereunder. With a view to look into the violations of the Programme and Advertising Codes the Central Government has constituted an Inter-ministerial Committee under Section 20 of the Act to look into any such violation. The Committee either suo-moto or on receipt of complaints, examines cases of violation of the Code and if any such violation is noted by the committee the same is communicated to the Government and action is taken against the TV channel as per rules thereafter.

The Press in India is free from Government control. The Press Council of India (PCI) is a statutory authority established for preserving the freedom of the Press and for maintaining and improving the standards of newspapers and news agencies in India. The Press Council of India (PCI), which is in the nature of a self-regulatory body of the Press, has built "Norms of Journalistic Conduct", which cover principles and ethics with regard to journalism, which states that Editors should insist on their right to have the final say in the acceptance or rejection of advertisements. The advisories issued by the Press Council of India, however, carry only moral force and are not enforceable in a Court of Law.

Misleading Advertisements issued with the objective of attracting consumers by companies come under the category of unfair trade practices under Section 36A of the Monopolies and Restrictive Trade Practices Act (MRTP Act). On receipt of complaint, action is taken by the MRTP Commission.

The Consumers who are affected/aggrieved have an option to seek redressal before a Consumer Forum established under Consumer Protection Act, 1986 against such unfair trade practices. The Act also empowers the State or the Central Government, as the case may be, to seek redressal in a Consumer Forum against such unfair trade practices either in individual capacity or as a representative of interests of consumers in general.

(b) to (d): There is a proposal in the Department of Consumer Affairs to set up a National Consumer Protection Authority which would, inter alia, adjudicate on complaints concerning misleading/exaggerated advertisements impacting a class of consumers.