

## **INDEPENDENT REVIEW PROCESS (IRP)**

The ASCI provides an opportunity to the Advertiser and Complainant for an Independent Review Process when it is alleged that there has been substantial flaw/s a) in the recommendations made by the Consumer Complaints Council (CCC)/Fast Track Complaints Panel (FTCP) and/or b) in the Complaints Procedure as prescribed by ASCI.

IRP of the CCC/FTCP recommendations is undertaken by the Chairman, a retired Judge of the Supreme Court/High Court, and assisted by the Secretary General/Chief Complaints Officer/ Chief Administrative Officer, familiar with the proceedings. They could be accompanied by the Chairman/Vice-Chairman, as the case may be, of the CCC / FTCP who heard the initial complaint and a Technical Expert, where necessary.

IRP is applicable where the CCC / FTCP recommendations are made after considering the response received from the Advertiser and on fulfilling the following conditions by the party seeking review under IRP:-

- a) A written application, in the prescribed form, (available on our website [www.ascionline.org](http://www.ascionline.org)) is submitted within ten business days of receipt of CCC / FTCP recommendations.
- b) The application is accompanied by a non-refundable prescribed Fee plus applicable taxes. However if the complainant seeking review is a recognized NGO working for furthering the interest of individual Consumers or a Government institution, the applicable fee may be waived or reduced at the sole discretion of ASCI.
- c) (i) The Parties will be at liberty to provide additional information/ relevant material not submitted earlier;  
(ii) If the IRP applicant (Advertiser or Complainant) are inclined to submit any additional information/relevant material to be considered by the Hon'ble Chairman, they shall submit it to the ASCI secretariat within ten business days of submitting the IRP application;  
(iii) If such additional information/ relevant material is submitted by the Complainant seeking review, it will be sent to the advertiser who shall send his response to the ASCI secretariat within five business days from the date of receipt of such additional information/relevant material. Additional information/ relevant material provided by the Advertiser will not be provided to the Complainant;  
(iv) No party shall be allowed to produce additional information/relevant material, that require further examination of this data on the date of hearing without the permission of the Hon'ble Chairman or on the conditions that may be imposed by the Hon'ble Chairman;  
(v) If the parties fail to produce the additional information/relevant material as per clauses (ii) and (iv) above or fail to remain present, the IRP shall be conducted within 40 business days from the date of the IRP application and disposed of by the Hon'ble Chairman on the basis of available information/ material.
- d) The advertiser seeking review confirms suspension of the offending advertisement or modification of the advertisement by removing all claim/s objected to by the CCC / FTCP across all media including but not limited to Print, Television, Digital media -YouTube, Website et al, etc. pending the IRP recommendations. After giving an assurance for suspension of the advertisement, if the said advertisement with objected claim/s appears in any media prior to the release of IRP recommendation, ASCI may decline all further IRP requests from the advertiser for a period of three months and also withhold the IRP recommendation.

e) By submitting the IRP application it is understood that the advertiser shall accept and comply with the recommendations made by the Chairman of IRP.

f) Party filing for an IRP should not be in non-compliance of a CCC / FTCP / IRP Upheld complaint recommendation or currently have any court proceedings against any CCC / FTCP / IRP recommendation.

g) The advertiser or complainant will not publish the IRP recommendation in any News medium including Newspaper, Media coverage, Website, Digital media, Social media and others.

IRP meeting will be convened once in a Fortnight/Month. Both the complainant and the advertiser will be intimated as to the date, time and venue of the meeting at least five business days prior to the date of the meeting.

Proceedings under IRP are not adversarial or adjudicatory in nature and hence parties may be represented in the meeting by their company officials only. A maximum of three employees of each party should be available at the hearing and each party would be allotted 30 minutes to present their case /argument or as decided by the Chairman of the IRP. Identity of consumer complainant would be protected and his / her presence at the IRP for simultaneous personal hearing is subject to his/her consent.

The Chairman of IRP, after hearing both parties, will give his/her recommendations within five business days thereafter. The technical expert's opinion, if applicable, would be recorded in the IRP recommendation. In case, additional information or clarification is required from either party or the technical expert, the Chairman may, as per his/her discretion, continue the hearing on another convenient date.

In the event either of the parties do not wish a personal hearing, the Chairman of IRP may complete the review based on the additional information/material submitted and his/her findings would be conveyed over email to both the parties within a period of five business days.

Independent Review Process shall not be applicable in case of ex-parte CCC recommendations. However, Re-examination of such recommendations will be undertaken by the CCC on payment of prescribed fee plus applicable taxes (which at the discretion of ASCI maybe reduced/ waived off in deserving cases) and adhering to the conditions laid down in clause (a) (d) (e) and ( f ) above.

Chairman  
Board of Governors, ASCI  
January 2019