

## iCe Hotline

January 23, 2006

### DELHI HIGH COURT RULES ON SYNDICATION ARRANGEMENTS IN THE PRINT MEDIA SECTOR

The Delhi High Court on January 19, 2006 passed judgment that the "**Guidelines for Syndication Arrangements by Newspapers**" ("**Guidelines**") issued by the Ministry of Information and Broadcasting ("**MIB**") was against the freedom of speech and expression guaranteed as a Fundamental Right [Article 19 1(a)] under the Constitution.

The aforesaid Guidelines restrict the publication of syndicated articles and features by foreign writers and journalists in various newspapers and magazines in India, to 20% of the total printed area of the newspaper.

While observing that freedom of press need not be tested on nationality, Justice Vikramjit Sen said the government in a circular could not restrict the publication of syndicated articles and features of the foreign publications in Indian newspapers, magazines and periodicals.

"The impugned circular to restrict the publication of foreign syndicated articles to 20 per cent in the publications in India is struck down as it is contrary to Article 19 of the Constitution," said the order .

Syndication arrangements are typically arrangements with foreign publications (content provider) to secure materials like photographs, cartoons, crossword puzzles, articles, features etc for publication in the Indian newspaper.

The MIB first permitted all registered newspapers to enter into syndication arrangements with foreign publications, under the automatic approval route of the MIB, from June 2003. Prior to June 2003 all syndication arrangements had to be with the prior approval of the MIB. As per the MIB circular of June 2003, only 7.5% of the printed space (excluding advertising space) was permitted for publishing of syndicated material.

The current June 2005 Guideline, which limits the printing of syndicated material to 20% of the printed space, provides the following conditions also for compliance: -

- The syndicated material should not include full copy of the editorial page or the front page of the foreign publication,
- The masthead of the content provider's publication should not be utilized in the Indian publication,
- Credit to the content provider should necessarily be given prominently as a byline in the Indian publication,
- The material procured under syndication arrangement should already have been published in the content provider's publication.

### OUTCOME OF THE DELHI HC ORDER

The freedom of expression argument and the courts interpretation is an interesting development. The Indian press has always been very protective of its freedom and though this is not the first time that the freedom of expression of the press has been brought up in court, it is important as it involves foreign press in India. As per the Constitution of India, the fundamental right to freedom of expression is subject to reasonable restrictions that can be applied by the State. If this order goes in appeal it will be interesting to see what role these restrictions would play in the final outcome.

- **Sushma George & Vivek Kathpalia**

Source: *Business Standard* article dated January 20, 2006

### DISCLAIMER

The contents of this hotline should not be construed as legal opinion. View detailed disclaimer.

This Hotline provides general information existing at the time of preparation. The Hotline is intended as a news update and Nishith Desai Associates neither assumes nor accepts any responsibility for any loss arising to any person acting or refraining from acting as a result of any material contained in this Hotline. It is recommended that professional advice be taken based on the specific facts and circumstances. This Hotline does not substitute the need to refer to the original pronouncements.

This is not a Spam mail. You have received this mail because you have either requested for it or someone must have suggested your name. Since India has no anti-spamming law, we refer to the US directive, which states that a mail cannot be considered Spam if it contains the sender's contact information, which this mail does. In case this mail doesn't concern you, please unsubscribe from mailing list.

## Research Papers

### Handbook on New Labour Codes

April 29, 2024

### Compendium of Research Papers

April 11, 2024

### Third-Party Funding for Dispute Resolution in India

April 02, 2024

## Research Articles

### Private Client Insights - Sustainable Success: How Family Constitutions can Shape Corporate Governance, Business Succession and Familial Legacy

January 25, 2024

### Private Equity and M&A in India: What to Expect in 2024?

January 23, 2024

### Emerging Legal Issues with use of Generative AI

October 27, 2023

## Audio

### Third-Party Funding: India & the World

April 27, 2024

### IBC allows automatic release of ED attachments: Bombay HC reaffirms

April 15, 2024

### The Midnight Clause

February 29, 2024

## NDA Connect

Connect with us at events, conferences and seminars.

## NDA Hotline

Click here to view Hotline archives.

## Video

### Q&A 2024 Protocol to the Mauritius India Tax Treaty

April 22, 2024

### Boost to India's Space Potential: India Liberalizes Foreign Direct

