Course Outline

Time Slot-_____

Course Code: SLGC2LP202

Title: **Law, Media & Technology**

Type of Course: Elective

Cohort for which it is compulsory:

Cohort for which it is elective: MA Law, Politics and Society

No of Credits: 4

Semester and Year Offered: 2nd Semester (Winter Semester 2015)

Course Coordinator and Team: Siddharth Narrain

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Pre-requisites:

Aim:

Law and Media courses currently taught in journalism schools and departments and law schools concentrate on thematic aspects of concerns related to freedom of speech, specific concerns that news organizations and journalists face, and media ethics. This course will differ from this approach, and instead approach media law from the point of view of media technology. This course will approach larger debates around freedom of speech, and thematic debates in media law through the lens of the histories of, and contemporary debates around the publc sphere media technology. The course will attempt an ontological exploration of law and technology with a specific focus on media technologies such as the telegraph, internet, broadcasting, cinema and video.

This course will supplement the one being offered on speech, law and crime language and censorship, and will aim to give students a broad overview of legal and technological debates related to the media. Much of the course will focus on contemporary media, especially internet and social media related themes, while at the same time situating these debates in relation to older media technologies, recognizing that older forms of media continue to be used widely and that there is an increasing overlap and inter-media play, especially in the realm of the digital. The course will aim to equip students with a familiarity with key concepts in media theory, legal

regulation of speech, and contemporary debates around themes such as electronic evidence, intermediary liability, and net neutrality.

Brief description of modules/ Main modules:

Debates around contemporary media forms have been addresses through many disciplinary approaches including constitutional law, and media and communication studies, journalism and cultural studies. This course seeks to approach these debates with a focus around media technology. It is through this engagement with media technology, that key legal developments and case law are situated. Rather than look at 'media' and 'law' as separate categories, this approach will look at them as categories that constantly overlap and redefine each other.

The course will begin with a broad overview of key concepts in the broad arena of freedom of speech and expression such as content neutrality and prior restraint, and contemporary writing around censorship. The course then moves with a broad media history beginning with the telegraph until the advent of the Internet in relation to emerging media publics. The modules then focus on key thematic issues – media diversity and distribution, religion and nationalism, evidence and gender based violence and consent.

Assessment Details with weights:

A combination of class presentations, written project and end- term examination.

> Rough break up:
> End-term Examination: 40%
> Class Presentations: 15%
> Class participation: 10%
> Term Paper: 25%
> Review of a Judgment: 10%

Module I

Week 1: Introduction and Key Concepts

- Freedom of Speech and 19(1)(a), Constitutional Framework
- Rethinking Censorship
- Overbreadth, Vagueness, Chilling Effect, Content Neutrality, Prior Restraint

Abhinav Chandrachud, *Republic of Rhetoric: Free Speech and the Constitution of India*, Penguin, 2017, (selected chapters)

Gautam Bhatia, Chapter titled "Common Concepts" in *Offend, Shock or Disturb: Free Speech under the Indian Constitution*, OUP, 2016

William Mazzarella & Raminder Kaur, Introduction to *Between Sedition and Seduction: Thinking Censorship in South Asia*, Indiana University Press (2009)

Module II

Weeks 2 & 3: Media History, Technology and Society

- Digital Technology, Old and New Media
- Law and Code
- History of Legal Regulation of Media in India

John Johnston, "Technology" in W.J.T. Mitchell & Mark B.N Hansen (eds.), Critical Terms for Media Studies, University of Chicago Press, 2010

Mark Hansen, "New Media" in W.J. T. Mitchell & Mark B.N Hansen (eds.), Critical Terms for Media Studies, University of Chicago Press, 2010

Lawrence Lessig, Chapter Titled "Code is Law" in *Code Version 2.1* (2006)

Lawrence Lessig, Chapter Titled "Four Puzzles From Cyberspace" in *Code Version 2.1* (2006)

Brian Winston, *Media, Technology and Society: A History from the Telegraph to the Internet*, Routledge, 1998 (selected chapters)

Deep Kanta Lahiri Chaudhury, "'1857' and the Communication Crisis" in *Telegraphic Imperialism: Crisis and Panic in the Indian Empire c. 1830-1920*, Palmgrave Macmillan, 2010

Weeks 4, 5 & 6: Law and the Cinematic Public Sphere

- Intersection between spatial, technological and cultural aspects of cinema
- Imagination of a cinematic public
- Legal History of Cinema in India
- Emergence of television and video

- Digital moment and piracy
- Ontological exploration of law and technology with a specific focus on cinema and video

SV Srinivas, Megastar: Chiranjeevi and Telegu Cinema after N.T. Ramarao, OUP, 2009 (extracts)

Nancy Fraser: Rethinking the Public Sphere: A Contribution to the Critique of Actually Existing Democracy, *Social Text*, No. 25/26 (1990), pp. 56-80, Duke University Press

William Mazzarella, *Censorium*: Cinema and the Open Edge of Mass Publicity, Duke University Press, 2013 (selected extracts)

Indian Cinematograph Committee Evidence and Report 1927-28

Priya Jaikumar, More than Morality: The Indian Cinematograph Committee Report Interviews 1927, *The Moving Image*, Vol. 3 No. 1, Spring 2003

Stephen Hughes, "Policing Silent Film Exhibition in Colonial South India", in Ravi Vasudevan (ed), *Making Meaning in Indian Cinema*, OUP, 1999

Enquiry Committee Report on Film Censorship (Khosla Committee Report), 1969

Module V

Week 7: Media Distribution and Diversity

- Content v Carriage, Media Concentration, Net Neutrality

Sukumar Muralidharan, "The Press' Curious Response: TRAI Report on Media Ownership", *Economic and Political Weekly*, Vol. 49, Issue No. 36, 06 Sep, 2014

Vibodh Parthasarathy & Alam Srinivas, "Networks of Influence: The Growing Powers of Large Cable Firms and the Hidden Extent of Political Ownership of Them", *Caravan Magazine*, 1 December 2016, http://www.caravanmagazine.in/perspectives/networks-of-influence-cable-distribution

Ashish Rajadhyaksha, "The Judgment: Reforming the Public", *Journal of Arts and Ideas* (on the Cricket Association of Bengal case)

Telecom Regulatory Authority of India, Consultation Paper on Net Neutrality, 4 January 2017, http://trai.gov.in/sites/default/files/CP_NetNeutrality2017_01_04.pdf

Module VI

Weeks 8 & 9: Religion, Nationalism, and the Media Public Sphere

- Satellite Television, News, Trolling, Political Mobilisation

Arvind Rajagopal, *Politics after Television: Religious Nationalism and the Reshaping of the Indian Public*, CUP, 2004 (selected chapters)

Sahana Udupa, "Internet Hindus: Rightwingers as New India's Ideological Warriors" in Peter van de Veer, *Handbook of Religion and the Asian City: Aspirations and Urbanisation in the Twenty First Century*, University of California Press, 2015

Cherian George, chapter titled "God, Google and the Globalisation of Offendedness" in *Hate Spin: The Manufacture of Religious Offense and Its Threat to Democracy*, MIT Press, 2016

Joyojeet Pal, Priyank Chandra & V.G. Vinod Vydeswaran, "Twitter and the Rebranding of Narendra Modi", *Economic and Political Weekly*, 20 February 2016

Cass Sunstein, *Republic: Divided Democracy in the Age of Social Media*, 2017 (selected chapters)

Knight First Amendment Institute v. *Donald J. Trump* (Presidential Twitter Handle case) (2017)

Law Commission of India Report on "Hate Speech", March 2017

Module VII

Weeks 10, 11 & 12: Social Media, Electronic Evidence, and Gendered Access to Technology

- Electronic and Digital Evidence
- Gatekeeper Liability, Safe Harbour and Takedown Provisions
- Consent, Circulation, Gendered Access to Technology

Pallavi Paul, *Objects as Exhibits: Performance of the Forensic,* Sarai 2015*, http://sarai.net/objects-as-exhibits-performance-of-the-forensic/*

Avnish Bajaj v *State* (DPS MMS case) (2008)

Nandan Kamath, "Should the Law Beat a Retweet?: Rationalising Liability Standards for Sharing of Digital Content" , *The Indian Journal of Law and Technology* Vol. 9, 2013

Chinmayi Arun, *NUJS Law Review*, "Gatekeeper Liability and Article 19(1)(a) of the Constitution of India, Vol. 7 Issue 2, 2014

Shreya Singhal v. *Union of India* (66A case) (2015)

Amy Adele Hasinoff, "Sexting as Media Production: Rethinking Social Media and Sexuality", *New Media & Society* 15(4) 449–465 (2012)

Anja Kovaks, "Chupke, Chupke, Going Behind the Mobile Phone Bans in North India", February 2017, https://genderingsurveillance.internetdemocracy.in/phone_ban/

1. Bartle and Sherbert, Introduction to Real Analysis (Third Edition), John Wiley and Sons (Asia) Pte. Ltd., Singapore, 2002.
2. Weir, Hass and Giordano, Thomas' Calculus (Eleventh Edition), Pearson, 2009