



FACULTY OF LEGAL STUDIES
SOUTH ASIAN UNIVERSITY

SYLLABUS
INTERNATIONAL MEDIA LAW
(IML)
OPTIONAL PAPER
LL.M PROGRAMME-II SEMESTER
WINTER SEMESTER-2024
[WEF. January 11, 2024, TO May 25, 2024]

PART-I:-COURSE MODULE PRELIMINARIES

Course Title:	International Media Law [IML]
Course Credit:	2
Course Code:	LW019
Course Objective:	Part-II (Below)
Course Duration:	Winter Semester
Minimum Prerequisites:	Nil
Course Structure:	Part-III (Below)
Precursors:	Nil
Equivalent Courses:	Nil
Medium of Instruction:	English
Course Resource Person:	Dr Nafees Ahmad
Webbress:	<u>drnafeesahmad@sau.ac.in</u> (Institutional)
Previous Editions:	2021, 2022, 2023
Latest Edition:	2024

PART-II:-TEACHING SCHEDULE:

<http://www.sau.int/student-life/notices/929-revised-teaching-schedule-for-the-academic-year-2022-2023.html>

- **Classes from:** 11th January 2024 – 12th May 2024
- **End Semester Examination:** 13th May 2024 – 22nd May 2024
- **Submission of Grades to the Examination Department:** 30th May 2024
- **Summer Vacation:** 25th May 2024 – 25th July 2024

Note: Dates hereinabove are subject to change consistent with the institutional directions issued time to time.

PART-III:-INTRODUCTION TO INTERNATIONAL MEDIA LAW COURSE

DESCRIPTION OF THE COURSEWORK

The way that journalism, communication and media law are practised today has been impacted by new media. With the internet and smartphones emerging as fundamental global media law and communication trends, news coverage and flows are undergoing a paradigm transition today. Although the new trends have led to the globalization of information flows, research indicates that these developments—primarily the product of Global North nations—have significantly impacted Global South countries. The IML coursework examines key facets, characteristics, traits, and trends of the legal-institutional media regulation and the communication rights framework within which journalistic practice occurs. It addresses multiple strands, such as the regulation of publication to protect private interests (reputation and privacy), the regulation of publication in defence of a range of public interests, and the facilitation and control of pre-publication newsgathering practices. These strands also involve the dynamics of confidentiality, reputation, defamation (libel), and personal information abuse. Further, these strands encapsulate a focus on prejudice to legal proceedings through media publicity, publishing offensive content, publication of sensitive material affecting national security, and political impartiality concerns. Other problems, such as consideration of the law of contempt, blasphemy and associated public order offences, official secrets and terrorism legislation, and broadcasting bans on certain forms of speech, must be attended with a compendium of perspectives.

The IML coursework will address the issues involving surreptitious tactics and deceptive methods like political chicanery, hierarchical harassing, and clandestine *modus operandi* for financial subterfuge and newsgathering by journalists (e.g., phone-hacking, black-mailing, door-stepping, and undercover reporting). The dimensions of protecting journalists' sources (including technological circumvention) and access to state-held information (freedom of information and open justice) will be deliberated while considering global trends of administrative and structural responses. Throughout the course, the lecture sessions explain the laws and regulations applicable to each theme, develop international comparisons, and introduce the case study problems for the LL.M. Seminar Research Term Paper. The coursework will use the jurisprudence and law developed by the international legal regimes, regional legal regimes as informed by European human rights law, and significant national legal regimes like British and US law and regulations. IML coursework teaching methodology will, at all stages, interrogate and compare equivalent laws in the Global North and other prominent comparable jurisdictions. Besides, during the IML coursework engagement, external speakers (e.g., leading media lawyers, jurists, journalists from media organizations, and private legal practice outfits) will interact with the students and deliver talks on the dynamics, dimensions, and delineation thereof to students.

COURSE OBJECTIVES

A strong foundation in the Constitutional values of free speech and the press, the boundaries of the government's power to suppress or prohibit news reporting, and the rights of journalists to secrecy and access are all intended to be covered in this course. The legislation pertaining to defamation, copyright, information freedom, privacy, false news, and other legal issues important to journalists will also be covered in the course. The coursework begins by considering the roots of "freedom of the press" in the SAARC countries. It examines how freedom of speech and the Press were understood and applied by those who enacted Press and media laws in the SAARC countries. It further analyses leading cases on free speech and free Press in the 20th century and up to today. Using landmark South Asian court cases, the course will discuss three of the most contentious aspects of press freedom: liability for criticism and defamation of government officials and other public figures (*NY Times v. Sullivan*); a court's authority (if it exists) to enjoin publication in the interests of national security in South Asia; and the extent to which

the law protects a journalist's confidentiality of sources and judicial decision. However, there are some impertinent questions as under:

- ⇒ Do laws that restrict campaign contributions and spending violate the First Amendment?
- ⇒ Does the Press have "freedom" to disclose government correspondence and classified documents?
- ⇒ Does that "freedom," if it exists, extend to non-journalists like Edward Snowden?
- ⇒ How to ensure and utilize the changing environment for news media, and whether is there no longer a meaningful definition of "news media" and "the press in the digital age?"
- ⇒ How may the digital dissemination of news and information affect the concept of free speech and Press in the years ahead?

The course offers a writing-intensive engagement along with class meetings and readings. Each student must complete requisite writing assignments. Thus, students will have a writing assignment during the semester.

CAREER IN THE FIELD OF INTERNATIONAL MEDIA LAW

With the recent growth of IML as a colossal engagement, new advocates are requesting courses in it. With the development of new technologies, media has expanded beyond radio and television. There are a tonne of application-based and video-streaming over-the-top (OTT) services in addition to social networking, YouTube, Netflix, and IMAX movie theatres. Consequently, the IML is becoming increasingly important in the modern world since laws are necessary for this emerging field to develop appropriately. It is good to know that this course may lead to a bright and successful profession for those who choose to study both law and communications, especially in this type of regulated environment. A lot of media attorneys would rather work for big and mid-sized legal firms or as in-house consultants. However, solicitors that represent individuals may work for talent agencies directly or as sole practitioners. Media attorneys practise both transactional law and litigation. Experts in media law are required to advise customers on legal compliance for extended periods of time. In addition, they could negotiate contracts or represent clients seeking the enactment of new laws or amendments to current ones. Thus, the IML is a mesmerizing field of study. Media lawyers can represent corporate houses, MNCs, TNCs, or celebrities from all walks of public and private life. Additionally, media lawyers provide critical work to societal understanding regarding human rights and fundamental human freedoms particularly freedom of speech and expression and the limitations that can be imposed on numerous forms of media innovation. Media lawyers are expected to be the excellent conversationalists, communicators, speakers, and raconteurs since they render advice to clients on various areas of legal application that influence the media like IPRs, human rights, human freedoms, sports law, holiday law, employment law, and dispute resolution. Media lawyers confront challenges emanating from multiple fields of human engagement with their specialization in the area of IML.

SAARC jurisdictions and other nation-states cannot survive as liberal democracies devoid of media freedom and media pluralism. Movies, memes, and music have been casting considerably bigger emotive effect on human beings than any other mode of entertainment currently available to humanity. Due to the infotainment industry's constant evolution, it is highly improbable to hold back. With the rapid development of technology, interest in rummaging and procuring innovative, distinctive, and extraordinary forms of infotainment like web series, is growing. SAARC media and infotainment is among the world's fastest growing industries. The infotainment industry is amazingly diverse, vastly fragmentary, and extremely diversified. There is currently a surge in film production investment and a decline in the shelf lives of films that make it to the theatre. As technology expands and infotainment becomes more accessible to SAARC's massive population, impugned the industry's impact currently plays a vital role in our daily lives. However, the TEK FOG APP, BULLI BAI APP, TULLI APP and

trends, artificial editing, manipulating pre-printed and published articles, tool kit, etc., have presented new challenges. Consequently, the ever-enlarging production requires an ever-adaptive legal regime to ensure stability, peace, and progress. For example, the possibility of safeguarding, upholding, and defending the freedom of speech and expression, understanding the law that protects creativity, novelty and innovation in media, collaborating, exchanging, and negotiating agreements and contracts energizes us. In this conspectus, media law is the career for you.

CAREER OPTIONS IN A NUTSHELL IN THE FIELD OF IML

Careers directly pertaining to the IML Course expertise include:

- Digital Marketer, Location Manager, Media Buyer, Media Planner, Media Researcher, Public Relations Officer (PRO), Runner, Broadcasting/Film/Video Social Media Manager, Television/Film/Video Producer, Television Production Coordinator, Web Content Manager, ETC.

Careers directly pertaining to the IML Course relevance include:

- Advertising Account, Arts Administrator, Broadcast Journalist, Editorial Assistant, Event Manager, Film Director, Magazine Journalist, Market Researcher, Marketing Executive, Photographer, UX Designer, Writer, ETC.

Please, keep in mind that many firms welcome applications from recent graduates in any field of study, so do not limit your options to the positions mentioned *supra*.

ARTICLES, BOOKS, REPORTS, THEMATIC READINGS, ETC

Core Readings:

1. Anthony Lewis, *Make No Law: The Sullivan Case and the First Amendment* (Vintage Publication 1991) ISBN 0679739394.
2. Devin Coldewey, Editorial, *Is the Internet a Human Right?*, Tech-Crunch (Jan. 5, 2012)
3. Jonathon W. Penney, *Internet Access Rights: A Brief History and Intellectual Origins*, 38 Wm. Mitchell L. Rev., no. 1, 2011
4. Manfred Nowak, *U.N. Covenant on Civil and Political Rights: CCPR Commentary* 336 (1993).
5. Milton L. Mueller, *Networks and States: The Global Politics of Internet Governance* (2010)
6. Nina Easton, *Where's the Outcry on the UN Push to Regulate the Internet?*, CNN Money (May 30, 2012), <http://tech.fortune.cnn.com/2012/05/30/united-nations-internet-regulation>
7. Patrick S. Ryan, *The ITU and the Internet's Titanic Moment*, 2012 Stan. Tech. L. Rev. 8, 33
8. Paul Rosenzweig, et al., eds., *Whistle-blowers, Leaks, and the Media: The First Amendment and National Security* ISBN 9781627228251
9. T. Barton Carter, et al., *The First Amendment and The Fourth Estate* (11th ed., 2011). Foundation Press (a division of Thomson/West), ISBN 9781599418117.
10. Tim Maurer, *Cyber Norm Emergence at the United Nations: An Analysis of the Activities of the UN Regarding Cyber-Security* 3 (2011)
11. *United Nations Report: Internet Access Is a Human Right*, LA Times (June 3, 2011), <http://latimesblogs.latimes.com/technology/2011/06/united-nations-reportinternet-access-is-a-human-right.html>
12. Vinton G. Cerf, Op-Ed., *Internet Access Is Not a Human Right*, NY Times, Jan. 5, 2012, at A25

PART-IV: COURSE MODULE STRUCTURE:

COURSE MODULE CONTENTS

WEEK: 1. INTRODUCTION AND OVERVIEW OF INTERNATIONAL MEDIA LAW

- UNDERSTANDING LANDSCAPE OF INTERNATIONAL MEDIA LAW AND CONTESTING THE MEDIA IN THE GLOBALIZED WORLD. THE CONCEPT OF MEDIA LAW [The Principles, Rationale and International Norms of Media Law]. THE HISTORY OF MEDIA DEVELOPMENT AND LAW [International and Regional (SAARC)]. MEDIA FREEDOM [Conceptualizing Media Freedom, Technological, Social and Political context of Media Freedom, Trends in Media Freedom, The Fundamentals of Free Media and Journalism, Law and the Media Spectacle, Themes and Theories of the Press, Pre-conditions for a Legal Enabling Environment For Media Freedom The Morass of Media Terminology] MEDIA, AND LEGAL CONSCIOUSNESS [Thinking like a Lawyer, Thinking like a Journalist, Role of Media in Law-Making], MEDIA DEPICTION OF ISSUES [Inequalities, Violent Extremism, Conflicts, Caste, Race, Culture, Gender, Identity, Citizenship, Immigration, Forced Migration, Refugee Crisis, Diversity, Climate Change, Propaganda]. THE ULTIMATE ROLE OF JOURNALISM [News Media and Anatomy of a Difficult Relationship Paradigm] AND SUMMATION.

QUESTIONS IN FOCUS:

- ⇒ What is media? What is media law?
- ⇒ What are the fundamental values of free media and journalism?
- ⇒ What Lies Ahead for the Media in South Asia (India)?
- ⇒ What are the problems with the law?
- ⇒ How to think about media and perceive it in different socio-political and cultural milieu?
- ⇒ What are the pre-conditions for a legal enabling environment for media freedom?
- ⇒ What is the role of media in law-making and how to appreciate the contours of the anatomy of a problematic relationship?

DOCUMENTARIES, FILMS, MOVIES, OTTs, VIDEOS:

1. <https://youtu.be/utWvMT82NFk>
[UN SDG 16 Seeking Protection & Justice for Freedom of Expression & Information (2018)]
2. https://www.youtube.com/watch?v=w9akPl_vciw [What Lies Ahead for the Media in India]

JURISPRUDENCE: CORE CASES-One leading case shall be discussed.

PRIMARY TEXTS: INTERNATIONAL LEGAL FRAMEWORKS

1. 1936 International Convention on the Use of Broadcasting in the Cause of Peace [Article 3 (2)]
2. 1948 Universal Declaration of Human Rights (UDHR) [Article 19]
3. 1949 Geneva Conventions and 1977 Additional Protocol I to the Geneva Conventions
4. 1951 European Charter of Human Rights (ECHR) [Article 10]
5. 1953 Convention on the International Right of Correction
6. 1966 UN Covenant on Civil and Political Rights (ICCPR) [Article 19]
7. 1978 UNESCO Mass Media Declaration
8. 1991 Windhoek Declaration [Declaration on Promoting Independent and Pluralistic Media, 03 May 1991 Endorsed by the General Conference at its 26th Session – 1991]
9. 2001 Draft Articles on Responsibility of States for Internationally Wrongful Acts (ARSIWA) [Articles 35 & 37]

10. Human Rights Committee General Comment No. 34 (2011)
11. Recommendation CM/Rec(2016)4 on the protection of journalism and safety of journalists and other media actors (2016)
12. Target 16.10 of the Sustainable Development Goals (SDGs) 2030 Agenda (2015) [Seeking Protection & Justice for Freedom of Expression & Information]
13. UN General Assembly Resolution 45/76 A of 11 December 1990 [on information in the service of humanity]
14. UN General Assembly Resolution 59 (I) of 14 December 1946 [stating therein that freedom of information is a fundamental human right]
15. UN General Assembly Resolutions 68/163 (2013), 69/185 (2014), 70/162 (2016), 72/175 (2017) and 74/157 (2019) on the safety of journalists and the issue of impunity
16. UN Human Rights Council Resolutions 21/12 (2012), 27/5 (2014), 33/2 (2016), 39/6 (2018) and 45/18 (2020) on the safety of journalists
17. UN Security Council Resolution 2222, on the protection of journalists, media professionals and associated personnel in armed conflicts (2015)
18. UNESCO General Conference Resolution 25C/104 of 1989 [the main focus is on promoting “the free flow of ideas by word and image at international and national levels.]

CORE READINGS:

1. F. S. Siebert, ‘The Law and Journalism’ *Virginia Law Review* (1946) Vol. 32, No. 4. 771-780
2. Perry Keller, *European and International Media Law*, Oxford
3. Sallie Spilbury, *Media Law*, *Cavendish*
4. Ursula Smartt, *Media and Entertainment Law*, *Routledge*
5. Wayne Overbeck, *Major Principles of Media Law*,

OPTIONAL READINGS:

1. Timothy Gleason, *The Watchdog Concept: the Press and the Courts in Nineteenth-Century America* (Iowa: Iowa State University Press, 1990), 21.
2. Ralph Negrine, *Politics and the Mass Media in Britain* (London: Routledge, 1989), 24.
3. John Keane, *The Media and Democracy* (London: Polity Press, 1991), 12.
4. Robert Picard, *The Press and the Decline of Democracy* (London: Greenwood Press, 1985), 12.
5. James Curran, “Mass Media and Democracy: A Reappraisal,” in *Mass Media and Society*. Ed. James Curran & Michael Gurevitch (London: Edward Arnold, 1991). 20.
6. Judith Lichtenberg, *Democracy and the Mass Media: A Collection of Essays* (New York: Cambridge University Press, 1990).
7. Siebert, Fred S, Theodore Peterson, and Wilbur Lang Schramm. “Four Theories of the Press: The Authoritarian, Libertarian, Social Responsibility, and Soviet Communist Concepts of What the Press Should be and Do.” Urbana: University of Illinois Press. 1956.

WEEK: 2. MEDIA PLURALISM, MEDIA TECHNOLOGY AND LAW

- UNDERSTANDING MEDIA PLURALISM [Types of Media, Internet Media-Internet Universality & ROAM, Mobile, Broadcast Media, Digital Media, News Media, Print Media, Electronic Media, Visual Media; Films, Radio, Television, Social Media, OTT (Over The Top) Platforms, Web Series Media, Private and Public; Ownership Patterns, Difference between Visual and Non-visual Media; Law and Reality Television, Other News Portals and Other News Streaming Platforms: Meta Verse [Facebook, Instagram, Whatsapp], Google, Netflix, Amazon Prime World, Disney+Hot Star, Twitter, etc.]. THE BUSINESS OF JOURNALISM [Subscription and Membership-Based Models Progress, The Content Creator Economy and

the Battle for Talent, Make or Break Era for Digital Media Brands]. AUDIENCE STRATEGIES AND PUBLISHER NOVELTY [Audio Universality, Command for Alternative Triggers To Video, Publishers Diagnosis of Blockers to Novelty]. THE RISE OF MEDIA TECHNOLOGY [International, European and National Mechanisms of Media Law]. WHAT IS THE NEXT? [Artificial Intelligence (AI) and Intelligent Automation, The Metaverse, Web, Crypto, NFTs and the Future of Platforms]. THE PRACTICE OF JOURNALISM: HYBRID NEWSROOMS, GENERATIONAL CHANGE, AND NEW PRIORITIES [Hybrid Working Norms, New Approaches to the News: Greater Diversity, Less Confrontation]. PUBLIC AND MEDIA IMPACT ON PEOPLES' MINDS [Impact of Films; Censorship of Films, Standards of Censorship, Compliance Issues, Judicial Vision on Film Censorship, Film Censorship Board, ICANN] AND SUMMATION.

QUESTIONS IN FOCUS:

- Contesting media in the modern age?
- International, European and National Mechanisms of Media Law?
- Why did major Australian media company strike Google news pay deal?
- Films, How far included in freedom of speech and expression?
- Censorship of films and contours of constitutionality,
- Difference between films and Press – why pre-censorship valid for films but not for the Press?
- Censorship under the Cinematography Laws.
- The OTT Platforms include Netflix, Hulu, Amazon Prime Video, DirecTV Now, Fubo TV, Sling TV, Hulu with Live TV, PlayStation Vue, Merc TV, YouTube Premium and YouTube TV etc.
- Are there any Social Media and OTT Guidelines in India or in other national jurisdictions?---if any?

JURISPRUDENCE: CORE CASES-One leading case shall be discussed.

- ⇒ *KA. Abbas v. Union of India* AIR 1971 SC 481
- ⇒ *Vinit Goenka Case*, SC 12 February 2021 (Free Speech on Twitter & Farm Protests)

CORE READINGS:

1. Ammu Joseph, 'Media Pluralism: Not Just a Question of Numbers' (2015) *India International Centre Quarterly*, Vol. 42, No. 1 1-11
2. Carles Llorens and Andreea Madalina Costache, 'European Union Media Policy and Independent Regulatory Authorities: A New Tool to Protect European Media Pluralism?' (2014) *Journal of Information Policy* Vol. 4 396-420
3. Karppinen, Kari, Rethinking Media Pluralism, Donald McGannon Research Center's Everett C. Parker Book Series (FUP) (New York, NY, 2013; online edn, Fordham Scholarship Online, 17 Sept. 2015), <https://doi-org.sau.idm.oclc.org/10.5422/fordham/9780823245123.001.0001>
4. Natali Helberger, 'Media Diversity from the User's Perspective: An Introduction' (2014) *Journal of Information Policy* 2011, Vol. 1 241-245
5. Roger L Sadler, *Electronic Media Law*, Sage
6. Simeon Djankov, Caralee McLiesh, Tatiana Nenova and Andrei Shleifer, 'Who Owns the Media?' (2003) *The Journal of Law & Economics*, Vol. 46, No. 2, 341-382

OPTIONAL READINGS:

1. Aaron D. Knochel, 'Assembling Visuality: Social Media, Everyday Imaging, and Critical Thinking in Digital Visual Culture' (2013) *Visual Arts Research* Vol. 39, No. 2. 13-27
2. Amahl Bishara, 'Watching US Television from the Palestinian Street: The Media, the State, and Representational Interventions' (2008) *Cultural Anthropology* Vol. 23, No. 3. 488-530
3. Benjamin L. Liebman, 'Watchdog or Demagogue? The Media in the Chinese Legal System' (2005) *Columbia Law Review* Vol. 105, No. 1. 1-157
4. H. Akin Unver, 'Digital Challenges to Democracy: Politics of Automation, Attention, and Engagement' (2017) *Journal of International Affairs* Vol. 71, No. 1, THE DEMOCRACY ISSUE (FALL/WINTER 2017), 127-146
5. Julian Sefton-Green, 'Youth, Technology, and Media Cultures' (2006) *Review of Research in Education* Vol. 30, Special Issue on Rethinking Learning: What Counts as Learning and What Learning Counts 279-306
6. Ora John Reuter and David Szakonyi, 'Online Social Media and Political Awareness in Authoritarian Regimes' (2015) *British Journal of Political Science* Vol. 45, No. 1. 29-51
7. Panayota Gounari, 'Authoritarianism, Discourse and Social Media: Trump as the 'American Agitator'' in the book *Critical Theory and Authoritarian Populism* edited by Jeremiah Morelock (University of Westminster Press)
8. Piers Robinson, 'Media empowerment vs. strategies of control: Theorizing news media and war in the 21st Century' (2014) *Zeitschrift für Politik* Vol. 61, No. 4. 461-479
9. Ralph Schroeder, 'Media systems, digital media and politics' in the book 'Social Theory after the Internet: Media, Technology, and Globalization' UCL Press
10. Sherry Linkon and John Russo, 'Class Confusions: American Media Discourse about Class' (2001) *Amerikastudien / American Studies* Vol. 46, No. 3, Popular Culture (2001) 367-378

WEEK: 3. THE NORMATIVE FRAMEWORK FOR MEDIA FREEDOM, MEDIA CULTURE BEYOND NORMATIVE DEWESTERNIZATION, RE-IMAGINING THE "GLOBAL SOUTH" IN MEDIA, FREE SPEECH, ACCESS TO INFORMATION UNDER INTERNATIONAL LAW AND LEGO-INSTITUTIONAL LIMITATION IN SAARC JURISDICTIONS

- THE NORMATIVE FRAMEWORK FOR MEDIA FREEDOM [Beyond Normative Dewesternization, Decolonization or Internationalization, Re-Imagining the "Global South" in Media and Examining Media Culture from the Global South]. FREE SPEECH AND ACCESS TO INFORMATION UNDER INTERNATIONAL LAW [Lego-Institutional Limitation in SAARC Jurisdictions]. UNDERSTANDING MEDIA FREEDOM LIMITATIONS ON MEDIA FREEDOM. STUDYING LAW AND POPULAR MEDIA CULTURE [Method and Reflexivity, Free Speech Protection under International Law, Freedom of Press, Speech and Expression, Access To Information, Advertisement within Freedom of Speech and Expression, Corporate & Commercial Speech; Development of Commercial Speech Doctrine for Professionals and Corporations]. THE LAW OF DEFAMATION AND OTHER LEGAL RESTRICTIONS ON JOURNALISTS [Civil and Criminal Types of Defamatory Material, {Clause 354 of Bharatiya Nyaya Sanhita (BNS) 2023, or Section 499 IPC}], PPC, Media Litigation, Copyright, Obscenity, Hate Speech, Racial Speech, Blasphemy, Law of Treason, Contempt of Court]. CAPTURING THE WIDER PICTURE [The Holism of Media Practices and SDG 16 Seeking Protection & Justice for Freedom of Expression & Information] AND SUMMATION.

PRIMARY TEXTS: SOURCES

1. SDG 16 Seeking Protection & Justice for Freedom of Expression & Information
2. UN General Assembly Resolution 2200A (XXI), 16 December 1966, in force 23 March 1976

Of Defamation in the SAARC Legal Frameworks

1. Afghanistan Penal Code (APC), 1976, Chapter-12, Article 436-440
2. Bangladesh Penal Code (BPC), 1860, Section 499
3. Bhutan Penal Code, 2004, Chapter-22, Section 317
4. Bharatiya Nyaya Sanhita 2023 (BNS-Clause 354 or Indian Penal Code (IPC), 1860, Section 499
5. Nepal Penal Code, [Libel and Slander Act, 2016 (1959), Muluki Criminal (Code) Act, 2017]
6. Pakistan Penal Code (PCC), 1860, Section 499 [inter-alia Sections 295, 295A, 295B and 295C]
7. Sri Lanka Penal Code, Chapter-19, Section 479
8. The Maldives Penal Code, (MPC), Section 163 [Defamation and Freedom of Speech Act, 2016]

DOCUMENTARIES, FILMS, MOVIES, OTTs, VIDEOS:

1. <https://www.youtube.com/watch?v=xM7gIoYswuU> [The Freedom of Speech and Expression]

QUESTIONS IN FOCUS:

- ⇒ Questions of Law and Press Freedom in South Asia
- ⇒ Is media freedom contagious?
- ⇒ Why is freedom of expression important?
- ⇒ Freedom of expression and media freedom
- ⇒ Limitations on Freedom of Expression
- ⇒ What is defamation? [*Criminal Defamation v. Civil Defamation*]
- ⇒ Can a true statement be defamatory? [Criticism of Public Officials, Protection of Political Speech, Religious Defamation and Expressions of Opinion (*Is there a right to a reputation?*)]
- ⇒ Types of Defamatory Material [Opinion v. Facts, Humour and Statements of Others]
- ⇒ Privilege for members of parliament and reporting statements made in parliament
- ⇒ Privacy of Public Figures
- ⇒ Insult to Institutions
- ⇒ The Press as Public Watchdog
- ⇒ What is the right way to deal with defamation?
- ⇒ What is the general framework for defamation law?
- ⇒ What is libel in Press and its regulation and control?
- ⇒ What is slander through broadcasting audio-video defamation?
- ⇒ What is the role of malice and its remedies and damages?
- ⇒ Should not defamation be a civil offense as Sri Lanka has made it so?
- ⇒ How to draw distinctions and differences among Decent Speech, Indecent Speech, Hate Speech and Racial Speech etc?
- ⇒ What is obscenity on mass media and how do regulation and control?
- ⇒ Should the Internet as a platform of free speech be regulated?
- ⇒ Who should regulate the content on Internet [*Regulation of Content on Internet---Self-regulation v Governmental Regulation*]

JURISPRUDENCE: CORE CASES-One leading case shall be discussed.

- ⇒ **Freedom of Speech Part-I: Free Speech in Judicial Understanding & Approach**
 - ⇒ *Brij Bhushan v. State of Delhi* (1950) SCR 605
 - ⇒ *Dutt Majumdar v. Emperor, India* [1942] FCR 38. 602
 - ⇒ *Emperor v. Bhalerao*, A.I.R. 1947 PC 82.
 - ⇒ *Ex parte Jackson*, 96 U.S. 727 (1878)
 - ⇒ *Lovell v. City of Griffin*, 303 US 444 (1938)

- ↪ *Near v. Minnesota*, 283 US 697 (1931)
- ↪ *Rex v. Wormwood Scrubbs Prison*, UK LR [1920] 2 KB 805.
- ↪ *Romesh Thappar v. State of Madras*, 1950

⇒ **Freedom of Speech Part-II: A Comparative Look at the Regulation of Hate Speech**

- ↪ *RAV v. City of St. Paul*, 505 US 377 (1992)
- ↪ *Virginia v. Black*, 538 US 343 (2003)
- ↪ *Jersild v. Denmark*, European Court of Human Rights (Sept. 23, 1994)

⇒ **Freedom of Speech Part-III: Defamation, Free Press, and Privacy**

- ↪ *New York Times Co. v. Sullivan*, 376 US 254 (1964)
- ↪ *Haynes v. Alfred A. Knopf, Inc.*, 8 F.3d 1222 (7th Cir. 1993)
- ↪ The Boll Case, German Constitutional Court, 54 BVerfGe 308 (1980)
- ↪ Gut Nick v. John Doe [*Libel and Slander in Cyberspace; Cross Border Libel/Slander, Jurisdictional Problems*]
- ↪ *Filartiga v. Pena-Irala*, 630 F. 2d 876 (1980) (US Circuit Court of Appeals, 2nd circuit)

CORE READINGS:

1. Amponsah, Peter N. *Libel Law, Political Criticism, and Defamation of Public Figures: the United States, Europe, and Australia*. New York: LFB Scholarly Publishing, 2004. ISBN: 1593320116.
2. Itsuko Yamaguchi (2002), “Beyond De Facto Freedom: Digital Transformation of Free Speech Theory in Japan,” *Stanford Journal of International Law*, 38, pp.109-122.
3. Jack M. Balkin (2004), “Digital Speech and Democratic Culture: A Theory of Freedom of Expression for the Information Society,” *New York University Law Review*, 79, pp. 1-58.
4. Jacob Rowbottom, ‘Media Freedom and Political Debate in the Digital Era’ (2006) *The Modern Law Review* Vol. 69, No. 4. 489-513
5. Stephen Carter (1984), “Technology, Democracy, and the Manipulation of Consent,” *The Yale Law Journal*, 93, pp. 581-607.
6. William Magnuson (2010), The Responsibility To Protect And The Decline Of Sovereignty: Free Speech Protection Under International Law, *Vanderbilt Journal of Transnational Law*, 43, pp. 257-312.

OPTIONAL READINGS:

1. Andsager, Julie L Robert O. Wyatt & Ernest I. Martin. *Free Expression and Five Democratic Publics: Support for Individual and Media Rights*. Cresskill, NJ: Hampton Press, 2004. ISBN: 1572735147.
2. Braun, Stefan. *Democracy Off Balance: Freedom of Expression and Hate Propaganda Law in Canada*. Toronto: University of Toronto Press, 2004. ISBN: 0802089593.
3. Human Rights Committee, General Comment No 34 on Article 19: Freedoms of Opinion and Expression, CCPR/C/GC/34, 12 September 2011, Declarations of the representatives of intergovernmental bodies to protect free media and expression; Ed. by Adeline Hulin. - Vienna: OSCE Representative on Freedom of the Media, 2013. pp. 87

WEEK: 4. THE EMERGENCE OF THE MEDIA AS THE NEW STATE ORGAN AND LAW

- THE GLORIOUS FOURTH ESTATE [The Interdependence of Legal Institutions and Journalism, Liberal Media Doctrine, Bias and Legitimacy]. REPORTING RESTRICTIONS [Protection of Confidential Sources and Whistle-Blowing, Privacy Protections, Surveillance and Encryption and Breach of Confidentiality].

THE 'MAKE-BELIEVE' WORLDS OF LAW [The Mass Media, Media Menaces to Law's Autonomy] INTERNET SHUTDOWNS [Internet Curbs, Internet Content Removal, National Security and Countering Violent Extremism and Internet Governance]. GENDER PLURALISM AND MEDIA FREEDOM [Gender Equality and Gender Representation in Media Work Force]. THE LAW RELATING TO EMPLOYEES' WAGES AND SERVICE CONDITIONS. PRICE AND PAGE SCHEDULE REGULATION, NEWSPRINT CONTROL, PRESS MONOPOLIES AND RESTRICTIVE TRADE PRACTICES, ELEMENTS OF INTELLECTUAL PROPERTY LAW AND SUMMATION.

PRIMARY TEXTS: SOURCES

1. Monopolies and Restrictive Trade Practices Act,

QUESTIONS IN FOCUS:

- ⇒ The Proper Role of the News Media with Disagreements and Thoughtful People.
- ⇒ The standards for the privileges and responsibilities of a free press in a free society
- ⇒ The Significance of Employees' Wages and Service Conditions.
- ⇒ Price and Page Schedule Regulations.
- ⇒ Newsprint Control Orders and Regulations.
- ⇒ Why are recommendations of wage boards not implemented?
- ⇒ Advertisement – Is it included within the freedom of speech and expression?
- ⇒ Are Press Monopolies restrictive Trade Practices?

JURISPRUDENCE: CORE CASES-One leading case shall be discussed.

CORE READINGS:

1. Frank Leishman, Policing and the Media, Lawman,
2. Fred Kennedy Nkusi, Journalistic Privilege to Confidentiality Sources: Analysis of Rwanda's Media Law,
3. John Street, Mass Media, Politics and Democracy (New York: Palgrave, 2001), 253.
4. Sebastian Paul, 'Forbidden Zones: Law & Media'

OPTIONAL READINGS:

1. Braman, Sandra. 2006. *Change of State: Information, Policy, and Power*. Boston, MA: MIT Press.
2. Harold Nelson and Dwight Teeter, Law of Mass Communications. Freedom and Control of Print and Broadcast Media (Minneola: The Foundation Press, 1969), 13.
3. Peter J. Humphreys, Mass Media and Media Policy in Western Europe (Manchester: Manchester University Press, 1996), 18.
4. Natalie A. Markman, 'Bringing Journalism Pedagogy into the Legal Writing Class' (1993) *Journal of Legal Education* Vol. 43, No. 4. 551-568
5. Travis N. Ridout, Ashley C. Grosse and Andrew M. Appleton, 'News Media Use and Americans' Perceptions of Global Threat' (2008) *British Journal of Political Science* Vol. 38, No. 4. 575-593
6. Paranjoy Guha Thakurta, 'Curbing Media Monopolies' (APRIL 20, 2013) *Economic and Political Weekly* Vol. 48, No. 16. 10-14

WEEK: 5. PRIVACY AND MEDIA FREEDOM

- MEDIA FREEDOM AND PRIVACY IN HISTORICAL RETROSPECT [Individual Rights, Targeted Discrimination, Obscenity, Pornography, Hicklin Test, Contemporary Standards]. THE RIGHTS OF CHILD [The Right to Privacy, Child Pornography]. BLASPHEMY [Historical Background, Censorship of Stage Productions, Violence, Legal Regulation of Blasphemy]. HISTORICAL DEVELOPMENT OF PRIVATE AND CONFIDENTIAL INFORMATION [Media Practices, Human Rights, Photo Journalism in Public Places, Information Privacy, Reputation, Personal Data Protection and DNA Profiling, Abuse of Personal Information, Marketing of Personal Information, Comparative Internet (Online) Privacy]. PRESS AND PUBLIC ACCESS TO THE JUDICIAL PROCESSES [Records, Places and Meetings and Right to Information Laws] AND SUMMATION.

PRIMARY TEXT: SOURCES [Shall be provided in the class]

QUESTIONS IN FOCUS:

- ⇒ The historical background of obscenity and pornography and contemporary standards in child pornography
- ⇒ The historical understanding of blasphemy, censorship of stage productions, violence, and legal regulation of blasphemy
- ⇒ How to reconcile the historical development of private and confidential information in media practices and human rights?
- ⇒ The significance of photo-journalism in public places
- ⇒ How to deal with information privacy and reputation, personal data protection, abuse of personal information, marketing of personal information, and internet privacy?

JURISPRUDENCE: CORE CASES-One leading case shall be discussed.

- ⇒ Miller v California 413 U.S. 15 (1973)

CORE READINGS:

1. Louis D. Brandeis and Samuel D. Warren (1890), "The Right to Privacy," *Harvard Law Review*, 4, pp. 193-220.
2. James Rachels (1975), Why Privacy is Important, *Philosophy & Public Affairs*, Vol. 4, No. 4, pp. 323-333.
3. James Q. Whitman, *The Two Western Cultures of Privacy: Dignity Versus Liberty*, 113 Yale L. J. 1151 (2004)
4. Helen Nissenbaum (1998), Protecting Privacy in an Information Age: The Problem of Privacy in Public, *Law and Philosophy*, Vol. 17, No. 5/6, pp. 559-596.

OPTIONAL READINGS:

- 1 Alison L. Young (2003), "Case Comment: Remedial and Substantive Horizontality: the Common Law and Douglas v. Hello! Ltd," *Public Law* 232.
- 2 Helen Nissenbaum (1998), "Protecting Privacy in an Information Age: The Problem of Privacy in Public," *Law and Philosophy*, 17. 5/6, pp. 559-596.
- 3 James Rachels (1975), "Why Privacy is Important," *Philosophy & Public Affairs* 4.4, pp. 323-333.
- 4 Parul Gewirtz (2001), "Privacy and Speech," *The Supreme Court Review*, pp. 139-199.

WEEK: 6. MEDIA ETHICS AND ADJUDICATION

- MEDIA ETHICS [Copyright Issues in Mass Media, Protection of Copyrighted Work, Plagiarism, Pirated Music, Remedies for Infringement]. MEDIA AND COURTS [Report of Legal Proceedings, Trial by Media, Sensitive Court Reportings and Human Rights]. SOCIAL AND ETHICAL DILEMMAS [Issues and Concerns in Mass Communication, Foundation of Ethics, Different Dynamics & Aspects of Journalism's Ethical Issues]. REPORTERS' PRIVILEGES AND PROTECTION OF MEDIA SOURCES [Protecting Journalism Sources in the Digital Age]. BUILDING DIGITAL SAFETY FOR JOURNALISM [Extra-judicial Regulation of Media Content and Press Complaints and Editors' Code of Practice]. BROADCASTING STANDARDS COMMISSION [Codes for Advertisement Standards] AND SUMMATION.

DOCUMENTARIES, FILMS, MOVIES, OTTs, VIDEOS: [Shall be provided in the class]

1. <https://www.youtube.com/watch?v=yGi2YKZZNFg> [Netflix's The Social Dilemma: Filmmaker and Tech Experts in Conversation with Katie Couric]

QUESTIONS IN FOCUS:

JURISPRUDENCE: CORE CASES-One leading case shall be discussed.

CORE READINGS:

1. 1954 Declaration of Principles on the Conduct of Journalists (Bordeaux Declaration)
2. 2019 Global Charter of Ethics for Journalists, 12 June 2019.
3. Julie Posetti, 'Protecting Journalism Sources in the Digital Age' (2017) UNESCO
4. Jennifer R. Henrichsen, Michelle Betz, Joanne M. Lisos, 'Building Digital Safety for Journalism: A Survey of Selected Issues' (2015) UNESCO Series on Internet Freedom, Paris France.

OPTIONAL READINGS:

1. Roy L Moore, Media Law, and Ethics, Routledge
2. Roy L Moore, Mass Communication Law, and Ethics

WEEK: 7. THE MEDIA INDEPENDENCE, REGULATION, AND NOT LITIGATION

- UNDERSTANDING MEDIA INDEPENDENCE [Journalists' Perceptions of Media Independence, the Safety of Journalists, Physical, Psychological, and Digital Safety of Journalists, Violence against Journalists, Killings of Journalists, Online Harassment of Women Journalists, Other Attacks on the Safe Practice of Journalism, Impunity for Crimes against Journalists]. THE CULTURE OF MEDIA REGULATION AND NOT LITIGATION [Media Regulation By State, By Self-Regulation, By Private Regulation, Financial Regulations, and Business Models]. POLITICAL AND ECONOMIC INFLUENCES IN MEDIA SYSTEMS [Trends of de-legitimizing Media, Media Monitoring & Advocacy, Media Capture, Deep State Media (DSM), Embedded Media, and Core Issues]. INVESTIGATIVE JOURNALISM, TRADITIONAL AND NEW MEDIA ORGANIZATIONS. COURTS' REMEDIES TO INDIVIDUALS AND SELF-REGULATORY MECHANISMS AS AN EFFECTIVE ALTERNATIVE [Professionalism and Mitigation of Political and Economic Interferences]. UNITED NATIONS SAFETY MEASURES FOR JOURNALISTS [The Responsibilities of Journalists, Activists, Advocacy Organizations, Civil Society and Media Safety]. FORMAL & INFORMAL PROFESSIONAL ASSOCIATION, RESEARCHERS AND ACADEMICS AND SUMMATION.

DOCUMENTARIES, FILMS, MOVIES, OTTs, VIDEOS:

1. <https://youtu.be/L5G08pK38Zk> [Private Actors and Human Rights On-Line (2018)]
2. <https://youtu.be/EMLK1I6Z2f4> [Around the World in 7 decisions (2018)]

QUESTIONS IN FOCUS:

- ⇒ Do journalists and news organizations make mistakes?
- ⇒ Courts offer aggrieved individuals remedies.
- ⇒ Self-regulatory mechanisms offer a valuable alternative.
- ⇒ The Responsibilities of Journalists.
- ⇒ Many individual media organizations and journalists' associations voluntarily adopt codes or standards of practice as guideposts to help journalists determine the best way to do their jobs.

JURISPRUDENCE: CORE CASES-One leading case shall be discussed.

CORE READINGS: [Shall be provided in the class]

OPTIONAL READINGS: [Shall be provided in the class]

1. Evangelia Psychogiopoulou (eds.), *Media Policies Revisited: The Challenge for Media Freedom and Independence* (2014) Palgrave Macmillan UK
2. James Bennett and Niki Strange (eds.), *Media Independence: Working with Freedom or Working for Free?* (2015) Taylor & Francis 2015
3. Loïc Ballarini (eds.), *The Independence of the News Media: Francophone Research on Media, Economics and Politics* (2020) Springer Nature Switzerland AG 2020

WEEK: 8. MEDIA AND COMMUNICATION RIGHTS UNDER THE CONSTITUTIONAL LAW FRAMEWORK OF SAARC NATIONS

- MEDIA AND SAARC CONSTITUTIONS [Rights & Political Ideology, Democracy, Diversity, Multiculturalism]. THE DETERMINATION OF GEOPOLITICAL PROVINCE OF MEDIA FREEDOM AND FREE SPEECH IN SAARC COUNTRIES [The Right to Free Expression, Right to Privacy, Right to Protection against Hate & Racist Speech, Secrecy Laws, Privacy Laws, Freedom of Information Laws]. FREE PRESS IN EMERGING DEMOCRACIES, MEDIA RESPONSE TO LGBTQI+ RIGHTS IN SAARC NATIONS. THE SAFEGUARDS AGAINST THE ABUSE OF POWER [Constitutional Guarantees, Prohibitions and the Institutional Safeguards on Free Press and Speech and the Role of NHRCs] AND SUMMATION.

PRIMARY TEXTS: Sources [Shall be provided in the class]

Afghanistan

Bangladesh

1. The Code of Criminal Procedure, 1898 (CrPC)].
2. Official Secrets Act, 1923,
3. Contempt of Court Act, 1926,
4. The Printing Press and Publication Act, 1973,
5. Special Powers Act, 1974,
6. The Newspaper Employees (Condition of Service) Act, 1974,
7. Copyright Act, 2000,

8. The Information and Communication Technology (ICT) Act, 2006 (Section 57),
9. Digital Security Act,

Bhutan

India:

1. The Press and Registration of Books Act,
2. Vernacular Press Act, 1878
3. Telegraphic Act, 1885
4. The Newspaper (Incitement to an offence) Act, 1905
5. Copyright Act, 1911
6. Cinematographic Act, 1918
7. Indian Press Act, 1910 [5]

Nepal

Pakistan

Sri Lanka

Maldives

Of Freedom of Media in the SAARC Legal Frameworks

1. **The Constitution of Afghanistan-2004, Preamble+Article- 34, 50,**
2. **The Constitution of Bangladesh, 1972, Preamble+Article-39**
3. **The Constitution of Bhutan, 2008, Preamble+Article-7 (5)**
4. **The Constitution of India, 1950, Preamble+Article19**
5. **The Constitution of Maldives, Preamble+Articles 24, 27 and 28,**
6. **The Constitution of Nepal, 2015, Preamble+Article 17, 28 (Privacy)**
7. **The Constitution of Pakistan, 1973, Preamble+Articles 19, 19A and 28**
8. **The Constitution of Sri Lanka, Preamble+Articles 10 and 14 (1) (a)**

QUESTIONS IN FOCUS:

- ⇒ Role of Constitutions in Media Matters
- ⇒ Media as His Master's Voice
- ⇒ Role of Media in Democracy and Pluralism
- ⇒ Free Press in Emerging Democracies in SAARC Region and Beyond
- ⇒ The Safeguards against the Abuse of Power, Constitutional Guarantees,
- ⇒ Prohibitions and the Institutional Safeguards on Free Press and Speech (NHRCs).
- ⇒ The Relevance of Official Secret Act of India
- ⇒ Right to Information in India, Pakistan, and other SAARC Nations
- ⇒ Responses to LGBTQI+ Rights in India and Nepal and other SAARC Nations

South Asian Constitutional Texts:

1. The Constitution of Afghanistan, Preamble, Chapter-2; Articles 34, 50,
2. The Constitution of Bangladesh, Preamble, Part-III; Article 39.
3. The Constitution of Bhutan, Preamble, Article 7-(2, 3, 4, 5).
4. The Constitution of India, Preamble, Article 19 (1) (a).

5. The Constitution of Maldives, Preamble, Articles 24, 27 and 28,
6. The Constitution of Nepal, 2015, Preamble, Part-3; Articles 17, 19, 27 and 28.
7. The Constitution of Pakistan, Preamble, Chapter-1; Articles 19, 19A and 28
8. The Constitution of Sri Lanka, Preamble, Chapter-III; Articles 10 and 14 (1) (a)

JURISPRUDENCE: CORE CASES-One leading case shall be discussed.

⇒ **Pre-censorship and Impermissibility**

↪ *Prakash Jha Productions v. Union of India*, (2011) 8 SCC 372.

⇒ **Business Aspects of Media**

↪ *A. Suresh v. State of Tamil Nadu*, AIR 1997 SC 1889

⇒ **Prohibition on Media [From Publishing Any Call For Bandh and Hartal]**

↪ *S. Sudan v. Union of India*, AIR 2015 Ker 49

⇒ **Freedom of Speech Part I: A Comparative Look at the Regulation of Hate Speech**

↪ *Bijoe Emmanuel v. State of Kerala*, (1986) 3 SCC 615

↪ *Jersild v. Denmark*, European Court of Human Rights (Sept. 23, 1994)

↪ *Life Insurance Corporation of India v. Professor Manubhai D. Shah*, AIR 1993 SC 171

↪ *M. Narayan Reddy v. Government of India*, 2011 (4) RCR (Civil) 418

↪ *Printers Mysore v. Assistant Commercial Law Officer*, JT 1994 (1) SC 692.

↪ *R.A.V. v. City of St. Paul*, 505 U.S. 377 (1992)

↪ *Virginia v. Black*, 538 U.S. 343 (2003)

↪ *PUCL v. Union of India*, (2013) 10 SCC 1

⇒ **Freedom of Speech Part II: Defamation, Free Press, and Privacy**

↪ *Haynes v. Alfred A. Knopf, Inc.*, 8 F.3d 1222 (7th Cir. 1993)

↪ *New York Times Co. v. Sullivan*, 376 US 254 (1964)

↪ *The Boll Case*, German Constitutional Court, 54 BVerfGe 308 (1980) [(in Vicki C. Jackson and Mark Tushnet, *Comparative Constitutional Law* 1631 (2d Ed. 2006)]

↪ *Virendra v. State of Punjab*, AIR 1957 SC 896

↪ *Express Newspapers v. Union of India*, AIR 1958 SC 578

↪ *Bennett Coleman and Co. Ltd. v. Union of India*, AIR 1973 SC 106

↪ *Sakal Papers (P) Ltd. v. Union of India*, AIR 1962 SC 305

↪ *Indian Express Newspapers v. Union of India*, AIR 1986 SC 515

⇒ **Right to Know**

↪ *Dinesh Trivedi M.P v. Union of India*, (1997) 4 SCC 306

↪ *India Soaps & Toiletries Makers Associations v. Ozair Hussain*, AIR 2013 SC 1834

↪ *L. K. Koolwal v. State of Rajasthan*, AIR 1988 Raj. 2

↪ *People's Union for Civil Liberties v. Union of India*, AIR 2003 SC 2363

⇒ **Trial by Media**

↪ *State of Maharashtra v. Rajendra Jawanmal Gandhi*, (1997) 8 SC 386

⇒ **False News Item About Judges**

↳ *Hari Jai Singh* (in re:) AIR 1997 SC 73

⇒ **The Right to Dissent** [*Within the Law*]

CORE READINGS:

1. Abu N.M.G. Hoque, *Mass Media Laws and Regulations in Bangladesh* (Singapore AMIC Publications, 1992), 245.
2. Farid Hossain, “Let the people decide what they need to know,” *Bangladesh Journalism Review* 1 (1996): 31-32.
3. Friedrich Kubler, *How Much Freedom for Racist Speech?: Transnational Aspects of a Conflict of Human Rights*, 27 *Hofstra L. Rev.* 335 (1998)
4. Sheikh A. Salam, *Mass Media in Bangladesh: Newspaper, Radio and Television* (Dhaka: PIB Press, 1997), 25.
5. UNAMA, *Law on Media in Afghanistan*

OPTIONAL READINGS:

1. Alan Wood, *Asian Democracy in World History* (New York: Routledge)
2. Golam Kibriya, *The Press in Bangladesh and Issues of Mass Media* (Dhaka: Sunday Publications, 1985), 21-22.
3. Mahfuz Anam, “Democracy, Media and Human Rights in Bangladesh,” in *Media & Human Rights in Asia*, ed. Asian Media Information and Communication Centre (Singapore: AMIC Publication, 2000), 23-30.
4. Reazuddin Ahmed, “Freedom of the Press and Expectation of the People.” *Bangladesh Journalism Review* 1 (1996): 27-30.
5. Dworkin, Ronald, *Taking Rights Seriously*, Cambridge, Mass.: The Belknap Press of Harvard University Press.
6. B.N. Ahuja, *History of Press, Press Laws, and Communications* (New Delhi: Surjeet Publications, 1988), 56.
7. J. Natarjan, *History of Indian journalism* (New Delhi: Publications Division, 1997), 8.

WEEK: 9. EMERGENCE OF THE FAKE NEWS PLATFORMS AND FREE EXCHANGE OF INFORMATION AND BEYOND

- JOURNALISM AND THE EMERGENCE OF THE FAKE NEW INDUSTRY [The Deep Fake News/Videos, the Deep Fake News Accountability Law, Impact of the Deep Fake News; Anarchy, National Security, Foreign (Policy) Interferences]. REGULATING LIES AND FAKE NEWS IN ELECTIONS [Radicalization and Radical Speech, the Role of Political Parties, Civil Society and Algorithmic Technology Platforms (VICE) & Artificial Intelligence]. SOFTWARE FREEDOM LAW AND ALTERNATIVE NEWS [The Rule of Law for Free Press, Protections under National Constitutions, Statutes, Common Law and Media Development in Closing Spaces] AND SUMMATION.

DOCUMENTARIES, FILMS, MOVIES, OTTs, VIDEOS:

1. <https://youtu.be/MJF3BXggQLO> [Framing Radicalization and Radical Speech (2018)]
2. <https://youtu.be/iuyTlxJAJuM> [Regulating Lies and “Fake News” in Elections (2018)]

QUESTIONS IN FOCUS:

⇒ Which are the infamous media laws?

- ⇒ Does journalism thrive best where the rule of law is respected?
- ⇒ Is free Press best protected through a national constitution or by statutory or common law.
- ⇒ What are the ethical and legal issues such as the consciousness, personhood, discrimination, and the culpability of autonomous machines in providing and sharing information/news?
- ⇒ How may artificial intelligence (AI) disrupt existing institutions in society, particularly media freedom and free speech?

Legislations:

- ⇒ DEEPFAKES Accountability Act, 2019 [USA]
- ⇒ California AB 730 [USA]
- ⇒ California AB 602 [USA]

JURISPRUDENCE: CORE CASES-One leading case shall be discussed.

CORE READINGS:

1. Jaya Patil, Mass Media: Support For Rural Development
2. Golding, Peter. 1974. "Media Role in National Development: Critique of a Theoretical Orthodoxy." *Journal of Communication*. 24(3): 39-53.

OPTIONAL READINGS: [Shall be provided in the class]

1. Steven John Thompson, 'Machine Law, Ethics, and Morality in the Age of Artificial Intelligence' (2021)
2. Kevin D. Ashley, 'Artificial Intelligence and Legal Analytics-New Tools for Law Practice in the Digital Age' (2017) Cambridge University Press 2017
3. Mark Coeckelbergh, 'AI ETHICS' 2020 (The Massachusetts Institute of Technology 2020)

WEEK: 10. THE FUTURE FRAMEWORK FOR MEDIA FREEDOM

- THE FUTURE FRAMEWORK FOR A FREE MEDIA [New Platforms and Players, and Business and Economic Models]. MEDIA AND INFORMATION LITERACY [Reporting on Marginalized Populations, Climate Change, Forced Migration, and War Crimes] USER-GENERATED CONTENT [Democratization of News Production]. REPRESENTATION OF WOMEN IN MEDIA DECISION-MAKING [The Rights of Journalists (Women) and their Jobs, A Good Environment for Fostering Women Journalists, and Adequate Qualifications of Working Journalists]. PLURALISM IN MEDIA OWNERSHIP NATIONAL LEGAL SYSTEMS VARY [Collapsing Boundaries & Technological Futures]. WORLD TRENDS IN FREEDOM OF EXPRESSION AND MEDIA DEVELOPMENT, INTERNATIONAL MEDIA SUPPORT FOR FREE AND PROFESSIONAL MEDIA, RE-IMAGINING THE GLOBAL COMMUNICATION ORDER AND SUMMATION.

QUESTIONS IN FOCUS:

- ⇒ The case study involves a diverse array of issues, focusing particularly on national security, surveillance, Privacy, technology, and government accountability.
- ⇒ Students may also have the opportunity to engage in non-litigation advocacy and client counseling.
- ⇒ Useful Starting Point to create a framework for a free press.
- ⇒ What rights are essential for journalists to do their jobs?
- ⇒ Variations in National Legal Systems [Some have detailed and precise statutory schemes, others have a mix of statutes regulations]

JURISPRUDENCE: CORE CASES-One leading case shall be discussed.

CORE READINGS:

1. Monroe E. Price (2001), "The Newness of New Technology," *Cardozo Law Review*, 22, pp.1885-1913.

OPTIONAL READINGS: [Shall be provided in the class]

WEEK: 11. EMERGING SPHERES AND SPACES IN INTERNATIONAL MEDIA LAW

- NEW MEDIA [Citizen Journalism, and Bloggers, Right To Be Politically Independent Journalist]. THE RISE AND RISE OF SOCIAL MEDIA [Media Imperialism] INTERNET MEDIA AND DELIVERY OF LEGAL SERVICES [Online Legal Self-help Forums, Lawyers Life-Style and Cyber Advice Experts]. EVERYDAY LEGAL EXPERIENCE [From Public Confidence to Public Participation, Inter-disciplinary Futures]. ENVISIONING THE ROLE OF THE MEDIA AND COMMUNICATIONS IN SOCIETY *de nova* AND SUMMATION.

DOCUMETARIES, FILMS, MOVIES, OTTs, VIDEOS:

1. <https://youtu.be/K4R1KpNdoYg> [Global Milestones and Challenges (2018)]

QUESTIONS IN FOCUS:

- ⇒ The freewheeling world of the blogosphere seems like the last bastion of truly free speech.
- ⇒ Bloggers are a law unto themselves. Or are they?
- ⇒ What are the consequences of social media's rise and its historical development for free expression, safety, equality, and human flourishing?
- ⇒ What values or principles ought to inform media platforms as they evaluate what expression to regulate and how to do it?
- ⇒ Should media platforms be universal or local, absolute or relative?
- ⇒ What institutions, internal, external, and governmental, should shape the regulatory process?
- ⇒ How do (and how should) plural global actors with varying legal systems and varying values influence content governance?
- ⇒ What are the consequences of media pluralism for global platforms?
- ⇒ What role, if any, is there for international institutions or law?

JURISPRUDENCE: CORE CASES-One leading case shall be discussed.

CORE READINGS:

1. Chadha, Kalyani, and Anandam Kavoori. (2000), Media Imperialism Revisited: Some Findings From the Asian Case. *Media, Culture, & Society* 22(4): 15-32.
2. Crosbie, Vin, 2002, 'What Is New Media?': Digital Deliverance:
3. Dutton, Brian, O'Sullivan, Tim and Rayne, Phillip, 1998, *Studying the Media*: Arnold.

OPTIONAL READINGS:

1. Mattelart, Armand. (1979) *Multinational Corporations and the Control of Culture: The Ideological Apparatuses of Imperialism*. Sussex Atlantic Highlands, NJ: Harvester Press.

2. Melkote, Srinivas R, and H. Leslie Steeves. 2001. *Communication for Development in the Third World: Theory and Practice for Empowerment*. Thousand Oaks, CA: Sage.
3. Mohammadi, Ali (1995) *Cultural Imperialism and Cultural Identity*. In *Questioning the Media: A Critical Introduction*, (Eds, Downing, John, Mohammadi, Ali & Sreberny-Mohammadi, Annabelle) Thousand Oaks, CA: Sage, pp. 362-378.
4. Hume, Ellen. 2004. *The Media Missionaries: American Support for Journalism Excellence and Press Freedom Around the Globe*, John S., and James L. Knight Foundation.

WEEK: 12. CRITIQUING AND EVALUATING INTERNATIONAL MEDIA LAW

- INTERNATIONAL MEDIA LAW COURSE CONTENTS, TERM PAPERS PRESENTATIONS, COURSE WRAP-UP, THANKS-GIVING AND ONLINE FEEDBACK

Part-V: CASE LAW DIGEST
 Part VI: ADVANCED READINGS:
 Part-VII: LEGAL TEXTUAL READINGS:

PART-V: REGIONAL AND GLOBAL JURISDICTIONS OF MEDIA LAW CHALLENGES

- A. THE RECEPTION AND INCORPORATION OF INTERNATIONAL MEDIA LAW IN SOUTH ASIAN NATIONS
- B. THE MEDIA LAW FRAMEWORKS IN OTHER COUNTRIES:
 US, Canada, Europe, Australia, China, Latin America, Japan, Malaysia and South Africa etc

PART-VI: GRADING SYSTEM FOR THE STUDENTS' ACHIEVEMENT

Standard (A+, A, A-...F) Grading is based on students' overall performance in the assessment tasks/activities/assignments/term papers, etc.

To pass the IML course, students must obtain an aggregate mark of 50% and a minimum of 50% in each of the coursework and the examination elements of the assessment. Coursework for this purpose means those ways in which students are assessed otherwise than by the end of session examination.

[Instant 2024-IML Syllabus is under Perennial Progress, Dynamic Development, Improvement, and Current Correction daily, and the same shall be encapsulated and reflected in the class. Any omission, gap or oversight or anything incidental thereto or connected therewith shall be attended and addressed in the classroom.]