HIDAYATULLAH NATIONAL LAW UNIVERSITY, NAVA RAIPUR

Technology and Law Specialization

LL.M (Semester II)

(Jan-June 2025)

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HIDAYATULLAH NATIONAL LAW UNIVERSITY, NAVA RAIPUR

LLM Batch of 2024-29

[TELECOM LAW]

Course Code	LLM-LT-201	**Faculty**	Dr. Priyanka Dhar
Class Hours	60 hours	**Credits**	4
Programme	LLM	**Year**	I Year
Session Duration	55 Minutes	**Semester**	II Semester

COURSE SUMMARY

Among the various human endeavors in the fields of technology and science, the progress achieved in modern communication has been extraordinary. Like other global democracies, the Indian economy has experienced immense growth since the development of the telecommunication sector. From the era of the East India Company to several years after independence, the Indian government exclusively controlled all forms of communication in the country. However, in recent years, changes in governmental policies and institutional reforms have gradually reduced the government's role as the primary provider of communication services. In its place, a multitude of privately owned telecom networks, television channels, and radio stations have emerged, offering Indian consumers diverse options for telephony, broadcasting, entertainment, and Internet use.

Together with information technology, the communication sector has become a key driving force of the Indian economy. Therefore, it is crucial to have a robust and mature legal framework to ensure sustained economic development, especially in infrastructure sectors like communications. Global democracies are also keeping pace with technological advancements by developing better infrastructure to meet the evolving needs of their citizens. There is a global consensus that, while infrastructure development to leverage technological advancements is critical, it is equally essential to implement consistent regulatory reforms in the sector. Additionally, an effective dispute resolution mechanism is necessary to address consumer issues and foster growth in the telecom sector, which is a key factor in attracting investments.

The present course curriculum is designed to facilitate discussions and deliberations on various legal issues that arise during the implementation of telecom projects and their subsequent operations.

COURSE OBJECTIVES

CO 01	To develop an advanced understanding of the legal framework governing telecommunications in India, including its historical evolution, current regulations, and international influences.
CO 02	To critically analyze the interplay between telecommunication laws and broader legal principles, including constitutional rights, regulatory policies, and commercial laws, while fostering a comparative perspective with global practices.
CO 03	To equip students with the ability to critically appraise legal issues arising in the telecommunications sector and propose innovative legal and policy solutions to emerging challenges in a dynamic and technology-driven environment.
CO 04	To enhance research and analytical skills through a focus on case studies, regulatory developments, and judicial decisions, enabling students to contribute effectively to academia, policymaking, or legal practice in the telecommunications domain.

TEACHING PEDAGOGY

The teaching pedagogy for Telecom Law focuses on a blend of theoretical and practical approaches to ensure comprehensive learning. It includes structured lectures to explain key concepts, case law analysis to understand judicial reasoning, and research-based projects to explore emerging issues like data privacy and net neutrality. Interactive discussions, debates, and comparative studies foster critical thinking and global awareness. Practical exercises such as policy analysis develop problem-solving and advocacy skills. Workshops, and expert lectures provide real-world exposure.

COURSE PLAN

MODULE I: OVERVIEW OF TELECOMMUNICATION LAWS [12 Sessions]

Unit I	Understanding the evolution of Telecommunication Laws - Nature, Scope and overview of developments in India
Unit II	Indian Telecommunication Industry – History, Constitutional aspects, Retention of Central Government Control
Unit III	Telecom Policies- National Telecom Policy, 1994 to National Digital

	Communications Policy, 2018.
Unit IV	Legislative Enactments and regulatory framework in India- The Telegraph Act, 1885, The Telecommunications Act, 2023, C-DOT, WPC.

Relevant Statutes	The Telegraph Act, 1885, The Telecommunications Act, 2023.

Essential Readings	• Dr. Papori Baruah & Rashmi Baruah, Telecom Sector in India: Past, Present and Future, IJHSSS, Vol-1, issues-3, 147-156, ISSN: 2349-6959 (Online), ISSN: 2349-6711 (Print) (Nov. 2014). • Ms. Pritish & Dr. Taruna Saxena, An Analysis of the Indian Telecom Industry, IOSR-JBM, Vol-17, issue-10, 35-42, e-ISSN: 2278-487X, p-ISSN: 2319-7668. (Oct. 2015). • Azher Parvez & Satyanarayana Chary, Foreign Direct Investment (FDI) and Telecommunication Sector in India, Journal of Telecommunications System & Management, Vol-6, issue-1, 1-5, ISSN: 2167-0919 (Mar. 2017). • Tim Wu, Why have a telecommunications law? Anti-discrimination norms in communications. • Unpacking the Telecommunications Act, 2023 Insights and Implications Insights and Implications

Suggested Readings	• Vikram Raghavan, Communication Law in India (Legal aspects of Telecom, Broadcasting and Cable Services), 2007.

MODULE II: REGULATION OF TELECOM SECTOR IN INDIA [15 Sessions]

Unit I	Licensing and Spectrum Allocation- Licensing as per the Telecom Policies, Allocation, Allotment and recent issues
Unit II	Telecom Regulatory Authority of India- Apex Court ruling and the evolution of TRAI, powers, tussles with the DoT on powers of the TRAI
Unit III	TRAI Act- Purpose of the Act, Powers of the Authority, Members under the Act, Government Powers over the Authority

Unit IV	Authority's Regulations Functions- Directory roles, Statutory functions, Regulation making powers, Powers to enforce compliance
Unit V	Regulation of Cable Television: Overview of the Cable Networks Act, Advertisement, Protection of minors (children); Indecency; piracy; Jurisdictional issues; Improving Existing Dispute Resolution Mechanisms. TDSAT's roles in Cable Regulation.

Landmark Case laws	1) Delhi Science Forum v. Union of India, 1996 SCC (2) 405 2) General Manager, Telecom v. M. Krishna, (2009) 8SCC 481 3) Union of India v. Association of Unified Telecom Service Providers of India (2011) 10 SCC 543 4) Center for PIL v. Union of India, (2011) 1 SCC 560 5) People's Union for Civil Liberties v. Union of India, (2013) 10 SCC 1 6) Vodafone International Holdings BV v. Union of India, (2012) 6 SCC 613. 7) Union of India v. Association of Unified Telecom Service Providers of India (2011) 10 SCC 543 8) Tata Teleservices Ltd v. Bharat Sanchar Nigam Ltd, (2008) 10 SCC 556

Relevant Law	The Telecom Regulatory Authority of India Act, 1997; The Telecommunications Act, 2023, The Cable Television Networks (Regulation) Act, 1995, Cable Television Networks (Amendment) Rules, 2021.

Essential Readings	• Rajbinder Singh, Impact of Reliance JIO on Indian Telecom Industry: An Empirical Study, IJSRM, Vol-5, issue-7, ISSN (e): 2321-3418, 6469-6474, 2015. • Nishith Desai, The Indian Telecom Sector-Legal and Regulatory Framework, (July 2014).

Suggested Readings	• Vikram Raghavan, Communication Law in India (Legal aspects of Telecom, Broadcasting and Cable Services), 2007. • Surendra Malik & Sudeep Malik, Supreme Court on Mobile Phones and Telecommunication Laws

MODULE III: TELECOM SECTOR AND DISPUTES SETTLEMENT [16 Sessions]

Unit I	Dispute Resolution- Understanding the nature of disputes in the Sector, Current disputes, Resolution Mechanisms under the Act
Unit II	Creation of the TDSAT, Adjudicatory and appellate powers, Chairperson, Dispute between various stake holders, Issues relating to Licensing and Interconnection
Unit III	Powers of the TDSAT- Enforcing Orders, Appeals to the Apex Court, Jurisdiction of the TDSAT in hearing dispute and limitations
Unit IV	Protection of Consumers- Quality Services in the Sector, Consumer Rights Advocacy, Complain as well as Grievance Redressal Mechanism

Landmark Case laws	1) Star India Private Ltd. v. Department of Industrial Policy and Promotion, (2019)2SCC 104 2) Star India P. Ltd. v. The Telecom Regulatory Authority of India,146 (2008) DLT 455 3) Aircel Digilink India v. Union of India, (2005) SCC Online TDSAT 105 4) Viom Network Ltd. v. S Tel Private Ltd, 2013 SCC Online Del 4511 5) V-Con Telecom Towers Pvt. Ltd. v. Tata Tele service Ltd, (2018) SCC Online TDSAT 758. 6) AUSPI v. Union of India, 2006 SCC Online TDSAT 13 7) AUSPI v. Union of India, (2011) 10 SCC 553 8) Union of India v. ASSOCHAM, 2019 SCC Online SC 1393 9) Union of India v. Association of Unified Telecom Service Providers of India, (2020) 3 SCC 525 10) BSNL v. Telecom Regulatory Authority of India, (2014) 3SCC 222 11) Bharti Airtel v. TRAI 2018 SCC Online TDSAT 624 12) BSNL v. TRAI (2014) 3 SCC 222 13) CCI v. SAIL (2010) 10 SCC 744. 14) Cellular Operators' Association of India v. Telecom Regulatory Authority of India, (2016) 7 SCC 703. 15) BSNL vs Telecom Regulatory Authority of India, (2014) 3 SCC 222 16) MTNL vs. Telecom Regulatory Authority of India, AIR 2000 Del 208

Relevant Laws	The Telecom Regulatory Authority of India Act, 1997; The Telecommunications Act, 2023.

Essential Readings	• Rory Macmillan, 'Reflections on Regulation and Dispute Resolution in the Indian Telecommunication Sector', Journal of Indian Law Institute, vo147, No 1, 2005. • Paul Brusley, Dispute Resolution in Telecommunication-The Regulatory Perspective, Sweet & Maxwell Limited, Issue-1, 4-9, 2005.

Suggested Readings	• Surendra Malik & Sudeep Malik, Supreme Court on Mobile Phones and Telecommunication Laws

MODULE IV: INTERNATIONAL LEGAL REGIME IN THE TELECOMMUNICATION SECTOR [17 Sessions]

Unit I	Evolution of Telecommunication laws in USA, UK and EU- Conceptual framework, Historical legal framework, Current Polices, Regulators, Dispute resolution mechanism
Unit II	International Telecommunication Union (ITU)- Evolution, Organizational Structure, Role, International efforts
Unit III	International Telecommunications and Law of the Sea- Submarine Cables, Threats and Benefits, Contribution of the International Cable Protection Committee (ICPC)
Unit IV	Emerging issues: Future of Telecommunication Laws, Competition Law and Telecommunication sector, Enabling 5G in India- Regulatory issues and Challenges, OTT and live streaming services, Satellite Internet.

Relevant Law	EU Electronic Communications Code; The Communications Act of 1934, The Telecommunications Act of 1996, Telecommunications (Security) Act 2021.

Essential Readings	• Kapil Kumar, Key Challenges of Telecom Sector in India, International Journal of Engineering Research and Development, Vol-13, issue-9, 5-8, e-ISSN: 2278-067X, p-ISSN: 2278-800X, (Sept 2017).

	• Gopika GG, Growth and Development of Telecom Sector in India-An Overview, I0SR-JBM, Vol-16, Issue-9, 25-36, (Sept 2014). • Uchenna Jerome Orji, International Telecommunications Law and Policy.

Suggested Readings	• Ian Walden, Telecommunications Law and Regulation, Oxford University Press, 2012, pp. 3-24; 277-546; 653-850.

READING LIST

Essential Reading List

1. Sharon K. Black, Telecommunications Law in the Internet Age, Morgan Kaufmann Publishers, 2002, pp. 1-47; 327-426.
2. L. J. H. F. Garzaniti, Computer Law and Security Report. Telecommunications, broadcasting and the Internet EU competition law and regulation.
3. Vikram Raghavan, Communication Law in India (Legal aspects of Telecom, Broadcasting and Cable Services), 2007.
4. Christian Koenig, Andreas Bartosch, and Jens-Daniel Braun, EC Competition and Telecommunications Law: A Practitioner's Guide (International Competition Law Series), Kluwer Law International, 2002.
5. Manish Yadav, Telecom Dispute Settlement in India, 2013.
6. R.U.S Prasad, Resolving Disputes in Telecommunications: Existing Country Practice & Future Challenges, Oxford University Press, 2010, pp. 1-187.

Suggested Reading List

1. Anastassios Gentzoglanis, and Anders Henten, eds. (2010), Regulation and the Evolution of the Global Telecommunications Industry, Edward Elgar.
2. Ian Walden, Telecommunications Law and Regulation, Oxford University Press, 2012, pp. 3-24; 277-546; 653-850.
3. Francis Lyall, International Communications: The International Telecommunication Union and the Universal Postal Union, (1st ed.), Routledge, 2011.
4. Vikas Nehru, Global Wireless Spiderweb: The Invisible Threat Posed by Wireless Radiation, (July 2016).
5. Shafilluah Khan & Sakib Khan Pathan (ed.) Wireless Networks and Security: Issues, Challenges and Research Trends, Issues, Challenges and Research Trends, Springer, 2013.
6. Anjali Garg & Manisha Kabra, Regulatory reforms in India: Effectiveness, Efficiency and impacts, The Energy and Resources Institute, TERI, (Jan 2009).

Note: The topics, legislations and cases mentioned are not exhaustive. The instructor of the course shall be at liberty to add new topics/legislations/cases.

HIDAYATULLAH NATIONAL LAW UNIVERSITY, NAVA RAIPUR

B.A.LL.B (Hons.) Batch of 202XX-20XX

[CYBER FORENSICS & CYBER CRIME]

Course Code	**LLM-LT-202**	**Faculty**	Prof. (Dr.) Yogendra Kumar Srivastava
Class Hours	60 hours	**Credits**	4
Programme (select one)	LL.M.	**Year**	2024-25
Session Duration	55 Minutes	**Semester**	II

COURSE SUMMARY

The development in the field of Law, Science and Technology has proven to be a breakthrough for humans in all walks of life. Amongst all the developments and advancements in the field of technology and science, the Internet is revered as the messiah of mankind considering the liberating effect it has brought into our lives. While the list of benefits that are attached to the advent of the Internet are numerous, one cannot ignore the impact of its development and growth on the criminal law set up in global democracies.

The way in which the Internet is used by individuals and organizations to commit illegal activities has become a challenge for the law enforcement agencies to apprehend and successfully prosecute considering the jurisdictional issues involved in such crimes.

Cybercrime represents the latest generation of crimes which challenges the very existence of conventional criminal law and questions the suitability of the already existing legal regime to the new branch of crime.

Given the speed of technological progress, while the global democracies find it difficult to match up and step up their game in terms of providing a safer online platform, the criminals are faster to respond to the changes and are way technologically ahead of all in terms of finding new avenues for commission of crime in the cyber world. Cyber forensics has been growing as a field of science which can be used successfully not only to apprehend these cyber criminals but also to facilitate the court in successfully bringing the offender to justice.

In this backdrop, the present course curriculum is designed to present discussions, deliberations on certain legal issues that arise due to the use of technology by individuals for committing crimes against individuals, property as well as the governments and find viable solutions as to how these miscreants can be apprehended successfully with the use of technology.

The overarching object of the course is to acquaint students with in-depth knowledge of issues related to Cybercrime and the applicable regulatory regime. Also, the concepts of Cyber forensics and its impact on related areas of study would also be analyzed.

COURSE OBJECTIVES

CO 01	**To develop and provide the conceptual understanding of issues surrounding cybercrimes and related laws in India and in other International Jurisdictions.**
CO 02	**To develop a critical understanding and approach to handle issues relating to Cyber Crime.**
CO 03	**To demonstrate the functioning of Cyber forensics as an important tool to investigate Cyber Crimes.**
CO 04	**To understand the various facets of Forensic Science and Cyber Crime vis-a-vis Intellectual Properties and Information Technology.**

TEACHING PEDAGOGY

Considering that the classes will be conducted through online mode the mode of teaching will as of now essentially consist of:

- Lectures with power point presentations.
- Guided reading and critical reflection of case laws.
- Classroom discussion/debates.

COURSE PLAN

LEARNING OUTCOMES: - Through the curriculum, the students will be introduced to the various facets of cyber-crimes and cyber forensics. On completion of this course, the students will be able to:

LO1 the course shall inform and educate the learners about the essentials of various crimes committed by using the cyber space.

LO2 the course shall bring awareness in the learners about the key issues involving the cybercrimes and the laws related to different jurisdictions.

LO3 the course shall impart education to the learners to examine nexus between cyber forensics and cyber-crimes.

LO4 the course shall help the learners to develop an analytical and critical perspective about the existing legal framework to deal with the cases related to cyber-crimes and cyber forensics vis-à-vis IP, IT and Cyber Forensic matters.

EVALUATION COMPONENTS

Components of Course Evaluation	**% distribution**
End Term Examination	80%
Individual Projects and Presentation	20%
Total	**100%**

S.No.	**Modules**	**Modules Session Plan**

1	INTRODUCTION	12
2	VARIOUS FACETS OF CYBER CRIME	12
3	CYBER FORENSICS	12
4	ACQUISITION AND ADMISSIBILITY OF DIGITAL EVIDENCE	12
5	IP, IT AND CYBER FORENSICS	12

MODULE I: INTRODUCTION [No. of Sessions – 12 Sessions]

Unit I	Introduction into crime related to the Internet. (a) Meaning and definition of cyber space (b) Concept of Cyber Crime (c) Challenge to Laws (d) Jurisdiction in Cyber Space • Concept of Cyber Space • Subject Matter Jurisdiction • Personal Jurisdiction • Determining jurisdiction and applicable law for online disputes

Unit II	Budapest Convention on Cyber Crime
Unit III	Additional Protocol to the Convention on Cybercrime Concerning the Criminalization of Acts of a Racist or Xenophobic Nature Committed Through Computer Systems (2003)
Unit IV	4. Second Additional Protocol to the Convention on Cybercrime on Enhanced Cooperation and Disclosure of Electronic Evidence (2022) * *NB: This protocol was opened for signature on 12 May 2022 and had not entered into force as of December 2022.

Landmark Case laws	Syed Asifuddin v. State of Andhra Pradesh, 2006 (1) ALD (Cri) 96; 2005 CriLJ 4314 Diebold Systems Pvt. Ltd. vs The Commissioner, ILR 2005 KAR 2210

Relevant Laws / Statutes / International Treaties	Budapest Convention on Cybercrime

Essential Readings	Talat Fatima, Cyber Crimes, EBC, 2nd Ed.,2016

Suggested Readings	1. Yatindra Singh, Cyber Laws, Universal Law Publishing, 6th Ed., 2016 2. Dr Farooq Ahmad, Cyber Law in India, New Era Law Publication, 4th Ed., 2011 3. Sushma Arora, Cyber Crime and Laws, Taxmann, 2016

	4. J P Mishra, Cyber Law, Central Law Publication, 2nd Ed., 2014 5. Kamath Nandan, Law Relating to Computers Internet & E-commerce - A Guide to Cyberlaws & The Information Technology Act, Rules, Regulations and Notifications along with Latest Case Laws 5thEd. (2016) 6. Prashant Mali, Cyber Law and Cyber Crimes, 2nd Ed.(2015) 7. Debrati Halder & H Jaishanker, Cyber Crimes Against Women, Sage Publications 1st Ed.(2017) 8. Vakul Sharma, Information Technology Law & Practice 6thEd. (2018)

MODULE II: [VARIOUS FACETS OF CYBER CRIME] [No. of Sessions – 12 Sessions]

Unit I	Crimes against Individuals (a) Hate Speech (b) Harassment and Stalking (c) Identify Theft and Evasion of Digital Privacy (d) Cyber Forgery (e) Consumer related crimes
Unit II	Crimes against property (a) Cyber Trafficking (b) Cyber Vandalism (c) Intellectual Property Crimes in cyber space (d) Hacking Computer System (e) Internet Time Theft (f) Hacking into computer system

Unit III	Crime against Government (a) Cyber Terrorism (b) Attack on protected systems (c) Cyber Laundering (d) E-payments and Internet Banking: crimes and regulations
Unit IV	New Dimensions Like-Digital Arrest, Deep Fake Videos, Deep Fake Audio, etc.

Landmark Case laws	• Rakesh v. Central Bureau, Delhi District Court, 2011 5 February 2011 • Maqbool Fida Husain v. Raj Kumar Pandey, Delhi HC decided on 8/5/2008. • State of Tamil Nadu v. SuhasKatti,Decided by CMM, Egmore, decided on Nov. 5, 2004 • Shreya Singhal v U.O.I, SC decided on 24/03/2015. • Internet & Mobile Association of India vs. RBI [W.P. Civil 528 &373 of 2018] • Manohar Lal Sharma v. Union of India &Ors. [W.P Crl. No. 314 of 2021] • Dhyande v. Kachurji Wankhede vs. Nawab Malik IAL 25975-2021 IN SUIT (L) 25974-2021

Relevant Laws / Statutes / International Treaties	Information Act, 2000 and related Rules

Essential	Talat Fatima, Cyber Crimes, EBC, 2nd Ed.,2016

Readings	

Suggested Readings	1. Yatindra Singh, Cyber Laws, Universal Law Publishing, 6th Ed., 2016 2. Dr Farooq Ahmad, Cyber Law in India, New Era Law Publication, 4th Ed., 2011 3. Sushma Arora, Cyber Crime and Laws, Taxmann, 2016 4. J P Mishra, Cyber Law, Central Law Publication, 2nd Ed., 2014 5. Kamath Nandan, Law Relating to Computers Internet & E-commerce - A Guide to Cyberlaws & The Information Technology Act, Rules, Regulations and Notifications along with Latest Case Laws 5thEd. (2016) 6. Prashant Mali, Cyber Law and Cyber Crimes, 2nd Ed.(2015) 7. Debrati Halder & H Jaishanker, Cyber Crimes Against Women, Sage Publications 1st Ed.(2017) 8. Vakul Sharma, Information Technology Law & Practice 6thEd. (2018)

MODULE III: [CYBER FORENSICS] [No. of Sessions – 12 Sessions]

Unit I	Defining cyber forensics (a) Why is Cyber Forensic Important (b) Techniques forensic Investigators use
Unit II	Types of cyber forensics (a) Database Forensics (b) Email Forensics (c) Malware Forensics (d) Mobile Forensics (e) Network Forensics

Unit III	Steps in cyber forensics (a) Data Collection (b) Analysis (c) Presentation
Unit IV	Block Chain as Forensic tool

Landmark Case laws	• Manohar Lal Sharma vs. Union of India &Ors. [W.P Crl. No. 314 of 2021] • Harsh Chugh vs. U.O.I. Writ Petition Civil Diary No. 10980/2020

Relevant Laws / Statutes / International Treaties	Information Technology Act, 2000 and related Rules

Essential Readings	Talat Fatima, Cyber Crimes, EBC, 2nd Ed.,2016 • https://www.techtarget.com/searchsecurity/definition/computer-forensics • https://www.youtube.com/watch?v=ENrjn-lD1e8

Suggested Readings	1. Yatindra Singh, Cyber Laws, Universal Law Publishing, 6th Ed., 2016 2. Dr Farooq Ahmad, Cyber Law in India, New Era Law Publication, 4th Ed., 2011 3. Sushma Arora, Cyber Crime and Laws, Taxmann, 2016 4. J P Mishra, Cyber Law, Central Law Publication, 2nd Ed., 2014 5. Kamath Nandan, Law Relating to Computers Internet & E-commerce - A

	Guide to Cyberlaws & The Information Technology Act, Rules, Regulations and Notifications along with Latest Case Laws 5thEd. (2016) 6. Prashant Mali, Cyber Law and Cyber Crimes, 2nd Ed.(2015) 7. Debrati Halder & H Jaishanker, Cyber Crimes Against Women, Sage Publications 1st Ed.(2017) 8. Vakul Sharma, Information Technology Law & Practice 6thEd. (2018)

MODULE IV: [ACQUISITION AND ADMISSIBILITY OF ELECTRONIC EVIDENCE] [No. of Sessions – 12 Sessions]

Unit I	Acquisition and handling of Electronic Evidence (a) Introduction (b) Meaning of Electronic Evidence (c) Principles of Electronic Evidence (d) Electronic Evidence handling
Unit II	Analysis and Admissibility of Electronic Evidence (a) Electronic Evidence and the Indian Evidence Act, 1872 (b) Evidence and the Indian Supreme Court (c) Admissibility of Electronic Evidence
Unit III	Electronic Evidence under BSA, 2023 comparative study with other existing Models of other Countries
Unit IV	Global Approaches with reference to Electronic Evidence

Landmark Case laws	• Anvar P.V. v. P.K.Basheer & Ors. (2014) 10 SCC 473 • ShafhiMohd. v. S/O H.P. (2018) 2 SCC 801 • Arjun Pandit Rao Khotkarv. Kailash Kushanrao Gorantyal, 2020 SCC Online SC 571

Relevant Laws / Statutes / International Treaties	Information Technology Act, 2000 and related rules

Essential Readings	Talat Fatima, Cyber Crimes, EBC, 2nd Ed.,2016 Karnika Seth, Computers Internet and New Technology Laws (2016)

Suggested Readings	1. Yatindra Singh, Cyber Laws, Universal Law Publishing, 6th Ed., 2016 2. Dr Farooq Ahmad, Cyber Law in India, New Era Law Publication, 4th Ed., 2011 3. Sushma Arora, Cyber Crime and Laws, Taxmann, 2016 4. J P Mishra, Cyber Law, Central Law Publication, 2nd Ed., 2014 5. Kamath Nandan, Law Relating to Computers Internet & E-commerce - A Guide to Cyberlaws & The Information Technology Act, Rules, Regulations and Notifications along with Latest Case Laws 5thEd. (2016) 6. Prashant Mali, Cyber Law and Cyber Crimes, 2nd Ed. (2015) 7. Debrati Halder & H Jaishanker, Cyber Crimes Against Women, Sage Publications 1st Ed. (2017) 8. Vakul Sharma, Information Technology Law & Practice 6thEd. (2018)

MODULE V: [IP, IT AND CYBER FORENSICS] [No. of Sessions – 12 Sessions]

Unit I	Tools of DRM for enforcement of copyright (a) What is DRM? (b) How does DRM work? (c) What are different types of DRM technologies and methods and their usage? (d) DRM and its existence across Copyright Laws in various countries
Unit II	Smart Contracts (a) Smart Contracts Defined (b) How Smart Contracts work? (c) Benefits of Smart Contract (d) Applications of Smart Contracts
Unit III	Crypto currencies (a) Introduction (b) Rationale behind crypto (c) Regulation of crypto currencies across the world (d) EU, UK, CHINA & USA (e) Regulation of Cryptocurrency in India
Unit IV	Cloud and Virtual Technology Security (a) Introduction (b) Security Requirements of Virtualisations (c) Attacks on Virtualisation

	(d)Security Solutions

Landmark Case laws	• Noel Harper &Ors. v. U.O.I &Anr. [W.P. (Civil) No. 566/2021] • Jeevan Jyothi Charitable Trust &Ors. Vs. U.O.I [W.P. (C) No. 751/2021 • Ferid Allani v. U.O.I &Ors. [W.P. (C) 7/2014 decided on 12th Dec. 2019]

Relevant Laws / Statutes / International Treaties	Information Technology Law, 2000 and related Rules

Essential Readings	Talat Fatima, Cyber Crimes, EBC, 2nd Ed.,2016 Karnika Seth, Computers Internet and New Technology Laws (2016) Kamath Nandan, Law Relating to Computers Internet & E-commerce - A Guide to Cyberlaws & The Information Technology Act, Rules, Regulations and Notifications along with Latest Case Laws 5thEd. (2016)

Suggested Readings	1. Yatindra Singh, Cyber Laws, Universal Law Publishing, 6th Ed., 2016 2. Dr Farooq Ahmad, Cyber Law in India, New Era Law Publication, 4th Ed., 2011 3. Sushma Arora, Cyber Crime and Laws, Taxmann, 2016 4. J P Mishra, Cyber Law, Central Law Publication, 2nd Ed., 2014 5. Kamath Nandan, Law Relating to Computers Internet & E-commerce - A Guide to Cyberlaws & The Information Technology Act, Rules, Regulations and Notifications along with Latest Case Laws 5thEd. (2016) 6. Prashant Mali, Cyber Law and Cyber Crimes, 2nd Ed.(2015) 7. Debrati Halder & H Jaishanker, Cyber Crimes Against Women, Sage

	Publications 1st Ed.(2017) 8. Vakul Sharma, Information Technology Law & Practice 6thEd. (2018)

READING LIST

BOOKS

Essential Readings

1. Karnika Seth, Computers Internet and New Technology Laws (2016)
2. Pavan Duggal, Cyber Law: The Indian Perspective, Saaksghar Law Publication, 2nd Ed., 2004
3. Talat Fatima, Cyber Crimes, EBC, 2nd Ed.,2016
4. S K Verma, Raman Mittal, Legal Dimensions of Cyberspace, ILI, 2004

Reference Readings

1. Yatindra Singh, Cyber Laws, Universal Law Publishing, 6th Ed., 2016
2. Dr Farooq Ahmad, Cyber Law in India, New Era Law Publication, 4th Ed., 2011
3. Sushma Arora, Cyber Crime and Laws, Taxmann, 2016
4. J P Mishra, Cyber Law, Central Law Publication, 2nd Ed., 2014
5. Kamath Nandan, Law Relating to Computers Internet & E-commerce - A Guide to Cyberlaws & The Information Technology Act, Rules, Regulations and Notifications along with Latest Case Laws 5thEd. (2016)
6. Prashant Mali, Cyber Law and Cyber Crimes, 2nd Ed. (2015)
7. Debrati Halder & H Jaishanker, Cyber Crimes Against Women, Sage Publications 1st Ed.(2017)
8. Vakul Sharma, Information Technology Law & Practice 6thEd. (2018)

ONLINE ARTICLES

1. D. E. Sorkin, "Technical and Legal Approaches to Unsolicited Electronic Mail" available at http://www.sorkin.org/articles/usf.pdf
2. C. Palmer, "Ethical Hacking" available at http://ishwer.zxq.net/hacking/ebook/Ethical%20hacking.pdf
3. M. Collier, "Voice Over IP (VoIP) Denial of Service (DoS)" available at http://download.securelogix.com/library/dos.pdf
4. Sarah Gordon, "Cyberterrorism" available at https://www.symantec.com/avcenter/reference/cyberterrorism.pdf
5. V. Pegueros, "Cybercrime and Identity Theft" available at http://ima-northernlights.imanet.org/042712/Cybercrime.pdf
6. Jay Mazoomdar, "Explained: How Pegasus spyware infects a device; what data may be compromised" available at https://indianexpress.com/article/explained/pegasus-whatsapp-spyware-israel-india-7410890/
7. "Pegasus spyware controversy: The story so far (a timeline of events)" available at https://www.freepressjournal.in/india/pegasus-spyware-controversy-the-story-so-far
8. Nishith Desai, E-commerce in India – Legal, tax and regulatory analysis available at

http://www.nishithdesai.com/fileadmin/user_upload/pdfs/Research%20Papers/E-Commerce_in_India.pdf
9. Hemali Shah and Aashish Srivastavat "Signature Provisions in the Amended Indian Information Technology Act 2000: Legislative Chaos", 43 Comm. L. World Rev. 208 2014 available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2748441
10. Christopher Reed, "Legally binding electronic documents: Digital Signatures and Authentication 35(1) International Lawyer 89-106 available at http://www.jstor.org/stable/40707597
11. "Cyber Laws of India", www.iibf.org.in/documents/Cyber-Laws-chapter-in-Legal- Aspects-Book.pdf (Book on IT security of IIBF published by Taxmann Publishers
12. Clay Wilson, "Cyber Crimes", in Fraklin D. Kramer, Stuart H. Starr and Lerry K. Wentz (Eds.), Cyberpower and National Security, University of Nebrasaka Press: Potomac Books, available at http://www.jstor.com/stable/j.ctt1djmhj1.23
13. Michael Gisleret. Al., "Legal Aspects of Electronic Contracts", available athttp://kavehh.com/my%20Document/Essex/Digital%20signature/legal%20aspect%20of %20Electronic%20Contracts.pdf
14. Mayuri Patel and SubhasisSaha, "Trademark in Digital Era", 13 JIPR 118-128 (March 2008) available at http://nopr.niscair.res.in/bitstream/123456789/425/1/JIPR%2013%282%29%20%28200 8 %29%20118-128.pdf
15. Frosio, Giancarlo, Internet Intermediary Liability: WILMap, Theory and Trends (October 16, 2017). 13(1) Indian Journal of Law and Technology (2017) ; Centre for International Intellectual Property Studies, Research Paper No. 2017-10. Available at SSRN: https://ssrn.com/abstract=3053966.
16. Amlan Mohanty, New Crimes under the Information Technology Amendment Act, 7 Ind. J. L. & Tech. 103 (2011) available at Westlaw India
17. https://www.unodc.org/documents/Cybercrime/AdHocCommittee/Second_session/Stein_Schjlberg_contribution.pdf

Note: The topics, legislations and cases mentioned are not exhaustive. The instructor of the course shall be at liberty to add new topics/legislations/cases.

HIDAYATULLAH NATIONAL LAW UNIVERSITY, NAVA RAIPUR

LL.M. Batch of 2024-2025

[SOCIAL MEDIA AND LAW]

Course Code	LLM-LT-203	**Faculty**	Dr. Deepak Kumar Srivastava
Class Hours	60 hours	**Credits**	4
Programme (select one)	LL.M.	**Year**	One year course
Session Duration	55 Minutes	**Semester**	2nd

COURSE SUMMARY

In recent years, social media has transformed how individuals, organizations, and governments interact, communicate, and share information. Social media platforms have become integral to daily life, offering unprecedented access to real-time updates, global conversations, and an online presence with personal and professional implications. However, with the widespread use of these platforms, there has been a growing need to address the complex and evolving intersection of social media and the law.

The relationship between social media and the legal system presents opportunities and challenges. Social media platforms provide a space for free expression but also raise concerns about privacy, defamation, intellectual property, hate speech, and other illegal activities. Legal frameworks often struggle to keep pace with the rapid evolution of social media technologies, creating strains

between regulating harmful content and safeguarding individuals' rights to free speech.

The objective of the course is to make students aware of the concept of social media, to analyze the constitutional framework governing social media and their implications for freedom of expression and to analyze emerging legal issues related to social media and the Information Technology Act, including challenges in regulating online content and platforms. To explore legal regulation and self-regulation and the intersection of social media with intellectual property rights. Through this paper the student will understand the interplay between social media and the law, assessing key legal issues such as regulating online content, protecting user data, and balancing government intervention and freedom of expression. By analyzing current case studies and legal precedents, this course will provide insights into how social media can be regulated effectively while ensuring justice, accountability, and respect for basic rights in the digital age.

COURSE OBJECTIVES

CO 01	To provide a basic understanding of social media and its implications;
CO 02	To provide an understanding of the ethical and professional issues which arise from the use of social media in the judicial process and legal practice;
CO 03	To analyze emerging legal issues related to social media and the Information Technology Act, including challenges in regulating online content and platforms;
CO 04	To explore the legal regulation and self-regulation of intermediaries in India, and the intersection of social media with intellectual property rights.

TEACHING PEDAGOGY

The course employs diverse teaching methods, including classroom lectures, PowerPoint presentations, case law studies, tutorials, and short documentaries, with continuous evaluation. Emphasis is placed on fostering critical thinking and understanding the interplay of social media law with other legal domains. Students are encouraged to actively engage in discussions, share opinions, and offer critical insights to enhance the teaching-learning process. Practical skills are honed through situational case law analysis, promoting a deeper grasp of legal concepts and their applications.

COURSE PLAN:

MODULE I: [CONCEPTUALIZING SOCIAL MEDIA] [No. of Sessions – 10]

Unit I	Introduction
Unit II	Media-Morphosis - Press, Electronic Mass Media, Digital Media and Social Media;
Unit III	Theorizing Social Media- Meaning, Definition, Concept and Evolution;
Unit IV	Reasons for the growth of Social Media, Social Media and its impact, Status of Social Media platform;

Landmark Case laws	● Justice for Rights Foundation v. Union of India - (W.P. (C) 1164/2018) ● Shreya Singhal v. Union of India (2015) 5 SCC 1 ● Google France v. Louis Vuitton et al [2010] ECR I-241 ● L'Oréal v. eBay International [2011] ECR I-6011 ● Thornhill v Alabama (1950) 310 US 88.

Relevant Laws / Statutes / International Treaties	Constitution of India, 1950 The Information Technology Act, 2000

Essential Readings	● Larissa Hjorth, Understanding Social Media, 2nd Edition, SAGE ● Jean Burgess, A Handbook of Social Media, 1st Edition, SAGE

Suggested Readings	● Jeremy Harris Lipschultz, Social Media Communication, Concepts, Practices, Data, Law and Ethics, Routledge ● Daniel Trottier and Christian Fuchs (eds.), Social Media, politics and the state (Routledge, New York, 2014)

MODULE II: [SOCIAL MEDIA AND ETHICS] [No. of Sessions – 10]

Unit I	Concept of Ethics and the Law
Unit II	Ethical Issues in Indian Media: Code of Ethics, Media Bias, Censorship, Privacy issues, Obscenity, Violence, Hate speech, Fake news and post-truth, Women and Children in media
Unit III	Trial by media
Unit IV	Pressures on Media Freedom (Political, Commercial, Legal)

Landmark Case laws	

Relevant Laws / Statutes / International Treaties	● Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2022 ● Intermediary Guidelines by Ministry of Electronics & Information Technology (MEITY), Government of India.

Essential Readings	● Juhi P Pathak (2014), Introduction to Media Laws and Ethics, Shipra Publication, Delhi ● M Neelamalar; 2nd ed. (2009), Media law and Ethics, Prentice Hall India Learning Private Ltd.

Suggested Readings	● Paranjoy Guha Thakurta (2012), Media Ethics, Oxford University Press, New Delhi ● Vijay Pal Dalmia, India: A Brief into The Information Technology (Guidelines for Intermediaries and Digital Media Ethics Code) Rules, 2021.

MODULE III: [CONSTITUTION OF INDIA AND SOCIAL MEDIA] [No. of Sessions – 8]

Unit I	Freedom of speech & expression and Social media
Unit II	Freedom to form associations and Social Media

Unit III	Social media and Right to Privacy
Unit IV	Right to be Forgotten

Landmark Case laws	● Ashok Shankarrao Chavan v. Madhavrao Kinhalkar, (2014) 7 SCC 99 ● Ajay Goswami v. Union of India, AIR 2007 SC 493 ● ABP Pvt Ltd. v. Union of India, (2014) 3 SCC 327 ● Bennett Coleman & Co. v. Union of India, AIR 1973 SC 106 ● Brij Bhushan v. State of Delhi AIR 1950 SC 129 ● Court On Its Own Motion v. State, (2008) 146 DLT 429 ● Common Cause v. Union of India, (2015) 42 SCD 686 ● Foundation for Media Professional v. Union Territory of Jammu and Kashmir (D. No. 10817 OF 2020). ● Google India Private Limited v. M/s Visakha Industries Ltd., (2019) 6 SCC 604 ● K. S. Puttuswamy (Retd.) v. UOI, (2017) 10 SCC 1 ● Newspapers Pvt. Ltd. and Ors v. UOI (1985) SCC 1 641 ● Naveen Jindal v. Union of India AIR 2004 SC 1559 ● Rajat Prasad v. CBI, (2014) 6 SCC 495 ● Secy., Ministry of Broadcasting v. Cricket Association of Bengal, (1995) 2 SCC 16

Relevant Laws / Statutes / International Treaties	The Constitution of India, 1950 The Right to Information Act, 2005 The Information Technology Act, 2000

Essential Readings	● M P Jain, Indian Constitutional Law, 9th Edition, 2024, Lexis Nexis ● Gautam Bhatia, Offend, Shock or Disturb: Free Speech under the Indian Constitution 56 (Oxford University Press, New Delhi, 2016). ● Richard A. Posner, "The Right of Privacy," 10 Georgia Law Review 393 (1977). ● Susanne Baer, “Dignity, Liberty, Equality: A Fundamental rights triangle of Constitutionalism”59 University Toronto Law Journal

	417 (2009).

Suggested Readings	● Alexander Tesis, "Free Speech Constitutionalism", Illinois Law Review 1015 (2015) ● Evelyn Mary Aswad, "The Future of Freedom of Expression Online" 23 Duke Law Journal 189 (2019). ● Kannabiran K.G., The Speaking Constitution: A Sisyphean Life in Law, HarperCollins India, 2022. ● https://wbnujscls.wordpress.com/2020/03/30/social-media platforms-as-state-under-article-12-a-feasible-solution-to-private-censorship/

MODULE IV: [REGULATORY CHALLENGES BEFORE SOCIAL MEDIA] [No. of Sessions – 8]

Unit I	Problems posed by social media: Pornography and Obscenity, Hate Speech, Hacking of Social Media accounts
Unit II	Intellectual Property Issues (Trademark Infringement and Dilution, Copyright Infringement, Trade Secret Disclosure), Defamation,
Unit III	Privacy violation by Social Media
Unit IV	AI, Deep Fake Videos and Fact check units , any other…

Landmark Case laws	Arnab Manoranjan Goswami v. The State of Maharashtra AIR 2021 SC 1 DPP v. A and BC Chewing Gum Ltd. (1968) 1 QB 159 Google India Private Limited v. M/s Visakha Industries Ltd., (2019) 6 SCC 604 Miller v. California (1973) 413 US 15

	R. v. Hicklin, (1868) LR 3 QB 360 Ranjit D. Udeshi v. State of Maharashtra AIR 1965 SC 881 Swami Ramdev v. Juggernaut Books (2018) 246 DLT 279 Kunal Kamra v. Union of India, Writ Petition (L) No.9792 Of 2023

Relevant Laws / Statutes / International Treaties	● Advisory on Implementation of Section 66-A of the Information Technology Act, 2000, Department of Electronics and Information Technology, 9 January 2013 ● Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rule 2021 ● 52nd Report of the Parliamentary Standing Committee on Information Technology ● 31st Report of the Parliamentary Standing Committee on Subordinate Legislation, 2012-13 ● The Information Technology (Intermediary Guidelines and Digital Media Ethics Code). Rules, 2021 ● The Information Technology Amendment Rules of 2023 ● The Digital Personal Data Protection Act, 2023

Essential Readings	● Madhavi Goradian Divan, 'Facets of Media Law' (Reprint, EBC, 2010) 109 ● Graham J H Smith, 'Internet Law and Regulation' (4th Edition, Sweet and Maxwell, 2007)

Suggested Readings	● Alexandra Paslawsky, 'The Growth of Social Media Norms and Governments' Attempts At Regulation' (2011-12) 35 Fordham Int'l L.J. 1485

MODULE V: [LAWS RELATING TO SOCIAL MEDIA] [No. of Sessions – 8]

Unit I	The Information Technology Act, 2000
Unit II	Bhartiya Nyaya Sanhita 2023
Unit III	Bhartiya Nyaya Suraksha Sanhita 2023
Unit IV	Authorities: Statutory/ State Authorities, Non-Statutory Authorities

Landmark Case laws	● Abrams v. United States 250 U.S. 616 (1919) ● Rajat Prasad v. CBI, (2014) 6 SCC 495 ● Syed Asifuddin v. State of Andhra Pradesh, 2006 (1) Ald (Cri) 96S. Khushboo v. Kanniamal & Anr. 2010 (5) SCC 600 ● Shreya Singhal v. Union of India, (2015) 5 SCC 1 ● Swatanter Kumar v. The Indian Express Ltd, 207 (2014) DLT 221 ● The Registrar (Judicial), Madurai bench of Madras High Court v. The Secretary to Government, Union Ministry of Communications, Government of India, New Delhi and Ors. 2018 (1) CTC 506 ● X v. Union of India, 2021 SCC OnLine Del 178

Relevant Laws / Statutes / International Treaties	● The Information Technology Act, 2000 ● Bhartiya Nyaya Sanhita 2023 ● Bhartiya Nyaya Suraksha Sanhita 2023 ● The Digital Personal Data Protection Act, 2023

Essential Readings	Puneet Bhasin, Law Relating to Social Media Crimes, Intermediaries, Digital Media, And Ott Platforms, OakBridge Publishing.

Suggested Readings	https://www.orfonline.org/expert-speak/sedition-law/

MODULE VI: [LIABILITIES OF INTERMEDIARIES] [No. of Sessions – 8]

Unit I	Content Moderation and Censorship
Unit II	Legal Protections for Intermediaries
Unit III	Data Privacy and Protection
Unit IV	Criminal Liability and Law Enforcement Cooperation

Landmark Case laws	● A&M Records, Inc. v. Napster, Inc., 239 F.3d 1004 (2001) ● Facebook Inc. v. Union of India T.P. Civ. No.(s) 1943-1946/2019 ● Google Inc v Equustek Solutions Inc 2017 SCC 34 ● Shreya Singhal v. Union of India, (2015) 5 SCC 1

Relevant Laws / Statutes / International Treaties	● The Information Technology Act, 2000 ● Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rule 2021 ● 52nd Report of the Parliamentary Standing Committee on Information Technology ● 31st Report of the Parliamentary Standing Committee on Subordinate Legislation, 2012-13 ● Advisory on Implementation of Section 66-A of the Information Technology Act, 2000, Department of Electronics and Information Technology, 9 January 2013 ● The Digital Personal Data Protection Act, 2023

Essential Readings	● Dr. Karnika Seth, Liability of Intermediaries in India, file:///C:/Users/User/OneDrive/Desktop/Social%20Media%20and%20Law/Liability-of-Intermediaries.pdf ● Indranath Gupta & Lakshmi Srinivasan (2023): Evolving scope of intermediary liability in India, International Review of Law, Computers & Technology, DOI: 10.1080/13600869.2022.2164838 To link to this

	article: https://doi.org/10.1080/13600869.2022.2164838

Suggested Readings	https://prsindia.org/billtrack/the-information-technology-intermediary-guidelines-and-digital-media-ethics-code-rules-2021

MODULE VII: [SOCIAL MEDIA AND SELF-REGULATION] [No. of Sessions – 8]

Unit I	Scope of Self-Regulation
Unit II	Self-Regulation in practice
Unit III	Self-regulation and its Challenges
Unit IV	Effective self-regulation (Best Practices)

Landmark Case laws	● Google Inc v Equustek Solutions Inc 2017 SCC 34

Relevant Laws / Statutes / International Treaties	● The Information Technology Act, 2000 ● The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 ● Framework & Guidelines for Use of Social Media for Government Organisations, Department of Electronics and Information Technology.

Essential Readings	● Ferre John P. A Short History of Media Ethics in Lee Wilkins, Clifford G. Christians (Eds.) (2009), The Handbook of Mass Media Ethics, Routledge, New York & London ● Mathew, M. (2016). Media Self-Regulation in India: A Critical Analysis. Indian Law Institute Law Review. ● SHANKAR, RAGHAV. "Supreme Court's Decision on Reporting of Proceedings." *Economic and Political Weekly* 47, no. 40 (2012): 15–17. http://www.jstor.org/stable/41720207

Suggested Readings	● Ghosh, Gitanjali, and Shishir Tiwari. Social Media and Freedom of Speech and Expression: Challenges before the Indian law. ● Thakurta, Paranjoy Guha (2012), Media Ethics, Truth Fairness and Objectivity, Oxford University Press, New Delhi

READING LIST

- **Essential Reading List**

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- Larissa Hjorth, Understanding Social Media, 2nd Edition, SAGE
- Mathew, M. (2016). Media Self-Regulation in India: A Critical Analysis. Indian Law Institute Law Review.
- Puneet Bhasin, Law Relating to Social Media Crimes, Intermediaries, Digital Media, And Ott Platforms, OakBridge Publishing.
- Thakurta, Paranjoy Guha (2012), Media Ethics, Truth Fairness and Objectivity, Oxford University Press, New Delhi

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Books

- Alexander Tesis, "Free Speech Constitutionalism", Illinois Law Review 1015 (2015)
- Evelyn Mary Aswad, "The Future of Freedom of Expression Online" 23 Duke Law Journal 189 (2019).
- Gautam Bhatia, Offend, Shock or Disturb: Free Speech under the Indian Constitution 56 (Oxford University Press, New Delhi, 2016).
- Kannabiran K.G., The Speaking Constitution: A Sisyphean Life in Law, HarperCollins India, 2022.
- Madhavi Goradian Divan, 'Facets of Media Law' (Reprint, EBC, 2010) 109
- M P Jain, Indian Constitutional Law, 9th Edition, 2024, Lexis Nexis

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