**Course Code**  
BF-E-LAW-407

**Course Name**  
Technology and the Law – Fall 2020

**Instructors**

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**Credits**  
4 credits
Technology is a curious beast. Since the advent of humanity, technology has served us to survive (think fire, iron tools for hunting, farming and so on), read (think spectacles), write (think papyrus), think (books, computers, informational technology), recover (health technologies), and exist better. In a way therefore, technology has both shaped how we live, and in many ways the patterns of our lives have shaped technological advancements themselves. The past few decades however has seen an accelerated advancement in technology. We are now living in an increasingly complicated and interconnected world. Our ability to communicate, inform, perform activities and comprehend the changes in the world therefore depends on our understanding of the fundamental rubrics of what connects technology with our everyday life. The building blocks of these interconnections are often made of laws and evolving regulations, determining what technology can be designed, what technology we have access to, who we are in a digital world and how we behave, what our rights and freedoms in this new world are, who is liable when things go wrong, and who controls whom and how. Therefore, this course is designed to introduce students to critical ways of thinking about technology, and provide a background to understanding how law, policy and societal concerns interact with it. In essence, it aims to introduce students to think carefully about technology, its societal impact, and the rules that surround it, with the objective of enabling a better vision of the future.

The course is broadly divided into three parts. Part I will deal with the fundamental concepts and theories linking technology to society, and introduce students to the basic infrastructures and history of these connections. Part II will deal with technology and regulation, and the consequent digital rights, privacy algorithmic accountability, content moderation, surveillance, intermediary liability, big data, encryption and traceability. Part III will delve into the impacts of technology on people and regulation, with the aim to equip students to think critically about present and future challenges. The topics included in this part will cover issues of digital identities, the impact of race, gender and other constructs on technology, and the interlinkages of democracies and social movements with technology.

“For the last hundred years, technology has played an important role in visions of the future. Future societies are rarely ever conceived of or presented without future technologies and often the development of new technologies is used to explain how we could transition from present social structures to different social structures. Sometimes the force of technology is presented as unstoppable—as taking us to a specific future regardless of whether we want to go there. In other visions, technology enables new choices, but it is up to people to decide what type of society they want to live in. With either approach, technological change and social change are understood to be intimately linked so that they create the future together. Creating visions of the future and thinking carefully through them can
help us envision worlds we want to live in, worlds we don’t want to live in, and how today’s decisions can lead to different possibilities.”¹

Lady Liberty, a totem of pro-democracy protests in Hong Kong instituted in 2019, wearing a helmet, goggles, a respirator, and carrying an umbrella. To read more about the statue and the Umbrella movement, see this - https://www.economist.com/prospero/2020/05/27/a-totem-of-the-protest-movement-goes-on-display-in-hong-kong.

**Pre-Requisites**
None

**Learning Objectives**

Upon successful completion of this course, you should be able to:

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¹ Deborah Johnson & Jameson Whetmore, ‘Technology and Society; Building our Sociotechnical Future’, (2008); pg. 2
Course Objective 1 – Understand the fundamentals of the interconnections between technology and society and learn how to think critically about contemporary issues.

Course Objective 2 – Understand the fundamental concepts of technology law principles including those concerning privacy, encryption, surveillance, content moderation and intermediary liability.

Course Objective 3 – Understand the impact of technologies on people and institutions, and learn the basics of discrimination law.

Course Objective 4 – Comprehend present and future challenges to technology and its regulation.

Course Readings:

There is no one recommended textbook for this course. Instead, specific readings have been accorded to each week’s topic. The list of resources given below are indicative. These will be supplemented with more resources each week.

Course Structure

The teaching for this course will revolve around core readings and simulations/case studies that will be assigned well ahead of class. Teaching will involve a mix of formats including core lectures, seminars and class discussions. The teaching methodology is premised on active student participation and engagement with both the reading materials, and contemporary events of relevance. The course will also comprise of a number of guest lectures given by subject matter experts.

Grading, Progress and Assessment

The final grade for this course will be based on:

[Classroom participation (20%)]
[Project report (20%)]
[Essay (15%)]
[Essay (15%)]
[Essay (15%)]
[Essay (15%)]
[Essay (15%)]
Essay (15%)]

**Graded Component One (20%)**
Classroom Participation- To encourage students to participate in classroom discussions, and engage with the assigned reading material.

**Graded Component Two (20%)**
Project report- The class will be asked to create a data map. Students will be given the flexibility to look for any dataset that interests them and told to download the data. Students will then have to submit a project brief on the downloaded data, answering specific questions that will be allocated to them. To be submitted by week 13.

**Graded Component Three (15%)**
Essay 1 – Specific topics for the essay will be assigned to the class to be submitted by 7th of every month. (September 7th)

**Graded Component Three (15%)**
Essay 2 – Specific topics for the essay will be assigned to the class every month. (October 7th)

**Graded Component Three (15%)**
Essay 3 – Specific topics for the essay will be assigned to the class every month. (November 7th)

**Graded Component Three (15%)**
Essay 4 – Specific topics for the essay will be assigned to the class every month. (December 7th)

**Grade Sheet:**
The schema of the grade sheet may change. Students will be informed well in advance of any changes in the schema of the grade sheet.

**JGU Policies and Expectations**

**Academic Integrity and Plagiarism:**
Learning and knowledge production of any kind is a collaborative process. Collaboration demands an ethical responsibility to acknowledge who we have learnt from, what we have learned, and how reading and learning from others have helped us shape our own ideas. Even our own ideas demand an acknowledgement of the sources and processes through which those ideas have emerged. Thus, all ideas must be supported by citations. All ideas borrowed from articles, books, journals, magazines, case laws, statutes,
Photographs, films, paintings, etc., in print or online, must be credited with the original source. If the source or inspiration of your idea is a friend, a casual chat, something that you overheard, or heard being discussed at a conference or in class, even they must be duly credited. If you paraphrase or directly quote from a web source in the examination, presentation or essays, the source must be duly credited.

<table>
<thead>
<tr>
<th>Percentage of Marks</th>
<th>Grade</th>
<th>Grade Value</th>
<th>Grade Description</th>
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<tbody>
<tr>
<td>80 and above</td>
<td>O</td>
<td>8</td>
<td><strong>Outstanding</strong> – Exceptional knowledge of the subject matter, thorough understanding of issues; ability to synthesize ideas, rules and principles and extraordinary critical and analytical ability</td>
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<td>75 – 79.75</td>
<td>A+</td>
<td>7.5</td>
<td><strong>Excellent</strong> - Sound knowledge of the subject matter, thorough understanding of issues; ability to synthesize ideas, rules and principles and critical and analytical ability</td>
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<td>70 – 74.75</td>
<td>A</td>
<td>7</td>
<td><strong>Very Good</strong> - Sound knowledge of the subject matter, excellent organizational capacity, ability to synthesize ideas, rules and principles, critically analyse existing materials and originality in thinking and presentation</td>
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<td>65 – 69.75</td>
<td>A-</td>
<td>6</td>
<td><strong>Good</strong> - Good understanding of the subject matter, ability to identify issues and provide balanced solutions to problems and good critical and analytical skills</td>
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<td>60 – 64.75</td>
<td>B+</td>
<td>5</td>
<td><strong>Fair</strong> – Average understanding of the subject matter, limited ability to identify issues and provide solutions to problems and reasonable critical and analytical skills</td>
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<td>55 – 59.75</td>
<td>B</td>
<td>4</td>
<td><strong>Acceptable</strong> - Adequate knowledge of the subject matter to go to the next level of study and reasonable critical and analytical skills.</td>
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<td>50 – 54.75</td>
<td>B-</td>
<td>3</td>
<td><strong>Marginal</strong>- Limited knowledge of the subject matter and irrelevant use of materials and, poor critical and analytical skills</td>
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<td>45 – 49.75</td>
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<td>40 – 45.75</td>
<td>P2 or C</td>
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acknowledged. The university has a framework to deal with cases of plagiarism. All form of plagiarism will be taken seriously by the University and prescribed sanctions will be imposed on those who commit plagiarism.

Disability Support and Accommodation Requirements:  
JGU endeavours to make all its courses accessible to students. All students with any known disability needing academic accommodation are required to register with the Disability Support Committee dsc@jgu.edu.in. The Committee has so far identified the following conditions that could possibly hinder student’s overall well-being. These include physical and mobility related difficulties; visual impairment; hearing impairment; medical conditions; specific learning difficulties e.g. dyslexia; mental health. The Disability Support Committee maintains strict confidentiality of its discussions. Students should preferably register with the Committee during the month of June/January as disability accommodation requires early planning. DSC will approve of and coordinate all disability related services such as appointment of academic mentors, arranging infrastructural facilities, and course related requirements such as special lectures, tutorials and examinations.

Safe Space Pledge:  
This course may discuss a range of issues and events that might result in distress for some students. Discussions in the course might also provoke strong emotional responses. To make sure that all students collectively benefit from the course, and do not feel disturbed due to either the content of the course or the conduct of the discussions. Therefore, it is incumbent upon all within the classroom to pledge to maintain respect towards our peers. This does not mean that you need to feel restrained about what you feel and what you want to say. Conversely, this is about creating a safe space where everyone can speak and learn without inhibitions and fear. This responsibility lies not only with students, but also with the instructor.

Course Schedule & Assessment of Student Learning

<table>
<thead>
<tr>
<th>Week</th>
<th>Session Topics</th>
<th>Lesson Objectives</th>
<th>Course Objective</th>
<th>Readings and Activities</th>
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</thead>
<tbody>
<tr>
<td>Pre-course reads</td>
<td>The Building Blocks – Critical</td>
<td>This course is structured around weekly readings, submitting writing assignments, and</td>
<td>CO1</td>
<td>(i) Reading – Why you must read more, and how reading can save the world</td>
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<tr>
<td>thinking, reading and writing</td>
<td>employing critical thinking to examine each of the topics. These pre-course materials have been provided to help students understand more about each of these components.</td>
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<td>(ii) <strong>Writing</strong> – Academic writing differs significantly from writing in a journal. This course will expect you to write, and write well. Please see the following resources for understanding what academic writing entails.</td>
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<td><a href="https://patthomson.net/2020/03/02/writing-advice-caveat-emptor/">https://patthomson.net/2020/03/02/writing-advice-caveat-emptor/</a></td>
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<td><a href="https://openoregon.pressbooks.pub/technicalwriting/chapter/4-6-evaluate-sources/">https://openoregon.pressbooks.pub/technicalwriting/chapter/4-6-evaluate-sources/</a></td>
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<td>(iii) <strong>Critical thinking</strong> – Have a look at this critical thinking course on Coursera</td>
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<td><a href="https://www.coursera.org/lecture/critical-thinking-skills/1-2b-introduction-to-critical-thinking-mKBNX">https://www.coursera.org/lecture/critical-thinking-skills/1-2b-introduction-to-critical-thinking-mKBNX</a></td>
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<td>1 to 2</td>
<td>Foundations: Technology and Society</td>
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<td>1. Technique and Evolution-1</td>
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<td>3. Technique and Evolution-1</td>
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<td>4. Net Neutrality – What do Darwin and evolution have to do with the Internet?</td>
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<td><strong>Net Neutrality – What do Darwin and evolution have to do with the Internet?</strong></td>
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<tr>
<td>- The Wired ‘Guide to Net Neutrality’</td>
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<td>- Tim Wu, Network Neutrality FAQ</td>
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* Please note, session topics and activities may be subject to change during the course
<table>
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<tr>
<th>3-9</th>
<th>Technology and Regulation: From human privacy to artificial personhood</th>
<th>Privacy and Data protection</th>
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<tbody>
<tr>
<td></td>
<td>1. Privacy and Data protection</td>
<td>CO2, CO3 &amp; CO4</td>
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<td>(i) Why did Fifty Shades of Grey become a runaway success despite being rejected by publishers?</td>
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<td>(ii) If you are not paying for it, is it free? - The economics behind data collection</td>
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<td>(iii) How to talk about Privacy? – the ABC of Privacy</td>
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<td>(iv) Data as bodies and digital identities</td>
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<td>2. Privacy laws – Who is doing what?</td>
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<td>(i) Why did Fifty Shades of Grey become a runaway success despite being rejected by publishers?</td>
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<tr>
<td>- Why privacy matters even if you have nothing to hide?</td>
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<td>- What privacy is for?</td>
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<tr>
<td>- Universal Declaration of Human Rights (Article 12)</td>
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<td>- International Covenant on Civil and Political Rights (Article 17)</td>
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<tr>
<td>(ii) If you are not paying for it, is it free? - The economics behind data collection</td>
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<td>- Shohini Sengupta, 'The hidden cost of convenience' (2019), Pioneer</td>
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  (iii) How to talk about Privacy? – the ABC of Privacy

- Taxonomy of Privacy – see [infographic](#)

  (iv) Data as bodies and digital identities

- Thought experiment on data collection. Think about a sci-fi world in which there were no real barriers to the practice. What are the sources of personal data that companies would use? (Especially data sources that aren’t used today.)
- Anja Kovacs, *When our bodies become data, where does that leave us?*
- Zara Rehman, (2019) *Can data ever know who we really are?’*
| 6. Encryption and Traceability – who holds the key? |
| 7. Can you hold the giants liable? - Intermediary Liability |
| 8. Moral philosophy and technology regulation: Algorithmic accountability and can there really be a moral machine? |
| 9. Algorithmic accountability – Can you take algorithms to court? |

2. Privacy laws – Who is doing what?

(i) Europe’s General Data Protection Regulation


(ii) India’s conception of right to privacy -


- Discussion on the Draft Personal Data Protection Bill, 2019

3. Content moderation: The Curious Case of Disappearing Content on Social Media
(i) Can you be arrested for what you say on Facebook? – defamation, sedition, contempt of court, morality, obscenity and intellectual property rights

- Selection provisions of the Constitution of India, Information Technology Act, 2002, CrPC and IPC.
- See: The Zombie tracker for section 66A, Internet Freedom Foundation
- For parody and copyright discussion

(ii) Can your Internet be blocked or shut down? – TikTok and section 69A
- Discussion on section 69A, Information Technology Act, 2000
- PIB notification blocking 59 apps in India
4. Big Data and techno-Surveillance: Who controls whom and how

   (i) Can you really cut out BigTech from your life?

   - Kashmir Hill, *Blocking the Big 5* (2019), Gizmodo

   (ii) Critical questions for big data

   - Danah Boyd & Kate Crawford, *Critical questions for big data* (2012), Information, Communication & Society

   (iii) India's Surveillance Laws

   - Discussion on key legislation in India including the IT Act, 2000 and the Telegraph Act, 1885
   - *Wikimedia Stanford Initiative*

   (iv) On Chilling effects of surveillance
5. Encryption and Traceability – who holds the key?

- How would you encrypt your wall posts so that all your friends can read it, and no one else? Discussion about section 69 and 84A, IT Act, 2000
- Bedavyasa Mohanty, ‘The Encryption Debate in India’, Carnegie
- Medianama, ‘The Legal Position of Encryption In India’ (2016)

6. Can you hold the giants liable?

   (i) Intermediary Liability
7. Moral philosophy and technology regulation: Algorithmic accountability and can there really be a moral machine?

- Thought experiment- Watch ‘The Trolley Problem’ video, from the show ‘The Good Place’
- Critical thinking simulation: Practise simulations on MIT’s ‘moral machine’ simulation website

8. Algorithmic accountability – Can you take algorithms to court?

- Diakopoulos and Friedler, ‘How to hold algorithms accountable’, MIT Tech Review (2016)
- Sanne Blauw, ‘An Algorithm Was Taken to Court, and It Lost’ (2020)
| 10 - 15 | Impacts of technology on people | 1. Contract and Society in Western Society  
2. The growth of Capitalist Technologies in the West  
3. The lack of growth in Capitalist Technologies in the Islamic World  
4. Differential effects of technology—does technology affect you and me in the same way?  
   (i) “Mirror mirror on the wall, who is the fairest of them all?” – Race and technology  
   (ii) Does your gender affect the way you will get affected by technology?  
   (iii) Queering technologies  
5. Technology and revolutions-  
6. Differential effects of technology—does technology affect you and me in the same way? |
(ii) Technology and sovereign bodies
- Impact on democracies and elections – (2014)

(i) “Mirror mirror on the wall, who is the fairest of them all?” – Race and technology
- Race After Technology: Abolitionist Tools for the New Jim Code by Ruha Benjamin (select chapters)

(ii) Does your gender affect the way you will get affected by technology?
- Joana Varon, ‘The future is transfeminist: from imagination to action’

(iii) Queering technologies
- ‘Sexuality, Queerness and Internet Technologies in the Indian Context’, (2010) Centre for Internet and Society
- Norman Shamas, ‘The many lives of our sexy data bodies’
- How technology may be discriminating against queer people- Zach Blas’s performative computational biometric diagram of face cages.

7. Technology and revolutions-
   (i) Impact of technology on social movements
   - Zeynep Tufekci, ‘Social Movements and Governments in the Digital Age: Evaluating a Complex Landscape’, Journal of
(ii)Technology and sovereign bodies  