



COURSE MANUAL

Name of the Elective Course: Law, Art and the Camera

Course Code: L-EL-0693

Name of the responsible Faculty Instructor:

Prof. Hamsini Marada

**FALL 2025
(AY2025-26)**



The Omnipresent by Hamsini Marada

This document is prepared by the course instructor and contains basic information relevant to the execution of the course. It is the official record for all intents and purposes as far as the elective course, *Law, Art and the Camera*, is concerned.

This course manual can be used as a general guide to the subject. However, the instructor can modify, extend or supplement the course (without tampering its basic framework and objectives) for the effective and efficient delivery of the course. The instructor will provide students with reasons for such changes.

Part I

Course Title: **Law, Art and the Camera**

Course Code: **L-EL-0693**

Course Duration: **One Semester (14 Weeks)**

No. of Credit Units: **4 Credits**

Level: **Both Undergraduate and Postgraduate**

Medium of Instruction: **English**

Pre-requisites (if applicable): N/A

Equivalent Courses: N/A

Part II

1. Acknowledgement of the Course Ideators:

The course has been designed and ideated by the course instructor herself. It is a part of her broader research in the area of law and aesthetics.

2. Course Description

Background:

Camera, as a device for capturing photographs and shooting motion pictures, has both historically and contemporarily exhibited its importance in understanding art, politics and society. Ever since the creation of the first camera, still and motion photography has perpetually struggled with establishing a serious place for itself in the realm of fine arts. This gatekeeping stems from the argument that camera merely replicates the reality rather than creating reality, *albeit* subjectively, which is what ‘real’ art seems to be doing. However, despite this ongoing debate, camera has not only been seen as a mode for artistic expression but also as a journalistic device chronicling personal and socio-political memories, and as a medium through which evidence is adduced in courts. With the increasing access to a camera due to the advancement of digital technology and emergence of mobile photography, the potential for a photographer to become more egalitarian in nature and the visual image more democratized has increased.

In this backdrop, it is interesting to note how law interacts with the visuals captured by the camera in a plethora of unique ways. The state, through the law, not only operates to prohibit and restrict the visuals (and its dissemination) created by the camera, but also employs it as a means to use the camera to regulate the society for security and other reasons. This is not to say that the law is omnipresent, as it is also absent (and sometimes conspicuously silent) in emerging technological developments, where keeping pace with the widespread use of dynamic visuals is often challenging.

The Scope and Themes of the Course:

While this course situates itself in the larger intersection of the law and aesthetics, it solely focuses on the niche area of photography and filmmaking as an art form and investigates how the usage of camera as a tool for artistic expression produces unique legal challenges, both in theory and practice.

The students will be guided through a broad range of debates and themes in photography and videography in the realm of politics and law such as the role of aesthetics and ethics in determining the usage of a camera, freedom of expression and censorship of the visuals in journalistic endeavors and protest movements, camera within the criminal justice system in adducing of evidence and reinforcing the identity of the delinquent, state sponsored surveillance and its chilling effects on the photographer, privacy and intellectual property rights of the artist-photographer, etc.

These themes in the course will be viewed through the underlying lens of:

- a) The *photographer* as the artist, activist and journalist.
- b) The *viewer* of the camera visuals.
- c) The *law* regulating the visuals as well as the creator and viewer of these visuals.

3. Course Aims

The course is interdisciplinary. The socio-legal themes it will be covering are purposefully kept broad to give students an overall understanding of the myriad intersections between the camera and the law. The intended outcome of the course is to help students:

- a) analyze photographs and films that have drawn legal, ethical and socio-political debates.
- b) create thought-provoking photographs or photo-essays and deliberate on the legal implications of the same.
- c) engage with as well as challenge the existing theories on photography and camera within the socio-political arena propounded by theorists like Berger, Sontag, and Barthes and review the same through the ever-evolving legal lens.

4. Teaching Methodology

This is a learner-centred syllabus with the aim of helping the students understand the relationship of law with art as well as its neglect of art. Students are expected to read for each class, participate actively by asking questions after class lectures and during group discussions. Teaching will primarily be organised around weekly topics through introductory lectures, outlining core ideas, followed by discussions. Alongside classroom lectures, photo walks will be conducted on campus, where the students will be encouraged to apply what they read and discussed in class. In other words, this combination of lectures, photo walks, and class discussions aims to inculcate close reading of foundational texts and analytical habits as well as cooperative learning.

5. Intended Learning Outcomes

Course Intended Learning Outcomes	Weightage in %	Teaching and Learning Activities	Assessment Activities	Tasks/
Comprehend the shifting relationship and intersection of art, law and the camera.	25%	Lectures, Class Participation, Group Discussions, Presentations	Internal assessment, class participation	

Course Intended Learning Outcomes	Weightage in %	Teaching and Learning Activities	Assessment Activities Tasks/
Comprehend and critique the regulation of art primarily photography and filmography.	25%	Lectures, Class Participation, Group Discussions, Presentations	Internal assessment, class participation
Capability to seek knowledge and integrate learning from various sources of information from lectures, library, films or online sources (databases) or social medium or newspapers. Integrate feedback received in the lectures into all the assessment tasks. Writing and research skills. Ability to read texts critically.	50%	Writing skills and critical analysis of texts and visual sources	Internal assessment of written research paper/assignment/project. End of term (open book examination)

6. Grading of Student Achievement

To pass this course, students shall obtain a minimum of 40% in the cumulative aspects of coursework, i.e., internal assessments (including moot court, mid-term exam, presentations, research paper) and the end term examination. Internal assessments shall carry a total of 70 marks. **End of semester exam shall carry 30 marks out of which students have to obtain a minimum of 30% marks to fulfil the requirement of passing the course.**

The details of the grades as well as the criteria for awarding such grades are provided below:

PERCENTAGE OF MARKS	GRADE	GRADE VALUE	GRADE DESCRIPTION
80 and above	O	8	Outstanding – Exceptional knowledge of the subject matter, thorough understanding of issues; ability to synthesize ideas, rules and principles and extraordinary critical and analytical ability
75 – 79	A+	7.5	Excellent - Sound knowledge of the subject matter, thorough understanding of issues; ability to synthesize ideas, rules and principles and critical and analytical ability

PERCENTAGE OF MARKS	GRADE	GRADE VALUE	GRADE DESCRIPTION
70 – 74	A	7	Very Good - Sound knowledge of the subject matter, excellent organizational capacity, ability to synthesize ideas, rules and principles, critically analyze existing materials and originality in thinking and presentation
65 – 69	A-	6	Good - Good understanding of the subject matter, ability to identify issues and provide balanced solutions to problems and good critical and analytical skills
60 – 64	B+	5	Fair – Average understanding of the subject matter, limited ability to identify issues and provide solutions to problems and reasonable critical and analytical skills
55 – 59	B	4	Acceptable - Adequate knowledge of the subject matter to go to the next level of study and reasonable critical and analytical skills.
50 – 54	B-	3	Marginal - Limited knowledge of the subject matter and irrelevant use of materials and, poor critical and analytical skills
45 – 49	P1	2	Pass 1 – Pass with basic understanding of the subject matter
40 – 44	P2	1	Pass 2 – Pass with rudimentary understanding of the subject matter
Below 40	F	0	Fail - Poor comprehension of the subject matter; poor critical and analytical skills and marginal use of the relevant materials. Will require repeating the course
Incomplete	I	0	Incomplete - “Extenuating circumstances” preventing the student from taking the end-semester, or re-sit, examination as the case may be; the Vice Dean (Examinations) at their discretion assign the “I” grade. If an "I" grade is assigned, the student would appear for the end-semester, or re-sit examination, as the case may be, as and when the subsequent opportunity is provided by the University.

7. Criteria for Student Assessments

Assessment of the participants will be based on the following criteria:

Assessment	Weightage	Remarks
Internal Assessment I: Photograph/Film Review	Marks: 20	The students must choose a film or photograph(s)/ photobook of their choice and make a legal review of the same.
Internal Assessment 2: Photo Essay/ Short Film and Legal write-up	Marks: 50	Photo essay of 10-16 photos with a strong narrative or a short film of 3-5 minutes. The legal write-up will substantiate the photo essay and the short film with theoretical and doctrinal arguments and research.
End Semester Examination	30 marks	They will be an open book end-semester examination/component for all participants of the course who have successfully completed the course work and who have met the requisite attendance as per the governing JGU policies.

Part III

Course/Class Policies

Cell Phones, Laptops and Similar Gadgets

Cell phones are strictly prohibited in the classrooms. Laptops and tablets can be used solely for note-taking purposes. However, the usage of laptops and tablets can be restricted or discontinued at the discretion of the Professor if the circumstances warrant such a decision.

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 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 inclusive and accessible to students with different abilities. In accordance with the Rights of Persons with Disabilities Act (2016), the JGU Disability Support Committee (DSC) has identified conditions that could hinder a student's overall well-being. These include physical and mobility related difficulties, visual and hearing impairment, mental health conditions and intellectual/learning difficulties e.g., dyslexia, dyscalculia. Students with any known disability needing academic and other support are required to register with the Disability Support Committee (DSC) by following the procedure specified at <https://jgu.edu.in/disability-support-committee/>

Students who need support may register before the deadline for registration ends, as communicated by the DSC via email each semester. Those students who wish to continue receiving support from the previous semester, must re-register every semester prior to the deadline for re-registration as communicated by the DSC via email. Last minute registrations and support are discouraged and might not be possible as sufficient time is required to make the arrangements for support.

The DSC maintains strict confidentiality about the identity of the student and the nature of their disability and the same is requested from faculty members and staff as well. The DSC takes a strong stance against in-class and out-of-class references made about a student's disability without their consent and disrespectful comments referring to a student's disability. With due respect for confidentiality, faculty and students are encouraged to have honest conversations about the needs of students with disabilities and to discuss how a course may be better tailored to cater to a student with disability.

All general queries are to be addressed to disabilitysupportcommittee@jgu.edu.in

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.

P.S. The course instructor, as part of introducing the course manual, will discuss the scope of the Safe Space Pledge with the class.

Part IV

Keywords Syllabus

Camera, Cinema, Art, Aesthetics, Ethics, Critical Legal Theory

Course Design and Overview (Weekly Plan)

Week	Topics
1-2	<i>Camera Lucida et Camera Obscura</i> Introduction: Aesthetics, Ethics, Law and the Camera
3-4	<i>Memory Keepers</i> On Recording and Remembering
5-6	Camera in Criminal Justice System
7-8	<i>War and Conflict Photography</i> Ethical Considerations
9-10	<i>‘Paps and Snaps’</i> The Paparazzi Culture and the Celebrity Phenomenon
11	<i>‘Copy-Paste’</i> Photography and Copyright
12 -13	<i>Prigs and Prudes</i> Representation, Sensuality and Sexuality
13	<i>Camera in the Digital Age</i> Protests, Social Media and Surveillance
14	REVISION WEEK [NOTE: There shall be teaching classes scheduled during the fourteenth week subject to the JGU Academic Calendar circulated by the Office of the Registrar, JGU and any official declaration of non-working days by the JGU Registrar.]

MODULE 1

CAMERA LUCIDA ET CAMERA OBSCURA

Introduction: Aesthetics, Ethics, Law and the Camera

This module opens by introducing the renowned writers and art critics Roland Barthes, John Berger and Susan Sontag, who have given some thought-provoking insights on photography. The idea behind this module is to acquaint ourselves with the complex yet apparent relationship between aesthetics, ethics, law and the camera. We will delve into questions such as whether photography and cinematography are art, what is the role of the camera in the 'age of mechanical reproduction'¹, how does law see the camera and how the camera sees the law and end the module with some notes on ethics.

Mandatory Course Material:

1. *Understanding a Photograph*, John Berger
2. *Plato's Cave*, Susan Sontag [On Photography by Sontag, pp. 3-24, Penguin Books 1977]
3. *Artists in Courts: Law and the Production of Violence*, Malvika Maheshwari [Chapter 2, pp. 58-87, Art Attacks: Violence and Offence Taking in India, OUP 2019]

Suggested Readings:

1. *Ways of Seeing*, John Berger
2. *Camera Lucida*, Roland Barthes

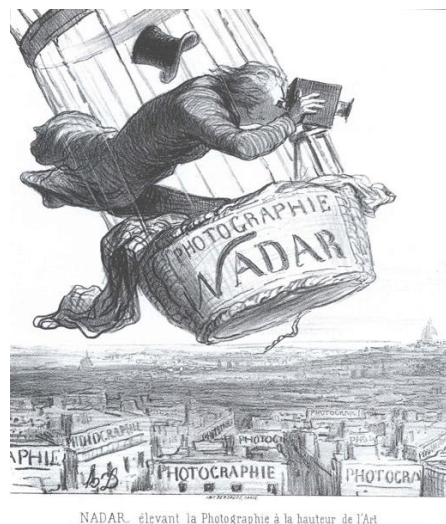


Figure 1: This cartoon suggests Nadar, famous for photographing Paris from a hot air balloon, would go to any lengths to "elevate photography to high art".

¹ See Walter Benjamin's essay 'The Work of Art in the Age of Mechanical Reproduction'. This essay is available in English in a collection called *Illuminations* (Cape, London 1970)

MODULE 2

MEMORY KEEPERS *On Recording and Remembering*

Mandatory Course Material:

1. *Connal Parsley*, The Exceptional Image: Torture Photographs from Guantánamo Bay and Abu Ghraib as Foucault's Spectacle of Punishment (p.229) in *Law and the Visual* by Desmond Manderson (2018)
2. *Maria Elander*, Images of Victims: The ECCC and the Cambodian Genocide Museum (p.210), in *Law and the Visual* by Desmond Manderson (2018)
3. *The Memory of Photography*, David Bate [Photographies Vol. 3, No. 2, September 2010, pp. 243–257]

Mandatory Movies:

1. *Kai Po Che* (2013), dir. *Abhishek Kapoor*
2. *Reader* (2008), dir. *Stephen Daldry*
3. *The Photographer of Mauthausen* (2018) dir. **Mar Targarona**
4. *1968: Photographic Acts* (2018), dir. *Auberi Edler*

Suggested Readings:

1. *Ways of Remembering: Law, Cinema and Collective Memory in the New India*, Oishik Sircar (CUP, 2022)
2. Annette Kuhn, An Everyday Magic: Cinema and Cultural Memory; Annette Kuhn, "Photography and Cultural Memory: A Methodological Exploration," 22: 3 *Visual Studies* (2007), pp. 283-292
3. *Photography, Cinema, Memory: The Crystal Image of Time*, Damian Sutton



Figure 2: Alberto Korda: *Che Guevara, Guerrillero Heroico*, 5 March 1960²

² Korda's portrait of Che is one of the most reproduced images. Read here to see how the photograph has been re-used in multiple contexts etching itself in public and collective memory.

<https://www.smithsonianmag.com/travel/iconic-photography-che-guevara-alberto-korda-cultural-travel-180960615/>

MODULE 3

CAMERA IN CRIMINAL JUSTICE SYSTEMS

Description:

1. The use of cameras in criminal justice systems
2. Mugshots as photographs and the emotions they evoke in the defendant and the viewer
3. Evidentiary value of a photograph
4. In-camera proceedings

Mandatory Course Material:

1. The Bulger case and the Trauma of the Visible, Alison Young [Chapter 5, pp 111-145, *Imagining Crime*, 1996]
2. *Capturing the Criminal Image: From Mug Shot to Surveillance Society*, Jonathan Finn, University of Minnesota Press

Mandatory Movie:

1. *Close-up* (1990), dir. Abbas Kiarostami



Figure 3: Aerial View of the Mural pasting, Tehachapi, California; Art and Photo Courtesy: JR-ART.net

MODULE 4

WAR AND CONFLICT PHOTOGRAPHY



Figure 4: Valley of the Shadow of Death, Roger Fenton³

Description:

1. A tribute to Danish Siddiqui
2. Analysing photographs and documentaries from recent conflicts, wars and genocide: Ukraine, Palestine.

Mandatory Course Material:

1. Photographs of Agony, John Berger
2. Ahlam Shibli: Trackers, John Berger
3. Butler, J. (2005). Photography, War, Outrage. *PMLA*, 120(3), 822–827.
<http://www.jstor.org/stable/25486216>

³ Valley of the Shadow of Death is a photograph by Roger Fenton, taken on April 23, 1855, during the Crimean War. It is one of the most well-known images of war.

MODULE 5

'PAPS' AND SNAPS

The Paparazzi Culture and the Celebrity Phenomenon



Figure 5: Princess Diana; Getty Images

Mandatory Course Material:

1. Case Study: Diana
2. *Emily Ratajkowski*, Buying Myself Back: When does a Model Own her Own Image, *The Cut* (September 15 2020)
3. *David Rolph*, Looking Again at Photographs and Privacy: Theoretical Perspectives on Law's Treatment of Photographs as Invasions of Privacy in Law, Culture and Visual Studies (2014)
4. *MGN v United Kingdom*, *ECHR*

MODULE 6

‘COPY – PASTE’ *Photography and Copyright*

Mandatory Course Material:

1. *Leibovitz v. Paramount Pictures Corp.*, 137 F.3d 109 (2d Cir. 1998)
2. *Andy Warhol Foundation for The Visual Arts, Inc. v. Goldsmith Et Al*



Figure 6: Marilyn Screen Prints, Andy Warhol, 1967

MODULE 7

PRIGS AND PRUDES *Representation, Sensuality and Sexuality*

Mandatory Course Material:

1. *Latika Vashist*, Law and the Obscene Image: Reading Aweek Sarkar v. State of West Bengal, 5 (Monsoon) JILS (2014)
2. Laura Mulvey, Visual Pleasure and Narrative Cinema

Mandatory Movie:

Rear Window (1954), dir. Alfred Hitchcock

Suggested Readings:

1. *Alec McHoul and Tracey Summerfield*, Drawing Attention: Art, Pornography, Ethnosemiotics and Law in Law, Culture and Visual Studies (2014)



Figure 7: Leg Show II, Ellen von Unwerth, 2022⁴

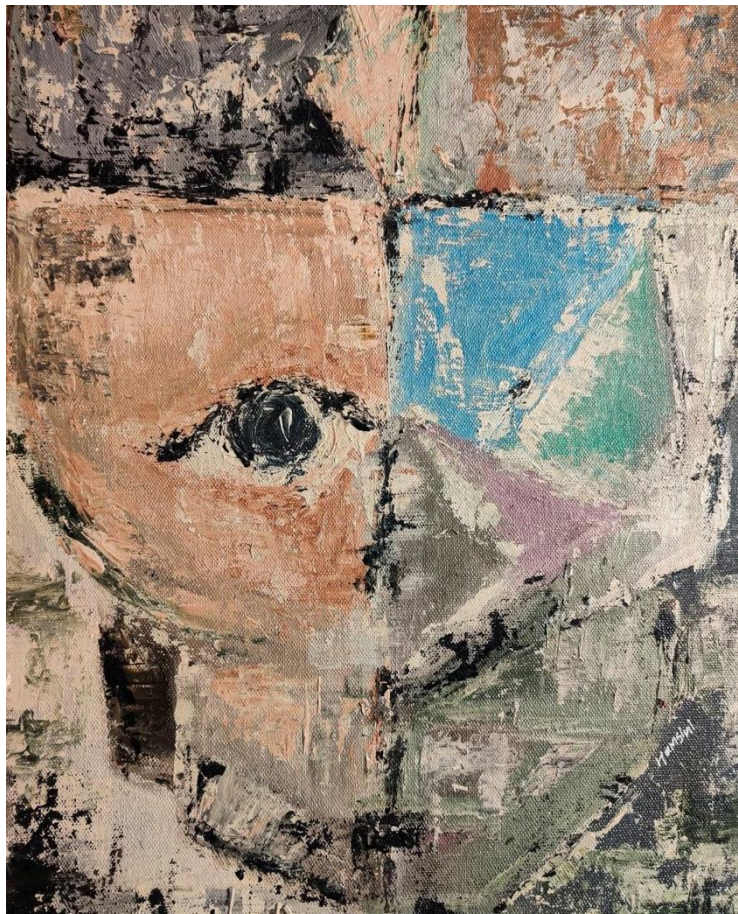
⁴ Ellen von Unwerth is a fashion photographer whose experience as a model informs her practice. Influenced by the glamorous eroticism of Helmut Newton and Guy Bourdin, von Unwerth's grainy, pinup-style photographs convey a subversive feminine gaze that empowers rather than objectifies. She is known for her ability to capture the personalities of her subjects. (<https://www.artsy.net/artwork/ellen-von-unwerth-leg-show-ii>)

MODULE 8

CAMERA IN THE DIGITAL AGE *Protests, Social Media and Surveillance*

Mandatory Course Material:

1. *Lucas Melgaco & Jeffery Monaghan, Protests in the Information Age: Social Movements, Digital Practices and Surveillance (Routledge Studies in Crime, Security and Justice: 2021)*



Power is in tearing human minds to pieces and putting them together again in new shapes of your own choosing – George Orwell, 1984