

**DIRECTORATE OF DISTANCE EDUCATION
NALSAR UNIVERSITY OF LAW, HYDERABAD**

**P.G.DIPLOMA IN CYBER LAWS
2019 – 2020**

Take Home - Annual Exams (August, 2020)

PAPER I - 1.1 Cyber Jurisprudence & E-Contracts

TOTAL MARKS: 100

INSTRUCTIONS TO CANDIDATES

- a) Please mention your name, ID No. and Subject name on the Answer Sheet.**
- b) Only typewritten answers will be accepted.**
- c) Clearly indicate the question numbers while answering them.**
- d) Answer all the questions given below. Each question is for 25 Marks.**
- e) Every answer should be ideally within 1000 words only. The word limit is mentioned to give an approximate idea about the length of the answer.**
- f) Cut and paste of any material either from reading material or from internet will result in rejection of answer-sheet, which means a failure with zero marks. No plagiarism.**
- g) If the answers of two students are similar, it will be presumed that both the students consulted each other and two answer sheets will be cancelled.**

Answer the following questions:

1. a) What are the different types of Jurisdiction and how do they differ? Explain the concept of “Long Arm Jurisdiction”. **(7.5 Marks)**

- b) Dmitry Sklyrov, a software developer in USSR was a software project leader and developed a software for conversion of Adobe password protected E Books in PDF format into non PDF format.

The software was available for download from the website of Mr Sklyrov’s company and could be used in USA. Due to a technical design, the converted files were devoid of passwords associated with the original PDF formats.

Mr Sklyrov was invited to address a conference in New York to speak on “Security in E Books”. While he was in USA for the conference, he was arrested and tried for violation of the Digital Millennium Copyright Act (DMCA) for having been instrumental in developing a tool facilitating the copyright violation.

Discuss the implication of jurisdiction in determining the liability of Sklyrov under DMCA of USA. **(10 Marks)**

- c) How does Information Technology Act 2000 define the jurisdiction of judicial forums in case of Civil wrongs and Criminal Offences? **(7.5 Marks)**

2. a) What are the essential components of a “Digital Contract”? How does ITA 2000 and Indian Contract Act complement each other in structuring a Contract in Cyber Space? **(7.5 Marks)**

b) What are Digital Signatures and how do they differ from E-Sign? Describe the role of Certifying Authorities and the Controller of Certifying Authorities in regulating the digital identity space in India? **(7.5 Marks)**

c) A Bank sends a statement of account to its customer through e-mail in a Password protected PDF format without digital signature either for the PDF document or the e-mail. The PDF document does not contain any other form of signature and carries a foot note "This is an electronically generated document and does not require signature".

Discuss the admissibility of the document as evidence against the Bank with special reference to the authentication system used by the Bank. **(10 Marks)**

3. a) Who is an "Intermediary" under Information Technology Act? Explain with examples. **(7.5 Marks)**

b) What is the concept of "Due Diligence" for a web platform hosting blogs of third parties? **(7.5 Marks)**

c) A Student of IIT Kharagpur hosted a video for sale in the Baazee.com website. He received orders on the website and despatched the files through e-mail. The file contained an Obscene video of sexual act between two minor students of Delhi Public School which had been well publicized in the media. The media file on Baze.com was named "DPS-MMS Video".

The student was arrested for publishing and distributing an Obscene electronic file. The CEO and General manager of the platform Baazee.com were also arrested and charged under Section 79 of ITA 2000 for failing to exercise due diligence and preventing the offence.

Do you agree that the Company executives were liable under ITA 2000? What are the precautions that a C2C website like Baze.com could have taken to avoid the liability on its executives? **(10 Marks)**

4. A Company finds that all its critical electronic documents are found encrypted in a ransomware attack and the attacker has sent an e-mail demanding payment of 5 bitcoins (Worth Rs 30 lakhs) for releasing the decryption key.

Company engages the services of an expert and traces the e-mail and the Police successfully arrest him.

The Company is exploring under what sections of ITA 2000 can the complaint can be filed.

a) Does the Company have any civil remedy under ITA 2000 and if so under what cause of action? **(7.5 Marks)**

b) Does the Police have a criminal charge that can be pressed under ITA 2000/8 and if so under what grounds? What is the evidence? **(7.5 Marks)**

c) What could be the root cause for the attack? And what precautions the Company has to take to avoid such incidents in future? **(5 Marks)**

d) What is a "Bitcoin" and is there a legal risk for the company in making payment through Bitcoins? **(5 Marks)**