

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

Post-Graduate Diploma in Cyber Laws (Batch 2019 – 2020)

Take Home – Supplementary Examination (January, 2021)

Paper I – 1.1. Cyber Jurisprudence & E-Contracts

TOTAL MARKS: 100

INSTRUCTIONS TO CANDIDATES

- a) Read the instructions for Take Home Examination carefully and adhere to the same.
 - b) *Please mention your name, ID No., subject name and total number of pages on the Answer Sheet.*
 - c) *Clearly indicate the question numbers while answering them.*
 - d) *Answer all the four questions and each question carries 25 marks.*
 - e) *The answer for the 5 marks question should be written in 200 words for the 8 marks question should be written in 300 words and 12 marks question should be written in 600 words.*
 - f) *Since this is a take home exam, we expect your answers to be analytical rather than straight answers.*
 - g) Copying from any source including from other students is strictly prohibited. Plagiarism is considered as a serious academic mis-conduct and the University will take action as it deems fit.
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- 1. a) "Jurisprudence" is a collective wisdom of the society that supplements the written law. Discuss. **5 Marks**

b) Explain with examples how Cyber Jurisprudents have applied this concept of "Diminishing of the value" or "Injury to Information" to enable the Information Technology Act 2000 to the modern day crimes. **8 Marks**

c) There is a school of thought which believes, "Technologists are only reactive to misuse of technology rather than being pro-active in preventing misuse". Discuss with examples and how the law has evolved the concept of "Due Diligence" to hasten "Compliance by Design" **12 Marks**
 - 2. a) Define Contract formation and discuss how Information Technology Act determines the time and place of a contract formation. **5 Marks**

b) "Contracts are constructed in the minds of the parties to the contract and not through the documents". Discuss the concept with relevance to implied contracts and standard form of contracts. **8 Marks**

c) "Authentication" is an essential part of a documentary contract. How does Information Technology Act 2000 address the issue of authentication of an electronic transaction. **12 Marks**

3. VideoFlex is an online platform set up in India for sharing videos. Commercial producers use the platform for subscription based services. Professionals also host videos both for educational and entertainment basis on pay per view basis.

a) Discuss the key terms to be incorporated in the service agreement to protect the interests of the Videoflex platform as an “Intermediary” under Information Technology Act 2000.

5 Marks

b) Discuss the issues related to Intellectual Property that needs to be factored into the user contracts.

8 Marks

c) Discuss the Privacy protection issues that need to be factored into the service agreements.

12 Marks

4. Tech Savvy Limited (TSL) is setting up a cloud based service offering professional online consultancy service. The services include holding of online meetings, exchange of confidential information, determination, collection, and settlement of fees.

Rajan Enterprises Limited (REL) wants to engage the services of a consultant on an hourly consultation basis through the TSL website. The CEO of REL is apprehensive that several business sensitive information may have to be shared during the consultancy and wants to evaluate the contractual safeguards in using the services.

The consultation is held over several sessions. One day after a few weeks, a message appeared as a pop up in the system of the CEO that the confidential information discussed in the consultancy sessions will be made public unless a payment of 2 bitcoins are made to a designated bitcoin address.

Analyse the incident from a Techno legal perspective with specific comments on

a) The possible causes for the incident

5 Marks

b) The contractual rights of REL on TSL

5 Marks

c) The possible defence available for TSL

5 Marks

d) The suggested actions to be taken by REL

5 Marks

e) The suggested actions to be taken by TSL

5 Marks