

NLU-IMT COLLABORATIVE PROGRAMS

MS IN CYBER LAW AND CYBER SECURITY

I SEMESTER

CYBER LAWS: NATIONAL AND INTERNATIONAL PERSPECTIVE (NLU-01)

ASSIGNMENT

Max. Marks-30

Last Date of Submission- 31 December, 2013

Address for Submission:

*The Director
NLU-IMT Collaborative Programs
National Law University
NH-65, Nagour Road
Jodhpur*

Instructions:

- 1. The Assignment has two parts. Part A and Part B.***
- 2. The assignment should be hand written***
- 3. Assignment is for total 30 marks. Question in Part A is for 15 marks and questions in part B are for 15 marks. Attempt both the parts.***

Q1. Case Study (Compulsory). 15 Marks.

Swan International Agency Pvt. Ltd. (Swan) is in the business of publishing books, e-books, internet blogs for writers, various other internet publications etc. It wants to expand its business and therefore it also requested to become a certifying authority under the IT Act. The Memorandum of Association of Swan permits any other business to be done by the company. Swan applies to the Controller of Certifying Authority to become a certifying authority since it is in business of publishing electronic books and has various electronic writers' blogs who wish to transact online and thus would be more comfortable in applying to Swan for digital signature certificate than to any other certifying authority. The Controller of Certifying authority gave a one year license to Swan. Within 6 months of the grant of license of Certifying authority, there was a raid on Swan's premises by CBI and Delhi Police alleging that it is allowing the digital signature certificate to be misused and thus has caused massive economic losses to various people. Swan's directors are prosecuted. One of the creditors of the company wants to liquidate the company and applies to the High Court in this regard.

Having regard to the above facts, answer the following questions giving adequate reasons:

- (i) Whether SWAN could have got the certifying authority license from Controller of Certifying Authority in the first place?
- (ii) Whether SWAN's directors can be punished for the misuse of digital signature certificate information and whether penal action can be taken against them?
- (iii) Whether SWAN can be liquidated by the High Court and if so what additional formalities are required?

Short Answers: Attempt ANY 3. Each answer carries 5 marks.

Q2. What is the role of ICANN's UDRP?

Q3. What is the role of jurisprudence in shaping the positive law? Explain by giving example as to how jurisprudence has helped evolving the IT Act, 2000.

Q4. What are the salient features of Indian Constitution? Can it be stated that Internet is providing free flow of information and thus giving force to Freedom of Speech and Expression under the Indian Constitution. Hence, IT Act, 2000 which is imposing restriction on usage of internet is in violation of Constitution of India.

Q5. Write a brief note on:

- (a) Whether computer software has to be patented or copyrighted or both
- (b) Electronic Signature