

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**

Course: Cyber Crimes and Investigation
Semester- VIII (Batch: 2018-23)

End Semester Online Examination: May 2022

Date: 15th May, 2022

Duration: 8 hours

Max. Marks: 50

Instructions:

- The respective marks for each question are indicated in-line.
- Indicate correct question numbers in front of the answer.
- No questions or clarification can be sought during the exam period, answer as it is, giving reason, if any.
- Word Limit: 10 Marks: 650 -700 words.

Marks

- Q.1 Read the situations given below and identify whether a cybercrime is committed. The backdrop of all the incidences mentioned is India. (10)
- a) A leading company faced an issue of getting the corporate information from the email of its deceased employee, which he had used in the intranet created at his residence. The Information Technology staff of the company got the password and handed over all the documents.
 - b) A student of post graduate study found a PhD thesis of his teacher relevant for making his own project in subject X. The library has the e-copy of the same. He download the e-file of the thesis sitting at his home and used 3 pages for his project.
 - c) An IT based company sent some of the details about their clients to the head office in order to understand the working of the custom-made application. The clients have agreed to the terms and conditions of the company.
- Q.2 Discuss the important aspects of the cybercrimes investigation against the provisions of CrPC, which may help to investigate the other types of the crimes. (10)
- Q.3 Write short note on **any two** of the followings: (5x2=10)
- a) Prevention of Cybercrimes and Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021
 - b) Cybercrimes and the integration of major Criminal Laws.
 - c) National Cyber Security Strategy 2021
 - d) Digital Forensic Science
- Q.4 In the given case, it was alleged that the accused had committed rape. The prosecution had a video of the occurrence in a memory card/ pen drive and were relying upon the same to use it against the accused. The accused's request to get a copy of the same to inspect it was denied by the Trial Court on the grounds that it would impinge the privacy and dignity of the victim, being aggrieved he appealed before the Supreme Court. The appellant contended that as per his legal right to fair hearing he is entitled to get the copies of CDs, Video and audio footage, etc. On the other hand, the respondents claim (4+4+2=10)

that the visual contents of the pen-drive amount to physical evidence and not a "document" that can be furnished to the accused with the police report, that with respect to the victim's fundamental right of privacy, there is a reason to believe that it could be misused by the appellant to undermine the victim.

There has been a conflict between the fundamental right of the appellant and the respondent. The court cannot uphold one fundamental right and ignore the other, as they are on an equal pedestal. Therefore, there was a need for balancing the same.

In view of this, answer the following:

- a) Whether the contents of a memory card/ pen-drive being an electronic record as under Section 2(1)(t) of the Information Technology Act, 2000 would be considered as a 'document' under Section 3 of the Indian Evidence Act, 1872 and Section 29 of the Indian Penal Code, 1860.
- b) Whether the Magistrate should have given a cloned copy of the memory card/pen drive to the accused facing prosecution for an alleged offence of rape as the same was appended to the police report and the prosecution relied upon to use it against the accused.
- c) Whether the court can decline the accused's request to get a cloned copy of the contents of the pen drive regarding the alleged incident of rape on the ground that it would violate the privacy and dignity of the victim and on the possibility of misuse of the copied version by the accused.

Q.5 Investigating a crime scene is not an easy job. It requires years of study to learn how to deal with complicated cases, and most importantly, get those cases resolved. This applies not only to real-world crime scenes, but also to those in the digital world. (5x2=10)

In view of the above statement, answer the followings:

- a) Discuss the tools and techniques used worldwide for investigating Cyber Crime.
- b) Elucidate the process of Digital Crime Scene Investigation
