

**GUJARAT NATIONAL LAW UNIVERSITY  
GANDHINAGAR**

Course: Information Technology Law  
Semester- IX (Batch: 2018-23)

**End Semester Examination: November 2022**

**Date: 03<sup>rd</sup> Nov, 2022**

**Duration: 3 hours**

**Max. Marks: 50**

**Instructions:**

- Read the questions properly and write the answers in the given answer book.
- 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:600-700 words, 6 Marks: 400-500 words, 4 Marks: 350-400 words.

**(Answer any five of the following questions)**

**Marks**

- Q.1 Countries have been enjoying great benefits generated by computer-mediated communication ("CMC") in the new Information Age, particularly when networks are connected by the Internet. CMC is much faster, cheaper, and relatively effortless as compared to traditional communication channels, such as letter or facsimile. casual, informal and spontaneous. The Internet has fundamentally changed our way of life, both private and business, as well as our behavior in human interaction. The development trend of internet applications and e-business is quite irreversible as we continue to enjoy the benefits derived therefrom. Given the trans-border and evolving nature of cyberspace, it is an issue of international concern. Cyberspace has its own norms and culture that are very different from the real world. Social conventions must give way to computer etiquette that is known to be
- (10)
- a) Discuss in brief: -
    - i. Some of the reasons why security issues have emerged through the spread of the internet.
    - ii. The initial efforts to provide global governance of the internet.
  - b) Is there or can there be any best suitable mechanism for governance of/in cyberspace? Comment.
  - c) Given your understanding of cyberspace, what actions have been taken by the Indian government in addressing the issue? Discuss the adequacy/inadequacy of the measures taken by the Indian Government.

- Q.2 Evaluate the concept of jurisdiction in Cyberspace:

(10)

**Scenario 1**

Gutnick is concerned with an article written by journalists for the American publisher, Dow Jones, in Barron's magazine. The article was researched and prepared in New York but uploaded (or posted) onto the Dow Jones website, which was hosted on a server in New Jersey. The article contained an allegation that Mr Gutnick, a high-profile entrepreneur resident in Victoria, had engaged in the manipulation of share prices and associated with a well-known American money launderer and tax evader. The Dow Jones

website was not an ordinary site open to the public at large, but was a subscriber site that required the payment of subscription fees and password access. The worldwide subscription to the site was over 5,50,000 of whom 1,700 were resident in Australia with a few hundred from Victoria. A small number of print copies of the offending article were also sold in Victoria.

### Scenario 2

Marianne Luban, a resident of Minnesota, had written messages on the internet on the sci.archaeology, USEnet newsgroup, that were critical of Katherine Griffis, a scholar of ancient Egyptian history and culture, living in Alabama. Griffis filed a suit in Alabama, which was decreed ex parte. Subsequently Griffis asked the Minnesota court to enforce the order. Luban Challenged the jurisdiction of the court in Alabama. The Supreme Court of Minnesota upheld the objection.

Which jurisdiction does the forum state have, personal or general?

Even if the personal jurisdiction is proper, is the judgement enforceable? If the answer is no, then how will the lawsuit be successful even if the plaintiff wins in the Court?

If the forum does not have general jurisdiction, does the defendant nevertheless consent to jurisdiction in the forum? If not, the plaintiff needs to establish specific jurisdiction or the lawsuit fails.

Does the State Long Arm statute confer jurisdiction? If not, the lawsuit fails. If yes, would the exercise of jurisdiction in this forum satisfy Constitutional Due Process?

Do you think that the defendant has expressly aimed intentional tortious actions at the State and caused forceable harm?

### Q.3 Scenario 1

(10)

Theodore Twombly, a complex, soulful man who makes his living, writing touching, personal letters for other people. Heartbroken after the end of a long relationship, he becomes intrigued with a new, advanced operating system, which promises to be an intuitive entity in its own right, individual to each user. Upon initiating it, he is delighted to meet "Samantha," a bright female voice, who is insightful, sensitive and surprisingly funny. As her needs and desires grow, in tandem with his own, their friendship deepens into an eventual love for each other.

### Scenario 2

The reclusive CEO of a hi-tech company Nathan, recruits a brilliant young computer programmer Caleb to evaluate his latest invention -- a highly advanced android named Ava, which is supplied with the most advanced Artificial Intelligence (AI) ever conceived. Caleb learns that Nathan has chosen him to be the human component in a Turing Test - charging him with evaluating the capabilities, and ultimately the consciousness of Nathan's latest experiment in AI. That experiment is Ava, a breath-taking AI, whose emotional intelligence proves more sophisticated, seductive--and more deceptive--than the two men could have imagined. Meanwhile, despite their intelligence and formidable

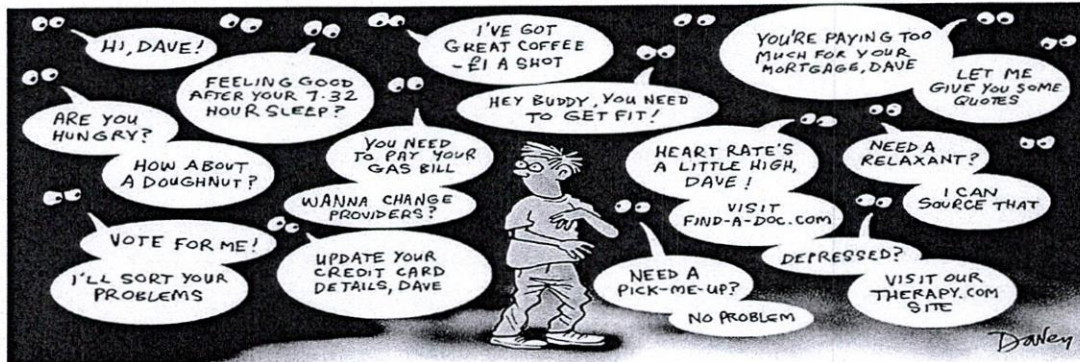
reputations, the two men fail to realize just how easily they can be manipulated by a machine that is as beautiful as it is brilliant.

Discuss the ethical issues involved.

Elaborate on the legal and human right issues likely to be addressed due to such situations.

Discuss Indian and global scenario on AI and regulations

Q.4



(10)

- a) What is this concept of Surveillance Capitalism? (3 Marks)  
Discuss the ethical and legal issues involved in it. (3 Marks)
- b) Working with her American counterparts and the Kenyan military, British Colonel Katherine Powell is about to launch an operation that, if successful, will lead to the capture of the Number 2, 3, and 5 terrorists on the American list of most wanted terrorists in East Africa. Amongst the group they hope to arrest are British nationals Susan Helen Danford, now known as Ayesha Al-Hady, her husband, and a recently radicalized young man who just arrived from the U.K. There is also a radicalized American in the group. Her plan to capture the group goes awry when they suddenly decamp to a new location and Powell wants to move to Plan B: a kill mission. Through remote surveillance and on-the-ground intel, Powell discovers the targets are planning a suicide bombing and the mission escalates from "capture" to "kill". But as American pilot Lieutenant Steve Watts is about to engage, a nine-year old girl enters the kill zone triggering. Discuss ethical, moral and legal issues involved in it. (4 marks)

OR

Discuss free speech and content regulation on the internet in the light of decisions of the Supreme Court in the *Shreya Singhal vs Union of India* and *Anuradha Bhasin vs Union of India* Cases. (10 marks)

Q.5

Zutgats is one of the more prosperous countries in the world. It is known for its military prowess, excellent intelligence agencies and technological advancement. The Government of Zutgats has in the past, citing reasons of internal security, tried to obtain information possessed by some big corporations of Zutgats. Owing to some of these corporations having servers outside Zutgats where such information was stored, they refused to provide some of the information sought to the Government of Zutgats, citing foreign law concerns (such as protection of privacy of customers of such corporations). In January 2018, the State of Zutgats enacted a new legislation by which it assumed

(10)

powers to seek information from any corporation having a majority stake of person(s) / entity(ies) citizen(s) of / incorporated in (as appropriate) Zutgats, even if the information was stored on servers outside Zutgats (“**Lawful Access Act**”). The legislation even allowed the Government of Zutgats to authorise any agency to obtain such information by resorting to use of sophisticated cyber tools from within the territory of Zutgats, without the need to visit another country.

Xindia is a country which is considered the hub of technology-based companies most of which have servers in Xindia, partly due to incentives by the Government of Xindia and partly due to a new data localisation law. In September 2017, the Supreme Court of Xindia in a judgment by 9 judges stated that the right to privacy was a fundamental right, thereby recognising its highest status of constitutional protection.

In March 2018, a huge financial fraud was unmasked in Zutgats. As part of ongoing investigations, the Government of Zutgats authorised its investigation agencies to obtain information from Zospeed, a major technology corporation incorporated in Zutgats, but operating worldwide using servers in Xindia. The information sought included personally identifiable information of some customers of Zospeed, as well as confidential business information such as details of financial transactions done by Zutgats. On 1 April 2018, Zospeed sent a notification to all its customers that there seemed to be a data breach at their server locations in Xindia, which seemed to be perpetrated from Zutgats, and that they are investigating the incident.

The Government of Xindia started its own investigations, citing its responsibility to protect the right to privacy of Xindian citizens. By 6 April 2018, it was clear to the Government of Xindia that the alleged data breach was perpetrated by investigation agencies of Zutgats.

**Discuss:-**

On 10 April 2018, the Government of Xindia sought legal advice from its Ministry of Law & Justice about potential actions it could take against the State of Zutgats, with the following questions in the Brief for Opinion:

- a) Whether Xindian law on data protection and privacy allowed for transfer of the information sought by Zutgats from Zospeed?
- b) Would Indian law on data protection and privacy cover all categories of information sought by Zutgats in this instance?

Note: The laws of Xindia are identical to the laws of India. Please refer to Indian laws for the purpose of the above responses.

- Q.6 Discuss the concept of Cyber Crimes. Explain any 5 types of Cyber Crimes with its ingredients in the light of the provisions of the IT Act, 2000 & 2008 as well as IPC dealing with it. (10)

\*\*\*\*