

Name:	
Enrolment No:	

UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
End Semester Examination, December 2018

Course: Information Technology Law	Semester: XI
Programme: B. Tech.(ET), LL.B. (Hons.) IPR	CC: LLBL 667
Time: 03 hrs.	Max. Marks: 100
Instructions:	

SECTION A

S. No.	Question	Marks	CO
1.	List any four clauses from section 43 of the IT Act. You may use your own language but the essence of the clause must remain unaltered.	5	CO3
2.	List two crimes against property covered in IT Act, along with the legal provisions.	5	CO3

SECTION B

3.	Discuss the various aspects of patentability of software, with reference to the position in India.	10	CO4
4.	Briefly discuss the legal issues that have arisen as a consequence of the privacy and the Aadhaar debate in India. Cite case laws and legal provisions as necessary.	10	CO2

SECTION-C

5.	Discuss the provisions in IT Act and IPC that deal with crimes concerning pornography, voyeurism, stalking and sexual harassment. Discuss in brief what the possible issues in the legal provisions are, which are likely to cause abuse and pose interpretative dilemmas.	10	CO3
6.	Discuss the meaning of electronic evidence and the law with respect to the same. Point out the issues and difficulties that have arisen as a result of the manner in which the law in this regard has been drafted.	10	CO1

SECTION-D

	<p>Please read the following, and answer the questions that follow:</p> <p>Abhishek reads in the local newspaper that villagers have reported a UFO sighting around Mussourie and that it landed near a lake. However, no more news came of this. Being highly curious to find out whether any of this was true (and being good at computers), Abhishek accesses the servers hosting the internal documents of the Government of India. On accessing, he learns that the Government officials had indeed recovered evidence of such landing, but the Government had marked the documents submitted by local authorities as confidential.</p> <p>Unhappy with Government's secrecy in this issue, Abhishek sends a small program file across that allows him to copy the documents from Government's server and then,</p>		
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	<p>he puts them as publicly available documents on various social media website. However, while he is extracting the documents from the website, the website shuts down for other users including the government authorities and several other files on the Government's server become corrupt.</p> <p>Later, as the links shared by him go viral, panic strikes the common public and riots break out across India, fearing alien invasion. It takes more than a month before normalcy is restored in the public life, that too after substantial loss to life and property.</p>		
7.	List <u>all</u> the legal actions that lie against Abhishek. For each action, list the legal provisions, briefly discuss why it may be applicable, and how might Abhishek be able to defend himself.	30	CO3
8.	Discuss <u>all</u> relevant procedures involved in brief.	20	CO3

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SECTION A

S. No.		Marks	CO
1.	Fill in the Blanks i. Shreya Singhal v Union of India chiefly deals with the Constitutional validity of section _____ of the IT Act. ii. Domain names are equivalent to the _____ form of intellectual property.	4	CO1, CO4
2.	State True or False i. Computer programs per se are not patentable in India. ii. Exemption from liability for Intermediaries has been provided for in section 79 of the IT Act. iii. A man monitoring the use by a woman of the internet, email or any other form of electronic communication is not an offence in India.	6	CO1, CO2, CO4

SECTION B

3.	What is the doctrine of merger in copyright law? Discuss in reference to the decision of the District Court in Oracle v. Google. What was the observation in the later appeals?	10	CO4
4.	Critically examine the judgment of the Supreme Court of India in Shreya Singhal v Union of India AIR 2015 SC 1523.	10	CO3

SECTION-C

5.	Explain the concept of Uniform Domain-name Dispute Resolution Policy along with the various requirements for a claim to be successful.	10	CO4
6.	Discuss the meaning of electronic evidence and the law with respect to the same. Discuss in the light of state V Navjot Sandhu and Anwar V Basheer.	10	CO1, CO2

SECTION-D

	Please read the following, and answer the questions that follow: Varun was a student of BALLB at Globus Law college. He developed a friendship with Sneha, who is his classmate. They both shared a lot of time together and studied together. Varun secretly developed a liking for her, but did not discuss the same as he feared that Sneha might end their friendship if she found out. Varun started spending a lot of time checking out the Facebook and Instagram profiles of Sneha. He would also like, comment and share her posts, but most people, including Sneha considered it normal, just as any friend would be involved in the social media life of any other friend.		
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	<p>Amitava, a common friend of both Varun and Sneha, one day mistakenly spoke about Varun’s feelings in front of Sneha. As soon as she learnt about the way Varun felt, she stopped seeing him and blocked him from all the online accounts. When he called, she flatly refused to talk and said that it is better that he does not contact her.</p> <p>Varun was left sad and heartbroken. He started spending longer hours on the internet, seeing her profiles, and occasionally commenting and liking. She continued ignoring him. Since Varun was good at computers, he one day decided to send a keylogger file to Sneha. He created a ‘sorry’ email, wrote that he had created a video for her that she should see, and sent it to her.</p> <p>On the other end, Sneha, curious about what was in the email, clicked on the link that he had sent her, clicked it open. All she saw was an error message. Further annoyed, she continued ignoring him.</p> <p>Back on his computer, Varun was now able to see a record of all the things that were being typed on Sneha’s computer. Soon, with enough persistence, he was able to recover what was Sneha’s password for her Google Drive account. He wasted no time in opening her account, and extracted wide array of data. Some of this included that class notes that she had made. Some other data consisted of selfies of her in her privacy.</p> <p>By now, Varun had had enough, and decided to teach her a lesson. He created an Instagram account by her name, and used the photos that he had recovered, and started posting abusive and obscene material (for example, posts discussing female sexuality, posts containing abusive language etc.).</p> <p>On her end, Sneha found that her computer had slowed down, and portions of her hard disk had become corrupted. She had lost important study material, her academic articles, and personal stuff including photographs.</p> <p>Soon enough, Sneha discovered the fake Instagram account. As she had reasons to believe that Varun was behind it, she confronted him. On being confronted, he broke down, accepted everything he had done, and asked for forgiveness.</p> <p>Sneha, however, had decided to take legal action.</p>		
7.	List <u>all</u> the legal actions that Sneha may be able to take. For each action, list the legal provisions, briefly discuss why it may be applicable, and how might Varun be able to defend himself. Succinct answers drafted pointwise will be appreciated.	40	CO3
8.	Discuss <u>all</u> relevant procedures involved in brief.	10	CO3