

31 MAY 2025

NATIONAL LAW UNIVERSITY, JODHPUR

END TERM EXAMINATION MAY -2025

SEMESTER: UG VIII

SUBJECT: LAW RELATING TO CYBER CRIME (Honours)

Time: 3 Hours

Max Marks 100

Instructions:

1. Attempt any five questions out of the following.
2. All questions carry equal marks.

Q.1. In light of the principle encapsulated in the maxim 'actus non facit reum nisi mens sit rea', how can legal authorities effectively determine the mental state of a hacker in cybercrime cases, particularly in assessing whether the hacker understood the unauthorized nature of their access? Comment.

(Marks 20)

Q.2. Write a short-note on any five:

- Spamming.
- Hacking.
- Cyber Stalking.
- Theft Of Service.
- Denial Of Service Attacks.
- Salami Slicing.
- Data Transfer Fraud

(Marks 20)

Q.3. Zippo Dot Com (Defendant) was a California corporation that operated a website and provided an internet news service about Zippo lighter products. The defendant, with a global reach, owned the right to use the domain names "zippo.com," "zippo.net," and "zipponeews.com." Defendant had approximately 140,000 subscribers worldwide, roughly 3,000 of whom were Pennsylvania residents. Zippo Manufacturing Corporation (Plaintiff), a Pennsylvania corporation, sued Defendant in Pennsylvania, alleging trademark dilution and violations of the Federal Trademark Act. The defendant filed a motion to dismiss, claiming a lack of personal jurisdiction. Is a non-resident company subject to personal jurisdiction in a state where the company's only contact with the state is made through the Internet? Comment.

(Marks 20)

Q.4. What are the key steps involved in a cyber-crime investigation, and how do investigators ensure that digital evidence is properly collected and analysed to identify perpetrators and their motives? Analyse it.

(Marks 20)

Q.5. How does the Information Technology Act 2000 define intermediary liability in India, and what are the specific obligations placed on intermediaries to seek exemption from liability for user-generated content? Additionally, what implications do these regulations have



for online platforms in terms of content moderation, compliance with government directives, and the potential conflicts with user privacy and freedom of expression? What role do court interpretations play in shaping the understanding of intermediary liability, and how might recent amendments to the Act further influence the responsibilities and legal protections afforded to intermediaries operating within India's digital landscape? **(Marks 20)**

Q.6. The Right to Privacy has gained prominence in recent years, especially following the Supreme Court's ruling in the Puttaswamy case, which declared it a fundamental right under Article 21 of the Constitution. This judgment emphasized the necessity of protecting individual autonomy and dignity against state interference, particularly in the digital age where personal data is increasingly at risk. Given this context, how does the Puttaswamy judgment influence the ongoing debates around privacy in India? What are the potential implications for legislative measures related to data protection, surveillance, and citizens' rights? Furthermore, how can the principles established in this landmark ruling guide future legal interpretations and protections concerning privacy? As technology continues to evolve, what critical considerations should be addressed to balance the Right to Privacy with interests in national security and public safety? **(Marks 20)**

29 JUL 2025

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Q.1. The informatic freedom qualifies as a new form of the traditional right of personal liberty, as the right to exercise the control over personal information, or a right to "habeas data". Over the time, case law has recognized and affirmed this new freedom in terms of preservation of the individual, as a claim against the holders of the computer power, by private persons and public authorities. By the new legislation on the protection of individuals with regard to the processing of personal data, fostered by a European standard, the notion of the right to informatic freedom has been recognized in positive law. The freedom to preserve their confidentiality when using computer has become also the freedom to communicate to others the information transmitted by electronic means to exercise that freedom of expression of one's personality making use of new communication systems. In the age of the Internet, the right to informatic freedom has become a claim of freedom in the active sense, not a freedom "from" but freedom "of", which is the freedom to make use of computer to provide and obtain information of any kind. Explain the above statement in the light of 'access to internet as a fundamental right'.

(Marks 20)

Q.2. The premise of cyber-terrorism is that as nations and critical infrastructure become more dependent on computer networks for their operation, new vulnerabilities are created—a massive electronic Achilles' heel. It's crucial to be aware of this threat. A hostile nation or group could exploit these vulnerabilities to penetrate a poorly secured computer network and disrupt or shut down critical functions. A closer look at the evolving landscape of computer network vulnerabilities reveals that they are becoming a significant challenge for businesses today. However, the notion that they pose a grave threat to national security may be exaggerated. It's a critical conversation to have, as we navigate the balance between cybersecurity concerns and the realities of the threat landscape. Explain the offence of cyber-terrorism based on the current legal landscape.

(Marks 20)

Q.3. The discussion surrounding sex in Indian society is often fraught with controversy, as it is frequently linked to notions of morality and decency. Existing laws that ban the sale, distribution, and public display of obscene or pornographic content are intended to uphold public morality, yet they undermine individual freedom and personal autonomy. Is there a pressing need for legal reform in this area? Shouldn't individuals have the right to access,

view, or appreciate pornography as part of their freedom of speech and expression, as well as their right to privacy, as outlined in the Indian constitution? Comment.

(Marks 20)

Q.4. As India's highly anticipated data protection law, the Digital Personal Data Protection Act (DPDPA), received presidential approval and came into effect on August 11, 2023, the conversation around data protection is far from complete. While this landmark legislation marks a significant step forward, it still leaves many critical provisions lacking clarity, as the government is expected to outline these through further delegated legislation. The ambiguity surrounding the guidelines for exercising executive power raises concerns about the law's implementation, which may ultimately vary with different administrations' approaches. This gap in necessary safeguards poses potential uncertainties for digital businesses both in the short run and future developments. With this context in mind, can we delve into the specific shortcomings of the DPDP Act of 2023, examining how these lacunae might impact the landscape of data protection in India?

(Marks 20)

Q.5. How does the rise of a surveillance-focused culture affect individual privacy rights, particularly in relation to the implementation of biometric identification systems as outlined in the Telecommunications Act of 2023, and what implications does this have in light of the Supreme Court of India's ruling in *Justice K S Puttaswamy (Retd) v Union of India*?

(Marks 20)

Q.6. Discuss the minimum contacts theory as established by the Court in *Washington v. International Shoe Company* (1945), particularly in relation to the challenges of establishing jurisdiction in cases of cybercrime where victims and perpetrators may be located in different countries. How does this theory address the complexities arising from the borderless nature of the internet?

(Marks 20)