

# **Cyber Laws (Including Information Technology Act, 2000)**

## **Syllabus**

### **9<sup>th</sup> semester**

#### **Academic Session (2020-2021)**

#### **OBJECTIVE OF THE SYLLABUS:**

With its rapid growth and momentous influence on our day to day activities the Information Technology become an indispensable facet of human civilisation. To keep pace with this swift changes one need to have an acquaintance of the functioning of this information technology ecosystem. This syllabus endeavours to give an insightful understanding of fundamental nuances of this information technology ecosystem and its legal concerns. It covers the whole Information Technology Act and its amendments along with applicable rules. Apart from the statutory provisions related to cyberspace, this syllabus also gives due emphasis on the social, intellectual property issues and legal analysis of new emerging technologies of Cyberspace. The capital idea of this syllabus is to professionally equip students with a detailed understanding of national and international regulatory framework and mechanics of cyber law.

**FACULTY – Mr. Kumar Gaurav**

**NUMBER OF LECTURES - (65 Lectures Approx.)**

#### **UNIT 1 (15 Lectures)**

##### **(1) INTRODUCTION**

Origin and meaning of Cyberspace;  
Cyberspace vs. Physical space;  
Legal Issues in Cyberspace;  
Need of Regulation for Cyberspace;  
Different Models of Cyberspace Regulation.

##### **SUGGESTED READINGS:**

- **Cyberspace and International Relations Toward an Integrated System** NazliChoucri, David Clark , Available at <http://studylib.net/doc/13670802/cyberspace-and-international-relations--toward-an-integra...>
- **From Cyberspace to Cyber power: Defining the Problem**

*Daniel T. Kuehl, Cyber power and National Security, Franklin D. Kramer, Stuart H. Starr  
Larry K. Wentz*

- **The Dependence of Cyberspace - Amy Lynne Bomse**  
Available at <http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1118&context=dli>
- **What Larry Doesn't Get: Code, Law, and Liberty in Cyberspace** Author(s): David G. Post, Stanford Law Review, Vol. 52, No. 5, Symposium: Cyberspace and Privacy: A New Legal Paradigm? (May, 2000), pp. 1439-1459 ,Available at [http://www.jstor.org/stable/1229518?seq=1&cid=pdf-reference#references\\_tab\\_contents](http://www.jstor.org/stable/1229518?seq=1&cid=pdf-reference#references_tab_contents)
- **The Zones of Cyberspace, Author(s): Lawrence Lessig, Stanford Law Review, Vol. 48, No. 5 (May, 1996), pp. 1403-1411 ,Available at** [http://www.jstor.org/stable/1229391?seq=1&cid=pdfreference#fndtnreferences\\_tab\\_contents](http://www.jstor.org/stable/1229391?seq=1&cid=pdfreference#fndtnreferences_tab_contents)
- **A Declaration of the Independence of Cyberspace** by John Perry Barlow , Available at <https://www.eff.org/cyberspace-independence>
- **Evolving Strategies for the Enforcement of Cyber laws** by Karnika Seth , Available at <http://www.karnikaseth.com/evolving-strategies-for-the-enforcement-of-cyberlaws.html>
- **Usage and Challenges of Cyberspace** <https://www.scribd.com/document/347504617/1>

## (2) CYBER JURISDICTION

- Concept of Jurisdiction,
- Jurisdiction in Cyberspace,
- Issues and concerns of Cyberspace Jurisdiction in India,
- International position of Cyberspace Jurisdiction,
- Judicial interpretation of Cyberspace Jurisdiction.

### **Suggested readings:**

- **Jurisdiction in Cyberspace: A Theory of International Spaces, Darrel C. Menthe, 4 Mich. Telecomm. Tech. L. Rev. 69 (1998)** Available at: <http://www.mtflr.org/volfour/menthe.pdf>
- **General Jurisdiction and Internet Contacts: What Role, if any, Should the Zippo Sliding Scale Test Play in the Analysis?** Eric C. Hawkins, 74 Fordham L. Rev. 2371 (2006). Available at: <http://ir.lawnet.fordham.edu/flr/vol74/iss4/29>
- **Issue Of Jurisdiction in Cyberspace and Applicable Laws** Available at: <http://psalegal.com/wp-content/uploads/2017/01/ENewslineAugust2008.pdf>
- **Aiming at the Wrong Target: The "Audience Targeting" Test for Personal Jurisdiction in Internet Defamation Cases, Sarah H. Ludington ,73 Ohio St. L. J. 541 (2012),** available at [http://scholarship.law.campbell.edu/fac\\_sw/65/](http://scholarship.law.campbell.edu/fac_sw/65/).
- **International Jurisdiction In Cyberspace, Amit M. Sachdeva [2007] C.T.L.R** Available at: [https://www.researchgate.net/publication/228759003\\_International\\_Jurisdiction\\_in\\_Cyberspace\\_A\\_Comparative\\_Perspective](https://www.researchgate.net/publication/228759003_International_Jurisdiction_in_Cyberspace_A_Comparative_Perspective)

- **Internet Jurisdiction Today**, Adria Allen, 22 Nw. J. Int'l L. & Bus. 69 (2001-2002) Available at: <http://scholarlycommons.law.northwestern.edu/njilb/vol22/iss1/9/>
- **Michael A. Geist, Is There a There - Toward Greater Certainty for Internet Jurisdiction**, 16 Berkeley Tech. L.J. 1345 (2001). Available at: <http://scholarship.law.berkeley.edu/btlj/vol16/iss3/6>
- **Jurisdictional Issues in Cyberspace**, Justice S. Muralidhar, **The Indian Journal of Law And Technology**, Volume 6, 2010 Available at: <http://ijlt.in/wp-content/uploads/2015/08/1.pdf>

## **UNIT 2 (30 Lectures)**

### **(3) INFORMATION TECHNOLOGY ACT**

- A brief overview of Information Technology Act, 2000
- IT Act 2000 vs. IT Amendment Act 2008
- Relevant provisions from Indian Penal Code, Indian Evidence Act, Bankers Book Evidence Act, Reserve Bank of India Act, etc.

### **(4) CONCEPT OF ELECTRONIC SIGNATURE AND DIGITAL SIGNATURE**

- Relevance of Signature
- Handwritten signature vs Digital Signature
- Technological Advancement and development of signature
- Digital Signature: IT Act, 2000
- Cryptography, Public Key and Private Key, Public Key Infrastructure
- Electronic Signature
- Electronic Signature vs. Digital Signature
- UNCITRAL Model Law on Electronic Signature

### **(5) E – COMMERCE**

- Meaning and Origin of E-commerce
- Tools of E-Commerce
- Models of e-commerce
- UNCITRAL Model Law on E-commerce
- E-Commerce under IT Act, 2000
- Issues and challenges of E-Commerce

### **(6) E – GOVERNANCE**

- Meaning and concept of E-governance
- Models of E-governance
- Legal Status of E – governance in UNCITRAL Model and IT Act, 2000

### **(7) E-CONTRACT**

- Concept of E-Contracts
- Types of E-contract - Click wrap, Shrink-wrap, Browse wrap and its Legal Validity
- Essentials of E-Contracts
- Laws on E-Contracts: IT Act & other laws

### **(8) CYBER CRIMES**

- Cyber Crimes - Definitions - Nature
- Conventional Crimes vs Cyber Crimes
- Types of Cyber Crimes
- Cyber offences covered under the Information Technology Act, 2000
- Cyber offences and other laws (IPC, POCSO etc.)
- Issues relating to investigation of cybercrimes in India
- Cyber Contravention
- Cybercrime vs Cyber Contravention
- Cyber Contraventions -Civil Liabilities and Adjudication

### **(9) LAW RELATING TO LIABILITIES OF INTERMEDIARIES**

- Meaning and concept of intermediary
- International legal framework on intermediary
- Liability of intermediary under the IT Act
- Recent developments

## **UNIT 3 (08 Lectures)**

### **(10) DATA PROTECTION AND PRIVACY CONCERNS IN CYBERSPACE**

- Need to protect data in cyberspace
- Types of data
- Legal framework of data protection
- Data protection bill -an overview
- GDPR
- Concept of privacy
- Privacy concerns of cyberspace

- Constitutional framework of privacy
- Judicial interpretation of privacy in India

**(11) APPRECIATION OF ELECTRONIC EVIDENCE**

- Concept of Electronic Records and Electronic Evidence
- Recognition of electronic records under the UNCITRAL Model Law & IT Act
- Types of Electronic Evidence
- Sources of electronic evidence
- Technical Issues in collection of electronic Evidence
- Chain of custody of electronic evidence
- Admissibility of electronic evidence under Indian laws

**UNIT 4 (08 Lectures)**

**(12) IP PROTECTION ISSUES IN CYBERSPACE**

**(A.) COPYRIGHT ISSUES IN CYBERSPACE**

- Fundamental notions of copyright law
- Copyright issues in cyberspace
- Copyright infringement in digital environment-Software piracy, Linking, Framing, Caching, Meta Tagging,
- Legal protection of copyright in International Framework-WCT, WPPT, TRIPS.
- Indian legal protection of copyright in cyberspace & concept of DRM

**(B.) TRADEMARK ISSUES IN CYBERSPACE**

- Meaning, Purpose and Kinds of Domain Name;
- Domain Name Vs Trademark
- Domain Name Registration, ICANN,
- Domain Name dispute and Related Laws
- Different Form of Domain in Cyberspace,
- Judicial Approach.

**(C.) PATENT ISSUES IN CYBERSPACE**

## UNIT 5 (04Lectures)

### (13) NEW EMERGING ISSUES OF CYBERSPACE

- Cloud Computing,
- Big Data
- Internet of Things
- Artificial Intelligence and Robotics
- Blockchain

### RECOMMENDED BOOKS:

- Chris Reed, Internet Law-Text and Materials, Universal Law Publishing Co., New Delhi, 2nd Edition, 2005
- Ian J Lloyd, Information Technology Law, Oxford University Press, 7th Edition, 2014
- Nandan Kamath, Law Relating to Computers Internet & E Commerce Universal Law Publisher, 5th Edition, (2012)
- Aparna Viswanathan, Cyber Law Indian and International Perspectives, Lexis Nexis, 2012
- Karnika Seth, Computers, Internet and New Technology Laws-A comprehensive reference work with special focus on developments in India. Lexis Nexis, Updated Edition 2016
- Anirudh Rastogi, Cyber Law, Lexis Nexis, 2014
- Pavan Duggal Cyber Law 3.0, Universal Law Publishing Company Private Limited, 2014 Edition.
- Talat Fatima, Cybercrimes, Eastern Book Company, Lucknow, Second Edition, 2016.
- Apar Gupta, Commentary on Information Technology Act, 3<sup>rd</sup> Edition, Lexis Nexis, 2016.
- N S Nappinai, Technology Laws Decoded, Lexis Nexis, 2017
- Vakul Sharma, Information Technology Law and Practice, Universal Law Publishing, 2017
- Rodney D Ryder & Nikhil Naren, Internet Law-Regulating Cyberspace and emerging Technologies, Bloomsbury ,2020

### CASE LAWS:

1. Konkan Railway Corporation Ltd. Vs. Rani Construction (P) Ltd.
2. Washington vs. International Shoe Company, 326 US 310 (1945)
3. Pennoyer vs. Neff, 195 US 714 (1877)
4. Word Wide Volkswagen Corporation vs. Woodson, 444 US 286 (1980)

5. Calder Vs. Jones, 465 US 783 (1984)
6. Burger King Corp. Vs. Rudzewicz, 417 US 462 (1985) ,472.
7. Asahi Meatal Industry Company Limited Vs. Superior Court of California, 480 US 102 (1987)
8. Playboy Enterprise, Inc., vs. Chukelberry publishing, Inc., 930 F Supp 1032 (S.D.NY.1996)
9. Panavision International, LP Vs. Toeppen, 945 F Supp 1296 (CD Cal 1996)
10. Zippo Manufacturer vs Zippo. Com. 952 F Supp. 1119 (DCWD Pa 1997)
11. Cyber Sell Inc. Vs. Cyber Sell Inc. 130 F 3d 414 (9<sup>th</sup> Cir 1997)
12. Yahoo! Inc. and Yahoo France Vs. UEJF & LICRA. 145 F. Supp 2d 1168 ,1179 (N.D. Cal 2001)
13. Young Vs. New Haven Advocate, 315 F, 3d. 256 (4<sup>th</sup> Cir. 2002)
14. Casio India Company Limited Vs. Ashita Tele Systems Private limited (2003) 27 PTC 265 (Del).
15. India TV, Independent News Service Pvt. Ltd. Vs. India Broadcasting Live, LLC, (2007) 145 DLT 521
16. Banyan Tree Holdings (Pvt.) Ltd. Vs. Murali Krishnan Reddy 2008 (38) PTC 288(Del)
17. Renaissance Hotel Holdings Inc. Vs. B. Vihaya Sai and anr. 2009
18. Nirmaljit Singh Narula Vs. Indijobs at Hubpages.com ,2012
19. Kharak Singh vs. State of UP (1964) 1 SCR 332
20. M.P. Sharma & Others Vs. Satish Chandra, 1954 SCR 1077
21. Govind vs. State of M.P., (1975) 2 SCC 148
22. R. Rajagopala And Anr. Vs. State of Tamil Nadu (1994) 6 SCC 632
23. PUCL Vs. Union of India, (1997) 1 SCC 301
24. K. S. Puttaswamy Vs Union of India, (2017) 10 SCC 1
25. Avnish Bajaj vs State of NCT Delhi (2005) 3 Comp LJ 364 Del.
26. Shreya Singhal Vs. Union of India, (2015) 5 SCC 1
27. ProCD Vs, Zeidenberg ,1996
28. Hot Mail Corp. Vs. Van \$ Money Pie Inc. 2002
29. Ticketmaster Corp, vs. Tickets.com, Inc. 2003
30. State Vs. Mohd. Afzal 2003 VII AD (Delhi) 1
31. State (NCT of Delhi) vs Navjot Sandhu (2005) 11 SCC 600
32. P.V. Anvar Vs. P.K. Basheer (2014) 10 SCC 473

33. Shafi Mohammad Vs. State of Himachal Pradesh ,2018

34. Arjun PanditraoKhotkar Vs. Kailash KushanraoGorantyal And Others, 2020

**CONVENTIONS,STATUTES, RULES etc.:**

1. UNCITRAL Model law on E-commerce 1996
2. UNCITRAL Model law on E-Signature 2001
3. The Information Technology Act, 2000 and Related Rules
4. The Personal Data Protection Bill 2019
5. GDPR

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