



**SCHEME OF EXAMINATION
&
DETAILED SYLLABUS**

**POST GRADUATE DIPLOMA IN CYBER LAW
PGDCL
Semester I, II
2018 - 2019**



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COURSE STRUCTURE OF PGDCL

Semester - I							
Subject Code	Subject Name	Total Marks	Theory		Assignment		Aggregate Pass Marks
			Max Marks	Min Marks	Max Marks	Min Marks	
1PGDCL1	The Emerging Jurisprudence of Cyber Space	100	80	28	20	8	48%
1PGDCL2	IPR in Cyber Space	100	80	28	20	8	48%
Semester - II							
Subject Code	Subject Name	Total Marks	Theory		Assignment		Aggregate Pass Marks
			Max Marks	Min Marks	Max Marks	Min Marks	
2PGDCL1	E-Commerce & Taxation	100	80	28	20	8	48%
2PGDCL2	Cyber Crimes	100	80	28	20	8	48%

P. G. DIPLOMA IN CYBER LAW

Human history in a sense is a story of technology from flint stones to that of genetic clones. The tribulations and triumph of such a journey, which will continue in the future, has one aspect constant at its core - 'the laws that govern them'.

Technology per se is never a disputed issue but for whom and at what cost has been the issue in the ambit of governance. The cyber revolution holds the promise of quickly reaching the masses as opposed to the earlier technologies, which had a trickledown effect. Such a promise and potential can only be realized with an appropriate legal regime based on a given socio-economic matrix.

In the ambit of technology and Law, Law has always been at the curve of the highway chasing the developments of technology and ends often issuing violation tickets. Law needs to provide a road map to technology with appropriate signals and speed breakers for its safe driving.

The need of the times is that of a strong legal research orientation which needs to travel along with technological developments if not in advance. Such an effort can make Law as a management tool, of rights and obligations in the interface of technology and Governance.

SEMESTER – I

1PGDCL1

UNIT-I

The emerging jurisprudence of Cyber Space ()

I. Defining Cyber Space

- Understanding Cyber Space
- Interface of Technology and Law Defining Cyber Laws

II. Jurisdiction in Cyber Space

- Concept of Jurisdiction
- Internet Jurisdiction
- Indian Context of Jurisdiction
- International position of Internet Jurisdiction Cases in Cyber Jurisdiction

III. Understanding Electronic Contracts

- The Indian Law of Contract
- Construction of Electronic Contracts
- Issues of Security Issues of Privacy Technical Issues in Cyber Contracts

IV. Types of Electronic Contracts

- Employment Contracts
- Consultant Agreements
- Contractor Agreements Sales, Re-Seller and Distributor Agreements Non-Disclosure Agreements

- Software Development & Licensing Agreements
- Shrink Wrap Contract Source Code Escrow Agreements

V. Cyber Contracts & Indian Legal Position

- Legal Issues in Cyber Contracts
- Cyber Contract and IT Act 2000
- Indian Law on Shrink Wrap Contracts Drafting of Cyber Contracts

UNIT- II

(PGDCL2)

IPR in Cyber Space

I. Understanding Copy Right in Information Technology

- Understanding the technology of Software
- Software - Copyrights vs Patents debate
- Authorship and Assignment Issues
- Commissioned Work and Work for Hire
- Idea/Expression dichotomy
- Copyright in Internet

II. Legal Issues in Internet and Software Copyright

- Jurisdiction Issues and Copyright
- Infringement
- Remedies of Infringement
- Multimedia and Copyright issues
- Software Piracy

III. Patents

- Understanding Patents
- International context of Patents
- European Position on Computer related Patents
- Legal position of U.S. on Computer related Patents
- Indian Position on Computer related Patents

IV. Trademarks

- Understanding Trademarks
- Trademark Law in India
- Infringement and Passing Off
- Trademarks in Internet
- Domain name registration
- Domain Name Disputes & WIPO

V. Databases

- Databases in Information Technology
- Protection of Databases
- Legal Position of Database protection in U.S.

- European Legal position on Databases
- Indian Law on Databases
- Sui Generis Extraction Right

SEMESTER - II

UNIT-I

(2PGDCL1)

E-Commerce & Taxation

I. E-Commerce - Salient Features

- On-line contracts
- Mail Box rule
- Privity of Contracts
- Jurisdiction issues in E-Commerce
- Electronic Data Interchange

II. Security and Evidence in E-Commerce

- Dual Key Encryption
- Digital Signatures
- Security issues in E-Commerce
- Evidence related issues
- UNCITRAL model law of E-Commerce
- Indian Legal Position on E-Commerce
- IT Act 2000/Indian Evidence Act/ Draft law on E-Commerce

III. E-Banking and Legal Issues

- Electronic Money
- Regulating e-transactions
- Role of RBI and Legal issues
- Transnational Transactions of E-Cash
- Credit Card and Internet
- Laws relating to Internet credit cards
- Secure Electronic Transactions

IV. Taxation Issues in Cyber Space

- Indian Tax System
- Transactions in E-Commerce
- Taxing Internet Commerce
- Indirect Taxes
- Tax evasion in Cyber space

V. International Taxation in E-Commerce

- Understanding International Taxation
- Fixed place vs. Website
- Permanent Establishments
- Double Taxation
- Role of ISPs
- OECD initiatives in International Taxation

UNIT - II

(2PGDCL2)

Cyber Crimes

I. Understanding Cyber Crimes

- Defining Crime
- Crime in context of Internet -Acts Rea/Mens Rea
- Types of crime in Internet
- Computing damage in Internet crime

II. Indian Penal Law & Cyber Crimes

- Fraud
- Hacking
- Mischief
- Trespass
- Defamation
- Stalking
- Spam

III. Investigations in Cyber Crimes

IV. Issues of Internet Governance

- Freedom of Expression in Internet
- Issues of Censorship
- Hate speech
- Sedition
- Libel
- Subversion
- Privacy Issues
- Data Protection
- International Positions on Free Speech in Internet

SUGGESTED READING-

An Introduction to Cyber Crime and Cyber Law : Dr.R.K.Chaubay

Cyber crime in India : Dr.M.Dasgupta

Cyber laws and crimes : Barkha & U.Ramamohan

Information Technology Act 2000

Albert J. Marcellaa and Robert S. Greenfiled (Ed) (2002) Cyber Forensics, A Field Manual for collecting, examining and preserving evidence of computer crimes, Auerbach publications.

Deflem, Mathieu, and J. Eagle Shutt. 2006 "Law Enforcement and Computer Security Threats and Measures." Pp. 200-209 in *The Handbook of Information Security, Volume 2: Information Warfare; Social, Legal, and International Issues; and Security Foundations*, edited by Hossein Bidgoli. Hoboken, NJ: John Wiley & Sons.

Giddens, A (1990) *The Consequences of Modernity*, Polity Press: Oxford.

Hafner, K. & Markoff, J. (1995). *Cyberpunks: Outlaws and hackers on the computer frontier*. Toronto: Simon and Schuster.

Hauben, Michael and Ronda Hauben (1997). *Netizens: On the History and Impact of Usenet and the Internet*. Wiley-IEEE Computer Society Press: New Jersey

McQuade, Samuel C (2005). *Understanding and managing cyber crime*. New Jersey: Allyn & Bacon.

Pease, K. (2001). *Crime futures and foresight: Challenging criminal behaviour in the information age*. In D. Wall (ed.) *Crime and the internet*. London: Routledge.

Seymour Goodman and Abraham Soafer (ed.) (2002) *The Transnational dimensions of cyber crime*, Hoover Institution Press Washington.

Smith R, Grabosky P and Urbas G (2004). *Cyber criminals on trial*. Cambridge: Cambridge University Press pp 5-10

United Nations (1997). *United Nations Manual on the Prevention and Control of Computer-Related Crime*, *International Review of Criminal Policy* Nos. 43 and 44, United Nations: New York <http://www.uncjin.org/Documents/EighthCongress.html>

Wall, D. (2001). *Cyber crimes and the internet*. In D. Wall (ed.) *Crime and the internet*. London: Routledge.