


Name:			
Enrolment No:			
UPES End Semester Examination, May 2023			
Course: Law of Telecommunication (Hons 4)		Semester: VIII	
Program: BA/BBA/Bcom LL.B. (Cyber Law Hons.)		Time: 03 hrs.	
Course Code: CLCB4006		Max. Marks: 100	
Instructions:			
(i) <i>Read questions carefully.</i>			
(ii) <i>Word limit is not stated as a conscious choice, kindly adhere to the scope of question while attempting.</i>			
SECTION A (5Qx2M=10Marks)			
S. No.		Marks	CO
Q. 1	Which is the most recent telecommunication based rule of India?	2	CO1
Q. 2	Briefly state significance of International Telegraph Convention of 1865.	2	CO1
Q. 3	Define the doctrine of <i>Safe Harbor</i> .	2	CO1
Q. 4	Define the doctrine of <i>Eminent Domain</i> .	2	CO1
Q. 5	When and where did the first international radio telegraph convention held?	2	CO1
SECTION B (4Qx5M= 20 Marks)			
Q. 6	Briefly explain five important provisions of Indian Telegraph Act, 1885.	5	CO2
Q. 7	Describe core criticism (any one) of Data Protection Bill, 2022.	5	CO2
Q. 8	Explain events leading to Kingsbury Commitment and its significance in the Information technology governance in United States.	5	CO2
Q. 9	List down due diligence requirements under Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.	5	CO2
SECTION-C (2Qx10M=20 Marks)			
Q. 10	Explain fairness doctrine in the context of American radio-broadcasting industry and analyze whether such doctrinal test can be applied to Indian context in the wake of increasing false news and digital dissemination. Apply using relevant examples.	10	CO3

Q. 11	Critically analyze the Temporary Suspension of Telecom Services (Public Emergency or Public Service) Rules, 2017 in the context of <i>Anuradha Bhasin V. Union of India</i> case.	10	CO3
SECTION-D (2Qx25M=50 Marks)			
Q. 12	The Department of Telecommunications, Ministry of Communications released a draft of the Indian Telecommunication Bill, 2022 (“Draft Bill”) on September 21, 2022 to solicit public comments. The Draft Bill is an attempt by the Government to update the extant regulatory framework in keeping with the advancements and challenges in the sector. It proposes to consolidate the laws governing the provision, development, expansion and operation of telecommunication services, telecommunication networks and telecommunication infrastructure, and assignment of spectrum. <u>Identify five issues with the “Draft Bill” and Apply recommendations to mitigate the identified issues with relevant examples.</u>	25	CO4
Q. 13	Section 4(2) of Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 states: A significant social media intermediary providing services primarily in the nature of messaging shall enable the identification of the first originator of the information on its computer resource as may be required by a judicial order passed by a court of competent jurisdiction or an order passed under section 69 by the Competent Authority as per the Information Technology (Procedure and Safeguards for interception, monitoring and decryption of information) Rules, 2009, which shall be supported with a copy of such information in electronic form: <ul style="list-style-type: none"> • Provided that an order shall only be passed for the purposes of prevention, detection, investigation, prosecution or punishment of an offence related to the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, or public order, or of incitement to an offence relating to the above or in relation with rape, sexually explicit material or child sexual abuse material, punishable with imprisonment for a term of not less than five years: • Provided further that no order shall be passed in cases where other less intrusive means are effective in identifying the originator of the information: • Provided also that in complying with an order for identification of the first originator, no significant social media intermediary shall be required to disclose the contents of any electronic message, any other information related to the first originator, or any information related to its other users: • Provided also that where the first originator of any information on the computer resource of an intermediary is located outside the 	25	CO4

	<p>territory of India, the first originator of that information within the territory of India shall be deemed to be the first originator of the information for the purpose of this clause.</p> <p>Letschat, a messaging ‘significant social media intermediary’ which is premised around facilitating end-to-end encryption of its user feels that it is detrimental to its user data protection as well as its business. They filed a writ petition under Article 226 in Kerala HC challenging the constitutional validity of the above stated provision. The petition stated below grounds.</p> <ul style="list-style-type: none">➤ The said provision (Section 4(2)) overrule the effect of the judgment of the Supreme Court in Shreya Singhal v Union of India which provided immunity to intermediaries.➤ The Intermediary Rules 2021 are <i>ultra vires</i> the IT Act;➤ The Rules violate the fundamental right to privacy under Article 21 of the Constitution and is against the Supreme Courts’ <i>Puttaswamy</i> judgment <p>The State authority has appointed YOU as the counsel in the above writ petition. Apply the existing IT governance legal framework and constitutional structures to prepare the response to grounds raised by petitioner. <u>(Your argument should respond to each legal grounds raised by Petitioner)</u></p>		
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