

UNIVERSITY OF COLOMBO, SRI LANKA
FACULTY OF LAW
MASTER OF LAWS DEGREE EXAMINATION - 2016/2017
INFORMATION TECHNOLOGY LAW

(Three Hours)

Total number of questions: 04

Answer any **THREE** questions only, **selecting Question No. 01 and any two others.**

(Candidates will be penalized for illegible handwriting.)

1. Assume that you are the Chief Legal Advisor attached to the Ministry of Information Technology. You are invited by the United Nations Commission on International Trade Law (UNCITRAL) for its 2017 Asia Pacific Conference on 'Cross-Border Paperless Trade Facilitation: Challenges and Prospects' to present a paper on the Sri Lankan legal developments facilitating information and communication technology (ICT) driven international trade.

Prepare the paper analyzing the legal regime with the following aspects in focus:

- (a) Challenges and opportunities presented by ICT to the legal system of Sri Lanka;
- (b) Adequacy or otherwise of the existing legal framework in Sri Lanka;
- (c) Sri Lanka's compliance with the international obligations pertaining to ICT driven international trade;
- (d) Changes that you recommend to improve the relevant legal landscape of Sri Lanka.

Your paper should be a critique of the Sri Lankan legal regime, examining the relevant statutory provisions, case law jurisprudence and relevant legal principles embodied in the international legal instruments.

(40 Marks)

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2. “The phenomena of cybercrime appear to change almost every day raising several challenges to traditional criminal justice system. As is argued, cyber-crime has become more dangerous than drugs putting everybody who uses the ICT at risk. However, the question is, whether the Sri Lankan Computer Crime Act, No. 24 of 2007 is adequate to meet the rising tide of criminal threats posed by ICT driven cyber-crimes.”

In light of the above statement, critically analyse the scope, key provisions, strengths and weaknesses of the Computer Crime Act in Sri Lanka while having a comparative discussion with the provisions of the Budapest Convention on Cybercrime.

(30 Marks)

3. Assume that you are a member of the Sub-Committee appointed by the Law Commission which is tasked with proposing a new legal framework for data protection in Sri Lanka. Based on its mandate, the Committee is currently deliberating on experiences emanating from other jurisdictions that can serve as a model for Sri Lanka. You have been requested by the Chairperson of the Committee to prepare a report to be tabled at the next meeting.

With reference to at least two other jurisdictions, prepare a report highlighting and analysing the strengths and weaknesses of the different models of data protection adopted by the respective jurisdictions. Your report should contain recommendations, with justifications, on the model that Sri Lanka should adopt with regard to data protection.

(30 Marks)

4. “A careful analysis of the provisions of the Evidence (Special Provisions) Act No.14 of 1995 and the Electronic Transactions Act No, 19 of 2006 and emerging case law jurisprudence reveals that Sri Lankan legislature has introduced a dual regime governing relevancy and admissibility of electronic and computer generated evidence.”

Do you agree with the above statement? Critically discuss, with reference to the rationale underpinning the relevant legal provisions and case law, the present state of the law.

(30 Marks)
