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Delhi Police Designated as Nodal Agency under Section 79(3)(b) of the Information Technology Act, 2000

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PUBLISHED 3 January 2025

In a significant move aimed at enhancing the enforcement of cyber laws, the Government of the National Capital Territory (NCT) of Delhi has issued a notification dated **December 26, 2024**, designating the **Delhi Police** as the nodal agency to perform functions under **Section 79(3)(b)** of the Information Technology (IT) Act, 2000. This decision shows the need for addressing unlawful activities in the digital field with a structured and efficient approach.

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Overview of Section 79 and Section 79(3)(b) of the IT Act, 2000

Section 79 of the IT Act provides “safe harbour” protections for intermediaries, such as social media platforms, online service providers, and hosting providers, shielding them from liability for third-party content hosted on their platforms. However, this protection is conditional. Under **Section 79(3)(b)**, intermediaries lose this immunity if they fail to act on a government or authorized agency’s directive to remove or disable access to unlawful information.

This provision places a significant responsibility on intermediaries to comply with takedown notices and ensures accountability in combating online unlawful activities.

Key Provisions of the Notification

The notification issued by the Home Department of the NCT of Delhi lays out the following details:

1. **Delhi Police as Nodal Agency**: The **Delhi Police** has been officially designated as the nodal agency to handle responsibilities under Section 79(3)(b) of the IT Act within the National Capital Territory of Delhi.
2. **Hierarchy and Roles**:
    - The **Joint Commissioner of Police, Intelligence Fusion and Strategic Operations (IFSO)** has been appointed as the **State Nodal Officer**.
    - The **Deputy Commissioner of Police, IFSO**, will be the **Assistant State Nodal Officer**, supporting the State Nodal Officer in fulfilling these responsibilities.
3. **Authorization of Specialized Units**:
    - **Deputy Commissioners of Police (DCPs)** from various specialized units, including:
        - District Police
        - Economic Offenses Wing (EOW)
        - Crime Branch
        - Special Cell
        - Special Branch
        - IGIA (Indira Gandhi International Airport)
        - Railways and Metro units
    - These officials are authorized to issue **takedown notices** pertaining to unlawful content hosted online. They are also empowered to notify and act upon instances of information, data, or communication links residing in or connected to computer resources controlled by intermediaries, if such resources are used for unlawful acts.
4. **Scope of Responsibilities**: The designated officers are tasked with:
    - Issuing notices to intermediaries for the removal or disabling of unlawful content.
    - Ensuring compliance with legal provisions and directives aimed at combating cybercrime and unlawful digital activities.

Effective Date

The notification came into effect on **December 26, 2024**, as published in the Delhi Gazette. It marks a significant step in strengthening the enforcement of cyber laws and ensuring accountability among intermediaries operating within Delhi's jurisdiction.

Implications

This development empowers the Delhi Police to act decisively against unlawful activities in the digital space. By simplifying responsibilities and delegating authority to specialized units and officials, the notification ensures prompt and efficient action against cyber offenses. The hierarchical structure also provides clarity on roles and responsibilities, encouraging better coordination in handling cybercrime cases.

With the rise of digital platforms and the increasing prevalence of cyber threats, this notification is a proactive measure to safeguard the digital ecosystem in Delhi. It highlights the government's commitment to using existing laws to tackle challenges posed by the evolving cyber landscape effectively.

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