

EXPLANATORY NOTE

[Proposed Amendments to the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 in relation to synthetically generated information]

The Government of India is committed to ensuring an Open, Safe, Trusted, and Accountable Internet for its citizens availing Internet-enabled services. Recognising the challenges posed by growing misuse of **synthetically generated information**, including deepfakes, misinformation, and other unlawful content—capable of misleading users causing user harms, violating privacy, or threatening national integrity, the Ministry of Electronics and Information Technology (MeitY) has proposed amendments to the *Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021* (“IT Rules, 2021”) made in exercise of the powers given under the Information Technology Act, 2000 (“IT Act”).

The proposed amendments aim to strengthen the due diligence obligations of intermediaries—particularly social media intermediaries (SMIs) and significant social media intermediaries (SSMIs)—in light of the growing misuse of technologies which are used for the creation or generation of synthetic media. These amendments complement the Government’s continued focus on user safety and accountability, following earlier amendments in October 2022 and April 2023.

1. Background and Rationale

Recent incidents of deepfake audio, videos and synthetic media going viral on social platforms have demonstrated the potential of generative AI to create convincing falsehoods—depicting individuals in acts or statements they never made. Such content can be weaponised to **spread misinformation, damage reputations, manipulate or influence elections, or commit financial fraud**.

Globally and domestically, policymakers are increasingly concerned about fabricated or synthetic images, videos, and audio clips (commonly known as deepfakes) that are indistinguishable from real content, and are being blatantly used to:

- Produce non-consensual intimate or obscene imagery;
- Mislead the public with fabricated political or news content;
- Commit fraud or impersonation for financial gain; and
- Undermine trust in legitimate information ecosystems.

Concerns have also been raised in both the Houses of Parliament in India regarding the regulation of deepfakes and synthetic content. MeitY has earlier issued multiple advisories to intermediaries including SMIs and SSMIs, to curb the proliferation of deepfake content and associated harms.

These proposed amendments provide a **clear legal basis** for labelling, traceability, and accountability related to synthetically generated information.

2. Objectives of the Amendments

The proposed amendments seek to:

- Clearly define **synthetically generated information**;
- Clarify the applicability of this definition in the context of information being used to commit an unlawful act, including under rules 3(1)(b)&(d) and rules 4(2)&(4) of the IT Rules, 2021;
- Mandate **labelling, visibility, and metadata embedding** for synthetically generated or modified information to distinguish synthetic from authentic content; and
- Strengthen accountability of SSIMs in **verifying and flagging synthetic information** through reasonable and appropriate technical measures.

3. Summary of Key Amendments

(i) Definition of “Synthetically Generated Information” [Rule 2(1)(wa)]:

- Introduces a new clause defining *synthetically generated information* as information that is artificially or algorithmically created, generated, modified or altered using a computer resource, in a manner that appears reasonably authentic or true.

(ii) Clarificatory Inclusion [Rule 2(1A)]:

- Clarifies that any reference to “information” in the context of unlawful acts—including under Rule 3(1)(b), Rule 3(1)(d), Rule 4(2), and Rule 4(4)—shall include *synthetically generated information*.

(iii) Protection for Removal of Harmful Synthetic Content [Proviso to Rule 3(1)(b)]:

- Provides statutory protection to intermediaries removing or disabling access to synthetically generated information based on reasonable efforts or user grievances, ensuring that such actions do not affect the exemption provided under Section 79(2) of the IT Act.

(iv) Due Diligence in Relation to Synthetically Generated Information [New Rule 3(3)]:

- Mandates that intermediaries offering computer resources enabling creation or modification of synthetically generated information:
 - Must ensure such information is **labelled or embedded with a permanent unique metadata or identifier**;
 - Such label or identifier must be **visibly displayed or made audible in a prominent manner** on or within the synthetic content, **covering at least 10% of the surface area** of a visual display or, **in the case of audio content, during the initial 10% of its duration**; and
 - The label or identifier must enable immediate identification of the content as synthetically generated information.
- The rule further prohibits intermediaries from **modifying, suppressing, or removing** such labels or identifiers.

(v) Enhanced Obligations for SSIMs [New Rule 4(1A)]:

- Requires SSIMs to:
 - Obtain a **user declaration** on whether uploaded information is synthetically generated;
 - Deploy **reasonable and proportionate technical measures** to verify such declarations;
 - Ensure that synthetically generated information is **clearly labelled or accompanied by a notice** indicating the same; and

4. Expected Impact

- These amendments will:
 - Establish **clear accountability** for intermediaries and SSIMs facilitating or hosting synthetically generated information i.e., deepfake or AI-generated content;
 - Ensure **visible labelling, metadata traceability, and transparency** for all public-facing AI-generated media;
 - Protect intermediaries acting in **good faith** under Section 79(2) while addressing user grievances related to deepfakes or synthetic content;
 - Enhanced Obligations for SSIMs requiring users to declare whether uploaded content is synthetically generated, **verify such declarations** through reasonable technical measures, and clearly display with an appropriate label, with these obligations applying only to content displayed or published through their platform and not to private or unpublished material;
 - Empower users to **distinguish authentic from synthetic information**, thereby building public trust; and
 - Support India's broader vision of an **Open, Safe, Trusted and Accountable Internet** while balancing user rights to free expression and innovation.
