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Ministry of Electronics and Information Technology
Electronics Niketan, 6, CGO Complex, Lodhi Road
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Subject: GitHub stakeholder feedback on the “Draft amendments to Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 – in relation to synthetically generated information”

Introduction

GitHub appreciates the Ministry of Electronics and Information Technology’s (MeitY) concern about the societal risks presented by synthetic media. While synthetic media tools have the potential to enhance creative expression, visualize ideas, and foster new genres of digital expression, these technologies can also be misused to create abusive non-consensual intimate imagery (NCII) and pose threats to the integrity of information ecosystems and elections. In 2024, GitHub joined the Tech Accord to Combat Deceptive Use of AI in 2024 Elections, a commitment by leading technology platforms to safeguard election integrity by preventing the misuse of AI tools for deceptive or harmful content, especially during critical democratic processes. GitHub’s policies on Misinformation and Disinformation disallow “manipulated media, whether audio or visual, likely to mislead or deceive in a way that may harm the public interest,” and our policies on Synthetic Media and AI Tools explicitly disallow “projects that are designed for, encourage, promote, support, or suggest in any way” the use of synthetic media and AI tools to produce NCII, child sexual abuse material, and terrorist and violent extremist content. Our approach has focused on disallowing abusive uses of synthetic media tools, while making clear that GitHub remains committed to supporting legitimate research and development of these technologies on our platform.

We recognize MeitY’s important role in addressing challenges posed by synthetic media tools and commend the Ministry for engaging stakeholders to develop effective and balanced regulation. Similar regulatory efforts in the United States and the European Union highlight the global nature of these concerns, and our recommendations are informed by our engagement with international proposals. As the world’s largest platform for software development and collaboration, GitHub hosts over 180 million developers, including more than 21.9 million from India—one of our most active and innovative communities. GitHub’s 2025 Octoverse Report shared the exciting finding that India

added more than 5.2 million developers in 2025, which makes India the single largest source of new developers on GitHub this year, continuing its rapid rise since 2020. We approach this consultation as a platform committed to both safety and usability, and as an important home for Indian software developers. GitHub recommends that MeitY scopes potential proposals on synthetic media to focus on the vectors of greatest harm, emphasize technical feasibility, and harmonize with global standards, while ensuring that innovators—especially startups and open source developers—are not unduly burdened by compliance requirements across jurisdictions. We are committed to supporting Indian developers and keeping GitHub available as a platform where they can collaborate, build, and contribute effectively to the global developer ecosystem.

Narrow the Definition of Synthetic Media

The definition of “synthetically generated information” in the proposed rules is broad enough to potentially include any content generated by algorithms, including source code and text. However, the explanatory note and global regulatory trends make clear that the intent is to address high-risk media types; specifically, audio, video, and images that can be used to create deepfakes or misleading content. GitHub recommends that the definition of “synthetically generated information” should be limited to audio, video, and images, excluding text and code. Focusing the scope on photo and video addresses the highest risks to public trust, as deepfakes in these formats are most likely to mislead people. Text-based content presents unique technical challenges for provenance, with no mature standards currently available. Excluding text and code avoids unintended consequences for software development and ensures the rules target genuine threats.

Clarify Scope of Intermediaries and Exempt Open Source

The draft amendments contain a requirement for due diligence in relation to synthetically generated information, calling on an intermediary that “offers a computer resource which may enable, permit, or facilitate the creation, generation, modification or alteration of information as synthetically generated information,” to ensure that its outputs are identified as synthetically generated information with provenance metadata or an identifier. This definition is exceptionally broad and could unintentionally encompass platforms that merely host source code, model weights, or other developer infrastructure, rather than focusing on AI system platforms that allow end users to generate synthetic images and videos from prompts. To ensure that this proposal is effective, targeted, and consistent with international regulatory frameworks, we recommend narrowing the scope so that due diligence and provenance requirements apply specifically to platforms that provide end-user access to AI systems capable of generating synthetic media content.

Additionally, the following sub-rule is concerning for open source developers: “(b) the intermediary under clause (a) shall not enable the modification, suppression or removal of such label, permanent unique metadata or identifier.” Under the given scope and definition of intermediary could inadvertently apply to open source software and AI models, which are inherently modifiable and designed for collaborative improvement. Restrictions on modifying, suppressing, or removing labels should not apply to open source software or AI models. Open source AI models are inherently modifiable, and broad bans on “enabling” modification would undermine collaborative innovation. The rules should instead specify that significant social media intermediaries themselves must

not alter labels, rather than prohibiting the facilitation of modification by third parties or calling on intermediaries to monitor downstream usage of their resources, to preserve the open and iterative nature of software development.

Harmonize with International Standards

India's IT Rules on synthetic media should align with international regulatory regimes and industry standards like the Coalition for Content Provenance and Authenticity (C2PA), which provides an open technical standard to establish the origins and modifications of digital content. Harmonizing with global frameworks ensures interoperability, reduces compliance burdens, and supports innovation. Fixed label size and placement requirements should be replaced with references to industry standards like C2PA. By referencing widely adopted standards such as C2PA, India can foster a regulatory environment that is interoperable and technically feasible for developers and platforms working across jurisdictions, while remaining consistent with international best practices.

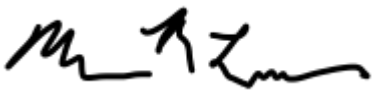
Remove Platform Verification of User Statements

The draft rules require significant social media intermediaries (SSMIs) to verify the accuracy of user declarations about whether content is synthetically generated. If applied to platforms like GitHub, this would make the ability to upload and share code on the platform unworkable, requiring verification of every pull request, issue, or uploaded file. We recommend removing this requirement and instead call on SSMIs to support machine-readable authenticity and provenance information, such as C2PA metadata, which empowers users and downstream platforms to assess content provenance and authenticity without imposing unrealistic compliance obligations.

Conclusion

GitHub welcomes the opportunity to participate in this important consultation and stands ready to work with MeitY to develop regulations that effectively address the risks of synthetic media while supporting innovation, collaboration, and technical progress. We urge the Ministry to adopt a targeted, technically feasible, and internationally harmonized approach that protects users and the information ecosystem, without imposing undue burdens on developers—especially those in India, who are driving global innovation on our platform. We look forward to continued dialogue and collaboration to ensure that India's regulatory framework supports both safety and the thriving growth of its developer community.

Sincerely,



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