Summary of DSCI's submissions on the draft amendment to the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021

The Data Security Council of India (DSCI) has provided feedback on the draft amendment to the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (IT Rules), released for public consultation by the Ministry of Electronics and Information Technology (MeitY) in October 2025. While DSCI appreciates the effort to regulate and curb the malicious use of synthetically generated information (SGI), we have offered targeted recommendations to prevent other unintended consequences that may need to be considered for the effective and intended implementation of the framework.

Clause-by-Clause Feedback

Rule 2(1)(wa): Definition of "synthetically generated information"

Concern: The proposed definition of SGI is considered overly broad, as it could encompass both harmless AI-assisted outputs, such as routine text refinement, and highly deceptive deepfakes, including fabricated videos of public figures, without distinguishing between creative or innovative uses and genuinely harmful content like NCII or CSAM. Such undifferentiated treatment may chill lawful expression and impose unnecessary burdens on legitimate users. Further, tying the definition to whether content "reasonably appears to be authentic" introduces subjectivity, increasing the likelihood of misclassification based on perception rather than clear, objective criteria.

Recommendations:

Adopting a risk-tiered approach to structure SGI obligations. For instance:

- High-risk categories may include realistic impersonations, election-related manipulations, financial fraud simulations, NCII, CSAM, and biometric deepfakes. These forms of content warrant stronger obligations, such as visible and persistent disclosures, embedded provenance using recognised industry standards like C2PA, priority flagging mechanisms, and auditable detection accuracy.
- Medium-risk and mild-risk content, such as satire that might be misinterpreted as factual or synthetic product endorsements, could carry contextual labels, explain-why notices, and standard notice-and-action procedures.

Rule 2(1A): Clarification regarding "information"

Concern: The proposed amendment explicitly includes SGI within the meaning of "information." Since existing provisions under the IT Rules already empower intermediaries to act against misleading, harmful, or manipulated content, stakeholders caution that this additional definitional expansion may generate redundancies and interpretational complexities without materially improving enforcement outcomes.

Recommendation: Reconsider the insertion of this clause or alternatively clarify its scope using illustrations or cross-references to avoid over-inclusiveness and preserve coherence across legislations.

Rule 3(3): Due Diligence in relation to SGI

Concern: While the proposed insertion of Rule 3(3) is welcome in principle, practical challenges persist: detection, watermarking, and provenance tools remain immature, non-interoperable, and easily bypassed. Studies indicate that visible labels may not be effective in curbing misinformation and can even create confusion or misplaced trust. Highly prescriptive mandates, such as fixed label size or mandatory audio disclosures, risk disrupting user experience, placing disproportionate burdens on smaller platforms and creators, and may prove impractical across diverse content formats.

Recommendation: A phased, risk-sensitive, and format-appropriate labelling framework is recommended. This may include encouraging voluntary adoption of evolving industry standards, promoting machine-readable metadata, and complementing technical requirements with user education and digital literacy initiatives.

Rule 4(1A): Enhanced Obligations of Significant Social Media Intermediaries

Concern: The proposed Rule 4(1A), which expands the obligations of SSMIs, has raised concerns regarding its feasibility and legal consistency. The requirement to verify user declarations and proactively prevent the publication of unlabelled SGI risks amounts to pre-screening, which may conflict with India's established safe-harbour regime and the Supreme Court's interpretation of "actual knowledge" under Shreya Singhal v. Union of India (2015). Further, without clearly defined standards for what constitutes "reasonable and appropriate technical measures," SSMIs may face uncertainty, inconsistent compliance expectations, and heightened liability exposure.

Recommendation: A more measured approach, retaining the existing notice-and-action framework, avoiding quasi-judicial determination by platforms, and facilitating structured consultation with SSMIs on feasible technical standards, is advised.