

India's IT ministry tells platforms to warn users against deepfakes under IT Rules

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On 26-12-2023, The Ministry of Electronics and Information Technology, ('MeitY') issued an advisory to all intermediaries ensuring compliance with the existing Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2023, ('IT Rules') specifically targeting the growing concerns around misinformation propagated by Artificial Intelligence ('AI') — Deepfakes. The focus of the advisory was on the compliance of Rule 3(1)(b) of the IT rules by the intermediaries to control the issue at hand.

What is Rule 3(1)(b) of the IT Rules ?

Rule 3(1)(b) of the IT rules mandates intermediaries to communicate their rules, regulations, privacy policy, and user agreement in the user's preferred language and are also obliged to ensure reasonable efforts to prevent users from hosting, displaying, uploading, modifying, publishing, transmitting, storing, updating, or sharing any information related to the 11 listed user harms or content prohibited on digital intermediaries. It aims to ensure platforms identify and promptly remove misinformation, false or misleading content, and material impersonating others, including deepfakes.

Key Highlights of the Advisory :

It mandates that intermediaries communicate prohibited content, particularly those specified under Rule 3(1)(b) of the IT Rules clearly and precisely to users.

It emphasizes that content not permitted under the IT Rules, specifically outlined in Rule 3(1)(b) of IT Rules , must be clearly conveyed to users through easily understandable language in terms of service and user agreements during their initial registration and reminded regularly at every login and whenever they upload or share information on the platform.

It highlights that digital platforms need to make sure users are informed about the legal consequences, like penalties in the Penal Code, 1860 and the Information Technology Act, 2000 , in case of violation of Rule 3(1)(b).

Also, the terms of service and user agreements should clearly state that platforms must report any legal violations to the relevant law enforcement agencies as required by Indian laws which are applicable to the context.

Rajeev Chandrasekhar, Union Minister of State for Electronics and Information Technology, said that misinformation is a big danger to people's safety and trust online. He also mentioned that deepfakes, which are AI-powered false information, amplifies threat to safety and trust of our Digital Nagriks.

On 17-11-2023, the Prime Minister Narendra Modi alerted the country to the dangers of deepfakes and post that, the Ministry has had two Digital India Dialogues with all the stakeholders of the Indian Internet to alert them about the provisions of the IT Rules notified in October 2022, and amended in April 2023 that lays out 11 specific prohibited types of content on all social media intermediaries & platforms.

It was further added that it was the G overnment's mission to ensure safe and trusted internet and all intermediaries are accountable for the safety and trust of the Digital Nagriks.

Source: Press Information Bureau

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