

GOVERNMENT OF INDIA  
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY  
**RAJYA SABHA**  
**STARRED QUESTION NO. \*12**  
TO BE ANSWERED ON: 02.02.2024

**REGULATING DEVELOPMENT AND DEPLOYMENT OF AI**

**\*12. SHRI SUJEET KUMAR:**

Will the Minister of Electronics and Information Technology be pleased to state:

- (a) whether Government is planning to regulate and oversee the development and deployment of AI (Artificial Intelligence) technologies to ensure ethical and responsible use;
- (b) if so, the details thereof;
- (c) if not, the reasons therefor; and
- (d) the measures undertaken to prevent the misuse of AI for malicious purposes, such as surveillance, discrimination, or cyber-attacks?

**ANSWER**

MINISTER OF ELECTRONICS AND INFORMATION TECHNOLOGY  
(SHRI ASHWINI VAISHNAW)

- (a) to (d): A statement is laid on the Table of the House.

**STATEMENT REFERRED TO IN THE REPLY TO RAJYA SABHA STARRED QUESTION NO. \*12 FOR 02.02.2024 REGARDING REGULATING DEVELOPMENT AND DEPLOYMENT OF AI**

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(a) to (b): The Government considers Artificial Intelligence is the most significant invention and innovation in our times. Artificial Intelligence has in recent times accelerated its growth and capabilities and we are experiencing an inflection point in the growth of AI. AI represents a kinetic enabler of our digital economy and will further catalyze our digital economy goal.

India over the last 9 years has become a pre-eminent nation in developing technologies for the benefit and transforming the lives of its citizens. The Government is committed to ensuring harnessing the power of AI for the good of our people and the rapid proliferation of the use of AI in sectors like healthcare, agriculture, education, Governance, DPI and others. However, the Government is very cognizant of the harms and criminalities that AI can create. Misinformation and deepfakes being one of the harms that are the direct consequence of AI. The government is also fully cognizant of need to create guardrails to ensure that AI is safe and trusted for Digital Nagarik's who use it on the Indian internet. All applications including AI applications within the government & private sector on the internet are rapidly aligning to the Government expectation that they are safe & trusted AI.

India as a founding member and current council chair of the Global Partnership on Artificial Intelligence (GPAI) has recently held GPAI summit in New Delhi with participation of 28 countries. India has taken lead in ensuring that AI is available for all and for developing global framework for safety & trust for AI models and applications.

(c): Does not arise.

(d): The policies of the Government are aimed at ensuring that the Internet and all applications on internet including AI applications in India are Open, Safe & Trusted and Accountable to all our Digital Nagriks. To ensure that, the Central Government after extensive public consultations with relevant stakeholders has notified the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 ("IT Rules, 2021") on 25.02.2021 which was subsequently amended 28.10.2022 and 6.4.2023. These rules cast specific legal obligations on intermediaries, including social media intermediaries and platforms, to ensure their accountability towards safe & trusted Internet. In case of failure of the intermediaries to observe the legal obligations as provided in the IT Rules, 2021, they lose their safe harbour protection under section 79 of the IT Act and shall be

liable for consequential action or prosecution as provided under any law for the time being in force including the IT Act and the Indian Penal Code.

The IT Rules, 2021 cast the following legal obligations, among others:

- I. Rule 3(1)(b) of the IT Rules, 2021 prohibits eleven types of content on the Indian Internet available on the intermediary platform.
- II. Platforms are required to ensure that their users do not use their platforms for sharing or transmitting content that violates Rule 3(1)(b) and other laws and that their terms of use expressly restrict use of eleven types of content under the law.
- III. Rule 3(1)(b)(v) and (vi) of the IT Rules 2021 prohibits misinformation and patently false information on the Indian Internet or that impersonates another person. Deepfakes are another form of misinformation powered by AI.
- IV. Rule 3(1)(d) of the IT Rules 2021 mandates the platforms to ensure expeditious action, well within the timeframes stipulated under the IT Rules, 2021, to remove or disable access to information/content that violates the aforesaid provisions of the IT Rules, 2021, upon receipt of court orders or notification from the Appropriate Government or its authorised agency or on complaint made by the impersonated individual or person authorised by him in this behalf.
- V. Rule 4(2) of the IT Rules 2021 prescribes that the significant social media intermediaries shall cooperate with Law Enforcement Agencies (LEA) for prevention, detection, investigation, prosecution or punishment by enabling identification of the first originator of information related to the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, or public order, or of incitement to an offence relating to the above or in relation with rape, sexually explicit material or child sexual abuse material (CSAM).

Platforms are being reminded and made aware of their legal obligations and about the consequences of prosecution under relevant law if any of the prohibited contents is found in their platform. Also, they have been reminded about their obligations of expeditious action under the IT Rules, 2021, to remove or disable access to information/content that violates the aforesaid provisions of the IT Rules, 2021.

Further, the Digital Personal Data Protection Act, 2023 (“DPDP Act”) was enacted on 11<sup>th</sup> August 2023. This Act provides for the processing of digital personal data in a manner

that recognizes both the rights of the individuals to protect their personal data and for the data fiduciaries the need to process such personal data for lawful purposes. The Act also puts the obligation on Data Fiduciary to protect personal data in its possession or under its control by taking reasonable security safeguards to prevent personal data breach. According to the provisions of the DPDP Act, the consent given by the Data Principal for processing the personal data shall be free, specific, informed, unconditional and unambiguous with a clear affirmative action, and shall signify an agreement to the processing of her personal data for the specified purpose and be limited to such personal data as is necessary for such specified purpose. Section 43A of the IT Act shall get repealed once the DPDP Act is in force.

Government has also established Grievance Appellate Committees under the IT Rules, 2021 to allow users and victims to appeal online on [www.gac.gov.in](http://www.gac.gov.in) against decisions taken by the Grievance Officers of intermediaries in case they are dissatisfied with the decision of the Grievance Officer in case of legal violations including deepfakes or fails to redress the grievances from users or victims or an individual or any person on his behalf within the timelines prescribed under the IT Rules.

In addition, the Ministry of Home Affairs operates a National Cyber Crime Reporting Portal ([www.cybercrime.gov.in](http://www.cybercrime.gov.in)) to enable citizens to report complaints pertaining to all types of cybercrimes, and also operates a toll-free helpline (1930).

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