

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY
LOK SABHA
UNSTARRED QUESTION NO. 303
TO BE ANSWERED ON 27.11.2024

LEGISLATION TO TACKLE MISUSE OF AI

303. SHRI RAJA A:

Will the Minister of ELECTRONICS AND INFORMATION TECHNOLOGY be pleased to state:

- (a) whether the Government is proposing to bring any legislation to tackle the growing and blatant misuse of Artificial Intelligence leading to fake news, rumours and creating confusion in the minds of general public; and
- (b) if so, the details thereof and if not, the other measures proposed to deal with this issue?

ANSWER

MINISTER OF STATE FOR ELECTRONICS AND INFORMATION TECHNOLOGY
(SHRI JITIN PRASADA)

(a) and (b): Government of India is committed to ensure that internet in India is free from any unlawful content including fake news. The Information Technology Act, 2000 (“IT Act”) and the rules therein has created a legal framework designed to protect the internet from unlawful content.

Accordingly, Ministry of Electronics and Information Technology, in exercise of the powers given under the IT Act, has notified the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (“IT Rules, 2021”).

The IT Rules, 2021 cast specific legal obligations on intermediaries, including social media intermediaries and platforms, to take expeditious action towards removal of the unlawful information. For this purpose, unlawful information comprises prohibited misinformation, patently false information, untrue or misleading in nature.

An intermediary is required to expeditiously take down any information including information generated using AI that falls within the categories mentioned in Rule 3(1)(b) of the IT Rules, 2021, within the timelines prescribed under Rule 3(2) of the IT Rules, 2021.

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 extant law.

Further, to address the emerging harms in the cyberspace like misinformation, deepfakes powered by AI, MeitY has conducted multiple consultations with industry stakeholders/ social media platforms and issued an advisory dated 26.12.2023 and subsequently issued another advisory on 15.03.2024, through which the intermediaries were reminded about their due-diligence obligations outlined under the Rule 3(1)(b) of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (IT Rules, 2021) and advised on countering unlawful content including malicious ‘synthetic media’ and ‘deepfakes’.
