

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY
LOK SABHA
UNSTARRED QUESTION NO. 1647
TO BE ANSWERED ON: 29.07.2026

**ELIGIBILITY OF GENERATIVE ARTIFICIAL SYSTEMS FOR SAFE
HARBOUR PROTECTION**

1647. SHRI MANISH TEWARI:

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

- (a) whether the Government has examined the legal implications of applying the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2026 on Artificial Intelligence (AI) systems including generative AI services and if so, the details thereof;
- (b) whether generative AI systems including chatbot-based AI services fall within the definition of an "intermediary" under Section 2(1)(w) of the Information Technology Act, 2000 and are consequently eligible for safe harbour protection under Section 79 of the Act;
- (c) if so, whether the Government proposes to issue clarificatory guidelines distinguishing between AI systems that merely facilitate access to third-party content and AI systems that independently generate content for the purposes of determining intermediary liability;
- (d) if so, the details thereof; and
- (e) whether the Government proposes to introduce a dedicated legal framework governing liability for Artificial Intelligence systems and if so, the details thereof?

ANSWER

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

(a) to (e): The policies of the Government are aimed at ensuring an Open, Safe and Trusted and Accountable Internet for its users, including women and children. The Government is committed to ensuring that the Internet in India is free from any form of unlawful content or information, while fostering innovation in Artificial Intelligence (AI) through an appropriate legal and regulatory framework.

Legal frameworks to counter unlawful content on digital platforms

Information Technology Act, 2000 ("IT Act"):

- The IT Act is a technology-neutral legislation. Its provisions apply to computer resources and intermediaries in accordance with the provisions of the Act, irrespective of the underlying technology used, including AI.
- Whether a particular AI system or service falls within the definition of an "intermediary" under section 2(1)(w) of the IT Act and is eligible for exemption from liability under section 79 of the Act depends upon the nature of the service provided, the functions performed by such system or service, and the applicable provisions of the IT Act and the rules made thereunder.

- The IT Act and the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (IT Rules, 2021), together, have put in place a stringent framework to deal with unlawful and harmful content in the digital space.
- The IT and the rules made thereunder constitute a dynamic legal framework and are reviewed from time to time. Amendments are undertaken, as and when considered necessary, to address emerging issues in cyberspace, technological advancements, evolving cyber threats, and changing regulatory requirements.
- They impose clear obligations on intermediaries, including social media intermediaries, to ensure accountability. These provisions require intermediaries to publish user-facing rules/terms, privacy policy and user agreement, implement grievance redressal mechanisms, and take expeditious action on unlawful content as per the provisions of law.

IT (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (“IT Rules, 2021”)

- The IT Rules, 2021 cast due-diligence obligations on intermediaries, including social media intermediaries, and require them to implement these obligations effectively so as to prevent the hosting or transmission of unlawful content.
- The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2026, which were notified on 10th February, 2026 and came into force on 20th February, 2026, have strengthened the due diligence framework for intermediaries, particularly in relation to synthetically generated information and associated online harms.

Key provisions under IT Rules, 2021:

Provision	Details
Restricted information under Rule 3(1)(b)	Restricts hosting, storing, transmitting, displaying or publishing information/content that, among other things, is: • obscene, pornographic, invasive of another’s privacy, insulting or harassing on the basis of gender, racially or ethnically objectionable, or promoting hate or violence; • harmful to child; • deceives or misleads, including through deepfakes; • impersonates others, including via Artificial Intelligence; • threatens national security or public order; • violates any applicable law.
User Awareness Obligations	Intermediaries must clearly inform users through terms of service and user agreements about the consequences of sharing unlawful content, including content removal, account suspension, or termination.
Accountability in Content Removal	Social media platforms and other intermediaries are required to remove unlawful content within stipulated timeline of the receipt of an order of a court of competent jurisdiction or a reasoned intimation by the Appropriate Government or its agency.

Grievance Redressal	• Intermediaries to appoint Grievance Officers • Mandates to resolve complaints through removal of unlawful content within stipulated timeline. • Content violating privacy, impersonating individuals, or showing nudity must be removed within stringent stipulated time against any such complaint.
Grievance Appellate Committees Mechanism (GACs)	Users can appeal online at www.gac.gov.in if their complaints are not addressed by the intermediaries' Grievance Officers. GACs ensure accountability and transparency of content moderation decisions.
Assistance by Intermediaries to Government Agencies	Intermediaries must provide information under their control or assistance to authorised Government agencies for identity verification, or for the prevention, detection, investigation, or prosecution of offences, including cyber security incidents.
Additional Obligations of significant social media intermediaries (SSMIs) (i.e., social media intermediaries having 50 lakhs or above registered user base in India)	• SSMIs offering messaging services must help law enforcement trace originators of serious or sensitive content. • SSMIs to use automated tools to detect and limit spread of unlawful content. • SSMIs to publish compliance reports, appoint local officers, and share physical address based in India for compliances and law enforcement coordination. • SSMIs to offer voluntary user verification, internal appeals, and fair hearing before taking <i>suo moto</i> action.

- On 10th February, 2026, the Government strengthened the regulatory framework by amending the IT Rules, 2021 to address harms arising from synthetically generated information (SGI), including deepfakes and AI-generated content.
- Key points related to the amendment are as follows:-
 - o Intermediaries and social media platforms to deploy reasonable technical measures to prevent the creation and dissemination of unlawful AI-generated content, including content that is obscene, misleading, impersonating individuals, or harmful to children.
 - o Platforms are also required to ensure clear labelling and traceable metadata for permissible AI-generated content, so that users can easily identify synthetically generated material and prevent deception or misuse.
 - o It further strengthens user accountability and platform due diligence, including mandatory user awareness regarding legal consequences of unlawful AI-generated content and stronger compliance obligations for social media intermediaries.
 - o Importantly, the guidelines explicitly cover child sexual exploitation material, non-consensual intimate imagery, impersonation and other harmful AI-generated content, requiring platforms to prevent such content and take prompt action when detected.
 - o Strengthening of timelines for compliance, including reduced timelines for removal of unlawful information upon actual knowledge upon valid reasoned intimation from the Appropriate Government or court orders (timeline reduced from 36 hours to 3 hours) and for grievance redressal (including special categories such as nudity/impersonation etc.) (timeline reduced from 72 hours to 36 hours and 24 hours to 2 hours for sensitive matters, respectively).

- o Intermediaries are obligated to deploy reasonable and appropriate technical measures, including automated tools or other suitable mechanisms, to not allow any user to create, generate, modify, alter, publish, transmit, share, or disseminate, as the case may be, any synthetically generated information that violates any law for the time being in force.
- In case of failure of the intermediaries to observe the legal obligations as provided in the IT Rules, 2021, they lose their exemption from third party information provided under section 79 of the IT Act. They are liable for consequential action or prosecution as provided under any extant law.

India AI Governance Guidelines

India's AI policy is based on Prime Minister Narendra Modi's vision of democratizing technology. It is aimed at creating economic opportunities and employment for youth, while addressing risks associated with AI.

India's AI strategy builds on India's vibrant IT sector with annual revenue of 300 billion dollars and 60 lakh strong workforce. The IndiaAI Mission has seven pillars including development of AI models, applications, datasets, talent development and affordable compute.

India AI Governance Guidelines were released on 5th November 2025, providing a comprehensive national framework for the safe, responsible and inclusive development and deployment of Artificial Intelligence in the country.

Pursuant to the Guidelines, the following institutional mechanisms have been initiated:

- AI Governance and Economic Group (AIGEG), a high-level inter-ministerial body to steer the development of India's national AI governance strategy;
- Technology and Policy Expert Committee (TPEC), to support technical and policy recommendations; and
- AI Safety Institute (AIS), to undertake safety research, develop standards, test AI systems and evaluate emerging risks.

To help achieve the aim at ensuring an Open, Safe and Trusted and Accountable Internet for all users, the Government adopts a consultative approach in matters relating to the legal and regulatory framework governing the digital ecosystem and regularly engages with relevant stakeholders to examine the legal, policy and institutional framework relating to emerging issues in the cyberspace, in light of technological developments and public interest.

Any legislative or regulatory measures, if considered necessary, are processed in accordance with the extant policy and established legislative procedures of the Government.
