

A Quarterly insight to Cyber Law!

Cyber Niyam means rules of the Cyberspace. This quarterly newsletter aims to create awareness about the rules and regulations of cyberspace, cyber security and data protection. This is also an effort to create awareness about digital safety, trending cybercrimes and effective reporting mechanisms.

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WHAT ARE THE MEITY GUIDELINES AND INTERMEDIARY RULES FOR AI GENERATED CONTENT?

Introduction

Artificial Intelligence (AI) is rapidly reshaping India's digital landscape by enabling machines to perform tasks such as learning, reasoning, and decision-making. As its use expands across sectors, it has also raised growing concerns around privacy, misinformation, and accountability.

To address these challenges, the Government of India, through the Ministry of Electronics and Information Technology, has introduced guidelines promoting the responsible and ethical use of AI. The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 place due diligence obligations on online intermediaries while maintaining safe harbour protection. In recent developments, these rules have been further strengthened to address risks associated with AI-generated content, particularly deepfakes.

In February 2026 MEITY released the Information Technology (Intermediary guidelines and Digital Media Ethics Code) Amendment Rules, 2026 which came into force on the 20th of February 2026, this amendment gave way to stricter requirements such as labelling synthetic content, user disclosure, automated detection, and faster removal of harmful material, aiming to ensure greater transparency, accountability, and user safety in India's evolving digital ecosystem.

WHAT IS AI

Artificial Intelligence (AI) is a branch of computer science that enables machines to perform tasks that normally require human intelligence, such as learning, reasoning, problem solving, understanding language, and decision-making. It uses data and algorithms to identify patterns, learn from experience, and improve performance over time. AI includes technologies such as machine learning, deep learning, and natural language processing, and is widely used in virtual assistants, recommendation systems, image recognition, and autonomous technologies, making it one of the most impactful innovations in modern society.

Artificial Intelligence (AI) in India

India has adopted an "AI for All" approach, promoting the use of AI for inclusive growth and digital development. AI is increasingly being used in sectors such as healthcare, agriculture, education, finance, and governance to improve efficiency and public service delivery. India's regulatory approach remains principle-based, focusing on transparency, accountability, fairness, and responsible innovation rather than strict regulation.

In recent years, India has taken steps to address challenges posed by AI-generated content, particularly deepfakes, through measures such as content labelling and the faster removal of harmful content. While AI offers significant benefits, it also raises concerns relating to data privacy, algorithmic bias, transparency, accountability, and ownership of AI-generated content. Currently, India does not have a dedicated AI law and regulates AI through existing information technology and data protection frameworks.

MEITY'S AI GOVERNANCE GUIDELINES: THE 7 KEY PRINCIPLES

In November 2025, MeitY released the India AI Governance Guidelines, anchored in Seven Sutras adapted from the RBI's FREE-AI (Framework for Responsible and Ethical Enablement of Artificial Intelligence) framework. These principles are technology-neutral, cross-sectoral, and designed to protect citizens while fostering innovation.

The Ministry of Electronics and Information Technology has published some basic Guidelines for the same. These Guidelines, or the Seven Sutras that ground India's AI governance philosophy are designed to be applicable across all sectors and are measures to protect against unethical use of AI. These guidelines are a step towards protecting the general populace against the unfair use of AI. The 7 sutras are as follows:

Key Principle 1: Trust is the Foundation

AI systems should be secure, reliable, and should earn the trust of the users interacting with them

Key Principle 2: People First

AI should be human-centric, where human beings oversee and have final say over high risk decisions.

Key Principle 3: Innovation over Restraint

Progress and capacity building of AI systems should be encouraged along with safeguards, rather than enforcing absolute restrictions that stifle technological progress.

What is MEITY?

The Ministry of Electronics and Information Technology (MeitY) is a Government of India ministry responsible for policies related to information technology, digital governance, and cybersecurity. It focuses on developing India's digital infrastructure and promoting the safe use of digital technologies while supporting electronic governance and digital services.

MeitY is also responsible for implementing the Information Technology Act, 2000, which governs cyber activities in India, including electronic transactions, digital signatures, and offences such as hacking, identity theft, and online fraud. It works to strengthen cybersecurity and protect digital data through policy development and regulation.

Additionally, MeitY oversees the Indian Computer Emergency Response Team (CERT-In), the national agency responsible for responding to cybersecurity incidents and issuing cyber threat alerts.

Key Principle 4: Fairness & Equity

AI should be bias free, fair treatment across diverse populations should be ensured.

Key Principle 5: Accountability

No black box in AI; transparency, identifiable responsibility, and liability for AI-driven decisions and actions are of utmost importance.

Key Principle 6: Understandable by Design

The procedures, limitations, and policy making operations of AI should be easy for users to interpret.

Key Principle 7: Safety, Resilience & Sustainability

AI systems should excel in safety against any third party manipulation or cyber threats. It must be utilized in a manner that is environmentally sustainable. Long term feasibility without compromising safety.

GUIDELINES FOR INDUSTRIES:-**1. Comply with Indian laws:-**

Industries are not only bound by laws related to Information Technology, Data Protection, etc. They must also comply with all Indian laws and regulations.

2. Accountability:-

Organizations should demonstrate compliance with applicable laws and regulations whenever called upon to do so by relevant agencies or sectoral regulators.

3. Voluntary measures:-

Organizations should adopt voluntary measures, such as principles, code of conduct and standards, for privacy and security, fairness, non-discrimination, transparency and other organizational and technical measures.

4. Redressal mechanism:-

There should be a grievance redressal mechanism, so individuals can lodge their complaint related to AI and the complaints should be solved in reasonable time frame.

5. Transparency report:-

Organizations should publish a transparency reports, evaluating the potential risk to individuals and society, especially in Indian context. If there are sensitive or proprietary information, the reports should be shared confidentially with individual regulators.

6. Techno-legal solutions to mitigate risk:-

The organizations should use techno-legal solutions to reduce the risk of AI.

GUIDELINES FOR REGULATORS:-**1. Innovation and risk management:-**

The AI governance framework should be to support innovation, adoption and the distribution of the technology's benefits to society, and also to ensure that potential risks are effectively addressed through appropriate policy measures.

2. Flexible governance:-

Governance frameworks should be flexible and adaptive, allowing regular reviews, continuous monitoring and necessary adjustments based on stakeholder's feedback.

3. Prioritization of significant risks:-

Regulators should focus on addressing risks that pose immediate and serious harm, that is affecting life, livelihood and overall well-being.

4. Avoid excessive compliance:-

AI governance frameworks should avoid heavy compliance requirements, unless deemed necessary.

5. Suitable policy instruments:-

The regulatory or agency should determine the most effective, appropriate and least burdensome policy tools to achieve regulatory objectives, such as mandatory approvals, licensing conditions, etc.

6. Encouraging techno-legal solutions:-

Regulators should encourage the adoption of techno-legal approaches to achieve policy goals related to privacy, cybersecurity, fairness, and transparency, especially where such measures are already in place.

REGULATORY FRAMEWORK FOR AI INTERMEDIARIES IN INDIA

The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, regulate the responsibilities of intermediaries in India. With the increasing use of AI-generated content, including deepfakes, intermediaries are required to take reasonable measures to ensure transparency, user safety, and compliance with the law. Failure to comply may result in the loss of safe harbour protection under Section 79 of the Information Technology Act, 2000.

Duties of the intermediary:-

- Any platform providing tools or services that create, modify, alter, or share synthetic content must strictly ensure:
 - Legality: Users are prohibited from generating and sharing illegal synthetic content
 - Mandatory labelling: Any AI generated content is clearly marked/labelled as AI
 - Tamper-proofing: Users are restricted from removing, modifying, or hiding AI labels

Duties of the significant social media intermediary (SSMIs):-

- Any platform with over 5 million registered users in India must follow the following obligations:
 - Mandatory Executive appointments:
 1. Chief Compliance Officer (CCO): Ensures overall compliance with IT Act and Rules, and is liable for any violations.
 2. 24/7 Nodal Contact: Available 24/7 for coordination with law enforcement
 3. Resident Grievance Officer: Handles user complaints; must acknowledge complaints within 24 hours and resolve the same within 15 days.
 - Pre-upload AI Gatekeeping: Before any content goes live, platforms must a strict three step workflow:
 - Step 1: Obtain a user declaration
 - Step 2: Verify declaration using automated tools
 - Step 3: Apply visible, non-removable markers if content is synthetic
 - Rigid Reporting Metrics: Must publish Monthly Compliance Reports detailing:
 - AI-related complaints
 - Action taken (takedowns, labels applied, users banned)
 - Proactive detections of unlawful synthetic content
 - 24-hour Incident Reporting:
 - Report significant AI-related incidents (e.g. viral deepfakes, mass misinformation) to MeitY within 24 hours

THE WAY FORWARD

- National AI Strategy 2.0: Expected to outline sector-specific roadmaps, skilling initiatives, and R&D priorities.
- Potential AI Act (by 2027): Anticipations of a comprehensive law that will feature a risk classification framework, mandatory assessments for high risk AI (AI systems that pose risks to fundamental rights, health, safety, etc), and a centralized AI regulator.
- IndiaAI Mission Expansion: A Rs. 10,372 crore fund to support startups, compute infrastructure, and datasets.
- Multimodal AI risks: Strict focus on voice clones, synthetic videos, and cross-modal deepfakes in election cycles.
- International Alignment: India may harmonize with OECD AI principals, Global Partnership on AI, and UN AI Advisory Body recommendations.

CONCLUSION

India's approach to AI regulation seeks to balance innovation with accountability. Through MeitY's guidelines and the amended IT Rules, the government has introduced measures to address risks such as deepfakes, misinformation, and harmful AI-generated content. While a dedicated AI law is yet to be enacted, these developments mark a significant step toward responsible and transparent AI governance in India.

GLOSSARY OF TERMS

What is intermediary?

An intermediary is any person or platform that handles electronic records on behalf of someone else—by receiving, storing, transmitting, or providing services related to them. It includes services like internet providers, social media platforms, search engines, online marketplaces, and cyber cafes.

What is synthetically generated data?

Synthetic data is artificially generated data that mimics the patterns and characteristics of real-world data. Created using AI and statistical techniques, it is often used to train AI and machine learning models when real data is unavailable or cannot be used due to privacy, security, or legal concerns.

Types of Synthetic Data

- 1. Fully Synthetic Data:** Entirely artificial data created without using real-world information.
- 2. Partially Synthetic Data:** Real data in which sensitive information is replaced with artificial values.
- 3. Hybrid Synthetic Data:** A combination of real and synthetic data.

What is Deepfake:

A digitally created or altered image, video, or audio recording that uses artificial intelligence (AI) to make a person appear to say or do something they never actually did.

While deepfakes can be used for entertainment and creative purposes, they can also be misused to spread misinformation, commit fraud, or damage a person's reputation.

NEWS CORNER

Notification of DPDP rules

The Supreme Court has agreed to consider whether the messages sent on WhatsApp could attract criminal proceedings for outraging religious feelings and promoting enmity between groups. The Court's decision came while hearing a petition filed challenging an FIR registered over alleged inflammatory messages shared in WhatsApp group.

NEWS CORNER

Supreme court to take cognizance of AI generated case law

According to the Press Information Bureau, Artificial Intelligence (AI) is playing an important role in modernising India's judicial system by improving efficiency, transparency, and access to justice. AI-powered tools support digital initiatives such as e-filing, virtual hearings, online access to court records, document classification, transcription, translation, and legal research. Technologies like SUPACE assist judges in analysing case materials and identifying relevant information, while integration with the National Judicial Data Grid (NJDG) enables better tracking of case pendency and disposal rates. AI is also being explored for case management, workload allocation, and public-facing legal assistance through chatbots. However, the government has emphasised that AI is only a support tool and cannot replace judicial decision-making, which must remain under human oversight to ensure fairness, accountability, and protection against bias.

NEWS CORNER

Integrating AI in India Judiciary

The increasing use of AI in legal research has led to the emergence of phantom precedents, where lawyers unknowingly submit fake or non-existent case laws generated by AI due to its tendency to produce plausible but incorrect information. Courts in India and abroad have taken strict action against this practice, emphasizing that advocates have an absolute duty to verify all citations, and failure to do so can amount to professional misconduct, contempt of court, and disciplinary action under the Advocates Act, 1961, as it undermines the integrity of the judicial system and the doctrine of precedent.

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