

JSA Prism

Information Technology


 February 2026

Amendments to the 2021 intermediary rules: Synthetically generated content and shorter compliance timelines

On February 10, 2026, the Ministry of Electronics and Information Technology ("MeitY") notified the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2026 ("Amendment Rules"), which amend the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 ("Intermediary Rules") framed under the Information Technology Act, 2000 ("IT Act"). The Amendment Rules will come into effect on February 20, 2026, and make significant changes to the Intermediary Rules by introducing new due diligence measures and reducing certain compliance timelines for intermediaries.

The Amendment Rules have been notified following the draft amendments published by MeitY on October 22, 2025. While the draft amendments primarily introduced labelling and metadata obligations for Synthetically Generated Information ("SGI"), the notified Amendment Rules rework that approach both in terms of scope and enforcement. The notified Amendment Rules place emphasis on misleading and harmful synthetic content, introduce specific exclusions for good-faith uses, move beyond a disclosure-based model towards a more structured due diligence procedure, rely on technical and automated measures, and tighten certain existing timelines under the Intermediary Rules.

SGI

As stated above, one of the most significant changes introduced by the Amendment Rules is the concept of SGI. SGI is defined as audio, visual or audio-visual information which is artificially or algorithmically created, generated, modified or altered using a computer resource, in a manner that such information appears to be real, authentic or true and depicts or portrays any individual or event in a manner that is, or is likely to be perceived as indistinguishable from a natural person or real-world event. Further, the Amendment Rules define 'audio, visual or audio-visual information' to mean any audio, image, photograph, graphic, video, moving visual recording, sound recording or any other audio, visual or audio-visual content, with or without accompanying audio, whether created, generated, modified or altered through any computer resource. Accordingly, text-only generative outputs, such as written responses, summaries or code generated through artificial intelligence tools, may not fall within the scope of SGI under the Amendment Rules, unless they result in the creation of a false document or false electronic record.

Additionally, the Amendment Rules state that SGI does not include:

1. routine or good-faith editing, formatting, enhancement, colour correction, noise reduction, transcription or compression that does not materially alter, distort or misrepresent the substance, context or meaning of the underlying audio, visual or audio-visual information;

2. routine or good-faith creation, preparation or presentation of documents, educational or training materials, research outputs, or illustrative, hypothetical, draft, template-based or conceptual content, provided that this does not result in a false document or false electronic record; or
3. the use of computer resources solely to improve accessibility, clarity, quality, translation, description, searchability or discoverability, without generating or manipulating any material part of the underlying content.

The aforesaid exclusions were not present in the draft amendments and reduce the risk of overreach, a concern that had been raised during the consultation process pursuant to the publication of the draft amendments.

Due diligence measures to be taken by intermediaries in relation to SGI

The Amendment Rules introduce a structured due diligence procedure under Rule 3(3) of the Intermediary Rules, applicable to intermediaries that offer computer resources enabling the creation or dissemination of SGI.

Under the Amendment Rules, intermediaries are required to deploy reasonable and appropriate technical measures to ensure that users are not permitted to create, generate, modify, alter, publish, transmit, share or disseminate SGI that violates applicable law.

The Amendment Rules expressly identify prohibited categories of synthetic content, including SGI that:

1. contains child sexual exploitative and abuse material or non-consensual intimate imagery content, or is obscene, pornographic, paedophilic, invasive of another person's privacy, including bodily privacy, vulgar, indecent or sexually explicit;
2. results in the creation, generation, modification or alteration of false documents or false electronic records;
3. relates to the preparation, development or procurement of explosive materials, arms or ammunition; or
4. falsely depicts or portrays a natural person or real-world event by misrepresenting identity, voice, conduct, action or statement in a manner likely to deceive.

Such content must not be allowed by an intermediary on its platform.

Where SGI does not fall within these prohibited categories, it must be prominently labelled in a manner that is easily noticeable and adequately perceivable or, in the case of audio content, through a prominently prefixed audio disclosure, that can be used to immediately identify that such information is SGI. SGI must be embedded with permanent metadata or other appropriate technical provenance mechanisms, including a unique identifier identifying the computer resource used to create or modify such information, to the extent technically feasible.

The Amendment Rules also require that the intermediary does not enable the modification, suppression or removal of the label, permanent metadata or unique identifier embedded in accordance with these requirements.

Safe harbour and proactive moderation

The Amendment Rules clarify that removal or disabling of access to any information, including SGI, by an intermediary in compliance with the due diligence and grievance redressal requirements will not amount to a violation of the conditions for safe harbour under Section 79(2) of the IT Act. This clarification extends to action taken through reasonable and appropriate technical measures, automated tools or other suitable mechanisms, as well as action taken upon becoming aware of a violation.

The Amendment Rules also require intermediaries to take expeditious and appropriate action when they become aware, whether on their own accord, through actual knowledge, or through grievance or complaint, of violations relating to SGI.

The intermediaries must now inform users, at least once every 3 (three) months (as opposed to once every year as set out in the Intermediary Rules earlier) that non-compliance with the Intermediary Rules and policies may result in

termination or suspension of access to the platform and removal of content. Such intimation must be provided in a simple and effective manner in English or any language specified in the Eighth Schedule to the Constitution of India.

Additional compliance requirements for Significant Social Media Intermediaries

The Amendment Rules retain and refine the obligations applicable to Significant Social Media Intermediaries (“SSMIs”)¹.

SSMIs that enable the display, upload or publication of information on their platforms are required to:

1. require users to declare whether the content being uploaded constitutes SGI;
2. deploy appropriate technical measures, including automated tools or other suitable mechanisms, to verify the accuracy of such declarations, having regard to the nature, format and source of the content; and
3. ensure that SGI which has been declared or technically verified is clearly and prominently labelled as synthetically generated.

The Amendment Rules also provide that where an SSMI knowingly permits, promotes or fails to act upon SGI in contravention of the Intermediary Rules, it will be deemed to have failed to exercise due diligence.

Amendments to existing provisions

In addition to introducing the SGI-specific framework, the Amendment Rules make several amendments to Rule 3 of the Intermediary Rules. These changes affect all intermediaries and their user communication obligations, enforcement standards, reporting triggers, procedural safeguards and timelines.

The amendments include revisions to Rule 3(1)(c) of the Intermediary Rules, increasing the frequency of user notifications from once every year to at least once every 3 (three) months, and expanding the content of such notifications to clarify potential consequences of non-compliance and reporting obligations.

New sub-clauses (ca) and (cb) under Rule 3 of the Intermediary Rules have been inserted to require intermediaries offering tools that enable the creation or dissemination of SGI to inform users of potential legal consequences of misuse and to specify actions that may follow a contravention, including immediate disabling of access or removal of such content, suspension or termination of user accounts, identification and disclosure of such user information to the complainant, where the complainant is a victim (or acting on behalf of a victim), and mandatory reporting of the contravention to the appropriate authority where the contravention is required to be reported under applicable law.

The Amendment Rules also reduce various compliance timelines under Rule 3 of the Intermediary Rules, including:

1. reduction of the timeline for compliance with certain government or law-enforcement takedown directions under Rule 3(1)(d) of the Intermediary Rules from 36 (thirty-six) hours to 3 (three) hours;
2. reduction of the timeline for resolution of user grievances under Rule 3(2) of the Intermediary Rules from 15 (fifteen) days to 7 (seven) days;
3. reduction of the takedown timeline for certain sensitive content under Rule 3(2) of the Intermediary Rules from 72 (seventy-two) hours to 36 (thirty-six) hours; and
4. reduction of the timeline for responding to certain law-enforcement requests under Rule 3(2)(b) from 24 (twenty-four) hours to 2 (two) hours.

In addition, procedural aspects relating to government intimations under Rule 3(1)(d) of the Intermediary Rules have been modified to clarify authorisation requirements.

¹ Under the Intermediary Rules SSMI means a social media intermediary having over 50,00,000 (fifty lakh) registered users in India.

Draft versus notified amendment rules – key differences

The notified Amendment Rules differ in several aspects from the draft released in October 2025.

In the draft amendments, SGI was defined broadly and was not limited to audio-visual content. The draft rules did not contain express exclusions for good faith uses and prescribed specific numerical thresholds for labelling (including a requirement that labels cover at least 10% of visual display or audio duration). The draft framework was primarily disclosure oriented.

In contrast, the notified Amendment Rules limit SGI to audio, visual or audio-visual information, introduce express exclusions, replace numerical labelling thresholds with a principle-based visibility standard, and introduce an express requirement for intermediaries to deploy technical measures to prevent unlawful synthetic content.

Additionally, the earlier draft amendments did not touch upon the modifications made to the existing provisions of the Intermediary Rules.

Industry reaction

The evolution from the draft amendments to the notified Amendment Rules suggests that certain stakeholder feedback provided during the consultation process was likely incorporated into the Amendment Rules, particularly, the narrowing of the SGI definition, the introduction of express exclusions and the removal of prescriptive numerical labelling thresholds.

Industry bodies, including National Association of Software and Service Companies, had engaged with MeitY during the consultation period and raised concerns regarding over-breadth, technical feasibility and impact on innovation. While the notified Amendment Rules retain a structured regulatory approach, the revisions indicate that certain representations were likely considered during finalisation.

Conclusion

The Amendment Rules introduce a structured framework within the Intermediary Rules in relation to SGI. The Amendment Rules define the scope of SGI by limiting it to certain categories of audio, visual or audio-visual content and provide express exclusions for routine or good faith uses that do not materially alter or misrepresent underlying content. They require intermediaries offering tools that enable the creation or dissemination of SGI to deploy reasonable and appropriate technical measures to prevent the generation or sharing of SGI that violates applicable law. Where such SGI is not prohibited, it must be prominently labelled and embedded with permanent metadata or other appropriate technical provenance mechanisms, including a unique identifier, to the extent technically feasible. In addition, as described above, certain compliance timelines under Rule 3 of the Intermediary Rules have also been reduced via the Amendment Rules.

For intermediaries and SSMIs, the Amendment Rules necessitate adjustments to user communication practices, deployment of appropriate technical measures in relation to SGI, implementation of labelling and metadata requirements where applicable, and adherence to the revised timelines prescribed under Rule 3 of the Intermediary Rules. At the same time, when compared to the draft amendments, narrower definition accorded to SGI and the express exclusions provide clarification as to the categories of content that fall within the scope of the amended framework which will be in effect from February 20, 2026.

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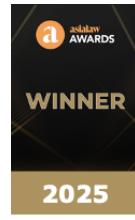


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