

Rules on AI cast specific obligation on intermediaries for safeguarding users in cyberspace: Govt...

Simontini Bhattacharjee

New Delhi: As the Union government plans to push Artificial Intelligence, especially in top educational institutions, the government assured the Floor of the House of 'safety' and 'security' for safeguarding users in cyberspace. While answering an unstarred question on Monday, MoS Electronics and Information Technology Rajeev Chandrasekhar informed the Upper House that the government is cognizant of new and evolving technologies, including technologies that alter the image or voice of a person to make it appear to be that of another person, or create image or voice that appears to be that of a person, enabling creation of deep fakes.

The junior minister also added: "...rules cast a specific obligation on intermediaries, including social media intermediaries, to observe due diligence and provide that if they fail to observe such due diligence, they shall no longer be exempt from their liability under law for third-party information or data or communication link hosted by them." In his answer to a question from Trinamool Congress Rajya Sabha member Jawhar Sircar whether the government is satisfied with the tools designed to detect manipulated content capable of deep fakes or would the government seek to cooperate with proven fact-checkers and whether the government is examining the new regulations issued by other countries like China's cyberspace administration's order of January 10, that aims to protect people from uninvited impersonation using "Deep Synthesis Technology", took the reference of the Information Technology Act, 2000 ("IT Act"), Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (IT Rules, 2021).

He said: "The Information Technology Act, 2000 (IT Act) and rules made thereunder contain several provisions for safeguarding users in cyberspace. To ensure that the Internet in India is Open, Safe Trusted and Accountable, the Central Government, while taking into account international developments in social media regulation, in the exercise of powers conferred by the IT Act, has notified the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021(IT Rules, 2021)." The minister also mentioned: "These rules cast a specific obligation on intermediaries, including social media intermediaries, to observe due diligence and provide that if they fail to observe such due diligence, they shall no longer be exempt from their liability under law for third-party information or data or communication link hosted by them."

Further, in February this year, the IT ministry also issued an advisory to significant social media intermediaries, drawing their attention to the above provisions and advising them 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 a complaint made by the impersonated individual or person authorised by him in this behalf.

The Union government has also established Grievance Appellate Committees to allow users and victims to appeal online on 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 addition, the Ministry of Home Affairs (MHA) operates a National Cyber Crime Reporting Portal (www.cybercrime.gov.in) to enable citizens to report complaints pertaining to all types of cybercrimes, and also operates a toll-free helpline (1930), the minister added.