

eNo.2(4)/2023-CyberLaws-3
Government of India
Ministry of Electronics and Information Technology
Cyber Law and Data Governance Group

Electronics Niketan,
New Delhi 110003
Date: 15-03-2024

Subject: Due diligence by Intermediaries / Platforms under the Information Technology Act, 2000 and Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.

This advisory is issued in supersession of advisory eNo.2(4)/2023-CyberLaws-3, dated 1st March, 2024.

It has come to the notice of the Ministry of Electronics and Information Technology ("Ministry") that intermediaries and platforms are often negligent in undertaking due-diligence obligations outlined under Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 ("IT Rules").

2. Accordingly, in addition to the advisory No. 2(4)/2023-CyberLaws – 2 dated 26th December, 2023, all intermediaries and platforms are hereby advised to also ensure compliance with the following:

- (a) Every intermediary and platform should ensure that use of Artificial Intelligence model(s) /LLM/Generative AI, software(s) or algorithm(s) on or through its computer resource does not permit its users to host, display, upload, modify, publish, transmit, store, update or share any unlawful content as outlined in the Rule 3(1)(b) of the IT Rules or violate any other provision of the Information Technology Act, 2000 ("IT Act 2000") and other laws in force.
- (b) Every intermediary and platform should ensure that its computer resource in itself or through the use of Artificial Intelligence model(s) /LLM/Generative AI, software(s) or algorithm(s) does not permit any bias or discrimination or threaten the integrity of the electoral process.
- (c) Under-tested/unreliable Artificial Intelligence foundational model(s)/ LLM/Generative AI, software(s) or algorithm(s) or further development on such models should be made available to users in India only after appropriately labeling the possible inherent fallibility or unreliability of the output generated. Further, "consent popup" or equivalent mechanisms may be used to explicitly inform the users about the possible inherent fallibility or unreliability of the output generated.
- (d) Every intermediary and platform should inform its users through the terms of service

and user agreements about the consequences of dealing with unlawful information, including disabling of access to or removal of such information; suspension or termination of access; or usage rights of the user to their user account, as the case may be, and punishment under the applicable law.

3. Where any intermediary through its software or any other computer resource permits or facilitates synthetic creation, generation or modification of a text, audio, visual or audio-visual information, in such a manner that such information may be used potentially as misinformation or deepfake, it is advised that such information created, generated, or modified through its software or any other computer resource is labeled or embedded with permanent unique metadata or identifier, in a manner that such label, metadata or identifier can be used to identify that such information has been created, generated or modified using the computer resource of the intermediary. Further, in case any changes are made by a user, the metadata should be so configured to enable identification of such user or computer resource that has effected such change.
4. It is reiterated that non-compliance with the provisions of the IT Act 2000 and/or IT Rules could result in consequences including but not limited to prosecution under the IT Act 2000 and other criminal laws, for intermediaries, platforms and their users.
5. All intermediaries are, hereby required to ensure compliance with the above with immediate effect.

Yours faithfully,



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Enclosed:

Advisory No. 2(4)/2023-CyberLaws – 2 dated 26th Dec 2023 (**Annexure A**)