13 November, 2025

Ministry of Electronics and Information Technology

By email: itrules.consultation@meity.gov.in

RE: **Proposed Amendments to the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 in relation to synthetically generated information**

I am writing on behalf of the Asia Video Industry Association (AVIA). AVIA is the trade association for the video industry and ecosystem in Asia Pacific. It serves to make the video industry stronger and healthier through promoting the common interests of its members. AVIA is the interlocutor for the industry with governments across the region, leading the fight against video piracy, as well as publishing reports and hosting industry conferences. It aims to support a vibrant video industry for the benefit of all stakeholders.

AVIA welcomes the Ministry of Electronics and Information Technology's (MeitY) invitation to provide feedback on the proposed Amendments to the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 in relation to synthetically generated information, issued on 22 October 2025. This is an important issue proposing changes which should not be rushed through without proper consideration of potential regulatory overlap and burdens inadvertently placed on the creative content industry. Whilst there has been only a limited time to seek input from our members, we would like to note our concerns with the proposals made particularly in reference to definitions and request that MeitY undertakes further consultations with the industry before introducing the revised Guidelines.

Broad Definition of 'Synthetically Generated Information' (Rule 2(wa)).

AVIA notes that the Guidelines seek to introduce the definition of 'synthetically generated information' as something which 'means information which is artificially or algorithmically created, generated, modified or altered using a computer resource, in a manner that such information reasonably appears to be authentic or true.' This definition hinges on whether information 'reasonably appears to be authentic or true' however, this also brings under the definition legitimate, AI-generated content produced by users of intermediary websites, such as simple edits or swathes of AI-generated visual content. Whilst we note that the intention of this definition is to tackle 'malicious deepfakes', e.g., content 'weaponized to spread misinformation' or 'commit financial fraud', the current definition as stated in the proposed amendments fails to make that distinction.

AVIA recommends that the definition therefore should be revised to align with the stated intent. Using language such as "*in a manner that such information* ***deceptively*** *appears to be authentic or true* ***and is intended to or is likely to cause user harm and violation of law"*** could go some way towards introducing the element of deception, harmful intent and violation of law. In addition, we

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recommend that the terms ‘modified’ and ‘altered’ should be removed from the definition in order to exempt standard editorial and creative editing from its scope.

Risk of ‘Over-Policing’ from New Takedown Proviso (Rule 3(1)(b)).

While we support the intent of the Proviso to Rule 3(1)(b), we are concerned that encouraging intermediaries to remove content based on ‘reasonable efforts’ could lead to ‘policing’ and ‘indirect censorship’. Indeed, intermediaries, wishing to safeguard their safe harbour, may proactively remove legitimate audio-visual content, such as, news explainers, graphics, dramatizations, or AI-generated/AI-assisted reconstructions, without proper context. AVIA therefore recommends that takedowns by intermediaries should be limited to ‘actual knowledge’. Further, an express safeguard/exemption ought to be made available with respect to content produced and/or published for and/or on behalf of Broadcasters/Publishers. Finally, we recommend that grievances relating to Broadcasters’/Publishers’ content should be resolved through the existing robust grievance redressal mechanism for Broadcasters/Publishers.

Operational Unworkability of Mandate (Rule 3(3)).

Finally, AVIA suggests that the due diligence mandate on the intermediary in Rule 3(3) is arbitrary and disproportionate. Intermediaries, by definition under the IT Act, do not have actual knowledge of the content being hosted, uploaded, etc. on their platform. Accordingly, to require a pre-publication label by intermediaries for all content would impose a disproportionate burden on intermediaries, which may be passed down directly to third-party publishers. Given that the labelling requirements are intended to address ‘synthetic content’, which is intended to be deceptive and designed to cause harm, it will be important to implement a harms-based approach to AI labelling and not have a blanket due diligence requirement.

Additionally, the mandate for a label covering ‘at least ten percent of the surface area’ appears to be a ‘one-size-fits-all’ solution that fails to consider different media formats. Indeed, the majority of content is now consumed on mobile devices, of varying sizes, often with consumers switching from mobile to TV, for a seamless viewing experience. As we have noted in previous consultations which mandated visual labelling, not only is this costly and technically challenging, it also risks pushing consumers towards illegitimate content sources, i.e. pirated, who do not implement similar requirements and often carry huge risks of malware, or consumer harm.