

India's 2026 Intermediary Rules: AI Content, Safe Harbour and the Changing Role of Platforms

India's 2026 amendments to the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 mark a significant development in the regulation of AI-generated and synthetically generated content. The amendments are particularly relevant to broadcasters, news organisations and digital media platforms that increasingly rely on user-generated content, automated moderation and AI-assisted content workflows.

The amendments introduce the concept of "synthetically generated information", covering audio, visual and audiovisual material that is artificially or algorithmically created, generated, modified or altered in a manner that may make it appear real or authentic. Routine editing, technical correction, accessibility improvements and similar activities are expressly excluded where they do not materially alter the underlying content.

For significant social media intermediaries, the amended Rules introduce additional obligations. Platforms must require users to declare whether content is synthetically generated, deploy reasonable technical measures to verify those declarations, and clearly label confirmed synthetic content. The Rules also require platforms to take reasonable and proportionate technical measures to prevent unlawful synthetically generated information from being published or disseminated.

These obligations raise an important question concerning intermediary safe harbour under Section 79 of the Information Technology Act, 2000. Traditionally, intermediary protection has been associated with the intermediary playing a sufficiently neutral role in relation to third-party content. Increased obligations to detect, verify, label and remove content inevitably raise questions about the extent to which technological or editorial intervention affects that status.

The 2026 amendments, however, expressly address this concern. They clarify that removal or disabling of access to information, including synthetically generated information, in compliance with the Rules or through reasonable technical measures does not amount to a violation of the conditions under Section 79(2)(a) or (b).

This clarification is important for the media sector. It indicates that regulatory compliance and intermediary neutrality are not necessarily mutually exclusive. Platforms can undertake specified forms of moderation without automatically losing safe-harbour protection.

The broader legal challenge nevertheless remains. AI systems increasingly perform functions that sit between technical hosting and editorial decision-making: detecting potentially unlawful material, ranking and recommending content, identifying manipulated media and applying automated labels. For

broadcasters and news organisations operating digital platforms, the distinction between moderation and editorial control may therefore become increasingly significant.

India's approach illustrates a wider regulatory challenge across the digital media ecosystem: how can law encourage platforms to take meaningful responsibility for harmful and unlawful AI-generated content without making responsible moderation itself a basis for losing intermediary protection?

For media organisations across the Asia-Pacific, the answer will be important not only for copyright enforcement, but also for the design of AI governance, content moderation and digital distribution systems.