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REGULATION OF AI-GENERATED CONTENT ON SOCIAL MEDIA: LEGAL OBLIGATIONS OF X UNDER INDIA'S IT RULES AMENDMENTS 2026

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Abstract

The regulatory environment of social media platforms has been severely impacted by the spread of artificial intelligence (AI)-generated content, such as deep fakes and synthetic media. In India, intermediaries like X (previously twitter) are subject to strict requirements under the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2026. With an emphasis on intermediary liability, constitutional ramifications, and judicial tendencies, this article critically analyses the developing legal framework controlling AI-generated content. In light of significant court rulings, it also examines the harmony between regulation and free speech.

Keywords: AI-Generated Content, Intermediary Liability, IT Rules 2026, Deep fakes, Freedom of Speech

1. INTRODUCTION

Social media ecosystems have changed as a result of the quick development of generative AI technologies, which allow users to produce incredibly lifelike synthetic content. Platforms like X promote democratic engagement and communication, but they also carry the risk of false information, impersonation, and online harm. In response, India amended the IT Rules, 2026 to impose requirements including required labelling, traceability, and accelerated takedown procedures. Intermediary responsibility and constitutional safeguards need to be re-examined in light of these changes.

2. LEGAL FRAMEWORK GOVERNING AI-GENERATED CONTENT

- **Information Technology Act, 2000:** The IT Act provides the statutory basis for intermediary regulation:

- **Section 79:** Intermediaries (such as social media platforms, ISPs, and e-commerce sites) are shielded from responsibility for third-party content by Section 79 of the Information Technology (IT) Act, 2000, providing "safe harbor" protection. It serves as a shield, which means that if platforms act as impartial hosts, exercise due diligence, and remove unlawful content as soon as they become aware of it, they are not responsible for user-generated content¹.
- **Section 69A:** The Central and State governments have the authority to restrict public access to any online material, website, or application in the interest of sovereignty, security, public order, or international relations under Section 69A of the Information Technology (IT) Act, 2000. It makes targeted material restriction possible, which is frequently utilized for digital safety or national security².

3. IT RULES, 2021 AND AMENDMENTS 2026

The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 were substantially revised in 2026 by the Ministry of Electronics and Information Technology (MeitY). The regulation of Synthetically Generated Information (SGI), including AI-generated deep fakes, is the main focus of these modifications, which also significantly shorten the timeframe for content removal³.

KEY AMENDMENTS NOTIFIED (EFFECTIVE FEBRUARY 20, 2026): The first significant set of changes for 2026 concentrate on platform accountability and AI-generated content:

- a) Significantly Shortened Takedown Periods:** Social media companies are now required to take down any content that a court or "appropriate government" deems unlawful within three hours, as opposed to the previous twenty-four to thirty-six hours. Sensitive content, including deep fakes and non-consensual nudity, must be removed within two hours after being reported⁴.

¹ <https://articles.manupatra.com/article-details/AN-ANALYSIS-OF-INTERMEDIARY-LIABILITY-IN-INDIA-AND-THE-EUROPEAN-UNION>

² [https://www.meity.gov.in/static/uploads/2024/10/1d131885a32a55ddd3a91c5e93d373af.pdf#:~:text=\(2\)%20\(3\)%20Where%20the%20Central%20Government%20or,and%20shall%20also%20be%20liable%20to%20fin](https://www.meity.gov.in/static/uploads/2024/10/1d131885a32a55ddd3a91c5e93d373af.pdf#:~:text=(2)%20(3)%20Where%20the%20Central%20Government%20or,and%20shall%20also%20be%20liable%20to%20fin)

³ <https://www.nishithdesai.com/research-and-articles/hotline/technology-law-analysis/ai-generated-content-and-combating-deepfakes-what-indias-new-rules-mean->

⁴ Available at <https://www.drishtiiias.com/daily-updates/daily-news-analysis/information-technology-amendment-rules-2026>, visited on 6 March 2026

- b) **Definition of "Synthetic" Content:** According to the regulations, "synthetic" content is defined as audio-visual data produced or modified algorithmically that is "indistinguishable from a natural person or real-world event." To ensure that commonplace photo alterations are not penalized, a specific exemption is offered for little touch-ups automatically carried out by smartphone cameras⁵.
- c) **Required Disclosure and Labelling:** According to the regulations, AI-generated images must be "prominently" labelled. Platforms must ask users to disclose any AI-generated content. The platform must either proactively label the content "prominently" or remove it (especially in cases of non-consensual deep fakes) if a user fails to disclose⁶.
- d) **Loss of Safe Harbour:** The intermediary's immunity from legal liability for third-party content under Section 79 of the IT Act is jeopardized if these regulations are broken. Intermediaries will be seen to have failed "due diligence" if they knowingly allow, encourage, or do nothing about violate synthetic content⁷.

4. JUDICIAL APPROACH TO INTERMEDIARY LIABILITY AND FREE SPEECH

- **Safe Harbour and Due Diligence:** The Supreme Court of India limited intermediary responsibility under Section 79 of the IT Act in *Shreya Singhal v. Union of India*⁸ holding that platforms are not obligated to respond to individual complaints. Only after obtaining a court order or a government notification under Section 69A do takedown requirements come into play. This important ruling protects online freedom of speech by limiting arbitrary, private censorship and barring intermediaries from being coerced into subjective content control.
- **Procedural Safeguards in Content Blocking:** In the seminal case of *Anuradha Bhasin v. Union of India*⁹ the Supreme Court of India ruled that, in accordance with Articles 19(1) (a) and 19(1) (g) of the Constitution, internet access is a basic right. The Court decided that any restriction must follow the principle of proportionality and that permanent internet shutdowns are unlawful.

⁵ Ibid

⁶ Ibid

⁷ Ibid

⁸ Available at <https://indiankanoon.org/doc/110813550/> visited on 7 march 2026 AIR 2015 SUPREME COURT 1523,

⁹ *Anuradha Bhasin v Uoi* , <https://blog.ipleaders.in/anuradha-bhasin-v-union-of-india-case-analysis/> Retrieved on 7 March 2026 , AIR 2020 SUPREME COURT 1308,

- **Intermediary Responsibility for User Content :** The landmark Supreme Court of India case *Google India Pvt. Ltd. v. Visaka Industries*¹⁰ established that internet intermediaries, such as Google, may be held criminally liable for defamation if they fail to remove defamatory, user-generated content after being informed, losing their "safe harbour" protection under Section 79 of the IT Act, 2000.
- **Right to Privacy and Digital Content:** A nine-judge Supreme Court bench unanimously ruled in *Justice K.S. Puttaswamy (Retd.) vs. Union of India*¹¹ that the right to privacy is a basic right under Article 21 of the Constitution. The decision established that privacy is a crucial element of human dignity, liberty, and autonomy. This right may be violated by artificial intelligence-generated deep fakes and synthetic media, especially when personal information or likenesses are exploited.

5. LEGAL OBLIGATIONS OF X UNDER IT RULES AMENDMENTS 2026

- A. Mandatory Regulation of Synthetically Generated Information (SGI):** In order to counteract deep fakes and false information, X must actively manage SGI, which is defined as AI-generated or manipulated content (text, audio, video, and photos) that appears real¹².
- **Required Labelling:** All content produced by AI must be clearly marked with watermarks or disclaimers. A prefixed audio disclosure is necessary for audio SGI.¹³
 - **Metadata Embedding:** In order to track the origin of SGI files, X must incorporate permanent metadata or provenance data; users are not permitted to delete these labels.¹⁴
 - **User Declaration:** X must ask users to indicate if a piece of information is SGI before publishing it¹⁵.
 - **Verification Procedures:** X cannot depend only on user statements. It must use

¹⁰ *Google India Pvt. Ltd. v. Visaka Industries* , <https://wimap.stanford.edu/entries/google-india-private-ltd-v-ms-visakha-industries> , Retrieved on 7 March 2026 , AIR 2020 SC 350

¹¹ *Justice K.S. Puttaswamy (Retd.) vs. Union of India*, <https://translaw.clpr.org.in/case-law/justice-k-s-puttaswamy-anr-vs-union-of-india-ors-privacy/> , Retrieved on 7 March 2026 , (2017) 10 SCC 1

¹² Available at <https://www.meity.gov.in/static/uploads/2025/10/065b6deb585441b5ccdf8be42502a49c.pdf> , Retrieved on 7 march 2026

¹³ Ibid

¹⁴ Ibid

¹⁵ Ibid

automated tools and "reasonable and appropriate" technical means to determine whether the content is fake.¹⁶

B. Significantly Shortened Takedown Times : The 2026 Rules impose 24/7 moderator standards and drastically reduce the timescale for content removal:¹⁷

- **3-Hour Takedown:** When courts or authorities flag illegal content (such as defamation, impersonation, etc.), it must be taken down within 3 hours (formerly 36 hours).¹⁸
- **2-Hour Emergency Removal:** After a complaint is received, non-consensual deep fake nudity or personal footage must be taken down within two hours¹⁹.

C. Enhanced SSMI Safe Harbour and Due Diligence : X must follow more stringent due diligence requirements in order to preserve immunity (Safe Harbour) from responsibility for user-posted content:²⁰

- **Dynamic Monitoring:** X shall employ technical methods to proactively stop the publication of SGI that is illegal, such as content that impersonates or deceives, non-consensual intimate imagery (NCII), and child sexual abuse material (CSAM).²¹
- **Quarterly User Notices:** X is required to inform users about platform regulations, privacy policies, and the legal ramifications of non-compliance every three months (formerly every year).²²
- **Identity Disclosure:** X is required to reveal the identity of the perpetrator to the complainant (the victim) if a user posts illegal SGI.²³

D. Proactive AI Content Reporting and Enforcement :

- **Mandatory Criminal Reporting:** X must notify the relevant authorities if the content violates any significant laws, such as the POCSO Act of 2012 or the Bharatiya Nyaya Sanhita of 2023.²⁴

¹⁶ Ibid

¹⁷ Available at , <https://visionias.in/current-affairs/news-today/2026-02-11/science-and-technology/government-notified-the-information-technology-intermediary-guidelines-and-digital-media-ethics-code-amendment-rules-2026>, Retrieved on 7 march 2026

¹⁸ Ibid

¹⁹ Ibid

²⁰ Available at <https://www.meity.gov.in/static/uploads/2025/10/065b6deb585441b5ccdf8be42502a49c.pdf>, Retrieved on 7 march 2026

²¹ Ibid

²² Ibid

²³ Ibid

²⁴ Available at <https://www.sconline.com/blog/post/2026/02/12/it-rules-2026-ai-and-intermediary-compliance/#:~:text=%E2%9C%93%20Put%20a%20clear%20and,embedded%20metadata%20or%20unique%20identifier> , Retrieved on 7 march 2026

- **Platform-Level Actions:** Users who consistently break the rules pertaining to synthetic media or prohibited content may have their accounts instantly suspended or terminated by X.²⁵

5. CONSTITUTIONAL CHALLENGES

A major "Accountability Vacuum" brought about by the spread of AI-generated content on social media has sparked a heated constitutional debate in India. The "Golden Triangle" of fundamental rights Articles 14, 19, and 21 are directly threatened by the use of technology for deep fakes, disinformation, and illegitimate personality reproduction, even though it fosters creative innovation²⁶.

➤ **Public safety vs. freedom of speech (Article 19(1)(a))**

Prior Restraint Issues: The Internet Freedom Foundation and other organizations condemn mandatory pre-publication verification and "proactive monitoring" rules for AI content as "unconstitutional censorship" and prior restraint²⁷.

- ### ➤ **Chilling Effect:** Platforms are forced into a "delete-first, verify-later" cycle due to the shortened 3-hour takedown timeframe (down from 36 hours) for the majority of unlawful content and 2 hours for non-consensual intimate pictures. In order to preserve "Safe Harbour" protection under Section 79 of the IT Act, this could result in the "algorithmic erasure" of satire, parody, and acceptable political dissent.²⁸

➤ **Article 21: Right to Privacy and Dignity :**

- ### ➤ **Identity and Autonomy:** The right to privacy recognized in *Justice K.S. Puttaswamy v. Union of India*²⁹, which includes informational self-determination, is violated by deep fakes.

Personality Rights: Recent high-profile cases, like the Delhi High Court's injunctions for actors Jackie Shroff and Anil Kapoor³⁰, highlight that a person's voice and likeness cannot be utilized for deceptive or commercial purposes without permission.

²⁵ Ibid

²⁶ Available at <https://ijcrt.org/papers/IJCRT2508728.pdf>, Retrieved on 7 march 2026

²⁷ Available at <https://www.livelaw.in/articles/ai-generated-content-deepfakes-524064#:~:text=The%20February%202026%20amendment%20to,moderation%20toward%20proactive%20algorithmic%20governance>. Retrieved on 7 march 2026

²⁸ Ibid

²⁹ *Justice K.S. Puttaswamy (Retd.) vs. Union of India*, <https://translaw.clpr.org.in/case-law/justice-k-s-puttaswamy-anr-vs-union-of-india-ors-privacy/>, Retrieved on 7 March 2026, (2017) 10 SCC 1

³⁰ Available at https://ortislaw.com/wp-content/uploads/2024/11/Delhi_High_Court_on_personality_and_publicity_rights_1731304197.pdf visited on 7 march 2026

- **Article 14: The Right to Equality:** Algorithmic Bias: Discriminatory content moderation or predictive policing outcomes that disproportionately affect marginalized communities might result from AI algorithms that frequently replicate previous data biases.³¹

6. COMPARATIVE PERSPECTIVE OF REGULATION OF AI-GENERATED CONTENT ON SOCIAL MEDIA BETWEEN UK, USA AND INDIA :

TABLE A:

Country	Regulatory Model	Nature of Regulation
India	Statutory + executive rules	Strict, Proactive compliance drive
UK	Platform liability + safety law	Risk- based ,platform accountability
USA	Constitutional + sectoral laws	Free speech –oriented fragmented

TABLE B:

Aspect	INDIA	UK	USA
Legal framework	IT Rules (2026 amendment)	online safety act 2023	Constitutional + sectoral laws
AI Content labelling	Mandatory	Not universal	Mostly voluntary
Takedown Timeline	2-3 hours	Reasonable and prompt	No fixed timeline
Platform liability	High (loss of safe harbour)	Moderate (duty of care)	Low (section 230 immunity)
Deep fake Regulation	Explicitly regulated	Covered under harmful content	Limited, state specific
approach	Proactive and strict	Risk -based	Reactive and fragmented
Freespeech protection	Limited balancing	Moderate	Very strong

CRITICAL ANALYSIS: CHALLENGES & CONCERNS: The reforms have generated a lot of discussion even though they are intended to safeguard democratic integrity and digital

³¹ <https://indconlawphil.wordpress.com/2026/02/11/guest-post-a-constitutional-critique-of-the-syntvhetically-generated-information-it-rules-amendment-2026/> visited on 7 march 2026

trust

Feasibility vs. Compliance: According to tech experts, the required pre-upload verification is a "technical minefield" that could result in the unintentional censoring of lawful content because existing AI recognition tools have error rates of 15–30%

Prior Restraint: Civil liberties organizations like the Internet Freedom Foundation contend that requiring pre-publication verification violates Article 19(1)(a) by acting as a kind of prior restraint

Privacy & Surveillance: While requiring permanent metadata and revealing a violator's name to victims opens the door to legal action, it also raises questions about user anonymity and possible government overreach.

Safe Harbour Risks: If platforms don't adhere to these stringent deadlines or labeling standards, they lose their "Safe Harbour" protection (immunity from user content liability), becoming "active censors" instead of impartial conduits.

Conclusion

An important advancement in digital law is the regulation of AI-generated information under India's IT Rules Amendments 2026. In order to ensure responsibility and reduce the hazards connected with synthetic media, platforms like as X are subject to increased duties. However, preserving a balance between regulation and fundamental rights is necessary for these efforts to be effective.