



Friday, February 02, 2024

Shri. Rajeev Chandrasekhar,

Hon'ble Minister of State, Electronics & Information Technology,
Ministry of Electronics and Information Technology,
Government of India.

E-mail address: mos-eit@gov.in

Cc: Shri. S. Krishnan, Secretary, MeitY

Cc: Shri. Bhuvnesh Kumar, Additional Secretary, MeitY

Cc: Shri. Sandip Chatterjee, Scientist G and Group Coordinator, MeitY

SUBJECT: BSA | THE SOFTWARE ALLIANCE INPUTS ON THE AMENDMENTS TO INFORMATION TECHNOLOGY ACT WITH REGARD TO DEEPPKES.

Dear Shri. Rajeev Chandrashekar:

On behalf of BSA | The Software Alliance (**BSA**),¹ I appreciate the efforts of the Ministry of Electronics and Information Technology (**MeitY**) to address the risks, impacts, and legal implications of digital deepfakes. I write to you to provide our preliminary inputs on this issue.

The proliferation of deepfakes is increasing rapidly in the current digital environment. Public policy solutions to address the issue remain unclear and continue to elude policymakers. Software-enabled innovations in artificial intelligence, machine learning, and automation tools compound these concerns – allowing bad actors to take advantage of technology to distribute deepfakes across the internet.

MeitY's [advisory](#) in December 2023 is a critical first step to address the harmful impact of deepfakes.² In this context, BSA supports the need to thoroughly evaluate this issue area and consider potential holistic solutions to prevent harms through a coordinated approach that involves various stakeholders, including the industry. The Government has already envisioned that a new Digital India Act (DIA)

¹ BSA | The Software Alliance (www.bsa.org) is the leading advocate for the global software industry. Its members are among the world's most innovative companies, creating software solutions that help businesses of all sizes in every part of the economy to modernize and grow. With headquarters in Washington, DC, and operations in more than 30 countries, BSA pioneers compliance programs that promote legal software use and advocates for public policies that foster technology innovation and drive growth in the digital economy. Follow BSA at [@BSAnews](#).

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² MeitY, Advisory to all intermediaries to comply with existing IT Rules 26th Dec 2023, available at: <https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1990542#:~:text=The%20directive%20specifically%20targets%20the,clearly%20and%20precisely%20to%20users.>

would fundamentally address these concerns, and we will continue to remain engaged in that policy process.

We are aware that the Government of India is considering amending the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 to include regulations for deepfakes.³ Here are our preliminary inputs for your consideration:

- 1. AVOID ONE-SIZE-FITS-ALL APPROACH:** The MeitY should consider the differences in the role and function of intermediaries when prescribing obligations related to the spread of deepfakes. This is crucial due to key service-level, technical, functional, and user-based distinctions that ensure that all intermediaries do not have the same ability to address this issue. Further, the services provided by intermediaries may not pose the same kind of risk. For example, business-to-business and enterprise software services pose limited risk to user safety and public order, given the size of their user base and the fact that they do not provide services directly to consumers.
- 2. CONSIDER CONTENT AUTHENTICITY SOLUTIONS:** The issue of deepfakes can be addressed by relying on alternative solutions.
 - a. Encouraging the use of watermarks or other disclosure methods for AI-generated content can help users to tell whether content is real or generated by AI. This can be helpful in preventing misinformation.
 - b. Further, BSA also supports the Content Authenticity Initiative's (CAI) [efforts](#) to combat misinformation.⁴ The CAI has promoted an open-source standard developed by the Coalition for Content Provenance and Authenticity that generates tamper-evident content credentials for content authenticity and provenance. This standard will help consumers decide what content is trustworthy and promote transparency around the use of AI.
 - c. It is important that content credentials or watermarks or metadata not be stripped and are instead preserved by platforms. This will ensure that the public can see it wherever they are consuming online content.

In conjunction with tools like watermarking, the CAI approach provides secure, indelible provenance.

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Thank you for allowing us to provide the enterprise software sector's perspective on this important issue. We look forward to engaging with MeitY on this policy issue. Please do not hesitate to contact the undersigned at venkateshk@bsa.org if you have any questions or comments.

Sincerely,

Venkatesh Krishnamoorthy
Country Manager - India
BSA | The Software Alliance

³ The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 available at: [Information Technology \(Intermediary Guidelines and Digital Media Ethics Code\) Rules, 2021 \(updated 06.04.2023\)-.pdf \(meity.gov.in\)](https://meity.gov.in/Information-Technology-(Intermediary-Guidelines-and-Digital-Media-Ethics-Code)-Rules,-2021-(updated-06.04.2023)-.pdf)

⁴ Content Authenticity Initiative, How it works, available here: <https://contentauthenticity.org/how-it-works>.