$~17 & 18.

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 15596/2023, CM APPL. 62399/2023 & CM APPL. 62400/2023

CHAITANYA ROHILLA   .....Petitioner
                        Through: Mr. Manohar Lal, Adv. with the petitioner in person.

                              versus

UNION OF INDIA   .....Respondent
                        Through: Mr. Chetan Sharma, ASG and Mr. Apoorv Kurup, CGSC with Mr. Amit Gupta, Mr. Akhil Hasija, Ms. Gauri Gobrudhan, Mr. Saurabh Tripathi, Mr Shubham Sharma and Mr. Vikramaditya Singh, Advs.

+ W.P.(C) 6560/2024 & CM APPL. 27328/2024

RAJAT SHARMA   .....Petitioner
                        Through: Mr. Darpan Wadhwa, Sr. Adv. with Mr. Rohan Swarup, Mr. Sanyam Suri, Ms. Divita Vyas, Ms. Rea Bhalla, Advs.

                              versus

UNION OF INDIA   .....Respondent
                        Through: Mr. Chetan Sharma, ASG and Mr. Apoorv Kurup, CGSC with Mr. Amit Gupta, Mr. Akhil Hasija, Ms. Gauri Gobrudhan, Mr. Saurabh Tripathi, Mr Shubham Sharma and Mr. Vikramaditya Singh, Advs.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

O R D E R

%   **21.11.2024**

1. In compliance with the directions issued by this Court on 24th October, 2024, learned counsel for the Ministry of Electronics and Information Technology (MEITY) has handed over a status report dated 21st November, 2024. The relevant portion of the said status report is reproduced hereinbelow:

> *"I. Current and Ongoing Projects by the Answering Respondent/MeitY-*
>
> *4. That the Answering Respondent/Meity is funding a research project titled "Fake Speech Detection using Deep Learning Framework", which commenced in December 2021 and is scheduled to conclude in December 2024. The project has a financial outlay of Rs. 47.846 lakhs and aims to deliver the following outcomes:*
>
>> *i. Deepfake speech detection system capable of classifying given speech signals as either genuine or fake.*
>>
>> *ii. Software system accessible via a web interface for Deepfake speech detection.*
>>
>> *iii. Speaker verification software platform designed for testing any fake speech detection system.*
>>
>> *iv. Comprehensive software system for the detection of Deepfake speech.*
>
> *5. That the project titled "Design and Development of Software System for Detecting and Flagging Deepfake Videos and Images" was funded by the Answering Respondent under its R&D in IT initiative for the period from 25.01.2022 to 31.03.2024. The implementing agencies for the project are the Centre for Development of Advanced Computing (C-DAC), Hyderabad, and the Centre for Development of Advanced Computing (C-DAC), Kolkata. The primary objectives of the project are as follows:*
>
>> *i. To develop a system capable of detecting and flagging AI-synthesized fake images and videos, including those with fabricated voices, as fake or doctored.*
>>
>> *ii. To create a web portal facilitating the crowd-sourcing of Deepfake media (images, videos, and audio) and enabling users to flag such content as either fake or authentic.*

6. That the Centre for Development of Advanced Computing (C- DAC), under a MeitY-funded project titled "Design and Development of Software System for Detecting and Flagging Deepfake Videos and Images," has developed a software application for Deepfake detection. The prototype tool has been designed as both a web portal and a desktop application. The web-based tool is currently in the testing phase and provides limited access. Additionally, the desktop application, titled "FakeCheck," offers similar functionalities as the web portal and is specifically developed for users requiring Deepfake detection capabilities in offline environments, without the need for an Internet connection. The tool has been shared with select law enforcement agencies for testing and to obtain feedback for further refinement.

II. Committees on AI and Deepfakes:

a. Constitution of Advisory group on AI

7. That an Advisory Group on AI for India specific regulator AI framework has been constituted on 25.09.2023. The Advisory Group has submitted its report and it is under examination. The copy of the OM dated 25.09.2023 is placed and marked as ANNEXURE R-1.

b. Constitution of Subcommittee for AI Governance guidelines

8. That the answering Respondent/MeitY has constituted a sub-committee for AI governance guidelines development vide Office Memorandum dated 09.11.2023. The copy of the OM dated 09.11.2023 is placed and marked as ANNEXURE-R2.

c. Constitution of Committee on Deepfakes

9. That the answering Respondent/MeitY constituted a committee on the matters related to the issue of Deepfakes vide OM dated 20.11.2024. The copy of the OM dated 20.11.2024 in placed and marked as ANNEXURE R-3.

10. It is respectfully submitted that the Answering Respondent is actively undertaking measures to address and mitigate the issues related to Deepfake technology in a timely and effective manner."

2.   The annexures attached to the status report are also reproduced hereinbelow:

Date 25ᵗʰ September, 2023

No. ET/9/2023-ET

OFFICE MEMORANDUM

Subject: Constitution of the Advisory Group on AI for India Specific Regulatory AI Framework.

The undersigned is directed to convey the Approval of the Competent Authority to the constitution of Advisory Group on AI for India Specific Regulatory AI Framework.

2.   The Composition and Terms of Reference of the Advisory Group on AI is as under:-

(A) COMPOSITION OF THE ADVISORY GROUP

(i)	*Principal Scientific Advisor to Govt. of India*	*Chairman*
(ii)	*Secretary, MeitY*	*Member*
(iii)	*Secretary, DST*	*Member*
(iv)	*Representative from NITI Aayog*	*Member*
(v)	*President, NASSCOM*	*Member*
(vi)	*Prof. Balaraman Ravindran, IIT, Madras*	*Member*
(vii)	*Group Coordinator, Cyber Law Division, MeitY*	*Member*
(viii)	*Shri Hitesh Jain, Parinam Law Associates*	*Member*
(ix)	*Additional Secretary/ Joint Secretary/ Group Cordinator, ET Division, MeitY*	*Member Convener*

(B) TERMS OF REFERENCE OF THE ADVISORY GROUP

(i) Provide advice to the government on Al regulation.

ii) Draft policies and regulations that balance innovation and regulation.

(iii) Draft contextualized ethical guidelines which are adoptable in India.

(iv) Promote development of trustworthy, fair and inclusive Al by identifying India specific definitions.

(v)Formulate testing and certification mechanisms through requisite technical tools and sandboxes.

(vi) Support the necessary regulatory insight and oversight for Al-based technologies to enable sustainable development.

(vii) Providing advice regarding the infrastructure, R&D development, deployment, and use of AI and machine learning technologies for social good.

(viii) Advising on creation of enabling techno-legal AI ready frameworks,

3. The Chairman of Advisory Group on AI may co-opt/ invite any other expert. TA/DA for the same shall be as per norms applicable to other members of Advisory Group on AI.

4. TA/DA to non-official members will be borne by MeitY as per norms laid down by Ministry of Finance.

Sd/-
(MEDHAVI SINGH)
Under Secretary"

ANNEXURE R-2

Date 9ᵗʰ November, 2023

No. ET/9/2023-ET

OFFICE MEMORANDUM

Subject: Constitution of the Subcommittee for AI Governance Guidelines Development – regarding.

The undersigned is directed to convey the Approval of the Competent Authority to the constitution of Subcommittee for AI Governance Guidelines Development.

2.   The Composition and Terms of Reference of the Subcommittee for AI Governance Guidelines Development is as under:-

(A) COMPOSITION OF THE SUBCOMMITTEE:

(i)	*Shri Balaraman Ravindran, IIT-M*	*Chairman*
(ii)	*Shri Sharad Sharma, iSpirit*	*Member*
(iii)	*Smt. Debjani Ghosh, NASSCOM*	*Member*
(iv)	*Shri Hitesh Jain, Parinam Law Associates*	*Member*
(v)	*Shri Notan Roy, MeitY*	*Member*
(vi)	*Smt. Kavita Bhatia, MeitY*	*Member Convener*

(B) TERMS OF REFERENCE OF THE SUBCOMMITTEE

(i) To perform a gap analysis and offer recommendations for developing a comprehensive framework of guidelines and directives for ensuring the trustworthiness and responsibility of AI in the governance of AI, including self-assessment.

ii) The Subcommittee shall come out with the first draft within 6 weeks from the date of formulation.

3.   The Chairman of Subcommittee may co-opt/ invite any other expert.

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Sd/-
(MEDHAVI SINGH)
Under Secretary"

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<u>ANNEXURE R-3</u>

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Date 20.11.2024

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No. 4(17)/2024-CyberLaws

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<u>OFFICE MEMORANDUM</u>

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Subject: Constitution of a Committee on the matters related to the issue of deepfakes - regarding

The undersigned is directed to convey the approval of the Competent Authority for following constitution of a committee on the matters related to the issue of deepfakes:

a) Group Coordinator, Emerging Technologies Division, MeitY

b) Director, Indian Cybercrime Coordination Centre (14C), MHA

c) Representative of CDAC Hyderabad

d) Representative of Cyber Security Division, MeitY

e) Representative of Cyber Law Division, MeitY

f) Representative of Data Security Council of India (DSCI).

g) Prof. Balaraman Ravindran, HoD, Department of Data Science & AI (DSAI), IIT Madras

h) Representative of Amrita Vishwapeetham University

i) Legal representative.

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Sd/-
(Sushil Kumar Jangid)
Scientist 'B'"

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3.   Learned ASG states that the Sub Committee formed vide OM dated 9th November, 2023 had submitted its report to the Advisory Group, who in turn, has submitted its report to the Union of India. He states that the said report is under examination.

4. Learned counsel for the petitioners state that everyday's delay in creation, detection and removal of deepfakes is causing immense hardship to the public at large. They further pray that the suggestions given by them should be considered by the Committee relating to the issue of deepfakes.

5. This Court finds merit in the contentions and submissions advanced by learned counsel for the petitioners. Consequently, this Court directs the Union of India to name the nominees to the Committee relating to the issue of deepfakes within a week. The said Committee shall examine and take into consideration the suggestions filed by the petitioners. The said Committee shall also consider the regulations as well as statutory framework in foreign countries like the European Union. This Court further directs the Committee relating to the issue of deepfakes to invite and hear the experiences and suggestions of a few of the stakeholders like the intermediary platforms, telecommunication service providers, victims of deepfakes and websites which provide and deploy deepfakes before submitting its report.

6. The said committee shall submit its report, as expeditiously as possible, preferably within three months.

7. List on 24th March, 2025 at 02:15 p.m.

MANMOHAN, CJ

TUSHAR RAO GEDELA, J

NOVEMBER 21, 2024/_N.Khanna_