

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/WRIT PETITION (PIL) (WRIT PETITION (PIL)) NO. 9 of 2026**

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VIKAS VIJAY NAIR

Versus

STATE OF GUJARAT & ORS.

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Appearance:

MR AMIT M PANCHAL(528) for the Applicant(s) No. 1

MR. KAMAL TRIVEDI, AG. WITH MR. G.H.VIRK, GP MR. VINAY VISHEN, AGP for
the Opponent(s) No. 1,2

MR ANKIT SHAH(6371) for the Opponent(s) No. 3,4

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CORAM:HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA**AGARWAL**

and

HONOURABLE MR.JUSTICE D.N.RAY**Date : 24/02/2026****ORAL ORDER****(PER : HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA AGARWAL)**

The present petition filed in the nature of public interest litigation highlights the issues pertaining to sharp and alarming rise in fake and AI-generated videos/photographs being uploaded on online platforms such as video-sharing websites, social media platforms and messaging applications, which are largely of three categories : (i) Deepfake impersonations; (ii) Obscene and vulgar portrayals and (iii) Mocking and dehumanizing depictions.

2. The petitioner would contend that the Information Technology Act, 2000 already criminalises identity theft, cheating by personation using computer resources, violation of privacy, publication of obscene or sexually explicit electronic content, and empowers both the Central Government and State Government to block access to unlawful content and to issue directions for interception and monitoring. The safe-harbour for intermediaries under Section 79 is conditioned on observance of due diligence,

under the I.T.Rules, 2021 and the amendments brought in the years 2025 and 2026.

3. The I.T. Rules, 2021 require intermediaries to make reasonable efforts to ensure that users do not host, display or share content that is defamatory, invasive of privacy, harmful to children or otherwise unlawful, and to remove such content within 36 hours upon receiving actual knowledge through a court order or appropriate government notification. The 2025 Amendment to the I.T.Rules specifically aims at “synthetically generated information-deepfakes, AI-generated content” and strengthens Rule 3(1)(d) by (a) limiting “actual knowledge” to court orders or reasoned decrees by senior authorised officers; (b) maintaining the 36-hour takedown window, and (c) requiring that takedown orders specify legal basis and precise URLs, subject to monthly review by a Secretary-level officer. The 2026 “Synthetically Generated Information” Amendment expands the framework by defining “synthetically generated information” (SGI), imposing labeling and traceability obligations on intermediaries that enable creation or dissemination of SGI, mandating stricter timelines (including three-hour compliance for government takedown orders and shorter deadlines for sensitive content), and introducing mandatory reporting to appropriate authorities of specified offences that come to an intermediary’s notice.

4. **The contention in the writ petition is that inspite of there being a detailed regulatory architecture, practical procedural gaps still persists in, which are highlighted as under :-**

“4.10.1 real-time support available to police and specialised cyber units when confronted with fast-spreading deepfakes’

4.10.2 (ii) coordination between State police, MeitY's blocking and Sahyog/takedown portals, and platform-level enforcement; and
4.10.3 (iii) clear prioritisation and escalation protocols when deepfakes target constitutional authorities and may threaten public order and institutional legitimacy.”

5. The petitioner herein focusing on the practical gaps in the legislative scheme, seeks to press the provisions of Section 69 of the Information Technology Act, 2000 to submit that the State Government is required to take necessary steps for framing of rules under sub-section(2) of Section 69 to prescribe the procedure to enforce the method and manner of exercising powers to issue directions for interception or monitoring or decryption of any information circulated through any computer resources, falling within the category of the sub-section(1) of Section 69.

6. Mr. Kamal Trivedi, the learned Advocate General assisted by Mr. G.H.Virk, the learned Government Pleader has put in appearance on behalf of the State Government. Mr. Ankit Shah, the learned advocate has appeared for respondent Nos. 3 and 4.

7. The responses of the respondent Nos. 1 to 4 are to be filed by the next date fixed.

8. The question of issuance of notice to the respondent Nos. 5 to 9 would be considered after the responses of the respondent Nos. 1 to 4 are received.

List on 20.03.2026.

(SUNITA AGARWAL, CJ)

(D.N.RAY,J)

C.M. JOSHI