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LAW OFFICES INDIA

# TECH LITIGATION NEWSLETTER

*November 2025 Edition*





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## MeitY amends IT Rules, 2021; enhances safeguards for content removal by intermediaries

The Ministry of Electronics and Information Technology (“MeitY”) has notified the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2025 (“IT Amendment Rules, 2025”), amending the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (“IT Rules, 2021”). The IT Amendment Rules, 2025, amend Rule 3(1)(d) of IT Rules, 2021, introducing additional safeguards to ensure that removal of unlawful content by intermediaries is carried out in a transparent, proportionate, and accountable manner.

Under Rule 3(1)(d) of IT Rules, 2021, even before the recent amendment, an intermediary on whose computer resource any information used to commit an unlawful act, is hosted, must, upon receiving actual knowledge under Section 79(3)(b) of the Information Technology Act, 2000, (“IT Act”) remove or disable access to such information within thirty-six hours of receiving such “actual knowledge”.

The amended provision, however, expressly narrows the scope of receiving “actual knowledge” to two specific modes:

- An order of a court of competent jurisdiction; or
- A reasoned written intimation issued by an officer authorised by the “Appropriate Government” as defined under the IT Act or its agency for this purpose. Such an officer must not be below the rank of Joint Secretary or an equivalent rank, or, in the absence of such officer, a Director under the IT Act or equivalent rank officer to the Government of India or the State Government, as the case may be. In cases involving the police administration, the authorised officer must not be below the rank of Deputy Inspector General of Police, specifically empowered by the Appropriate Government for this purpose.

Further, every written intimation from the abovementioned officers must now expressly specify:

- The legal basis and statutory provision invoked,
- The nature of the unlawful act, and
- The specific URL, identifier, or other electronic location of the information, data, or communication link that is to be removed or disabled.

To ensure accountability in the exercise of such powers, all written intimations are now required to undergo a periodic review by an officer not below the rank of Secretary of the concerned Appropriate Government. Such reviews are now to be conducted once every month, ensuring that the intimations are necessary, proportionate, and consistent with the statutory provisions under Section 79(3)(b) of the IT Act and Rule 3(1)(d) of the IT Rules, 2021.

Notably, the IT Amendment Rules, 2025 omits the erstwhile proviso in Rule 3(1)(d) of the IT Rules, 2021, which clarified that an intermediary’s voluntary removal of information, whether pursuant to user grievances or its internal policies, would not constitute a violation of Section 79(2)(a) or Section 79(2)(b) of the IT Act. The erstwhile proviso expressly reserved the “safe harbour” protection granted to intermediaries from liability for third-party content hosted on their platforms. While the proviso has now been omitted, it does not necessarily imply that intermediaries are prohibited from undertaking voluntary takedowns. The operative provisions of the IT Rules, 2021 continue to confer upon intermediaries both the authority and the responsibility to regulate content on their platforms in accordance with law and their stated policies.



## **The IT Amendment Rules, 2025, will come into effect from 15th November 2025.**

### **MeitY notifies Designated Officers under Section 69A following 2025 IT Rules Amendment**

Section 69A of the IT Act empowers the Central Government to block access to online information when such action is necessary or expedient in the interest of national security, defence, sovereignty, integrity of India, public order, friendly relations with foreign states, or to prevent incitement to the commission of any cognizable offence. The Information Technology (Procedure and Safeguards for Blocking for Access of Information by Public) Rules, 2009 (“**Blocking Rules, 2009**”) were issued under Section 69A of the IT Act to set out the procedure and safeguards for exercising this power.

Under the said Blocking Rules, 2009, it is mandatory that a request for blocking access to any online information must be received through the Nodal Officer of the respective state, or the government department specifically designated for the purpose of sending a request for blocking. The Nodal Officer, on being satisfied that the complaint warrants a blocking action, may forward the request for blocking to the Central Government in the Department of Information Technology under the MeitY. Under Rule 3 of the Blocking Rules, 2009, the Central Government has to designate by notification in the official gazette a “Designated Officer” not below the rank of a Joint Secretary for the purposes of issuing directions for blocking access under Section 69A of the IT Act. Thus, the direction for blocking under Section 69A of the IT Act can only be passed by the Designated Officer as provided under Rule 3 of the Blocking Rules, 2009, or through an appropriate court order.

On 21<sup>st</sup> October 2025, MeitY issued a notification designating senior officers under Section 69A of the IT Act, read with the Blocking Rules, 2009. Through this notification, MeitY appointed Shri Ajit Kumar, Joint Secretary, as the Designated Officer empowered to issue directions concerning the blocking of public access to online information. Shri Sushil Pal, also Joint Secretary in MeitY, has been designated to act in this capacity during the absence of Shri Ajit Kumar.

This notification aligns with the broader framework of the IT Amendment Rules, 2025, that enhances safeguards for content removal by intermediaries.

### **Personality rights: protecting identity in the age of AI**

The rise of artificial intelligence technologies capable of producing deepfakes and other manipulated content has given rise to significant concerns around personality rights. These rights fundamentally serve to protect individuals, particularly well-known personalities, from unauthorized commercial exploitation and misuse of their name, image, voice, likeness, and other distinctive attributes, thereby preserving dignity and preventing deception in the digital landscape.

In recent years, there has been a notable increase in personality rights cases filed by leading Indian celebrities, including Anil Kapoor, Jackie Shroff, Hrithik Roshan, Aishwarya Rai Bachchan, Abhishek Bachchan, Karan Johar, Kumar Sanu, Akshay Kumar, and others, especially before the Hon’ble Delhi High Court and the Hon’ble Bombay High Court. While these claims address legitimate concerns of identity misuse and reputational harm, courts have also been cautious to ensure that such protections do not unduly restrict fan-created content, satire, or other transformative uses.



Most recently, on 15th October 2025, the Hon’ble Bombay High Court in *Akshay Hari Om Bhatia v. John Doe*<sup>1</sup> has granted an *ex-parte* interim relief to the renowned actor Akshay Kumar, condemning the unauthorized use and commercial exploitation of his personality through the use of AI-generated deepfake videos and voice cloning. The plaintiff, Akshay Hari Om Bhatia, had filed a commercial suit seeking protection of personality rights under the Copyright Act, 1957, as well as his right to privacy and right to live with dignity under Article 21 of the Constitution of India, illustrating the growing intersection between intellectual property, privacy, and technological misuse.

The Hon’ble Bombay High Court held that Akshay Kumar possesses an inherent and enforceable right to control and protect his image and personal attributes, and that any unauthorized use constitutes a violation of both his personality and publicity rights, as well as his fundamental rights under the Constitution of India. Accordingly, the Court directed immediate takedown of all infringing content across platforms, including AI-generated material, and restrained the defendants from further misuse of his Screen Name “Akshay Kumar” and any abbreviation, moniker, or variation thereof, or his voice, image, likeness, distinctive performance, appearance, mannerisms, signature or any other uniquely identifiable attribute.

Similarly, on 10<sup>th</sup> October 2025, the Hon’ble Bombay High Court, in the case of *Suniel V Shetty v. John Doe S Ashok Kumar*<sup>2</sup>, granted interim protection to actor Suniel Shetty against the unauthorized use and misappropriation of his personality rights through AI-generated and deepfake content. The Court observed that the material placed on record, particularly the AI-generated images depicting the plaintiff and his family members, constituted a “*lethal combination of a depraved mind and the misuse of technology,*” causing harm to the plaintiff’s personality and moral rights.

Accordingly, the Court issued an *ex-parte ad-interim* injunction restraining the defendants from infringing or exploiting the plaintiff’s name, image, likeness, voice, distinctive appearance, and other identifiable personality traits through AI-generated content, deepfakes, or similar means. It also directed the intermediaries to promptly remove and disable all identified infringing content and, upon further notice by the plaintiff, to take down any further infringing material and also disclose basic subscriber information of the uploaders.

These decisions add to the growing body of Indian jurisprudence recognising personality rights as an enforceable facet of the right to privacy as well as rights under the Copyright Act, 1957, particularly against emerging AI-driven misuses. It also highlights the increasing expectation that digital platforms and intermediaries act promptly to curb the dissemination of such infringing or deceptive content.

### **Kerala High Court mandates the use of AI for witness deposition**

The Hon’ble Kerala High Court, *via* an office memorandum dated 21<sup>st</sup> October 2025, has directed all district and session courts to adopt “Adalat.AI”, a speech-to-text transcription tool, for the recording of witness depositions from 1<sup>st</sup> November 2025.

The introduction of Adalat.AI marks a transformative step in the Indian judiciary, aiming to make the recording of witness statements faster, more accurate, and transparent. Previously, the process relied on judges or typists manually writing or dictating every word spoken by a witness, which was not only time-

<sup>1</sup> *Akshay Hari Om Bhatia v. John Doe* 2025 SCC OnLine Bom 4044.

<sup>2</sup> *Suniel V Shetty v. John Doe S Ashok Kumar* COMMERCIAL IP SUIT (L) NO. 32130 of 2025.



consuming but also prone to errors and lengthy delays. With Adalat.AI, witness statements can now automatically be converted from speech to text in real time, significantly reducing the administrative burden and ensuring that depositions are recorded with high accuracy. The system supports multiple Indian languages, including legal terminology and regional phrases, making it accessible and reliable for courts across diverse linguistic regions.

Once the deposition has been duly recorded, it shall be uploaded to the District Court Case Management System (DCMS). Documents, including the Amin's report (kaicheet), bail bond, chemical analysis report, committal warrant, conviction warrant, court charge, death certificate, documents produced by a witness, the record of the examination of the accused, police kaicheet, release memo, etc., can also be uploaded. This process will ensure that depositions are readily accessible to parties and lawyers through their respective dashboards.

By mandating the use of Adalat.AI, Kerala has become the first state in India to make AI-based transcription of witness depositions compulsory, marking a significant leap towards digitisation and efficiency in court proceedings.

### **Supreme Court to hear challenges to Promotion and Regulation of Online Gaming Act, 2025**

On 26<sup>th</sup> November 2025, the Hon'ble Supreme Court is scheduled to hear a batch of petitions challenging the validity of the Promotion and Regulation of Online Gaming Act, 2025 ("PROGA 2025"), which came into force on 1<sup>st</sup> October 2025. The PROGA 2025 aims to promote responsible online gaming while prohibiting harmful online real money games, related banking transactions, and advertisements effectively blurring the long-standing distinction between games of skill and games of chance.

The enforcement of PROGA 2025 has led to widespread suspensions, revenue losses, and layoffs across the gaming sector. The petitioners include Head Digital Works (parent company of A23), Clubboom 11 Sports & Entertainment Pvt. Ltd, and Bagheera Carrom (OPC) Pvt. Ltd., among others.

During earlier hearings, the Hon'ble Supreme Court, had indicated that skill-based online tournaments and competitions may be exempted from the restrictions under PROGA 2025, potentially offering relief for esports players and fantasy sports professionals. The Hon'ble Supreme Court also noted that tournaments where players pay participation fees and compete for prizes might also be "completely excluded" from the purview of PROGA 2025.

The Court's interpretation of PROGA 2025, particularly on the distinction between skill-based and chance-based games, could significantly shape the future of India's esports and online gaming ecosystem, influencing not only how PROGA 2025 is enforced but also the broader regulatory framework governing online gaming in India.

### **MeitY issues SOP on curbing circulation of non-consensual intimate imagery content**

MeitY has released a Standard Operating Procedure ("SOP") on 11<sup>th</sup> November 2025, to curb the online circulation of Non-Consensual Intimate Imagery ("NCII") and to ensure swift redressal for victims. The SOP has been developed in compliance with the Hon'ble Madras High Court's directions *vide* order dated 15<sup>th</sup> July 2025, in *X vs Union of India & Anr.* which directed MeitY to "provide a prototype as to what a victim



girl must do when faced with situations of dissemination of NCII content”.<sup>3</sup> Accordingly, the SOP provides a structured, victim-centric process for takedown and prevention of NCII content and also acts as a guide for intermediaries tasked with compliance under Rule 3(2)(b) of the IT Rules, 2021.

The SOP provides guidance on the following reporting channels through which a victim may submit grievances and request the removal of NCII content:

- One Stop Centres (OSCs) falling under the aegis of the Ministry of Women and Child Development, which assist victims in filing complaints and navigating the reporting process;
- In-app reporting mechanisms of the concerned intermediary, including raising a complaint with the Grievance Officer appointed under the IT Rules, 2021, or using platform-specific flagging tools;
- registering a complaint on the National Cybercrime Reporting Portal;
- lodging a complaint with local law enforcement agencies.

Other key highlights of the SOP and compliance measures to be taken by intermediaries are as follows:

- All intermediaries shall align their community guidelines and the terms and conditions for users in line with the provisions of the IT Rules, 2021.
- All intermediaries must remove or disable access to NCII content within 24 hours of receiving a complaint from an individual, an authorised representative, or an Appropriate Government or its agency under the IT Act.
- Significant Social Media Intermediaries under the IT Act are required to use automated tools (such as hash-matching and crawlers) to prevent re-uploads of the same or similar NCII content.
- Search engines must de-index flagged content.
- Content delivery networks (CDNs) and domain name registrars (DNRs) shall render the flagged content inaccessible, even across different URLs, within 24 hours of detection.
- Intermediaries shall periodically inform the complainant about the removal of the flagged content as well as the resurfaced content.
- MeitY oversees compliance and coordinates across departments such as the Indian Cybercrime Coordination Centre (I4C) under the Ministry of Home Affairs, which maintains the NCII hash ban and the Department of Telecommunications, which facilitates URL blocking through Internet Service Providers (ISPs).

The SOP emphasises victim empowerment, privacy, and digital dignity. It aims to provide uniform and time-bound procedures for the removal of objectionable NCII content across online platforms.

### **SEBI engages with digital platforms to reinforce investor protection framework**

The Securities and Exchange Board of India (“SEBI”), on 6<sup>th</sup> November 2025, has intensified its efforts to safeguard investors against online financial scams by calling for enhanced cooperation from major social media platforms and search engine providers. In line with the global momentum driven by the International

<sup>3</sup> *X vs Union of India & Anr.*, W.P. No. 25017/2025.



Organisation of Securities Commissions (“**IOSCO**”), SEBI has urged digital intermediaries to deploy stronger controls to prevent the dissemination of fraudulent investment content. The initiative follows IOSCO’s statement in May 2025, emphasising the critical responsibility of online platforms in mitigating risks of financial harm to retail investors.

As part of this coordinated push, SEBI has requested platforms to prioritise three immediate measures for implementation within the Indian securities market ecosystem:

- Mandatory verification of advertisers promoting investment products.
- Clear labelling of trading applications operated by SEBI-registered intermediaries and
- Stricter enforcement protocols for identifying and taking down deceptive investment promotions.

In parallel, SEBI has reiterated key precautions for investors to follow while engaging with financial intermediaries and investment apps online. Investors are advised to verify the registration details of any intermediary through the official SEBI website ([www.sebi.gov.in](http://www.sebi.gov.in)) or the SEBI Intermediary Portal. Before making transactions, users should use only verified apps listed under SEBI-registered entities. Transactions must be carried out exclusively through validated UPI handles bearing the “@valid” tag of SEBI-registered intermediaries and through the SEBI check facility available at <https://siportal.sebi.gov.in/intermediary/sebi-check> or via the Saarthi mobile application. These tools help investors confirm the authenticity of trading interfaces and prevent redirection to fraudulent payment links. These actions reaffirm SEBI’s commitment to a secure, transparent, and technology-aligned investor protection regime.



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