

ITEM NO.2

COURT NO.2

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s).300/2025

NARENDRA KUMAR GOSWAMI

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

FOR ADMISSION

Date : 16-05-2025 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT

HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

For Petitioner(s) : Petitioner-in-person

For Respondent(s) :

UPON hearing the counsel the Court made the following
O R D E R

1. The petitioner, who is an advocate and a member of the U.P. Bar Council, has filed the instant Writ Petition in public interest, with the following prayers:

"A. WRIT OF MANDAMUS DIRECTING:

1. Union of India (Ministry of Electronics & Information Technology);

a. Framing of Rules under IT Act, 2000:

"Direct the Respondent No. I to frame rules under Section 87(2)(zg) of the IT Act, 2000, within 60 days, mandating:

(i) Watermarking of all AI-generated content (images, audio, video) with metadata disclosing origin, tools used, and creator identity, as per China's Deep Synthesis Provisions (Annexure-F1 1);

(ii) A 24-hour takedown mechanism for deepfakes, mirroring Ride 3(1)(h)(vii) of IT Rules, 2021 (CSAM protocols), with penalties under Section 45 of the IT Act for non-compliance;

(iii) Algorithmic audits of AI platform,s quarterly, conducted by CERT-In empanelled auditors (CIAD-2024-0060, Annexure-PIO).
"

b. Establishment of AI Regulation Body:

"Constitute a 'National AI Regulation Authority' under Section 88 of the IT Act, chaired by a retired Supreme Court judge, with members from NITI Aayog, CERT-In, and academia, to oversee compliance, akin to the body in M.C. Mehta V. Uol (1986) 2 SCC 176."

2. Election Commission of India:

a. Deepfake Monitoring Cell under Article 324:

"Direct Respondent No. 2 to establish, within 30 days, a Deepfake Monitoring Cell' with powers to:

(i) Pre-certify all political advertisements using AI tools (as per ADR v. Uol, (2002) 5 SCC 294);

(ii) Issue real-time takedown orders to platforms under Rule 16 of Conduct of Elections Rides, 1961;

(iii) Maintain a public repository of debunked deepfakes (Annexure-P6, PI5)."

b. Model Code of Conduct (MCC) Amendments:

"Include in the MCC a prohibition on undisclosed AI-generated content during elections, enforceable under Article 324, with penalties under Section 171GIPC for violations."

3. Minister of Home Affairs:

a. National Security Protocol: "Direct Respondent No. 3 to develop, within 90 days, a National Protocol on AI Threats' under Section 66F IT Act (cyber terrorism), including:

(i) A dedicated cyber-forensics unit under NIA to investigate foreign-origin deepfakes (Annexure-P8,P15);

(ii) Mandatory reporting of deepfake incidents _ by platforms to CERT-In under Section 70B(5) IT Act."

b. Law Enforcement Training: "Implement training modules for police on deepfake detection, and FIR registration under Sections 419/500 IPC, in collaboration with NICFS. "

4. Ministry of Education:

"Launch a National Deepfake Literacy Mission' under Samagra Shiksha Abhiyan, integrating AI/digital literacy in NCERT curriculum (Class VI-XII) within 12 months, with funding under Article 21 A."

B. DECLARATORY RELIEFS:

"Declare that the Respondents' failure to regulate AI-generated deepfakes violates:

(i) Privacy/dignity under Article 21 (K.S. Piittaswamy, 2017);

(ii) Voters' right to truth under Article 19(1)(a) (PUCL V. Uol 2003);

(iii) Equality under Article 14 (Navtej Singh Johar, 2018)."

"Declare that the IT Act, 2000, is inadequate to address deepfakes, necessitating judicial guidelines under Vishaka v. Rajasthan (1997)."

C. EXPERT COMMITTEE & OVERSIGHT:

"Constitute a 5-member court-monitored committee (Chairperson: Retd. SC Judge; Members: DG-CERT-In, ECI Secretary, DG-NIA, Director-IIT Delhi), to:

(i) Draft model AI regulation legislation within 90 days;

(ii) Submit quarterly compliance reports to this Hon'ble Court."

D. INTERIM MEASURES (UNDER ARTICLE 142):

"Pending final adjudication, direct all social media platforms

(as defined under IT Rules, 2021) to:

(i) Label all AI-generated content with 'This is synthetic media' disclaimers;

ii) Submit fortnightly compliance reports to CERT-In;

(iii) Exempt satire/parody per S. Rangarajan v. P. Jagjivan Ram (1989)."

E. GENERAL RELIEF:

"Pass any other order(s) this Hon'ble Court deems fit to secure electoral integrity and fundamental rights. "

2. It has been brought to our notice that on these very issues, a Public Interest Litigation and some other connected

matters are under the active consideration of a Division Bench headed by Hon'ble the Chief Justice of the High Court of Delhi. Some of the proceedings, including the filing of a response by the Union of India, have also been apprised to us.

3. Keeping in view the fact that one of the High Courts is seized of the matter and some effective proceedings have already been held, we do not deem it necessary to entertain this parallel proceeding. The petitioner is, accordingly, relegated to the High Court of Delhi with liberty to seek his impleadment and assist the High Court in Writ Petition (C) No. 15596/2023 (Chaitanya Rohilla vs. Union of India) and other connected cases.

4. We request the High Court to accord audience to the petitioner and consider the valuable suggestions as may be given by him.

5. With liberty aforementioned, the Writ Petition stands disposed of.

(SATISH KUMAR YADAV)
ADDITIONAL REGISTRAR

(PREETHI T.C.)
ASSISTANT REGISTRAR