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Introduction

Welcome to the Indian Journal of Legal Affairs and Research (IJLAR), a distinguished platform dedicated to the dissemination of comprehensive legal scholarship and academic research. Our mission is to foster an environment where legal professionals, academics, and students can collaborate and contribute to the evolving discourse in the field of law. We strive to publish high-quality, peer-reviewed articles that provide insightful analysis, innovative perspectives, and practical solutions to contemporary legal challenges. The IJLAR is committed to advancing legal knowledge and practice by bridging the gap between theory and practice.

Preface

The Indian Journal of Legal Affairs and Research is a testament to our unwavering commitment to excellence in legal scholarship. This volume presents a curated selection of articles that reflect the diverse and dynamic nature of legal studies today. Our contributors, ranging from esteemed legal scholars to emerging academics, bring forward a rich tapestry of insights that address critical legal issues and offer novel contributions to the field. We are grateful to our editorial board, reviewers, and authors for their dedication and hard work, which have made this publication possible. It is our hope that this journal will serve as a valuable resource for researchers, practitioners, and policymakers, and will inspire further inquiry and debate within the legal community.

Description

The Indian Journal of Legal Affairs and Research is an academic journal that publishes peer-reviewed articles on a wide range of legal topics. Each issue is designed to provide a platform for legal scholars, practitioners, and students to share their research findings, theoretical explorations, and practical insights. Our journal covers various branches of law, including but not limited to constitutional law, international law, criminal law, commercial law, human rights, and environmental law. We are dedicated to ensuring that the articles published in our journal adhere to the highest standards of academic rigor and contribute meaningfully to the understanding and development of legal theories and practices.

FROM CHECKBOXES TO CIRCUITS: INDIA'S AI RULES CHANGE COMPLIANCE FROM FORMS TO SYSTEMS

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Abstract

India's regulatory approach to governing artificial intelligence ("AI") has transitioned from aspirational to obligatory, though has yet to crystallize in a statute, as of the end of 2025. This note examines three developments - the Ministry of Electronics and Information Technology's ("MeitY") AI Governance Guidelines, the Reserve Bank of India's ("RBI") FREE-AI framework, and the February 2026 amendment to the Intermediary Guidelines and Digital Media Ethics Code relating to synthetic media - as well as an early judicial response to personality rights in Suniel Shetty v. John Doe. It argues that India's emerging approach to governing AI is best understood as techno-legal: legal requirements are embedded in design, rather than documented ex-post. It highlights three areas for legal and compliance teams to prioritize in 2026.

Keywords
Artificial Intelligence Governance; DPDP Act; MeitY AI Guidelines; Techno-Legal Compliance; Synthetic Media Regulation; Personality Rights.

1. Introduction

When MeitY opened its draft AI governance guidelines for public comments, it received over 2,500 responses[1] - a remarkable figure, considering that similar consultations in other jurisdictions took years to generate such feedback. It appears that India's industry and civil society have been waiting for a policy signal, but had little sense of what it might entail.

That appears to be changing. When users of India's home-grown AI products ask whether their data - including after consent to its processing - can be deleted, Legal & Compliance teams, as of the end of 2025, are likely to give vague answers, and, in some cases, no answer at all. Very few domestic AI companies are in a position to give a detailed response. This note examines three developments in India's emerging AI governance regime, and argues that they represent a shift towards techno-legal compliance - legal requirements are embedded into design, rather than documented ex-post. It highlights three areas for legal and compliance teams to prioritize in 2026.

2. The Emerging Institutional Framework

India's AI governance architecture, as of the end of 2025, had three pillars. The AI Governance Group comprising regulators are tasked with promoting harmonization, as far as is practical, of regulation across sectors, with the Technology and Policy Expert Committee advising on technical and legal aspects of AI policy. AISI, in turn, is charged with conducting research on AI safety, and in due course evaluating systems for risks. Within their spheres of influence, sector regulators including RBI, the Securities and Exchange Board of India, Telecom Regulatory Authority of India, and the Competition Commission of India all retain responsibility for overseeing AI systems.

Within the financial sector, the RBI has been the first regulator to act. It's Framework for Responsible and Ethical Enablement of Artificial Intelligence ("FREE-AI"), issued on August 13, 2025[2], sets out principles for the ethical governance of AI, with a focus on fairness and safety, as well as supervision and control. Its 26 recommendations are organized around six pillars, including

[1]Ministry of Electronics and Information Technology, India AI Governance Guidelines (IndiaAI Mission, November 5, 2025).
[2]Reserve Bank of India, Framework for Responsible and Ethical Enablement of Artificial Intelligence (FREE-AI) (August 13, 2025).

governance and oversight, algorithmic risk management, customer protection, and internal controls, with sandboxes for experimentation.

None of this derives from an overarching AI law, and India's approach to regulating AI has, to date, been characterized by its lack of central coordination. It has been incremental, and driven by sector regulators, rather than a single authority. This has left some companies those that have assumed that a dedicated AI law was not imminent are unprepared for the degree of scrutiny they are now being subjected to.

3. The Techno-Legal Shift

When discussing regulation of AI, the conversation and assumptions about enforcement typically begin with statutes. This is justified to a certain extent: India's Digital Personal Data Protection Act ("DPDP Act")[3] applies to processing of personal data by AI systems, and several other laws including the Information Technology Act which contain relevant provisions. However, this captures only a part of what is happening. The obligations now being imposed on India's AI developers and deployers are, in many cases, embedded directly in technical processes, rather than being added on top of them. This is the key distinction between regulation and techno-legal compliance: the latter is not simply additional requirements placed on an existing product, but a fundamental shift in design.

The clearest example of this shift is the amendment to the Intermediary Guidelines and Digital Media Ethics Code, which came into force on February 20, 2026[4]. It concerns hosting of synthetic media, the media that has been generated or manipulated by AI and requires embedding of machine-readable markers in such media, as well as display of visible labels covering at least ten percent of the visual or audio content. In the case of illegal deepfakes that has not been detected or removed, the hosting platform is now directly liable, an expansion of the safe harbour principle long granted to intermediaries under India's Information Technology Act.

However, the judiciary has been quick to respond to developments in the space. In Suniel Shetty v. John Doe & Ors.[5], the Bombay High Court issued an injunction against unnamed respondents

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[3]Digital Personal Data Protection Act, 2023, ss. 6, 11–12.
[4]Ministry of Electronics and Information Technology, Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2026 (notified February 20, 2026).
[5]Suniel V. Shetty v. John Doe & Ors., Commercial IP Suit (L) No. 32130 of 2025, order dated October 10, 2025 (Bombay High Court, per Justice Arif S. Doctor).

for using AI to synthesise the plaintiff's image, voice, or name without consent. The ruling was significant in that it demonstrated that Indian courts are willing to go beyond existing statutes and expand personality rights to include protection against AI-generated harms. While the ruling was confined to a specific set of facts, it foreshadows a possible judicial response to similar situations.

4. Three Priorities for Compliance Teams

4.1 Map AI value-chain roles against existing liability rules

MeitY's guidelines make a crucial distinction between the entity that develops an AI system, the entity that deploys it, and the end-users who engage with its outputs. India's existing liability rules, however, do not always make this distinction. The Information Technology Act only speaks of "intermediary" and "publisher," which do not necessarily apply to AI developers, or to the firms that deploy third-party models. Regulators appear to recognize this gap, and are expected to issue additional guidelines clarifying applicability of existing laws to different categories of AI developers and deployers. Until then, courts and regulators will attempt to interpret statutes and guidelines through the lens of the new technology. This means that a company that deploys an AI model developed by a third party, or allows its users to do so, must understand its role in the value chain, and potential liability exposure.

4.2 Build consent architecture capable of surviving a data unlearning request

This presents two compliance challenges. First, organizations must ensure that consent to processing of personal data is given in a manner that allows it to be revoked- specifically, that it is not buried in a set of terms and conditions that the user is unlikely to read. Second, legal, product, and engineering teams must determine what steps will be taken when such revocation takes place. This may entail designing systems to allow for deletion of personal data, or even entire models trained on such data, or for rolling back updates to previous versions of a model. Most Indian AI companies do not have documented procedures for any of these steps. These are technical questions, but legal teams cannot leave them to their product and engineering counterparts: responding to a request for data unlearning under the DPDP Act[6] weeks or even months into its

[6] Supra note 3.

enforcement will always be preferable to having to retrofit a system for it. Creating even the most basic of processes will significantly reduce the burden on legal teams.

4.3 Treat MeitY's guidelines as a practical baseline, not a voluntary option

MeitY's guidelines do not currently carry the force of law. That is unlikely to change for some time. However, AISI is expected to begin assessing systems for safety risks, and sandboxes for testing AI systems are expected to be created in due course. Additionally, a unified registry of AI-related incidents, including failures and near-failures is expected to be created. Companies that have voluntarily adopted the guidelines - specifically, those that have committed to following its seven principles, published relevant information, and set up grievance redressal mechanisms will find themselves better prepared when AISI begins its operations, and when enforcement begins more broadly.

5. Findings and Conclusion

India's AI governance framework is at the stage of institutional building: the AI Governance Group and AISI must develop their capacities to perform their functions as prescribed by MeitY. It is expected that sandboxes for AI development will be created, and that a unified registry of AI-related incidents will be created. Where laws prove insufficient to govern a particular harm, courts will be slow to interpret them in novel ways, and new legislation will be necessary.

India's regulators have, for the most part, adopted a principle-based approach to AI governance. This has created grey areas, but it has also created opportunities for organisations that are prepared to engage with them. In particular, early adopters of best practices are likely to find themselves in a stronger position when courts and regulators attempt to interpret statutes and guidelines when actual harm occurs. Few Indian AI companies appear to be aware of this yet. Some of the companies that are beginning to prepare for stricter AI regulation are likely to find themselves playing an outsized role in shaping India's emerging AI governance regime. The others will find themselves playing catch-up.