

## News

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**The ballot, the bot, and the good all court dispute.**



***It is clear that society will be significantly impacted by both the SIR order and the IT Rules.***

On February 20, 2026, two completely independent legal developments can be identified.

***The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2026 (the IT Rules), which alter the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, are at one extreme of the range.***

The Supreme Court of India's decision in *Mostari Banu v.* is at the other end. The Election Commission of India, in which a current chief minister personally opposed the Election Commission of India's Special Intensive Revision (SIR) for the State of West Bengal's impending state elections.

***Only because of the immense impact they will have in the future are these two discoveries connected at the hip. The Supreme Court's order was intended to allay the worries of the petitioners in the SIR case who had questioned the diligence being carried out by the Election Commission, even though the IT Rules are intended to address safety concerns on the internet by strengthening the due diligence obligations of social media intermediaries with regard to artificial intelligence (AI) generated content on social media.***

There is no denying that the development of AI will have a profound effect on society as a whole. Synthetically Generated Information (SGI) is introduced and governed by the IT Rules. This can be defined as artificial media, such as audio or video, that can look to portray a real person or event in a way that could fool viewers into thinking it is authentic. For instance, the emergence of social media sites like Moltbook, which is modeled after Reddit and is solely intended for artificial intelligence bots to interact with one another, has reduced humans to the status of passive onlookers. With the exception of the audience being human and the actors being algorithms, it is a digital environment that lies in between *Westworld* and *The Truman Show*.

***Every instance of SGI posted on social media platforms is required by the IT Rules to be (i) clearly labeled to show that it was created artificially and (ii) permanently embedded with metadata that identifies the computer resource of the intermediary that created, generated, modified, or altered the information [Rule 3(3)(ii)]. This rule has a major impact since it makes all AI-generated content on social media immediately traceable, shielding the public from false information, fake news, and misleading advertising.***

The SIR order appears to be at the opposite extreme of the spectrum. The Supreme Court has hardly ever noted that its own order is exceptional. Interestingly, the brief SIR order draws the distinction that it is remarkable three times. There are two reasons why the SIR order is unprecedented, even while it is clear that the Supreme Court's primary motivation for passing it was to prevent the disenfranchisement of legitimate voters (a worry that the petitioners allayed).

***One is that court officers have never before been asked to perform a judicial review of the claims made by individuals who might have been wrongfully removed from the electoral rolls and to render decisions right away, at a speed never before witnessed. Second, it calls on members of two separate constitutional bodies to cooperate in order to safeguard democracy, which is central to India's social compact. It may be possible to rethink this arrangement at a later time because it leaves open (i) how judicial officers will collaborate with ECI officials and issue orders, and (ii) what those orders will entail.***

Given that both the SIR order and the IT Rules are intended to accomplish a goal that can only be characterized as positive—whether it be for the Ballot or the Bot—it is clear that they will both have a substantial impact on society.

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