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The Problem of Fake News in India: Issues, Concerns and Regulation

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Fake news has existed since the dawn of the printing press but in the age of internet and social media, it has found a tremendous application. Manipulation of algorithms of social media and search engines—to reach large audiences and mislead news consumers is a global trend now. Fake video clips, news stories with morphed media logos, bots, paid commentators for favourable online reputation (troll farm) have become very common. Governments are using the threat of fake news to clamp down on free speech.

Globally, Snopes and in India Social Media Hoax Slayer, AltNews are some forums which expose fake news. Editor of Postcard News (India) was arrested for spreading falsehoods aimed at creating communal discord. Russia has been accused of manipulating the 2016 US elections through bots and fake news; it is a well-documented case of inter-national online manipulation. Russian interference in elections in the US and West Europe has been the biggest content manipulation concern in recent years. Facebook in the light of mounting criticism in the wake of Cambridge Analytica data scandal has announced that it will fight fake news and political misinformation, with new controls intended to ensure authenticity and transparency among advertisers and publishers.

Freedom House's Freedom on the Net 2017 report

- Online manipulation and disinformation tactics played an important role in elections in at least **18 countries** over the past year, including the US.
- The **Chinese and Russian regimes pioneered** the use of surreptitious methods to distort online discussions and suppress dissent more than a decade ago, but the practice has since gone global.
- **Paid Government Commentators:** Venezuela, the Philippines, and Turkey were among 30 countries where governments were found to employ armies of “opinion shapers” to spread government views, drive particular agendas, and counter government critics on social media.

- **Both state and non-state actors** are increasingly creating automated accounts on social media to manipulate online discussions.
- In Mexico, an estimated 75,000 automated accounts known colloquially as **Peñabots** have been employed to overwhelm political opposition on Twitter.
- Bots drown out activists with hate speech on the web. Fake news is overwhelming and eclipsing the real truth.

The Scale of the Problem in India

- Misinformation and disinformation spread in media is becoming a serious social challenge. It is leading to the poisonous atmosphere on the web and causing riots and lynchings on the road.
- In the age of the internet (WhatsApp, Facebook, Twitter,) it is a serious problem as rumours, morphed images, click-baits, motivated stories, unverified information, planted stories for various interests spread easily among 35 crore internet users in India.
- There have been many instances of online rumours leading to killings of innocent people. In some cases, ministers have deleted tweets after realizing the fake news which they shared earlier.
- ***In India, WhatsApp is the platform most vulnerable to fake news.*** Millions of Indians (a vast percentage is uneducated) using mobile internet innocently forwarding 'good morning' messages every day are seen as most vulnerable to fake news.
- In the recent Karnataka Assembly elections (2018) fake news about rival parties and candidates flooded the media.
- It may not be a coincidence that India has the highest number of selfie deaths (person dying while trying to take a selfie) in the world (76 deaths out of 127 reported globally between March 2014 and September 2016). Use and abuse of mobile and internet remain a concern.

Fake News Damages: Popular Examples from India

- Muzzafarnagar riots of 2013: fake video fuelled communal passions
- UNESCO has declared 'Jana Gana Mana' best national anthem in the world (WhatsApp)
- Dawood properties worth Rs 15000 Cr seized in Dubai (Zee News, ABP)
- President Kovind makes Twitter debut; gains 3 million followers in one hour (Republic, Zee news, TOI etc.)
- Nostradamus had predicted the rise of supreme leader Narendus (Zee News)
- Dying Woman Molested, Video shows (The Hindu)
- Fatwa in Saudi Arabia; Men can eat wives when hungry (AajTak)
- GPS tracking nanochip in 2000 Rupee notes (Nov 2016)
- Salt Shortage rumours (Nov 2016)
- Child kidnapping rumours lead to lynchings by a mob in Jharkhand

- Minister using a Russian photo to show LED-electrification of streets
- Ministry of Home Affairs (MHA) annual report used a picture of Spain-Morocco border to show Indian border floodlighting
- Missing JNU student Najeeb Ahmed has joined the ISIS

Laws and Regulation to Curb Fake News in India

- There is no specific law against fake news in India. Free publication of news flows from Article 19 of the Constitution guaranteeing freedom of speech.
- **Press Council of India**, a regulatory body, can warn, admonish or censure the newspaper, the news agency, the editor or the journalist or disapprove the conduct of the editor or the journalist if it finds that a newspaper or a news agency has violated journalistic ethics.
- **News Broadcasters Association (NBA)** represents the private television news and current affairs broadcasters. The self-regulatory body probes complaints against electronic media.
- **Indian Broadcast Foundation (IBF)** also looks into the complaints against contents aired by channels.
- **Broadcasting Content Complaint Council (BCCC)** admits complaints against TV broadcasters for objectionable TV content and fake news.
- **Indian Penal Code (IPC)** has certain sections which could curb fake news: Sections 153 (wantonly giving provocation with intent to cause riot) and 295 (injuring or defiling place of worship with intent to insult the religion of any class) can be invoked to guard against fake news.
- **Section 66 in The Information Technology Act, 2000:** If any person, dishonestly or fraudulently, does any act referred to in section 43 (damage to computer, computer system), he shall be punishable with imprisonment for a term which may extend to three years or with fine which may extend to five lakh rupees or with both.
- **Civil or Criminal Case for Defamation** is another resort against fake news for individuals and groups hurt by the fake news. IPC Section 499 (defamation) and 500 (whoever defames another shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both) provide for a defamation suit.

Government Response and its Withdrawal, April 2018

- On 2 April 2018, the government amended the 'Guidelines for Accreditation of Journalists', to tackle fake news across media by providing for cancellation of accreditation of journalists even before the completion of proposed 15-days inquiry.
- **It was withdrawn** in fifteen hours after protests by media for being authoritarian. Note that India's rank is 136 out of 180 countries in the World Press Freedom Index (2017).

- The Rajiv Gandhi government also had to withdraw the 1988 Defamation Bill aimed at curtailing press freedom. In the wake of Bofors and other corruption reporting in media, the bill sought to create new offenses of 'criminal imputation' and 'scurrilous writings'.

Conclusion: Education, Awareness, Regulation Needed

- Fake news is often created and circulated for gaining electoral currency and political gains. Often government's own party and agencies (through the undisclosed purchase of political ads and IT cells) may be involved. It is a rising trend seen in many countries led by China and Russia where internet manipulation and control is very high.
- Any future legislation to curb fake news should take the whole picture into account and not blame the media and go for knee-jerk reactions; in this age of new media anyone can create and circulate new for undisclosed benefits.
- Controlling fake news is a tricky issue: not controlling trolls could lead to national and international instability while doing too much to control it could harm democracy.
- Countering content manipulation and fake news to restore faith in social media without undermining internet and media freedom will require public education, strengthening of regulations and effort of tech companies to make suitable algorithms for news curation.
- Italy, for example, has experimentally added 'recognizing fake news' in school syllabus. India should also seriously emphasize cybersecurity, internet education, fake news education in the academic curriculum at all levels.