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Supreme Court on Curbing Fake News

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Why in News

Recently, the **Supreme Court** has asked the Centre to provide **information on the existing legal mechanisms to deal with complaints about the content on television channels.**

Further it has asked the Centre to create an authority to check **fake news** and bigotry on air.

Key Points

- **Background:**

- The court was hearing a **Public Interest Litigation** (PIL) filed by various organisations who objected to the reporting by certain television news channels and news portals on the **Tablighi Jamaat event** held in **March 2020**.

The religious gathering **emerged as one of the early hot spots of Covid-19** in the national capital.

- The **petitions sought a direction from the court to stop the dissemination of fake news and to identify and take strict action** against sections of the media that **communalised** the incident.
- In **October 2020**, the bench asked the Centre to file a response on steps taken to ensure fake news is not circulated through online and electronic media platforms.
- The government, through the Ministry, **filed an affidavit in November and cited its advisories**, which maintained that **media coverage of the case predominantly struck a balanced and neutral perspective**.

It held that as a matter of journalistic policy, any section of the media may highlight different events, issues and happenings across the world as per their choice and it was for the viewer to choose from the varied opinions offered by the different media outlets.

- The court **rejected the affidavit as inadequate** and asked if the regulatory provisions of the **Cable TV Network (Regulation) Act of 1995**, meant for cable networks, would apply to TV broadcasts as well.

- **Fake News:**

- Fake news is **news, stories or hoaxes created to deliberately misinform or deceive** readers.
- Usually, these stories are created **to either influence people's views, push a political agenda or cause confusion** and can often be a profitable business for online publishers.
- Fake news **affects free speech and informed choices of the subjects** of the country, leading to the hijacking of democracy.
- **Controlling Mechanism:**
 - **Rebuttal:** It is a **form of fact-checking** wherein the fake news is debunked by pointing out errors like mismatch, malicious editing and misattribution.
 - **Public Education: Educating the end-users to be more discerning consumers** of news by informing them of verification tools so that they can ascertain the accuracy of a news item before sharing it.

- **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:** It is a regulatory body which 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:** It represents the private television news and current affairs broadcasters. The **self-regulatory body** probes complaints against electronic media.
- **Indian Broadcast Foundation:** It looks into the complaints against contents aired by channels.
- **Broadcasting Content Complaint Council:** It admits complaints against TV broadcasters for objectionable TV content and fake news.
- **Indian Penal Code: Section 153** (wantonly giving provocation with intent to cause riot) and **Section 295** (injuring or defiling a place of worship with intent to insult the religion of any class) can be invoked to guard against fake news.
- **Information Technology Act 2000:** According to the **Section 66** of the act, if any person, dishonestly or fraudulently, does any act referred to in **Section 43** (damage to computer, computer system), 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:** It is another resort against fake news for individuals and groups hurt by the fake news. **IPC Section 499** (defamation) and **Section 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.

Way Forward

- Fake news has existed since the dawn of the printing press but in the age of the internet and social media, it has found a tremendous application. Manipulation of algorithms of social media and search engines is a global trend now.
- Misinformation and disinformation spread in the 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.
- 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.

- Any future legislation 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.

Source: TH