Fake News

Why in news?

Recently, a TV anchor was booked by Karnataka Police for allegedly spreading misinformation and fake news.

What is fake news?

- **Fake news** - It refers to false reports or misinformation shared in the form of articles, images, or videos which are disguised as real news.
- **Aim-** To manipulate people's opinions for political or commercial gain.
- **Types-** There are 4 common types of fake news.
    - **Targeted misinformation**- Fictitious piece of information shared for self-serving interests.
    - **Fake headlines**- Headlines depicting fictitious facts to generate attention called as clickbait headlines.
    - **Viral posts**- The large social networks favour shares, likes, and followers.
    - **Satire-** Satirical news pick up on current affairs and news items and mix them with fictitious, and often irrational events.

What are the consequences of fake news?

- **Infodemic-** It is too much information including false or misleading information in digital and physical environments during a disease outbreak.
    - For example, rumours about COVID vaccine, made public hesitant to put vaccine.
- **Mob lynching**- The 24-year-old Tabrez Ansari was brutally beaten by a mob in Jharkhand for alleged theft, eventually leading to his death.
- **Communalism-** Targeting particular religion tends to create unrest situation.
    - Example- Rumours that Muslims were spreading COVID.
- **Media distrust-** It disrupts the public confidence over the media.
- **Undermine democracy**- It erodes the public trust in democracy, people are the core in a country if they are delivered fake news, it erodes public trust in the institution of democracy.
- **Spread hatred-** Fake news act as a platform for harmful conspiracy theories and hate speech.
- **Digital wildfire-** World Economic Forum's Global Risks Report in 2013 warned that misinformation could spark "digital wildfires" in our hyper-connected world.

What are the legal provisions available to tackle fake news?

Legislative measures

- Fake news is considered as a crime under both the *Indian Penal Code and the Information Technology Act, 2000.*

Indian Penal Code (IPC)		
Provisions	**About**	**Penalty**
Section 153A- Promotion of enimity	Criminalises acts that promote hatred or ill-will between different religious, racial, or linguistic groups, and actions prejudicial to the maintenance of communal harmony	Imprisonment of up to 3years, a fine, or both
Section 292- Publication	Criminalises the sale, distribution, or public exhibition of obscene books, pamphlets, or other materials	1st offence-Imprisonment for up to 3 months, fine, or both Subsequent offence- Imprisonment for up to 2 years, fine, or both.
Section 499- Defamation	Defines defamation as making a false statement to harm a person's reputation. Exceptions- "Imputation of truth", which is required for the "public good" and thus has to be published.	Punishment is dealt under Section 500
Section 500- Punishment for criminal defamation	In India, defamation can be both a civil and a criminal offence. Punishment for criminal defamation is dealt under this section	Imprisonment for up to 2 years, a fine, or both. Rahul Gandhi was sentenced to 2 years in prison under this section, which triggered the law that led to his disqualification from Parliament.
Section 503- Criminal intimidation	Criminalises the act of threatening another person with injury to their person, property, or reputation with the intention to cause fear or compel them to do something against their will	Imprisonment for up to two years, a fine, or both, depending on the circumstances and severity of the threat.
Section 504- Intentional insult	Pertains to intentional insult with intent to provoke breach of the peace".	Imprisonment for up to two years, a fine, or both
Information Technology Act, 2000		
Provisions	**About**	**Penalty**
Section 67- Publication in electronic form	Pertains to "publishing or transmitting obscene material in electronic form"	3-year prison term, a fine, or both
Section 69- National security	Empowers the government to intercept, monitor, or decrypt any information generated, transmitted, received, or stored in any computer resource in the interest of national security.	Does not specify a punishment but outlines the government's authority to access such information under certain conditions.

Section 69- Safe harbour provision	Provides safe harbour provisions for intermediaries, shielding them from liability for user-generated content if they follow certain due diligence requirements.	Does not specify punishment but defines the legal responsibilities and immunities of intermediaries in handling user content

- **Disaster Management Act, 2005-** Section 54 says that if any person circulates any fake news or warning as to disaster, or regarding its severity or magnitude, which leads to panic among the public, then such person shall be punished with one year of imprisonment or with fine.
- **The Digital Personal Data Protection Bill 2023** - It has provisions to curb the misuse of individuals' data on online platforms.

Other Measures

- The Government has set up of a *Fact Check Unit* under the Press Information Bureau.
- It has notified the *Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021*, under the Information Technology Act, 2000.
- Some well-known initiatives are, the launch of a chatbot named *'MyGov Corona Helpdesk'* by WhatsApp in partnership with the health ministry to provide accurate information.
- The government has also imposed *limitation on the forward of WhatsApp messages.*

*The **Shreya Singhal v. Union of India** case has exempted the intermediaries from incurring any liability for the content posted by the third parties.*

What lies ahead?

- *Karnataka oversight panel* was constituted to curb fake news and menace of misinformation especially in digital platforms, without curbing the freedom of expression.
- It is necessary to enlist the support of social media in calling out fake speech.
- The principle must be to identify what is false and trust the people.

References

1. Indian Express- Explained fake news and misinformation
2. WHO- Infodemic negative impact on people's health
3. World Economic Forum- What is fake news

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