Supreme Court's Stay on Govt's Fact Check Unit

Why in news?

Supreme Court had stayed the operation of the amended IT rules which introduced Fact Check Unit (FCU) to identify "fake news" on social media.

What is a FCU under Public Information Bureau (PIB)?

- **Launch year**- 2019
- **Ministry-** Ministry of Information and Broadcasting.
- **Location-** It is based in the National Media Centre (New Delhi).
- **Mandate-** To counter misinformation related to government policies, initiatives, and schemes.
- **Coverage-** Any matter that does not pertain to the Union Government is not taken up for evaluation or fact-checking by the PIB unit.

- **Function-**It addresses complaints either voluntarily or upon receiving references through various channels such as WhatsApp, email, postal mail, and the PIB's website.
- **Fact check mechanism**- It is based on the ***"FACT model"*** — Find, Assess, Create, and Target.
- **Evaluation of complaints-** It is done by a two-step process.
  - The received complaints are researched against *authoritative government sources* such as websites, press releases, and government social media accounts.
  - The unit then checks complaints with the *concerned Ministry*, and creates content for social media.
- **Tools**- Technological tools like *reverse image search and video analysis* are used to verify the authenticity of viral content.
- **Categories-** After rigorous fact checking procedure the unit classifies information into ***Fake, Misleading, and True***.
- **Report-** The unit reports to the ***Principal Director General, PIB*** who functions as the Principal Spokesperson of the Government of India.

What is the recent notification by the Centre regarding FCU?

- **Notification-** The Centre recently notified fact check unit under the Press Information Bureau as the authorised unit for the Union government.

> *It has been notified under the recently amended Information and Technology Rules of 2021.*

- **About-** To flag “fake, false or misleading online content related to the government".
- **Check accuracy**-The unit will take a call on whether online information related to the Central Government is accurate.
- **Label content**- The body will have the authority to label content related to the government on online platforms like Facebook and Twitter as “fake” or “misleading”.
- **Safe-harbour provision**- The online intermediaries will have to take down the content labelled as fake by the FCU or lose their legal immunity against third-party content online.
- **Block content**- Social media sites will have to take down such posts, and internet service providers will have to block URLs of such content.
- The Bombay High Court recently refused to stay the setting up of a Fact Checking Unit (FCU) under the recently amended Information Technology Rules.
- Supreme Court overturned a previous decision by the Bombay High Court, granting a stay on the establishment of the Fact Check Unit.

To know more about authorizing fact checking click here

Why Supreme Court stayed the operation of FCU?

- The petitioners argues that FCU could potentially be misused by the government to control information available to voters, impacting free speech.
- The court recognized the potential impact of the Fact Checking Unit on free speech guaranteed by the Constitution of India.
- Split verdict- It was delivered by the Bombay High Court about the validity of Rule 3(1)(b)(5) of IT rules 2021, with one judge striking down the rules and another upholding them, a third judge’s decision is pending.

Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules 2023 amended IT rules, 2021

- The Supreme Court stayed the FCU operation until Bombay High Court arrives at a final decision on the challenge to the amended IT rules.
- **Centre’s stand**- It would be limited to government business and would not include criticism of the prime minister.

What lies ahead?

- The FCU under PIB would function the same way except the powers ascertained to them by the Centre’s recent notification as it is stayed by the government.
- The Supreme Court's decision to set aside the Bombay High Court's order and its recognition of the constitutional implications of the Fact Check Unit underscore the importance of protecting fundamental rights, including freedom of speech and expression.
- The outcome of the Bombay High Court case would affect the legality of similar FCUs in other states (Tamil Nadu, Karnataka, and Uttarakhand)
- This legal battle highlights the judiciary's role in safeguarding democratic principles and ensuring accountability in governance.

References

1. Indian Express- SC stayed fact check unit
2. Indian Express- Government fact check unit
3. PIB- About fact check unit