

## THE MENACE OF FAKE NEWS: LEGAL ISSUES AND CHALLENGES

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**ABSTRACT:** Fake news is social, psychological and legal problem. Its menace adversely affects the dogma of free speech and expression. It is important to distinguish fake news and real facts based news. There is need for standard framework to monitor the viral news in social media platform like WhatsApp, Facebook, Twitter so that its veracity can be checked. There are many adverse effect of such fake news either resulting into mob lynching or electoral benefit to any political party. There is need to formulate a standard law to tackle the issue of fake news so that its genesis can be identified. Specific amendment are required in IT regulations and Representation of People Act,1951.

**KEYWORDS** - Fake News, Social-media, free Speech, Hate Speech, Facebook, WhatsApp.

### I. INTRODUCTION

Fake news information is usually based on untrue, bogus proclamations, intentionally disseminated by means of social & print media. However, the contemporary issue is not clear, as there is diverse category of fake news which can't be countered due to lack of legal basis. Within the auspice of fake news, different terms like fake, distorted and misreported news have been often quoted by UN and other international instruments. Technological development across the globe have made far-reaching changes the manner in which people are involved and inter-associated and take an interest in their societal, political and public activities. In India, low-priced mobile information and cell phones have radically increased the exchange of information whether it carry true, false or completely hate based content. Over the few years, the social media and other messaging forums have become very vibrant where any kind of content is disseminated within short span of time having unanticipated & possibly intended/unintended effect in the form of death caused by mob or lynching. From historical perspective, India has traditional convention of cross-generational Knowledge and transmission of data.

The Indian societal paradigm is based upon collectivism where enormous number of individuals will characterize and recognize themselves comparable to a gathering or an assortment of convictions as opposed to underscoring on absolutely singular premise. In current occasions, these qualities appear to have made an open door for an environment which encourage deception, misreporting of facts, manipulations of information & it is additionally enhanced & aggravated with technological usage. The makers of "misreporting & manipulation of facts" in India broadly consists of excessive group cohesiveness, psychological group-think which are over-dependent upon interpersonal correspondence and conformity to majorly accepted view.

With better accessibility of internet and portable cell-phone expanding exponentially, such correspondence has result into online portals of enormous data sharing. It is utilized as a prolific basis for creating data by makers who may have fluctuated inspirations including polarizing issues and making a dread related tension which exploit acknowledged value-based conviction and frameworks. News forums depicting information which is lined up with its concerned associations, priorities and common residents who disseminate such data deliberately or unexpectedly just exasperates the results of unsubstantiated information..Fake news is characterized as purposely deceptive report delivered for financial profit which disseminate via web-based medium because of the absence of viable section bar to media management and administration.It has been noted & observed that users of social networking platforms construct their own personalized echo-chamber. Such group based interactive platform filter information-based people who are largely suited to particular political opinion, ideology. These social media-oriented participants are keen to connect compatible and alike people in various online groups irrespective of their territorial space between them. Most of such active participants/users added each other as friends in famous social networking platforms like Facebook, twitter, etc. Their respective opinion is often followed, liked, shared on these web platforms. Such kind of reverberated outlook uncovers the fact that users of social media/social networking platforms are usually float away from the real facts.

The occurrence of falsification and misstatement is the consequence of the explanation of and exchange between media, monetary interests and political authority. A nexus or web of active users, that try to coordinate the suppositions/convictions/view of general people, particularly related to political leaders by vote based process, has become focus of attention. There are few expert researchers who observed that the kind of echo-chamber prevalent in social networking platforms, are totally alike to the development and transmission of irresistible

maladies, and to evade the far-reaching misstatement & misrepresentation, there is a requirement for comprehensive scrutiny and examination of dissemination. There is no doubt that Fake news is fanning out quickly, compromising with democratic values and generating disarray within social media users.

## II. THE PROLIFERATION OF FAKE NEWS

The huge elevation in the proliferation of fake news, particularly in India, is because of three reasons. Firstly, fake news has become instrument for structured ideological groups to influence voters and impact the law-based procedure through the exponential mushrooming of distortion and fabrication. Secondly, India has the differentiation of having the most moderate internet plan across the globe presently. It also implies that the individual financial expenses in spreading and sending such messages don't have any such hindrance to fast correspondence of bogus news. Thirdly, one of the most significant element in the proliferation of fake news is the expanded utilization of privately encoded applications like WhatsApp & Facebook, Twitter, whose organizational framework blossom with "viral substance" which have the eye-catching and manifest character. Such information/material is of thrilling, atomizing, subversive and provocative character. The failure of such applications to regulate such information/ material to guarantee that only information which is precise is flowed among its members further worsens the issue. The issue of fake news contains complexities and subtlety and so necessitates a contemporary and multi-level strategy to counter such menace, rather than the application of prohibitions, bans and restriction via legislation. The appropriate response is not actually based upon jeopardizing free discourse and liberty of press, instead states have to reliably put their resources into conscious awareness of voters, literacy based program for voters and vibrant ambiance for basic intuition for general evaluative/analytical reflection of thoughts as followed and practiced in few European nations through creation of basic framework to have intended results by educational scheme.

It escalates from fountainhead to social media users by an intricate regime of websites, media platforms, e- programs. Such segregating structure engage social media users with sharing and facilitating different kind of manipulations leading to misinformation. Such polarization often aggravated due to societal hegemony and unfriendliness. There are certain aggravated factors like particular manifestation and bias leads to exposure of messages and these hoaxes

go viral successfully. In such circumstances, it is possible that many social-media users are also selective of their target on influential individuals and disseminate misinformation about them. Such malicious content may attract political group of different affiliations & ideology. It is true that such of kind of misuse of social media bring paradigm shift in various political dimensions and electoral process. It is not necessary that every news including dissemination of correct information and fake news would become viral simply because it has been shared by few persons. It is possible that such message or information might be propagated further by luminaries and media instrumentalities having numerous followers, which reach to larger public fulfilling the objective of such misinformation. There is no denial over the fact that the fake message/information shared in social media & other sources, are usually articulated in such a way that common people considered it credible piece of information and they doesn't able to differentiate between truth and distorted/false facts considering the nature, quality of information. So, there is strong likelihood that people share and propagate such news/information depending upon their social/political/economic beliefs.

In every political spectrum, the influence of substantial political organizations at every level helps in making and propagating chain of misinformation due to various factors. Such misinformation is not merely based upon on certain level of misunderstanding or misconception, but rather it consists of organized, mobilized and planned drive which may serve a specific political or profit-oriented objective. For example, the Britishers executed a strong drive against fake news/misinformation about alleged German brutality during World War so that strong public perception could be mobilized and created against Germany. But such endeavours backfired as the reminiscence of such fake news result into public distrust when news of massacre was circulated.

### **III. THE CONCEPT OF FREE SPEECH UNDER INDIAN CONSTITUTION**

The Indian Constitution in its Article 19 (1) express about freedom of speech and assertion for all citizens. Such freedom of speech connotes right of having free assertion, manifestation, opinions, with own belief in any mode. The expression also include dissemination, notification and publicizing freely of content in the press. Emancipated and unobstructed production of ideas, opinion is required aspiration and it could be achieved through usage of press or social-media. Thus, importance also has been given to the freedom of dissemination. Such kind of rights also include privilege of propagation as well as

publications. Various Court also interpreted this article in a sensitive manner and articulated it with maturity considering the principle of natural justice and balance of rights. Right of expression also applicable in print media and social media. Though, it is clear this article is not really absolute as Article 19(2) put equitable restriction where application of such right won't be exist especially in matter of public peace, decency, moral ethics, national security, sovereignty or anything which is contempt of court or defamatory statements/gestures & incitement-based subject-matter. There is no doubt that this list is comprehensive in nature and there can be numerous justifications as to how it can be related and pertinent to any of these grounds.

There are many existing provisions in Indian Penal Code and legislations on prohibitions inciting riots, defamations, obscenity, scandalous statements made to public servants or against courts. Fake news could be regulated by state if direct link could be proved with either above existing provisions and legislations and appropriate section can be invoked. However, it is important to comprehend as to why the state wish to regulate and prevent fake news. How come the false information/misinformation become a serious problem? What could be possible consequences? How it could be related to Article 19(2) of the Constitution. Examples of false public alarm, rising cases of mob lynching, obscene memes, getting unjust political benefit for election, morphing photos with anyone and putting it social media are major concern. In those situations, police will start investigation looking for invoking provisions of IPC against such crimes, but the cause and motive of false information/misinformation are unlikely to be introspected because such misinformation doesn't fit into any appropriate section of IPC. Hate speech is no doubt altogether a different offence having numerous social and economic implications in any vulnerable and civil society. A hate speech could be directed and detrimental to any particular religion, caste, community, sect, region or any group of people where malicious propaganda was spread over social-media or print media. Such propaganda is usually based upon certain zealotry belief which raises mud-slinging online on anyone. It may also incite people to commit violence on any level violating number of offences. It is true, every case of hate speech doesn't necessarily includethe element of fake news/ spurious information either in any social discussion or political discourse on any platform. But, whenever there is assimilation of hate speech and fake news, the worst kind of ramification depends upon the nature of provoked message and impact of mobilization of public. For instance, there are number of cases where a group of people influenced by any false basis of propaganda, commit grievous hurt or murder any person with a belief that they are doing mob justice. In such cases of mob justice,

there is mistaken identity of victim considering him/her as some kind of witch or child kidnapper or anyone who is going to commit any serious offence. In many of such fake news-based mob justice, people usually take law into their hands because of the intensity of provoked content shared either on Facebook or WhatsApp by anyone and out of fear, such acts are executed. It is universally acknowledged fact that practice and propagation of free speech are necessary constituents of any democratic society where unreasonable restrictions are always discouraged. So, it is also true that every kind of hate speech including element of malicious and fake news is antithesis to democratic values and ethos in a civil society.

Thus, prevention and regulation of fake news will have difficult path ahead. Sometimes, there are certain false information which are created initially by twisting few facts of any true information, later when it was twisted further and understood differently during circulation. In these situations, it is possible the element of deliberate & pre-concerted action may or may not exist. Those unverified statements and information spread quickly by sharing and circulating from one WhatsApp group to another and one Facebook group to another. Sometimes, it is difficult to track identity of rumour-based information as it was projected as true information and carried forward to numerous social media users. Most of the people accept exaggerated or false facts because they don't want to verify and understand the nuances, causes of such information. Their false belief is often based on opinion or assumptions generated by anyone else. Such false belief may become public opinion at later stage, which result into disturbance of public order and public peace.

Regulation of social media or print media against fake news and possible legislation is serious matter of deliberation as there is apprehension that such legislation may lead to obscurity. There is well-defined tenet of free speech and expression that any legislation which restrict and impede speech and expression must be explicit and unambiguous. Any type of obscure law which restrain speech is in itself unconstitutional. The reasons for such constraint on account of its inherent subjectiveness which could be comprehended in different ways. Even, the UN joint declaration on fake news made the observation that generic restrictions on circulation of information based upon dubious and obscure perception including fake news and misinformation, are incongruous with global benchmark for restraint on freedom of speech, should be abrogated. There is a matter of apprehension that an ambiguous legislation on fake news could restrict political dissension or any difference of opinion raised by any legitimate stakeholder. In fact, the UN Special Rapporteur on Freedom of Expression has also

criticized and discouraged any law of vague interpretation and excessive penalty where absolute power is conferred upon public officer to determine and prosecute any person sharing critical opinion against government or against political opposition members having sarcastic remark on policy matter. So, such issues related to fake news seems to be controversial and vulnerable in nature. Any kind of impetuous & careless remark and sharing of unverified statement may lead to serious legal ramification if such kind of law could be enforced in any democratic state which could be considered as travesty of justice. Thus, special rapporteur recommended for empowerment of free press and liberty of expression of thoughts along with overall regulation & check on prohibited acts. Even, the Supreme Court of India, while hearing a writ petition, recently reminded social-media, print media to follow sense of reasonableness and rationality and make sure unauthentic news/ information content having potential to cause disturbance of public peace and societal dismay must not be shared and propagated at such public platform. Soon after the judgment, Ministry of Information and Broadcasting sent official memorandum to secretary of Press Council of India and other broadcasting association for further dissemination of this notification to news channel and social-media entities for strict compliance of the judgment given by Supreme Court of India.

There is a matter of serious contemplation as to whether legal regulation of speech and expression of thoughts by press or anyone on any platform, is sufficient enough to tackle and dismantle the rising matter of fake news. It is important to do community-based awareness on integrity and genuineness of information shared and exchanged at various platforms. Apart from these awareness strategy, certain mechanism could be developed at state and central level to identify fake news/any kind of malicious information and appropriate action could be taken to remove the specific content and real information can be published. There are different nations like USA, which made huge investment in different innovation-based technologies for utilizing algorithm to have analytical comprehension about fake information and how does the information have been disseminated and got wide reach among masses and its immediate effects. There may be different anti-social elements who promote their propaganda by misusing false information. In those cases, UN has advised nations to promote self-regulation among various stakeholders and social-media users. It is further instructed that state must fulfil their obligations to encourage healthy ambience for having independent and unambiguous communication in print media, social media or any platform against biased ideological distorted facts and fake news. Besides these instructions, it has been contemplated that there is apprehension to tackle the fake news as it may result into censorship, suppression

of critical thought or any strong action which against human rights. Self -regulation or any regulatory framework must be established and executed in consonance with fundamental principles of human rights, encouragement of diverse opinion, societal uniformity where media stakeholders and social media users can realise their social obligations in the interest of public peace and authenticity of information. There is no doubt over the fact that verification process of any information/ news on various platforms, is tedious and such authentication require surety from state or state's authorised agencies where it could be clarified or rewritten only on the basis of conclusive evidence. So, it is desirable that government must play proactive role in verifying things where they can explore any possible kind of collaboration with any NGO or stakeholder to execute such multi-level task.

#### **IV. ANALYTICAL VIEW OF LAW RELATED TO FAKE NEWS PASSED IN SINGAPORE**

Last year, a specific law on fake news was passed in Singapore named as Protection from Online Falsehood and Manipulation Act (POFMA),2019. The enactment existed mainly due to 4 reasons. and create mechanism to counter ramifications of such sharing of facts. Secondly, there have been many instances where it is proved that there is systematic collaborative effort to finance, promote certain location in Singapore which share and express false & fabricated information at numerous occasions. So, it is important to subdue that system which create many spurious and malicious information. Thirdly, it is important to create mechanism for detecting, restricting and securing against systematic unverified practice and different unauthorised abuse of online social media profiles and groups. Fourthly, it is equally essential to take crucial measures for searching true information based upon which paid news or information was created & shared /circulated for vested interest either for political or socio-economic reason. The lawmakers are certain about the fact that any type of malicious and hatred-based information spread very widely on cyberworld as it is considered as credible fact without any need of getting verified and it poses a major challenge to lawmakers. Sometimes, such action does not explicitly indicate the fact that whether it is just innocent humour or serious violation of law resulting into breach of public peace and threat to nation. There is attempt made by legislators to resolve this complexity through this legislation. Interestingly, one of the leading provision (Article 7) of this legislation states if information or news will be considered as fake and appropriate action will be taken if it fulfil two criteria. Firstly, it should be false expression of information. Secondly, the transmission



of such untrue information/news adversely affect integrity and social security of Singapore or something detrimental to the interest of community health, security, public peace or economic aspect of the state , or be detrimental to the inter-relation of Singapore with different nations or something which adversely affect the electoral process, provoke expression of malicious hate campaign, ill- will or reduce trust of public in the society. The legislation empowers any minister in the Government of Singapore to put such news/information as fake and determine suitable action to tackle such transmission of information. This legislation got mixed response from common people, media-persons and IT sectors. One of the important salient features is that it gives specific powers to government to take drastic action by adopting strategic approach. However, the act provides the right of appeal to the party at every stage. Even, the legislation was appreciated over the fact that it distinguishes between real fact and opinion. The statement of fact was interpreted as expression of certain information made by a prudent person after his visible/ocular/aural observation.

The notification of corrected information/news together with spurious expression of facts by responsible internet intermediaries will lead to more credibility of such online information/statement of facts because of verification and caused to reduction and removal of false subject. However, there are some leading MNCs like Google, etc has raised their reservation on the application of POFMA 2019 by responding that such legislation could create obstacle emerging innovation and technology which is an important part of IT sector. They also opined that this law could be utilized to restrict liberty of expression and it can become a clear obstacle to free and unrestricted internet. Though, legal experts and ministers of Singapore emphasized over the fact that such law is crucial as social media tools and hi-tech entities can't be relied for its own self-regulation. Though, the real challenge exist in the efficient execution of this legislation. There is a matter of contemplation that whether delegated obligations & power on ministers to determine a specific expression of fact/information is true or spurious in nature, as referred in the law related to fake news, is really compatible to administration of justice and impartiality. There is another apprehension raised by experts that, since the appeal provision is explicitly mentioned in the legislation, so judiciary may be overburdened with number of cases. It is also obligatory on every intermediary to keep a track on genesis of fake content spreading on its portal and mode of dissemination on any platform. It is true that not every spurious and false expression of facts have same kind of impact and ramification prejudicial to the interest of society like those

false news followed with hate speech resulting into disturbance of public peace. So, it is substantial to note that the nature and mode of propagation of false message and its capacity to become viral are the determining factor to attract the psyche of common people and result into numerous sharing of such information. However, this particular perspective has not been contemplated in POFMA,2019.

## **V. THE MENACE OF FAKE NEWS IN SOCIAL-MEDIA:INDIAN CONTEXT**

Apart from print press, it is clear that social-media tools are quite famous and accessible to masses in general across any age group, caste, religion, gender or income-based class, etc. It is also more accessible to like-minded people having similar interest in social thought, ideology, political opinion, who involved in creating, sharing similar pattern of message on these platforms. Thus, such platforms could be used in expanding and outreaching message/information of these coterie of people in a group or other groups. This kind of influence in social media platforms has definitely made paradigm shift in the socio-dynamics of communications. It has become unconventional norm that people started to have such discourse in virtual world as well as real world (physical meeting) irrespective of the fact whether such news-based discourse holds true or false. It is also true that most of people doesn't understand the difference fake/fabricated news and true information because of illiteracy and lack of mental faculty to verify the facts.

Few experts observed that a particular theory known as Uses and Gratification Theory actually applicable to social-media users as part of their convenience. This theory states that people usually share, like any message or information for passing time, entertainment and presumed acceptance of their belief on such post for their eventual gratification because of social psyche. The execution of such theory got great accomplishment in sharing political message/post especially in the large interest of electoral benefit in a competitive campaign.

Many fake and fabricated messages/posts were created and shared in every electoral phase across social-media platforms by almost all stakeholders of contesting political parties. Interestingly, it was also found that many political messages oriented pictures with false content and objectionable pictures having defamatory content posted and shared in numerous groups. At many occasions, the Election Commission of India(ECI) finds it very difficult to tackle the rising dissemination of fake news on social media platforms like Facebook, Twitter, WhatsApp, etc. During election period, specific grievance officer was appointed for each social media platform and the same decision was taken by these entities in consultation

with the ECI and Internet & Mobile Association of India. However, these grievance officer find it challenging to address the cases of fake news and hatred campaign as Model Code of Conduct doesn't specifically apply to supporters of political parties and numerous unofficial Facebook pages and Twitter accounts. Moreover, it is difficult for grievance officer to follow & look for fake news across one social media platform. In fact, there is no specific provision mentioned in the Representation of People Act,1951 which give legal power to designated grievance officer to investigate and detect the cases of fake news and their respective obligations & liabilities. Section 126 of the Representation of People Act, 1951 discuss about list of prohibitions of electoral campaign as societal meeting or in print media, etc during 48 hours before the day of voting. The specific provision doesn't refer as to how social-media platforms like Facebook, Twitter, etc could be regulated. Interestingly, there is no specific provision mentioned in the Representation of People Act ,1951 which defines fake news and specifically empower the ECI to take drastic action against make of such fake news which could have many serious adverse ramifications. Last year, when the ECI referred about role of intermediaries (social-media entities) within its Model Code of Conduct, where it is expected from intermediaries to inform ECI on possible violation related to ban on certain advertisement, specific speech by political parties during electoral phase. Many social-media posts were accordingly removed by ECI on Facebook, Twitter.

There is matter of contemplation as to whether the obligations of these social-media entities(intermediaries) limit only to intimation to ECI during election period. Interesting question may arise as to whether these intermediaries have any legal obligations to regulate such social media platforms and if it exists then, what type of measures can be taken. Earlier, Section 79 of Information Technology Act,2000 provide protection to the intermediary where no liability could be fixed on it based upon any information/ content shared or created by any third party on such social media platform. However, The Information Technology (Intermediaries Guidelines) Rules were introduced in the year 2011 and 2018. Now, as per Rules2018, it is incumbent upon intermediaries to intimate social-media users about regulation and private policy where users are not supposed to create, alter, share any message/content which could adversely affect health of public and societal security or anything is prejudicial to the interest of public order. As per the interpretation of latest amendment brought in the IT guidelines rules in 2018, now intermediary is empowered to disable access of the content shared or created by social media user. This law has made the intermediary accountable to the Government now and it is obligatory upon to trace the details

of unlawful (fake) message and its originator. A report of cyber security issue should be made intermediary and submit to Indian Computer Emergency Response Team for appropriate action. Interestingly, Ministry of Information & Broadcasting went through the required amendment for authorization of news reporters & correspondents to control fake news and stated that strict adherence to code of conduct and journalism-based ethics is necessary for approval for authorization. Press Council of India or New Broadcasters Association will hear complaint of alleged fake news depending upon print media or electronic media respectively and its credibility has to be decided within 15 days, once it is proved as fake information as propagated by journalist, his authorization will be suspended. Though, similar kind of strict guidelines doesn't exist for intermediaries, but it is important intermediaries could draft strict rule for their self-regulation where such suspension of account can exist in all social-media platforms like Twitter, Facebook, WhatsApp, etc in case of proved fake news.

However, social media platform like WhatsApp find it extremely difficult to trace creation of fake or fabrication news because of its end to encryption feature. So, it has its own limitation for monitoring and surveillance over number activities which may be true or false. However, there is no provision referred in this particular IT Rules 2018 related to intermediary where what kind of action could be taken against intermediary in case non-performance of due-diligence and obligation referred in the legislation. There is no doubt over that Facebook owned application WhatsApp has been extensively used by public over the number of years. It has become one of the most common mode for communication between two persons ( personal chat) or among various group members in a group. With increased dependence on such app and daily routine usage, many social media users are trying to get disadvantage and exploit it by creating and propagating fake news. Initially, its feature was flexible in nature and it is difficult to follow the cases of shared fake news/misinformation, fabricated & morphed pictures in various groups. With the passage of time, number of public violence, arson and lynching cases were reported, many NGOs, civil societies and government raised concerns and apprehension over the vulnerability features of WhatsApp. Finally, Facebook owned app decided to include new features like concept of labelling of forwarded messages and more powers given to WhatsApp administrator. The real question come whether labelling a message as forwarded one in any WhatsApp chat, is going to dismantle the fake news. It can only help in identifying the origin of such messages to who is originator of such message/content, but it is equally difficult to trace even the originator because of large dissemination of such forwarded fake messages in chain form in numerous groups.

There are certain additional features like two-step verification and privacy features where FAQ has been provided regarding hoax messages or doubtful links for general knowledge of a social-media user. In case, if any WhatsApp user face any problem, he can follow certain instructions. But these instructions are not sufficient enough to restrict and control the menace of fabricated and fake news. In the same way, specific power given to any WhatsApp group administrator or co-administrator to decide who can and which type of message can be posted in a group. Such limited power also can't resolve the issue of fake and fabricated news in WhatsApp application. That is why, there is need to constitute fake news monitoring cell which reporting officer could be appointed to see the task of tracing, detection removal of post/message and taking penal action against perpetrators who create and propagate such fake content.

## **VI. CONCLUSION AND SUGGESTIONS**

It is important to show determination and commitment to combat the rising cases of fake news and numerous misinformation through advertisement and campaigns. There are few lessons & observations which needs to be imbibed to tackle this menace in India. Firstly, it is important to acknowledge and realize the obligations of social-media intermediaries and different IT entities as essential bodies in maintaining state security and its technical skills and know-how have to be implemented for same purpose. Secondly, there are sufficient provisions mentioned in IT(Amendment)Act 2008 for supervising, observing and shutting internet websites and e-groups. ICT entities can play an active role in locating certain messages and texts which went viral and subsequent transmission analysis as to how and where the concerned message or text is quoted and result into commission of actions prohibited by law. Even, the restriction and regulation over forwarding of messages on social-media platforms will be considered as substantial step in a positive direction as it actually assists in reducing the propagation of such messages/texts. Cyber awareness in the society is third factor which will help in identifying and correcting false message came through any spurious content. As a result of such social and legal awareness, it will also restrict over spreading of such false messages. It is possible that certain social-media users, who remain anonymous or hid their real identity & address, are involved in creating original message which might be true or untrue along with propagation of the same. In such scenario, it is important that such originators or propagators should be tracked & detected in advance with the help of

cyber forensics or modern IT facilities. Such type of drastic actions will also help in prevention of possible crimes related to fabrication of electronic messages, fake news and creation of false information along with hatred elements. Fifthly, it is important that expeditious and strong measures have to be taken against such guilty individuals and entities which are resorted to dissemination of spurious contents and information inside and outside the territorial boundary of country. Sixthly, there is always possibility that menace of such fake news could be spread across border of the country in a systematic manner through numerous platforms, in those circumstances it is desirable for state to enter into cooperative arrangement with those specific nations where genesis of fake message could be tracked and identified and appropriate penal actions could be taken such organised criminals and prevent adverse ramifications of such fake news.

Now, there are few private fact-checking entities which are especially working on verifying number of e-sources on these social-media platforms, but such institutions should support from more public and private institutions as a part of collaboration to tackle the menace of fake news. Any kind of necessary surveillance over digital information/content won't affect right of privacy, in fact, it helps in empowering the rise of digital literacy in a democratic society and thus corrective measures could be taken by state authorities and intermediaries. It is important to bring necessary changes in the IT Guidelines (Intermediary) Rules, 2018 where more accountability and liability could be fixed upon intermediary in case of non-action against any unlawful activity/information including fake news within stipulated time period as the practice of self-regulation won't resolve the menace of fake news. The Press Council of India also needs to create model code of conduct for social media entities where concept of fake news and procedure to trace and tackle the problem of fake news could be well-defined and appropriate action could be taken against social-media users by enforcement team whose powers & obligations could be mentioned in the law related to Press Council of India. Similarly, appropriate changes should also be brought in the Representation of People Act, 1951 where the case of fake news could be specifically tackled during election campaign in social media platforms by designated officer as delegated and empowered by the Election Commission of India. It is also desirable for social-media entities to adopt any automated hi-tech tool which help to trace and monitor fake and fabricated news. The collection of fake news/contents by such hi-tech tools should be legally recognized in the legislation and considered it as electronic piece of evidence against guilty person in the court. Thus, it is clear that fake news is such serious phenomenon which requires multi-

dimensional effort including necessary changes in different laws related to information technology and election and establishment of standard operating procedure to detect, dismantle and cure the menace of fake news so that democratic values can be preserved.

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