

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY
RAJYA SABHA
STARRED QUESTION NO.*269
TO BE ANSWERED ON: 10.08.2018

PREVENTION OF FAKE NEWS ON SOCIAL MEDIA

***269 SHRIMATI AMBIKA SONI:**

Will the Minister of Electronics & Information Technology be pleased to state:-

- (a) whether incidents of lynching have increased due to the spread of rumours and fake news in the social media, including WhatsApp;
- (b) if so, the action proposed by Government in this regard;
- (c) whether WhatsApp has come out with more effective solutions to prevent such spread of rumours and fake news like wildfire; and
- (d) if not, the measures contemplated by Government to regulate the social media along with the details thereof?

ANSWER

MINISTER FOR ELECTRONICS AND INFORMATION TECHNOLOGY
(SHRI RAVI SHANKAR PRASAD)

(a) to (d): A Statement is laid on the Table of the House.

**STATEMENT REFERRED TO IN REPLY TO RAJYA SABHA
STARRED QUESTION NO. *269 FOR 10-08-2018 REGARDING
PREVENTION OF FAKE NEWS ON SOCIAL MEDIA**

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(a) to (d): There are media reports about increase in fake news, misinformation/disinformation on Internet particularly using WhatsApp platform. Ministry of Electronics and Information Technology (MeitY) took note of this and issued a notice to WhatsApp on 3.7.2018. In their response submitted on the same day, WhatsApp has conveyed a number of steps taken by them to address the issue of fake news propagated using their platform. In particular, they have shared the strategy of “Giving people the controls and information they need to stay safe” and “To work proactively to prevent misuse on WhatsApp”. Subsequently on 19.7.2018, Government issued a second notice to WhatsApp conveying that they need to come out with more effective solutions that can bring in accountability and facilitate enforcement of law in addition to the promised efforts towards labelling forwards and weeding out fake news.

In this regard, an elaborate and detailed statement has already been made before this house on 26.07.2018 while replying to the debate on a calling attention motion which is placed at Annexure.

Government is fully committed to freedom of speech and expression and privacy of its citizens as enshrined in the constitution of India. Government does not regulate content appearing on Internet. Law enforcement agencies take appropriate action on posting of malicious content on Internet on specific case-to-case basis.

The Information Technology (IT) Act, 2000 has provision for removal/disablement of malicious content appearing on Internet. Section 79 of the Act provides that intermediaries are required to follow due diligence. The

Information Technology (Intermediary Guidelines) Rules, 2011 notified under this section prescribes that the intermediaries shall observe due diligence while discharging their duties and shall inform the users of computer resources not to host, display, upload, modify, publish, transmit, update or share any information that is harmful, objectionable, affect minors or is unlawful in any way.

Further, section 69A of the IT Act empowers Government to block any information generated, transmitted, received, stored or hosted in any computer resource in the interest of - (i) sovereignty and integrity of India, (ii) defence of India, (iii) security of the State, (iv) friendly relations with foreign States, (v) public order, or (vi) for preventing incitement to the commission of any cognizable offence relating to above. Towards more effective enforcement, Ministry of Home Affairs (MHA) has been regularly interacting with popular social media sites like WhatsApp, Facebook, Twitter etc.

MHA has also issued a number of advisories which includes advisory on untoward incidents in the name of protection of cows dated 9.8.2016, advisory on cyber crime prevention and control dated 13.1.2018 and also an advisory on incidents of lynching by mobs in some States fuelled by rumours of lifting/kidnapping of children dated 4.7.2018. Pursuant to the directions of the Supreme Court's order dated 17.7.2018 in WP(C) 754/2016, MHA has issued a directive on 23.7.2018 to all States for implementation of directions of the apex

court and has constituted a Group of Ministers and a High level Committee to make recommendations in this matter.

Statement on Calling Attention Motion Notice under Rule 180 of Rajya Sabha on “Misuse of Social Media Platforms and propagation of fake news causing unrest and violence” on 26 July 2018

Hon’ble Chairman,

I rise to make a statement on Misuse of Social Media Platforms and propagation of fake news causing unrest and violence. Honorable Members of Parliament Shri Bhubneshwar Kalita,, Shri V. Muraleedharan, Shri Mahesh Poddar, Shri Rajeev Chandrashekhar, Prof Manoj Kumar Jha and Ms Saroj Pandey have given a notice regarding calling attention motion that *inter alia* seeks to draw attention to the problem of “Misuse of Social Media Platforms to spread rumours and fake news leading to rising incidents of violence and lynching in the country”.

2 Nature of Cyberspace

- 2.1 The issue raised by my colleagues is extremely relevant. It is important to appreciate the nature of cyberspace and its present status in the country for a comprehensive view in this matter. Cyberspace has distinct and unique characteristics as compared to physical space. It is virtual, borderless and offers anonymity to an extent. As a result, cyber-attacks can be launched from anywhere in the world with limited possibility of trace back and positive attribution. Once anybody is on internet he can access any system on internet spread across the globe from anywhere. The cyber space offers virtual environment where anyone can hide his identity on the network and create a pseudo name or can acquire some other identity. The security of the computer infrastructure acquires greater importance under these conditions.
- 2.2 With widespread proliferation of new technologies like social media and mobile apps, etc. there are some miscreants who are misusing these technologies for committing cybercrimes. Such behaviour is facilitated by virtual and borderless nature of cyber space, where anyone can open account in any name including fake name from any part of the world. Most social networking sites do not conduct background information check and their servers are located abroad.

3 Social Media Platforms

- 3.1 Social media platforms have become the most prominent media to facilitate interactions. They have led to growth of digital medium. Popular social media platforms are Facebook, Twitter, LinkedIn, Instagram, Youtube, WhatsApp etc. Any user can post any content (text, image, video, speech, etc.) from anywhere on social media platform. Typically users of these platforms are identified by the profiles they create. Users are required to provide certain amount of personal information to facilitate connections. These sites facilitate communication between users by means such as fora, chat rooms, blogs, tweets, email, instant messenger etc. In addition several customized features and applications are provided on these websites to share information, photos, audio and video files.
- 3.2 India is today emerging as a big digital power with a proactive people-centric program of creating digital infrastructure focusing on digital delivery of services and thereby digital empowerment leading to digital inclusion where every common man is enjoying benefits of digital governance. With a strong base of 118 crore mobile phones, about 122 crore Aadhaar numbers and 32 crore Jan Dhan accounts being opened, new milestones in digital delivery of various benefits to the citizens have been created. Riding on this Jan-dhan, Aadhaar, Mobile (JAM) Trinity, the implementation of various welfare schemes have been streamlined where by fictitious duplicate claimants have been identified and weeded out resulting in savings of over rupees 90, 000 crores as a result of such direct benefit transfer to the citizens. Initiatives like e- hospital, Jeevan Pramanan, e-scholarships, e- soil health cards, digital payments, digital locker, cloud services and Umang app wherein the citizen can avail the services of over 1,200 schemes of Central or State Governments in the palms of ordinary Indians, empowering the citizens in pursuit of digital inclusion.
- 3.3 India is also a globally recognised IT power where Indian IT companies have displayed their potential on the Global stage and have brought great respect to India. Of late, India is becoming a big centre of the startup movement. The digital literacy scheme namely PMG DISHA that seeks to empower over 6 crore Indians is showing great results. Today innovation, entrepreneurship and inclination of ordinary Indians to improve the

fruits of technology are being appreciated globally. The government is taking initiatives so that in a few years India could become a 1 trillion dollar digital economy.

- 3.4 Of late India has also become an important country where social media platforms have spread their wings. The spread of social media has also in its own way contributed to awareness, connectivity, education, community self-help, information and updates, and business promotion. All this could happen because the big digital economy operates beyond geographical borders.

3.5 Userbase of social networking sites by March 2018:

Social media	World User Base (in crores)	Indian Users (in crores)
Facebook	219	19.4
Twitter	33	2.6
YouTube	100	4.2
WhatsApp	150	20 (upto Feb 2017)

[Source : © Statista 2018]

4 Challenges

- 4.1 While acknowledging the benefits of digital empowerment it has also brought in challenges and some of its reckless abuse has posed a serious dilemma of striking the balance between freedom of speech and expression, awareness, empowerment and the obligation to be responsible accountable so that mobile platforms do not become vehicles to commit crime, incite hatred, provoke terrorism, extremism, promote money laundering etc. The government because of its commitment to respect freedom of speech and expression, freedom of choice and responsibility towards the right to privacy of the citizen is equally cognizant of the mandate of article 19(2) of the Constitution of India where the freedom of speech and expression is subject to reasonable restrictions relating to sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence.

4.2 **Fake news**

Fake news is a type of propaganda that consists of deliberate misinformation or hoaxes spread via traditional print and broadcast news media or online social media. It can include text, visual, audio, data report etc. Fake news is written and published with the intent to mislead in order to damage an agency, entity, or person, and/or gain financially or politically, create disturbance and unrest, often using sensational, dishonest, or outright fabricated headlines to increase readership, online sharing, and Internet click revenue. The typical attributes of fake news are that it spreads fast, is doctored, is incorrect, is malafide, is intentional, is sensational/glamorous, is unverified, and goes viral.

- 4.3 The Government is cognizant that social media platforms are being abused as vehicles for weaponisation of information against India's strategic interest and economic stability and is committed to taking suitable action to deter such action.

5 Action on misuse of social media and fake news

- 5.1 Recently, it has come to the attention of the Government of India that a number of disturbing instances causing loss of innocent lives have taken place in various parts of the country. These are deeply painful and regrettable, as well as a matter of deep concern for the Government. The Government has taken prompt action. The first incident was reports of breach of data at Facebook wherein it was reported that data of a number of their users had been compromised by Cambridge Analytica. Immediately, notices were issued to the two companies and their response sought. Facebook responded that they will streamline their internal processes regarding handling of personal data. They stated that the case of Cambridge Analytica it was a case of breach of trust. They promised to take various other steps to ensure that such breaches do not recur. Cambridge Analytica on the other hand gave an initial response that data of Indians was not breached but this was not in conformity with what was reported by Facebook. Cambridge Analytica also did not respond to a subsequent notice. Therefore, it is suspected that Cambridge Analytica may have been involved in illegally obtaining data of Indians which

could be misused. The Government has entrusted this issue to be investigated by the CBI for possible violation of Information Technology Act, 2000 and IPC. There were also subsequent reports that data of users was illegally accessed by hardware manufacturers who had tie-ups with Facebook. In regard to this issue Facebook has also stated that they are not aware of any misuse of facebook information, including Indian users' information.

- 5.2 The other series of incidents relating to abuse of social media where mob lynchings were reported in various parts of the country consequent to circulation of wild rumours on WhatsApp as a result of which innocent people have lost their lives. The Government swiftly issued notice to WhatsApp since in most incidents such horrible events were preceded by viral circulation of rumours on this platform. In response, WhatsApp have taken steps to increase the friction in propagation of content on the platform by reducing the number of forwards to five and also indicating whether an incoming message is either forwarded or originally composed by the sender. They have also planned to remove the forward button that appears adjacent to the video or audio message. They have also informed that they will be bringing in fact checking and fake news verification mechanisms to help people check the veracity of content on the platform. While taking note of such response, it was felt that it was not adequate to meet the challenges of the situation. Therefore, WhatsApp has been asked to come out with better technological solutions so that misuse of the platform is avoided. Also, the Government has issued second notice issued to WhatsApp and it was conveyed to them at the highest level that being a technological major company, it is equally their responsibility to promptly come up with technical solutions when a harmful message is in wide circulation on the same day in a particular area on a particular issue. It is their obligation to inform the law enforcement agencies when they notice such viral messages.

6 Action taken by MHA

The Ministry of Home Affairs (MHA) has issued a number of advisories including one advisory on untoward incidents in the name of protection of Cows dated 9th August, 2016, another advisory on cyber crime prevention and control dated 13th January, 2018 and also an advisory on incidents of lynching by mobs in some States fuelled by rumours of lifting/kidnapping of children dated 4th July, 2018. Pursuant to the directions of the Supreme Court's order dated 17th July, 2018 in WP(C) 754/2016, MHA has issued a directive to the States for implementation of directions of the apex court on 23rd July 2018 and has constituted a Group of Ministers and a High level Committee to make recommendations in this matter.

7 Legal Provisions to deal with objectionable content on social media platform

7.1 IT Act 2000

Provisions for blocking and removal of content

(a) Blocking of websites/information : Section 69A of the Information Technology Act, 2000 provides for blocking of websites/webpages in specific conditions of -- (i) Defence of India (ii) Sovereignty and integrity of India (iii) Security of State (iv) Foreign relations with foreign states (v) Public Order (vi) or for preventing incitement to the commission of any cognizable offense relating to above.

(b) Disabling or removal of information by intermediaries : Social media site (Intermediaries) are required to disable or remove any unlawful information as and when brought to their knowledge through a court order or by through appropriate Government or its agency. Various law enforcement agencies notify the social media sites for removal of contents / disabling of contents under provisions of section 79(3)(b) of IT Act, 2000.

The Information Technology (Intermediary Guidelines) Rules 2011 notified under section 79 of the IT Act requires that the Intermediaries shall observe due diligence while discharging their duties and shall inform the users of computer resources not to host, display, upload, modify, publish, transmit, update or share any information that is harmful, objectionable, affect minors and unlawful in any way.

7.2 Blocking Compliance of section 69A of IT Act, 2000

- (i) The compliance of the intermediaries in the year 2017 is as follows:

	Facebook	YouTube	Twitter	Instagram	Others
No. of URLs blocked	457	95	321	41	51

(ii) The compliance of the intermediaries in the year 2018 (till June 2018) is as follows:

	Facebook	YouTube	Twitter	Instagram	Tumblr
No. of URLs blocked	499	57	88	25	28

The legal provisions that are currently available with regard to the conduct of intermediaries, which includes various social media platforms, in order to respond to such developments are in the IT Act, 2000. Some of such provisions need to be revised and reinforced so that they can respond to the emerging challenges. This is proposed to be done by strengthening the implementation aspects section 79 of IT Act, 2000.

8. New Measures

- 8.1 It is critical for social media service providers regulated as ‘online intermediaries’ under Indian law, to ensure that the lawful provision of their services and platforms in India in order to continue to receive access to Indian users, should ensure and demonstrate their strict compliance with the Information Technology Act as well as all other applicable laws, as well as submit themselves and their services, platforms and other applications to the jurisdiction of Indian courts and authorities by having a physical presence in India.
- 8.2 To continue to target Indian users, such intermediaries must implement appropriate remedial measures and assist in curtailing any use of such services and platforms that perpetuate harm in Indian society, including loss of life or disruption of public order. This, at the very minimum, necessarily requires them to ensure that all such malicious messages circulated through their services or platforms in India can be traced, and their source of origin be effectively identified by law enforcement agencies or relevant public authority.
- 8.3 The Government is, therefore, seriously considering that through appropriate rules all social media platforms should be required to locate their grievance officer in India who could act as the point of contact for all communication with regard to such grievances. The duty of such grievance officer should cover not only to receive grievances on real time basis but also to inform law enforcement agencies. It is planned to issue directives in public interest to such intermediaries that would require all such social media platforms to ensure that their platforms do not become vehicles for promoting hatred, terrorism, money laundering, mob violence and rumour mongering. They should provide for technological solutions so that verified fake news and provocative messages can be filtered by technical solutions. They should bring in a more effective mechanism for receiving grievances and they should report to the LEAs. They should also seek to provide the facility of verifying fake news on the platform itself.
- 8.4 Further, this government will strengthen the appropriate legal framework to ensure that significant social media and instant messaging service providers targeting Indian users do not deprive Indian users of the right to bring proceedings in India, and of the protections of Indian law.
- 8.5 The Government wishes to make it very clear that social media platforms run by any company or entity is an important stakeholder and therefore it cannot evade its responsibility, accountability and larger commitment to ensure that its platform is not misused on a large scale to spread incorrect facts projected as news and designed to instigate people to commit crime. If they do not take adequate and prompt action, then the law of abetment also applies to them. It is expected that while honouring freedom of speech and expression and right to inform and educate; the mandate of Article 19 (2) of the Constitution has to be kept in mind and there has to be a healthy balance in overriding public interest.
- 8.6 In addition to taking the above reinforcement of legal provisions to make the platforms more accountable, the Government will also promote initiatives to increase awareness among the citizens to become adept in noticing fake news and to avoid becoming a party to viral circulation of fake news. A campaign to educate school children about the misuse of social media for propagation of false news will be taken up. The Common Service

Centres will also be engaged in the task of promoting this message among people especially in rural areas. Various stakeholders such as educational institutions, professional and industrial associations, chambers of commerce etc. would also be involved in this campaign. The State Governments will also be requested to join in this effort to make the citizens more aware to prevent the use and abuse of social media. In this regard I will be writing to all Chief Ministers.

9. Conclusion: Government is committed to freedom of speech and expression and privacy of its citizens as enshrined in the Constitution of India. Government does not regulate content appearing on social network platform. These social network platforms, though, are required to follow due diligence as provided in section 79 of the Information Technology Act 2000 and the Rules notified therein. They have also to follow Article 19(2) of the Constitution and ensure that their platforms are not used to commit and provoke terrorism, extremism, violence and crime.
