

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY
LOK SABHA
UNSTARRED QUESTION NO. 2543
TO BE ANSWERED ON 10.03.2021

LAWS AGAINST FAKE NEWS

2543. SHRI UDAY PRATAP SINGH:

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

- (a) whether the Government is aware of the incidents of rumours, misleading information, fake news and false stories being spread around through various media platforms;
- (b) if so, the details thereof and the reaction of the Government thereto;
- (c) whether the Government is aware of the fact that laws against fake news have been enacted in seventeen countries in past eight months and if so, the details thereof and the reaction of the Government thereto;
- (d) whether the Government proposes to enact any strict laws in this regard; and
- (e) if so, the details thereof?

ANSWER

MINISTER OF STATE FOR ELECTRONICS AND INFORMATION TECHNOLOGY
(SHRI SANJAY DHOTRE)

(a) to (e): Cyber space is a complex environment of people, software, hardware and services on the Internet. With a borderless cyberspace coupled with the possibility of instant communication and anonymity, the potential for misuse of cyberspace and social media platforms for criminal activities is a global issue. Governments around the world are grappling with how to tackle the incidents of rumours, misleading information, fake news and false stories being spread around through various media platforms.

Some countries like Canada, Japan, Nicaragua, Sweden, and the United Kingdom apply relevant provisions of existing civil, criminal, administrative, and other laws regulating the media, elections, and anti-defamation. Others like China, Egypt, France, Germany, Israel, Malaysia, and Russia are choosing to enact new and more focused legislation that imposes sanctions on social media networks that spread false news, usually imposing fines and ordering the removal of information identified as false.

Further, the Information Technology (IT) Act, 2000 has provisions for removal of objectionable online content including fake news/misinformation. The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, notified under section 79 of the Act require 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, and unlawful in any way. Also, section 79 of the Act provides that intermediaries are required to disable/remove unlawful content relating to Article 19(2) of Constitution, on being notified by appropriate government or its agency or through court order.

Also, 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 sovereignty and integrity of India, defence of India, security of the State, friendly relations with foreign states or public order or for preventing incitement to the commission of any cognizable offence relating to above.

Further, the Press Council of India (PCI), a statutory autonomous body set up under the Press Council Act, 1978, has framed “Norms of Journalistic Conduct” for adherence by the media. These norms *inter alia* stress upon Accuracy and Fairness, Prepublications, Verification, distinction between Conjecture, speculation, comment and fact avoiding sensational/provocative headings and justification for the matter printed under them, etc. In case of violation of Norms, as per section 14 of the Act, after holding an inquiry, PCI may warn, admonish or censure the newspaper, the news agency, the editor or the journalist or disapprove the conduct of the editor or the journalists as the case may be.

With regard to electronic media, the Cable Television Networks (Regulations) Act, 1995 and the Rules made thereunder, *inter alia*, provide that no programme shall be carried out which contains anything obscene, defamatory, deliberate false and suggesting innuendoes and half truths. An Inter-Ministerial Committee (IMC) in the Government looks at specific complaints regarding violation of Programme Codes by private TV Channels and recommends appropriate action in cases of violation of the Programme Code.

Also, Ministry of Information and Broadcasting has set up a dedicated cell (Counter Misinformation Unit) under Press Information Bureau (PIB) as a measure to counter fake news on policies, schemes, programs etc. by Government of India. The Unit has a presence on prominent social media platforms like Twitter, Facebook and Instagram. The information is also available on <https://pib.gov.in/factcheck.aspx>. The unit takes suo moto cognizance of fake news going viral on social media and also on basis of outside complaints.
