

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY
LOK SABHA
UNSTARRED QUESTION NO. 3638
TO BE ANSWERED ON: 22.3.2023

FAKE ONLINE INFORMATION

3638. SHRI KARTI P. CHIDAMBARAM:

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

- (a) the details of stakeholder consultations held to classify online information as fake or false by Press Information Bureau (PIB) or any other Government agency as per proposed amendments to IT Rules, 2021 dated 17.01.2023;
- (b) the factors that will be considered to classify online information as fake by PIB/Government agency;
- (c) the independent oversight mechanism put in place to review information classified as fake by PIB/ Government agency;
- (d) whether the creators of the information identified as fake will be provided a notice and copy of order blocking the content, if so, the details thereof and if not, the reasons therefor;
- (e) the process by which a person or an intermediary can challenge the notice identifying the information as fake; and
- (f) the number of URLs, social media handles and websites that have been identified as fake by PIB/Government agency since 2019 to present, year-wise?

ANSWER

MINISTER OF STATE FOR ELECTRONICS AND INFORMATION TECHNOLOGY
(SHRI RAJEEV CHANDRASEKHAR)

(a) to (e): The policies of the Government are aimed at ensuring an Open, Safe and Trusted and Accountable Internet for its users. With the expansion of the Internet and more and more Indians coming online, the number of Indians exposed to patently false and untrue or misleading information available on the Internet has also grown and representing the harms.

With a view to strengthen the due diligence by intermediaries under the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 ("IT Rules"), the Ministry of Electronics and Information Technology has published the draft amendment to the IT Rules for inviting feedback from the stakeholders and also conducted a consultation with intermediaries on extending such due diligence to also include information identified as fake or false by the fact check unit at Press Information Bureau (PIB) or other agency authorised by the Central Government for fact checking.

To help achieve the aim at ensuring an Open, Safe and Trusted and Accountable Internet for its users, the Central Government, in exercise of its powers under the Information Technology Act, 2000, has made the IT Rules. These rules cast specific obligations on intermediaries, including social media intermediaries and significant social media intermediaries (*i.e.*, a social media intermediary having more than 50 lakh registered users in India), to observe due diligence while discharging its duties. In case of failure to follow diligence as provided in the rules, an intermediary, they are not exempt from liability for any third-party information, data or communication link made available by them and are liable for the same as per law. Such diligence includes the making of reasonable efforts by the intermediary to cause its users not to host, display, upload, publish, transmit or store information which knowingly or intentionally communicates any misinformation, or which is patently false and untrue or misleading in nature. The non-hosting of such information is by way of diligence on a reasonable effort basis by the intermediary itself; the rules do not envisage issuance of any order to block the same. The rules further provide that a significant

social media intermediary shall, prior to removing or disabling access to any such information, provide the user who has created, uploaded, shared, disseminated or modified it with a notification explaining the action being taken and the grounds or reasons for the same and provide such user with adequate and reasonable opportunity to dispute such action and request for reinstatement of access to such information, which may be decided within a reasonable time; in addition, they provide that the intermediary shall ensure that its Grievance Officer maintains appropriate oversight over the mechanism for resolution of any such dispute.

Further, a Fact Check Unit was set up in November 2019 under the PIB under the Ministry of Information and Broadcasting. The unit takes cognizance of fake news, both *suomotu* and by way of queries sent by citizens, and, in respect of information pertaining to the Central Government, responds to the same with correct information while identifying fake or misleading information as such.

(f): As per information furnished by the Ministry of Information and Broadcasting, since its inception, the PIB has countered over 37,000 complaints and has busted 1,160 cases of fake news on @PIBFactCheck social media handles, year-wise details of which are as under:

Year	Number of fake news busted on @PIBFactCheck social media handles
2019	17
2020	394
2021	285
2022	338
2023	126*
Total	1,160

* Data is available till 7.2.2023.
