Fake news circulation on social media and the need for a policy evolution in India

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Abstract: Upsurge of the social media and the ubiquity of fake news have been the common phenomena, which negatively affects the spirit and ethics of journalism profession. The policies of the social media giants are inadequate to challenge this menace. Also, the existing legal and regulatory bodies are barely equipped to counter the vicious circle. There are frail and inadequate public policies to monitor this progressive dysfunction of media. The paper examines the origin of fake news, its intricacies and the role of social media in circulating fake contents. Further, it highlights the inadequacies of the existing policies to regulate the flow of fake content. The study administers the qualitative method, involving focus group discussions (FGD) with academicians and millennials, and in-depth interviews with industry professionals. Finally, it attempts to examine the purpose of 'misinformation' circulation and enumerates certain guiding principles to frame policies to regulate its exorbitant rise online.

Keywords: fake news; public policies; regulatory bodies; social media; propaganda; millennials; half-truth; alternative facts; fake discourse; identity construction; identity politics; selective exposure; misinformation; disinformation; media literacy.

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1   Introduction

It is widely acknowledged that technology has influenced the contemporary society in many ways. The upsurge of the new media technology has toppled over the existing equilibrium of information generation and habits of consumption. In other words, it has created a potboiler of manufactured information suiting the taste of the popular mass. Speaking of which, one has to thoroughly understand the nature of the content generated and circulated online, significantly through social media. In contradiction to the top down relationship that the traditional media had with its audience (Rozario, 2013), the social media caters to a fragmented audience who are more dynamic in nature (Roncallo-Dow, 2017). As the audience is fragmented, the circulated information is more customised suiting the taste of the specific stratified mass. Such action needs a careful fabrication of the facts or making of narratives as one of the many reasons for the growth of fake information. Kessler (2016) considers the issue indulges in demand-side, not from supply-side.

In this context the fake news circulation has been felt worldwide during the US Presidential Elections2016 and more recently, the ethnic cleansing of the Rohingya minorities at Myanmar (The Huffington Post, 2017). One month before the USA Presidential Election-2016, fake news content in Facebook was ahead of its real content counterpart in the main stream media (Silverman, 2016). For example, a piece fake news on Pope Francis's endorsement of Donald Trump was contributed by social media users in one million feeds (DiFranzo and Gloria-Garcia, 2017). According to Jin et al. (2013), most researchers found that fake news usually spreads like real news in the restricted circle, not able to reach outside the ring.

Owing to the lack of public sensitisation and limited media literacy rises the fake news circulation that disturbs the overall growth of responsible journalism. The familiarity of the media and the credibility associated with it, is so deeply rooted in the consumer world that it has turned them into a gullible audience who fail to distinguish facts from fabrication (Singer, 2003). There is a requirement of an adequate policy to counter the problems of fake news and forged information at the same time there should be platforms to make intellectual discourses on them.

2 Literature review

2.1 Defining fake news

There are many factors to define the content/report/article as fake. It can be intentionally unverified false news to mislead readers (Allcott and Gentzkow, 2017) or counterfeit in sense of deceit (Borden and Tew, 2007). According to Berghel (2017), the news became fake because of not being supported by data insight, and because of carrying imaginary, pretense of fact and distorted reality. On the other hand, Commisso (2017), argued that the amount of misinformation in a paper and fabrication in narratives qualify it as fake news.

Claire Wardle's (2017) paper 'Fake news. It's complicated' explains seven categories of fake news, namely- "satire or parody, false connection, misleading content, false content, imposter content, manipulated content and fabricated content". Whereas Zimdars (2016) viewed that "fake news, satire, extreme bias, conspiracy theory, rumour mill, state news, junk science, hate news, clickbait etc.", as the form of dubious content generated and circulated through the internet, which is similar to Allcott and Gentzkow's (2017) sects of fake news. However, that has been widely criticised in the academic fraternity saying that the list is not exhaustive and above all the "labelling system will only be affective for those who share similar ideological and political views" (Rochlin, 2017). So, it is quite difficult to reach at a consensus on the definition of fake news.

Most fake news content comes from anonymous sources hiding behind 'secrecy' with no accountability. These sources use social media platform to spread rumour, slanderous stories, partisan propaganda etc., which are unverifiable but provides a wide reach (Berghel, 2017). To some extent, languages that deliberately obscure, disguise and distort, in current situation present this fake discourse as 'alternative facts' (Laine and Taichman, 2017). Therefore, there is no such edge to restrict the emerging forms of fake news.

As a matter of fact, the UK House of Common's Interim Report (2018) quoted, "The term 'fake news' is bandied around with no clear idea of what it means, or agreed definition. The term has taken on a variety of meanings, including a description of any statement that is not liked or agreed with by the reader". They suggested to considering the term 'misinformation' and 'disinformation' with an accepted definition instead of the word 'fake news'. According to the report, a shared definition and a clear guideline would bring out the consistency of meaning across every platform which in turn could be used to enforce regulation.

Further, the interim report committee defined that "disinformation aims at deliberately creating and sharing of false and/or manipulated information with an intend to cheat and mislead reader/audiences". The purposes may be causing harm or gaining personal, financial or political advantages. However, the unintended sharing of information refers to 'Misinformation' (UK, House of Commons, Digital, Culture, Media and Sport Committee, 2019). European Commission contribution to the European Council (2018), mentioned in their report "Action Plan against Disinformation" that the aim of 'disinformation' is to intentionally cheat public which may cause harm, in an extent to create a threat to democratic processes such as environment, security and health of citizens. In other hands, it does not ponder unintended error, satire, parody, partisan news and commentary (The Joint Communication to the European Parliament, 2018), which may refer as fake news (Wardle, 2017).

Again the idea of 'post truth' may be analysed in comparison to fake information as they appear to be similar. The term 'post-truth' was coined in 1992 which means "a mostly political setting debate is framed by appeals to emotion, with repeated assertion of half-truths and outright lies whose factual rebuttals are ignored" (Grech, 2017). It is necessary to point out that the term 'post-truth' and 'fake news' though interconnected are two different concepts. In 1980s, post-truth could have been similar to 'double think' and 'double speak', which means considering two contradictory beliefs. According to Grech (2017), post truth is encouraged and supported by fake content and misinformation or hoaxes, which come with propaganda based journalism. In the line of publicity and journalism, Herman and Chomsky (1988) projected "system-supportive propaganda function", where the elements of corporate ownership, government support, national values and advertising support of the media house can be noticed. And such annexation resonates, in the published contents of the media. Again, propaganda spreads online by a close circle or by fake accounts then countered by rival social media operation (Haigh et al., 2017). It is suffced to mention that propaganda, post-truth, alternative facts are relatively similar ideas, which can alternatively be used in media discourses.

2.2 Purpose and impact of fake news

There are two important reason of spreading of fake news. Firstly pecuniary, when it gets viral, then advertising revenue goes up and secondly ideological (Subramanian, 2017; Allcott and Gentzkow, 2017), which favours a specific agenda (Townsend, 2016). Further Johnson (2017), claims that there is a 75% success rate of fake news headlines duping adult readers and accounts for nearly 50% of Facebook shares. He suggested that news is shared on the social media not to inform or persuade, it is rather 'a marker of identity' which re-affirms group bonding of an enclosed online community. However, Frank (2015) compares fake news as the "creative use of recycled material" and talks of "prank scripts". He specified certain websites which generate fake stories, provided they are fed with required information. The purpose of which is "to confuse, annoy and embarrass friends". A further need is to examine whether the use of fake news is confined to agenda or it goes beyond? So the deliberate distortion of the fact or narrative is made with specific limited social purposes. But the appropriation of fake contents as equivalent to facts leads to the replacement of the particulars with the fake.

In the present scenario, real news is less influential than fake news in shaping public opinion, which is a challenge to the credibility of the information (Beckett, 2017). Further, Douglas et al. (2017) believe that the pervasive effect of fake news shapes the current media scenario. They emphasise on the "nebulous world of unregulated websites, blogs and social media where people cannot easily separate fact from fiction, and credible from non-credible sources". On the other hand, Juris (2005) suggests that the exchange of fake news is actually "a kind of media activism and culture jamming". Duffy et al. (2012) proposed that most of the times "debunking may not be enough to quash a juicy story which one is predisposed to believe".

All the false rumours, alternative facts, and fake news are recently a logjam through various social media platforms and have dominated our social life and repressed our scruples because these information and narratives are not being examined by the individuals or the institutions of ethical journalism (Spivey, 2017). In Berghel's (2017) opinion, this needs to be dealt with through technological modality, not by philosophical debate or moral discourses. He mentioned that "when memes matter more than facts then

we must face memes with technology". According to some scholars, knowledge is socially constructed without following extreme relativism where claims of truth are equally valid. Whereas in positivist belief, objective truth exists and that could be discovered by a scientific method. Further, socially oriented scholars discarded both the views, and advocated to follow social process to claim truth (Haigh et al., 2017). It seems that, the impact of fake news is multi-dimensional in nature. So, it needs to be figured out how the result of fake news is decided and how it fulfils its intended purpose.

2.3   *Social media and information consumption*

There is a constant attribution of dynamism and change to the new media, which qualifies as the 'new' and the 'old' medium. It makes both scholars and common mass appreciatively use terms such as 'online', 'digital' and others without emphasising on the qualitative efficacy of the medium (Bell, 2009). On the contrary, Manovich (2001) professed, what is crucial in the medium under study is the fact that it is an amalgamation of 'computational logic' and "communicational logic", which emphasises on the concept of convergence. Similarly, Lister et al. (2009) stated that the new media has digital meaning, which is encoded through binary data. Interestingly, Hansen (2006) stated that it is not essential whether the media is attributed as old or new, analogue or digital, what matters in this regard is their existence and function beyond their material use.

According to Livingstone (2009), the social structures including political, economic, cultural and our experiential processes are mediated. Those experiences are inescapable in society today and are articulated by the new media. Most often, the term new media and social media are used synonymously (Kiernan, 2018). Further, Fuchs (2014) opined that social media is a term with a multi-layered meaning. In India, the growth of social media users increased by 15% from 2015 to become 136 million (Yral Report, 2016) and 55 million more user's addition in the year 2016 (We are Social and Hootsuite, 2017).

A gradual alteration has been noticed among the audience when it comes to news consumption via print and the broadcast media. A general lack of interest in information concerning public interest is noticeable (Patterson, 2007; Purcell et al., 2010). Mindich (2005) terms this as a 'generational shift' from political news in particular. In the view of Singer et al. (2009), the generation today is not uninformed but slightly differently informed. They choose to be informed via cell phones, text messages, social networking sites and so on. They have termed this as the 'a-la-carte' model whereby they not only gain extensive knowledge but also gather lot of information in different subjects. Thus the quantum information collected or stored is extensively colossal, yet less intensive. In lieu of the internet, a new form of partisan media has emerged (Weeks and Holbert, 2013). Moreover, it is the social media which propagates misinformation via programmed and unnamed accounts to target a group of social media users who are exchanging views on a particular topic (Mustafaraj and Metaxas, 2017). In a study, Gabielkov et al. (2016) mentioned that 59% of the news papers shared on social media is not even read before sharing. According to Albright (2016), "the sites targeted with the most inbound hyperlinks from fake news networks were mainstream media, social networking sites and Wikipedia". Three significant sites are Twitter, YouTube and Snapchat are gradually increasing the traffic for news on the web (Gottfried and Shearer, 2016).

Holbert and Benoit (2009) put forth the media connectedness theory, where they stated that the consumption of fake news does not happen in isolation; instead it is

consumed with other hard news. The researchers focused on multiple outlets of information and stressed upon the interactions among them. According to Busselle and Greenberg (2000), fake news is realistic, whereas the traditional story is unrealistic; as a result the viewer's weigh both the content differently. Thus, giving fake news a more persuasive pitch than its real counterpart (Busselle and Greenberg, 2000) and is more engaging (Peter and Valkenburg, 2010).Furthermore, the hard news content serves as the reference point to the fake news information that is circulated (Nabi et al., 2007). Then, after the primary study, it could be presented that social media is the primary route of spreading fake news in a quick period and the social media users are consuming the fake news at large.

2.4   Combating fake news

In the view of Conroy et al. (2015), exposure of fake news is presented as "categorisation of news along with a continuum of veracity", which is often "compromised by the detection of intentional deception". In their paper, automatic deception: methods for finding fake news, the researchers talked about two broad approaches to detect misinformation, namely- "linguistic cue approaches" and "network analysis approaches". The researchers have stated guidelines to attain a "feasible fake news detecting system". In the "linguistic approach, the content of the questionable material is analysed to associate language patterns with deception", while in the "network approach where structured knowledge network queries could be harnessed to provide aggregate deception measures" (Conroy et al., 2015). As per Feng and Hirst (2013), the linguistic approach aims to look for 'language leakage' which according to them is 'predictive deception cues' in a user generated content. They also suggested that the verbal aspect of the content is challenging to keep a Table on, especially the "patterns of pronoun, conjunction and negative emotion word usage".

On the issue of fighting fake news, Berghel (2017) suggested that "the catastrophe of fake news is an issue of technology and should be combated by technological means". He talked about "meta-level-crap-detecting-engine" which would be similar to "spam-filter". Berghel's proposition is criticised broadly on two bases, the first being based on an already existing curated fake news list which carries the essence of an authoritative ideology. Secondly his solution is not unique as there exist several fake news detector plug-ins (Dormehl, 2017; Wakefield, 2016). Fact checking, a tool is becoming a need of time to protect the fundamental values of the profession like, "accountability, objectivity and explanatory or service journalism" (Graves, 2016). Like PolitiFact, an American fact checker which specially takes a clue from political speeches/opinions and ask experts to grade it (Graves, 2016), Alt News in India performs similar functions. PolitiFact and FactCheck.Org are different from traditional journalistic commitments on the ground that they "focus on whether the claim is actually accurate rather than eliminating errors or falsehoods in reporting" (Amazeen, 2013). Scholars believed that the functions of fact checkers in terms of intimating the public at large, cultivating the political rhetoric and persuading other reporters and media practitioners.

According to the Jamieson and Solon (2017), Facebook was partnering with ABC News, Associated Press, FactCheck.Org, Politifact and Snopes to adopt measures to stem the circulation of fake news. So far, the company's proposal is yet to gain any substantial success. Facebook has also taken an initiative to recognise fake news papers and pointing them as untrue content as by third-party fact-checkers (Mosseri, 2016). According to

Jenkins (2017), Facebook has introduced 'dispute alert' to check unverified content circulated through its platform. It would issue 'a red alert' the moment the content is about to be shared, alerting the user that it lacks verifiable facts by the fact checking sites as Snopes and Associated Press. To Mosseri (2016), Facebook's initiative to fight the challenge of restricting the circulation of fake news has been classified broadly into four sections; namely- more natural ways of reporting fake news, flagging disputed stories, informed sharing to examine content which are often read but not circulated and lastly hampering financial implications for spammers. Mosseri, himself is critical of this apparent solution saying that it is not enough to control the fake news circulation on a larger scale. The British Broadcasting Corporation quoted this as a 'band aid solution' (BBC Trending, 2016).

Social media platforms like Google and Facebook declared to ban fake news published sites from their advertising circle, attacking on the profits of those websites (Kottasova, 2016). There are tools like, browser plugin Ghostery and search engine DuckDuckGo are in process to help anonymise users' online activities to restricting personalised endorsed contents. Many social media platforms, researchers and independent groups started using several method, from machine learning to social network analysis, to identify and block bots, for example, researchers at Indiana University developed BotOrNot, a facility to empowering users to identify if a particular Twitterite is a bot (DiFranzo and Gloria-Garcia, 2017). Further, Bares (2017) states how Facebook and Google try to track down fake news. The details of the project known as 'CrossCheck' was yet to be clearly stated. According to Bares, both Facebook and Google will give access to tools such as CrowdTangle and Google Trends to track the tending topics of discussion on social media. Vargo and Guo (2017) believe that although fact-checkers are independent in terms of selecting covered and to be covered issues, they are unable to detect the overall agenda of the news media. Hence, they face tremendous difficulty in disseminating the rectified facts. As numerous methods and processes have been used but the concrete solution to this problem has not been provided.

European Commission contributes to the European Council (5 December, 2018) on 'Action Plan against Disinformation' stressing on the fact that "addressing disinformation requires political determination and unified action, mobilising all parts of governments (including counter-hybrid, cyber security, intelligence and strategic communication communities, data protection, electoral, law enforcement and media authorities). This should be done in close cooperation with like-minded partners across the globe. It requires close cooperation between Union institutions, Member States, civil society and the private sector, especially online platforms". The proposed action plan stands on four pillars, enhance the competences of Union institutions, strengthening coordination, mobilising private sector and raising awareness in civil society to tackle disinformation. Further, UK House of Common's Interim Report (2018) on "Disinformation and 'fake news'", conveyed that digital literacy should be the essential part of media literacy curriculum to analyse and understand the functions of social media and appearance of content to readers through algorithms.

2.5   *Legislations in various countries to curb fake news*

When the technology firms in Germany were not complied to eliminate hate speech in a time frame of 24 h voluntarily, the Government voted for the Network Enforcement Act, which became a law in January 2018. As per this law, the company has to pay a fine of

20 million Euro if the firms are not removing the hate speech content within 24 h. Therefore, one in six of Facebook moderators are engaged in Germany (UK House of Common's Interim Report, 2018; Gill, 2019). A similar law has been passed in France in November 2018 to maintain the transparency and disclose of money involved to promote the information. It also gives authority to the nodal broadcasting agency of France to suspend television networks, if they purposefully broadcasting untrue content to convolute the ballot process. This law also empowers juries to order the immediate removal of web content, if they find the content comes under disinformation by the influence of foreign states during the election campaigns (Fiorentino, 2018).

Elizabeth Denham, UK Information Commissioner said to UK, House of Commons Digital, Culture, Media and Sport Committee in November 2018, "a tension exists between the social media companies' business model, which is focused on advertising, and human rights, such as the protection of privacy: That is where we are right now and it is a very big job for both the regulators and the policymakers to ensure that the right requirements, oversight and sanctions are in place" (UK House of Common's Final Report, 2019).

The UK House of Common's Final Report (2019) endorsed that "clear legal liabilities should be established for tech companies to act against harmful or illegal content on their sites". They advocate for the establishment of independent regulation and a mandatory Code of Ethics to monitor. European Commission's contribution to the European Council (5 December, 2018), emphasised on tackling the issues of disinformation by civil society and social media platforms. Further, the Commission is ready to set out a Code of Practice to bring transparency and protect citizens in keeping eye on 2019 European Parliament elections. The online platforms and advertising organisations have to fully comply with the Code of Practice. The committee also mentioned that "independent fact-checkers network is being developed to detect and expose disinformation and also sustained efforts are being made at Union and national level to support media literacy".

Asian countries such as, Malaysia and Singapore have also tightened legal rope to curb fake news. Malaysia passed the Anti-Fake News bill on 2 April, 2018. Spreading fake news would cost a fine of US dollar 123,000 and a possible prison sentenced up to six years (Liao, 2018). Similarly, the Singapore parliament passed the controversial law namely, "Protection from Online Falsehoods and Manipulation Act (POFMA)" in May 2019 (Leal, 2019). As a result, POFMA law attracts jail up to ten years and a fine up to US dollar 735,000 for spreading online falsehoods which affects public interest (Pierson, 2019).

2.6   *Existing laws and policies for media in India*

The freedom of the press is not categorically mentioned in the Indian Constitution (Banerjee and Walia, 2015). But the rights of the media are an extension of freedom of speech and expression. It is subjected to the general laws of the citizen, a power which is constantly being infringed upon. As per the Constitution of India (Divan, 2010), the freedom of speech, as enshrined upon by Article 19(1) (A), does not grant an absolute right to expression without any duty and responsibility. The Indian Constitution at this moment provides a guideline under which Article 19 (1) (A) could be restricted. Reasonable restrictions under the mentioned heads could be exercised, in the matters of security of the State, public order, contempt of court and incitement to an offense.

In the field of cyber law, India has two significant Acts namely- Information Technology Act 2000 and Information Technology Amendment Act 2008 (Ministry of Electronics and Information Technology, Government of India). The IT Act 2000 majorly deals with the matters as stated under-"Legal Recognition of Electronic Documents and Digital Signatures, Offenses and Contraventions, and Justice Dispensation Systems for cybercrime". The IT Act 2000 was criticised, reviewed and extensively debated on the grounds of being too diluted and in 2008 it was amended and made effective from 2009. The major features of the new Act related to this study are-"focusing on data privacy and information security, defining reasonable security practices by corporate, redefining the role of intermediaries, recognising the role of the Indian Computer Emergency Response Team, inclusion of additional cybercrimes such as child pornography and cyber terrorism and authorising an Inspector to investigate such offenses".

The Indian law does not mention the term fake news (Sawant, 2017) thus creating fissures in the legal structure. Article 66A of the IT Act 2008, talks about the prohibition of the circulating offensive messages through a communication device. But what constitutes as an objectionable message is not clearly stated, thus the arrests made on such grounds could be politically motivated thus encroaching on the right to freedom of speech. The proposed Print and Electronic Media Standards and Regulation Bill, 2012 to establish media regulatory authority were introduced. The Cyber Appellate Tribunal under the present IT Act only deals with cases of hacking and cyber fraud (Consultation Paper on Media Law, 2014). Thus, the lack of a robust legal frame is felt while challenging the menace of fake news circulation. Therefore, it is required to either modify the existing law or to generate newer legal measures. In commensurate with section 66A, section 67 deals with prohibition of online obscenity, another ambiguous term, leaving room for academic debate. The defamation lawsuit in the Indian context is only a milder version of the actual legal measure and is not prepared to counter fake information circulation.

There are private bodies such as News Broadcasters' Association (NBA), a self-regulatory body consisting of private channels and broadcasters. The Indian Broadcast Foundation, Broadcasting Content Complaint Council (BCCC) which deals with complaints against broadcast programs promoting abuse, violent actions, inciting communal hatred and other objectionable television content. And the Press Council of India Act, 1978 which deals with news within its precincts can only disapprove instances of fake news circulation but are not capable of awarding punishment. These bodies have so far dealt with media in its old form, namely, broadcast and print. The existing IT Act 2000 and amended IT Act 2008 are limited in scope and are not inclusive of legal measures to challenge fake information (Sen, 2013). Therefore, the need to revamp the exiting legal frame becomes more than necessary.

However, there are provisions under Indian Penal Code, 1860 (IPC) to punish fake news offenders which majorly falls under hate speech and incitement. Those who are spreading fake news such as the 'Content Creator' and the 'Content Forwarder' can be punished under Sections such as 124A- for an act of sedition, 153A- promoting hatred on the basis of religion, race, language etc., 153B- punishment against harmful activity and damaging national integrity, 295A- intended to hurt religious sentiments and beliefs, 500-defaming a person by tarnishing the reputation of a person, and 505- disseminating false and malicious news with an intent to disturb the public peace of the IPC. The range of

imprisonments varies from two years to five years or fine or both (Dutta, 2018; Panda, 2018).

Information Technology (Intermediaries Guidelines) Rules 2011 asks the intermediary to eliminate any objectionable content within 36 h from its servers if it has been brought to the notice. Failure to comply with Intermediary Rules can make the intermediary be liable as the content provider. As per the Intermediary Rules, a grievance redressal officer need to be appointed. However, it has not specified about the location. Therefore, most of the grievance redressal officers located outside India (Panda, 2018). There is an exemption for intermediaries from accountability for any third party content under Section 79 of the IT Act, however enforces an obligation on them to remove any such content if a legal notice served by law enforcement agencies (Singh, 2018).

The existing law catering to the information technology sector is evidently not equipped to deal with fake information circulated online. Complementing the legal aspects with that of the advancing technology has always been challenging in a developing nation like India. Especially in areas of combating the source, finding purpose and controlling the impact of fake information on society have also not been dealt with adequately. The existing laws, namely IT Act 2000 and IT Act 2008, are generic, thus creating 'legal bottlenecks' in the system. Neither of the existing Acts states the stringent punitive measures associated with fake information circulation online.

The Supreme Court of India dismisses the possibilities of framing law against fake news by rejecting a plea filed to frame guidelines, laws and bye-laws to restrict fake news and raise accountability, liability and responsibility of authorities and departments (The Economic Times, 2019).

2.7   Ethical aspect

A journalism professional presents information through rigorous fact verification processes followed by essential standards like reliability, truthfulness and independence (Kovach and Rosenstiel, 2001; Borden and Tew, 2007). In response, that develops a mutual relationship and helps people's involvement meaningfully in public space (Borden, 2007). Borden and Tew (2007) mentioned ethical aspects elaborately in their paper "The Role of Journalist and the Performance of Journalism". They discussed that re-examining and finding truth is the sole responsibility of the journalist before communicating to the public, and that is to uphold the journalistic integrity. Gatekeeping, factuality and objectivity are the three processes to check the news content and integrity of a journalist. On the same note they quoted Baym (2010), "Fake news necessitates assumptions about some kind of authentic or legitimate set of news practices, ideals that one rarely hears articulated or necessarily sees as evident today".

Precisely, Quality control is the function of a gatekeeper (Singer, 2003), factuality refers to the originality of the report (Borden, 2007) and competing truth and unbiased news are the standards of objectivity (Fishman, 1980; Glasser, 1984; Tuchman, 1972). Accountability is a crucial component for self-regulatory function and ethical harmony. It is open to critique and sensitive to response whenever and wherever explanation is demanded (Christians, 1989; Hodges, 1986). Accountability is not restricted to responsibility in ethics, it refers to one's own accord based on moral rights by stakeholders (Plaisance, 2000; Hodges, 1986).

3   Theoretical framework

Virtue Theory by MacIntyre's (2007) sates that the poor functioning and sharing of information by a journalist or a journalism professional is not sufficient. According to MacIntyre (2007), integrity is the necessity requirement of a journalist to develop the rapport between intention and performance. The virtue theory is relevant for this research as excellence can be achieved by a journalist by interpreting right and upholding moral integrity to maintain the standard of the profession (MacIntyre, 2007; Lambeth, 1992).

The concept of selective exposure as introduced by Klapper (1960), proposes how the consumer selects the information not from a broader range of information he or she is exposed to but from a section of already selected information presented before him. The online consumer consists of a fragmented audience who select online information through a series of complex procedures. According to scholars, the online audience uses purposive selective when it comes to choosing online information and news content used as the banner of 'audience selectivity' (Knobloch et al., 2003; Lee, 2008).

According to Frey, within the paradigm of Belief Disconfirmation, Festinger (1957) theory of cognitive dissonance where the existing beliefs of an individual is challenged and conflicted upon from his access to newer information is relevant here. Frey reconfirms the 'approach and avoid' tendencies of information selection (Frey, 1986).

The concept of 'selective exposure' was academically challenged in later times (Sears and Freedman, 1967) on the basis that individuals seldom choose information based on their attitudinal predisposition. But recent studies, researches and reviews have renewed the academic interest in selective exposure to information content (Knobloch et al., 2003).

4   Research gap and research question

During the limited literature review, the authors found existing study in the field of policy making to regulate fake news on social media in western context. Still, in the Indian context, the review is quite minimum. There are polices developed by social media giants to check facts or third-party endorsements for avoiding or discarding fake news but no legal frames developed yet from the Government of India. This paper attempts to study the necessity, viability and effectiveness of making public policies to regulate fake news.

After discovering the research gap, three research questions were identified to get the required answers through primary research. The intent of the first research question intends to get the answers to the various aspects, namely- nature, type, aim and purpose as well as the source of fake news generation. The loopholes in the existing policies, need for revamping the same, requirements to handle fake news both through judiciary and non -judiciary power structures are addressed in the second research question. The final research question strives to evaluate the importance of journalistic ethics, professional integrity and also the necessary legal restrictions to fight misinformation circulated online.

- How to label nature and purpose of fake news on social media?

- How can the existing policies be reframed to control the fake news circulation?

- How important are ethics and professional integrity over legal restrictions to fight fake news on social media?

5   Methodology

The research required an in-depth understanding of fake news circulation and the adequacy of the existing policies in India to combat the same. Therefore, to investigate and get insights from the media experts such as media practitioners, academicians, researchers and millennial, the authors adopted qualitative methodology. The data was collected though focus group discussion (FGD) and In-depth interviews, which aims at getting in-depth insights from the participants (Tynan and Jennifer, 1988) and studying them intensively. FGD is a qualitative method, where the group size is restricted to eight to twelve (Cox et al., 1976; Prince, 1978; Fern, 1982; Vaughn et al., 1996; Morgan, 2002; Basnet, 2018) or six to ten (Morgan, 1997) respondents for the discussion. Some studies mentioned the advantages of small groups, such as, it is not difficult to control (Creswell, 2012), keeps the participant interested and getting more time for discussion (Morgan, 1997). It follows relatively structured approach with homogeneity group (Morgan, 1997; Ritchie and Lewis, 2003; Basnet, 2018) with a little diversity to get varied view points and stimulate the discussion (Smith, 1954; Bessell, 1971; Peterson, 1975 are cited in Tynan, 1988). According to Morgan (1997), three to five group discussion is ideal for one study. The study reaches the saturation state, if the moderator anticipates the views of next group (Glaser and Strauss, 1967; Morgan, 1997). As per the studies mentioned above, the researchers conducted three group discussions. First, FGD has been undertaken with participants $(n – 9)$ consisting of academicians and research scholars from economics, law, human resources, sustainability, and media and communication schools. Second FGD has been conducted with Post Graduate (PG) students $(n – 10)$ and third, FGD has conducted with Under Graduate (UG) students $(n – 10)$ to study millennia's understanding and views on fake news circulation on social media and policy matters to that.

Further, in-depth interviews strengthen the study by searching the themes throughout the discussions (Breen, 2006). There is no appropriate sample size for qualitative research (Onwuegbuzie and Leech, 2007 cited in Marshall et al., 2013). However, most of the studies recommends five to fifty interviews (Dworkin, 2012) as per the requirement of the research. The basic principle of this qualitative method is to get the data till the saturation has occurred (Guest et al., 2006; Moser and Irene, 2018), which usually arises after 10-12 interviews (Strauss and Crown, 1990 cited in Breen, 2006; Guest et al., 2006 cited in Marshall et al., 2013). So, a total of 12 in-depth interviews have been conducted with media professionals, out of them working journalists (n-8) and Public Relations (PR) practitioners (n-4) to get the insights from practitioner perspective of fake news circulation on social media and how they visualise the requirement of penal provision to restrict the threats of fake news.

6   Findings and analysis: data analysis of three FGDs and in-depth interview $(n – 12)$

"News is not as harmful as opinion, but news consumption takes place through the prism of opinion", a quote from one of the respondents sets the tone to understanding the underneath approaches and practices of fake news circulation in social media and extended to other media platforms. During the extensive literature survey, the concept of fake news is centred around attributes like half-truths, distorted facts, and misinformation

(Berghel, 2017) to label the nature of fake news. This has been revalidated by all the respondents (Figure 1).

Figure 1   Concept of fake news (see online version for colours)
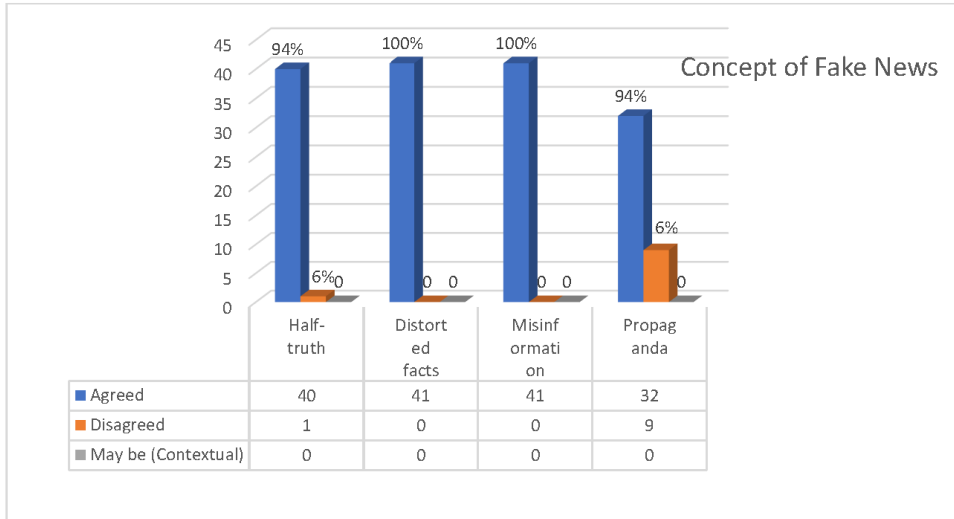
Both millennials and practitioners opined that fake information is the ones which might contain strands of truth but are often sensationalised to suit one's vested interest, more so political propaganda and agenda setting. As quoted by a millennial, fake news has "morsels of truth surrounded by fluff". False information, according to them, cuts across platforms and therefore are not restricted to the alternative platform only. Additionally, some academicians, practitioners and millennials mentioned that hoax news and yellow journalism are also consider as fake news, which spreads across the platforms. A young media professional quoted that "before penetration of digital/social media the practice of yellow journalism/cheque book journalism through mainstream/traditional media like Print or TV may be treated as synonymous to fake news". The media professionals opined that the false information or distortion of the fact is the leading craft of fake news. A PR professional viewed that it also creates a divisive climate in society.

All the respondents mentioned that fake news spreads to support vested interest. It was further corroborated by the FGD respondents who viewed that it is the deliberate attempt to legitimise unverified information. The literature findings also supported the same, stating it as 'propaganda' or more specifically "peer to peer propaganda". One of the interviewees, viewed on this trailing point of "peer to peer propaganda" approach, which he believed was intended to build political ideology or promotion of a particular idea. In contrast, the aspect of social hegemony is stressed upon by another respondent. However, as per the views of some of the respondents of the discussion, propaganda is not always fake. Another respondent evidently denied that half-truth can ever be considered as fake news. Further, the respondents viewed that 'half- truth' information and provocative headlines are not restricted to social media only. This, in turn, directs other media platforms as fertile breeding ground for fake news circulation. Supplementary perspectives emerged to the existing concept of fake news like mere personal opinions without any authority on the subject, celebrity news and low standard

of insubstantial content encourages fake news circulation. As per one of the media professionals, mostly word of mouth is the source of misinformation.

To add on to the discussion, another interviewee pointed out that manufactured content and re-interpreted content removed from its original context are also labelled as other forms of fake news. According to two of the respondents, the spread of fake news is as old as the human generation. One of the respondents also viewed that, "the idea of fake news is not new, there exists several historical fallacies about Mark Antony and Cleopatra". While another opined that "human individuals are the sole sources of fake news circulation". And social media being readily available, anyone can become the source of news and can claim to be a publisher, as mentioned by two of the respondents. A different position on the same is taken by one of the professionals who stated that "fake visuals are more harmful than the malicious texts". In an extent, one respondent mentioned that "because of the democratisation of the process, amateur social media user misuses the platform". Further he claimed that "fake news generates from non-accredited news agencies/journalists who has no training or credential to share/publish the content which is also unverified.

The newer forms of fake news like, post truth, alternative facts and fake discourse (Laine and Taichman, 2017; Grech, 2017) are widely discussed in the literature whereas a few respondents felt that there lies a possibility of some elements of truth being present in alternative facts. There was an extensive discussion about defining fake news, but according to one of the respondents, there is no legal definition of fake news as such. Yet, over the years, there are deliberate professional attempts to legitimise fake information. Some respondents opined that alternative facts might not be fake and very contextual (Figure 2). Whereas one millennial felt that all three terms are hierarchal in nature, like post-truth opens the space for alternative facts, then fake discourse starts. Nevertheless, all respondents agreed that these newer forms are related concepts.

Figure 2   Newer forms of fake news (see online version for colours)

	Post truth	Fake Discourse	Alternative facts
Agreed	41	41	36
Disagreed	0	0	0
May be (Contextual)	0	0	5
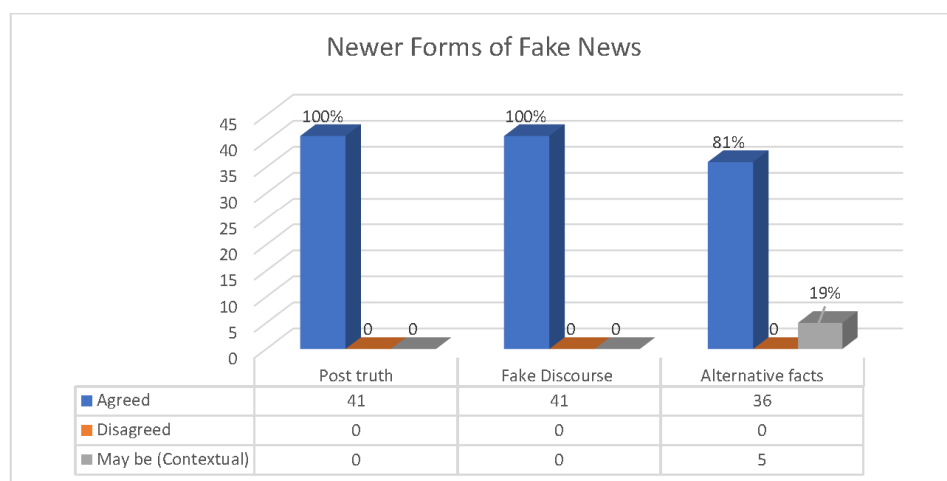
While discussing the types of fake news, the literature centres around satire or parody, junk science and clickbait (Zimdars, 2016). Contradicting to the literature findings, satire/parody is not considered to be forms of fake news by some of the academicians

as well as millennial respondents. The respondents widely accepted all other types (Figure 3). All respondents zeroed in on the point that millennials are trusting the alternative medium like social media more where the consumption of fake news is considerably higher over its mainstream counterpart.

Figure 3   Types of fake news (see online version for colours)
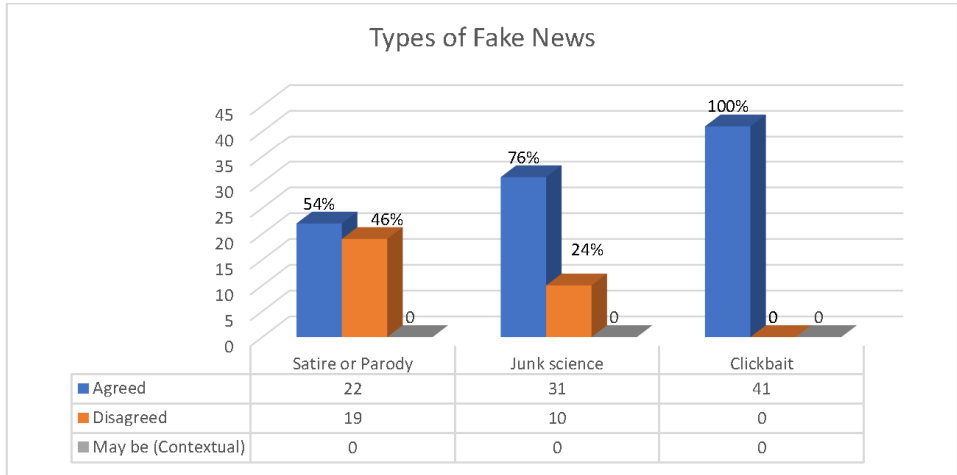
Most of the student respondents also agreed that they are trusting on alternative mediums like social media over traditional media. The reasons could be android phones, easy access of internet with a low cost charge as well as freedom to post or opine your views. One respondent said social media allows us to become a news creator, disseminator and manipulator. Some millennial believed that they are used to consuming information from a specific source, which could be necessarily a particular brand of the media organisation. In contrast, others thought that irrespective of the brand, the content of the information consumed mattered to them. All of them pronounced that they are prone to provocative headlines.

One millennial opined that curiosity drives us to jump through the hyperlinks rather than habit. Another respondent said social media keep taps on our browsing habits and gives us links of relevant content to browse further that may be algorithmically set up. Sometimes that leads us to get into fake information.

While discussing the primary purpose of fake news, the respondents agreed upon the fact that fake news aims at duping adult readers, culture jamming and confuse readers, which suffices the literature findings. In addition to that most of the respondents viewed that identity construction and media activism are the major purpose of fake news (Figure 4).

UG students expressed that the purpose of fake information is two-fold – hate and fear were stated to be at the core for fake news circulation. In addition to that, some PG students mentioned that it also aims at reaching larger audience/viewer/browser, create a narrative, tapping emotions, exploit and damage popular initiatives and policies. Similarly, one PR practitioner quoted, "purpose is spreading hidden agenda, convoluting public on policy debate, share pleasure by fringing their opinion to create an identity". Another media professional has a say that "major purpose is to tarnish the scientific

facts/figures, critical narratives and create ideological narratives". To add on to this, a young journalist mentioned that fake stories are also circulated to defame individuals/institutions, create disturbance in society/communities and derive pleasure by holding others at ransom.

Figure 4 Purpose of fake news (see online version for colours)
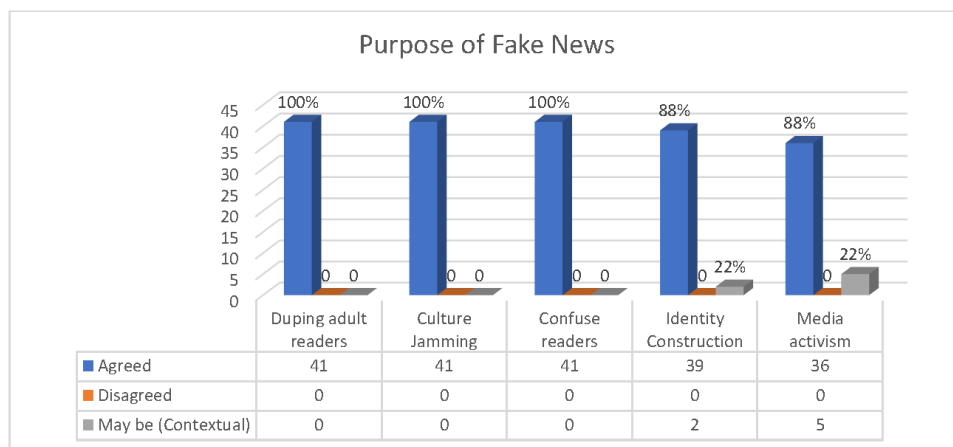
Most millennials agreed that due to the lack of accountability of the source as well as the low shelf life of information fake news thrives. On similar lines, the respondents also stated that often social media plays a crucial role in revalidating their pre-existing notions at the moment corroborating the concept of "digital echo chambers". Also, all the respondents agreed that in the age of new technology, mainly owing to the anonymity, zeroing down to the source of fake news makes it even more difficult to be verified. To add on to millennials views one media practitioner said, "this is a platform helps individual to post or re-post as well as creates echo-chamber of false narration because of anonymity, comfortability, easy access as well as no cost attached to these kind of activities".

Corroborating to the literature and FGD findings, the respondents' opinion centred around the purposes of fake news as polarisation, divergence from real issue, obstruction of reality, creation of divisive climate, reducing an individual to binary concept, identity politics, endorsement, hidden agenda, convoluting public policy, sheer pleasure, echo chambers of false notion, selective exposure, misleading the administration, harassing the mainstream media, use oneself as a source and turning everyone into a publisher. In the words of two of the respondents, "diverting from the main issue leading to convoluting public policy is a hidden agenda of fake news circulation". Most of the respondents stressed upon the factors of affordability, cost effectiveness, easy access to detailed information, low shelf-life, no investment on the part of the generating party and the immediacy factor of social media are the major cause of spreading fake news. In extent, one of the interviewees also mentioned; "it is a social media revenue model (more views, more sensational, more shares) which further incentivises such spreads" (Figure 5).

Most of the respondents agreed upon the fact that the social media is the fertile breeding ground of fake news generation. The fake news phenomenon is common across all spectrums of the media, but it is difficult to pinpoint the original source of production.

One of the interviewees quoted that "nevertheless, it can be traced, but it is a lengthy and difficult process, and not everyone is aware about the process". On ways to combat fake news, the respondent's primary focus was on media literacy and sensitising people to check the credibility of the source. It is an add on to the literature findings, which states third party checkers, counter propaganda, linguistic cue or language pattern approach (Feng and Hirst, 2013) (Figure 6).

Figure 5   Purpose of fake news (Emerged from in-depth interviews)

Figure 6   Combating fake news (see online version for colours)
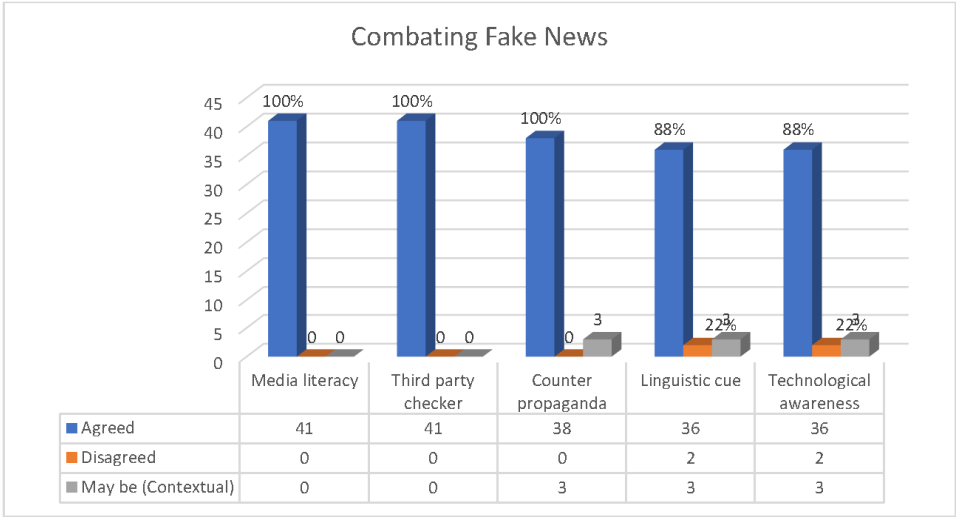
According to one of the respondents, it may not be easy for all users to identify fake information because of technological complexities, hence a general technical awareness regarding the use of privacy settings and spam filters is required to be generated

immediately. Taking a contrary position, another respondent cited that fake news being a social problem cannot be fought with technology. However, as per the responses from two of the interviewees, "some contents cannot be verified" as well as "it is near impossible to identify fake news at times". Linking to this context one media professional cited the example of "Newzland Mosque Incident", where the attacker used live video while attacking on the innocent people; however, Facebook could not put it down. Social media platforms are entirely ill equipped in terms of gate-keeping and managing the sheer size of the posts".

To answer the question regarding controlling the circulation and taking action against fake news, there is no clear consensus from the respondents. However, most of them agreed that media literacy and awareness can help control the circulation of fake news to some degree. Most of the respondents decided to bring legal fence to manage social media, except academicians (Figure 7). Academicians' point of view the existing laws are enough to check and take action on the circulation of misinformation. According to two of the respondents, awareness, simplification and modification of existing laws can help to control the flow of the fake news process. In a different note one of the interviewees quoted, "by circulating more good news, and bad news is drowned". However, some student respondents opined that counter-propaganda could not be a solution. One participant viewed on counter view search can be a solution. Another respondent mentioned that people must have capability to check through linguistic cue. The third-party fact checkers always are more reliable as fact verifiers, as per the respondents who also felt enabling technology along with legal restrictions would be the best way to combat fake news circulation.

One of the media professionals elaborated to understand the structure of social media platforms. According to him, "there are three concepts. First one is the design of the Social Media platforms need to be re-looked. Secondly, those platforms need to take the ownership and responsibility. And third one is a set of regulation/law is required. No regulation gives them free hand, to not to take responsibility. Even they claim that they take steps to tackle the unwanted situation and to stop fake news spreading, but that is bullshit".

Creating a non-judiciary forum to control social media activity was a unanimous call by the respondents. In the words of a legal expert respondent, "the moment there is an institutionalised control, every aspect of the media would be treated on a similar platform which would violate the freedom of speech". According to some of the respondents, there should be strict legal steps to punish the offender but no law should be there to control the social media. Most of the millennial respondents vouched for legal restrictions as well as a code of conduct is required for information security. Moreover, it is suggested by one of them that "absolute freedom leads to anarchy; hence checks and balances are an absolute necessity". One student also mentioned that, there must be a specific limit to express views which should not disrupt the national progress and harmony. According to some students, public service announcements could be helpful as the rate of digital literacy in India is relatively low.

One practitioner said, "policies for social media is a requirement because it amplifies and increases the velocity of the information. Social media cannot editorialise; it is just a platform". As per one PR practitioner, laws are already there but it has to be evolutionary. It has to keep up with societal changes. In a very different perspective one media practitioner opined that "love to defend freedom of expression in democratic model. But there is an ambiguity, which provides the scope to social media organisations to mess up

with/misuse the concept of freedom of expression. Every traditional media organisation comes under certain regulatory bodies and directly or indirectly answerable legally if they fall under/act wrong fully, where law of the state does not permit. Like, import of newsprint, broadcast license, libel, defamatory, instigate content etc. However, none of the social media organisations is coming under similar kind of regulations or regulatory bodies. 'They are outlaws'. So social media must be coming under legal penance". Further he said, "We are operating in a tough situation- prevail of corporate ownership, commercial approach, native advertising and spread of fake news. It's diluting the discourse. There must be a reasonable restriction without affecting the freedom of press and expression".

Figure 7   Legal restriction to control the circulation of fake news (see online version for colours)
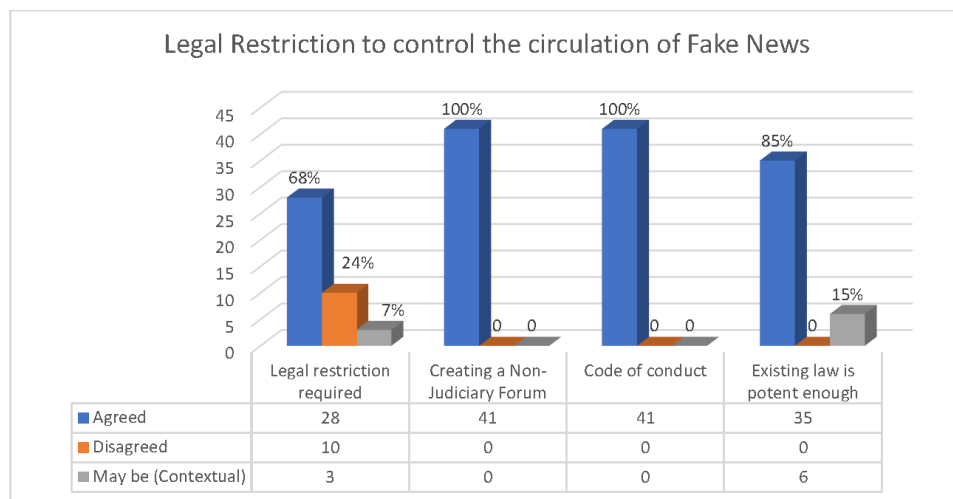
To respond to curb the fake news menace, one interviewee strongly mentioned that "important aspect is to stop media monopoly. To do that we have to develop some certain regulations like cross media regulation as well as government spending through traditional media that need to be checked, and there must be transparency. And also all of them should fall under judicial oversight with some sort of regulating structure for violating norms. However, it should not be under the government control, or else it will defeat the purpose itself. At the same time journalist's rights must be protected. As of now, there is no one concerned about journalist's rights". Further he mentioned that the fact-checking should be an intrinsic part of every media organisation. To add on to this view, one more professional said, "the general trend is that a corporate body controls the media. There is a dire need for a democratic, independent, transparent institution". In terms of practicing the profession of journalism ethically, the millennials felt that personal biases will always affect the media. The commercialised cult of media can never be superseded; however, independent journalists can practice ethical journalism. When employed with major media houses, the orientation of the institution acts as the deciding factor.

Finally, the responsible use of social media is agreed upon by all the respondents. Practicing journalistic integrity, self -regulation and professional ethics as essential requirements were also mutually agreed upon as against the idealistic construction of

ethics. However, individual responsibility and self-regulation on the part of the media is necessary. Most of the respondents mentioned that balancing integrity and professional ethics is necessarily required to challenge the issue of fake news. Adding on to that, some of the respondents viewed that in order to challenge this issue, the major responsibility lies with the audience/reader/viewer.

7 Conclusion

While analysing the aim of fake news, the findings pointed out that identity construction is one of the major reasons to circulate misinformation in social media. Also, duping adult readers, culture jamming, confuse readers, polarisation, obstruction of reality, and harassing mainstream media are the other reasons. Although the blitz of fake news is omnipresent across all branches of the media, ways to control the circulation of the same has become more challenging with the new media on the rise. Publishing news is no longer a journalist's prerogative; instead, every individual can disseminate information on social media platforms, owing to which unverified information is passed off as news. The nature of fake news connects Klapper's theory of Selective Exposure and Purposive Selective when it comes to the choice of content online.

As a response to the second question, there is a dire requirement of policy change to check fake news on social media but none of the academicians agreed to legal restrictions. In a strange note, all the millennials as well as most of the media practitioners, believed that stringent law and penal provisions could work as deterrent to curb the menace. In the recent development internet media giants, Facebook and Google were testified before the parliamentary committee of Singapore, suggesting that existing litigation structures are sufficient to challenge fake information (Press Trust of India, 2018). Thus, it stands supporting to the findings of the undertaken research in the Indian context. Respondents opined, that a non-judiciary forum is required to develop policies to regulate fake news on social media. It is also found that under the territory of the existing punitive laws, the offender should be subjected to trial.

The circulation of fake news on the social media platform is identified as a standard set back. The primary research findings also explain about the journalistic integrity and ethical approach of the profession and their necessity to deal with this challenge. The Virtue Theory by MacIntyre (2007) suffices to the concepts of journalistic integrity and ethics. It was proved that the primary responsibility lies with the audience/reader/viewer in terms of consumption of fake news. The professionals strongly expressed that balancing journalistic integrity and professional ethics is essential to encounter fake news circulation.

8 Limitations and scope of the study

Contextualising the study to the Indian sub-continent was a major hurdle as most of the referential research was within the western framework, to be further specific, most of them were post American President Election-2016. The academic investigators did not conduct a textual analysis of fake news circulation in social media which could have lent the study with a deeper understanding and analysis of the subject. The FGD, as an essential component of the study was carried out with millennials, academicians and with

only one legal expert. A separate FGD could have been conducted with legal experts only. Inclusion of such expertise could have provided the study with a legal window to contest the blitz of fake news, thus adding a scope to the study to be investigated further.

Acknowledgements

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