

Unraveling the Web of Deceit: Strategies and Technologies for Identifying and Confronting Fake News in the Digital Sphere

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ABSTRACT-

The digital world stands as an explicit domain, replete with possibilities both fantastical and pragmatic, poised at the nexus of preserving the sense of integrity and delivering superlative advanced services. At this juncture, the imperative lies in fostering a professional ethos that prioritizes the inventions of cutting-edge capabilities with unwavering ethical standards, ensuring that the digital ecosystem evolves as a mixture of reliability, trustworthiness, and excellence. Standing at the crossroads this digital world is a concoction of innovations, discoveries, easiness and yet maintaining ethical considerations. 'Misinformation' is the lacunae that have and will always destroy the upcoming digital parlance where people will live in an unrealistic world surrounded by frivolous information.

Media has perennially captivated the collective imagination, transcending categorical boundaries. In the 21st century, the demand for social media has heralded a new approach, wherein every facet of human experience, from the minutiae of daily life to the organic shifts in societal dynamics, finds representation. Moreover, it has emerged as the platform for amplifying social movements such as Me Too, catalyzing discourse and effecting a change, and has covered news, and critics from every nook and corner of the world. Thus, the media landscape is a multifaceted tapestry, where the interplay of technology, social dynamics, and cultural critique converges to shape the nitty-gritty of the real world. In this article, the author will delve into the evolvement of digital platforms, especially social media and what are the drastic impacts of misinformation or fake news coming soon before the audience and the ways to combat it.

KEYWORDS-

Right to Information Social Media Fake news Misinformation

INTRODUCTION-

US President James Madison stated “A popular Government without popular information, or the means of acquiring it, is but a prologue to a Farce or a Tragedy: or perhaps both”, the idea of right to information is a founding ideal that prioritizes transparency over secrecy. Article 19 of UDHR², Article 19 of ICCPR³, Rio Declaration⁴ have bestowed that every individual shall have the right to hold opinions and access to information on activities in their communities. The Constitution of India expressly states that a person has freedom to speech and expression⁵ at any medium subject to reasonable restrictions which was adduced in landmark judgments such as *Romesh Thappar V UOI*⁶. The Indian judiciary has time and again resonated and guaranteed freedom. With changing times the essence of modernism has always been shielded by the rights guaranteed as exists qua the citizens and the functionaries of the State. But the question remains whether providing these rights has questioned the integrity of righteousness, and misinformation has overshadowed the real right to information of the people. Information and Communication Technology (ICT) is considered to be one of the greatest gifts of modern-day development of technology and sciences⁷. It is true that the Internet is without boundaries and has a global reach, it has a greater audience, and the abuse can be viewed by people sitting in different geographic locations. The misinformation has to be clogged anyhow before a drastic issue knocks on the door of the judiciary.

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² Universal Declaration on Human Rights, 1948.

³ International Covenant on Civil and Political Rights, 1966

⁴ Principle 10 of Rio Declaration on Environment and Development 1992.

⁵ Article 19 of The Constitution of India 1950.

⁶ 1950 AIR 124

DIGITAL AGE WITH A RISE IN FAKE NEWS-

Fake news is a way that fosters misinformation among people leading to an inherent increase in clashes, mob violence, and riots among people. The combination of the digital era where information spreads in a click of time and the other side the democratic ideologies of the country where the people are free to express their satisfaction as well as dissatisfaction has conglomerated many times and caused havoc. The UNESCO Handbook for Journalism Education and Training provides an additional distinction of two forms of fake news, one that is deliberately created with the intention of targeting and causing harm to a social group, an organization, a person, or a country, described as disinformation and the other being simple misinformation that wasn't created to cause harm⁸. Thus, we can identify three key aspects of fake news: its form as a news article, its deceptive intent, and the verifiability of its content as completely or partially false⁹. In the contemporary landscape of the 21st century, the act of expressing views and opinions has evolved into a formidable tool wielded by individuals. However, this phenomenon, while empowering for some, has concurrently introduced a double-edged sword dynamic. Specifically, instances arise wherein individuals encounter information disseminated by others that proves to be false or misleading.

Policymakers are becoming more and more concerned about "fake news," which has become a contentious issue. Social media may amplify the problem of "fake news" to the point where it endangers public order, as recent events have demonstrated. In addition, the COVID-19 pandemic and the ensuing citywide lockdown have made people more dependent on the internet for accurate and up-to-date information. This increases the significance and relevance of the fake news epidemic¹⁰.

MISINFORMATION IN INDIA-

Article 19(1)(a) guarantees citizens the freedom of speech, Article 19(2) allows for "reasonable restrictions" in the interests of inter alia: (i) the sovereignty/integrity of India; (ii) the security of the State; (iii) public order; (iv) decency or morality; (v) defamation; or (vi) incitement to an offense¹¹. By striking a balance between preserving the right to free speech and lessening the harmful effects of disinformation, the Supreme Court's interventions helped to clearly define the circumstances under which this free speech on the internet can be barred and when internet services can be discontinued. These actions highlight the crucial role that regulatory frameworks play in resolving new issues that arise in the digital age while maintaining democratic values and guaranteeing the welfare of society.

India also has one of the largest traditional media with over 100,000 news publications, about 850 television, and 1000 radio channels. The media derives its freedom, to question those in power, from the Constitution of India's article 19, which guarantees all its citizens the fundamental right of 'Freedom of Speech and Expression', with a few caveats such as free speech cannot be used to promote communal disharmony, go against public decency,

⁷ Debarti Halder, K. Jaishankar- *Cyber crimes against women in India* (Published in 2017) 1

⁸Wikipedia

(https://en.wikipedia.org/wiki/Fake_news_in_India#:~:text=The%20UNESCO%20Handbook%20for%20Journalism,and%20the%20other%20being%20simple) accessed on 21 April 2024.

⁹ Bondielli, A.; Marcelloni, F. *A survey on fake news and rumour detection techniques*. Inf. Sci. 2019, 497, 38–55.

¹⁰ Tay Jing Yi- *No news is good news, but a "Fake news" is a bad news* (Published in 2021) 1

¹¹ Article 19 of The eConstitution of India

and compromise security and national sovereignty¹². As reported by a survey, 72 percent of respondents from India stated that they sourced their news online which included social media as of 2023, making it a popular form of accessing news. In comparison, 40 percent of respondents stated that they used print media as a news source during that period¹³.

In the current socio-political climate, fake news is a major problem, and it is becoming more difficult to distinguish false information from actual facts. Last year in 2023, Kerala police registered a case against a 40-year-old man for allegedly posting fake news through social media on the deadly Nipah virus infections in the state¹⁴. Nuh violence was at its peak in 2023 wherein the police took action against an editor of a newspaper for allegedly sharing inflammatory posts on social media about the communal violence in Nuh and other districts of Haryana¹⁵. The year 2024 comes with a major change where the next successor of this democratic country will be chosen. The Lok Sabha elections are at a high pace and the amount of misinformation is also at a pace where the right person has gotten meager access to the right information. There are many other instances such as The Manipur government has warned people against spreading fake news and misinformation on social media amid the sensitive law and order situation in the state.

In 2018, a small village in Assam, named PanjuriKachari, witnessed one of the cases of lynching. There was one video that went viral, which showed two men who were soaked in blood pleading for their lives, and after that they were dead. These two men were from Guwahati and were beaten to death by a village mob, as they were mistaken to be kidnappers of a child. This case was widely discussed in the media that how rumours spread on WhatsApp and Facebook led to the death of 2 people¹⁶.

In the case of Alakh Alok Srivastava v. Union of India¹⁷ relying on the submission made by solicitor general Tushar Mehta, the bench said:

“The migration of a large number of laborers working in the cities was triggered by panic created by fake news that the lock down would continue for more than three months. Such panic-driven migration has caused untold suffering to those who believed and acted on such news. Some have lost their lives in the process. It is, therefore, not possible for us to overlook this menace of fake news either through electronic, print, or social media. In particular, we expect the media (print, electronic, or social) to maintain a strong sense of responsibility and ensure that unverified news capable of causing panic is not disseminated.”¹⁸

A new initiative was taken whereby International Fact-checking Day is observed on April 2, a worldwide effort that acknowledges the need for correct information in a globalized society. The International Fact-checking Network (IFCN) first observed it in 2016 to honor and raise awareness of the vital work that fact-checkers do all around the world¹⁹. But the question is whether it will resolve things out.

¹² Gandharv Dhruv Madan - *Understanding misinformation in India: The case for a meaningful regulatory approach for social media platforms* (Published in 2022) 3

¹³ Tanushree Basuroy (<https://www.statista.com/statistics/1026215/india-primary-news-sources/>) assessed on 21st April 2024.

¹⁴ NDTV News (<https://www.ndtv.com/india-news/case-against-man-for-posting-fake-news-about-nipah-virus-on-social-media-4393932>) assessed on 22nd April 2024.

¹⁵ NDTV News (<https://www.ndtv.com/india-news/sudarshan-news-mukesh-kumar-nuh-violence-gurugram-violence-tv-channel-editor-arrested-for-false-misleading-post-on-nuh-violence-4291823>) assessed on 22nd April 2024.

¹⁶ Sanjana Jain- “*Government’s Response to Fake News*” (Published in 2020)

¹⁷ Writ Petition (C) No.76 OF 2018

¹⁸ Neelam Faizana and Eqbal Hussain- *Fake News in India during Covid-19: A Legal Study on the Spread of Fake News via Social Media* Published on 15th September 2022.

¹⁹ The Indian Express journalism of courage (<https://indianexpress.com/article/explained/everyday-explainers/lok-sabha-polls-fake-news-fact-checking-9246488/>) assessed on 22nd April 2024.

NAVIGATING THIS MAZE AND CRAFTING SOLUTIONS-

In April 2022, the Ministry of Electronics and Information Technology prescribed a new IT Amendment Rules 2023²⁰ under which if Fact-checking Unit (FCU) comes across any of such Fake posts or information the intermediaries or the person would be held liable and that stated that the online intermediaries would then have to take down such content if they wanted to retain their 'safe harbor' which is the legal immunity given to them concerning third party content published by them. However, Justice Gokhale pointed out that the FCU was simply tasked with locating information about any company associated with the government, and that the Rules allow the intermediary to include a disclaimer on the content. "The FCU has no authority under the Rules to force the intermediary to remove such information. It is entirely up to the intermediary to take reasonable steps to discourage the user from uploading, sharing, or otherwise distributing such information".

Speaking at the Seema Nazareth Award hosted by the Business Standard, Justice BV Nagarathna advocated for a regulatory framework for the "new age of journalism" that became popular with the advent of digital media. Declaring that bias in news reports must be avoided and that false news has the potential to undermine democracy²¹. During the time of COVID-19, even Prime Minister Narendra Modi stepped down to request people and media houses to stop spreading fake news on social media platforms.

This thrilling perspective of people that they have the right to speech and expression has dreadfully impacted the main iota of why this right has been bestowed to them. The question before the judiciary is whether it is viable to check and verify each piece of information on social media. Or is there any way to hold the horses that can inherently save the principle of free speech in India?

There are provisions available, dealing with it, in a piecemeal manner, falling under the Penal Code, 1860, Criminal Procedure Code, 1974 the Information Technology Act, 2000, and The Indian Telegraph Act, 1885 which are applicable both offline as well as online. Lately, the Indian government has come up with a new set of rules and regulations to regulate social media platforms, messaging services, OTT platforms, and news portals²². To address online disinformation in India, organizations can work together through an outcomes-based self-regulatory framework, given there is currently no legislative framework in place for platform governance.

THE PROHIBITION OF FAKE NEWS ON SOCIAL MEDIA BILL 2023-

A Member of Parliament, Shri. Manoj Kotak placed a bill before the Lok Sabha to provide for the establishment of Fake News on Social Media Regulatory Authority to prohibit fake news on social media and for matters connected therewith. Section 3 of the bill²³ endows the duty of the Central Government to ensure complete prohibition of fake news and bringing out new Fake News on Social Media Regulatory Authority which shall

- (a) ensure a complete ban on the promotion and spread of fake news on social media platforms;
- (b) ensure prohibition on the posting of content which are abusive and obscene including anti-feminism and insult to the dignity of the female on the social media platform;

²⁰ IT (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules 2023.

²¹ Padmakshi Sharma (<https://www.livelaw.in/top-stories/fake-news-affects-democracy-self-regulation-by-electronic-media-ineffective-supreme-court-judge-justice-bv-nagarathna-227562>) assessed on 22nd April 2024.

²² Information Technology (Guidelines for Intermediaries and Digital Media Ethics Code) Rules, 2021 (Rules). <https://www.businessinsider.in/tech/news/facebook-and-twitter-have-a-ton-of-new-rules-to-abide-by-in-india-whatsapp-may-find-itself-in-the-toughest-spot-of-all/articleshow/81208643.cms>)

²³ The Prohibition of Fake News on Social Media Bill 2023

- (c) prohibit publication of content amounting to disrespect of Sanatan symbols and beliefs on the social mediaplatform;
- (d) prohibit publication of content promoting superstition on social media platforms;
- (e) ensure that only those contents posted on social media platforms are based on authentic research on the subjects related to science, history, religion, philosophy, literature; and
- (f) ensure that appropriate punitive action under the provision of the Indian Penal Code, 1860 is taken on the person posting fake news on the social media platform²⁴.

This bill when enforced would bring in innumerable benefits for the citizens and would act as a weapon or a dagger to remove all the fake news from the digital media.

While putting forward the draft Manoj Kotak emphasized the grave need for this bill and stated that “Fake news can take various forms, including satire, misinformation, fabrication, contextless news, and manipulation. While social media is a powerful tool, it's important to utilize it responsibly. A single piece of bogus news can cause a nationwide uproar. It is important to confirm the veracity of any received material before accepting it as correct. To prevent the spread of fake news, it is important to verify the truth before forwarding any messages”.

CONCLUSION-

It has by far been always accepted that to curb freedom there has to be strict regulation. Having IT rules 2023 a fake news Bill being put forward can step ahead in curbing the issues but what remains is what impact these Fake News and misinformation are causing among the minds of innocents. With the recent shoot in the usage of social media, there have been significant cases being brought forward which has undermined the peace and integrity of the country. India has already seen several violent outbursts that investigators believe were triggered or exacerbated by the dissemination of disinformation. Misinformation and disinformation transmitted through the media are becoming a big social issue. It is contributing to a poisonous atmosphere on the internet and inciting riots and lynchings on the streets. Today fake news has become a virus penetrating the lives of people destroying the real essence of their lives and even causing a threat to them. The cases of mob lynching, riots, and other violent acts are in some or the other way a fruit of fake news that the innocents have been victims of. Countering content manipulation and false news to restore trust in social media without jeopardizing internet and media freedom would necessitate public education, regulatory strengthening, and efforts by tech businesses to develop appropriate algorithms for news curation. Any future regulation should consider the entire picture rather than blaming the media and resorting to knee-jerk reactions; in this day and age, anyone can develop and distribute new information for undisclosed rewards²⁵.

²⁴ Section 5 of The Prohibition of Fake News on Social Media Bill 2023

²⁵ (https://www.drishtiias.com/daily-news-analysis/supreme-court-on-curbing-fake-news/print_manually) Assessed on 23rd April 2024.