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Fake News and Indian Law

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Artificial intelligence and biotechnology are both booming fields and have an unsigned potential for immense growth. Both aim to discover the solutions to the problems occurring throughout the walks of lifestyle that humanity stumbles upon. So, when both of these are combined to achieve a goal, the results are sure to be surprising. This partnership of biology and machines has already been started, and now being used in various sectors as well. These industries will not only propel in their respective affairs but are bound to contribute about trillions of dollars to the global economy, which is why it has eyes of the world on it.

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Introduction:

Disinformation and Misinformation are two main classes of false information. The false information becomes fabricated news when it spreads via various means of communication deliberately or accidentally. There are several occasions wherein deliberately fabricated falsehood made to masquerade the truth occurs through cell phones, personal digital assistants or combination of both or any other device used to communicate, send or transmit any text, video, audio or image. Hence it is worthy to note that the internet has become a remarkable vector for spreading hoax due to its high momentum as compared to traditional media.

In furtherance to this propagation, there are quite a few approaches nowadays available to verify the bogus information over the internet but lamentably many recipients believe false information to execute their personal, political and / or religious designs. There could be the just for few beneath reasons:

1. To gather people and cause riots
2. To create alarm / fear/ chaos
3. For promotional some religious or political ill-will
4. To defame / disrepute a person or organisation

How to curb upon fake news:

- 1) Legal Provisions
- 2) Government Initiatives
- 3) Social Initiatives

1) Legal Provisions:

It is master urgent to understand the legal provisions which clearly mentions the vicarious and joint liabilities of :

- Originator/ Author
- Forwarder/ Author
- Comments/ Author
- Website/ Software/ ISP

Madras High Court in the matter of *S.V.E. Shekhar vs. The Inspector of Police, 2018* said that:

Forwarding message is equal to accepting the message and endorsing the message.

In a nutshell, a person forwarding the fake news is equally liable as the originator of the false message.

Now the role of intermediary is questionable in case of forwarding the false message. Under section 2[(w)] of the Information Technology Act, 2000 read with the amendments, 2008 definition of intermediary reads as follows-

‘intermediary’ with respect to any particular electronic records, means any person who on behalf of another person receives, stores or transmits that record or provides any service with respect to that record and includes telecom service providers, network service providers, internet service providers, web-hosting service providers, search engines, online payment sites, online-auction sites, online-marketplaces and cyber cafes;]

Under section 79 of the Information Technology Act, 2000 read with amendments 2008, limited liability of an intermediary is evidently mentioned. It is worth noting that the end user must abide by the privacy policies, disclaimers and relevant information everytime for in depth understanding and legal use of every website.

There are also substantive provisions available in Indian law which can be applied to smash the nexus of fake news by assuring the malice intentions of all involved parties in the fake spread. On the other hand, procedural guidelines and provisions for the lawful treatments of involved parties are also written in Indian law. Oftenly sapiens try to shelter

themselves under the constitutional law but as per the directions of Apex court they are violating Article 19(1) (a) unless it comes within the grounds of reasonable restrictions under Article 19(2).

2) Government Initiatives:

Indian government is immensely taking adequate steps to curtail the effect of fake news within the netizens and citizens. Few remarkable initiatives are as follows:

1. There are many authorised fact checking applications and websites made available to view the authenticity of any news.
2. WhatsApp tipline Number is issued.
3. Amendments in present legal provisions to aware the general public about occurrence of mischievous acts due to fake news.

3) Social Initiatives:

WE THE PEOPLE OF INDIA become innocent and virtuous while using a network of networks to blindly believe and follow any information without verification and forward the same through various means of communication. Electronic communication is playing a pivotal role in this. It is important for all the netizens to understand the gravity of false information spread. If everyone should join a campaign to educate another five (5) netizens, the problem of fake news may be

solved. Netizens after verification may write to authorities to remove the fake news published on any media as basic duty to stop rumours and related devastated effects. There are few legal ways to handle a situation wherein one wants to report:

1. By way of approaching website administrators
2. Removal through police complaint
3. Removal through court order

Let me write the email contact of the prominent intermediaries:

1. fb@support.facebook.com
2. support-in@google.com
3. grievance-officer-in@twitter.com
4. wa@support.whatsapp.com

You may connect to any website administrator for the removal of any false information which is published on their website. You may provide supportive evidence to prove your fact checking.

Lastly, it is advisable to all that few minutes of thinking before forwarding the received information could save you from lawful action of any kind and truly increase your understanding about the internet. It will surely ensure that you are smart enough to use smart media rather than you are getting smarter using smart media.

Choice is yours.

Question is are we ready to use a clean internet or not?



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Annexure I

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Reviewers Comment

Reviewer’s comment 1: The increase in use of social media exposes users more to misleading information, satire and fake advertisements. This article is well written and explained, it defines this currently trending problem of “fake news” very nicely, approaches for prevention are also defined very well. Suggestions and advice are excellent and provide a lot of awareness to the readers.

Reviewer’s comment 2: The author provides a good knowledge about information usages. Like how people tend to use the information in a wrong way and how people create false information by doing only disinformation and misinformation. The author can also add IT ACTs into this article which makes it more informative and grip on this topic.

Reviewer’s Comment 3: The main point which attracts most is the laws which are clearly mentioned in this article, even the helplines as well. The author did a tremendous job by choosing such an informative article to develop knowledge among people.



Editorial Excerpt

The article has 12 % of plagiarism which is accepted percentage for publication the finding related to this manuscript Indian Law. This partnership of biology and machines has already been started, and now being used in various sectors as well. It has been earmarked finalized for publication under the category of “Argument Based Credentials (ABC)”.

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Disclaimer

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