



A Phenomenon Of Fake News In India: Challenges And Its Impact On Society

Nandni Bhatti (LLM) and Sujata Singh (LLM) Students, School of Law, Lovely Professional University, Punjab

Abstract

The World Economic Forum's 2024 Global Risk survey, highlighted concern towards increasing rates of dissemination of false news around the world as a significant concern in the digital age. In 2019, statistics report on fake news in India revealed that 51% of respondents are concerned about the twisting of facts and 32% worried about the impact of the manipulation of facts and the use of parody to spread the fake news. The present study focuses on the reasons for the spread of misleading propaganda in India and proposes mechanisms to combat such falsity using a non-doctrinal research methodology. The paper emphasized that significant challenges faced by individuals, society, economy, and the judiciary due to the widespread distribution of disinformation and misinformation by the intense media. It suggests that strengthening freedom of speech and expression may help to protect interest in society against dissemination of fake news in India.

Keywords: Fake News, Social-media, Misleading information, Misreport, False propaganda.

Introduction

The World Economic Forum 2024 Global Risk Report revealed India was the country with the highest ranking for the spread of false and misleading information worldwide.¹ "Fake News" term is very complex phenomenon to define and growing prevalence in the age of digitalization, especially on the internet and social media. Term "fake news" denotes news that is falsified or where the facts are manipulated and remain

¹Anna Fleck, "Survey Finds False Information Risk Highest in India", available at: <https://thewire.in/media/survey-finds-false-information-risk-highest-in-india>, (last visited on July 18, 2024).

unverified.² It's evident that with technological advancements, the threat of fake news has risen, with fake video and audio clips as well as fabricated news stories widely circulated on social media platforms. This poses a complex and significant challenge with a profound impact on society, emphasizing the need for effective solutions³. In India, the vulnerability of platforms like WhatsApp to fake news underscores the need for targeted interventions to combat the spread of misinformation⁴. It underscores the far-reaching and detrimental consequences of misinformation and disinformation on the fabric of our society. The dissemination of false information by media outlets can sow seeds of discord, incite violence, and perpetuate a toxic online milieu. It also elucidates specific instances where erroneous online narratives have tragically resulted in the loss of innocent lives and highlights how even public figures, such as ministers, have been complicit in the propagation of false information.

The judiciary is essential to maintaining the right to free expression. while safeguarding Article 19 as a fundamental right of every citizen of India. In the case of Life Insurance Corp. of India &Ors vs. Prof. Manubhai and Cricket Association of Bengal⁵, Indian Express Newspaper Ltd vs. Union of India⁶, R.M.D. Chamarbaugwalla vs. Union of India⁷, are some of significant landmark decision reaffirmed the intrinsic value of freedom of speech and expression in a democratic society.

In addition, numerous legislations have been implemented to safeguard data and uphold the privacy and integrity of each individual. These legislations includes; ensure the freedom of speech and expression⁸ with 'reasonable restriction' imposed by the state⁹ under the Constitution of India; If a newspaper, news agency, editor, or journalist violates journalistic ethics, a regulating body has the power to alert, chastise, or condemn them.¹⁰; Addressing and resolving complaints regarding news broadcasters as they pertain to the content of

²"Fake News, Lies and Propaganda: How to sort Fact from Fiction", available at:<https://guides.lib.umich.edu/c.php?g=637508&p=4462356>, (last visited on July 18, 2024).

³The Problem fakenessIndia issuesConcerns and Regulation, available at:<https://www.drishtiias.com/pdf/1584990847-the-problem-of-fake-news-in-india-issues-concerns-and-regulation.pdf>, (last visited on July 18, 2024).

⁴ Ibid.

⁵Life Insurance Corp. Of India &Ors V. Prof. Manubhai D. Shah, (1992)AIR 171, SCC (3) 637 "the Supreme Court underscored the paramount importance of freedom of expression as a fundamental right. The court explicitly articulated that right safeguard the dissemination of news, information, perspectives, and opinions. The judgment emphasized that every individual possesses the right to promulgate their ideas by publishing their viewpoints in periodicals, distributing magazines, journals, or through electronic media".

⁶Indian Express Newspaper Ltd. V Union of India,1984, "the apex court held that freedom of the press is considered essential for effective functioning as democratic nation. While there is no specific law targeting fake news in India, Article 19(2) imposes certain restrictions on the media and press to prevent the misuse of this right. To ensure accountability, there are regulatory bodies such as the Press Council of India, the Indian Broadcasting Association, the Indian Broadcasting Foundation, and the Broadcasting Content Complaint Council. These organizations are primarily responsible for monitoring the content broadcasted by news channels, as well as handling complaints regarding objectionable TV content and fake news".

⁷R.M.D. Chamarbaugwalla vs. Union of India,1957 AIR 628, SCR 930 "the Supreme Court stated that the provisions mentioned in Section 9(1-A) of the Madras Act exceeded the boundaries set in Article 19(2). It was considered unfeasible to segregate Section 9(1-A) into aspects that fell within or outside the protection of Article 19(2). Consequently, the exception to Section 9(1-A) of the Madras Act was not classified as a provision falling within the realm of reasonable restrictions on the press and the enforcement of regulations on them".

⁸The constitution of India art. 19 "to freedom of speech and expression".

⁹*Id*, art. 19 (2) "law imposes reasonable restrictions on the exercise of the right conferred by or in the interest of state; the sovereignty and integrity of Nation, the security of the state, friendly relations with foreign states, Public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence".

¹⁰Press Council of India, 1978

any broadcast¹¹; handling complaint content aired through channel services¹²; just inciting a disturbance by provoking others; damaging or defiling a house of worship with the intention of disparaging any class of religion¹³; defame or distorting the reputation of an individual¹⁴; To safeguard viewers' interests by ensuring program quality, transparency and grievance redressed mechanisms¹⁵; safeguarding internet users from serious cybercrimes such as identity theft, financial loss, exposure to pornographic material, and asset seizure¹⁶; and many more available for the protection against the widespread of fake agenda's in the digital world. But, still there is need to strengthen the laws which particularly deal with the false rumours for the political, economic and personnel purposes in India.

1.2Review of Literature

Md. Sayeed AL-Zaman, “*Social Media Fake News in India*”¹⁷, identified in his study 419 fake news items based on themes, content types, and sources. The themes included health, religion, politics, and crime, and the content types ranged from text, photo, audio, and video to combinations of these. According to the study, political false news is mostly produced by mainstream media. The study's conclusions could aid in the understanding and management of false news on social media by academics and decision-makers. Limitations pertaining to the data source and collecting period were also brought to light by the study.

Sadiq Muhammed and Saji K. Methew, “*The disaster of misinformation: a review of research in social media*”,¹⁸ explained that dissemination of false information on social media presents a significant danger to the public welfare, especially in the realms of disasters, health, and politics. The impact of false information became apparent during events such as the COVID-19 pandemic, Australian Bushfire, and the USA elections. A systematic review uncovered 28 pertinent articles focusing on these topics, examining the attributes of false information, research approaches, and theories employed to analyse false information. An Antecedents-Misinformation-Outcomes (AMIO) framework was adjusted to integrate fundamental ideas from previous studies and to explore methods for controlling the spread of misinformation on social media. This review adds

¹¹News Broadcasters Association

¹²Indian Broadcast Foundation

¹³*Id* sec. 298 “Whoever destroys, damages or defiles any place of worship, or any object held sacred by any class of persons with the intention of thereby insulting the religion of any class of persons or with the knowledge that any class of persons is likely to consider such destruction, damage or defilement as an insult to their religion, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both”.

¹⁴*Id* sec. 356 “Whoever, by words either spoken or intended to be read, or by signs or by visible representations, makes or publishes in any manner, any imputation concerning any person intending to harm, or knowing or having reason to believe that such imputation will harm, the reputation of such person, is said, except in the cases hereinafter excepted, to defame that person”.

¹⁵Broadcasting services (Regulation) Bill, 2023

¹⁶Information Technology Act, 2000

¹⁷Md. Sayeed AL-Zaman, “Social Media Fake News in India”, *Asian Journal for Public Opinion Research*, Volume 9, Issue 1, PP. 25-47, February 2021.

available at: https://www.researchgate.net/publication/341725037_Social_Media_Fake_News_in_India, (last visited on July 18, 2024).

¹⁸Sadiq Muhammed and Saji K. Methew, “The disaster of misinformation: a review of research in social media”, *International Journal of Data Science and Analytics*, Volume 13, pages 271–285, February 2022.

available at: <https://link.springer.com/article/10.1007/s41060-022-00311-6>, (last visited on July 18, 2024).

to the growing body of knowledge in Data Science and social media and provides insight into strategies for combating social media misinformation.

Chih-Chien Wang, “*Fake News and Related Concepts: Definitions and Recent Research Development*”¹⁹, explained about the outline of the research on fabricated news and related ideas. It emphasizes the uncertainty surrounding the definition of fabricated news and its differentiation from other concepts like news satire, yellow journalism, and misinformation. The analysis encompassed 387 articles on fabricated news in Social Sciences Citation Index (SSCI) and Science Citation Index Expanded (SCI-Expanded) database, these articles examined to track the trend and identify influential research articles and concepts. The findings intend to provide essential insights into the recent advancements in research on fabricated news.

Anup Rameshrao Kawthalkar and DR. AtmaramShelke, “*Critical Analysis of Laws on Fake News in India*”²⁰, explained that nowadays communication is done on online apps mostly. A considerable portion of the population in India utilizes social media for communication and obtaining information. The spread of false information is a significant drawback of social media in India and other regions across the globe. The research examines how misleading information spreads on social media, defines “fake news,” and considers the effects of fake news in India, and assesses the current legal stance in India to address fake news. The paper also proposes strategies to address fake news in India.

Nikita Manani, “*Fake News: Need for Regulating Free Press*”²¹, discusses the need to regulate the free press due to the increasing prevalence of fake news, which can mislead people through manipulation and misinformation. It also emphasizes the importance of regulating through constitutional means, such as applying a “reasonable restriction” under Article 19, or putting in place a strong self-regulatory framework where an industry or group monitors its members and their conduct. It stresses the need for stringent regulations for communicators using social media, personal blogs and newsletters which ensure communicators should adhere to laws regarding defamation, antidiscrimination, public safety, and ethical standards.

1.3 Impact of Fake News

Dissemination of fake news significantly impacts various facets of society. It can detrimentally affect individuals' lives, encroaching upon their fundamental rights and tarnishing their reputation within the

¹⁹Chih-Chien Wang, “Fake News and Related Concepts: Definitions and Recent Research Development”, *Contemporary Management Research*, Vol. 16, No. 3, PP. 145-174, 2022, available at:doi:10.7903/cmr.20677, file:///C:/Users/Nandani/Downloads/yjyang,+CMR+16-3-1+%2320677.pdf, (last visited on July 18, 2024).

²⁰Anup RameshraoKawthalkar and Dr. Atmaram Shelke, “Critical Analysis of Laws on Fake News in India”, *Journal of Positive School Psychology*, Vol. 6, No. 3, PP. 8642–8652, ISSN: 2717-7564, 2022, available at: <https://journalppw.com/>, (last visited on July 18, 2024).

²¹Nikita Manani, “Fake News: Need for Regulating Free Press”, *International Journal of Creative Research Thoughts (IJCRT)*, Volume 10, Issue 3, ISSN: 2320-2882, March 3, 2022, available at: <https://ijcrt.org/papers/IJCRT2203034.pdf>, (last visited on July 18, 2024).

community. Moreover, fake news can subvert the principle of "innocent until proven guilty," sway people's belief systems, and exert adverse effects on the economy and the judiciary which is discussed as below:

Personnel Impact

- Fake news refers to information that is false, not authentic or misleading by nature. When individuals believe and share such news, it can lead to the spread of misinformation about current events. The dissemination of fake news can significantly influence public opinion, particularly in the realm of politics. Instances have occurred where false information is purposely circulated to portray a particular political party in a negative light, thus swaying public sentiment and leading to widespread manipulation of public opinion.
- Fake news often spreads more rapidly than genuine news, leading to a loss of trust among people who rely on accurate information. This can result in individuals developing uncertainty about the truthfulness of news reports, which in turn impacts their ability to make informed decisions. In instances of misrepresentation in false news, individuals are unjustly portrayed as the prime instigators of criminal acts prior to the delivery of the court's actual verdict. Such premature allegations, lacking substantial evidence, can severely tarnish the reputation of the individual and their family members in society. These practices have the potential to drive the affected individual to extreme measures such as suicide or depression. There is a recurring issue wherein false information about well-known public figures spreads rapidly on social media platforms, leading to substantial online harassment. Consequently, these individuals often opt to temporarily deactivate their social media accounts, including those on platforms such as Twitter and Instagram.²²
- For example Dhanashree Verma wife of famous Indian Cricketer Yuzvendra Chahal photo of her with dance cherographer which she posted on social media app (Instagram) later it was deleted, went viral and people or trollers in comment sections abused her and they made a fake scenario of that she is cheating her husband to which she replied that she generally don't reply to such fake news but this time it has not only impacted her but also to her family and due to the mental stress she faced she also took a break from social media (Instagram).²³ The other instance which can be given as example is of viral couple from Jaladhar, Punjab. when their private video got leaked and it went viral many people start spreading news that they both have committed suicide and many other such fake news were circulating like anything on different social media apps and till now the couple has made statements and highlighted the issue that till

²²Nihal Kumar, "Fake News and Misinformation Poised to Become India's Biggest Threats", available at:<https://theprobe.in/media/fake-news-and-misinformation-indias-biggest-threats-4758254>, (last visited on July 19, 2024).

²³CT Contributor, "Yuzvendra Chahal's wife Dhanashree Verma speaks out against trolling and accusation", available at:<https://crictoday.com/cricket/daily-cricket-news/yuzvendra-chahals-wife-dhanashree-verma-speaks-out-against-trolling-and-accusations/#:~:text=%E2%80%9C%20have%20never%20been%20impacted,media%20because%20of%20this%20trolling>, (last visited on July 19, 2024).

date people abuse them, made fun of them, verbally abuse them and till now if they post anything on their social accounts they had to face much trolling and abuse in their comment sections.²⁴

Social Impact

- The proliferation of fake news often leads to the dissemination of misinformation or the distortion of facts for various purposes. Consequently, this phenomenon can overshadow the coverage of genuinely significant news, thereby impacting society at large. At times, the dissemination of false information through fake news has posed security risks by widely circulating inaccurate details pertaining to emergency scenarios and health-related matters. Moreover, the dissemination of fake news has been observed to incite violence within societies. Instances abound where individuals, influenced by false information, harbour negative sentiments towards specific communities or government bodies. Regrettably, such sentiments have culminated in acts of violence, damage to public assets, and even loss of life²⁵.
- Poonam Panday "This morning is a tough one for us," said a post from Poonam's official handle on Friday, February 02, 2024. We are so sorry to notify you that Poonam, our darling, passed away from cervical cancer. Her manager confirmed her death, according to news sources. This post really shock the people on the very next morning ponamm pandey by posting confirm that is alive and she did this to raise awareness about cervical cancer. And when this comes to know that this is fake news circulated by her. Then majority of people did not support her action and said that this is not the right way to aware people such type of news had great impact over people in society.²⁶ Another example of fake news that has great impact over society was during Covid time then also many fake news were circulated by people on different groups related to covid virus and out of which many very fake and all such news has great impact over people mental health during that time.²⁷

Economic impact

- Due to the dissemination of misinformation, there are instances where false claims are made about specific brand products, suggesting that they are unsuitable for consumption or contain substances that have a significant impact on human health. Consequently, this can lead to a decline in the market value of the affected brands and have far-reaching implications on their business and the overall economic landscape.

²⁴Kanishka Singharia, "After leaked video controversy, Kulhad Pizza Couple Faces Vandalism", available at: <https://www.timesnownews.com/viral/after-leaked-video-controversy-kulhad-pizza-couple-faces-vandalism-video-article-111573545>, (last visited on July 19, 2024).

²⁵Gandharv Dhruv Madan, "Understanding misinformation in India: The case for a meaningful regulatory approach for social media platforms", available at: <https://arxiv.org/pdf/2207.01508.pdf>, (last visited on July 19, 2024).

²⁶The Hindu Bureau, "Poonam Pandey is alive: Actor-model fakes demise to increase conversation around cervical cancer", available at: <https://www.thehindu.com/entertainment/movies/poonam-pandey-is-alive-fakes-my-demise-to-increase-awareness-around-cervical-cancer-says-actor/article67803717.ece>, (last visited on July 19, 2024).

²⁷Katharina Buchholz, "COVID-19 and WhatsApp Fuel Surge of Fake News in India", available at: <https://thewire.in/tech/covid-19-and-whatsapp-fuel-surge-of-fake-news-in-india>, (last visited on July 19, 2024).

- The spread of false information pertaining to business policies can detrimentally impact public confidence and consumer spending behaviour, thereby affecting economic growth. Instances of fake news can tarnish a business's reputation through the dissemination of negative comments, false data, and fabricated stories. This, in turn, leads to a negative perception among customers, resulting in economic disadvantages for the business²⁸.
- Kalayan jewellers is a well known brand in India in one of the fake video circulated on social media claims that the gold which is been sold by them is not pure and fake due to which it has affected the brand and other example of such type of impact is of Aashiryaad Atta, one of the video got circulated in which it is claimed that there is presence of plastic in Aashiryaad Atta and this news was fake and it effected the brand reputation and selling of product.²⁹

Judiciary Impact

- The proliferation of misinformation significantly impacts the Indian judiciary. As technology continues to advance, legal cases, whether pending or undecided, often become the subject of open discussions in both traditional media and social media platforms. Such practices run counter to the fundamental principle of "innocent until proven guilty."
- The influential role of the media in shaping public opinion. Consequently, there is an emphasis on the responsible dissemination of information without bias. The case of Sushil Sharma v The State (Delhi Administration), and Ors. 1996³⁰ emphasized that sentencing should be based on evidence rather than media coverage or social media representation.
- In the Air India Urinate Case³¹ the court reiterated the importance of upholding an individual's dignity. It expressed concerns over the media's tendency to prioritize sensationalism over privacy and emphasized the need for media outlets to resist the allure of higher ratings at the expense of personal integrity.

1.4 Prevalence of Fake News: Challenges faced by the society

Generally, the society have been facing the challenges, including (i) Insufficient manipulation of counter content, (ii) used to manipulate or influence the public opinion, (iii) To defame the reputation of individual, (iv) To incite communal violence, (v) to gain the commercial motives behind fake news, (vi) To abuse the

²⁸Gandharv Dhruv Madan, "Understanding misinformation in India: The case for a meaningful regulatory approach for social media platforms", available at: <https://arxiv.org/pdf/2207.01508.pdf>, (last visited on July 19, 2024).

²⁹Neeta Nair, Samarpita Banerjee, "Faking News, And How brands are tackling it", available at: https://www.impactonnet.com/cover-story/faking-news-and-how-brands-are-tackling-it-6082.html#google_vignette, (last visited on July 19, 2024).

³⁰Sushil Sharma Vs. state (Delhi Administration), and Ors. 1996, "the Delhi court held that the effects of media interference in the judiciary system. It emphasizes the need for judges to remain neutral and base their decisions solely on the facts presented in court, rather than media reports. It also highlights the detrimental impact of sensational journalism on public perceptions and the potential for corruption to influence legal proceedings".

³¹Air India Urinate Case, 2023

trust of internet users, (vii) Use the fake news propaganda for political stability, (viii) Misuse of personal data or the use of email hoaxes as additional threats associated with fake news etc.

1.5 Suggestion to Curb: Fake News Propaganda

There are some significant suggestions to combat this serious problem in digital era which is discussed as below: (i) It is essential to verify the accuracy of information before disseminating it on social media, even if the source is considered reliable, (ii) Proper cross check and fact check through multiple sources to confirm the information, especially if it's from anonymous or single sources, (iii) Evaluate the motives of the content's originators, whether they are a news outlet or a political entity, (iv) While emotive narratives are not inherently untrue, exercise caution and verify their veracity before sharing, (v) Proper government intervention is mandatory, while a political agenda distorts the reputation of other parties through the dissemination of false information or information disorder, (vi) Raise awareness among the general people regarding the propaganda of false information, (vii) need to strengthen the laws to ensure the authenticity information circulated by the media.

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