

DOES INDIA NEED A LAW CRIMINALISING FAKE NEWS?

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In what's being criticised as a controversial and ambiguous law, Singapore's Protection from Online Falsehoods and Manipulation (Pofma) Law criminalising fake news and allowing the authorities to remove objectionable online content was passed recently. It went so far as to allow policing of private conversations to ensure that misinformation is not transmitted. Despite a backlash from opposition parties, human rights groups and tech companies due to its vagueness and anti-privacy stance, the law, or rather the intent of a law of this kind has merit.

India's battle against fake news has got fiercer with time, with the government pressuring tech companies for more content regulation, and tech companies attempting to clean up one mess after another. This is why we saw WhatsApp limit forwarded messages to five, and Facebook struggle to build an unbiased Artificial Intelligence system to detect and block fake news (it still hasn't succeeded fully). But to place the complete onus on for-profit companies (here, intermediaries largely guarded by law) to regulate content is irresponsible. With over 468 million smartphone users in India (a big broadcasting tool), WhatsApp and even regional language media platforms have been used to target marginalised groups, causing brutal lynching and murders on mere "suspicion" of illegal activity. So, if India were to move in the same direction as Singapore and enact a law, it should do so with caution to ensure that the intent of the law isn't to stifle freedom of speech but to safeguard citizens from the dangers of fake news and false information. It would require finding a fine balance to ensure authenticity without affecting free speech. India's approach must be more nuanced. This includes defining fake news, ensuring a difference between fact and opinion (including only the former under the ambit), meeting privacy concerns under Article 21 of the Constitution, safeguarding the freedom of press and following due process of the law every time. India must not follow in the path of Singapore or even Russia, whose anti-fake news laws allow too much power to governments to stifle content unfavourable to them and their agenda. However, one positive aspect of Pofma which is beneficial for India is the ban on fake accounts and bots.

Fake news is an online epidemic, and the way forward is three-pronged: One, rethinking the intermediary liability rules to ensure a greater degree of social responsibility and transparency from tech companies; two, passing a law that strictly defines fake news, and three, ensuring tech literacy through awareness drives, to inculcate the habit of verifying all content received. We've witnessed the Internet build what's called a global village, changing the way we communicate with one another. Both, information and misinformation are at our fingertips. This only means that it is almost as easy to spread fake news as it is to verify it.

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