

Fake News: Draft amendments to the IT Rules empowers PIB to take down fake news

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What's in today's article?

- **Why in News?**
- **What is Fake News and Laws to Punish Offenders?**
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Why in News?

- The Union Ministry of Electronics and IT (MeitY) has recently introduced a new draft of amendments to the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.
- According to a draft proposal, any piece of news identified as “fake” by the fact-checking unit of the Press Information Bureau (PIB) – the Centre’s nodal agency for sharing news updates – will not be allowed on online intermediaries.

What is Fake News and Laws to Punish Offenders?

- **Meaning of Fake News:** Fake news is referred to as those news stories that are false, fabricated, with no verifiable facts, sources or quotes.
- **Types of Fake News:** Satire or parody (no intention to cause harm), misleading content, imposter content, fabricated/false/manipulated content, etc.
- **Laws to control effect of fake news:**
 - The Information Technology (IT) Act, 2008. The offence related to **electronic communication** shall be punished under section 66 D of IT Act.
 - **The Disaster Management Act, 2005.** Whoever makes/circulates a false alarm/warning as to disaster/its severity/magnitude, leading to panic shall be punished under the DM Act.
 - **The Indian Penal Code, 1860.** Fake news creating false alarm in public, fake news creating riots and information causing defamation shall be punished under different sections of the IPC.

News Summary Related to Draft Amendments to Curb Fake News

What are the new proposals?

- The new draft, which included regulations for online gaming platforms, was dramatically **expanded to include removing fake news** from online intermediaries (social media platforms, internet service providers, web hosting providers).
- According to the latest proposal, there is now the **possibility of content takedowns** because something has been **recognised as fake news by the PIB**.
- The condition has been added to the **list of due diligence criteria** that intermediaries must follow in order to enjoy legal immunity from third-party content that they host.
- The proposal also suggests that content that has been **marked as misleading by any other agency** authorised by the government for fact-checking or in respect of any business of the Centre will not be allowed on online intermediaries.

What are the concerns related to the above proposals?

- Members of civil society have expressed concern over the proposal, fearing that **anything the government contradicts** might be used to justify content takedowns.
- **It could potentially set a dangerous precedent:**
 - PIB's fact-checking unit was set up in 2019 to verify news related to the government's ministries, departments and schemes.
 - It routinely flags content that it believes is false or misleading, **yet it rarely explains** why it has flagged a specific piece of information.

- The PIB's fact-checking unit has itself tweeted (occasionally) inaccurate information.

Q1) What are the laws to control effect of fake news in India?

The Information Technology (IT) Act 2008 regulates offences related to electronic communication. The Disaster Management Act 2005 regulates false alarm/warning as to disaster/its severity/magnitude. The Indian Penal Code 1860 regulates fake news creating false alarm in public, fake news creating riots and information causing defamation.

Source: [News flagged as 'fake' by PIB not allowed on online platforms: MeitY](#) | [News18](#)

Source: <https://vajiramandravi.com/current-affairs/fake-news-draft-amendments-to-the-it-rules-empowers-pib-to-take-down-fake-news/>

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