

**LEGAL LOCK JOURNAL**  
**2583-0384**

---

**VOLUME 2 || ISSUE 1**

---

**2023**

This Article is brought to you for “free” and “open access” by the Legal Lock Journal. It has been accepted for inclusion in the Journal after due review.

---

To submit your Manuscript for Publication at Legal Lock Journal, kindly email your Manuscript at [legallockjournal@gmail.com](mailto:legallockjournal@gmail.com).

## **Analyzing widespread incidents of fake news in India through a legal perspective**

Yashwantini P<sup>1</sup>

### **ABSTRACT:**

Fake news is defined as a collection of information disorders which are classified into disinformation- which are created with the intention to harm people in the society and influence their opinions and misinformation- are journalistic mistakes which are misleading but people who share the information do not realize it and do not have any intention to cause harm. The question is how fake news is a threat to democracy. Democracy is a system of government elected by the people. Here, government means the legislative part of the government is elected directly or indirectly by the people. Who constitutes the democratic legislature? The simple answer is the politicians representing their parties under their territory stand for the election. Politicians to win people's minds and gain votes in elections spread false information through the media, it was through paid news reported in newspapers and through radio in the 90s and in the 20<sup>th</sup> century where people are very active in social media, politicians hire employees just to post information the positives of their party and negative and false information of other parties. Even though many literates are aware of social media tactics and the viral spread of false information, many still acquire an influence through it. Therefore, the election commission in India has recently added a column for the money spent on social media during election campaigns, which is also called "social media campaigning" in the accounts for money spent during campaigns. People are attracted to "one line information" which has colorful editing with some added jokes which make them stay more online. Let us analyze in this paper how far politicians go to influence people through information.

---

<sup>1</sup> The author is a student at St. Joseph's College of Law, Bengaluru.

## **INTRODUCTION:**

Since the invention of the printing press, fake news has existed, but it has found enormous success in the internet and social media era. Social media and search engine algorithm manipulation is a common way to reach huge audiences and deceive news consumers is a global trend recently. It is now fairly usual to see fake videos, news articles with morphing media logos, bots, and hired commentators for a good online reputation. The danger of fake news is being used by governments to restrict free speech.

## **POLITICAL ADVERTISING AND MISINFORMATION**

Political advertising is a series of activities to promote a candidate standing for election. Political advertising doesn't completely circle around elections, campaigns, political parties and candidates. Societal debates, introduction of welfare schemes, addressing issues of people and the way of approach are also included under this umbrella. The whole idea of politics is bringing up one's image in the society. Politicians also go to the extent of lying providing fake promises.

In the case of *Tata Press v. MTNL*, AIR 1995 SC 2438, it was held that, <sup>2</sup>*“Legitimate political advertisements indicate the identity of the sender or the speaker of the communication. This confirms that the communicated piece is an advertisement. Such speech is not sought to be constrained excessively since it promotes political ideas and reflects the ideologies and policy goals of a party, while ensuring that the viewers are aware that the content is not merely informational but also promotional. Under the Indian Constitution, speech of this kind is admittedly within the protection of Article 19(1)(a) of the Constitution.”*

The sub-committees of PCI [Press Council of India] has defined fake news as “any news or analysis appearing in any media (Print & Electronic) for price in cash or kind as consideration.” This definition was later accepted by the SCIT (Standing Committee on Information and Technology) on their 47<sup>th</sup> report. The format of news reporting should be objective and neutral. It is crucial to draw distinctions between advertisement and news. If paid content is presented as news, it harms the election structure at multiple levels. Apart from the deception of voters, the funds paid by candidates for paid news also help them hide the expenditure incurred by them, unlike in advertising, which can be publicly scrutinized.

---

<sup>2</sup> *Tata Press v. MTNL*, AIR 1995 SC 2438.

<sup>3</sup>The term “Fake News” topped as the “Word of the year” in 2017 after the former president of the United States started discussing it. Mass media like News channels, journals, and radio started flashing reports and statistics on fake news dominating social media and to what extent it would reach and end up. The WhatsApp forwards and photoshopped images tend to intimidate people into reading it. Fake news was rampant in India from the time of the emergence of media in the country but was in the form of paid news written by journalists or independent publishers in magazines.

Pankaj Jain, a philosopher and an active naysayer of fake news commented that <sup>4</sup>*“fake news can be a bit of misleading term. It can mean several things-news sowing confusion, a mistake, fabricating information, an intentional twisting of news stories etc.”*

Indian politicians try hard to promote themselves through different digital campaigns. The Prime Minister, have great social media page with huge number of followers. He was also ranked first, to be the most followed leader in Instagram with 69.1 million followers. Narendra Modi is one of those politicians who have understood the clear algorithm of popularity in today’s world. Exceptional to him, nowadays every politician has their own teams to manage their status in social medias by updating time to time about their activities.

## **STATISTICS OF FAKE NEWS TRIGGERED BY POLITICIANS IN THE 20<sup>TH</sup> CENTURY**

### **2014 and 2019 Lok Shaba elections:**

<sup>5</sup>In 2014, Gujarat election campaigns, the former Gujarat Chief Minister “Narendra Modi”. The credits for Modi’s successful campaigns were given to IT professionals, and youth who are good tech-hand users of digital media and world. Piyush Pandey who was the mastermind behind the party’s campaign then briefed that as Modi’s popularity was higher than the Party’s popularity, they wanted to play it like a presidential campaign.

---

<sup>3</sup> Banerjee, Amila, and Mehrazun Neesa Haque. "Is fake news real in India,8.4" *Journal of Content, Community & Communication* 46,46-49(2018).

<sup>4</sup> Banerjee, Amila, and Mehrazun Neesa Haque. "Is fake news real in India. 8.4 " *Journal of Content, Community & Communication* 46,46-49 (2018).

<sup>5</sup> Narayan, Badri. "Modi's Modus Operandi in the 2014 Elections", *Economic and Political Weekly* (2014): 12,12-14 (2014).

Prof. Mathew Gentzkow from Chicago university compares India's 2014 election to the United States Presidential election and quotes in an article from The Hindu <sup>6</sup>“Just as ice cream makers give customers the flavors they want, newspapers give readers the stories and slant they want. It's a market phenomenon...Today's technology contributes to political polarization.”

Ravi Shankar Prasad, who is the Union Minister of Law, Communications and Information technology informed that there were found to be 150 cases of fake news prevailing in the social media Platforms, as per the list of complaints found by the Election commission of India in the 2019 Lok Sabha elections. *According to the [Factly on Aug 3, 2019]*

### **WIDESPREAD INCIDENTS OF FAKE NEWS:**

- **Muzaffarnagar riots of 2013: fake video fueled communal passions.**

In 2013, furious riots took place due to the communal tension between the Hindus and Muslims. Later, BJP (Bharat Janata Party) MLA Sangeet Som was arrested for involvement in fake video uploading case and for making provocative speeches and was booked under the National security Act (NSA). Sixteen other politicians were also arrested from BJP, Congress and BKU. The riots claimed 49 lives and displaced over 40,000 people in the state.

- **Ministry using a Russian photo to show LED-electrification of streets**

In 2017, Mr. Piyush Goyal, the union minister for Commerce and Industries tweeted about the Indian government's achievement for setting up LED street lights for 50,000km in Indian roads. Subsequently, the image was found to be a picture taken in Russia. Later the post was deleted by the minister and claimed it to be false information.

- **GPS tracking nanochip in 2000 Rupee notes**

In 2016, after the demonetization of the rupee notes to bring out all the financial corruption of black money in the country, fake news predominantly took place claiming that the new 2000-rupee currency notes are again going to be altered and released with a nano-GPS system attached to it. Rumours have been spread such as “the chip has been fitted in such a way that it can detect Rs 2000 notes even from 120 meters below the ground. Finance secretary Ashok Lavasa said that the new notes that will be introduced will have a “High security” feature but did not mention about any GPS system chip attached to it. Due to viral spread of this news, the spokesperson of RBI, Alpana

---

<sup>6</sup> Dasgupta, Buroshiva. "Tackling 'bias' and fake coverage in the Indian media", 2,2 Para:4 (2017).

Killawala told “such a technology does not exist at the moment in the world, then how can we introduce such a feature?”

- **Ministry of home affairs (MHA) annual report used a picture of Spain-Morocco border to show Indian border floodlighting.**

The Union Ministry of Home Affairs posted an incorrect photo of India-Pakistan border in its annual report for 2016-17. The picture with the caption “Floodlighting along the Border” which mentioned about the India-Pakistan border. However, it was found by netizens that the lighting between Morocco and Ceuta. The report has also been published in the public domain and it became a herculean task to re-do the report. But the government reported that the 647 kilometers of India’s border with Pakistan and Bangladesh has been lightened-up to prevent the movement of terrorists and illegal migrants into the country.

## **CONCLUSION:**

Not only the technical media operators but also the viewers should also help to pull down the fake news prevailing on the platform. Sharing of false news and information will only lead to fuel the ignition. This is why many informative truths tend to be hidden still and misinformation tends to viral easily. India being a democratic country should safeguard people’s minds by protecting them from false influence and triggers. Hence, this paper has come down with different instances of fake news and how predominant is political fake news in India.