



An Examination of Regulatory Frameworks in India Regarding the Control of Fake News on Social Media Platforms

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	Abstract
<p>Received: 3rd Jan 2022 Revised: 19th Feb 2022 Accepted: 15th Mar 2022</p> <p>CC License CC-BY-NC-SA 4.0</p>	<p>The impact of social media on daily life and its influence on shaping opinions has become a focal point of academic inquiry. Social media platforms serve as conduits for the rapid dissemination of fake news, amplifying messages that promote abuse against minorities and facilitate the spread of incendiary content. The term "fake news" encompasses various forms of misinformation intentionally fabricated to mislead individuals and cast doubt on factual information. This includes propaganda, satire, and profit-driven misinformation. Many political entities maintain dedicated IT departments for disseminating fabricated information.</p> <p>In India, there is no direct regulatory framework specifically targeting fake news, and indirect regulations sometimes conflict with the right to freedom of speech and expression. This paper outlines the existing regulatory mechanisms, tools, and techniques used for regulation, identifies loopholes in current regulatory approaches, and advocates for the need for dedicated legislation to address fake news. It also explores the potential repercussions of regulating social media content, considering its potential impact on individual rights to freedom of speech and expression.</p> <p>Furthermore, the paper discusses various measures taken by WhatsApp in response to concerns raised by the Indian government regarding fake news dissemination.</p> <p>Keywords: Social Media, Fake news, regulatory framework, tools and techniques of regulation and right to free speech and expression</p>

I. INTRODUCTION

The Indian constitution provide right to free speech and expression to every citizen¹ with some reasonable restriction², nowadays this fundamental right is exercised in full extent with the help of social media platform.

¹ INDIA

CONST. art

19, cl. 1. ²

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Social media refers to those online platforms which are designed for social interaction such as blogs, microblogs (Twitter), social sharing and messages (YouTube, WhatsApp and Facebook).² Through social media information may be shared to more people in less time, social media content is mostly user-generated and platform heavily depends on the user itself to provide content for other user, this amount to reduction of quality and authenticity of the content. Social media's impact on our daily is so heavy that we often form opinion on that information, it is also a tool of spreading fake news which had ultimate objective to create chaos in the society, the Observer Research Foundation in March 2018 released a study based on statistic collected after studying various social media pages that religion and religio-culture practices related to food and dress, were the most explicit basis for hate for hate as expressed in Indian social media³

Social media is platform on which many political parties tries to take advantage they already form their own IT cell, in West Bengal, the Criminal Investigation Department arrested the local member of BJP's Information Technology (IT) cell for posting content with intention to create communal tension⁴, BJP IT cell is mainly focuses on Love jihad, cow slaughter and vigilantism, Hindutva, Kashmir dispute, patriotism and matter related to communal tension. Incident of "religio-cultural hate speech" on Indian social media is rising sharply, with most inciting violence against Indian Muslims⁵ but Indian regulatory framework is unable to regulate content on social media platform because they don't have sufficient machinery to enforce any kind of sanction on platform provider basically Indian law is inadequate and lack of proper teeth to regulate such kind of new problems.

II. THE BATTLE OF NARRATIVE AND PERCEPTION

Information usually empower us and increase our knowledge and also through information we usually create opinion, if a person is skeptic he always question the credibility of information and source of the information but average person often accept it as it is and form an opinion. The Phrase fake news now stands for variety of phenomena such as propaganda and audacious politicking, with the passage of time various types has been emerged such as fake news whose content was false and misleading (misinformation) and also fake news which purposely spread to deceive people (disinformation)⁶. Fake news fabricates the information with organizational process or intent, purpose of information is to mislead other into believing falsehood and doubting true facts, fake news contain many kinds of information such as propaganda, person exploited as satire, profit mechanism fake news etc.

In the democratic country, opinion of a person at last expressed through voting so majoritarian always tries to plant a opinion which is favorable to them so they can take the advantage of that wrong deceitful opinion in the general election, social platform such as Whatsapp is very effective and speedy form to spread fake news, often parties leader confess such kind of practices as recently seen where BJP President Amit Shah⁷ confess about BJP social media army. The game is all about narrative or we can say it is battle of narrative if 'X' party is able to narrate their point of view wisely then they already got an edge in the election, recently as seen in

INDIA

CONST. art

19, cl. 2

² John Carlo Bertot, Paul T. Jaeger & Derek Hansen, *The Impact of policies on government social media usage: Issue, challenges, and recommendations*, 29 Government Information Quarterly. 30, 30-31 (2012), http://www.researchgate.net/publication/238638171_The_impact_polices_on_Government_Social_Media_Usage_Issue_Challenges_and_Recommendation/amp

³ Maya Mirchandani, *Digital hatred, real violence: Majoritarian radicalism and social media in India*, OBSERVER RESEARCH FOUNDATION (Sep. 29, 2018, 8:45 PM) <http://www.orfonline.org/research/43665-digital-hatred-real-voilence-majoritorianradicalism-and-social-media-in-Indi/>

⁴ *ibid*

⁵ K.Alan Kronstadt, *India: Religious Freedom* Issues, Congressional Research Services, (Oct, 1, 2018, 7:12 PM) <http://fas.org/sfp/crs/row/R45303.pdf>

⁶ Vidushi Marda and Stefania Milan, *Wisdom of the Crowd: Multistakeholder perspective on the fake news debate*, A Report by the Internet Policy Observatory at Annenberg School, University of Pennsylvania, (Oct, 2, 2018, 9:42 PM) http://globalnetpolicy.org/wpcontent/uploads/2018/05/Fake-News-Reports_Final.pdf

⁷ The Wire Staff, *Real or Fake, We can make any message go viral: Amit shah to BJP Social Media Volunteers*, THE WIRE, (Oct 6,

⁸ , 6:07 PM) <http://thewire.in/politics/amit-shah-bjp-fake-social-media-messages>

Available online at: <https://jajazindia.com>

Karnataka State election, where fake news impacted on the voting pattern, the Election Commission at last need help from technology firms for the purpose of identification of fake news instances⁹.

US Congressional Research Service in their report pointed out that in Modi era witnessing concerted assault on minorities, topic like hate speech, interfaith marriage between Hindus and Muslim, cow protection and beef consumption and matter related to Hindutva is widely spreaded by BJP IT cell¹⁰. The BJP has since been accused of having an army of cyber warriors who propagate its message of Hindutva and hyper-nationalism and Modi's troll army also always ready to amplify the fake news effect. Fake news which is about sensitive communal issue such as "love-jihad" may inflate communal conflict because of the retaliation of minorities or majorities as the case may be, these kind of fake news potentially contain the effect of hate spin which simply means hate for hate.¹¹ On 6 December 2017 a Bengali Muslim migrant worker, hacked to the death by a man and his body was then burnt at the scent. The man Shambhulal Regar, had entire video and upload it on social media, Regar told that his motive behind murder was love-jihad and he got the information about the same from Whatsapp videos, he is also a member of Vishwa Hindu Parishad.¹² This is one of the examples which indicate that how well drafted fake news affect our daily life and form a firm opinion which eventually give benefit to the person who drafted it. In India there is no direct regulatory regime for the regulation of fake news and indirect regulation are sometime harsh and also they conflicts with the right of freedom of speech and expression.

III. SOCIAL MEDIA AND REGULATORY REGIME

Indian legal system does not have teeth to tackle incident of fake news instances because regulation and law in India basically focuses on hate speech and defamation. In reality fake news is beyond this and involve more than this. When IPC was enacted these problems did not exist¹³, later other laws enacted for the regulation of media but not so sufficient in nature

Need for Regulation

The media plays very important role in forming opinion of public and uncovering the truth, the importance of any kind of media can't be challenged in democratic society, with passage of time media form new mediums such as social media and the task of regulation is also getting cumbersome with the passage of time.¹⁴ Recent events show the role of social media in the election highlight the importance of regulation where Election Commission does not have sufficient tools to address the problem. Fake news is not have relation with election only it had a sufficient nexus with other things such as paid fake news, fake sting operation, character assassination, breach of privacy etc. Previous reports by various authorities such as Press Council of India, Ministry of Information and Broadcasting Authorities, Committee on Electoral Reforms constituted by the Ministry of Law and Justice and Election Commission highlighted the key issue in the regulation of social media such as publication of opinion polls, self-regulation mechanism, separate regulatory body, individual privacy policy and the functionality of Information Technology Act 2000.¹⁵ Social media is one of the most important medium of information exchange mechanism, research shows that adults are as likely to get information from social media, and the social media is more adequate means through which fake news can easily circulate and the rapid pace in which it is shared is novel. The United Nation Special Report on Freedom of Opinion and Expression has express concern about the potential of disinformation and propaganda that can mislead large portion of population as well as interfere with public right to know and freedom of expression and hold opinion¹⁶ which is also guaranteed in our constitution¹⁷

⁹ *Limited legal options on fake news lead to internet shutdown*, LIVEMINT, (Oct 1, 2018, 10:12 PM)

http://www.lawmint.com/Politics/76zXYOh8xQ9Jr2n2m9jqel/ILimited-legal-options-on-fake-news-lead-to-internetshutdown.html%3ffacet=amp&utmsource=google&utm_medium=referral&utm_campaign=googlemp

¹⁰ Supra note 5

¹¹ Supra note 4

¹² Ibid

¹³ Supra note 9

¹⁴ *Consultation Paper on Media Law*, GOVERNMENT OF INDIA, LAW COMMISSION OF INDIA, (Oct 5, 11:38 AM), <http://www.lawcommissionofindia.nic.in/views/consultation%20paper%20on%20media%20law.doc>

¹⁵ Ibid at pg 2

¹⁶ Supra note 7

¹⁷ INDIA CONST. art 19

Available online at: <https://jazindia.com>

Current Regulation Mechanism

In India there are distinct types of media regulation for broadcast media, print media and social media. Broadcast media is regulated by Cable TV Networks (Regulation) Act 1995, Telecom Regulatory Authority of India (TRAI) and Ministry of Information & Broadcasting, broadcasting media also regulated by self-regulation which is a two-tier mechanism firstly by individual broadcaster and secondly broadcaster at industry level, bodies such as Broadcasting Complaints Council (BCCC) for non-news sector and the Indian Broadcasting Foundation (IBF) for news and current affairs related content.¹⁸ Print media is regulated by The Press Council of Act, 1978, that establish Press Council of India (PCI) which comprises of 28 members and a chairman is to be nominated by a Committee constituted by Chairman of Council of State and Speaker of Lok Sabha. PCI is a statutory authority with the power to take *suomoto* cognizance.¹⁹ Social media regulation is scattered and not unified in the current scenario the law in India basically focuses on the prohibition and punishment of enmity between different groups on grounds of religion²⁰, Defamation²¹ and act of sedition when it aimed against the State²², this is so because at the time of enactment of IPC these issue was not in focus but with passage of time Indian cyber law evolve and the Information Technology Act 2000 was introduce to govern the Indian cyber law but this law was also not sufficient for regulation of social media that's why government came with more stronger Information Technology (IT) amendment Act 2008. The Act also does not contain provision for direct regulation of social media platform.

Tools and Techniques for Regulation

There are various techniques for the regulation of fake new in social media platform but firstly it is important to discuss that these techniques doesn't actually designed for fake news regulation, India does not have a legislation neither have regulatory body for social media platform which can directly tackle the problem of fake new although various provision in different laws utilized to tackle the problem of fake news which are given below:

Penal Provision - Fake news is widely handled in India with the penal provision form IPC²³ and Code of Criminal Procedure²⁴, primary focus of penal law is on hate speech, defamation, breech of peace and disturbing the peace of tranquility. The problem with penal law is that they are too harsh and can curtail person right to freedom of speech and expression. What about those fake news which directly does not create any disturbance in the society but fall under the category of fake news for example news about fake reservation criteria? Currently penal law does not have adequate answer to this question.²⁵

The Information Technology Act, 2000 (IT Act) and the Information Technology (Amendment) Act 2008 – The IT contain provision of the provision of protection of electronic data as well liabilities of intermediaries, IT

Act penalises the 'cyber contravention' (section 43(a)-(h)) which attract civil prosecution and 'cyber offences' (Section 63-74) which attract criminal action.²⁶ But IT Act was enacted with the intent to provide legal framework and recognition for the e-commerce and sanction for computer misuse however it is also used for the regulation of social media platform such as under Section 79 of IT Act which impose limited liabilities on intermediaries such as Whatsapp for providing platform to any objectionable content, Section 87 of IT Act says that government on its part can make the rules for the regulation of provision of this Act, government in exercise of this power issue rules for intermediaries under the Information Technology (Intermediaries Guidelines) Rules which prohibit content of specific nature on the internet, and an intermediary, such as a

¹⁸ Supra note 14

¹⁹ Ibid at pg 8

²⁰ S.153A, The Indian Penal Code, No 45, Act of Parliament, 1860

²¹ S.499 The Indian Penal Code, No 45, Act of Parliament, 1860

²² S.124A The Indian Penal Code, No 45, Act of Parliament, 1860

²³ The Indian Penal Code, No 45, Act of Parliament, 1860

²⁴ The Code of Criminal Procedure, No. 2, Acts of Parliament, 1973

²⁵ Supra note 9

²⁶ Aditi Subramaniam & Sanuj Das, India-*The Privacy, Data Protection and Cyber security*, 4 Cybersecurity Law Review 1, 1-2

(2017) <http://thelawreviews.co.uk/edition/the-privacy-data-protection-and-cybersecurity-law-review-edition-4/1151286/inida>

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website host, is required to block such content.²⁷ These laws are provisional in nature because most of them are not followed by social media platform such as appointment of grievance officer, India need specific and strict fake news law and also we have to determine the punishment for non-enforcement of such laws.

Ministry of Electronic and Information Technology (MEITY) – This ministry also tries to regulate the working of social media platform and notify the rules for them as recently seen MEITY send a letter to Whatsapp seeking action against fake news, responding to that letter from MEITY, Whatsapp added a new feature which highlight the forwarded message.²⁸ The Union IT and Law Minister Ravi Shankar Prasad recently in a meeting with Whatsapp CEO Chris Daniels, has requested to appoint the grievance officer in India to deal with fake news, working on his request Whatsapp appoint his grievance officer in India^{29,30}, Ministry also requested to Whatsapp to set up a corporate entity and a local head in India, to follow the law of the land, to store data of Indians locally in order to start payment operation in India and ensure traceability of message which are being circulated at mass level³¹, ministry tries to put efforts because they know in upcoming 2019 Lok Sabha Election role of social media platform would be very vital.

Internet Shutdown- In India there is around 160 million people using WhatsApp, the policymaker identify the social media platform as the primary vehicle for the spread of fake news so they adopted a new technique to control this which is commonly known as Internet Shutdown. A bizarre example of misinformation has been seen in November 2016 where after demonetization of exiting notes. A rumor that new currencies were equipped with a GPS-chip through which Income tax office will get to know the location of that banknote, the story was finally clarified by the Reserve Bank of India.³² India during the period 2012 to 2017 shut down Internet for 16,315 hours³³, the communication ministry also issued new rules for the internet shutdown previously government uses section 144 of Crpc in which District Magistrate issue the order for internet shutdown in case of public safety but now under new rules Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules the secretary to the government in the home ministry or by the secretary to the state government in-charge of home department can issue an order on the event of “public emergency” and “public safety”

Additional Legislation – This head contain wide range of scattered law which can be applied only in very specific situation such as law of copyright as per the Copyright Act (1957), law of trademark as per The Trade Marks Act, 1999, the law of consumer protection Act as per the Consumer Protection Act, 1986, The Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989 when information is such a nature that it will affect the dignity of SC/ST communities and Election Commission also for conducting fair election try to seek help from the social media platform as seen in Karnataka Election, there are cluster of laws which can be helpful for the prevention of fake news but the problem with additional legislative laws is that condition must be very specific than only a remedy is available and the scope of these laws are also very specific .

IV. REGULATORY LOOPHOLES AND NEW CHALLENGES

India face challenges because we don't have a uniform fake news regulatory body and legislation to tackle with the subject of fake news, this head will discuss the challenges and some unanswered question which needed to be solved in near future.

²⁷ Ibid

²⁸ Karishma Mehrotra, *To tackle fake news, WhatsApp to govt: New label, Safety ads, police interface*, THE INDIAN EXPRESS, (Oct

²⁹ , 2018 11:12PM) <http://indianexpress.com/article/indian/to-tackle-fake-news-whatsapp-to-govt-new-label-safety-ads-policeinterface-mob-lynching-5246199/lite/>

³⁰ Komal Gupta, *WhatsApp appoints grievance officer to curb fake news in India*, LAW MINT, (Oct, 5 2018 9:37 PM) http://www.lawmint.com/companies/m0DEJHnPcfZZnlohufkM/WhatsApp-appoints-grievance-officer-to-curb-fake-news-inind.html%3ffacet=amp&utm_source=google&utm_medium=referral&utm_campaign=googleamp

³¹ Asheeta Resgidi, *WhatsApp's compliance with RS Prasad's request may have no impact on fake news*, FIRSTPOST, (Oct 4 2018, 1:45 AM) <http://www.firstpost.com/tech/news-analysis/whatsapp-compliance-with-rs-prasad-request-may-have-no-impact-on-fakenews-5022561.html>

³² Supra note 7

³³ Supra note 9

Paid News

This is the first and foremost problem in current social media platform because paid news was published with specific intention of molding opinion of general public on a particular subject. Paid News as defined by the Press Council of India as “any news or analysis appearing in media for a price in cash or kind as consideration” this may be true or may be fake in nature, in the case when news is fake it will misinform people and undermines their right to form an opinion and freedom of choice. Press Council’s sub-committee in 2009 reported about the rates of particular news item and suggested that it is very dangerous trend of presenting news in consideration of money, advertisement or other pecuniary or social incentive. Fortunately guidelines are present for print media under the Press Council of India Act, and for broadcasting media under the Program and Advertisement Codes Rules of Cable Television Networks (Regulation) Act but there is no guideline when matter is related to social media platform in respective of the fact that mostly Whatsapp forwards are fake and paid. Section 127A of the Representation of People Act, 1951 impose limited liability to show the publishing house name in every pamphlet, election advertisement or other document but this section is impractical to apply in platform like Whatsapp where a viral message does not show his real origin although effectiveness of message is bigger than pamphlet on roads. So the basis question arises should paid fake news on social media platform be included in Representative of the People Act, 1951 and how it should be drafted so that it will not affect individual right and liberties.³⁴

Opinion Polls

Opinion polls conventionally conducted by the polling agency under the “Guideline on ‘Pre-Poll’ and ‘Exit-Poll’ of the Press Council of India but with the new trend platform like Twitter, Instagram etc also conduct the poll which are very similar to the opinion poll without following any norms and regulation, these small poll have the potential to influence many people and can able to manipulate very easily. But the problem with banning such kind of polls that it would be violative of Article 19(1)(a) of the constitution specifically the public right to know³⁵ but on the other side in multi-phase election there is so much scope for the manufactured, engineered and planted opinion polls to change the mind of the people³⁶ we can’t let it be as it is. Section 126(1) of Representative Act, 1951 currently banned the electronic media to publish opinion polls for 48 hours prior to an election but this section applies to electronic media not on the social media. Opinion poll is not regulated by any agency only specific guidelines about methodology, sample size, margin for error and background is specified under aforesaid guidelines by The Press Council of India and from Election Commission of India.³⁷ The crux of the discussion is the need of separate rules for opinion polls conducted on various platforms.

Media Trial and Right of the Accused

There is lot of difference between an accused and a convict the principle which make the difference between them is ‘innocent until proven guilty’ but this principle is not obeyed by the media specially the social media where continuous outrage against the accused put pressure upon the judges which hindered the right of accused of the fair trial and investigation however in response, the Supreme Court in Sahara India Real Estate Corporation V. Securities and Exchange Board of India, gave the judges discretion the power to watch and postpone the publication when “there is a real and substantial risk of prejudice to fairness of the trial or to proper administration of justice”. However this is not complete block on media trial as seen recently where JNU student leader Umar Khalid was attacked by some unidentified people³⁸ but before this incident there is a show running on RepublicTV (a news channel) protracting Umar Khalid as part of *Tukde Tukde Gang*³⁸ (those who wants the partition of India) and later we see repercussion of that show where some indetified person tries to shot Umar Khalid because they may revoked by that show. But the problem with the regulation of media content is that it may effects the working of media freely and it is uncertain what kind of regulatory system is required to restrict media reporting *sub-judice* matter.

³⁴ Supra note 14

³⁵ Indian Express v. Union of India (1981) SCC 87 at 825

³⁶ Supra note 14

³⁷ Supra note 14

³⁸ Gun attack on umar Khalid in delhi INIDA TODAY (Oct, 7, 2018, 8:12 PM) <http://www.indiatoday.in/amp/mail-today/story/gunattack-on-umar-khalid-in-delhi-1313846-2018-08-14> ³⁸ Shoaib Daniyal, *From 'Tukde tukde gang' to 'urban naxal': How media trial enable the government to stifle dissent*, SCROLL INDIA (Oct, 8, 2018, 12:56 PM) <http://www.google.com/amp/s/amp.scroll.in/article/892466/from-tukde-tukde-gang-to-urban-naxalhow-media-trials-enable-the-inidan-state-to-settle-dissent>

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Social V. Technical

The problem of fake news is just not a technical problem which can be managed only through new regulatory framework, this problem is also concerned with social problem of the society and individual. Both social and technical problem are deeply interlinked with each other without the technical problem the social problem would be small and without the social problem technical problem wouldn't be problematic³⁹. The technology in new era makes our problem more pronounced and we can't lay out all the problem at the feet of technology because how we use that technology is the core reason behind the problem. It is also up to us how we use the technology. The other dimension which inflates the fake news is economic dimension, i.e. "click economy", to simplify things most of advertiser make payment as per your click and view count so content creator tries to manufacture fake content which sells easily. Technical fixes cannot alone fix the problem, as a society we need to make more collective efforts, technical things can fix the way at which information travel but it cannot change the manufacturing process. This led to conclusion and belief that problem of fake news can't be solved only with technical effort; the solution lies in the interdisciplinary study of various social and economical science.⁴⁰

V. IMPACT ON FREEDOM OF SPEECH, EXPRESSION AND PRIVACY

While regulating the information mechanism one aspect needed to be addressed is the extent of regulation because in India freedom of speech is protected under the constitution⁴¹ and only affected and curtailed by any existing law or state may make law which can impose the reasonable restriction on the ground which is given under the constitution⁴², if the content regulation of social media affects the personal right of speech and expression it would be declared as unconstitutional as it was seen in case of *Shreya Singhal v. Union of India*⁴³ where Supreme Court struck down Section 66A of IT Act that had resulted in a significant number of arrest between 2012 and 2015 for the content published in social media. India's experience in regulating content on social media is not quite too good because question is yet to be solved that what type and extent of control is acceptable for a democratic and free society⁴⁴. Answering some complex question Ministry of Communication and Ministry of Electronic and Information Technology put efforts for the regulation of social media platform not content of platform, on August 7, Ministry announced new rules governing the shutdown of internet facilities during "public emergency" and "public safety". Internet access and services than frequently curtailed in various states because of these rules, government claimed that it was sometimes necessary to restrict access to prevent the violence led by fake news in the social media. Fake News is mostly driven by political incentive hence policymaker itself may not be adequate entities for the censorship of the content, so a multistakeholder governance model would be beneficial because in multistakeholder model personality have sufficient experience of the platform so it would be easy for them to regulate rather than providing control to government employees.⁴⁵

In *K.S Puttaswamy v. Union of India*⁴⁵ the Supreme Court held that right to privacy is our fundamental right and also shows concern about its violation, court said that the biggest messaging platform does not have its own WhatsApp number, which in turn is dangerous Rule of Law in India, WhatsApp also does not store data in India so India law inapplicable to them although Union Minister Mr. Ravi Shankar Prasad in recent met Whatsapp CEO and requested them about the incorporation of corporate entity with compliance of India law.^{46,47}

³⁹ Supra note 7

⁴⁰ Ibid 10

⁴¹ INDIA CONST. art 19, cl. 1

⁴² INDIA CONST. art 19, cl. 2

⁴³ *Shreya Singhal v. Union of India* AIR 2015 SC 1523

⁴⁴ Bureau of Democracy, Human Right and Labor, *Country Reports on Human Right Practices for 2017- India*, US DEPARTMENT

OF STATE, (Oct 5, 2018, 1:12 PM)

[http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2017&dliid=27](http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2017&dliid=277281#wrapper)

7281#wrapper ⁴⁵ Supra note 7

⁴⁵ *K.S Puttaswamy v. Union of India* (2014) 6 SCC 433

⁴⁶ Sindhu Kashap, *Reporting fake news-here's what the IT Minister and Whatsapp CEO discussed*, YOURSTORY, (Oct, 4, 2018

⁴⁷ :20AM) <http://yourstory.com/2018/08reporting-fakenews-minister-whatsapp-ceo-discussed/amp>

VI. CONCLUSION

Any law endeavor to curb the fake news, always have potential repercussion of negative impact on right of freedom of speech and expression because a watertight compartment or a silver line cannot be drawn between intentional fake news and unintentional false information, although in current scenario where information travels through speed of light or metaphorically more than speed of light it is very hard to regulate the content of social media, focus should be more on the regulation of social media platform and mandate them to build fact checking mechanism in their platform where on one click, consumer can verify the information. Additionally platform should need to improve its capability to stop unwanted automated messages. The problem in most of messaging app is that platform provider itself cannot see the message because of encryption locking of the messages. The problem of fake news, misinformation and the spread of hoaxes are issues best tackled with the collective efforts by government, civilian and platform regulator companies.