



FACT CHECK UNIT - GS III MAINS

Q. Describe the need of Fact Checking Unit (FCU) for Indian democracy at present? How does the recent FCU notification by the government address the Indian context? (10 marks, 150 words)

News: *IT Ministry notifies contentious fact check unit to dispute government misinformation*

What's in the news?

- Weeks ahead of the elections, the Ministry of Electronics and Information Technology notified the Press Information Bureau's Fact Check Unit as the designated body to flag misinformation about Central government departments to social media platforms.

Key takeaways:

- Under the **IT Rules of 2021**, social media platforms could lose the legal liability protections they enjoy for content posted by users, if they choose to keep notified misinformation available online.

PIB's Fact-Check Unit (PIB-FCU):

- PIB's Fact-Check Unit was established in November 2019 with a stated objective of acting as a **deterrent to creators and disseminators of fake news and misinformation**.
- It also provides people with an easy avenue to report suspicious and questionable information pertaining to the Government of India.

Nodal Ministry:

- The Government of India has notified the PIB's Fact-Check Unit (PIB-FCU) under the **Ministry of Information and Broadcasting (MIB)** as the fact check unit of the Central Government.
- The Ministry of Electronics and Information Technology (MeitY) has notified the PIB's FCU as the fact check unit under the provisions of **Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021**.

Functions of PIB-FCU:

- The PIB-FCU is mandated to **counter misinformation** on Government policies, initiatives and schemes either suo motu or under a reference via complaints.
- The PIB-FCU actively monitors, detects, and counters disinformation campaigns, ensuring that false information about the Government is promptly exposed and corrected.
- When this unit flags a piece of content as fake, social media platforms will have to take it down as part of their due diligence requirement under the IT Rules.



- The internet and telecom service providers like Jio and Airtel will also have to block the web link of a particular fake news information.

Need of an Fact Checking Unit:

1. Address Fake News:

- It can help to address the issue of fake news and misinformation on online platforms, which can potentially cause harm to society.

2. Improved Accountability of Social Media Intermediaries:

- The notification of PIB's Fact-Check Unit as the Govt's Fact-checking unit will increase accountability of social media intermediaries like Facebook, Twitter etc., which will now be required to remove false and misleading content.

3. Enhancement of Cybersecurity:

- PIB's Fact-Check Unit can improve cybersecurity by preventing the misuse of online platforms for illegal or harmful activities.
- For example - Regulation of Sharing of Deep Fakes.

4. Prevention of Hate Speech and Violence:

- The Fact-Check unit seeks to ensure compliance with Indian laws like IT Act and laws related to national security.
- It helps to prevent the misuse of social media platforms and other digital media outlets to incite violence or spread hate speech.

Concerns of FCU:

1. 'Chilling Effect' on Freedom of Speech and Expression:

- There are concerns that PIB's fact-check unit and its power to censor content could have a chilling effect on free speech provided under Art 19(1)(a).
- There are concerns that people may be hesitant to express their opinions online for fear of being censored or facing legal consequences.

2. Potential for Misuse by the Government:

- The fact-check unit's power could be misused by the government to silence dissenting voices or criticism of government actions.
- It could have serious implications for democracy and human rights.

3. Conflict of Interest:

- The role played by the fact-checking unit has a significant conflict of interest as it plays the role of judge, jury and executioner.



4. Lack of Clarity on What Constitutes “Fake or False or Misleading” Information:

- There is a lack of a clear definition of what types of information qualify as ‘fake or false or misleading’.
- This lack of clarity creates ambiguity and can lead to arbitrary censorship by the government.

5. Short-circuiting Established Legal Procedures:

- The notification of a fact-checking unit with powers to issue directions to take down content, short-circuit the procedures, safeguards and conditions laid out in Shreya Singhal vs. Union of India and Section 69A of the IT Act. The judgement extends the right to free speech into the online space.

WAY FORWARD:

1. Early Judgement of the Bombay High Court:

- The Kunal Kamra vs Union of India (2023) case challenging the notification of the fact-check unit of the Central Government, must be decided by the Bombay High Court at the earliest which will establish its constitutionality.

2. Building Consensus among Political Parties:

- With Opposition political parties criticising the notification of PIB’s fact-check unit as the Government’s official fact check body, the government must build consensus by assuring them of ‘credible’ functioning of the body.

3. Develop a More Transparent and Participatory Process:

- The government should work with civil society, media organizations, and other stakeholders to develop a more transparent and participatory process for determining what content should be considered fake or misleading.

4. Need an Independent and Non-partisan Fact-checking Body:

- The government should ensure that anybody tasked with fact-checking is independent and non-partisan, with clear guidelines for how decisions are made.

5. Ensure Functioning According to Judicial and Legal Guidelines:

- The government should ensure that any takedown requests are made in accordance with the procedures and safeguards laid out in Shreya Singhal v. Union of India or under Section 69A of the IT Act.
- These define and restrict the conditions under which the government can take down online content.