



ISSN Print: 2394-7500  
ISSN Online: 2394-5869  
Impact Factor: 8.4  
IJAR 2021; SP7: 60-63

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*(Special Issue)*

**“Twenty-First Century: Cultural and Economic Globalization”**

## **A Legal Study on Fake News with Special Reference to Social Media in the Era of Covid-19**

**Anil Kumar**

DOI: <https://doi.org/10.22271/allresearch.2021.v7.i7Sb.8676>

#### **Abstract**

This paper aims to do a legal study of fake news about Coronavirus and its vaccination. The whole world faces Coronavirus disease from December 2019 to at present. It is a critical condition in front of all countries because they have no single solution to control the covid-19. Crores of people have been affected and lakh dying. Economic growth of the countries falls down. Many people lost their jobs in lockdown. Lockdown is a necessity to stop the transmission of covid-19. Government has only one way of lockdown. It is helpful to maintain a social distance but it is a big reason for destroying livelihood and humanity. Millions of people travel thousands of kilometers on their feet and some people died in their journey because they are forced to leave their rental residence. Some hospitals are doing business with human organs in the Covid-19 era. Some people are not affected with covid-19 but they declared covid-19 patient. Some people died in shock while they understood themselves, Covid-19 patients. One thing also arises here like transmission of fake news on social media and network sites about covid-19 and its vaccination. It is the cause of terror in public. Misleading information of covid-19 and its vaccination creates several problems to complete vaccination in whole Indian. It will be a big cause of spread infection of covid-19. It is punishable under Sec.267, 270(Indian penal code) if anyone Spread infection disease dangerous to life. Information transmission is a punishable crime also under the Indian information technology act 2000. After it, the transmission of fake news has been continuing on social media. The government tries to make a good atmosphere in public by messaging and providing the covid-19 vaccine free for all.

**Keywords:** fake news, Covid-19, social media, misinformation, etc.

#### **Introduction**

The term fake news refers to "news articles that are intentionally and verifiable falsehoods". Fake news broadcasts are carried out to mislead people's perceptions about real events, facts and statements. Information presented as this news item lacks relevant details, verifiable facts, or sources. Fake news is fabricated information that falsely imitates news media content. Norms and procedures to ensure the accuracy and reliability of information are lacking. This overlaps with misinformation (false or misleading information) and disinformation (false information spread to mislead people). Fake news is like a virus that is being seen faster than Covid-19 in Indian. There is much fake news in social media before the first case of Covid-19 in Indian that is repleted various fake news such as wild rumors and video-based conspiracy theories about the origin, the subsequent spread of the disease and possible treatments. Some social Institutes like Social Media Matters along with the Institute for Governance, Policies and Politics do a survey which has revealed that 69 percent of people received fake news in the period of lockdown. In this era of globalization or digital communication and social networking, fake news has got a new momentum across the world that challenges human communication and creates misunderstanding, tension and mistrust. The world is in mourning amid the COVID-19 pandemic, which has killed half a million people; the health system around the world has collapsed. In such a situation, online fake news has become a new threat to public health communication as more people are now dependent on the Internet for health information.

World Health Organization (WHO) refers to fake news as an “infodemic” (i.e., information epidemic). While true information helps mitigate the crisis caused by the pandemic, false information can intensify it. It is Coleman who gives the finest example, “a single medicine-related fake news claimed at least 800 lives and 5800 more had to admit to hospitals”. In the scholarly arena, research surge, and fake news is one of the hottest topics of discussion in the era of Covid-19. Most studies deal with online fake news and focus on specific either geographical areas or language patterns or cross-platform analysis or information sharing behavior in the period of COVID-19. This study deals with fake news related to Indian COVID-19 to keep such limitations in our minds.

### Objectives of the study

The main objective is to be seen the legal study of fake news in the era of Covid-19 with the special reference to social media. There are many relevant objectives directly or indirectly that are following;

- To highlight the impact of Fake News on Covid-19.
- To introduce the concept of fake news and Covid-19.
- To provide the legal way to understand the fake news.
- To identify the influence of social media on fake news.

### Research methodology

There are two main types of data-Primary and Secondary data which are analyzed on the basis of descriptive, analytical, evaluative, interpretive and critical methods. The M.L.A Handbook of Research 8<sup>th</sup> Edition will be followed in the citation and documentation of resources.

### Analyses of the study

India is not untouched by the virus of fake news. The world is also grappling with a flood of misinformation about the evolving pandemic. Fake news about the origin of the virus, its subsequent spread and the dangers it poses has engulfed almost every country, albeit with varying intensity. The Vaccine Confidence Project (VCP) found more than 240 million digital and social media messages on COVID-19 globally in its research with an average of 3.08 million daily messages as of mid-March. Most of these messages were found to be false or too misleading in their intent. Despite varying intensities, fake news about the virus's origins, subsequent spread and threats has engulfed almost every country.

The International Fact-Checking Network (IFCN) analysis the data from January to April and presents its reports as; fake news can be grouped into five broad categories in social media;

- Cures, causes.
- The spread of the virus, symptoms.
- Misrepresentation of government comments and documents.
- Videos and photos of politicians.
- Conspiracy theories blaming certain countries, communities or groups for the spread of the virus.

A video is a fine example of fake news of China in January. A video was seen in which China was bombing its citizens in Wuhan. This was followed by a flurry of videos as fake news showing people using alcohol to prevent

miracle cures, hot water and some fake infections developing immunity to fight this virus.

This has prompted individual countries to make appeals and messages to combat such fake news, even calling on the World Health Organization (WHO) to refer to it as “infodemic”. It has been compelled and appealed to the people to trust credible and scientific information.

In India, due to the country's rapidly growing social media base and loose regulation of social media platforms, fake news is quite serious. The social media platform has a user base of over 375 million, making it on the radar of most social media companies with a rapidly growing internet base in India. In comparison to other countries, Indians are more vulnerable to fake news and propaganda campaigns. There are many apps or messenger browsers WhatsApp and TikTok, YouTube etc. Fake videos and fake messages are regularly circulated through popular platforms such as WhatsApp and TikTok, sometimes with cases of communal tension, lynching and negative stereotypes of individuals, specific groups. However, not many would have imagined that fake news becomes a major threat in times of deadly pandemic. Still, it has become business as usual in India. “Even before fact-checking sites debunked this, millions of fake messages including catchy and appealing videos promoting the miracle power of cow urine or Gaumutra, to cure the disease began to show up on most prominent social medial platform”<sup>[1]</sup>.

As India reported its first COVID-19 case on January 30, the country's social media suddenly saw a huge surge of information in the form of videos, short interviews, films and documentaries on issues related to the pandemic. In this regard, several fake videos started circulating in the name of renowned doctor Devi Shetty advising people to take warm water with lemon juice to improve immunity.

Before fact-checking sites debunked it, millions of fake messages began to appear on most major social media platforms, including catchy videos promoting the miraculous power of Gaumutra (cow urine), to cure disease. Promoted by some pro-Hindutva organisations, fake news has led many people into false beliefs and organized Gaumutra (cow urine) drinking parties in their own cities and towns. This has alarmed India's apex medical research body (ICMR) for repeatedly appealing to people not to fall prey to such false treatment. Curiously, officials issued warnings to social media and print media houses to stop spreading rumours masquerading as April fool's jokes related to the pandemic. Nevertheless, in early April, a series of fake videos started circulating on a possible extension of the lockdown, imposition of emergency by the government and possible takeover by the military. This prompted the Indian Army's Additional Directorate General of Public Information (ADGPI) to issue a clarification denying such rumours and fake news.

Even worse was the fake news about non-vegetarian food, especially chicken, could lead to COVID-19 infection. This false news spread like a wild fire caused huge damage to the poultry industry as many people stopped eating meat.

<sup>1</sup> <https://www.orfonline.org/expert-speak/how-fake-news-complicating-india-war-against-covid19-66052/>

Misinformation has resulted in hundreds of poultry farmers killing chickens worth crores of rupees, or in some cases setting them free. According to a reliable estimate, the fake rumours caused a staggering loss of Rs 2,000 crore to the poultry farmers.

Yet, the most dangerous turn of the fake news epidemic in India came when an entire community (Muslim community) was depicted as a Corona Villain. In the wake of the controversial congregation of Islamic missionary Tablighi Jamaat in mid-March in Delhi's Nizamuddin, he blamed a certain community for the huge surge in positive cases in many parts of India and called the Muslim community "Corona Villains" on WhatsApp and other social media platforms. Many fake videos started circulating to masquerade as. A prominent video that claimed that some Indonesian Muslims were deliberately licking kitchen items to "deliberately spread the novel coronavirus" at the Salem mosque in Tamil Nadu was debunked by investigation site Alt News as an old video, and credited the Dawoodi Bohra community for licking the food utensils so that not even a grain of food was wasted.

In the wake of the controversial congregation of Islamic missionary Tablighi Jamaat in mid-March in Delhi's Nizamuddin leading to a huge spike in positive cases across many parts of India, a number of fake videos began spreading over WhatsApp and other social media platforms depicting the group as "Corona Villains"<sup>[2]</sup>.

Similarly, several fake videos were in circulation depicting Tablighi members misbehaving with healthcare workers, spitting on them and deliberately sneezing to spread the infection. It was later found to have been manipulated by the handle of a major political party to polarize communities and portray the minority community as irresponsible.

What is even more worrying is that some people in Indore and other cities were spreading rumors through several fake videos and articles that Muslim youth were being picked up at quarantine centers so that COVID-19 positive blood could be injected. This rumor and the resulting stigma led to reports of violent attacks on health professionals in Indore. In short, there are countless fake videos circulating on social media and other platforms that often portray Muslims as violent, irresponsible and carriers of disease.

However, there is no provision in Indian law that specifically deals with dealing with "fake news". However, the following offenses under the Indian Penal Code<sup>[17]</sup> criminalize certain forms of speech that may constitute "fake news" and may apply to online or social media content such as Section 124A, Section 153A, Section 295A etc.

1. Section 124 A. Treason: Whoever by words, whether spoken or written, or by signs, or by visible representation, or otherwise, commits hatred or contempt for the Government established by law in India. Attempts to incite dissatisfaction shall be punished with [various combinations of terms of imprisonment and/or fine].

2. Section 153 A. News promotes enmity between different groups on grounds of religion, race, residence, place of birth, language and acts conducive to disturbing harmony.

3. Section 295 A. Deliberate and malicious acts intended to outrage the religious sentiments of any class by insulting or hurting the religious sentiments of any class. "Whoever knowingly and maliciously attempts to outrage the religious sentiments of any class of citizens of India by means of spoken, written signs or visible representations attempts to insult the religion or religious beliefs, shall be deemed to [with fine and/or imprisonment].

Around 640 cases have been registered across the country for allegedly spreading rumours and fake news through social media since the government imposed nationwide restrictions-first, for three weeks on March 25 and then As of May 3, as per the information provided by the police officers of various states. However, free speech activists considered these nationwide arrests to be exceptions. They argued that the Epidemic Diseases Act, 1897, several sections of the Indian Penal Code (IPC) and the Disaster Management Act, 2005, were applied at random to deter criticism. The Colonial Epidemic Act gives broad powers to the state government, including arresting people for spreading misinformation, while the Disaster Management Act, 2005 empowers them to take action against any dissent. Gupta said.

"Bal Gangadhar Tilak was also booked under the Epidemic Diseases Act, 1897, when he had criticized the then British government for its lack of preparedness to deal with the Spanish flu in 1918-19"<sup>[3]</sup>.

The Maharashtra Police on April 15 arrested a local journalist for circulating a story that claimed that the Railways had arranged special trains for migrant workers to return home, leaving the labourers at Mumbai's Bandra station. There was a commotion between Police said the reporter, who is based in Osmanabad in Maharashtra, was booked under various sections of the IPC and section 3 of the Epidemic Diseases Act.

In Manipur, which does not currently have a single Covid-19 case, police have registered a case against 27 people, including one who allegedly used PM Modi's nine-minute blackout call at 9 pm on April 5? It was mocked, the breakdown case of the national grid. This was also raised by many experts. "We booked the person for spreading false information", said K Meghachandra, SP, Imphal West.

Assam Police has registered 87 cases against people for spreading fake news related to Covid-19 on social media. A total of 46 people have been arrested so far. Of these, 12 have been released on bail, while 16 others have been released under section 41A of the Code of Criminal Procedure. Police have removed around 1,000 posts from social media that allegedly spread misinformation on COVID-19 in Assam in the past one month. A police officer said hundreds of youths who posted or shared those posts have also been counselled. The Assam government had also

<sup>2</sup> ibid

<sup>3</sup> <https://www.hindustantimes.com/india-news>

registered a case against Jugasankha, a Bengali daily published from Silchar, for saying it was a false news story about the state's first Covid-19 positive patient. While the patient was still admitted at the Silchar Medical College Hospital, the news said that he had recovered. It said that the second test on the patient was found negative.

In Madhya Pradesh, police have registered cases against 108 people for spreading rumours and misinformation through social media posts. "There is no case against any high-profile person in MP", said D Srinivas Verma, Covid-19 in-charge and Inspector General of Police (IGP), MP.

#### **1[66-F. Punishment for cyber terrorism. (1) Whoever**

- A) with intent to threaten the unity, integrity, security, or sovereignty of India or to strike terror in the people or any section of the people by-
- i) Denying or cause the denial of access to any person authorised to access computer resource.
  - ii) Attempting to penetrate or access a computer resource without authorisation or exceeding authorised access.
  - iii) Introducing or causing to introduce any computer contaminant,
- and by means of such conduct causes or is likely to cause death or injuries to persons or damage to or destruction of property or disrupts or knowing that it is likely to cause damage or disruption of supplies or services essential to the life of the community or adversely affect the critical information infrastructure specified under Section 70.
- B) Knowingly or intentionally penetrates or accesses a computer resource without authorisation or exceeding authorised access and by means of such conduct obtains access to information, data or computer database that is restricted for reasons of the security of the State or foreign relations; or any restricted information, data or computer database, with reasons to believe that such information, data or computer database so obtained may be used to cause or likely to cause injury to the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence, or to the advantage of any foreign nation, group of individuals or otherwise, commits the offence of cyber terrorism.
- C) Whoever commits or conspires to commit cyber terrorism shall be punishable with imprisonment which may extend to imprisonment for life].

#### **Conclusion**

After analyse the above points, the researcher concludes that fake news is one of the deadly viruses and a big part or source of cyber terrorism in the era of globalization. Like COVID-19 that affects human organs, fake news affects the feeling of humans. Article 19(1)(a) gives the rights to speech and expression, but fake news or misleading information is not fundamental right under Article 19(2). Article 19(2) states that the government may impose reasonable restrictions upon the freedom of speech and expression in the interest of the following factors;

1. Sovereignty and integrity of India.
2. The security of the State.
3. Public order.
4. Incitement to an offence.

Article 19(6) the government may impose restrictions upon the freedom to practice any profession in the interest of the general public, and further, the government may make laws in relation to professional or technical qualifications for practising any profession and the government shall not be barred from carrying out any business or trade, industry or service. It is rightly said that is not sufficient provision in Indian law that specifically deals with "fake news". So Indian Government should amend the Indian constitution and add the new provisions in article 19(2) to help to prohibit fake news. Also, include strict sections in IPC and IT act 2000 to control and punish fake news spread or transmission.

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