

GOVERNMENT OF INDIA
MINISTRY OF INFORMATION AND BROADCASTING
RAJYA SABHA
UNSTARRED QUESTION NO. 3934
TO BE ANSWERED ON 04.04.2025

CONSTITUTIONAL VALIDITY FACT CHECK UNIT

3934. SHRI RAGHAV CHADHA:

Will the Minister of INFORMATION AND BROADCASTING be pleased to state:

- (a) the provisions under which the Fact-Check unit was introduced by Government;
- (b) whether Government is aware that the Bombay High Court has termed the IT rule establishing the Fact-Check Unit as ultra vires to the Constitution;
- (c) the steps being taken by Government on the Fact-Check unit after the Hon'ble Court's decision; and
- (d) the steps that Union Government plans to take to curb the rapid spread of fake news in the country?

ANSWER

THE MINISTER OF STATE FOR INFORMATION AND BROADCASTING AND
PARLIAMENTARY AFFAIRS
(DR. L. MURUGAN)

(a) to (d): The Government takes all possible actions to control the spread of factually incorrect information which has potential to adversely affect the society at large. In this regard, the Government has statutory and institutional mechanisms in place to address fake news on various media platforms.

For Print Media, the newspapers have to adhere to "Norms of Journalistic Conduct" brought out by the Press Council of India (PCI) which, inter alia, restrains publication of fake/defamatory/ misleading news. The Council holds inquiry into alleged violations of Norms, as per section 14 of the Act, and may warn, admonish or censure the newspaper, editors, journalists, etc. for such violations as the case may be.

The content on private satellite TV channels is required to adhere to the Programme Code under the Cable Television Networks (Regulation) Act, 1995, which, inter alia, provides that no content which contains anything obscene, defamatory, deliberate, false and suggestive innuendos and half-truths is broadcast on private satellite TV channels. Cable Television Network (Amendment) Rules 2021, provides for a three-tier grievance redressal mechanism to look into the complaints relating to the violation of the Code by the TV channels. Appropriate action is taken where violation of Programme Code is found.

For the content of publishers of news and current affairs on digital media, the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (IT Rules, 2021) provides for a Code of Ethics for such publishers.

A Fact Check Unit (FCU) has been set up under Press Information Bureau, Ministry of Information and Broadcasting to check fake news relating to the Central Government. After verifying suspected fake news from authorised sources in Ministries/Departments, FCU posts correct information on its social media platforms.

In 2023, Rule 3(1)(b)(v) of Information Technology (Intermediary Guidelines and Digital Media, Ethics Code) Rules, 2021 (IT Rules, 2021) was amended which prescribes due diligence to be adhered to by intermediaries, including social media intermediaries. This amendment provided, inter alia, that the intermediaries shall make reasonable efforts by itself, and to cause the users of its computer resource to not host, display, upload, modify, publish, transmit, store, update or share any information in respect of any business of the Central Government, is identified as fake or false or misleading by such fact check unit of the Central Government as the Ministry may notify. Certain provisions have been challenged in various courts.
