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Conceptual Understanding of Fake News: An Overview

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ABSTRACT

In contemporary times, 'fake news' has become the buzz word not only for journalists but also for the common people, basically among those who frequently use social media platforms. However, the pervasive use and misuse of the term 'fake news' present a significant challenge, as the absence of a comprehensive definition impedes our ability to effectively address associated issues. Presently, the literature lacks a definitive framework that adequately encapsulates the complexities of fake news. With respect to India, this paper is an attempt to present the conceptual problem of fake news and various types of information disorder. The manuscript will discuss the working phenomenon of fake news and the transformation of media in the twenty-first century. It will further highlight the serious issue of not having an appropriate definition of fake news, which needs to be addressed. Lastly, it will provide possible solutions to deal with the menace of fake news and emphasise the need to have an appropriate definition of fake news. Notably, the researchers employs a purely doctrinal methodology to explore these themes and offer insights into the multifaceted challenges posed by fake news.

Keyword(s): *Disinformation, Fake news, India, Journalist, Misinformation and Social media.*

I. INTRODUCTION

Fake news is a big problem for society. Previously, the spread of fake news was not significant because print and broadcast media had numerous constraints in terms of audience reach, accessibility, and high cost. At present, fake news is widely disseminated by all forms of media, be it print, broadcast, or social. However, as social media's function has evolved in recent years, it has become a frontrunner in the dissemination of fake news. The strength of social media communication is that it is a direct engagement medium. With advanced technology, nearly every internet user can now edit, spread, and often share fake information³.

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³ Giovanni Pitruzzella, "Italy's Antitrust Chief: The Case for Regulating Fake News Online" 34(4) *New Perspectives Quarterly* 32 (2017), available at: <https://onlinelibrary.wiley.com/doi/10.1111/npqu.12106> (last visited on June 15, 2022).

Nowadays, the verification of news is even more complex. In the case of enormous data bombardment, it is highly probable that not just erroneous information exists, but also purposefully planned fake news may be placed within the records. Even professional journalists and newsrooms have harmed their reputations in numerous instances by sharing or republishing false information, images, videos, or information from fictitious people.

The Supreme Court of India identified the problem of fake news in India in *Alakh Alok Srivastava v. Union of India* in March 2020, noticing that the migration of a large number of labourers was triggered by the panic created by the fake news that the lockdown would be extended for more than three months, and passed an order directing the state government to comply with the directions issued by the Centre to prevent fake news. Not only this, but several events in recent times have shown the risk posed by fake news for society, endangering our human rights. As a result, it is difficult to ignore the potential of fake news spreading through print, broadcast, or social media.

Fake news poses a challenge to lawmakers with respect to handling this growing menace wherein it is easily generated and quickly reaches a larger audience. Moreover, another major challenge associated with this phenomenon is what types of content will be categorized as fake news. Furthermore, there may be a contradiction between free speech and fake news if this menace is legislated upon. Through this paper, the authors have tried to conceptually explain the term 'fake news' and given possible solutions to deal with this growing menace.

II. MEANING OF FAKE NEWS

It is difficult to find a single definition for the term 'fake news' as so many scholars and researchers have tried to define it in diverse ways. As a result, there is no universal agreement on where the problem is and how to approach it. Moreover, there is a debate⁴ over the use of this term itself. It can be said that the term fake news is an oxymoron because both the terms 'fake' and 'news' are contradictory to each other. On one hand, news stands for information that is verified by a source. On the other hand, fake refers to information that is not verified and is not in the public interest. It has even been suggested by many to use the term 'fake content' instead of 'fake news'.

It is evident fact that nowhere the term fake news has been defined under any statute so it will be very helpful to understand this term in the light of dictionary meaning or the definitions given

⁴ Many writers and journalists, like Basson have argued that the terminology "fake news" should not be used. Adriaan Basson, *If it's fake, it's not news* (2016), available at: <https://www.news24.com/Columnists/AdriaanBasson/lets-stop-talking-about-fake-news-20170706> (last visited on Jan. 11, 2022).

by various writers or journalists. Generally, the term ‘fake news’ refers to incorrect and misleading information that is disguised and disseminated as news. But now it has become much more than that. It has taken the shape of an emotional, weaponized term that has been used to delegitimize and discredit journalism. As a result, the labels *misinformation*, *disinformation*, or *information disorder*, are preferred by many writers and journalists⁵.

The conventional concept of fake news is linked to yellow journalism⁶ and suggests news that has been fabricated. This term contains a specific element of deception or the intent to deceive. Given the popularity of the term in contemporary discourse and the fact that it is something of a buzzword, it is necessary to update this definition. A traditional definition of the term might be “news articles that are intentionally and verifiably fake, and could mislead readers”⁷. A new definition might include a broader definition to address the term’s use to discredit critical reporting of otherwise truthful news⁸.

Many refer fake news as stories, news, reports, and hoaxes that are intended to intentionally misinform or deceive readers, or to promote a political objective. Because of its extensive use around the world, fake news has been announced as the Collins Word of the Year 2017. In the *Collins English dictionary* it is defined as “false, often sensational, information disseminated under the guise of news reporting”⁹.

The *Oxford Advanced Learner’s Dictionary* defines fake news as “false reports of events, written and read on websites”¹⁰. This definition has only taken websites into consideration and has not covered false reports by the mainstream media. On the other hand, *Merriam Webster Dictionary* does not give any definition of fake news but defines disinformation as “false information deliberately and often covertly spread in order to influence public opinion or obscure the truth”¹¹.

The *European Commission* defines fake news as “intentional disinformation spread via online

⁵ UN Educational, Scientific and Cultural Organization, *Journalism, 'Fake News' and Disinformation: A Handbook for Journalism Education and Training*, (2018), available at <https://en.unesco.org/fightfakenews> (last visited on Aug. 28, 2021).

⁶ Yellow journalism usually refers to sensationalistic or biased stories that newspapers present as objective truth; available at: https://www.mtsu.edu/first-amendment/article/1253/yellow-journalism_ (last visited on Jan. 12, 2021). According to Oxford learners dictionary, yellow journalism refers to newspaper reports that are exaggerated and written to shock readers. According to Collins dictionary, yellow journalism is the type of journalism that relies on sensationalism and lurid exaggeration to attract readers.

⁷ Caroline L. Osborne, “Programming to Promote Information Literacy in the Era of Fake News” 46 *International Journal of Legal Information* 105 (2018).

⁸ *Ibid.*

⁹ <https://www.collinsdictionary.com/dictionary/english/fake-news> (last visited on June 20, 2020).

¹⁰ <https://www.oxfordlearnersdictionaries.com/definition/english/fake-news?q=fake+news> (last visited on June 20, 2020).

¹¹ <https://www.merriam-webster.com/dictionary/disinformation> (last visited on June 20, 2020).

social platforms, broadcast news media or traditional print”¹².

According to *David M. J. Lazer et.al.*, “Fake news is fabricated information that mimics news media content in form but not in organizational process or intent. Fake-news outlets, in turn, lack the news media’s editorial norms and processes for ensuring the accuracy and credibility of the information. Fake news overlaps with other information disorders, such as misinformation i.e. false or misleading information and disinformation i.e. false information that is purposely spread to deceive people”¹³. Allcott and Gentzkow have defined fake news as “news articles that are intentionally and verifiably false, and could mislead readers”¹⁴.

III. TYPES OF INFORMATION DISORDER

Any content becomes fake news not just because of its falseness, but also because of the characteristics of its circulation, such as the pace, scale, and form of sharing. Recent concerns about fake news, in particular, are directly tied to the threat of its rapid dissemination on the internet and through online platforms. As a result, many efforts to combat fake news target information that is currently trending substantial engagement online.

The term *Fake news* is often used interchangeably with the terms *misinformation* and *disinformation*. “Misinformation is generally used to refer to misleading information created or disseminated without manipulative or malicious intent”¹⁵. In other words, it can be said that misinformation is information that is inaccurate but is believed to be true by the person propagating it. “Disinformation is generally used to refer to deliberate attempts to confuse or manipulate people through delivering dishonest information to them.” It is a blatant, purposeful falsehood, and it suggests that bad actors are actively disinforming people. Because disinformation is frequently organised, well-resourced, and reinforced by automated technologies, it is particularly hazardous¹⁶. A disinformation campaign which is well-coordinated floods broadcast and social media channels with fake news, depriving the oxygen of the system and killing the truth¹⁷.

There is one more category of information which is known as Mal-information. This type of information is based on reality but is utilised to harm a person, organisation, or country. A report revealing a person’s sexual orientation without public interest justification is an example of

¹²Alberto Alemanno, “Editorial: How to Counter Fake News? A Taxonomy of Anti-fake News Approaches”, 9 *European Journal of Risk Regulation*, 2 (2018) available at: <https://www.cambridge.org/core/terms> (last visited on June 09, 2021).

¹³ David M. J. Lazer, et.al., ‘The science of fake news’ (2018) 359 *Science* 1096

¹⁴ H Allcott and MGentzkow, ‘Social Media and Fake News in the 2016 Election’ (2017) 31(2) *JEP* 213

¹⁵ *Supra* note 3 at 7.

¹⁶ *Idib.* at 44

¹⁷ Ashish Jaiman, “Disinformation is a cybersecurity threat” *The Hindu*, Feb.11, 2021.

mal-information. It is critical to distinguish between real and false messages, as well as those that are real but were generated, produced, or transmitted by agents, who seek to harm rather than serve the public interest. Such type of true information that infringes on a person's privacy without a compelling public interest explanation comes under information disorder, but will not be categorized under fake news.¹⁸

A review of various academic works that used the term fake news resulted in a typology of information disorder. As a result, it becomes clear that the situation is far more complicated than the term suggests. Now, the various types of information disorder that exist will be discussed, and where these categories fall on the fake news spectrum.

a) Satire and Parody

Satire and parody could be considered as a form of art which uses sarcasm, fake stories, and humour to present news or information. It is intended to embarrass an individual, organisation, community, or religion; but it can be difficult for some readers or viewers to understand the intended meaning of the content, leading them to believe it as true.¹⁹ These are the fake news stories which are published for entertainment on several websites and social media platforms. They make you laugh, but they also make you think. In recent years, new age satire and parody websites have gained a lot of popularity, setting the trend for more sites to come. Some notable examples of news satire website are Faking News, Fake News India, The Unreal Times, etc.

In the case of *Indibly Creative Pvt. Ltd. & Ors. v. Govt. Of West Bengal & Ors*²⁰, Supreme Court of India tried to interpret the meaning of satire. In paragraph 15 of the judgment while dealing with the importance of satire to any system of free expression, Chandrachud J. observed that:

Satire is a literary genre where topical issues are held up to scorn by means of ridicule or irony. It is one of the most effective art forms revealing the absurdities, hypocrisies and contradictions in so much of life. It has the unique ability to quickly and clearly make a point and facilitate understanding in ways that other forms of communication and expression often do not. However, we cannot ignore that like all forms of speech and expression, satirical expression maybe restricted in accordance with the restrictions envisaged under Article 19(2) of the

¹⁸ *Ibid.*

¹⁹ Sayeed Ahsan Khan, Mohammed Hazim Alkawaz, *The Use and Abuse of Social Media for Spreading Fake News*, IEEE International Conference on Automatic Control and Intelligent Systems (I2CACIS 2019), 145 Held on (29 June 2019, Selangor, Malaysia), available at: https://www.researchgate.net/publication/335645090_The_Use_and_Abuse_of_Social_Media_for_Spreading_Fake_News (last visited on Jan. 15, 2021).

²⁰ Writ Petition (Civil) No 306 of 2019

Constitution. For example, when satire targets society's marginalized, it can have the power to confirm and strengthen people's prejudices against the group in question, which only marginalizes and disenfranchises them more.

This means satire and parody have no intention to harm, but the potential to fool people, and on this basis, it is usually not categorised as fake news.

b) Clickbait Content

As the term itself suggests, content is presented in the form of a bait to entice users and ultimately make them click the linked piece of content. So, Clickbait content employs misleading, deliberately fabricated, sensationalist, and eye-catching headlines, captions, images or stories to get more readers to visit a website, hence increasing advertising revenue, usually at the price of truth and accuracy.

c) Misleading Content

Misleading content involves the selective use of information to frame issues or people through certain mechanisms, such as cropping images or using quotes or data selectively. In this genuine sources are impersonated to mislead, for example by presenting comment as fact.

d) False Context

Genuine content is frequently seen being re-circulated and shared out of its original context with false contextual information, which is one of the reasons the phrase fake news is so unhelpful. For example, an image captured from a place 'X' in 2015, re-circulated six years later, was shared under the guise that it was a photograph from 'Y' in the aftermath of a natural disaster in 2021 will come under this category.

e) Imposter Content

We call the content as imposter content when a newsroom logo or a journalist's name is used by people who have no relation to them. There are legitimate concerns about journalist's bylines appearing alongside news items they did not write, or organisations' logos appearing in videos or photographs they did not generate.

f) Manipulated Content

Manipulated content is when genuine contents, information or images are manipulated or altered to deceive. This type of content usually relates to images or videos. For example, two genuine images are frequently merged to create manipulated content, or a piece of footage is slightly slowed down to make a high profile person look drunk.

g) Fabricated Content

Fabricated content refers to the creation of new content which is completely false and is being designed to deceive and to cause harm to individuals, groups of people, or a community. This can be in the form of text or visual format, or fabricated news sites.

h) Sloppy News Content

Sloppy news content refers to stories that are released by some journalists and media outlets with incorrect or unverified information in an attempt to be the first to break the news, which misleads the public²¹.

i) Deep Fakes

Deep fake is a combination of the words ‘deep learning’ and ‘fake’. It involves the use of artificial intelligence (AI) in the creation of deceptive information which is used to discredit the targeted. So, it can be said that fake videos which are created with the use of digital software, machine learning, and face swapping etc. are known as deep fakes. Basically, these are computer-generated fake videos that mix photos to create new footage depicting events, comments, or actions that never occurred and the outcome can be very convincing.

Deep fakes differ from other types of fraudulent information in the sense that they are extremely difficult to spot. It has raised the stakes of fake news campaigns to a whole new level. A few high-quality, highly targeted disinformation campaigns utilising deep fakes could increase the gaps between people in democracies, resulting in inconceivable levels of instability, including increased violence, property destruction, and loss of life.²²

What all these types of information disorder have in common is how fake news takes on the look and feel of real news, from the appearance of websites, to the writing of articles, to the distortion of images. Fake news hides behind a veil of authenticity, attempting to imitate actual news in order to gain credibility²³. However, the term ‘fake news’ is insufficient to cover all forms of information disorder. The majority of this information is not really fake; in fact, most of the time it is real, but is being used out of context and weaponized by people who actually understand that lies infused with a little truth are more likely to be believed and shared. Memes, manipulated videos, re-sharing old images as if they are new, etc. are all examples which hardly qualify as news.

²¹ *Supra* note 17.

²² *Supra* note 15.

²³ Edson C. Tandoc Jr, Zheng Wei Lim, et.al., “Defining Fake News” 6(2) *Digital Journalism* 147(2018).

IV. WORKING PHENOMENON OF FAKE NEWS

Fake news operates in a similar fashion to rumours and gossip. It is presented in the form of stories as a sequence of events taken by figures with an implicit intent. It is critical to recognize that we, as humans, comprehend people and the world around us better when we organize them into narratives because it helps us grasp cause, effect, and consequences. However, the events or stories that we create do not rely on an objective representation of reality. They can accept and agree with objective fact, but story structures create sense and lead us to conclusions based on their coherence²⁴.

To understand how the phenomenon of fake news works on human psychology, it is important to discuss the following concepts:

a) Confirmation Bias

The *Encyclopedia Britannica* defines Confirmation bias as “the tendency to process information by looking for, or interpreting, information that is consistent with one’s existing beliefs. This biased approach to decision making is largely unintentional and often results in ignoring inconsistent information. Existing beliefs can include one’s expectations in a given situation and predictions about a particular outcome. People are especially likely to process information to support their own beliefs when the issue is highly important or self-relevant”²⁵.

People are more likely to accept news that confirms their preconceived notions. Confirmation bias makes people less likely to question news they find and more likely to accept it as it is. We may recognize the importance of verifying information and the importance of paying attention to the source and quality of the news we consume, but people prefer to accept information that conforms to our worldview. Worse is that, in an era when editors and publishers trust filters are eroding, the information consumers increasingly rely on is from family, friends, and relatives which leads to the formation of echo chambers.²⁶ Even if the information is not trustworthy, their endorsement lends credibility to it.

b) Filter Bubble

The filter bubble is a phenomenon which is the result of technology and the algorithms that a website uses to deliver content to visitors. The algorithm’s purpose is to choose and push content to visitors that it believes they will like based on previous behavior or choices. This

²⁴ *Supra* note 17 at 146.

²⁵ Bettina J. Casad, ‘Confirmation bias’, *Encyclopedia Britannica*, available at: <https://www.britannica.com/science/confirmation-bias> (last visited on July 20, 2022).

²⁶ *Supra* note 5 at 103.

results in intellectual isolation as the user is fed with similar content, thus eliminating the competing voices.

The amount of content available is growing, but the number of hours in a day cannot be increased. In this context, when confronted with an abundance of content, users will be tempted to seek out news and information that will reinforce their previous beliefs and preferences, resulting in group polarisation.²⁷

The filter bubble aggravates the impact of confirmation bias. When confirmation bias and the filter bubble get mixed, the outcome is an easy acceptance of content that matches our worldview and a whitewashing of opposition. This provides a substantial obstacle to overcome when confronted with fake news, especially a well-constructed false narrative.

V. TRANSFORMATION OF MEDIA IN THE 21ST CENTURY

In the 21st century, the news industry has faced tremendous difficulties and structural changes as a result of the Digital Age. The news industry has lost journalistic capability in newsrooms as a result of the collapse of legacy news companies core business model, reducing the depth, breadth, and quality of news coverage. Decreased funding for public media newsrooms, as well as continuous government control of much of this sector, has also harmed news offerings.²⁸ Fact-checking departments have shrunk, been merged with copy-editing desks, or been eliminated entirely in most of the news organizations around the world. The fact-checking takes place after a claim becomes relevant to the general public, rather than before it is published.

The way people get news these days has also fundamentally changed. Whereas news was traditionally gathered from a trusted local, regional, or national newspaper, radio, or television channel; social media is now a frequent source of news items. People seem to have lost interest in traditional media, and there is a migration from television screens to touch screens. The evolution of social media and its growing importance as a platform for individuals to express themselves has guaranteed limitless freedom. Social media collects information and opinions from its audiences, and thus provides a neutral arena for all members of civil society to discuss any subject of common concern. It has become a virtual public sphere because it meets the essential pre-requisites of giving space, though digitally, for participants free speech. However, how people uses²⁹ social media raises the question of whether it is an effective public sphere or

²⁷ *Supra* note 1 at 34.

²⁸ *Supra* note 17 at 146.

²⁹ Research conducted on the topic “The Spread of True and False News Online”, at the Massachusetts Institute of Technology (MIT), which was published in *Science* in March 2018 showed the spread of false information is essentially not due to bots that are programmed to disseminate inaccurate stories. Instead, false news spreads faster around Twitter due to people retweeting inaccurate news items. Furthermore, the researchers discovered that false

not. Social media, unlike mainstream media, has fewer central nodes, gatekeepers, or agenda setters. As a result, social media platforms are vulnerable to unverified and deceptive content.³⁰

In the United States Supreme Court case of *Packingham v. North Carolina*,³¹ Kennedy J. observed regarding the impact of the Internet revolution in the following words:

While we now may be coming to the realization that the Cyber Age is a revolution of historic proportions, we cannot appreciate yet its full dimensions and vast potential to alter how we think, express ourselves, and define who we want to be.

In contrast to the pre-social media era, anyone with a basic understanding of social media and the internet can now generate, publish and circulate fake news. Consequently, evil actors in society are utilising it as a tool to build a narrative that benefits them and matches their agenda. As technology has progressed, so has the way fake news information is generated. Fake news creators are now employing various sorts of content formatting and structure to capture the interest of readers.

In the present century, Twitter, Facebook, YouTube, WhatsApp³², Instagram, etc. have emerged as social media mainstays in many countries, influencing journalistic methods and professional identities, as well as content creation and delivery. Social media is now seen as a primary channel for communication on a personal level. This peer-to-peer content sharing has begun to disrupt traditional methods of content distribution. Users can communicate with each other using social media tools like texting, blogging, polls, pictures, videos, audio, etc. to share information, ideas, and opinions on a specific issue. The rise in popularity of social media platforms has not only connected users with family and friends, but it has also created an open environment that allows users to create, share, and access many types of content in various formats, such as news, current events, and so on. Because of the phenomenal increase in online content consumption, primarily through social media, most businesses, political parties, and organisations with ideological stances have begun to use the internet to spread fake news in order to influence users' opinions and decisions for financial, political, or ideological gain.³³

news stories are 70% more likely to be retweeted than true news stories. It also takes true stories about six times as long to reach 1,500 people as it does for false stories to reach the same number of people, *available at*: https://news.mit.edu/2018/study-twitter-false-news-travels-faster-true-stories-0308_ (last visited on July 20, 2021)

³⁰ Aasita Bali, Prathik Desai, "Fake news and social media: Indian perspective" 10(3) *Media Watch* 739 (2019).

³¹ 137 S.Ct. 1730 (2017)

³² Union Minister Ravi Shankar Prasad informed that WhatsApp has 53 crore or 530 million users in India followed by YouTube with 44.8 crore (448 million) users. He further added that Facebook, Instagram and Twitter have 41 crore (410 million), 21 crore (210 million) and 1.75 crore (17.5 million) users in the country respectively. Harsh Upadhyay, "Govt says WhatsApp has 530 Mn users in India", *available at*: <https://entrackr.com/2021/02/govt-says-whatsapp-has-530-mn-users-in-india/> (last visited on Feb. 26, 2021).

³³ *Supra* note 17 at 146.

Today's social media is fuelled by a diverse range of material, from personal to political. There are a number of bloggers, social media influencers who endorse businesses and politicians without disclosing that they are being paid to do so. In the middle of this, journalism loses ground and becomes a target of not only legitimate criticism, but also of its existence. Also, technology companies and social media platforms have avoided the obligations to which journalists and publishers are held accountable by claiming they are not news publishers.

The primary causes that are driving the rapid increase in the volume of content published on social media platforms include the mushrooming of camera-enabled smartphones, the increased availability of low-cost mobile data or internet connectivity, and the emergence of global social networks and social messaging platforms, where anybody can upload content and build an audience. These days, in most breaking news, an eyewitness, participant, or spectator with a smartphone is likely to publish the first narratives, images, and video footage to emerge from an occurrence like that of an accident, an attack, a flood, etc. Nowadays, even audience demands for news of their choice, mobile delivery, and real-time social media participation. These are increasing the burden on news professionals who are already working with limited resources in a never-ending news cycle. The loss of trust in journalism and traditional media organizations is driving consumers to shrink even more, reducing profitability and fuelling the growth of fake news. As a result, the distinctions between fact, entertainment, advertising, propaganda, fabrication, and fiction have become increasingly hazy.

The need to publish quickly on social media platforms might lead to the unintentional dissemination of fake news or contents from shady sources. Also, sensational or controversial information is more likely to be spread. Then there is the production of filter bubbles, which theoretically confirm biases while limiting exposure to accurate and verified data. There is a chance that the public will be confused about what constitutes news, as opposed to fake news. But, it is to be kept in mind that when fake news is shared, the social news distribution system, which is based on peer-to-peer sharing, frequently spreads the content virally, making it tough to reverse, even if journalists and other fact-checkers successfully discredit it. Once a fake narrative, a malignant meme, or an erroneous report caused by a failure of verification has gone viral, no amount of debunking or reporting exposing an untruth will totally erase its impact.

A roadblock in spotting fake news is the impact of social media on how and users consume information. A major concern is who is verifying the accuracy of the news. Perhaps even more concerning is how the device's attraction affects the way consumers brain absorbs content. This has a significant and long-term impact on the ability to think critically. We compromise our ability to turn information into knowledge when we limit our capacity for reasoning and shift

those talents to a device. We get the information, but we don't understand what it means.³⁴

VI. POSSIBLE SOLUTIONS

There can be various possible solutions to tackle the problem of fake news, which are presented as follows:

- a) Unreliable content is difficult to identify, control, and track, which makes it a problem to tackle the menace of fake news. For this, there is an urgent requirement for advanced technology and protocols that can efficiently identify less reliable content and fact-check it.
- b) The need of the hour is to have a separate law in India to deal with the dangers of fake news. There is no specific law for fake news, but there are provisions in the *Indian Penal Code (IPC), 1860*, and the *Information Technology (IT) Act, 2000* that provide legal recourse to individuals affected by it. Complaints can also be lodged with the *News Broadcasters Association (NBA)*, the *Indian Broadcast Foundation (IBF)*, and the *Broadcasting Content Complaint Council (BCCC)*. Then, there is a statutory body for print media, the *Press Council of India*, though it is considered a toothless body by many. Further, as one of its objectives to deal with fake news, on February 25, 2021, the *Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021*, were notified by the Central Government, which imposed several obligations on intermediaries, including OTT platforms, and also introduced three-tier grievance redressal mechanisms. In 2023, by an amendment to IT Rules, 2021, the provision for fact check unit under Rule 3(1)(b)(v) has been incorporated, but it only deals with false information against the government.
- c) A balanced approach is required in suppressing fake news, as Article 19(1)(a) guarantees freedom of speech and expression. Moreover, our policymakers will need to overcome the definitional and conceptual challenges involved with fake news before drafting legislation to combat it. As discussed, there is no statutory definition of 'fake news' and the available definitions are very broad. And it is very difficult to come up with a solution if there is this much ambiguity around the concept of fake news. So, technologists, lawyers, and academicians must come forward and try to give a definition that is neither too broad nor too narrow to cover various types of information disorder.
- d) In place of 'fake news', the term 'fake content' must be used for false information as

³⁴ *Supra* note 5 at 104.

news means something coming from a credible source. Also, not all kinds of fake content warrant attention; instead, those which are disseminated with commercial or political motives must be looked at more seriously to address this problem. Factors like degree of falsity, intentionality, harm caused by false content, etc. must be considered.

- e) Journalists are required to be more professional and adhere to journalistic ethics. The focus must be on delivering high-quality and reliable content rather than running in the race of breaking news. Media outlets must point out fake news and present real news to their audience.
- f) Even the audience should understand that whatever they watch and read is not true. They should not blindly forward every piece of information as mindless forwarding of messages also leads to fake news. Awareness needs to be created in this regard.
- g) Educational institutions must also take the responsibility of creating awareness by educating people on how to be an informed consumer of online information and how to differentiate between real and fake news on various parameters like source of information, biased style of writing etc.

VII. CONCLUSION

It is concluded that although there have been many reported definitions of fake news which provide us an overview of the phenomenon of fake news, they are so broad and elusive that they do little to clarify the meaning of the term. One important thing is that the meaning and value of a given piece of content can change dramatically over time and in different contexts. Content that begins as openly satirical can be converted into clickbait and shared as a news source, and then shared again, which may take the form of fake news. It is also important to note that the spreadability of fake news is a major challenge, which is alarming to the public. In addition, the issue of fake news causes people to lose the power to think and make rational decisions. This paper analysed the ambiguity in the concept of fake news and the difficulty in finding an exact definition of the term due to the presence of various information disorders and emphasised the need to have clarity on this concept to manage this growing menace.
