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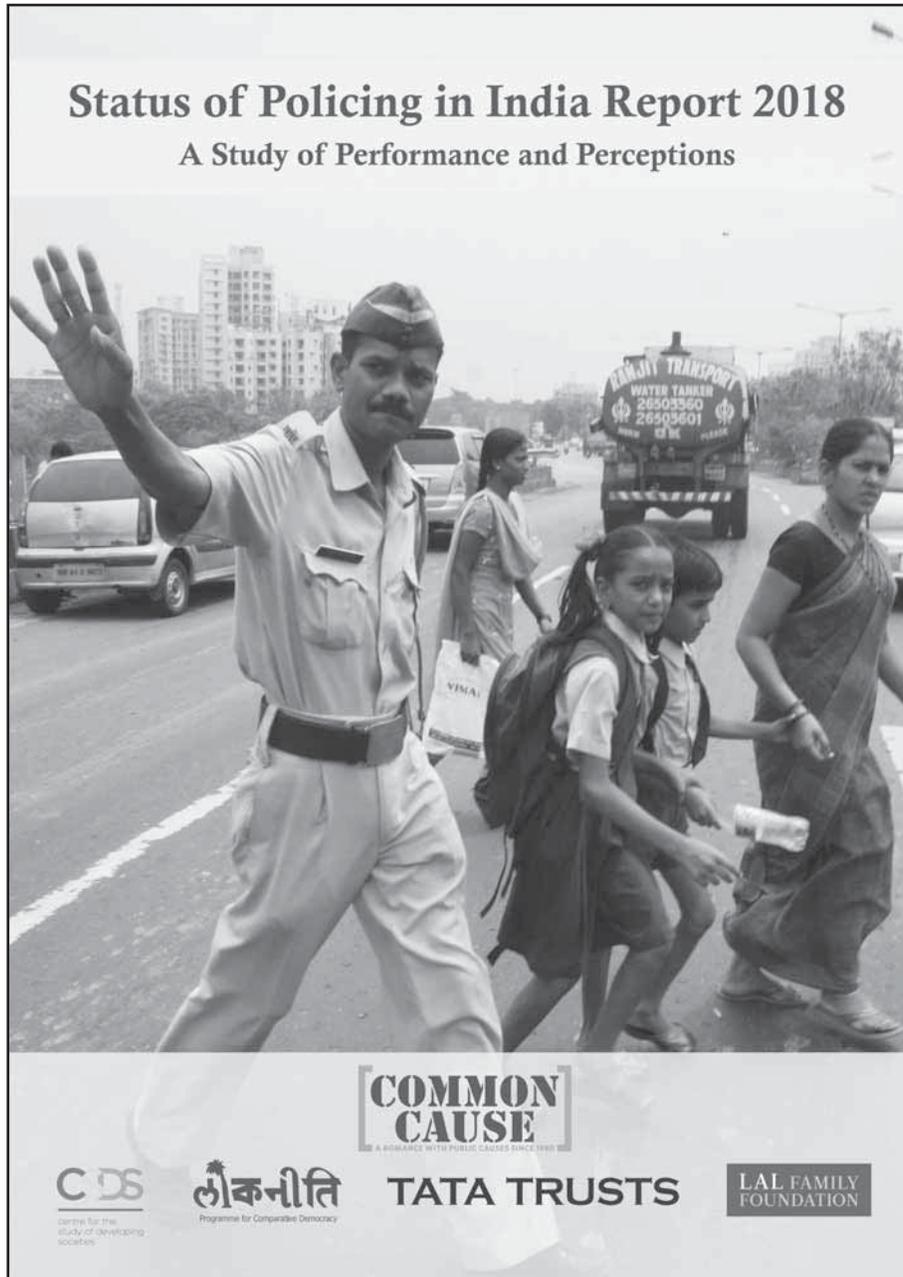
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Jointly prepared by Common Cause and its academic partner, Centre for the Study of Developing Societies (CSDS), the report is a study of the performance and perception of the police in India. It covers about 16000 respondents in 22 states on parameters like citizens' trust and satisfaction levels, discrimination against the vulnerable, police excesses, infrastructure, diversity in forces, state of prisons and disposal of cases etc.

The study combines mixed methodologies to present a slice of life of policing in India. It also analyses official data and CAG reports along with an all India perception survey conducted by the Lokniti team of CSDS and their partners in the states.

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COUNTERING FAKE NEWS DURING ELECTIONS

Strict Regulations, with Stricter Compliance, is the Key

Come elections and the season's flavour is fake news! The news we all use at our own peril, sometimes knowingly, but the damage is done before the realisation dawns. Elections are about citizens making informed choices and fake news is about queering that deal.

Fake news is not always false news. It is an artifice, a clever construct, which comes with elements of disinformation, misinformation, half-truths or twisted facts. It typically hits us on the go, as distorted news, memes or motivated jokes mostly hidden in routine WhatsApp or other social media messages. The intention, almost always, is to mislead for a variety of reasons, ranging from winning an election to polarising opinions, or anything between lionising a strong leader to trashing his enemies. The Cambridge Dictionary defines fake news as, "False stories that appear to be news, spread on the internet or using other media, usually created to influence political views or as a joke."

Make no mistake, fake news is a creature of politics – and not of media. It is a god's gift to demagogues, spin doctors and propagandists. Conventional media is mostly a purveyor (and only sometimes a creator) of fake news but the social media is its ideal locale. It typically originates from an individual with an axe to grind but flies across family groups or friends' networks and multiplies its reach within seconds through forwards, shares or tweets by others. Once the genie is out of the bottle, it assumes a life of its own, sometimes shaking the foundations of public order on which rest the moorings of a civilised society.

We saw the impact of a dubious SMS gone viral when thousands of Indians of North-Eastern origin fled Bangalore in a flash in 2012. The panic struck India's Silicon Valley within hours in an atmosphere of lurking fear and mistrust. Everybody was soon running for life, away from the city, on buses, trains or whatever transport they could get. Fortunately, the hoax ended without costing human lives, which was not the case with many later incidents in Karnataka, Telangana, Jharkhand and Tamil Nadu when rumours of child lifting ended up in the lynching of fellow human beings. True, rumours have always been dangerous but technology is taking them to new lows. Even before the digital age, images of Lord Ganesha drinking milk became a nationwide spectacle in the mid-nineties through landline phone networks and the newly arrived private TV news channels.

Democracy in the Digital Age

What has changed in the digital age is the proliferation of dubious content using algorithms and customised pitches for every individual voter. It is like hate news meeting data analytics to game the system with the capability to create flare-ups on demand. The jigsaw begins to make sense when the elections are seen in their new eco-system of 24X7 digital war-rooms – complete with social media warriors, troll armies and data brokers. Their job: micro-targeting whole demography, down to every voter, with negative, positive, mixed or 'dark' messages, nudges and threats, delivered at the right time on the right platform.

The new order is that the elections must be won at any cost. The stakes are really high; the major parties spent more than Rs 30,000 crore in 2014 elections by conservative estimates and the figure in 2019 could be close to double that amount. Losing is not an option for many stalwarts who might end up in jail if the power slips out of their hands. Money and muscle power still have their use but money alone cannot guarantee a seat. And that is why the capability to inflame passions comes in handy. There is a market for influencing the minds with fears, threats and dark messages; the technology is available, there is no dearth of money, and the demand must be met.

New Demands of Post-Truth Politics

The market logic of demand and supply fits into the new culture of post-truth politics where the debate is framed by emotional appeals rather than by facts. A case in point is the Brexit referendum in the UK, followed by the US and Brazilian Presidential elections, where facts were defeated by feelings drenched in superficial patriotic emotions. We have seen glimpses of this in India where established facts (like official statistics about the creation of new jobs or the country's GDP growth rate) are often tinkered in 'national interest' and fantastic claims of development are spread far and wide. The message from Brexit to Brazil is that fake news can eclipse rational thinking and influence elections in favour of manipulators and rabble-rousers.

It is clear that post-truth politics has serious implications for the rule of law, particularly in countries like India where institutions like the Election Commission and the Press Council are already besieged by a flood of paid news and hate speech. But we should all be concerned even more now if technology is being used to systematically inflame passions or to polarise opinions. However, it is futile to expect social media giants like WhatsApp and Facebook to change tack in any consequential way. For their revenue model hinges on the collection, deployment and monetisation of data as well as on the virality of messages which is responsible for fuelling fake news. They are also known for pandering to governments and deep pockets.

So, where do we begin in order to save democracy from the curse of fake news and subversive data gaming? Well, first and foremost is the need to recognise the problem and create awareness about it. Secondly, democratic institutions must be strengthened and tighter oversight regulations enforced for social media platforms. Transparent and accountable mechanisms for the storage, protection and use of data by all players, public or private, will also go a long way. And finally, institutions like the Election Commission must be empowered to establish norms of digital engagement during elections for all stakeholders, particularly the candidates, political parties and their supporters. The caution, however, is that the system of regulation and compliance has to work without impairing digital platforms or muzzling the media in the name of controlling fake news.

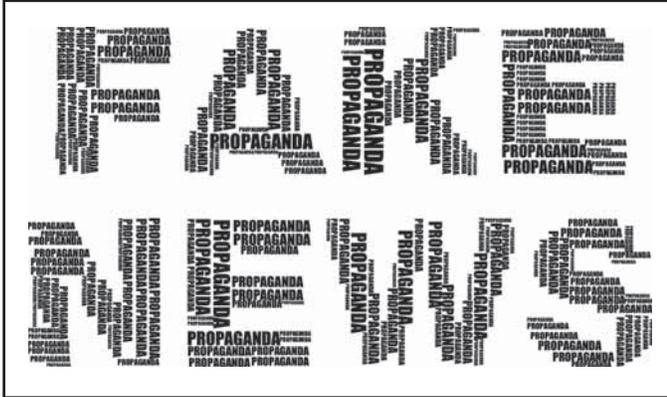
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Vipul Mudgal
Editor

THE ANATOMY OF FAKE NEWS

How to Understand and Combat Misinformation?

Dhruv Shekhar*



WhatsApp recently released its first ever TV ad campaign to combat misinformation, in the run-up to India's general elections in 2019. The world's largest messaging app, with 200 million plus users in India, went into an overdrive by launching three, 60-second video ads to educate users about the undemocratic and criminal industry of fake news.

Fake news, a sinister maze of untruths, has proliferated across the globe. In a hyper-connected digital age, misinformation is getting new audiences through an infinite stream on social media timelines and forwards from messaging apps. Along the way, powerful and coordinated disinformation campaigns are opening the door wide for compromised democratic processes, civil unrest and sectarian turmoil.

The potential of fake news to manipulate public opinion and

impact the election process is enormous. A Massachusetts Institute of Technology (MIT) report, *The spread of true and false news online*, published in March 2018,

showed that false news reached more people than the truth. "Falsehood diffused significantly farther, faster, deeper, and more broadly than the truth in all categories of information, and the effects were more pronounced for false political news than for false news about terrorism, natural disasters, science, urban legends, or financial information," it states, while investigating verified true and false news stories distributed on Twitter from 2006 to 2017, and analysing 126,000 stories tweeted by 3 million people more than 4.5 million times.

In India, fake news has had far reaching consequences. The daily onslaught of misinformation has resulted in incidents of violent mob lynchings across the country.¹ International news organisations have also elaborated on how fake news has been instrumental in having a detrimental effect on people's lives, their livelihoods and

around national security in India. According to these outfits, it is being used as a political tool to manipulate voters.²

In this dangerous regime of misinformation, when the possibilities of democratic processes being undermined are at an all-time high, fake news needs to be examined in the context of boosting electoral prospects, besmirching opponents and suppressing online expressions of dissent. This article discusses the entire ecosystem of fake news, how it can be used to manipulate public opinion, foment hatred and incite violence among communities and how social media can multiply misinformation.

What is fake news?

The term fake news entered public discourse around 2016, when a complex matrix of social media algorithms, advertising systems, and individuals started concocting stories on digital platforms to earn money (or for ideological mileage) and the US presidential election fomented its build-up.³ Since then, it has been brought into political communication first by Hillary Clinton and then widely used by US President Donald Trump.

In its modern incarnation, 'fake news' is used variously by world leaders, journalists and

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the common man to denote everything from misinformation and spin-doctoring to conspiracy theories. Fake news can be created and reported in a newspaper, periodical TV show or even shared on social media and messaging platforms, including Facebook, Twitter and WhatsApp.

However, the term, named Collins Dictionary's Word of the Year 2017, has now evolved to embrace not only false, sensational information but also a range of digital phenomena such as sponsored posts, advertisements, visual memes, bots on Twitter, rumours and even valid information discrediting powerful groups. For the purpose of this article, we will be using the term strictly in the sense of misinformation, disinformation and undemocratic propaganda, which can negatively impact elections and censor criticisms of political dispensations. We don't intend to discuss fake news in the context of satire or fantasy websites.

Is fake news a recent phenomenon?

Misinformation, falsehoods and deceit are as old as civilisations. Since the age of Greek historian Herodotus, there are records of creation and promulgation of false news. A marked change also took place with the establishment of the first printing press, the Gutenberg Press in 1439. The mechanised process

made it possible for news accounts to be published and circulated widely with or without journalistic integrity.

Later, the veracity of facts was questioned during the trial of Nazi *Third Reich* office holders and sympathisers Hans Fritzsche and Julius Streicher. Cases instituted against them by the International Military Tribunal argued whether they perpetuated false claims about Jews as being the source of Germany's socio-economic problems in their individual capacities (as Minister of Propaganda and Editor of a newsletter called *Der Strumer* respectively). Another notable instance was an inquisition in the wake of the Rwandan Genocide, which navigated questions on whether incendiary and false messages were perpetuated, resulting in the Hutu attack on the Tutsis.

In all these cases, the standard of 'causal link' between the incendiary and fake reporting and the resultant violence could not be established.⁴ However, an inquisition in these matters clearly reflects how hate campaigns in the media can be used to carry out acts of genocide.

How is fake news different today?

In an era of social media and digital communications, fake news is ubiquitous. In a November 2018 Ericsson

Consumer Lab Insight Report titled '#OMG Social media is here to stay,' over 50 percent of consumers interviewed in the US and UK acknowledged they have read news on social media they later found to be fake. In addition, almost one in four admitted spreading articles they later found were fake news.⁵

It has been established beyond doubt that news whose legitimacy cannot be validated has found a home in social media. Malicious content and rumour mongering is thriving here, leading to digital disinformation campaigns that are upending political systems. A new set of challenges to traditional media platforms have arrived in the form of applications like Facebook, Twitter, Google et al, which seem to be driven by the idea of grabbing the greatest number of eyeballs. The new media platforms are also characterised by goals like profitability and non-liability, based on their intermediary status. A logical fallout of such profit motives is social media being an open canvas for users to write, share and propagate content with little or no editorial control. Thus, content, not just incendiary and slanderous, but also grossly incorrect on multiple occasions, ends up doing the rounds.

How fake news undermines democracy?

There are instances of at least two election campaigns where

the troubling role social media in spreading misinformation has been studied, researched and debated endlessly. These are President Donald Trump's election in the US in 2016 and that of President Jair Bolsonaro in Brazil in 2018. Sustained disinformation was quite central to these polarised elections. And that is why the need to address the subversion of electoral politics through fake news is urgent. Adding to the concern is the way in which gullible citizens deluge social media networks by forwarding and accepting misinformation.

There has been a torrent of news reports stating how Russian hackers disseminated fake news in the run up to the 2016 US Presidential elections and how Russia hatched an elaborate conspiracy to meddle in it through detailed social media campaigns on Facebook, Instagram, YouTube and Twitter. While in Brazilian election, fake news campaigns have been orchestrated by businesses allegedly backing Bolsonaro.⁶

In the run-up to India's general elections in 2019, misinformation and propaganda affecting the voter's choice is an issue that invites serious thought. The 2014 Lok Sabha election was referred to as the first social media election of India.⁷ Since then, the use of non-traditional media platforms has only grown (across all parties) in both central and state campaigns. There's no doubt that the 2019 general

elections will be contested as much on the ground as in the digital space.

Numerous studies have taken into account this shift in platforms of public debate and its impact on voting patterns. They have estimated that repeated exposure to fake news have led to individuals co-opting into these ideas and then finding little to distinguish between legitimate and fake news.⁸

Some of these studies have explained how social media websites serve as echo chambers, leading to an increased sense of political tribalism.

There are long-term impacts of propagating false narratives disguised as news. This process adversely affects the multiple pillars of democracy, in persuasive and damaging ways. The founding principle of an electoral democracy is the belief that people have a stake in governance. Perpetuation of fake news entails relentless amplification of hyper-partisan views, which play to the fears and prejudices of people, in order to influence their voting plans and behaviours. This in turn would be reflected in their electoral choices.

How fake news can lead to violence?

As fake news took centre stage in the Indian media narrative, violence has been a natural corollary. Social media fuelled fake news has led to a terrifying

number of mob lynchings and brutal murders across the country. Data journalism outlet, IndiaSpend has documented the number of mob attacks sparked by rumours or suspicion of child-lifting circulated on social media. One of its analysis states: "Between January 1, 2017, and July 5, 2018, 33 persons have been killed and at least 99 injured in 69 reported cases. In the first six days of July alone, there have been nine cases of mob violence over child lifting rumours and five deaths, which amounts to more than one attack recorded every day."⁹

Aided by a sharp drop in mobile data prices, and subsequently an increased usage of WhatsApp, WeChat and other message based social media services, a frenzy of violence has been unleashed in recent months. Amplifying the issue is another factor. These services form the primary basis for online communication in India, with a particular proclivity to form groups among family members, friends, colleagues and others.

How can law combat fake news?

There are no specific laws to address fake news. Free publication or broadcast of news in India flows from the fundamental right to freedom of speech and expression [Article 19(1)(a)] of the Constitution. However, like all fundamental rights this is not absolute in nature and there are legal

resources to combat the proliferation of fake news.

The Press Council of India, established under the Press Council Act, 1978, is vested with the authority to receive complaints of violation of journalistic ethics, professional misconduct by an editor or journalist. It can order an enquiry and issue guidelines on matters under its purview. However, the PCI has limited powers in enforcing its guidelines.¹⁰ It cannot penalise news agencies, editors and journalists for violating its guidelines and its overview extends to the functioning of print media.

The Indian Penal Code, 1860 also has some sections to deal with fake news. IPC Sections 153-A, 295, 295-A, 504 & 505(1)(b) can be invoked to guard against fake news. Seen from the prism of these sections action can be initiated against someone creating or spreading fake news if it can be termed as hate speech.

One option is to pursue criminal defamation (Sec. 499 of IPC), but that may prove to be difficult given that the bulk of fake news in India is spread through end-to-end encrypted channels like WhatsApp, the encryption, prevents the authorities from finding out the source of where the message is initiated, making it very difficult to impose liability on any individual and organisation.

What can the state do to combat fake news?

Recent media reports have claimed that social media giants Facebook, Google and Twitter have joined hands with the Election Commission of India (ECI) in the run up to India's General Election in 2019. These companies have volunteered to monitor all political advertisements and publicity material posted on their timelines during the poll campaign and block posts that peddle fake news or are defamatory/objectionable. It has also been stated that all sponsored content in favour of a political party, political leader or candidate will flag the concerned sponsor and the amount paid by such sponsor for posting the content on Facebook, WhatsApp (owned by Facebook), Google or Twitter.¹¹

However, there is nothing to suggest that this "paid for by" disclosure feature cannot be manipulated. Former Chief Election Commissioner (CEC), O.P Rawat, earlier spoke of constituting a commission to track fake news. However, this could be a contentious issue again because of a possible conflict with the Right to Free Speech. That is why, perhaps, passing of any such bill before the 2019 elections appears unlikely. The CEC also said that Section 126 of Representation of People Act, 1951, is also applicable to all social media platforms barring campaigning

48 hours ahead of polling (48hrs silence rule). However, it is unclear whether the ECI is going to devote any resource to ensure compliance.

The only way forward seems to be a collaboration between the EC, traditional media organisations and new media platforms.

Can a liability be imposed on Facebook, Google etc?

Germany, earlier this year, enacted a legislation called the Network Enforcement Act 2017 (NetzDG). This legislation is one of its bouquet of efforts to push back against social media companies. However, critics have pointed out that this kind of legislation turns social media platforms into overzealous editors, who infringe upon free speech values in order to evade hefty fines. Singapore has formed a parliamentary committee to address this issue and intends to bring a legislation. Simultaneously, French and Russian legislatures are also in the process of bringing out laws. The Malaysian government has also introduced a legislation called Anti Fake News Act (AFNA) in April 2018 but its follow-up has been problematic.

In India, the status of social media companies as intermediaries provides them with safeguards. 'Safe harbour protections' couched within Section 79 of the IT Act, 2000,

have allowed social media companies and messaging apps not to pre-screen content to check its legality. Further, in its judgment on the *Shreya Singhal* case,¹² in which Common Cause was a co-petitioner, the Supreme Court read down Section 79(3) (b), along with Rule 3 of the IT (Intermediaries guidelines) Rules, 2011. The court's holding meant that such intermediaries can only remove content when they receive a court order and/or a notification by the appropriate govt agency, which must strictly conform to the subject matters laid down in Article 19(2).

An unintended consequence of the above-mentioned case and its judgment has been a Catch 22 situation, wherein we want these platforms to regulate themselves without giving them the control.

However, according to recent media reports, the government has proposed amendments to rules under Section 79 of the Information Technology (IT) Act, 2000. These amendments would require the monitoring and tracking of content on social media platforms deemed as unlawful. In the draft of The Information Technology [Intermediaries Guidelines (Amendment) Rules] 2018, Rule 3(9) requires "intermediaries," or online platforms, to "deploy technology based automated tools or appropriate mechanisms, with appropriate controls, for proactively identifying or removing or disabling access to unlawful information or content."¹³

The draft rules are available in the public domain.¹⁴ The public consultations on draft amendments have kick-started protests from opposition parties as well as social activists who are anxious that snooping on citizens will intensify if these new regulations are implemented.¹⁵

What can the traditional and new media do to combat fake news?

There's no denying that a growing crisis of trust has enveloped traditional media everywhere. With the onslaught of multiple media platforms, and subsequently, a tsunami of spurious information in a compromised media ecosystem, the role of traditional media is under the scanner.

However, it could fight this erosion of credibility in multiple ways. Creating campaigns against disinformation, educating focus groups such as school children on what fake news is and how to debunk it is a great way to engage with its readers.¹⁶ A greater emphasis should also be placed on old school journalistic ethics and practices such as double-checking sources before broadcasting or publishing news items in order to enhance the quality and integrity of journalism.

Collaboration between all relevant stakeholders such as the government, its apex institutions like the ECI, traditional and non-traditional media platforms as well as the citizens becomes

crucial in leading the fight against misinformation.

Media literacy is the key to accessing credible news. Hence, information campaigns can be initiated by all the stakeholders in order to educate people on what constitutes fake news and ways to debunk it. The BBC has taken the lead in this segment by starting outreach projects in Indian schools, where young people have been roped in to start conversations on fake news.

Non-traditional media platforms, need to do more than devote resources for bot detecting Artificial Intelligence mechanisms in sorting truth from lies. Other technology-first companies also need to devise means to help users sort fact from fiction. Reliable and fake news can be identified so that users are alerted when their news sources are doubtful. In addition, there needs to be dedicated departments in news outfits to address the fake news problem.

The ambiguity of laws in India makes fake speech a tricky area to be navigated by legislation alone. A need of the hour for non-traditional media platforms is to devote proportionate resources to create fact checking mechanisms. In India alone, Facebook has partnered with Mumbai-based fact-checking website BOOM and news agency Agence France-Presse (AFP).

Facebook relies on its Community Standards (moderation guidelines to allow or disallow posts on the social

network) to carry out its editorial responsibilities. However, these guidelines have been criticised for being broadly agreed upon ideas (prohibition of child pornography for instance) rather than ideas specific to a particular region. Further complications may arise in case governments pressurise these platforms to modify their community principles on a regional basis. For instance, if a cow slaughter video is posted on Facebook in Pakistan and the content is accessible in India, it could fuel violence. Does Facebook or any allied social media network then have the responsibility to remove content across the platform around the world?

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16. Children are generally the first co-opters of new technologies today and introduce the same to other household members. Thus, reaching out to them to begin with may serve as an effective strategy to address this issue.

MAKING SENSE OF MEDIA LIES

Deconstructing Fake News to Understand its Genesis

Akhilesh Patil*

Sample this: In 2017, *PTI*, the largest news agency in India, uploaded a photograph showcasing a flooded Ahmedabad airport. The evocative image was used by several media outlets and splashed across the front page of *The Indian Express*. Finally it took wing when numerous individuals posted it on their social media handles. Only, the photograph was not of an Ahmedabad airport at all, but that of a flooded Chennai airport, that too way back from 2015. When the then Information and Broadcasting Minister Smriti Irani called out the error on Twitter, *PTI* apologised for it.

In the same year several videos surfaced on social media showing people bouncing rice balls against hard surfaces. The bouncing quality of the cooked rice was attributed to its plastic content. Apart from generating an ecosystem of fear and anxiety, this internet hoax managed to be picked up by a battery of national and regional news outlets. What's more, TV news channels conceptualised programmes on the topic of plastic rice, lending authenticity to the myth.

India has watched aghast as these nuggets of fake news went viral, spiking distrust, concern and widespread confusion.

To study the distorted media realities in our country and the world, and how it manages to shake up the citizen's ability to process his/her immediate environment, the author conducted an academic research titled *Deconstructing Media Lies*, last year. The research paper was submitted to the Department of Media and Communication Studies, Savitribai Phule Pune University in partial fulfillment of the requirement for the degree of Master of Media and Communication Studies.

The research is a telling commentary on how unconfirmed, often tendentious, information is now a part of the news narrative in India. Of course politics takes centre stage in the fake news discourse. Out of the 100 fake news items studied as part of this study, the 'politics' category scored the highest, featuring 43 fake news items. This section, dealing with subjects related to politicians and intra-party or governance matters, leads the pack for being the most vibrant space housing divergent ideologies, self-interests of politicians and myth-making.

Close at its heels was the category of 'religion' that registered nearly 25 fake news items. It clearly ranks pretty high among subjects of misinformation, and is deemed

capable of manipulating huge swathes of the population. For instance, on July 22, 2017, a tweet from *News18India* went out like this: 'Uttar Pradesh, Gonda: Pakistani flag hoisted on an electricity pole, created tension.' It was accompanied with a picture of the flag. The response, however was immediate. Twitter users pointed out that it wasn't the Pakistani flag but an Islamic one. The amplification of this bogus information was also stalled owing to prompt neutralisation attempts by the UP and local Gonda police, who gave necessary clarifications. This was no solitary case of fact distortion. Earlier *Times Now*, *The Times of India* and even *ANI* mixed up other green flags with the Pakistani flag.

Other categories ('business and economics,' 'personal affairs of non-political people,' 'terrorism' and 'calamities/disaster' as well as 'science and technology') set up to gauge popular themes of fake news, fared poorly in terms of numbers.

Traditional Media vs Social Media

Often the prosumer (producer who also is the consumer and vice versa) market culture of social media platforms, along with their lack of strong editorial

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policies, are held responsible for the misinformation epidemic. Though the role of social media in spreading the misinformation is quite evident, this doesn't mean traditional media is completely innocent and one should not let them off the hook.

'We have a bad news problem, not a fake news problem,' says David Mikkelson, journalist and founder of renowned fact-checking organisation Snope. In case of India, the first concern is about media organisations and journalists going for, or rather falling for, fake news and half-truths propagated by post-truth era politicians and partisan groups mainly through social media platforms.¹ But one can't blame only social media platforms and politicians or partisan groups because media organisations have likewise acted in an irresponsible manner by publishing fake news. While corrections are a usual practice in such cases, many Indian media houses never bother to issue an apology or correction if fake news is published.²

This not only questions the editorial position taken by media organisations but also demands an enquiry on their role in the creation and dissemination of lies hence, the research mainly focuses on 'fake news' detected by fact-checking websites from media organisations. The research has been divided into two parts. Looking for attributes of fake news that's spread by conventional media organisations is the first part of the study. That's because it

is important to examine how outfits that label themselves as media organisations (print, electronic and online), despite having a strong editorial set up in place, often peddle a distorted discourse in India. The attempt has been to use content analysis to examine fake news detected by self-proclaimed Indian fact-checking websites.

The second part of the research is studying the process undertaken by fact-checking websites to debunk myths and malicious content. In a battle between facts and lies, a majority of fact-checking websites are using something called the delegitimising logic, or a complex web of sources that can be cited to debunk fake news on the basis of truth and evidence.

The two-forked approach of this study is also an effort to underscore the serious threat faced by liberal democracy and its institutions in era of lies, deceit and conspiracy theories. Mounting pressures on these institutions, and an overall reliance of citizens on alternate realities have compelled fact-checking websites to intensify their work in recent months. Therefore, studying the methods adopted to stem the flow of misinformation could broaden the discussion on fake news in India as well.

Facts and the Future: Research Methodology

We have analysed in this research all the fake news detected by dedicated fact-

checking websites (factchecker.in, check4spam, SM HoaxSlayer, Alt News and BOOMLive). The first incidence of fake news detection can be attributed to India's first fact-checking website 'factchecker.in,' which in April 2015 debunked an inaccurate claim. It was against a minority community and was published in Marathi newspaper *Saamana's* editorial.

Fake news poses a new and relentless challenge for the contemporary information space, one that threatens to undermine the basic tenets of democracy. From April 2015 to August 2017 all the prominent fact-checking websites in India have managed to detect a total of 741 false stories. Make no mistake. This deluge of misinformation includes everything from spams and misleading tweets to Facebook posts and news given out by media organisations. However, in this research, only fake stories put out by news outlets and detected from their official websites or social media handles have been considered.

A total of 111 (14.97% or approx. 15%) such news items, out of the entire bulk of 741, have been identified. And out of this 111, 10 fake news items have been detected by multiple fact-checking websites, nine by two and one by three different fact checking websites. Therefore, a total of 100 fake news items detected by fact-checking websites have been taken into account for the purpose of this study.

Misinformation and its Source

The overall apathy to fact-checking has been resonant across Indian newsrooms. Rather than playing an aggressive role in debunking false narratives Indian media has occasionally been guilty of giving untruths a larger audience. As a result, the focus on media organisations as transmitters of fake news is important in this study.

News outlets have been divided into three main categories. – Newspapers, TV news channels and online news portals (ONP). Out of total 100 fake news items, almost half of the fake news (49) have been detected from ONP. Newspapers are also equally responsible for spreading lies, as 42 such news items have been detected from their print copies, official websites and social media handles. As many as 29 fake news items have been detected from TV channels. As these numbers suggest, some of the news items have been used by multiple news outlets. It is important to understand that a news published by a news outlet in a particular format becomes available on all media platforms in no time, mainly because all news outlets currently have their own websites and a strong presence on all leading social media platforms.

A total of 23 newspaper outlets have been revealed to have put out fake news stories. This figure includes all the (circulation wise) top national English as well as Hindi dailies.

It also encompasses in its ambit popular regional newspapers like *Sandesh*, *Rajasthan Patrika* etc. In the newspaper category, *The Times of India* has been found to have put out the maximum number of fake news items (11), followed by *Financial Express* (3). Like newspapers, the TV news channels category features all the popular (highest TRP ratings) English and Hindi news channels. In all, 16 TV news channels have been found to have peddled lies by fact-checking websites, with *Zee News* topping the list with 10 fake news items, followed by *Times Now* with nine.

In the post-truth era, unsubstantiated allegations have pushed out facts to the margins, rendering empirical evidence inconsequential. And with the multiplication of channels of communication, the real menace of fake news seems to be posed by the ONP category. The maximum number of news outlets to have disseminated fake information are in the ONP category, with a total of 36 such portals identified by fact-checking websites. Making the threat more real is the fact that most of these online news portals have been formed recently and have no details regarding their

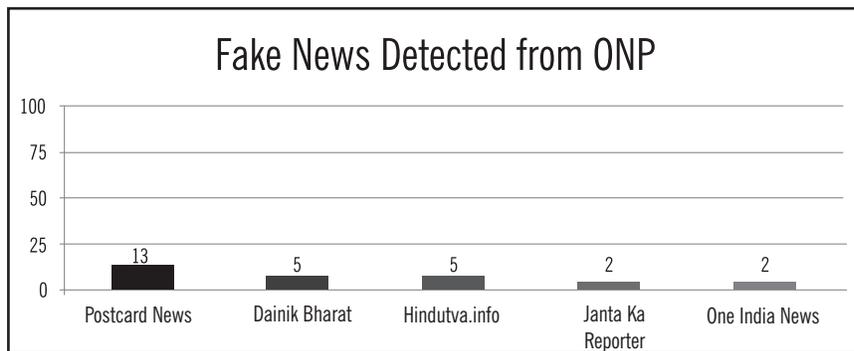
ownership or editorial policy.

Postcard news (13) has been revealed to have propagated the highest number of fake news, followed by *Dainik Bharat* and *Hindutva.info* (5). Interestingly, all these online news portals are known for their pro-rightwing ideology. Earlier this year, Facebook took down *Postcard's* official page for spreading lies, while its founder-editor Mahesh Hegde was arrested for deliberately creating communal hatred with the help of a wrongly-attributed image.³

It is also important to note that several ministers from the current government follow *Postcard news* on Twitter and have even shared a number of fake news items created by this portal. In addition, BJP lawmakers strongly protested against the arrest of Hegde, calling the arrest 'attack on freedom of speech and expression.'⁴

News about Public Figures and Controversial Places

Nothing grabs more eyeballs than systemic disinformation campaigns featuring reputed personalities. Hatred, prejudice



and polarisation get amplified when individuals idolised by many or with mass followings are dragged into the picture. Data shows that 48 out of 100 fake news items are in a way related to some celebrities/public figures. Politicians have a larger share in this as 31 out of 48 (64.58%) news stories are about politicians from different parties. As many as 16 of these news items are about PM Narendra Modi and nine are about people from the field of media and entertainment. Almost 60% of these fake news items have been propagated by online news portals.

Gujarat, West Bengal and Kerala -the three politically volatile states have been on the radar of fake news peddlers and have been subjects of the maximum number of fake news items. These nuggets of misinformation, either praising or criticising the three states, have been detected by fact-checking websites. Interestingly, eight out of 10 fake news items about Pakistan and seven out of eight news items about Jammu and Kashmir are put out by only TV news channels.

Taking the Visual Mode

Tackling the media malaise called fake news is not easy, doubly so when the ways in which it is disseminated is mindboggling. In present times misinformation is a shape shifter that can take on any form to enhance its persuasive power. This study has therefore put the spotlight on news mode, the specific manner in which a fake news item is

presented by news outlets. It has been divided into three broad categories - Text only, Audio-Visual and Image. Most of the news items featuring audio-visuals or images are supported by text. All such news items are added in respective categories and no separate (audio visual + text and image + text) categories have been created.

As the pie chart reveals, a majority of fake news items appears in 'image' form (42), followed by 'text only' (39). Almost 61% fake news stories are either in audio visual or in image form. This finding goes on to underline how pictures and other visuals are quite central to manipulating readers into believing in lies and subsequently, getting influenced.

Politics and Religion: All-time Favourites

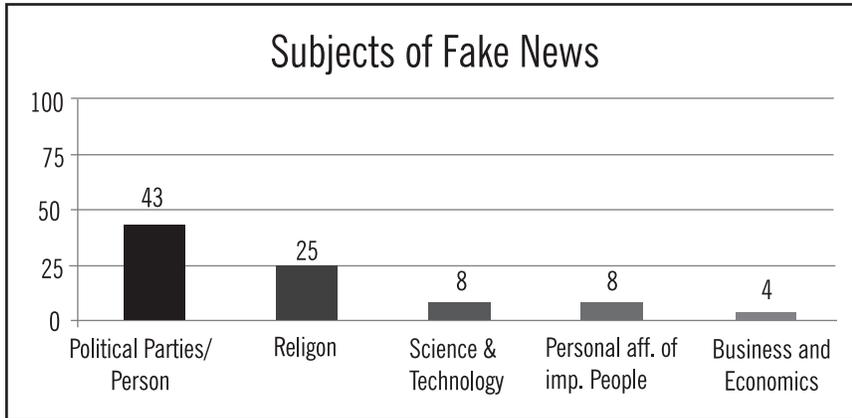
Not surprisingly, fake news comes in all shapes and colours. Political parties use it to churn out absurd quantities of promotional material, others adopt the form to stoke religious sentiment, while still others make use of the format to spread any kind of falsehood at lightning speeds. In this research, categories for 'Fake news subject' have been formed based on popular themes. As stated earlier, the highest number of fake news items have been found to fall under the umbrella of 'Politics,' adding up to a total of 43. Religion comes a close second, with a tally of 25 fake news items. Highly

convincing doctored capsules of misinformation in other categories such as 'business and economics,' 'personal affairs of non-political people,' 'terrorism,' 'calamities/disaster,' as well as 'science and technology' fall way behind in the numbers game. However, it is crucial to understand here that most of the fake news items fall under multiple categories, mainly because most categories cover more than one subject.

'No Source' is the Best Source

Journalism is not seen as watchdog reporting by many in the industry today. Holding authorities to account and boosting newsroom environments with resources and talent, are also practices held in high esteem by only a handful. Simultaneously, journalistic ethics and principles of integrity often get a raw deal in an age of social media explosion.

The first casualty in this landscape of information chaos is often the news source, arguably the most important attribute for any published news item, and an important element to measure its credibility. Old school journalism still dictates that the worth of any news is based on the trustworthiness and reliability of its source/s. Taking a cue from these core values, this study has focused on 12 types of news sources, including involved persons, witnesses, own correspondents, official sources, government documents, experts,



press releases, other reports, other media, social media, tools and technology, and of course, no source.

As the graph below shows, most of the fake news items (46) have not mentioned any kind of source to justify their claims. Ten news items have cited reports from social media platforms while nine have alluded to other media reports as their source of information. Online news portals have disseminated the highest number of fake news items without citing any kind of source. In fact, 27 such fake news items have been found to be from online platforms.

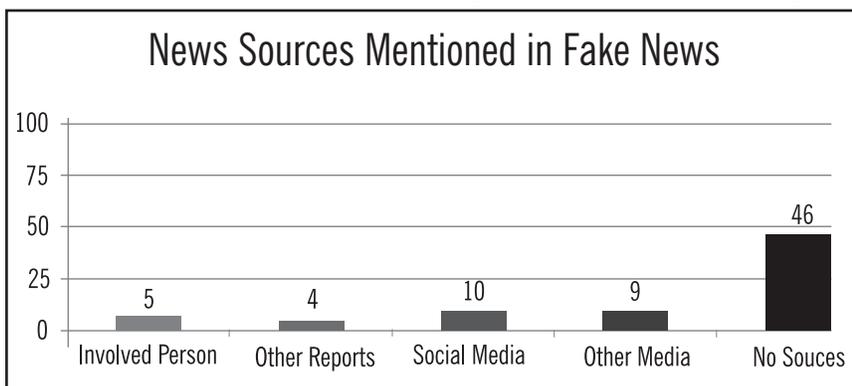
Delegitimising Logic

Making the truth accessible to the public is no mean feat. Fact

checkers often use an array of devices to investigate false claims, including weighing the evidence put forward in support of lies and misinformation.

Delegitimising logic is the term referring to all the news sources listed by fact checking websites while debunking fake news. As part of this analysis, the researcher has scrutinised all the 111 fake news items identified by fact checking websites owing to a single reason. That's because it has been observed that delegitimising logic used by different fact checking websites for the same news item is different.

In order to get a perspective on the delegitimising logic and figure out how fact checking



websites employ it to get to the bottom of the story, the same list of news sources cited in fake news items has been used for the former. It includes involved person, witness, own correspondents, official sources, government documents, experts, press release, other reports, other media, social media, tools and technology, no source.

In 41 fake news items, fact checking websites have used other, more credible media reports to debunk them and unearth the truth. Fact-checkers have also used technological tools like Google reverse image search and the Photoshop software to divulge falsehood. They have called out 16 such news items with the help of technology. Interestingly, nine fake news stories have been debunked without citing any sources.

Conclusion

The study attempts to take the pulse of the fake news from media outlets scene in India, and the modus-operandi of the fact-checking tribe. Some of the crucial findings that emerged during the course of the analysis include the following:

- All the newspapers found to be disseminating the maximum number of fake news items have the highest circulation figures in their respective languages. (i.e. *The Times of India* in English, *Dainik Bhaskar* in Hindi, *Sandesh* in Gujarati) Similarly,

all the news channels revealed to be propagating the maximum number of fake news items have the highest TRP ratings in their respective languages. (E.g. Zee News in Hindi, Times Now in English).

- The strong persuasive power of visuals has been optimised by the creators of fake news. Interestingly, 61% of fake news detected by fact-checking websites are either in image or audio-visual formats.
- New media has made dissemination of fake news much easier, safer and most importantly, faster. Like most countries, new media has been used widely to spread lies in India as well. It has been revealed that 49% fake news items were being peddled by 36 online news portals. Most of these portals have started their operations in the last few years and most of them have a clear inclination towards certain ideologies. (E.g. *Postcard News*, *Hindutva.info*, *Dainik Bharat*, *Muslim World* etc.)
- Politics and religion were found to be the most prevalent subjects of fake news. Most of the fake news items were about important person/public figure. These news capsules have been created to either defame or unnecessarily praise the person.
- Use of false narratives to create a strong sentiment of

nationalism for hefty political gains is a phenomenon observed in the 2016 American election. This trend perfectly fits in the Indian context too and like the USA, new media also plays a decisive role in India.

- While half of the fake news creators have chosen not to cite any sources, fact-checking websites have preferred to prove their stand with multiple number of examples. While on one hand social media has been used as a tool to propagate fake narratives, on the other fact-checking websites have been using the same medium to ferret out credible, accurate information.
- The process of debunking has not been bound by time, place or any other constraints. Most owners of fact-checking websites do not have a journalism background and this fact is underscored time and again through the delegitimising logic employed by them.

Limitations

**Selection of fact checking websites is completely based on secondary data and only fact checkers whose work has been widely covered by mainstream media organisations are taken into consideration for the study.⁵*

**Though codes generated for the study are operationally defined*

by taking all possible measures, the lines separating multiple codes in many categories are very thin. Hence, assuring complete objectivity in such cases is difficult.

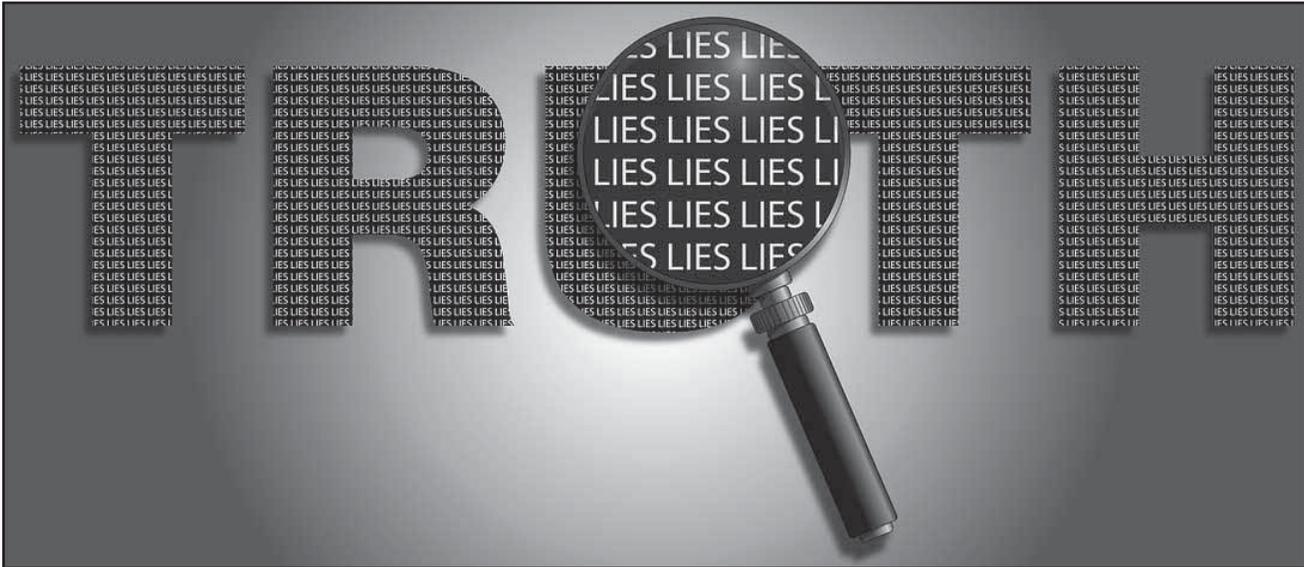
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FACT-CHECKERS ON THE WEB

Social Media Warriors Have Arrived

Akhilesh Patil*



In an era when distrust of politicians and democratic institutions is shaping voter choices, fact-checking seems to be the accountability mechanism everyone is reaching out to. According to a survey by Reporters' Lab, a centre for journalism research in the Sanford School of Public Policy at Duke University, the number of active fact-checking projects around the world now stands at 156. Its steady growth is driven by expanding networks and new media partnerships that focus on holding public figures and organisations accountable for what they say.¹

Worldwide political organisations have been using 'fake news' as an effective tool to propagate

their messages. And as social media transforms itself into a real source of information, this toxic mixture of hoaxes, rumours, conspiracy theories and misleading news reaches the farthest corners of the globe. Despite social media platforms drawing most of the flak for lacking editorial filtration mechanisms, traditional media

“Despite social media platforms drawing most of the flak for lacking editorial filtration mechanisms, traditional media is also to blame for propagating misinformation.”

is also to blame for propagating misinformation. Print and television media have been accused ad nauseam about compromising the accuracy of their reportage. It is this gap in credible information across both mainstream and non-traditional media that fact checking outfits can plug. They can help citizens access facts and help empower democracy in an intensely polarised political environment.

Most social media platforms have already stepped up their game by focusing on a medley of technologies to curtail the spread of lies and hoaxes. Media organisations too are making efforts to stay close to ethical and journalistic standards, and coming up with fact checking

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units in their existing model of operations.

India's Crusade Against Fake News

In India, in 2018 alone, at least 25 people have been lynched or beaten to death over a fake WhatsApp message.² Growing internet penetration, low level of media literacy and rapidly decreasing credibility of traditional media have compounded the problem, triggering the process of 'fact-checking.' People who had started fact-checking out of genuine concern have now turned it into a serious profession. For instance, Govindraj Ethiraj's factchecker.in began as a small team, which debunked lies on mainly policy-related issues. Later in 2016 he started BOOMLive, a dedicated and independent fact-checking initiative. Similarly, Shammass Oliyath started Check4spam as a WordPress site in 2015. At present, Check4spam has its own website and is looking for collaborations to improve its functioning.

Though the number of dedicated fact-checking initiatives is still smaller in India than the rest of the world, it is important to understand their ownership patterns, business models and overall functioning. Here is a lowdown on some of India's prominent fact-checking initiatives:



FactChecker

(FactChecker.in)

India's first dedicated policy and data fact-checking initiative, factchecker.in was started by television and print journalist Govindraj Ethiraj. Founder Editor-in-Chief of Bloomberg TV India, Ethiraj has vast experience in the field of business, policy and new media. Factchecker.in is an initiative of the Spending and Policy Research Foundation, a charitable trust which also runs indiaspend.org, India's first data journalism initiative. The other main patrons of the trust are Rohini Nilekani, Vikram Lal, Pirojsha Godrej Foundation (philanthropic arm of the Godrej group) and the Independent and Public-Spirited Media Foundation (IPSMF).

Since early 2013, FactChecker has been scrutinising statements made by individuals in public life as well as important policy data, researching them for veracity and context. However, it was in 2014 that it started its dedicated fact-checking unit as a separate website. This was the first Indian website to be certified by the International Fact-Checking Network (IFCN) - Poynter Institute, but the certificate recently expired on November 9, 2018.

It is run by a small team of 12 – 15 people which includes policy researchers, journalists and data analysts.



SM HoaxSlayer

(SMHoaxSlayer.com)

This was among the earlier crop of fact-checking initiatives from India. Concerned about the increasing stream of incorrect and malicious information, mainly on WhatsApp, Mumbai-based businessman Pankaj Jain, decided to do something about it. He was so impressed by the Australia-based internet scam debunking website Hoax-Slayer that he tried to replicate the model in the Indian context by starting his own initiative – 'SM (social media) HoaxSlayer' in August 2015.³

While it started out as just a Facebook page, it gradually expanded into a standalone website and currently has presence in other media platforms like Twitter, YouTube, Instagram, Pinterest, Tumblr, LinkedIn etc. Jain uses data from government sources and other media outlets to bust fake news.

Although no clear information is available regarding its funding, the website is monetised and donations from individuals are sought.



Check4spam

(check4spam.com)

In 2015, the chaos generated owing to a forwarded fake message bothered Shammass Oliyath, a Bengaluru based software engineer. He eventually started

a WordPress blog to list out such spam messages. Later, Balkrishn Birla, an engineering graduate from IIT Kanpur and a tech entrepreneur joined the self-funded initiative. Eventually, the duo launched check4spam.com, a dedicated fact-checking website in August 2015.⁴

Check4spam mainly deals with spams on social media platforms like WhatsApp, Facebook, Twitter etc. It has a WhatsApp number where people can send content for verification, and it receives approximately 150 requests in a day. The roles of the website founders are clearly demarcated. Both Oliyath and Birla are working professionals and spend two to three hours a day on the site, with Oliyath handling the research and Birla taking care of the technology.

Though Check4spam is currently a self-funded initiative, it has opted for Google's advertising platform to help maintain the website.

In order to avoid duplication and increase efficiency, the website is planning to team up with other like-minded units from across the country.⁵



Factly

(Factly.in)

Factly is a public information portal founded by Rakesh Dubbudu, public information and data enthusiast. It puts out mainly public interest stories and

info-graphics using data from official sources, that is either available in the public domain or accessed using tools such as the RTI. It also fact-checks data from social media platforms and media organisations. It received the certificate from IFCN on November 21, 2018.

Factly is a for-profit entity registered as 'Factly Media and Research,' which runs its operation mainly with the help of project grants, consulting or research assignments and subscriptions.



Alt news

(www.altnews.in)

Pratik Sinha, an engineer and activist started Altnews.in in February 2017, with the objective of myth-busting as well as debunking misreporting in mainstream media. Sinha is also a member of Gujarat-based civil rights organisation Jan Sangharsh Manch, founded by his late father, senior advocate Mukul Sinha and mother, trade union leader Nirjhari Sinha.

Credited with debunking all types of misinformation, disinformation and mal-information from social and mainstream media, Alt news has emerged as a watchdog of the news space. In addition to fact-checking, it also covers news ignored by mainstream media such as caste-based atrocities, discrimination, labour struggles and much more. In a very short

span Alt news has debunked a bevy of lies chiefly disseminated by politicians, popular media outlets and opinion leaders.

A large proportion of its overall fact-checked data exposes lies of individuals and organisations associated with the right wing ideology, and the outfit often faces criticism for the same. Altnews' founder has even faced death threats for running the website.⁶ However, the fact-checking outfit's work has been widely appreciated by experts, while its founder was invited to Google News Lab Asia-Pacific Summit 2017 in Singapore to discuss solutions to the fake news menace.⁷

AltNews.in is the initiative of a not-for-profit company called Pravda Media Foundation. Therefore, it depends entirely on donations and grants for its work, which primarily revolves around checking the veracity of facts. Recently, IPSMF has provided financial support to the website for reporting and publishing stories of public interest. In the financial year 2017-18 it has also received donations from Zindabad Trust, managed by writer-activist Arundhati Roy.⁸

Presently, Alt news has expanded its team and recently launched its Hindi edition.



BOOM

(www.boomlive.in)

Boom is an independent digital journalism initiative by Govindraj

Ethiraj, also the founder of factchecker.in. However, unlike Fact-checker.in, BOOM is a part of Ping Digital Network, a private limited company. It forms the news division of the network and has been in existence since 2014. BOOM Live started its operation as a full-fledged fact-checking initiative in November 2016, and is one of the first two fact checking websites (Factchecker.in was the first) in the country that have been certified by International Fact-Checking Network (IFCN). Interestingly, Ethiraj, one of the founders of BOOM and Factchecker.in, is also one of the board members of IFCN.

BOOM mainly monitors content on traditional as well as social media, along with statements by politicians and people in position of authority. It also has a WhatsApp number where people can send content for fact-checking.

Facebook had hired fact-checking services from BOOM during the Karnataka assembly elections in 2018. After a successful pilot venture, it has now expanded its partnership with the digital truth-telling website to provide fact-checking services in Hindi and Bengali, as well as for photos and videos.⁹



OpIndia

(www.opindia.com)

OpIndia is a news and current affairs website that's hugely popular with those affiliated with the

centre-right ideology. It was launched in December 2014 by Kumar Kunal Kamal, an academician and his friends. OpIndia's team also includes Gaurav as well as Rahul Raj who runs the popular Facebook page 'Bhak Sala.' Today the portal is owned by Kovai Media which also operates the right-leaning Swarajya magazine. An investor in Kovai Media is former Infosys director and Manipal Global Education Chairman T. V. Mohandas Pai. As of March 31, 2017, Pai held 39,786 shares, representing a little above three per cent stake in the company.¹⁰

The website also runs a fact-checking initiative that extensively debunks media lies and popular personalities who often criticise the Narendra Modi led-BJP government. OpIndia is the only fact-checking website that Prime Minister Narendra Modi follows on Twitter, along with its editor.

The website received widespread attention from several national as well as international media organisations when its editor Nupur J. Sharma wrote a series

of articles criticising BBC's research on fake news in India and questioning the credibility of its findings.¹¹

Very recently, Fact Crescendo, an independent digital journalism initiative founded by Vinod Rathi has also started its operations in 'fact-checking' business. It also received IFCN certificate in October 2018.

Some Other Initiatives

Apart from these dedicated fact-checking initiatives, traditional media organisations have also started coming up with their own 'fact-checking' units. Recently, TV Today group started its dedicated fact-checking division called India Today Fact Check. Though it is part of the TV Today Network, it is independent of the editorial operations of India Today. Digital news platform NewsMobile also has its own fact checking division called NM Fact Checker. These fact-checking initiatives started by established media organisations fulfilled all the necessary criteria and managed to get IFCN certificates in 2018.

Likes, Followers and Subscribers of Fact-Checking Websites

Fact-checkers	Facebook	Twitter	YouTube
Factchecker.in	1,639	32,735	--
SMHoaxSlayer	66,923	50,451	12,511
AltNews	1,05,656	89,384	30,952
BOOMLive	3,13,414	29,010	17,581
Check4Spam	40,422	932	--
Factly	93,130	2,383	15,665
Opindia	1,25,227	96,440	6,032

As of December 5, 2018

“Some of these myth-busters have openly admitted their ideological inclinations and their fact-checking revolves around certain individuals and media organisations”

Popular YouTube celebrities like Dhruv Rathee and Akash Banerjee also occasionally engage in fact-checking initiatives through their videos, while enjoying a huge following on all popular social media platforms. Interestingly, 24-year-old Rathee has more than 12 lakh subscribers on YouTube alone, along with more than 4 lakh and nearly 1.5 lakh followers on Facebook and Twitter respectively. After a decade-long stint in journalism, Banerjee started his own YouTube channel which now has over 2 lakh subscribers. He also does a weekly show *Fake Bole Kauwa Kate* for Times of India. Both work independently and do their research and production on their own. They use crowd funding initiatives like Patreon to run their businesses.

Conclusion

We have witnessed the genesis of many independent fact-checking initiatives in India in the last couple of years. Barring a few exceptions, individuals running these websites do not possess

any journalistic experience and have started fact-checking owing to sheer disappointment in the representation of facts in mainstream narratives. Social media is a fertile ground for fake news and fast-growing internet proliferation is making the information landscape acquire a nightmarish quality. To lock horns with purveyors of fake news, fact-checkers are using the same social media platforms where a deluge of misinformation, rumour-mongering, political propaganda and urban legends continue to thrive. These digital votaries of truth are therefore constantly monitoring and identifying a surging stream of online falsehoods and countering them using several techniques. A big limitation for them, however, is their low number of subscriptions.

Although the process of fact-checking demands a completely non-partisan approach, some of these myth-busters have openly admitted their ideological inclinations. Additionally, their fact-checking procedures revolve around certain individuals and media organisations.

Most of these ambassadors of accountability journalism

“Transparency is imperative, both in funding as well as in the overall approach in tackling the issue of fake news”

however have shared nitty-gritties about their organisations. Websites like FactChecker.in, AltNews.in and BOOMLive have disclosed details of their business model, ownership and annual funding on their websites. Each one has a different business model, with some functioning as charitable trusts and running their operations on donations. There are others who are purely dependent on subscriptions and online ad revenue as means of support. Still others are using online crowd funding platforms to cover their costs, whereas a few run their operations as a private media company where not much is known about their main investors.

Sustaining on the merits of accuracy, reliability and transparency is undoubtedly the biggest challenge for all these initiatives. As far as the process of debunking is concerned, most of these fact-checkers follow a similar method. Several of them, such as Alt News and Factly, have even mentioned it on their respective websites. While nearly all of them more or less pass the accuracy and reliability test, the problem revolves around the issue of transparency. Transparency is imperative, both in funding as well as in the overall approach in tackling the issue of fake news. In an age where the media is flooded with debates on right versus left, pro-establishment versus anti-establishment, the fact-checking organisations need to walk a tightrope and be impeccable and

transparent in their work to be able to brace for tougher future challenges.

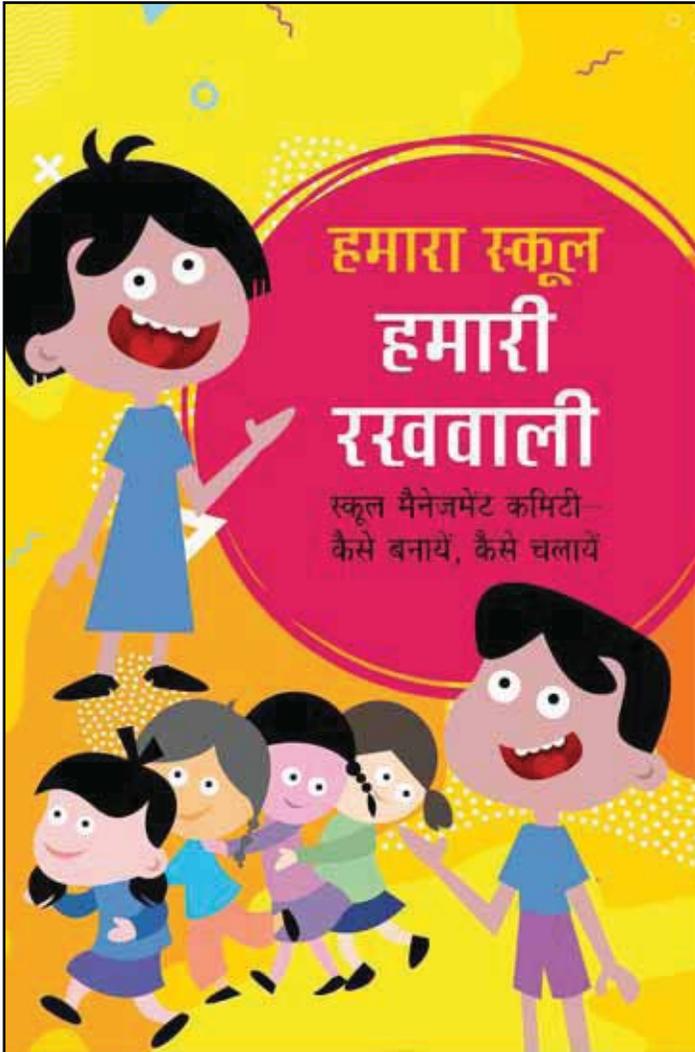
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MAKING THE RIGHT TO EDUCATION ACT A REALITY

SMC Meetings of Common Cause

Common Cause Team



'Humara School, Humari Rakhwali,' a Common Cause booklet, features crucial information with simple illustrations, and is meant for SMC members.

Common Cause launched its ambitious booklet in Hindi 'Humara School, Humari Rakhwali,' in July, 2018, aimed at empowering the members of the School Management Committees (SMCs) to improve community participation in the running of schools, particularly in slums and urban villages.

This exercise was undertaken to make SMCs equal partners in school development and to strengthen the hands of those NGOs who are working towards the implementation of the Right of Children to Free and Compulsory Education (RTE) Act. The Common Cause team started this initiative owing to a void in this space. It began work on the booklet by taking part in the SMC Convention organised by the RTE Forum, where over 400 SMC members had participated. Subsequently, the team held one on one meetings with school principals and local MLAs, so as to draft a simple yet imaginative booklet for SMC members. The idea was to acquaint the members with their rights and duties.

Common Cause raised funds for this initiative through a crowd funding platform and social media convergence forums like Reddit AMA. The process of producing and distributing the booklet has been an incredible learning experience for an organisation that has never worked directly in the domain of RTE before. The booklet's simple and fun illustrations and relevant information for SMC members, has been received with great enthusiasm.

SMC Booklet Distribution

Common Cause has participated in several SMC meetings in Delhi, using these occasions to interact with SMC members and distribute around 1030 booklets so far. These exercises were undertaken in association with several NGOs working across Delhi. We partnered with RTE Forum, Samarthyaa, Josh and AV Baliga Memorial Trust for spreading awareness about our manual, and received enthusiastic response. Some of these SMC meetings were held in far flung areas of Delhi including Saboli Village in Gokulpuri, Narela Sector VI and Holambi Kalan in Outer Delhi as well as in Trilokpuri in East Delhi. The Indian Social Institute in Lodi Road, too, played host to a similar event in collaboration with the NGO, Josh.

Saboli Village in Gokulpuri

The SMC booklet distribution in Saboli Village in Gokulpuri was done in association with NGO Samarthyaa, which works with about 12 SMCs in north east Delhi. Held on August 17, 2018, the meeting saw the participation of around a dozen people. Small milestones in their achievement trajectory included installation of lights at school gates for late evening shifts, ensuring punctuality of teachers and posting of guards at school gates.



SMC members in Saboli Village helped install lights at school gates for late evening shifts.

हमारा स्कूल : हमारी रखवाली
स्कूल मैनेजमेंट कमिटी-कैसे बनाये, कैसे चलाये



Members of the elected bodies said they needed to speak up about their challenges.

Narela Sector VI and Holambi Kalan

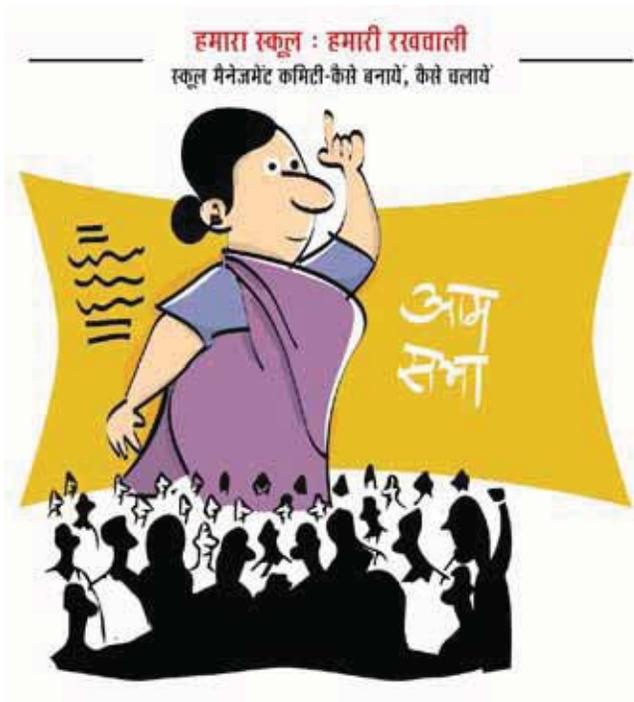
SMC meetings at Narela Sector VI and Holambi Kalan were held on August 19, 2018, in collaboration with AV Baliga Memorial Trust. The trust takes care of about half a dozen SMCs in Outer Delhi's Narela area. While nearly 10 SMC members participated in the training session organised at Sector VI, 35 participated in the Holambi Kalan meeting. Members of these elected bodies stressed on the need for vocalising issues experienced by them to strengthen their role as a link between the community and school. Emphasis was also placed on boosting capacities of SMC members with the help of NGOs.



Dr Vipul Mudgal (standing), Director, Common Cause, with area MLA Pankaj Pushkar (right), discussed ways to improve community ties with schools.

Timarpur

The SMC congregation at Timarpur saw attendance of members from 15 schools in the area. Labelled as SMC Mahasabha, the meeting took place on October 7, 2018 at Sarvodaya Vidyalaya, on the joint initiative of Common Cause and the area AAP MLA Pankaj Pushkar. The booklet was distributed among a highly-engaged community of members. It was an experience in knowledge sharing, where SMC members exchanged notes with the Common Cause team on strengthening and improving community ties with schools while we discussed how enabling conditions can be created for students.



Trilokpuri

The Common Cause team visited Trilokpuri as part of its commitment to make regulations laid down by the RTE Act more accessible to SMC members. We wanted to simplify various norms and standards provided by the Act that may be too complex an area to navigate for certain individuals. The meeting, which took place on December 22, 2018, included a discussion with SMC members of Trilokpuri's Block 32 around issues they face while monitoring school functioning. This was followed by the distribution of the Common Cause SMC booklet, which presents the powers, duties and responsibilities of SMC members as provided for in the RTE Act, 2009. The event ended with suggestions on how both SMC and Non-SMC members could contribute further towards school oversight and learning outcomes. Some of the suggestions included collaborative efforts with school administration and organising summer school programmes, among other things.



Learning outcomes for children still remain the biggest challenge for the SMC members.

हमारा स्कूल : हमारी रखवाली
स्कूल मैनेजमेंट कमिटी-कैसे बनाये, कैसे चलाये



A COWARD'S POLITICAL WEAPON

Troll Armies Go on Settling Scores

KV Lakshmana*



Trolling – loosely defined as an act of making a deliberately offensive or provocative online post with the aim of upsetting someone or eliciting an angry response – is often used in India as an online weapon of slaying political enemies.

It can easily be described as the most distasteful misuse of social media to tarnish the image of an opponent. All India Congress Committee (AICC) president Rahul Gandhi has been a fair game for the countless trolls who took pot shots at him, lampooned him and uncharitably dubbed him a Pappu (immature, incompetent or a bumbling fool), ever since social media emerged as a powerful medium for political messaging. At a time when the rest of the political parties were still oblivious to the power and capabilities of social media in shaping perceptions,

the principal opposition party then, the Bharatiya Janata Party (BJP) raised an army of online warriors for the electoral battle in 2014. Trolling as a political weapon did add to the overall armoury of a very powerful and successful BJP campaign to anoint Narendra Modi as the Prime Minister. More so, because the narrative was built around presenting Modi as a tough leader who would slay the demons of corruption, bring back the black money and fulfil the aspirations of a nation hungry for growth.

How trolling helped the BJP was in making its opponent – the UPA government of Dr Manmohan Singh and a Congress party led by Rahul Gandhi and his mother Sonia Gandhi – look ugly and repulsive to the voter. The Congress did itself no favours by adding to

the overall perception that it was a government steeped in corruption and unable to take key policy decisions that affected the pace of economic growth in the country.

It was only much later, after Modi romped home with a brute majority, that the Congress woke up to the beast called social media and began to engage with it. Here, the old guard and even the not-so-old guard of the party were all at sea till a young and creatively-inclined party leader from Karnataka, Divya Spandana, also a popular actress, took charge of the social media activity in May last year. And within no time, she began to make a difference, showing that even the Congress party could play the game and match the BJP internet warriors on an equal footing. What she did with her witty, pungent and

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hard-hitting tweets targeting the ruling dispensation was to occupy the digital space with a Congress narrative. Till then the BJP had a field day with no one to challenge it in an arena that appeals to the youth voters' segments that live a digital life.

Spandana is also a former member of Lok Sabha from Mandya, in Karnataka. She is widely believed to be the person looking at the tweets emanating from the official handle of Rahul Gandhi, which since then are being watched with a bit of jitter by the right wingers. The Pappu of yore – lampooned as a novice and failed politician – was beginning to get under the skin of the BJP leaders with his catchy

one-line tweets. Soon, ministers were holding press conferences to counter Rahul Gandhi, whom they continuously attack on Twitter. Clearly, the game is on and the Congress too is very much in the field. And a few of its leaders and workers have also hit back with equal and opposite force by trolling. The Congress too is now staffed with its own IT army to take on the BJP's famed IT cell.

Divya Spandana herself has got into trouble with a few of her controversial tweets. Most recently her post on the Statue of Unity with the picture of Modi ji standing near the gigantic statue of Sardar Patel with the caption – "Is that bird dropping?"

generated huge amount of abuse and criticism for showing disrespect to the Prime Minister.

While politicians have largely escaped facing action, a Manipuri journalist was not so lucky, as he was sentenced to a year in jail for criticising Chief Minister N Biren Singh and Prime Minister Narendra Modi. This is the latest in a series of penal actions against media persons and those criticising the government. Several media associations have demanded the release of Kishorechandra Wangkhem, detained under the National Security Act for 12 months. A local TV journalist in Manipur, Wangkhem had uploaded a video on social media in which he criticised the Chief Minister and the Prime Minister. This arrest is being seen as a warning to independent-minded media persons to mend their ways and has brought the issue of freedom of speech and expression under sharper focus once again as the country gets ready to get into election mode. The arrest has been condemned by some of India's most respected media associations and civil rights groups.

Although the jury is out on whether the video by the Manipur TV journalist constituted trolling, there is no denying that trolling per se has tremendous harm potential. It damages the image of an individual or an entity, often leaving the victim with little or no recourse. A case in point is that of the Tamil

singer Chinmayi Sripaada from Chennai, who was trolled for airing accusations of sexual harassment against noted lyricist Vairamuthu. She had the courage to speak out her #MeToo story and became the target of abusive trolls. A few of her friends like actress Samantha Nagarjuna jumped into the arena to her rescue. She stood her ground and fought back the trolls.

When it comes to the field of politics, digital assassination has huge impact in India, which has a growing internet penetration and rapid spread of Facebook, Twitter, WhatsApp and YouTube. The troll/meme industry is one of the biggest in certain states in India. Such is the impact of trolls that even established personalities can be demolished in no time. For the political parties, much to their grief, this was the takeaway of 2014.

The social media soldiers of the BJP, by then the most efficiently managed social media outfit, successfully worked on the minds of the masses, and made a difference to its campaign. The party also picked its targets and unleashed trolls who were satirical, witty and acerbic. It used comedy, when needed, to tarnish the image of an ideological opponent. What made the digital assassination of character easy was that the perpetrators could do anything while hiding behind the screen of anonymity.

But what can the law enforcement agencies do if

those holding Constitutional positions follow people who spew venom and hatred in their tweets? However, this did not stop the Bengaluru police from arresting Mahesh Vikram Hegde in July for allegedly spreading false information about a Jain monk being attacked by a Muslim youth. According to the police, the monk had been injured in an accident. Hedge, one of the founders of Postcard News, a publication leaning towards right wing ideology, had no less a person than the Prime Minister following him. In fact, critics of the PM have raised questions on why he followed some individuals whose tweets contained objectionable material.

The digital attacks have no boundaries and could be launched from anywhere against anyone. Even union ministers are not entirely free from this menace as the relentless trolling of External Affairs Minister Sushma Swaraj showed. Swaraj came under attack from vicious trolls for issuing a passport to an inter-faith couple. A Twitter goon wondered if it was her "Islamic Kidney" which needed to be blamed for her decision of passport issuance. One troll suggested that Swaraj's husband be beaten up. Congress spokesperson Priyanka Chaturvedi too became a target of the troll army. A troll had issued rape threat against her 10-year-old daughter. However, swift action was taken by the police in this case.

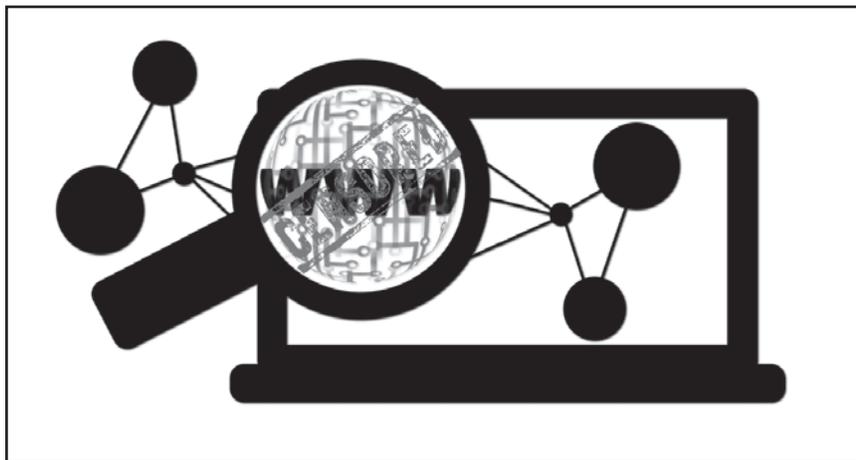
No one is safe from trolls who provide ammunition to hate campaigns. Also a close cousin of trolling is fake news, which is described variously as deliberate disinformation or hoaxes. This battery of lies, in turn whips up frenzy and can lead to mob violence, lynching or communal clashes. As technology can spread such messages with electrifying speed and vitiate the atmosphere, checking this becomes imperative. Often, the authority resorts to snapping the internet and suspending telecom services till the situation is brought under control.

Between May 2017 and April 2018, there were as many as 82 instances of internet shutdown in India. Says former NASSCOM Chairman Kiran Karnik in his latest book, *Evolution, Decoding India's Disruptive Tech Story*: "The romantic idea of technologies of freedom has been neutralized by the harsh truths of the real world." In the strife-torn border state of Jammu and Kashmir, often internet shutdowns are enforced to maintain law and order, but, in the case of trolls across India, the situation and the threat perception are different. Which is why, the trolls are free to carry out their concerted sniper attacks from wherever they may be located.

THE HIGH PRICE FOR ONLINE FREEDOM

The Role of Rights, Realities and the Law

Anshi Beohar*



The Constitution of India has guaranteed freedom of speech and expression and personal liberty of the citizens as well as ensured freedom to the press under Articles 19 and 21 as fundamental rights. However, these rights are subject to reasonable restrictions placed on grounds of national security, morality or public indecency, contempt of court, threat to the sovereignty and integrity of India or on similar grounds. Engaging in acts like sedition, hate speech and defamation can have serious consequences under the Indian Penal Code. Often, the line between offensive behaviour and innocuous communication is exceedingly blurred. These wide and ambiguous interpretations of expression are brought into sharper focus in online spaces, where limits on free speech are constantly tested and scrutinised.

This article will focus at the right

to freely use the internet from various perspectives, specifically highlighting the legal frameworks around it. In addition to this, it will discuss how various mechanisms to restrict access to online content or websites such as internet shutdowns come into direct confrontation with the right to the fair use of internet.

Common Cause Petition

Section 66A of the Information Technology (IT) Act, 2000 had been in the eye of a storm for being a provision in cyber law that was seen by advocates of free speech as targeting people with critical political views. It provided punishment of imprisonment for up to three years and fine for sending offensive messages online.

This law was often used to treat so-called offenders with a heavy hand and they frequently received penalties disproportionate to their actions.

In light of such incidents, Common Cause filed a writ petition in the Supreme Court, challenging the constitutional validity of sections 66A, 69A and 80 of the Information Technology Act, 2000 (as amended in 2008), among other provisions, on grounds of being violative of Articles 14 and 19 of the Constitution of India. The petition was tagged along with Writ Petition (CrL.) No.167 of 2012, *Shreya Singhal v. Union of India*.

The two-judge bench of the Supreme Court comprising Justice Chelameswar and Justice Nariman passed a landmark judgment in March 2015, where Section 66A of the Information Technology Act, 2000 was struck down as being violative of Article 19(1)(a). The court held that Section 66A of the Act restricted freedom of speech and expression while failing to classify between discussion or advocacy and incitement.

However, according to a report by *HUFFPOST*, 3,137 arrests were made under Section 66A in 2015, even though the Section was struck down in March 2015.

Online Censorship and Bans

Like most nations, India too has become an engaged participant across social media platforms.

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Unfettered access to the internet has ensured that it has become a podium of meaningful debate and conversation.

Across the world, social media has driven political change, helped democratically minded individuals to come together and be a catalyst for social movements. Simultaneously, comment threads on the same online platforms are coloured with prejudices like racism, sexism and much more.

Therefore, ideas of monitoring, surveillance and censorship of online content are gaining momentum more than ever before.

In India, both the excess as well as lack of censorship on internet have been realities. One's freedom of speech has often been in conflict with another's right to privacy. As the right to privacy has been recognised as a fundamental right under Article 21 of the Constitution by the Supreme Court in August 2017, the concerns and issues around it in the online domain are bound to undergo rapid transformation.¹

Even when the right to privacy was not so clearly defined, there were other grounds for implementing "reasonable restrictions." The debate around censorship is a complex one in India, as it needs to be framed against morality and ethics. Also, much of the online censorship is carried out in a heterogenous manner, but the most common practice is to remove the censored content or completely ban the concerned website/s.

Therefore, regulation of online content is at the centre of conversations around democracy now.

One recent instance of content blocking has been the banning of websites hosting pornography. On one hand, this was perceived as an act of moral policing and violation of the net neutrality rules while on the other there have been opinions validating this step, citing research studies on porn and violence against women and children. As of November 2018, more than 800 websites have been banned while social media websites like Twitter have transformed into a slugfest of views favouring and opposing the ban.

As of now there are no legal provisions in India that specifically curb viewing pornography. However, its publication or transmission is legally forbidden. Interestingly, the latest order of an Indian court has led to a blanket ban or generic ban, where many online portals carrying pornographic content were taken down.²

The question of internet censorship needs to be seen against the backdrop of India being the world's largest democracy. Internet freedom acquires grave undertones when we place it in the context of the country's large population which is seeing a fast penetration of the internet.

"In a nutshell, while there is no sustained government policy or strategy for large scale internet

censorship, central and state governments in India have adopted a number of measures and powers in order to remove internet content or block access to it," says Dr. Pradeep Kumar Misra, in his post *Public Opinion On Censorship Of Internet In India: A View From Up*.³

Before net neutrality came into force, even service providers could restrict access to specific online material within their network. Websites too were banned by the state owing to intellectual property violations, especially on distribution of pirated content. Today, a lot of websites conduct automated sweeps for pirated, inappropriate or offensive content so that their websites are not banned by the state.

On April 25, 2018, *The Indian Express* revealed that Indian internet service providers (ISPs) have installed the highest number of Internet filtering systems and blocked the maximum number of web pages. It added that other than those dealing in porn or piracy, websites and web pages found blocked at different points during the testing period in India include those belonging to domestic and foreign NGOs, United Nations organisations, human rights groups, health forums, feminist groups and political activists.⁴

Cyber Security: A Real Threat

With the advance in technology, cyber security has become a

serious concern. Given the increase in number of incidents in this domain, a government-mandated information technology security organisation called Indian Computer Emergency Response Team, or CERT-In was established. It was set up by the Department of Information Technology in 2004 to report on vulnerabilities and to promote effective IT security practices throughout the country. CERT-In is also responsible for ensuring emergency measures when episodes of cyber security breach occur and can issue guidelines, advisories and whitepapers relating to information security practices, procedures, prevention, response and reporting of such incidents.

Internet Shutdowns

Policing the internet is a reality today. And a weapon to bring digital communications to a grinding halt is the internet shutdown. The authorities temporarily shut down telecom networks with the objective of disrupting chains of misinformation or controlling law and order situations.

Access Now, an international non-profit, human rights, public policy, and advocacy group dedicated to defending and extending the digital rights of users has initiated #KeepItOn, a global campaign against Internet shutdowns .

According to Access Now, in order to control the actions of people, governments use blackouts to disrupt particular

mobile apps or sometimes, internet, within their territories. It says: "An internet shutdown is an intentional disruption of internet or electronic communications, rendering them inaccessible or effectively unusable, for a specific population or within a location, often to exert control over the flow of information."

India has seen a sharp upsurge in the number of internet shutdowns in the last three years. Of the total 268 shutdowns since 2012, more than 120 shutdowns took place in Jammu & Kashmir, followed by 56 in Rajasthan while more than 240 have been reported in the last three years.⁵

Additionally, internet shutdowns have impacted the Indian economy. Internet bans in 2018 alone have led to a loss of more than Rs 22,150 crore in the country.⁶

Until recently, there was no specific regulation to deal with internet shutdowns. On August 7, 2017, the Ministry of Communications issued and notified Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017 (to be referred to hereafter as Telecom Suspension Rules). This was meant to regulate the temporary suspension of telecom services due to public emergency or public safety, and the rules were issued under Section 7 of the Indian Telegraph Act, 1885. Prior to the Telecom Suspension Rules, the Telegraph Act, 1885 and Code of Criminal Procedure,

1973 were invoked to impose internet shutdowns.

Indian Telegraph Act, 1885

The first incident of internet shutdown occurred in 2012, in Kashmir.⁷ Mobile internet services were suspended for a few hours then in the Kashmir Valley, under Section 5 of the Indian Telegraph Act, 1885, in the interest of public safety and for maintaining public order. Section 5(2) states that "on the occurrence of any public emergency, or in the interest of the public safety, the Central Government or a State Government or any officer specially authorised in this behalf by the Central Government or a State Government may, if satisfied that it is necessary or expedient so to do in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign states or public order or for preventing incitement to the commission of an offence..."

This provision empowers the government to take possession of licensed telegraphs or order interception of messages. Section 3(1AA) of the Telegraph Act, defines telegraph as: "any appliance, instrument, material or apparatus used or capable of use for transmission or reception of signs, signals, writing, images and sounds or intelligence of any nature by wire, visual or other electro-magnetic emissions, radio waves or Hertzian waves, galvanic, electric or magnetic means."

This law is more than 150 years old and yet, the definition is broad enough to cover internet and any other future technological developments. This statute gives uncontrolled power to both the central and the state governments as well as any authorised officer to prevent the transmission of any information. The same law also empowers the state to tap phones.

Code of Criminal Procedure, 1973

The most frequently invoked legal measure to cut off internet access in India is Section 144. The majority of internet shutdowns recorded from 2012 to April 2018 have been ordered under Section 144 of the Code of Criminal Procedure, 1973.⁸ This section provides state governments the power to issue orders for immediate remedy in urgent cases of nuisance or apprehended danger. It has been used to deal with law and order situations and unrest in the community by imposing curfews, dismissing unlawful assemblies and issuing any other necessary orders. Apart from a maximum time period of six months, this provision has no other limitations. In fact, a Judicial Magistrate can order service providers to blackout internet, in order to handle an emergency situation or crisis.

Critics have hailed internet clampdowns across the world as emblematic of authoritarian regimes. Human rights groups and press freedom advocates have consistently decried

internet bans and other acts of cyber repression for intruding on human rights. Section 144 itself has come under censure from a lot of quarters. “Governments initially justified shutdowns on the back of Section 144 of the Code of Criminal Procedure (CrPC)—an amorphous legal provision that empowers a district magistrate with wide discretion to pass orders as she deems necessary for public safety,” says Nakul Nayak.⁹ According to Apar Gupta, Co-Founder of Internet Freedom Expression, the social costs and the deprivation of fundamental rights are high when the internet is shut down. He says that a shutdown takes away the freedom of speech and expression from people, but much more deeply.¹⁰

Internet shutdowns also impact the right to education or right to practice business or trade. This led to a PIL in the High Court of Gujarat, *Gaurav Sureshbhai Vyas v. State of Gujarat*,¹¹ where the High Court upheld the power of the State Government to impose the internet shutdown under Section 144. On appeal, the Supreme Court bench headed by the then Chief Justice T S Thakur upheld the High Court’s decision in this regard.

Temporary Suspension of Telecom Services (Public Emergency or Public Safety) Rules, 2017

As discussed earlier, the specific regulatory framework around

internet shutdowns in India is pretty recent. Through these rules competent government authorities were conferred the powers to order internet bans in districts and states of India.

According to the Telecom Suspension Rules, directions to suspend telecom services shall not be issued, except by an order made by the competent authority, accompanied by the reasons for the suspension. In this case, competent authority is the secretary in the Ministry of Home Affairs for the central government and the secretary to the state government, in charge of the Home Department. However, in “unavoidable circumstances,” an order might be issued by an officer of the rank of joint secretary or above who has been duly authorised by the Union Home Secretary or State Home Secretary, subject to the confirmation of the competent authority within 24 hours of the aforesaid suspension order.

There are several reasons why the Telecom Suspension Rules have been smothered in criticism. To begin with, these new rules were passed without any pre-legislative public consultation,¹² and the stark ambiguity of the statute reflects that. More importantly, the rules do not define “unavoidable circumstances.” Even where the statute provides definitions, they are broad and vague.

In addition, the rules also do not mandate a public notice to disseminate the information of a

shutdown. There is provision for review committees, both at the centre and state levels, which will receive these suspension orders in the next working day of the date these orders are issued. They will then conduct a meeting within the next five working days of the issue of directions for suspension, to record its findings on the legitimacy of the order. However, there is no mention of another appellate authority in the rules.

Additionally, the review committee only includes members of the executive, a structure that does not guarantee transparency. Next to no consideration is given to the undeniable reality of modern life, which is governed by a high reliance of citizens on the internet for accomplishing daily processes like e-commerce, e-governance, cloud computing and financial services. For fair representation the review committee should have included all stakeholders.

The new rules have been panned by several sections for their defects. Although they bring in a lot of checks and balances, including giving powers to higher authorities to issue internet shutdown orders, they also entail curbing fundamental rights of citizens. One may argue that it is reasonable when severe measures like internet shutdowns are used to put an end to an ambience of fear and mistrust heightened by rumours on social media. However, the same instrument can easily

be employed, time and again, merely to interrupt a channel of communication and to present a situation perceived to be more critical than it actually is.

This also feeds into an ongoing global debate on whether it is justifiable for governments to monitor and analyse online content before blocking it altogether. There are also worldwide conversations on the reasonableness of being penalised for what the state considers transgressive internet behaviours.

Conclusion

Internet use, or going online is a daily ritual for most of us. Internet, in fact, is an enabling technology that is helping people to engage with multiple voices and cement a political and social identity. It is also the great transformer with the ability to pull populations out of poverty and foster opportunities. Its empowering influence, however, comes with a rider. One is exposed to data surveillance more than ever before. Simultaneously, there's censorship and continuous encroachments on digital privacy.

In 2018, Freedom House, an independent watchdog organisation, dedicated to the expansion of freedom and democracy around the world, analysed 65 countries across the globe and came up with a Freedom on the Net Report. Titled *The Rise of Digital Authoritarianism*, it says: "With or without malign intent, the

internet and social media in particular can push citizens into polarized echo chambers and pull at the social fabric of a country, fueling hostility between different communities. Over the past 12 months in Bangladesh, India, Sri Lanka, and Myanmar, false rumors and hateful propaganda that were spread online incited jarring outbreaks of violence against ethnic and religious minorities."¹³

The report also drove home some hard truths. It laid bare Facebook's claim that the majority of content requested to be removed by Indians were found to be in violation of laws on hate speech and defamation of religion and the state . It also revealed that there has been a rise in disturbances on the grounds of ethics and religion, on issues like cow smuggling, child kidnapping, etc. due to fake news distribution on various platforms and an escalation in the circulation of hate speech . Tools like Social Media, Blogging, etc. have become the vessels of hate speech and fake news.

Clearly, given India's economy slowly moving towards internet connectivity, costs of switching off can be high. Online censorships will not only result in continued and sustained losses to the nation's coffers, but will also be a strain on the rights of individuals. Denial of the free use of internet undermines possibilities of political participation and limits opportunities for civil societies. And that can only have negative

consequences for the health of our democracy.

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NOTICE FOR ANNUAL GENERAL MEETING

To,

All members of COMMON CAUSE SOCIETY

The Annual General Meeting (AGM) of COMMON CAUSE Society will be held at 3rd Floor, Common Cause House, 5, Institutional Area, Nelson Mandela Road, Vasant Kunj, New Delhi-110070, on Saturday, 2nd March 2019 at 11.00 A.M.

The agenda will be as follows:

1. Consideration of Annual Report and adoption of the Annual Accounts along with the Auditors' Report for the year 2017-18
2. Appointment of Auditors for the year 2018-19
3. Activities and Programmes of the society
4. Elections
5. Any other item with permission of the chair

It may kindly be noted that in accordance with Rule 15 of the Rules & Regulations of the society, if within 15 minutes of the beginning of the meeting, the quorum is not present, the meeting would stand adjourned and be held after half an hour of the original scheduled time, and the members present in the adjourned meeting shall form the quorum of that meeting.

Copies of the Balance Sheet and Income & Expenditure statement will be provided during the AGM.

Vipul Mudgal

Director
COMMON CAUSE

Independent Auditors' Report

To the Members of Common Cause

Report on the Financial Statements

We have audited the accompanying financial statements of Common Cause ("the Society"), which comprise the Balance Sheet as on March 31, 2018, the Income and Expenditure Account for the year then ended, a summary of significant accounting policies and other explanatory information.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation of these financial statements that give a true and fair view of the financial position, and financial performance of the Society in accordance with the accounting principles generally accepted in India. This responsibility includes the design, implementation and maintenance of internal control relevant to the preparation and presentation of the financial statements that give a true and fair view and are free from material misstatement, whether due to fraud or error.

Auditors' Responsibility

Our responsibility is to express an opinion on these financial statements based on our

audit. We conducted our audit in accordance with the Standards on Auditing issued by the Institute of Chartered Accountants of India. Those Standards require that we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatements.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Society's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of the accounting estimates made by management, as well as valuating the overall presentation of the financial statements. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

- (a) In our opinion and to the best of our information and according to the explanations given to us, the aforesaid financial statements give a true and fair view in conformity with the accounting principles generally accepted in India:
 - (i) In the case of the Balance Sheet, of the state of affairs of the Society as on March 31, 2018; and
 - (ii) In the case of the Income and Expenditure account, of the deficit (excess of expenditure over income) for the year ended on that date.
- (b) We have obtained all the information and explanations which to the best of our knowledge and belief were necessary for the purpose of our audit.
- (c) In our opinion, proper books of account as required by law have been kept by the Society so far as appears from our examination of those books.

For VKGN & Associates
Chartered Accountants
ICAI Firms Registration No.
012897N
Vijay Gupta Partner
Membership No. 081986
Place: New Delhi
Date: October 25, 2018

COMMON CAUSE

ANNUAL REPORT FOR THE YEAR 2017-18

In the last one year, several initiatives by team Common Cause have evoked enthusiastic responses from activists, institutions, civil society, courts and citizens. The society's PILs and advocacy efforts were supplemented by the launch of the *Status of Policing in India Report* (SPIR 2018). The SPIR was hailed by the stakeholders and it received extensive coverage across media platforms. The report has been quoted widely by policy makers, political scientists, journalists, lawyers and law universities. The report had to be reprinted due to high demand mainly from the libraries and the police and allied departments. During the course of the year, Common Cause also participated in several conferences, conclaves and collaborated with a variety of institutions with similar objectives and goals.

Common Cause journal continues to strive to reach out to the society's members on a range of public and social policies. Its objective is to engage with a cross-section of public-spirited readers through quarterly issues dedicated to theme-based cover stories. The endeavour is to initiate a dialogue with our members, well-wishers and sundry changemakers on some of the most vital policies and

processes around us in order to deepen democracy and to reinforce probity in public life. Readers have been writing to us with their feedback and suggestions on the articles published.

Following are the other activities of the organisation over the past year:

Advocacy and research initiatives

a. Police Reforms

1. Launch of SPIR 2018:

Globally, surveys and data analysis are deployed to provide snapshots of police-citizen relations, levels of impartiality, and responsiveness to distress and crime. They also point out problem areas and improvements that may have occurred due to state actions. All this goes a long way in improving the rule of law and in plugging the democratic deficit in societies. It is with this objective that the Common Cause Project on police reforms was initiated in early 2000s. The current phase of the project has been designed to monitor the impact of the police force on the ground. It evolved into an annual status of policing report, involving all major

states of India. The exercise, an all India performance-cum-perception survey of 22 states, was done in collaboration with the Lokniti Programme of the CSDS which has several decades of experience in survey research. On May 9, 2018, India's first Status of Policing in India Report (SPIR 2018) was launched at the India Habitat Centre. The release was followed by a panel discussion on "People-Centric Policing and the Rule of Law." The participants of the panel discussion were former Law Commission Chairman Justice A. P. Shah, former DGP and Indian Police Foundation Chairman Mr. Prakash Singh and Human Rights lawyer, Ms. Warisha Farasat. The discussion was chaired by Professor Suhas Palshikar, Co-Director of Lokniti Programme. The report raises hard questions on law enforcement in 22 states across India. The SPIR is a combination of performance and perception of policing through an analysis of official data and an elaborate perception survey. It also highlights the gaps and systemic inefficiencies which have become endemic in

almost all states despite having been flagged by successive CAG reports. The analysis is arranged primarily in terms of best or worst-performing states and on parameters like age, gender, caste, community, urban/ rural or economic/ educational status of the respondents.

2. Presentations on SPIR:

Centre for Policy Research (CPR) organised an academic discussion and presentation based on the key findings of the Status of Policing in India Report- A Study of Performance and Perceptions on September 12, 2018. The speakers, Dr. Vipul Mudgal from Common Cause and Professor Sanjay Kumar, Director, CSDS, answered a range of questions after the presentation to a packed hall. The event was chaired by Senior Fellow of CPR Prof Kiran Bhatty and attended by many stakeholders. A second presentation was made by Director Common Cause at the Maharashtra Police Academy, Nashik, to about 60 police officers of the ranks of Inspectors and SHOs from all over Maharashtra. Also attended by the Director MPA and several other IPS officers, the presentation was followed by a candid discussion on every aspect of policing including questionable methods of policies such as 'encounters.' A presentation of the report,

followed by a discussion was held on December 1, 2018 at the Saturday Club of the India International Centre and a discussion on the theme of Corruption and the Rule of Law at the Jindal Global University, Sonapat, on December 10, 2018. Yet another presentation was made at a brainstorming session on Women's Access to Policing, organised by DASRA in Mumbai on December 20, 2018. Apart from this, the report was also a subject of discussion at many other forums involving young IPS officers.

3. **Future of Policing - Vision 2025: IPF-Common Cause Collaborative Event on Police Reforms Day & Youth Conclave, September 22, 2018** Common Cause, in collaboration with the Indian Police Foundation and Bureau of Police Research and Development (BPR&D) organised a collaborative event on the Police Reforms Day on September 22, 2018 at the India International Centre, New Delhi. The panelists included Minister of State for Human Resource Development (HRD) Dr. Satya Pal Singh, former judge of Supreme Court and Chairman of the Law Commission Justice Balbir Singh Chauhan, Director General of BPR&D Dr. AP Maheshwari, as well as eminent civil society members and state

functionaries. The panel discussion was followed by sessions on the theme – "The Future of Policing—Vision 2025," featuring young IPS officers and young achievers from all walks of life. The Young Police Leaders brought to the table ideas for prospective policies to improve policing in this country while young citizens discussed their perceptions of police and ways in which they could contribute to achieving the vision. One of the sessions was dedicated to the presentation of the SPIR.

4. Consultation for an Effective Police Complaints Authority for Delhi:

Common Cause participated in a consultation on June 19, 2018, organised by the Commonwealth Human Rights Initiative for discussions on a Police Complaints Authority (PCA) for Delhi, a police oversight body that would receive and inquire into complaints from the public against Delhi Police personnel. The consultation took place in the backdrop of immediate preparations to set up a PCA in Delhi, to be a platform for diverse stakeholders to collectively deliberate and engage on what is needed to establish a model PCA. To situate the enabling factors required, the discussions shared experiences, good practices, and challenges faced by operational PCAs in

other states. Common Cause was also a signatory to the recommendations brought out by various stakeholders, addressing the gaps in a notification drafted by the Office of the Lieutenant Governor, in consultation with the Delhi government, on constituting a PCA for Delhi.

b. Making the Right to Education Act a Reality:

Common Cause launched its ambitious booklet in Hindi 'Humara School, Humari Rakhwali,' in July, 2018, aimed at empowering the members of the School Management Committees (SMCs) to improve community participation in the running of schools, particularly in slums and urban villages.

SMC Booklet distribution:

Common Cause has participated in several SMC meetings in Delhi, using these occasions to interact with SMC members and distribute around 1030 booklets so far.

c. Initiatives on India Justice Report

The India Justice Report is a collaborative effort of several civil society organisations all over India working on criminal justice system and is supported by Tata Trusts. Common Cause hosted the brainstorming meetings of the project held on 27 February 2018 as well as on 13 August 2018. The team also participated

in the meetings held at the Tata Trust office on 24 April and July 10, 2018. We have also been constantly in touch with the coordinators and have provided the data available with us. The report intends to be an overall audit of the criminal justice system in India, by collating and analysing the data available on segments like the police, prisons, judiciary and legal aid. Each partner organisation is working on areas of their expertise. Common Cause team is taking care of areas of policing, including data crunching. The project is coordinated by Ms. Maja Daruwala and is scheduled to be launched in early 2019.

d. Miscellaneous Representations:

1. Representation before Dr. Kirti Bhushan Director General Health Services:

Common Cause sent suggestions for Delhi Health Advisory on regulation of private hospitals in July 2018. After studying the issue of generic drugs in India, Common Cause felt that besides prescribing medicines from the NLEM list, as is suggested by the Committee constituted by Hon'ble Minister of Health, Govt. of NCT of Delhi, in its draft, the government must also invest in making available generic versions of all prescription drugs. The society suggested that the draft advisory must contain recommendations including

issuing guidelines to make it mandatory for physicians to prescribe the names of generic medicines, setting up and ensuring continuous operation of Jan Aushadhi Kendras/ Drug Distribution Centres (DDCs) in the proximity of or within the premises of private hospitals

2. Representation before LG's Office, the Principal Secretary (Home) Delhi, and to the designated staff in the Ministry of Home Affairs:

Common Cause was a signatory to the recommendations made by CHRI for Police Complaints Authority in Delhi in June, 2018. It participated in a round table consultation on an effective Police Complaints Authority for Delhi and endorsed the concerns and recommendations with respect to the notification drafted by the Office of the Lieutenant Governor, in consultation with the Delhi government on constituting a Police Complaints Authority for Delhi.

3. Representation before the Chief Secretary, Government of Rajasthan:

Common Cause brought to notice some of the Constitutional, legal and precedential provisions which are being blatantly violated by individuals organising large scale events near the lakes of Udaipur in

November, 2018. It pointed out how festivities conducted in high-profile events will have an impact on the quality of drinking water and air quality that are also likely to pollute the atmosphere, especially the lakes of Pichola and Fatehsagar, which serve as drinking water sources for the people of Udaipur. According to last information received, the administration has withdrawn permissions for holding mega-weddings which affect the environment in and around the lakes.

e. Meetings/ Consultations with Civil Society organisations

- 1. Misuse of antibiotics in livestock and poultry – April 28, 2018** Discussions were held at IIC with Shailja Chandra, former secretary to the Government of India, and lawyer Karuna Nundy on excessive use of antibiotics particularly in poultry. The idea was to explore options for future interventions. Deliberations took place on expert predictions about the rising demand for protein and a surge in antibiotic misuse in livestock and poultry.
- 2. Protest Yatra to oppose amendments to the RTI Act – August 2, 2018** Common Cause team joined a yatra to oppose amendments to the RTI Act, organised by the NCPRI and Satark

Nagrik Sangathan (SNS) at Kusumpur Pahadi slum in Vasant Vihar. The yatra was part of several events organised in Delhi's bastis, colleges and public places to oppose the RTI Amendment Bill, immediate notification of the Whistleblowers' Protection Act and Lokpal law, and reintroduction of the Grievance Redress Bill in Parliament.

- 3. Democracy Unity Conference, Aug 13-14, 2018** Common Cause Director participated in South Asia Unity Conference in Kathmandu aimed at strengthening democratic research network on governance and the rule of law. Organised by the Samridhi Foundation and Asia Democracy Research Network, the conference discussed how civil society groups can engage with each other in order to translate research into policy and practice. The group also discussed the Status of Policing in India Report and the possibility of doing similar surveys in other parts of the region
- 4. Fake News and its impact on Elections – September 10, 2018** A brainstorming session on the perils of fake news and its ability to impact the Indian democratic climate was held at the Common Cause House at the initiative of Constitutional

Conduct, an organisation of former senior government officers. Topics that were extensively discussed included mechanisms to identify and check fake news and hate speech. The dialogue was also attended by young lawyers and social media experts. The deliberations included ECI oversight of social media marketing by the political parties, their tech-support teams and PR agencies. The idea was also to evolve an actionable programme for advocacy. The note which evolved at the joint meetings was later presented for follow up action to the Election Commission of India by the members of Constitutional Conduct and former civil servants including Common Cause President, Mr Kamal Kant Jaswal.

- 5. Data Protection Bill Consultation – November 10, 2018** Common Cause was part of the consultations on the Data Protection Bill jointly organised by several civil society organisations at the Indian Social institute to analyse the Bill and its implications on the lives of common citizens. The discussions focused on the provisions of the RTI that may be repealed once the proposed bill is passed. The meeting also addressed challenges that members of sectors like healthcare and education would face if the

Bill is passed in its present form.

- 6. BBC 'Beyond Fake News' Conference – November 12, 2018** Common Cause team participated in a BBC conference which brought together several stakeholders to address a wide gamut of issues surrounding fake news in a hyper-connected world. The takeaways of the deliberations were also discussed with other partners of Common Cause for advocacy effort.

Public interest litigation

Supreme Court Cases

- 1. Fair working conditions for domestic workers:**

Common Cause, along with the National Platform for Domestic Workers (NPDW), an umbrella unit of 36 unions and federations, and social activist Aruna Roy, has filed a writ petition in the Supreme Court praying for directions by the Court to ensure fair and humane working conditions for domestic workers. The petition filed on November 15, 2018, seeks urgent intervention of the Court to acknowledge domestic help as a "service for pay," lay down guidelines for protection of their human rights and issue appropriate directions to the government. The prayers also include, among others, ensuring notification of minimum

wages, compulsory weekly and annual paid leaves, and extension of maternity leave benefits. The petition argues that until a law is brought in place, interim guidelines should be issued for safeguarding rights of domestic workers, in line with ILO Convention 189. The petition also prays that domestic workers be included under the Minimum Wages Act, 1948. Other prayers include setting up of a committee of experts, under Supreme Court's supervision, to suggest means to regulate employment agencies of domestic workers, terms and conditions of their dignified employment, as well as formulating a mechanism for dispute resolution. The petition was registered on November 22, 2018 and is likely to be listed in December.

- 2. Challenging the arbitrary removal of CBI Director:**

Common Cause filed a writ praying for quashing of the order of October 23, 2018, issued by the CCVC to remove the CBI Director Mr Alok Verma. This order had divested Verma of powers as CBI Director. The petition also sought directions for the removal of the CBI's Special Director Mr. Rakesh Asthana in light of serious corruption cases pending against him in order to ensure institutional integrity. Common Cause

prayed for the constitution of an SIT to look into the recent unprecedented events, investigate the allegations of corruption against senior CBI officials and submit its report to the Court. In a welcome order, the Bench headed by Chief Justice Ranjan Gogoi directed that the CVC inquiry against Alok Verma be completed within two weeks under the supervision of former SC Judge, AK Patnaik. The interim Director M Nageswar Rao was directed not to take any major policy decisions. This report, along with the one of CVC on the preliminary enquiry on Mr Verma were submitted on 12.11. 2018 and taken on record. During the hearing on November 16, the Court commented on the content of the report and directed Mr. Verma to file his response in a sealed cover by Nov 19. In the hearing next day, the Court expressed displeasure both at the alleged leak to the media of sections of Mr Verma's reply as well as his counsel seeking time beyond the stipulated deadline for filing response. In the hearing on November 29, the counsels for the petitioners and the respondent made submissions. The petitioners argued that appointment, transfer or dismissal of CBI Director cannot be done without the consent of the Selection Committee, while the respondent refuted this

argument and submitted that the final authority vests in the central government. The next date for listing is 5 December 2019.

3. Writ for Police Reforms:

The battle for police reforms has been going on for the last 22 years. The Supreme Court took 10 years to give a historic judgment in 2006 in the petition filed by Prakash Singh, Common Cause and NK Singh. Since then it has been a struggle to get the Court's directions implemented. On July 3, 2018, responding to an interlocutory application filed by the MHA regarding the appointment of acting Director General of Police (DGP) in the states, the Supreme Court gave a slew of directions to ensure that there were no distortions in such appointments. It laid down that the states shall send their proposals to the UPSC three months prior to the retirement of the incumbent DGP. The UPSC shall then prepare a panel of three officers so that the state can appoint one of them as DGP. To curb the practice of appointing Acting DGPs by the states, the Court directed that the UPSC should ideally empanel officers who have at least two years of service left, giving due weightage to merit and seniority. It also held that any legislation/rule framed by the states or the central government running counter

to the direction shall remain in abeyance. Declining modification of its previous order on comprehensive guidelines for the appointment and removal of the state DGPs, the SC on July 30, 2018, granted liberty to the petitioner to file plea for clarification in the event of a sudden vacancy in the DGP post. On September 7, 2018, the state of J&K approached the SC after it had appointed the new DGP, pending "regular arrangement." The SC declined to interfere as the state had indicated how the acting DGP's appointment was an interim measure. The Court also directed UPSC to take a decision thereafter within four weeks. The matter is required to be listed after six weeks but could not be taken up.

4. Contempt Petition on Non-Appointment of Lokpal: The Common Cause petition for the appointment of Lokpal was disposed in April 2017 with the court maintaining that the Lokpal Act was a perfectly workable piece of legislation. However, the government failed to appoint the Lokpal nine months after the Apex Court verdict. Common Cause filed a contempt petition seeking directions against the govt's wilful and deliberate failure to fully comply with the judgment. The matter was taken up on February

23, 2018 and thereafter in March, April and May, 2018. The Centre had on May 15, 2018 informed the Court that senior advocate Mukul Rohatgi has been appointed as an eminent jurist in the selection committee for Lokpal appointment. The Supreme Court on July 2, 2018 directed the Centre to apprise it within 10 days about the time frame for Lokpal appointment. As the selection committee was scheduled to meet on July 19, 2018, the Bench fixed the matter for further hearing on July 24, 2018, without passing any orders. On July 24, 2018, the Attorney General (AG) submitted an affidavit stating that a meeting of the selection committee was held but the names for the search committee were not finalized and therefore another meeting would be held soon. Expressing dissatisfaction over the Centre's response, the Bench directed it to file a fresh affidavit giving relevant details of the search committee within four weeks. The matter was listed on August 24, 2018 but could not be taken up.

5. News Broadcast by Private Radio Stations: The PIL prays for the quashing of unreasonable provisions in the policy guidelines of the Ministry of I& B as well as its grant of permission agreements. These provisions

prohibit the broadcast of news and current affairs on FM and community radio stations. The government sought more time to file its reply in March 2017. The matter was taken up on January 18, 2018, when the Court directed that the replies be filed and the case be listed after 15 days. In the meantime, an official directive was circulated by the Centre on January 17, 2018, asking all states and UTs to constitute committees to monitor violation of rules by private-satellite TV, FM and community radio channels. The matter was dismissed on April 12, 2018, by the Bench of Justices Arun Mishra and UU Lalit by default, owing to non-appearance of the petitioners. The Court restored the case after Common Cause filed a restoration application. There are no further orders of listing.

6. Illegal Mining in Odisha:

There has been much progress since the final judgment on August 2, 2017 when the Court imposed 100 per cent penalty on companies indulging in illegal mining – mining without forest and environmental clearances, mining outside lease/ permitted area and mining in excess of permissions. In September 2017, Common Cause filed an application

for clarification of issues arising out of the judgment. The Court vide order 13.12. 2017 stated that in case of non-payment of compensation and dues, the state of Odisha shall close the mining operations of the erring lease holder. The Central Empowered Committee (CEC) formed by the SC, consisting of Justices GS Singhvi and Anil R Dave, was asked to ascertain whether there had been any violation of Section 6 of the Mines and Minerals (Development and Regulation) Act, 1957 and violation of Rule 37 of the Mineral Concession Rules, 1960. The CEC report (4/2018) calculated the total compensation amount for environmental and forest clearances as Rs 19174.38 crore due from 131 mining lease holders, of which Rs 8289.87 crore had been paid by various lessees. During the hearing on January 30, 2018, the SC directed the state of Odisha to take coercive steps to recover the unpaid dues from defaulting lease holders. Arguments in the interlocutory applications and objections to the CEC Report (4/2018) filed by Sarda Mines, Rungta Group and Essel mining & Ind. Ltd. was listed several times in October 2018 and the matter concluded. On October 26, 2018, the Court appointed Justice A.K. Patnaik, retired SC Judge

as an Oversight Authority to consider the effective functioning of the Special Purpose Vehicle (SPV). The Court pronounced its judgment on the IA/ objections on 12.11. 2018 holding SMPL guilty of illegal mining in Odisha. It held that since the environmental clearance granted to it could not be applied retrospectively, any mining done prior to environmental clearance as well as activities in excess of the terms of the lease would attract penalty. The Court also said that Sarda Mines was granted permission to only extract mineral iron ore and not iron ore lump, which is a by-product of iron ore mining. The Apex Court asked the CEC to quantify the penalty to be imposed on SMPL from September 22, 2004, within six weeks.

7. Combating the Criminalisation of Politics:

On September 25, 2018, the Constitution Bench declined to ban politicians with criminal cases from contesting elections, holding that it cannot interfere in the legislative domain. The Court disposed of our petition (filed jointly with the Public Interest Foundation) and referred the matter to Parliament, requesting it to enact appropriate laws. The Bench prescribed the following directions to the Election Commission (EC).

- The form filled up by each candidate for EC must state in bold letters details of criminal cases pending; the candidate must also inform the party about pending criminal cases against him/her.
- The party must put up on its website information pertaining to candidates with criminal antecedents. The candidate and the party must issue a declaration in widely-circulated local newspapers about criminal antecedents of the candidate.
- They shall also give wide publicity in the electronic media. The Bench emphasised this by stating “When we say wide publicity, the same shall be done at least thrice during the campaign”.

The Bench agreed on the issue raised by petitioners, claiming, “A time has come that the Parliament must make law to ensure that persons facing serious criminal cases do not enter into the political stream”. However, it declined to pass directions to the EC as requested in the petition as it felt that the judiciary lacked this power. Thus, despite our petition being disposed of, the situation remains unaltered till the Parliament decides to enact laws to prevent criminals from becoming legislators.

8. Allahabad High Court RTI Rules: In a landmark order on March 20, 2018, in a Common Cause petition, the SC directed that the fee per application should not exceed Rs 50 and Rs 5 for

document photocopying, for individuals keen to access information under the RTI Act. This order, applicable to all govt authorities, addresses the concerns about excessive fees being a deterrent to information seekers. The Apex Court, in its final order, capped the fee at Rs 50, giving leeway to the high courts (HC) to deal with exceptional situations differently. It clarified that this capping would not exclude revision in future, if such a demand arises. The SC however, did not specify situations under which fee revision could be allowed, giving room to all HCs to charge any amount as RTI fees.

9. Challenging Appointments of CVC and VC: Common Cause, along with a few renowned and concerned citizens, had filed a PIL challenging the arbitrary appointments of the Central Vigilance Commissioner and the VC. It was argued that the appointments were made in a non-transparent manner and were, therefore, illegal and void. They also violated the principles of ‘impeccable integrity’ and ‘institutional integrity,’ as laid down in the landmark SC judgments in Vineet Narain case (1998) and Centre for Public Interest Litigation (CPIL) case (2011). Common Cause later filed an Intervention Application praying that the

Union of India (UOI) may be directed to not make any appointments which required the participation of either the CVC or VC, since their own appointments have been challenged by it. On September 7, 2017, the Bench of Justices Arun Mishra and Mohan M Shantanagoudar completed its hearing and reserved the judgment. Upholding the appointments, the petition was disposed on July 2, 2018 with the following observations: “We are nowadays in the scenario that such complaints cannot be taken on face value. Even against very honest persons, allegations can be made. Those days have gone when filing of the complaints was taken as serious aspersions on integrity. Ideally, there should not be any serious complaint as the filing of same raises eyebrows. As in the instant matter, complaints have been looked into and we decline to interfere. Resultantly, we find no grounds to quash the appointment of Respondent No.2 as CVC and respondent No.3 as VC. Writ Petitions are disposed of accordingly.”

10. Petition seeking cancellation of the entire allocation of coal blocks to private companies between 1993-2012 and a court monitored investigation: In the landmark coal block case of Common Cause,

wherein the Court cancelled 214 of 218 allocations made in favour of private entities, a court-monitored SIT was constituted to probe the abuse of authority by the former CBI director, Ranjit Sinha. In the hearing on 15 January 2018, CBI Special Prosecutor told the Court that it had made substantial progress in its enquiry against Ranjit Sinha, but the Court pointed out that the progress in the investigation has been slow. It was listed for hearing on 5 March 2018, but could not be taken up.

11. Right to Living Will:

The Constitution Bench of Chief Justice Dipak Misra and Justices AK Sikri, AM Khanwilkar, DY Chandrachud and Ashok Bhushan delivered its verdict on March 9, 2018, on a 2005 PIL filed by Common Cause. The apex court's ruling is a confirmation of the fundamental right to die with dignity, as an integral part of the right to live, under Article 21 of the Indian Constitution. It held that a dignified-life involves smoothening the dying process for a terminally-ill patient or a person in persistent vegetative state (PVS), with little hope of recovery. Holding passive euthanasia and a living will legally valid, the Bench laid down guidelines on several issues. There are specific rules on who could execute the

advance medical directive and how, what should it contain, how should it be recorded and preserved, as well as when and by whom can it be given effect to. There are even guidelines on procedures to be followed in the event of refusal of permission by the medical board and revocation or inapplicability. The Bench clearly specified that said class of persons without an advance directive could not be alienated. In addition to laying down the procedure and safeguards for cases where advance directives exist, other protective measures were prescribed too.

Delhi High Court

SIT on Over Invoicing Requested by CPIL, Common Cause: Common Cause and Centre for Public Interest Litigation (CPIL) approached the Delhi High Court seeking a direction for a thorough investigation by a Special Investigation Team (SIT) into the over-invoicing of imported coal and equipment. The over-invoicing was carried out by various private power companies as detailed by Directorate of Revenue Intelligence (DRI) in several of its investigative reports. In the last few years, major instances of such over-invoicing have been unearthed by the DRI involving several prominent and influential companies with virtual impunity. The matter was taken up on October 11,

2018, when the petitioners were supposed to file a response within three weeks to the status report filed by the DRI. The DRI would be filing its response to the additional affidavit filed by Common Cause within the stipulated time. The report filed by the CBI was to be furnished to all the petitioners. The matter has been delisted for December 4, 2018.

National Green Tribunal (NGT)

Chardham Road-Widening

Project: In response to a Common Cause petition, the National Green Tribunal (NGT) has appointed a seven-member committee to monitor violation of road construction rules and to address environmental concerns in the Chardham road construction project. The petition was filed by Common Cause under Section 14, 15 and 18 of the NGT Act, 2010. It pointed out that due to the widening of NH108 as part of the Chardham Project, debris and muck were being dumped directly into the Bhagirathi River. The requirement of conducting an Environmental Impact Assessment (EIA) was bypassed by dividing the 900 km road project into stretches measuring less than 100 km each. Warning of impending disasters, particularly during the monsoon months, the petition stated that the indiscriminate dumping of muck could wreak havoc and even alter the course for the river.

This petition was disposed of on September 26, 2018, by the Bench comprising Justices Goel, Jawad Rahim and S P Wangdi, which also cleared the Chardham project. The NGT refused to interfere in the scheme of widening the NH108, as the notification of August 22, 2013 granted exemption to national highways that are less than 100km long. The NGT chose to ignore that the petition had been filed to expose this very government scheme. However, based on an annexure filed by Common Cause showing how EIAs are necessary in all road construction projects of more than 5km on the hills (G.B. Pant National Institute of Himalayan Environment & Sustainable Development report), the Tribunal held that a Rapid EIA is necessary in the project.

The Tribunal accepted Common Cause' plea to set up an expert committee. It directed that the committee will comprise a former judge of Uttarakhand High Court, representatives from leading research institutes such as the Wadia Institute of Himalayan Geology and others, Secretary of Environment and Forest Department, Uttarakhand, as well as the concerned District Magistrates. It was directed that the committee be set up within three weeks of the order, and that it should continue to function till the completion of the project. However, in the above matter, the petitioners in the tagged case, Citizens for Green Doon, filed a miscellaneous application in the Supreme Court and thereafter the above order of the NGT was stayed by the Supreme Court on October 22, 2018. The matter was listed before the Supreme

Court on November 15 but could not be taken up.

Finance and Accounts (2017-18)

The Audit Report on the Annual Accounts of Common Cause for the year ending March 31, 2018 has been received. The Governing Council has accorded its approval on October 25, 2018. Briefly, the expenditure during the year was Rs 181.58 lakh against Rs 111.84 lakh recorded in the previous year. The income during the year was Rs 163.58 lakh compared to Rs 96.09 lakh during 2016-17. Thus, there was a deficit of Rs 18 lakh during the year as against a deficit of Rs 15.75 lakh in the previous year. Overall, the financial results have been satisfactory.

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COMMON CAUSE VISION

An India where every citizen is respected and fairly treated

MISSION

To champion vital public causes

OBJECTIVES

To defend and fight for the rights and entitlements of all groups of citizens

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