

As introduced in
Youth Parliament

Bill No. 344 of
2022

The Anti-Fake News Bill, 2022

Arrangement of Clauses

CHAPTER I PRELIMINARY

1. Short title and commencement
2. Definitions

CHAPTER II OFFENCES AND PENALTIES

3. Creating, publishing and disseminating fake news or publication containing fake news
4. Providing assistance for the commission of an offence under Section 3
5. Direction to remove fake news
6. Duty to remove materials

CHAPTER III MISCELLANEOUS

7. Duty of educational institutions to impart education on fake news
8. Power of government to frame rules



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THE ANTI-FAKE NEWS BILL, 2022

A Bill

to make provisions to control the spread of fake news and provide punishment for anyone who indulges in its creation, publication and dissemination

WHEREAS the right to information is a fundamental right and it is necessary to combat false news to keep the spirit of this right alive;

AND WHEREAS the spread of fake news is a threat to the life and liberty of individuals as well as the democratic ethos of the country;

Be it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:-

CHAPTER I PRELIMINARY

Short title and commencement

1. (1) This Act may be called the Anti-Fake News Act, 2022.
- (2) It shall come into force on such date as the Central Government, by notification, in the Official Gazette appoint.

Definitions

2. In this Act, unless the context otherwise requires –

“fake news” includes any news, information, data, reports, text and social media messages, which are wholly or partly false. Such news may be in the form of text, images, audio or video recordings, or in any other form which is capable of being disseminated

“publication” includes –

- (a) any written publication or publication of a similar nature, and every copy and reproduction of such publication; and



- (b) any publication produced using digital, electronic, magnetic, or mechanical means and copies of such publication

CHAPTER II OFFENCES AND PENALTIES

Creating, publishing and disseminating fake news or publication containing fake news

3. (1) Any person or body corporate who maliciously creates, publishes or disseminates any fake news or publication containing such fake news commits an offence. Such person, upon conviction, shall be liable for imprisonment up to one year and fine not exceeding Rs. 5,00,000 (Rupees Five Lakhs only).

(2) In case of a body corporate, including a trust, society etc., the concerned head of the organization shall be jointly liable. Such head of the organization shall be liable for imprisonment up to one year and the body corporate shall be liable to pay a fine not exceeding Rs. 1,00,000 (Rupees Ten Lakhs only).

Provided that any person or body corporate who can prove that such fake news was created, published or disseminated believing it to be true and after exercising due care to verify it, shall not be liable under this provision.

Further, if the the allegation of dissemination of fake news is made against a news organization belonging to the Government, a preliminary enquiry shall be carried out before the registration of the First Information Report.

Illustration:

‘A’ sends ‘B’ a message over WhatsApp with the intention of creating a false alarm that all the batches of a popular beverage ‘Chill Out’ is contaminated. ‘B’ believing this to be true, forwards the message to his friends. Here, ‘A’ is liable for the offence described under the provision. ‘B’ is not guilty.

Providing assistance for the commission of an offence under Section 3

4. Any person or body corporate who provides assistance for the commission of an offence under Section 3 shall be liable for the same term and quantum of punishment provided for in Section 3.

Direction to remove fake news



5. Any person or body corporate affected by the publication of fake news may approach the relevant court for removal of such materials. Upon considering the evidence, the concerned court may direct the removal of such materials.

In case a person or body corporate fails to comply with the court's directions, such person or body corporate shall be liable for the same punishment mentioned in Section 3.

Duty to remove materials

6. If any person or body corporate comes to know or has reason to believe that they are in possession or control of fake news, they shall immediately remove such content. A failure to do so will attract a fine of Rs. 5,00,00 (Rupees Fifty Thousand Only) in case of individuals and Rs. 5,00,000 (Rupees Five Lakhs) in case of body corporates.

CHAPTER III MISCELLANEOUS

Duty of educational institutions to impart education on fake news

7. It shall be the duty of all educational institutions to prepare study materials on fake news, ways to identify and effectively tackle its spread. They shall also widely disseminate these study materials, using the help of organizations like Bharat Scouts and Guides.

Power of government to frame rules

8. Both State and Central Governments shall have the power to frame rules in order to effectively implement the provisions of this Act.

