

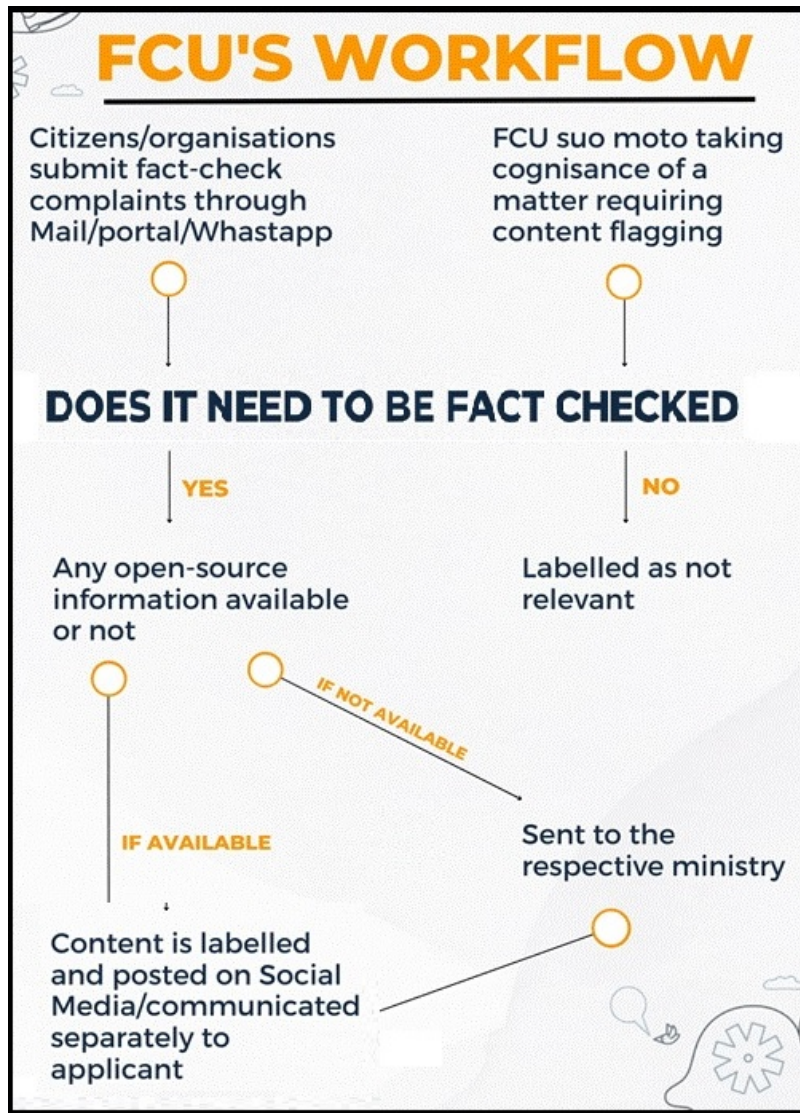
## Fact Check Unit

### Why in news?

Tamil Nadu government recently ordered the creation of a fact check unit to verify the authenticity of information about the government on all media platforms.

### What are the provisions of fact check unit?

- **Objective-** To act as a deterrent to creators and disseminators of fake news.
- To combat misinformation, disinformation and hate speech.
- **Power-** The unit can take *suo motu cognisance* of any information related to the government for fact-checking or act on complaints from various sources.
- **Key components** - It includes
  - **Social Media Cell-** To propagate the news about the government's welfare schemes and initiatives.
  - **Central task force (CTF)-** Based in Chennai, it is the official fact check unit of the State.
- **Complaint processing-** The CTF will use *fact-checking tools* and government sources to sort the complaints into actionable or non-actionable categories.
- **Legal action-** The CTF will seek advice from the legal and police departments and forward the actionable complaints to the relevant authorities.
- **IT Rules 2021-** It is created in reference to the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, issued by the Central government to regulate online content and platforms.



## Why fact check unit is unconstitutional?

- **Against Article 19-** It violates the freedom of speech and expression guaranteed by Article 19(1)(a) of the Indian Constitution.
- **Curbs dissent-** The fact check unit could potentially censor any dissenting or critical views of the government.
- **Affect media's independence** - It could undermine the role of independent media and journalism.
- **Lack of clarity-** The unit lacks clear criteria for determining what constitutes fake, false or misleading information.
- **Political interference-** The fact check unit could be influenced by political or ideological biases and arbitrarily label any information as false or misleading, without providing evidence or justification.
- **Infringes Article 21-** It could access and monitor the online activities of the users and compel the intermediaries to disclose their personal information thus infringing the right to privacy.
- **Limitations of GO-** The constitutional right to express opinions and information can only be restricted by a law passed by the State, not by a Government Order (GO).
- **Lack of fair hearing-** The order does not give a chance for the author of the post to defend themselves, and gives the government the power to decide and act on the

authenticity of the information.

- **Conflict of interest**- The government becomes the judge, jury, and executioner on the authenticity of information.
- **State run fact check unit**- European Commission's *Code of Practice on Disinformation* constitutes independent network of fact-checkers, but the State run units will harm the society.
- **Exceeded authority**- It exceeds the scope of *Information Act, 2000* under which it is established.
- The intermediaries could lose their independence and efficiency due to the unit, which could burden them with excessive and unjustified duties, without any legal authority or approval.
- **Centre's FCU**- The Centre's constitution of FCU under IT rules, 2023 is put on hold after it was challenged before Bombay High Court.

### Centre's Fact Check Unit

- The Centre has decided to create an FCU to track fake and misleading news related to the government on online platforms such as Facebook and Twitter.
- **Amended IT rules 2021**- It allows the IT ministry to appoint a fact-checking body that will take a call on whether online information related to the Union government is accurate.
- **Safe harbour protection**-The online intermediaries will have to take down the content labelled as fake by the FCU or lose their legal immunity against third-party content online.

### What lies ahead?

- The monitoring network should follow *principles of natural justice* including giving prior notice, right to appeal and judicial oversight.
- FCU need to be transparent and non-discriminatory to prevent selective application.

### References

1. [The Hindu- Unconstitutional fact check unit](#)
2. [The Hindu- Why Tamil Nadu's FCU is opposed](#)