

To combat “fake news,” India’s far-right government creates new body of state censors

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India’s Bharatiya Janata Party (BJP) government, led by the Hindu-chauvinist strongman Prime Minister Narendra Modi, is mounting a sweeping attack on citizens’ constitutionally protected right to criticize its actions on social media.

It has authorized the creation of an official “fact-checking unit” that will have the power to order social media platforms to expunge whatever this far-right government deems as “fake or false or misleading” postings. This was officially announced by the Ministry of Electronics and Information Technology on April 6 in an order amending the already anti-democratic Information Technology rules the Modi government had set out in 2021.

All of this has been carried out in an autocratic style by means of a government “gazette notification,” with hardly any consultation with corporate media organizations and long recognized associations of journalists, let alone widespread democratic debate. The government *Gazette* is the official organ of the national government, published weekly to announce and disseminate decrees, legislation and documents, whereupon the provisions become legally binding.

According to the new rules, this so-called fact-checking unit, or “bureaucracy of Truth” as some critics have aptly named it, comprised of unelected and unaccountable bureaucrats, will constantly monitor social media platform postings to identify “fake or false or misleading” information “[with] respect of any business of the Central Government.”

This wording makes clear that the government is particularly concerned with suppressing criticisms and exposures of its own actions and policies, including its relentless promotion of communalism, corrupt relations with big business and increasing resort to authoritarian methods of rule and outright criminality. However, the ambit of what the new “fact-checker” censors may order removed goes far beyond even this. It includes posts that threaten “the unity, integrity, defence, security or sovereignty of India, friendly relations with foreign States, or public order, or causes

incitement to the commission of any cognisable offence, or prevents investigation of any offence, or is insulting any other nation.”

Thus social media-hosted conversations or links to articles that criticize states and governments with which the Modi government has friendly ties, such as US imperialism, the Saudi absolutist sheiks or Israel, could be deemed by the “fact-checker” censors/bureaucrats as “harmful.” So too could postings that call for mass antigovernment protests or defiance of antistrike “essential service” orders.

In such cases, the “fake news” censors will notify online social media companies or their intermediaries including Twitter, Facebook and even WhatsApp and order them to immediately take down such postings. If they fail to do so, these companies risk losing their “safe harbor” protections.

Under the “safe-harbor” protections in the IT Act of 2000, intermediaries such as Twitter, Facebook and other social-media platforms are protected from any legal liability for content posted on their platforms by their users.

By threatening to remove this safe-harbour protection, the government seeks not only to compel the social media conglomerates into enforcing its “fake news” suppression-orders. It is also seeking to intimidate them into preemptively identifying and removing “controversial” content, so as to remain in the government’s good books.

There has been no concerted effort by press organizations to challenge the BJP government’s new state censorship body and regulations. The Editors Guild of India, which claims to be an organization formed to protect press freedom, issued a pathetic statement that termed the IT Ministry’s sweeping attack on free speech “regrettable.” It then urged “the Ministry to withdraw this notification and conduct consultations with media organisations and press bodies.” In other words, the Guild wants to be consulted as a partner to come up with more palatable mechanisms for social media censorship.

Similarly the opposition parties, including the Stalinist Communist Party of India (Marxist) or CPM, have not lifted a finger to mobilize opposition to this brazen and transparent

attack on fundamental rights. The Stalinists—whose efforts are focused on assisting the Congress Party, until recently the Indian bourgeoisie’s preferred party of national government, in forming a right-wing anti-BJP electoral alliance for the 2024 national elections—issued a terse, pro forma statement criticizing the government’s “fake news” initiative.

The only court challenge to these latest IT rules has been filed by standup comedian Kunal Kamra in Bombay High Court. The court while hearing Kamra’s petition observed that “prima facie, the rules don’t seem to offer protection to fair criticism of the government like parody and satire.”

Recently the Modi government ordered raids on BBC offices after the British state broadcaster aired a documentary entitled “India: The Modi Question” that indicted Modi as directly complicit in the 2002 anti-Muslim pogrom in the western state of Gujarat, where he was the state’s Chief Minister. Government and BJP leaders denounced the documentary, and the Modi government blocked access to it.

These latest moves are an extension of the Modi government’s largely successful campaign to intimidate and cow the corporate media. The electoral wave that brought Modi to power in 2014 was very much media-driven, as the ruling class rallied round the BJP in the calculation that it was their best instrument for more aggressively pursuing pro-investor “reforms” at home and their great power ambitions on the world stage. However, to ensure continued strong media support, the BJP once in office used strong arm tactics and gangster-style threats to intimidate the press.

This was elaborated on by Bobby Ghosh, the former editor of the *Hindustan Times*, in a column he wrote for the *Japan Times* following the Indian government raids on BBC’s offices in Mumbai and Delhi on trumped-up tax fraud charges. “Just two years in power,” wrote Ghosh, “the Modi government was already demonstrating an intolerance of criticism that was familiar to me from my previous experiences as a foreign correspondent in the dictatorships of the Middle East. Stories deemed embarrassing to the government or the ruling party led routinely to minatory phone calls from ministers and bureaucrats: **The threats ranged from the withholding of ads and the pursuit of punitive lawsuits to investigations into my personal finances and those of my family.**” [Emphasis added]

Nowhere has the Modi government acted as brutally against the press as in Indian-occupied Kashmir. On October 19, 2020, slightly over a year after the Modi government’s August 2019 constitutional coup abrogating the autonomous status of Jammu and Kashmir, India’s only Muslim-majority state, police raided and permanently padlocked the Srinagar offices of *Kashmir Times*. As Anuradha Basin, the executive

editor of the publication, recounted in a column in the *New York Times*, “the raid was punishment for daring to question the policies of Prime Minister Narendra Modi of India.”

It has positively become dangerous to be a journalist in India, as the Modi regime and the BJP governments in various Indian states act viciously towards anyone it views as critical of their policies. They have charged numerous journalists with sedition. Some, arrested under the notorious UAPA “antiterrorism” legislation, have been held in prison for years without trial. According to the nonprofit organisation, Reporters Without Borders, India ranks an abysmal 161 out of 180 countries in the World Press Freedom Index. In 2022, the country ranked at 150.

The Modi government is brazenly pushing ahead with these latest rule changes governing social media to further extend its repressive reach and prevent the dissemination of critical comments and exposures made by ordinary working people, political opponents and independent media voices, especially left-wing and socialist ones. It is doing so despite the fact that the previous amendments to the IT rules in 2021, which called upon the social media companies to “voluntarily” remove postings the government identified as “fake or misleading news,” are still the subject of a court challenge. In August 2021, the Bombay High Court issued a stay against a couple of the new rules but refused to throw out the amendments in their entirety even though they grossly infringe upon citizens’ basic free speech rights.

This again goes to show that the courts are themselves enabling the far-right, Hindu-supremacist Modi government to systematically chip away at democratic rights and impose its authoritarian rule. Time and again, India’s Supreme Court, which constantly postures as a sentinel of citizens’ democratic rights, has greenlighted the illegal acts of the Modi government and the Hindu right, such as the imposition of essentially dictatorial rule on Jammu and Kashmir through presidential decree since 2019 and the building of a temple to Lord Ram on the site of the razed Babri Masjid in Ayodhya.



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