

THE KARNATAKA MIS-INFORMATION AND FAKE NEWS (PROHIBITION) BILL, 2025

A Bill to prohibit the mis-information and fake news in the State of Karnataka.

Whereas it is expedient to prohibit the mis-information and fake news in the State of Karnataka, for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the seventy Sixth year of the Republic of India, as follows:-

1. Short title and commencement.- (1) This Act may be called the Karnataka Mis-information and Fake news (Prohibition) Act, 2025.

(2) It shall come into force on such date as the State Government may by notification in the Official Gazette appoint.

2. Definitions.- In this Act, unless the context otherwise requires,-

- (a) "Abet" shall have the same meaning as assigned to it under section 45 of the Bharatiya Nyaya Sanhita, 2023 (Central Act 45 of 2023);
- (b) "Authority" means the Fake News on Social Media Regulatory Authority established under section 5;
- (c) "Broadcaster" shall have the same meaning as assigned to it under section 2(aii) of the Cable Television Networks (Regulations) Act, 1995 (Central Act 7 of 1995);
- (d) "Communicate" means dissemination of information to one or more persons in Karnataka in person, through publication, communication device, computer resource, televisions, making or altering bots that disseminate misinformation or any other communication medium having wide reach in Karnataka;
- (e) "Communication device" shall have the same meaning as assigned to it under section 2(ha) of the Information Technology Act, 2000 (Central Act 21 of 2000);
- (f) "Computer resource" shall have the same meaning as assigned to it under section 2(k) of the Information Technology Act, 2000 (Central Act 21 of 2000);
- (g) "Correction Direction" means a direction issued under section 13 to communicate to the persons in Karnataka that misinformation held to be punishable under section 3 is incorrect or false;
- (h) "Disabling Direction" means a direction issued under section 13 to stop communication or to disable access to persons in Karnataka of misinformation that is punishable under section 3;
- (i) "Fake news" includes the following or combinations thereof:-
 - (a) Misquotation or the false and/or inaccurate report of one's

statement;

- (b) editing audio or video which results in the distortion of facts and/or the context; or
- (c) Purely fabricated content;
- (j) "Intermediary" shall have the same meaning as assigned under section 2(w) of the Information Technology Act, 2000 (Central Act 21 of 2000);
- (k) "Misinformation" means knowingly or recklessly making a false or inaccurate statement of fact, whether wholly or in part, in the context in which it appears excluding opinions, religious or philosophical sermons, satire, comedy or parody or any other form of artistic expression if a reasonable man of ordinary prudence does not pursue such communications as statements of fact;
- (l) "Persons exercising regulatory control" includes, but not limited to:
 - (a) Ministry of Information and Broadcasting, Government of India enforcing Programme Code and Advertising Code under the Cable Television Networks (Regulations) Act, 1995 (Central Act 7 of 1995);
 - (b) Designated Officer under the Information Technology (Procedure and Safeguards for Blocking Access of Information by Public) Rules, 2009;
- (m) "Prescribed" means prescribed by rules made under this Act;
- (n) "Publication" shall have the same meaning as assigned to it under section 2(1) of the Press and Registration of Periodicals Act, 2023 (Central Act 51 of 2023);
- (o) "Publisher" includes "publisher" defined in Section 2(n) of the Press and Registration of Periodicals Act, 2023 (Central Act 51 of 2023);
- (p) "Social media platform" means any user-specific web-based technology intended to create virtual connection through the internet such as social networking sites, blog sites, video-sharing sites and the like;
- (q) "Social media user" includes any person or group of persons, natural or juridical, organized or unorganized, that utilizes social media platforms to send messages and/or information across through any social media account, verified or under a pseudonym, fictitious or false account/page name for whatever purposes it may serve; and
- (r) "Statement of fact" is a statement which a reasonable person seeing, hearing or otherwise perceiving through his senses would consider to be a representation of fact that actually exists.

3. Offence of Misinformation.- (1) No person outside or inside Karnataka shall communicate or abet the communication of misinformation to persons in Karnataka if the communication of such statement is prejudicial to public health, public safety, public tranquility or the conduct of free and fair elections in the whole or any part of Karnataka.

(2) Any person who is guilty of communicating misinformation under subsection (1) shall be punished with imprisonment of either description for a term which shall not be less than two years, but which may extend to five years and shall also be liable to fine.

(3) Any person who abets the communication of misinformation under subsection (1) shall be punished with imprisonment of either description for a term which may extend to two years and shall also be liable to fine.

4. Prohibition on Fake News on Social Media.- The State Government shall ensure a complete prohibition on fake news on social media platforms.

5. Constitution of Fake News on Social Media Regulatory Authority.- (1) The State Government shall, by notification in the official Gazette, constitute an Authority to be known as the Fake News on Social Media Regulatory Authority for carrying out the purpose of this Act.

(2) The Authority shall consist of,–

- (a) the Minister for Kannada and Culture Information and Broadcasting – ex-officio Chairperson;
- (b) one member each from the Karnataka Legislative Assembly and the Karnataka Legislative Council to be nominated by the presiding officers of the Houses concerned;
- (c) two representatives from social media platforms to be appointed by the State Government in such manner as may be prescribed – as member ; and
- (d) one Indian Administrative Service Officer who shall be the Secretary to the Authority.

(3) The Authority shall meet at least twice in a month:

Provided that the Authority may meet at such time as the Chairperson may deem fit.

(4) The Department of Information and Public relations shall provide secretarial assistance to the Authority.

(5) The salary and allowances payable to and other terms and conditions of services of members appointed under clause (c) of sub section (2) shall be such as may be prescribed.

6. Functions of Authority,- The Authority shall,–

- (a) ensure complete ban on promotion and spread of fake news on the social media platforms;

- (b)ensure prohibition on the posting of contents which are abusive and obscene including anti-feminism and insult to the dignity of the female on the social media platforms;
- (c)prohibit publication of content amounting to disrespect of Sanatan Symbols and beliefs on the social media platforms;
- (d)prohibit publication of content promoting superstition on the social media platform;
- (e)ensure that only those contents are posted on the social media platform which are based on authentic research on the subjects related to science, history, religion, philosophy, literature; and
- (f) ensure that appropriate punitive action in accordance with the provisions of the Bharatiya Nyaya Sanhita, 2023 (Central Act 45 of 2023) is taken on the person posting fake news on the social media platform.

7. Penalty.- Any social media users, if found guilty by the Authority for posting fake news on the social media platform shall be punished with imprisonment which may extend up to seven years and fine which may extend up to rupees ten lakhs or with both.

8. Special Courts.- (1) For the purpose of providing for speedy trial of offences under this Act, the State Government shall, with concurrence of the Chief Justice of the High Court of Karnataka, by notification in the Official Gazette, establish Special Court comprising a Sessions Judge for one or more Districts:

Provided that in Districts where less number of cases under this Act is recorded, the State Government shall, with concurrence of the Chief Justice of the High Court of Karnataka, by notification in the Official Gazette, specify for such Districts, the Court of Session to be a Special Court to try offences under this Act.

(2) Notwithstanding anything contained in the Bharatiya Nagarik Suraksha Sanhita, 2023 (Central Act 46 of 2023),-

- (a) All offences specified under sub-section (1) shall be triable only by the Special Court.
- (b) Where a person is accused of, or suspected of the commission of an offence under this Act is forwarded to a Magistrate under sub-section (2) and (6) of section 187 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Central Act 46 of 2023), such Magistrate may authorize the detention of such person in such custody as he thinks fit for a period not exceeding fifteen days in whole where such Magistrate is a Judicial Magistrate and seven days in the whole where such Magistrate is an Executive Magistrate.

Provided that where such Magistrate considers that the detention of such person upon or before the expiry of the period is unnecessary, he shall order such person to be forwarded to Special Court having

jurisdiction.

- (c) The Special Court may exercise, in relation the person forwarded to it under sub-clause (b), the same power which a Magistrate having jurisdiction to try a case may exercise under section 187 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Central Act 46 of 2023) in relation to an accused person who has been forwarded to him under that section; and
- (d) A Special Court may, upon perusal of police report of the facts constituting an offence under this Act or upon complaint, take cognisance of the offence without accused being committed to it for trial.

(4) When trying an offence under this Act, a Special Court may also try an offence other than offence under this Act with which the accused may, under the Bharatiya Nagarik Suraksha Sanhita, 2023(Central Act 46 of 2023), be charged at the same trial.

9. Appeal and revision.- The High Court may exercise, so far as may be applicable, all the powers conferred by Chapter XXXI and XXXII of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Central Act 46 of 2023) on a High Court as if the Special Courts were a Court of Session trying cases within the local limits of the jurisdiction of the High Court.

10. Application of the Sanhita to proceedings before the Special Court.- Save as otherwise provided in this Act, the provisions of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Central Act 46 of 2023) shall apply to the proceedings before a Special Court and for the purposes of the said provisions, the Special Court shall be deemed to be a Court of Session and the person conducting the prosecution before Special Court, shall be deemed to be a public prosecutor.

11. Special Public Prosecutors.- (1) The State Government shall, by notification in the Official Gazette, appoint at least one Special Public Prosecutor for every Special Court for conducting cases only under the provisions of this Act.

(2) The State Government shall, by notification in the Official Gazette, appoint at least one Special Public Prosecutor in each of benches of the Hon'ble High Court of Karnataka for conducting appeals, revisions, bail and other criminal proceedings instituted in relation to proceedings under this Act.

(3) A person shall be eligible to be appointed as Special Public Prosecutor under sub-section (1) or sub-section (2) only if he has been in practice for not less than seven years as an advocate.

(4) Every person appointed as a Special Public Prosecutor under this section shall be deemed to be a Prosecutor within the meaning of clause (v) of Section 2 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Central Act 46 of 2023) and provisions of the Sanhita shall apply accordingly.

12. Offence to be cognizable and non-bailable.- (1) Notwithstanding anything contained in the Bharatiya Nagarik Suraksha Sanhita, 2023 (Central Act 46 of 2023),-

- (a) every offence punishable under this Act shall be cognizable;
- (b) no person accused of an offence punishable under this Act shall be released on bail unless:
 - (i) the Special Public Prosecutor has been given an opportunity to oppose the application for such release; and
 - (ii) where the Public Prosecutor opposes the application, the Court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail;

(2) The limitations on granting of bail specified in clause (b) of sub-section (1) are in addition to the limitations under the Bharatiya Nagarik Suraksha Sanhita, 2023 (Central Act 46 of 2023) or any other law for the time being in force on granting bail.

13. Powers of the Special Court to issue directions dealing with misinformation.- (1) After the registration of first information report till conclusion of the trial or appeal or other legal proceedings arising therefrom, the Special Court shall have the power to issue Correction Direction to intermediaries, publishers, broadcasters or any other persons exercising regulatory or supervisory control over any communication medium disseminating misinformation to persons in Karnataka.

(2) After the registration of first information report till conclusion of the trial or appeal or other legal proceedings arising therefrom, the Special Court shall have the power to issue Disabling Direction to intermediaries, publishers or any other persons exercising regulatory or supervisory control over any communication medium disseminating misinformation to persons in Karnataka.

(3) Any person aggrieved by Correction Direction or Disabling Direction may apply to the Special Court to vary or cancel the directions. Any such application shall:

- (a) be decided within thirty days from the date of filing the application; and
- (b) After giving sufficient opportunity to the Special Public Prosecutor to oppose the variation or cancellation of the Correction Direction or Disabling Direction.

(4) Any person aggrieved by the final order of the Special Court relating to variation or cancellation of the Correction Direction or Disabling Direction may prefer an appeal to the High Court within sixty days from the date of the final order of the Special Court, and not thereafter.

(5) Any person who knowingly fails to comply with directions of the Special Court under this sub-section, without reasonable excuse, shall be punished with simple imprisonment for a term which extend to two years and shall also be liable for fine of twenty-five thousand rupees per day during which the contravention continues, subject to maximum of twenty five lakh rupees.

14. Section 482 not to apply to persons committing an offence under this Act.- without prejudice to the provisions of section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Central Act No. 46 of 2023) shall apply in relation to any case involving the arrest of any person on an accusation of having committed an offence under this Act.

15. Offences by Companies.- (1) Where a person committing a contravention of any of the provisions of this Act or of any rule, direction or order made thereunder is a company, every person who, at the time the contravention was committed, was in charge of, and was responsible to, the company for the conduct of business of the company as well as the company, shall be guilty of the contravention and shall be liable to be proceeded Against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to punishment if he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention.

(2) Notwithstanding anything contained in sub-section (1), where a contravention of any of the provisions of this Act or of any rule, direction or order made thereunder has been committed by a company and it is proved that the contravention has taken place with the consent or connivance, of or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly.

Explanation.-for the purpose of this section:-

- (i) “company” means any body corporate and include a firm or other association of individuals; and
- (ii) “director” in relation to a firm, means a partner in the firm.

16. Act not in derogation of any other law.- The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force.

17. Power to remove difficulties.- (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty.

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall, as soon as after it is made, be laid before the State Legislature.

18. Power to make rules.- (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act by the State Government shall be laid, as soon as may be after it is made, before each House of Legislature, while it is in session, for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

19. Power of State Government to give directions.- The State Government may issue such directions or instructions to all officers of the State Government as may be necessary for effective implementation of the provisions of this Act and the rules made thereunder.

20. Protection of action taken in good faith.- No suit, prosecution or other legal proceedings shall lie against the State Government or the Local Authority or any Officer of the Government in respect of anything which is done in good faith or intended to be done in pursuance of this Act and any Rules or Orders made there under.

21. Transitory provisions.- All rules, orders, notifications issued on the matters specified in this Act by the State Government before the commencement of this Act shall be valid and deemed to have been done or issued under the provisions of this Act and they shall continue until it is modified or withdrawn under this Act.

STATEMENT OF OBJECTS AND REASONS

Social media is made up of two main words, the word Social means the information shared by people and the word Media means the means of sharing information like WhatsApp, Facebook, YouTube, Instagram, Pinterest, Twitter, Linked in, Snapchat etc.

India is a vast market for social media companies. India has sixty crore WhatsApp users. At the same time, 240 million Indians are using Facebook while 45 million Indian sare

using Twitter accounts. In India, WhatsApp has become the major platform for the exchange of true as well as false news. But compared to Twitter, WhatsApp is a private messaging service. The researchers say that private messaging networks such as WhatsApp also influence the flow of news. In India, news spreads mostly by word of mouth.

There is no doubt that internet media has emerged as a powerful medium of learning and reading along with freedom of expression. However, it is also very important to understand whether the news shown on social media or any other platform is true or false.

Earlier, when a person was dependent on newspapers for news, he used to be exposed to news filtered through many mediums, but today is the era of “real time news” where any fake news is shared by millions of people. It is tweeted and re-tweeted, sometimes even someone’s idea is shared and someone’s personal propaganda is accepted as truth.

Internet media has blurred the distinction between public and personal. What you talk and think about with your family in dinner, immediately becomes public through a post. Freedom of Expression also has its own importance. But to what extent is it justified to tamper with the facts in the name of this freedom? One of the major threats to internet media is divisive elements releasing fake news on their websites and then sharing it through social media. Significantly, terrorist organizations like ISIS have made social media the main medium of their recruitment and internet media is helping them in this work.

As of now, there is no clear law that prohibits fake news, although there are some measures other than this, which can solve the problem to some extent. Complaint in respect of fake news can be lodged to Indian Broad cast Foundation and Broadcasting Content Complaints Council. On the other hand, if fake news means harassment, FIR maybe lodged under sections 153 and 295 of Indian Penal Code. If an attempt is made to tarnish the dignity of an individual or organization through fake news, then Civil or criminal cases can be filed for defamation. There is no doubt that all these measures cannot solve the problem of fake news.

On social media, heart-wrenching fake videos continue to circulate and rumours are spread. The problem of fake news is becoming more complex because the number of people using the internet in India is continuously increasing. At present, twenty seven per cent of India’s population use the Internet. India has the second largest number of Internet users in the world after China.

A report by the Media Lab of the Massachusetts Institute of Technology has revealed that Social media has become the prime destination of fake news. Their search included 1,20,000 news stories that were shared and re-tweeted on Twitter by 3 million people between 2006 and 2017. This figure is 70 per cent more as compared to real news. According to the study regarding fake news, 80 percent of fake news is spread through 0.1 percent of Twitter accounts. One percent of Twitter users spread 100 per cent fake news. Due to fake news, it is very difficult to identify the true information. For false news and information, the term ‘fake news’ is very limited. The Government or Non-Government people are also using fake news a lot. It is being used as a weapon with a specific goal in mind. In order to achieve their goal, many fake accounts are trying to change the public opinion through fake news etc.

Fake news is being spread in the form of satire or parody, misleading content, impostor content, fabricated content, context less news and manipulated content.

Today social media is the biggest force in the world, but caution is also necessary in its use. A small piece of fake news can create a ruckus in the whole country. It should also be informed that on receiving any kind of material, firstly its veracity is required to be checked, only then it should be accepted as a correct one. Without knowing truth, no message should be forwarded so as to avoid the menace of fake news. There is a system of verification of news items on all platforms. Although, in order to check the facts, one has to visit some social media etc., but fact check is necessary to stop the spread of fake news. Technology has a big role to play in this regard. People should be made aware of mechanisms to verify messages before they are forwarded.

The Information Technology (Intermediary Guidelines and Digital Media Code of Conduct) Amendment Rules, 2022 have been issued. However, in this law there is no provision to ban fake news. Hence, it is very important for India to legalize the Prohibition of Fake News on Social Media Bill, 2022 in the country. It should be implemented at the earliest to ensure that the topics on the social media platforms are in line with the Indian social decency and culture.

Hence this Bill.

