



EAST WEST UNIVERSITY

DISSERTATION

ON

**Fake News in Social Media: Exploring the Impacts and Regulating
Laws on Spreading Out Fake News**

Course Title: Supervised Dissertation

Course Code: LAW 406

Submitted To:

**Riad Mahmud
Senior Lecturer
East West University**

Submitted By:

**Sadia Afrin
ID: 2017-1-66-015**

Date of Submission: 22/05/2022

Consent form



Consent For

The dissertation titled “**Fake News in Social Media: Exploring the Impacts and Regulating Laws on Spreading Out Fake News**” prepared by Sadia Afrin, ID: 2017-1-66-015 submitted to Riad Mahmud, senior lecturer, department of East West University for the fulfilment of the requirement of course - 406 (Supervised Dissertation) for LLB (Hons.) degree offered by the department of law, East West University is approved for submission.

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Signature of the Supervisor

Date:

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Declaration

I, Sadia Afrin, declare that I have done the thesis work and that all the works, citations, etc. are genuine and bear no resemblance to other works of thesis or secondary research. I, therefore, assure that the research paper has been composed and authored solely by myself as a part of the fulfillment of the LL. B degree from East West University.

Abstract

The generation and dissemination of current events in our society are altering in this modern age of the internet and other social networks. A new process has evolved: the rapid conversion of conventional print media into the online media. On the one side, the internet has liberalized news creation and distribution, but it has also become a potential source for misleading information. Facebook, Instagram, YouTube, and Twitter are becoming strong sites for distributing information and media, given the growing usage of smartphones. New forms of online interaction, including Skype, WhatsApp, Messenger, LINE, among many others, have exacerbated the propagation of fake news. This paper tries to check whether the laws of Bangladesh are capable to bring the propagators of fake news to justice, especially propagators disseminating fake news beyond the border of Bangladesh. The present concerns surrounding false news are examined using the standard empirical-analytical technique in this research. In doing so the paper tried to illustrate and compare both the cases of the spread of fake news from Bangladesh and beyond Bangladesh. The paper argues that Bangladesh's Government enacted laws that empowered the government to control the effect of fake news in Bangladesh but such laws are more reactive in nature rather than being proactive. As a result, the laws are not sufficient to mitigate damages and negative social aspects of fake news.

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FAKE NEWS IN SOCIAL MEDIA: EXPLORING THE IMPACTS AND REGULATING LAWS ON SPREADING OUT FAKE NEWS

CHAPTER I: INTRODUCTION

1.1 Background of the Study:

The media sector is dominated by anonymous users who choose what is published and transmitted. In this modern era of technology and the spread of different publications, the origination and circulation of current events in our society are expanding. The rising trend of newspaper media into internet services has recently become popular. Social networking sites have revolutionized the tools of news generation and transmission on one side but have also gotten to be a potential source for misleading and false information from the other. YouTube, Snapchat, Facebook, Instagram and Twitter have become major venues for trending news and current affairs as the usage of smartphones and simple Wi-Fi connectivity to 3G/4G connectivity has grown. As a result, news reporting and internet journalism are now on the increase. Modern forms of online interaction, such as Video chat, Facebook messenger, WhatsApp, WeChat, among many others, had also exacerbated the propagation of falsehoods. The present concerns surrounding false news are examined using the standard empirical-analytical technique in this research. In Bangladesh, there have already been multiple situations where the abuse of social media has become a security problem during the previous few years. From the Ramus tragedy in 2012 to the Cumilla tragedy in 2021, there has been an unprecedented number of incidents against minority populations fueled by misrepresentation on digital networking and associated rumors. This false information regarding Cumilla incident has triggered mob attacks which led to the killing of at least 3 people and the wounding of many others. Again, due to the spreading of misinformation regarding the Bhola incident in 2019, at least 4 people have been murdered and over 100 have been damaged. Besides, the fake news originated from Tripura in 2021 regarding the breaking of mosques spread out in Bangladesh and it had a very negative impact throughout the country. Many perpetrators of the spread of fake news are brought to justice by the law enforcement agencies but in cases where

foreign digital accounts are involved the enforcement agencies are helpless to control the spread of fake news or the impacts of the fake news in the societies of Bangladesh.

1.2 Research Question:

The primary research question is of this paper is - “Whether the national laws of Bangladesh are sufficient to lessen the negative impact of fake news which originated in foreign countries and spread through social media?”.

1.3 Research Methodology:

The research methodology used to achieve the aims and objectives of this thesis paper is qualitative in nature. This study was carried out by using a critical and analytical approach to the issue. The research was carried out with the aid of both primary and secondary sources of information. This study was based on legislation and statutory instruments, cases, books, journals, articles, and magazines. The footnote and bibliography have been mentioned in the OSCOLA referencing guide.

1.4 Limitations:

The paper limits itself within the scope of spreading the fake news which is having impact on Bangladesh only. A medium-scale case studies were considered to judge the research objective. In Bangladesh, no literature on the consequences of fake news has been identified. There is no proper law regarding this fake news through which spreading of fake news can be controlled.

Few proposals are made in this paper for reducing the effects of spreading fake news. These are based on the study of available quantitative data and the research experience. Moreover, active participation is essential to get a perfect result in any research. The time constraint was the greatest limitation of the research. However, the research was conducted considering all these factors.

CHAPTER II: FAKE NEWS

2.1 What is Fake News?

In the backdrop of Internet-based journalism, "fake news," or *falsified information that is untrue*, has become a big issue. Scholars are looking at the roots, traits, and effects of its production and spread in a range of domains. Some users are apprehensive about the source of the deception in false news to better detect and distinguish it from authentic news. Others focus on people's vulnerability to false information—why people believe it and, as a result, how humans can protect themselves. Both are aimed at increasing communication skills to safeguard consumers from misleading information.¹ When opinions, hoaxes, tales, scams, or gossip are manufactured to look like actual news reports or information, it is referred to as fake news.² They're presented in such a way that people are intentionally misled, deceived, and confused.³

According to a popular definition, fake news items are falsehoods — that is, intentionally false factual statements spread using news media.⁴ Nevertheless, contemporary usage is indeed developing, and there are distinct categories of fake news that should not be confused for legal purposes.⁵ Therefore, this article will utilize the phrase "fake news" as a grab term to describe the clear distinction by the League of Nations and the United Nations between false and twisted news (UN).⁶

Yellow journalism became notorious for broadcasting news that was devoid of evidence and hence factually inaccurate, frequently for commercial reasons.⁷ Fake news criticizes conventional news by presenting in a way that corresponds to cable news channels TV news, but amplifying its biases, faults, and flaws enough that spectators hear them.⁸ The phenomena resurfaced during the 2016 U.S. Presidential elections.⁹ "Fake news" has been a buzzword we've become acquainted with within recent years, particularly concerning elections.¹⁰ Fake news somehow doesn't

¹ Maria D. Molina, S. Shyam Sundar, Thai Le, Dongwon Lee, ' "Fake News" Is Not Simply False Information: A Concept Explication and Taxonomy of Online Content' [2019] *American Behavioral Scientist* 1,

² *ibid*

³ *ibid*

⁴ Verstraete M. *et al.*, 'Identifying and Countering Fake News', Arizona Legal Studies Discussion Paper no. 17-15 (2017), at 5–9.

⁵ Cf. L. Graves, *Deciding What's True: The Rise of Political Fact-Checking in American Journalism* (2016), at 145ff.

⁶ Björnstjern B. 'Fake News and International Law' [14 February 2019] *European Journal of International Law*, Volume 29, Issue 4, November 2018, Pages 1357–1376 e.g. 2,

⁷ Maria D. Molina, S. Shyam Sundar, Thai Le, Dongwon Lee, ' "Fake News" Is Not Simply False Information: A Concept Explication and Taxonomy of Online Content' [2019] *American Behavioral Scientist* 1,

⁸ Jason H. *The Daily Show and Philosophy: Moments of Zen in the Art of Fake News* (1st, Blackwell Publishing Ltd, Oxford, UK 2007) 26

⁹ Molina, M., Sundar, S., Le, T. and Lee, D. "Fake News" Is Not Simply False Information: A Concept Explication and Taxonomy of Online Content, 2019, *American Behavioral Scientist*, 65(2), pp.180-212.

¹⁰ Arkvik I, "What Is Fake News?", 2021, Visma Blog

<https://www.visma.com/blog/what-is-fake-news/>; accessed December 26, 2021

necessarily write on stories that do not exist. Although a complete news report is rarely created, complete fabrication is nevertheless a probable source of incorrect information. ‘Fake news’ as the online publication of intentionally or knowingly false statements of fact.¹¹

Normally Fake news relates to news communications that include incorrect or false data but this does not mean Fake news is characterized by some scholars as material that is purposely produced to mislead people but can be proven to be untrue.¹² This prompts the concern of who has the skill and power to evaluate if the news is intended to deceive the publishing of the error.¹³ However, this concept of fake news is not used by all publications. When considering false news, the basic premise is that fake news is news with erroneous facts, whereas intention is an associated issue.¹⁴ Fake news is made-up material that resembles broadcast media in appearance but differs in terms of organizational method and aim. Fake news sources, on the other hand, lack the administrative rules and processes that the news organizations employ to ensure that material is accurate and credible. Misinformation and propaganda are two types of data collection disorders that connect with fake news.¹⁵

False news is disastrous to our society, since it keeps the rest of the earth in the dark and undermines confidence. It's not a recent issue, and we all have the ability to correct it digital businesses, media organizations, newspapers, and instructors. At Meta, Mark Zuckerberg unveiled Meta, a fresh company brand that connects the entirety of Facebook apps and services. The goal of Meta will be to bring the metaverse to life by aiding participants in interacting, forming communities, and expanding their ventures,¹⁶ they are working on three fronts to combat the spread of misinformation:

1. Stifling financial advantages, as most misinformation is driven by money
2. Introducing new technologies to combat the spreading of fake news
3. Assisting individuals in making more aware judgments when confronted with false news.¹⁷

2.1.1 Disrupting Economic Incentives:

Fake news spammers generate money by impersonating respectable news organizations and uploading frauds to get readers to access their websites, which are typically filled with

¹¹ David O. Klein and Joshua R. Wueller, *Fake News: A Legal Perspective* (1st, New York 2017) 06

¹² Maria D. Molina, S. Shyam Sundar, Thai Le, Dongwon Lee, '“Fake News” Is Not Simply False Information: A Concept Explication and Taxonomy of Online Content' [2019] *American Behavioral Scientist* 1,

¹³ Ibid

¹⁴ ibid

¹⁵ [David M. J. Lazer, et al., "The Science of Fake News," *Science* 09 Mar 2018: Vol. 359, Issue 6380, pp. 1094-1096.].

¹⁶ Zuckerberg M. 'Introducing Meta: A Social Technology Company' (Meta 2021) <
<https://about.fb.com/news/2021/10/facebook-company-is-now-meta/>> accessed 09.05.2022

¹⁷ Mosseri A, ' Working to Stop Misinformation and False News' (Meta 2017) blog<
<https://www.facebook.com/formedia/blog/working-to-stop-misinformation-and-false-news>> accessed 13.01.2022

advertisements. Facebook has found that removing the economic incentives for disinformation trafficking is among the most efficient ways to combat fake news.¹⁸

2.1.2 Building New Products:

Facebook is making strenuous efforts to minimize the spread of incorrect information on its site. Designers will not be able to make decisions independently, so they are developing better techniques for gathering information about the audience and collaborating with outsiders to detect fake news.

2.1.3 Helping People Make More Informed Decisions:

Facebook is focused to limit the circulation of fake information and is doing everything feasible to do so. Designers must, however, adopt efforts to address the issue for which users are exposed to scams. To that end, people are looking at methods to provide extra information to tales so individuals can reach better judgments on whether to read, believe, and share.¹⁹

09 websites and 21 users on Twitter's and facebook's of Bangladesh site were closed down, with the company claiming they were fake news sites spreading anti-opposition, pro-government information ahead of a coming national election The accusation claims that during protesters in Dhaka in 2018, Noor and others who spread false information on social media circulated misinformation, defamed the authority, and attempted to overthrow it by influencing popular opinion.²⁰

2.2 Fake News on Giant Media:

When people share decisive statistics, they often make each effort to ensure that it reaches the mainstream media.²¹ Many websites, magazines, newspapers, radio stations and television stations, have a large audience, and being on one of them can certainly assist people in getting through the news.²² When it regards media organizations, CNN, BBC, Fox, Al-Jazeera and The New York Times are the core outlets in news and information throughout the world. These news media have been repeatedly the matter of allegations of promulgating fake news.²³ To envisage the rise and propagation fake news, the above-mentioned media devised certain procedures for detecting it, for example, Linguistic features-based methods, Machine-learning based methods etc.

¹⁸ ibid

¹⁹ ibid

²⁰ Rahman P, "Publisher Arrested, Accused of Creating Fake News Sites in Bangladesh – Bengali News, 2018

²¹ Wosinska M, "Top Media Outlets for Your News - the 2022 List" (Prowly Magazine December 20, 2021)

<https://prowly.com/magazine/top-media-outlets/>; accessed December 26, 2021

²² Ibid

²³ Ibid

2.2.1 Linguistic feature-based methods:

Linguistic approaches identify misleading propaganda by looking for data tricksters in the storyline of the online source. Linguistic Input technique has also produced crucial approaches such as Collected Data, Hidden Language, Ontology Research, and Machine Learning. When employing the Data Model approach, each term is viewed as a separate significant entity, and the phrases are analyzed for false linguistic signals such as linguistic traits or facility terms.²⁴

Users use social media as a primary source of news delivery. Social media is praised for influencing users' decisions and favoring the world's most important decisions, such as politics. However, while social media usage is critical for raising awareness, content validity remains an unpredictable factor in the current situation. As a result, this study believes it is critical to present a strategy for categorizing fake news.²⁵ In the case of false news, content plays the most vital role in persuading people to trust a particular piece of information.

As a result, a linguistic model is provided for determining the content attributes that will yield language-driven features. This linguistic model derives syntactic, grammatical, emotive, and readability characteristics from a given piece of news.²⁶ However, to overcome the curse of dimensionality, a language-driven model requires dealing with time-consuming and handmade features concerns.

Consequently, the neural-based sequential learning model is employed to produce superior outcomes in the detection of fake news. The findings confirm the relevance of the linguistic model's extracted features, and the combined linguistic feature-driven model can detect and classify false news with an average accuracy of 86%. The findings of the sequential neural model are compared to machine learning-based models and an LSTM-based word embedding-based false news detection model. Comparative results reveal that a features-based sequential model may achieve equivalent assessment performance in a far tinier time.²⁷

2.2.2 Machine-Learning-based methods:

In the present era, fake news has a considerable influence. The identification of fake news is a crucial step. A form of artificial intelligence that teaches a computer to think in a similar way to the human for learning and improving upon experience is known as machine learning. It operates by analyzing data and discovering patterns with little human involvement.²⁸

The experiments employ three standard methods: Nave Bayes, Neural Networks, and Support Vector Machines. Before utilizing the machine learning technique to categorize data, the

²⁴ Stahl, K., 2018. Fake news detection in social media. <https://www.csustan.edu/sites>, [online] Available at: <https://www.csustan.edu/sites/default/files/groups/University%20Honors%20Program/Journals/02_stahl.pdf> [Accessed 26 December 2021].

²⁵ Anuja A. and Choudhary A, 'Linguistic Feature Based Learning Model for Fake News Detection and Classification' [November 2020] e.g. AL e.g. 2, e.g. 45

²⁶ Ibid

²⁷ Ibid

²⁸ Aphiwongsophon S, Chongstitvatana P, 'Detecting Fake News with Machine Learning Method' [2018 15th International Conference on Electrical Engineering/Electronics, Computer, Telecommunications and Information Technology (ECTI-CON)] e.g. AL e.g. 2, e.g. 45

normalization method is a necessary step to clean the data. The results suggest that Naive Bayes has a 96.08 percent accuracy in detecting fake news. The accuracy of two different, more advanced approaches, Neural Network and Support Vector Machine, is 99.90 percent.²⁹

2.3 Fake News on social media:

The most essential facilitators and principal conduits of false news are now online platforms. Creating a website with the appearance of a commercial news company is rather affordable. It's also been simple to monetize material via internet advertisements and content distribution. The online world not only gives a platform for spreading fake news, but it also gives instruments to deliberately encourage its spread.³⁰ What defines fabricated news is the existing information ecosystems, in which digital networks play a humongous role in information diffusion and consumers concentrate less on classical credibility. A person no longer needs to become a journalist or work for such a publication to create and share content online³¹. Content may be written, organized, and distributed by laypeople via Online media. According to research, they might also be referred to as professional value sources³². This is especially concerning since individuals see information that supports their existing opinions as more reliable and trustworthy, establishing an atmosphere in which misinformation develops because valid data coexists with personal judgments.³³ Usually, Facebook, Twitter and other social media use Artificial Intelligence to prevent fake news. Artificial Intelligence (AI) is a crucial tool for standing up for people against hazardous content. It allows us to scale the work of human specialists and take preventive action before a potentially harmful post or comment is made.³⁴ To combat disinformation on our network, Facebook has introduced a variety of policies and features.³⁵ This includes providing warnings and greater context to material that has been assessed by following fact-checkers, limiting its circulation, and eliminating disinformation that could cause immediate harm.³⁶ To extend these efforts, humans must quickly identify additional features with potentially false claims and direct them to impartial truth, as well as strive to constantly capture variants so that reality of course may focus their talents and time targeting fresh content.³⁷

²⁹ Ibid

³⁰ [David M. J. Lazer, et al., "The Science of Fake News," *Science* 09 Mar 2018: Vol. 359, Issue 6380, pp. 1094-1096].

³¹ ibid

³² [Sundar, S. S., Nass, C., Conceptualizing sources in online news, (2001), *Journal of Communication*, 51, 52-72]

³³ Bode, L., Vraga, E. K. In related news, that was wrong: The correction of misinformation through related stories functionality in social media. (2015). *Journal of Communication*, 65, 619-638

³⁴ 'Here's How We're Using AI To Help Detect Misinformation' (Ai.facebook.com, 2021)

<<https://ai.facebook.com/blog/heres-how-were-using-ai-to-help-detect-misinformation/>> accessed 26 December 2021

³⁵ ibid

³⁶ ibid

³⁷ ibid

CHAPTER III: NEGATIVE IMPACT OF FAKE NEWS ON SOCIAL MEDIA

Information distortion, often referred as fake news, makes it difficult to find the facts, and is among the most serious dangers to personal and national protection. Acknowledging the subtleties of disinformation can assist us in recognizing it and mitigating its negative consequences. In the below it has been laid bare about the impacts of fake news:

3.1 Communal violence:

Communal violence is grown increasingly common in India based on the unwelcome interaction of politics and religious influence. The two religions, Hindus as well as Muslim people, were embroiled in the most common kind of sectarian violence.³⁸ People from two distinct religious groups are mobilized against one another in communal violence, bearing sentiments of animosity, emotional rage, manipulation, social discrimination, and negligence.³⁹ The high level of cohesiveness in one group against each other is based on polarization and conflict. People of the 'enemy' society are the ones that are attacked. Thus, community violence is primarily motivated by hatred, animosity, and retribution. Communal violence had developed in both quantity and quality since politics became communalized. Religious riots have grown substantially in Tamil Nadu, Maharashtra, Bihar, Kerala and Uttar Pradesh after the collapse of the Babri construction in Ayodhya in 1992, December and terrorist bombings in Bombay in 1993.⁴⁰ Since the war for independence of 1971, minority groups, particularly Hindus in Bangladesh, have already been suffering from the country's political responsibilities. By a Report commissioned, 110 Sanctuaries and 300 Hindu homes were destroyed in February and March 2013, resulting in the deaths of four Hindus. As a result of the ongoing conflict between leading parties and party leaders over the prosecution of a conflicted criminal, Hindus have already been assaulted by violent groups. After a user using a bogus Facebook ID tagged and posted a photo of the hundreds of years of Buddhist temple near Ramu, it was damaged by zealous Islamist extremists. Unidentified individual labeled Buddhist guy in the image, supposedly some Rohingya, extremist organizations incited disorder since midnight, torching 12 Buddhists temples and smashing 50 dwellings. 12 Religious minority

³⁸ Farooqui N, & Ahmad A, 'Communal Violence: A Cross-Sectional Study in Two Riot Affected Districts of Uttar Pradesh in India, Journal of Muslim Minority Affairs' [2021] HEALTH & POLITICS IN INDIA 510, <https://www.tandfonline.com/doi/abs/10.1080/13602004.2021.1999139?journalCode=cjmm20&>

³⁹ Mondal P, ' YOUR ARTICLE LIBRARY' Communal Violence: Concept, Features, Incidence and Causes

⁴⁰ ibid

from this area are forced to relocate despite the danger to their lives.⁴¹ Spreading fake news often leads to communal violence. Some of the incidents of communal violence of Bangladesh has been narrated below:

3.1.1 Cumilla Incident:

A temporary temple in the district of Cumilla has been accused of libeling the Muslim holy Quran. Social media channels were flooded with allegations of such a copy of said Holy Qur'an found on the laps of a statue of God. In the early hours of October 13, 2021, during the Durga Puja 2021, incident occurred.⁴² After that, this news has been spread out on social media within a short time. Regarding the events in Cumilla, groups and police fought in Hazigonj Upazilla, Chandpur district, killing at least 3 people and wounding many others, according to the Daily Star-Journal.⁴³ Local media reported that Hindu temples of Haziganj in Chandpur district, Pekua in Cox's Bazar district and Banskhali in chattagram district have been vandalized.⁴⁴

3.1.2 Bhola Incident:

In 2019, in Burhanuddin Upazila, Bhola, where a person lived named Biplob Chandra Baidya. His Facebook profile was stolen by anonymous users and then used to publish slanderous comments. As fanatics struggled with policemen in the region, at least 4 people have been murdered and over 100 have been damaged Bhola district.⁴⁵ This is the incident of communal violence that is created from fake news and spread out on social media. As a result, so many confrontations were taken place throughout the country. According to the Ain o Salish Kendra (ASK) investigation, 3,679 violence in that Minor community occurred between January 2013 and October 2021.⁴⁶ The Ain o Salish Kendra (ASK) is a significant Bangladeshi human rights organization. It publishes yearly investigations on violations of human rights, with a segment dedicated to attacks on communities.

⁴¹ The Daily Star, 2012, 12 Buddhist Temples Torched, 50 Houses Smashed: Extremists 'linked', October 1; pp. 1-2

⁴² Deka R, ' Bangladesh communal violence: 43 arrested in Comilla' [2021] East Mojo e.g., 2, e.g., 45
<https://www.eastmojo.com/neighbourhood-watch/2021/10/14/bangladesh-communal-violence-43-arrested-in-comilla-20-in-gazipur>

⁴³ Staff Reporters , ' Police-Mob Clash: 3 killed in Chandpur' [2021] The Daily Star e.g. 2
<https://www.thedailystar.net/news/bangladesh/crime-justice/news/unrest-cumilla-govt-orders-probe-bgb-deployed-2197816>

⁴⁴ Staff Reporters , ' Pandals P. temples attacked in Bangladesh over 'besmirching' of Quran, govt promises action' [2021] The Print
<https://theprint.in/world/puja-pandals-temples-attacked-in-bangladesh-over-besmirching-of-quran-govt-promises-action/750631/>

⁴⁵ Reaz S, ' Weariness in the age of fake news' [2019] The Daily Star e.g., 2

⁴⁶ senior correspondent, ' Home > Bangladesh with 3,679 attacks in 9 years, Bangladesh's Hindus at 'regular threat' of violence: ASK' [2021] bd news 24

3.2 Hate Crime:

The growth of hate crime legislation throughout the Western countries has led to a large body of primarily legal study attempting to define the word.⁴⁷ The ensuing scholarly argument on hate crime has been complicated, since those attempting to interpret the word "hate" have failed to come to a consensus.⁴⁸ However, it is widely understood that a criminal does not have to 'hate' his or her complainant in order to convict a 'hate crime.' Most people interpret the word "hate" to imply "prejudice."⁴⁹ This new method of thinking about hate has sparked more discussion about how discrimination should be characterized and if such a phenomenon may be linked to the probable cause aspect of a criminal act.

When it comes to categorizing hate crime, Jacobs and Potter believe there are two key considerations to consider. To begin, how would people define prejudice in the case of alleged, and what biases are worthy of criminal scrutiny? It can be quite difficult to define bias. Some biases, such as generally pro or anti-racist, might be considered good. Other biases, such as a distaste for green, are quite harmless. Certain biases, on the other hand, are judged completely inappropriate and harmful to society's social cohesion. Racism, sexism, and anti-religious beliefs, among other discriminatory practices, are examples.⁵⁰

Gordon Allport was a key figure in the development of the idea of bias. 'Ethnic prejudice,' he stated, is "a hostility founded on a false and rigid generalization." It can be felt or conveyed in several ways. It might be aimed towards a team member or at a participant because he is a visible minority.' Obviously, someone must perceive or exhibit enmity toward an entire group based on generalizations drawn about its individuals underneath this concept of prejudice. Generalization is typically the source of such broad generalizations. Bad perceptions about specific ideological groups are spread through communications systems, most notably among relatives, but also by news and media.⁵¹

In Bangladesh, we don't know about the term "Hate Crime" because we don't have a specific hate crime statute in law and no clear definition regarding hate crime according to Penal Code, digital security act and special powers act and the CRPC. Though sometimes people commit crimes that

⁴⁷ Jacobs, J. B., & Potter, K. 'Hate crime and the city. Bristol: The Policy Press.' (1998)

⁴⁸ Perry, B. (Ed.). 'In the name of hate: Understanding hate crimes.' New York: Routledge. (2009a).

⁴⁹ Lawrence, F. M. 'Bias crime: American law enforcement and legal responses.' Washington, DC: Office of International Criminal Justice. (1999)

⁵⁰ Jacobs, J. B., & Potter, K. 'Hate crime and the city. Bristol: The Policy Press.' (1998)

⁵¹ Green, D. P., McFalls, L. H., & Smith, J. K. 'Testing the core empirical implications of Gottfredson and Hirschi's general theory of crime.' (2001)

may amount to hate crimes. One of the major reasons of occurring this kind of crime is spreading fake news throughout society.⁵² Different types of fake news are being spread out over social media and a group of people commits hate crimes to the innocents depending upon this fake news. Thus, it creates negative impacts in our society like breaking temples, breaking mosques, torturing the minorities, murder of bloggers etc. Sometimes it creates political issues too. In Bangladesh, the government attempts to prosecute suspected offenders under the country's ordinary criminal code as there is no specific law regarding this.

3.3 Pre-Election Conspiracy:

Independent voters were much more willing to vote for Donald Trump in the 2016 election if they accepted bogus news regarding Hillary Clinton, they saw something on social networks, according to a survey. When votes are tight, like they were in 2016, we're more like to just see false information play a role in the election.⁵³

According to some studies, nearly 70% of Americans feel that incorrect information has eroded their faith in the government. People can understand how this may influence their confidence in future elections. We've already heard rumblings questioning the legitimacy of the election before it's even started.⁵⁴

3.4 Racial Discrimination:

According to the Convention on the Elimination of All Forms of Racial Discrimination,⁵⁵ "racial division" refers to any detachment, prohibition, incarceration, or slant based on race, color, dive, or allow access or regional cause that has the power to dispose or hampering the acknowledgement, enjoyment, or exercise, on an equal footing, of basic liberties and opportunities in the ideological, financial, social, or few more areas of life.

Anti-discrimination laws exist in several countries, prohibiting the state or people from abusing based on race in a variety of situations. Affirmative action is a strategy used by certain organizations and legislation to mitigate or compensate for the impacts of race prejudice. In some circumstances, this merely entails increased recruitment of individuals of minority populations; in others, strict racial restrictions are in place. According to Article 28 of the constitution of

⁵² Mark A. Walters and Brown R. with Susann Wiedlitzka, *Causes and motivations of hate crime* (1st, Equality and Human Rights Commission, Sussex, UK 2016)

⁵³ Blake A. 'A new study suggests fake news might have won Donald Trump the 2016 election' [2018] The Washington Post

<https://www.washingtonpost.com/news/the-fix/wp/2018/04/03/a-new-study-suggests-fake-news-might-have-won-donald-trump-the-2016-election/>

⁵⁴ 'Here's How We're Using AI To Help Detect Misinformation' (*Ai.facebook.com*, 2021)

<<https://ai.facebook.com/blog/heres-how-were-using-ai-to-help-detect-misinformation/>> accessed 26 December 2021

⁵⁵ International Convention on the Elimination of All Forms of Racial Discrimination (CERD) 1965 s 02

Bangladesh gives security against racial discrimination.⁵⁶ It states that the government will not discriminate against residents based on their religion, sex, rank, race, or place of birth. It also states that no resident will be subjected to any obligation, promise, or restriction on the basis of religion, race, status, sex, or place of birth.⁵⁷ or the need for admission to any public institution or accreditation of any educational foundation. Despite a sacred denial of institutionalized racism, racial division isn't expressly and palatably banned and repelled in criminal procedure. In any event, sections (295 - 298) of the Penal Code of Bangladesh declare any partition subservient to religion illegal. On June 11, 1979, Bangladesh became a party to the International Convention on the Elimination of All Forms of discrimination against Race and it promises to give maximum force to the convention's provisions through domestic legislation.⁵⁸

⁵⁶ Crozier, G., & Davies, J. (2006). Family matters: a discussion of the Bangladeshi and Pakistani extended family and community in supporting the children's education. *The Sociological Review*, 54(4), 678-695.

⁵⁷ Kabeer, N. (2002). *The power to choose: Bangladeshi women and labor market decisions in London and Dhaka*. Verso.

⁵⁸ Tsutsumi, A., Izutsu, T., Islam, A. M., Maksuda, A. N., Kato, H., & Wakai, S. (2007). The quality of life, mental health, and perceived stigma of leprosy patients in Bangladesh. *Social science & medicine*, 64(12), 2443-2453.

CHAPTER IV: NATIONAL LAWS/ LEGAL IMPACTS

In this chapter, the national laws and some of the cases of Bangladesh have been narrated concerning spreading information or misinformation in the below:

4.1 Constitutional Provisions:

Undoubtedly spreading any kind of information is a practice of freedom of expression. According to the Constitution of Bangladesh, freedom of thought and conscience is assured by Article 39(1). And Article 39(2) (a) protects the ability to speak freely and expression of each resident, while freedom of the press is guaranteed under Article 39(2) (b). People cannot be aware of what is happening around them without a free exchange of information, and so cannot effectively engage in their communities or democracies.⁵⁹ Despite that, this right is being abused more than being used because freedom of expression is not an absolute right.⁶⁰ As American linguist Professor Noam Chomsky said, “If we don't believe in free expression for people we despise, we don't believe in it at all”,⁶¹ the reality is that every state has restrictions on public discourse and opposing viewpoints. The only difference is who sets the boundaries of this expression and how stringent these boundaries are.⁶² This normative dilemma is inextricably linked to the bookish structure of numerous international and domestic apparatus, which lay the groundwork for restricting freedom of expression. Therefore, it is a boundary of this constitutional right that it can never be an absolute right.

Moreover, according to The Constitution of the People's Republic of Bangladesh, in its fundamental principles of state policy, it has been said in Article 25 that The State shall base its international relations on the principles of respect for national sovereignty and equality, non-interference in the internal affairs of other countries, peaceful settlement of international disputes, and respect for international law and the principles enunciated in the United Nations Charter, and based on those principles shall –

(a) strive for the renunciation of the use of force in international relations and general and complete disarmament.

(b) uphold the right of every people freely to determine and build up its own social, economic and political system by ways and means of its own free choice; and

⁵⁹ '10 Reasons Freedom of Expression Is Important | Media Legal Defence Initiative' (*10years.mediadefence.org*) <<https://10years.mediadefence.org/10-reasons-freedom-of-expression/>>

⁶⁰Dhamija K. 'Freedom of Speech and Expression: Exigency for Balance' [Latest Laws.com. 2020] <<https://www.latestlaws.com/articles/freedom-of-speech-and-expression-exigency-for-balance/>> accessed 2 August 2021.

⁶¹ 'Manufacturing Consent: Noam Chomsky and The Media (1992)' (*Films for Action*, 1992) <<https://www.filmsforaction.org/watch/manufacturing-consent-noam-chomsky-and-the-media/>> accessed 2 August 2021.

⁶² Spottswood M. 'Falsity, Insincerity, and the Freedom of Expression' (2008) William & Mary Bill of Rights Journal 16.

(c) support oppressed peoples throughout the world waging a just struggle against imperialism, colonialism or racialism.⁶³

When fake news is propagated, a negative impact spreads in a society widespread. Although some fake news may appear to be harmless or merely amusing, much of it can be harmful, aggressive, or even dangerous. Fake news is intended to manipulate a person's thoughts, emotions, and perceptions to influence their conduct. If you trust fake news, your thoughts and activities are influenced by others. By spreading fake news, its effects on international relations on the principle of respect for sovereignty, equality, non-interference in internal affairs of other countries and peaceful settlement of international dispute and respect for international laws and principles. So, it is seen that spreading fake news is violating one of the fundamental principles of the Constitution of Bangladesh. Thus, fake news violates constitutional law.

4.2 The Digital Security Act,2018 – 1:

According to section 17 (1) (b) of The Digital Security Act,2018 –

(1) Any individual who, willingly or consciously, (b) utilizes access to unauthorized to cause or attempt to cause loss or harm to it, or (c) makes or attempts to make it dormant, commits an offense. Therefore, when there is propaganda of fake news which causes harm can be an offense under the Digital Security Act, 2018.

According to section 18 of The Digital Security Act, 2018 were said, Illegal access to the computer, digital device, computer system, etc. and –

(1) An offense is committed by anyone who willfully; (a) creates or aids in the creation of unauthorized access to any computer, system software, or network node; or (b) aids in the creation of security breaches with the intent of committing an act. When any person makes misinformation for society through illegal access to any device or any network then it will be counted as an offense. As a result, where there is fake news propaganda that causes damage, it may be considered a crime under the Digital Security Act of 2018.

Section 25 of the Digital Security Act of 2018 states that transmission, publication, etc. of offensive, false or threatening data information medium,

(1) It appears that any person is guilty of the offense if he transmits, discloses, or reproduces any records that he understands to be inflammatory, false, or endangering to annoy, insult, embarrass, or defame a person through any webpage or other electronic platform; or (b) discloses, propagates, or aids in the publication or propagation of any information that he knows to be misinformation or false, with the intent of affecting the image and reputation. When someone is trying to spread fake news about any matter through any websites or any other digital then it will be an offense under section 25 of The Digital Security Act, 2018

⁶³ 'The Constitution of the People's Republic of Bangladesh' ("Constitution of Bangladesh"), adopted on 4 November 1972 and entered into force on 16 December 1972, art 25.

Therefore, fake news makes negativity to society, it creates harmful situations sometimes and causes damages.

4.3 ICT Act 2006:

Following section 4 of ICT Act, 2006 were said, Inter-state application of the Act. —

- (1) If an individual intends to commit an offense or contravention under this Act outside of Bangladesh that would be punishable under this Act if committed in Bangladesh, this Act will operate as if the infraction or noncompliance was committed in Bangladesh.
- (2) If a person is guilty of an offense or violation under this Act in Bangladesh while utilizing a system, computer chip, or network device situated in Bangladesh, this Act applies as if the whole crime or contravention took place in Bangladesh.
- (3) Even if a person from Bangladesh commits an offense or contravention under this Act outside of Bangladesh, this Act applies as if the entire process of the offense or contravention took place in Bangladesh.

Fake news is such kind of news that can direct people or society to the wrong way. The negative impacts of fake news are so horrible that it can ruin the peace and discipline of a country. This fake news can be spread from own territorial area; besides it can be spread from other territorial areas through the internet. Those people who are all spreading such fake news from other countries can be liable under section 4 of The ICT Act, 2006

4.4 Case Studies:

4.4.1 Cumilla case:

In Cumilla, a complaint has already been filed for the destruction of such a temple and damage of sculptures. In the sub-districts of Cumilla Sadar, Debidwar and Daudkandi where nine cases were filed here so far. In October 2021 the violation of Muslims Al - Quran at a Durga puja venue inside the Nanuardighi neighborhood of the regional town sparked widespread unrest, with a great number of Hindu residences being destroyed and temples being vandalized.

Here on the night of Dashami, during the last week of Durga Puja, unknown persons vandalized the statues in Biharmandal Kali Mandal which was under construction, according to Debidar Police OC Arifur Rahman⁶⁴.

Due to this incident, chaos had been created among the Muslims and the Hindus. At least 13 temples, idols in those temples and 40 businesses of Hindus people were vandalized after the incident of October 2021 in five districts. About 95 people were injured during the time.⁶⁵

⁶⁴ Alam M, ' Another case filed over Comilla temple vandalism' [21 october, 2021] Dhaka Tribune

⁶⁵ Staff Reporters , ' Unrest After Cumilla Incident: Security beefed up, 100 held' [2021] The Daily Star , <https://www.thedailystar.net/news/bangladesh/crime-justice/news/unrest-after-cumilla-incident-security-beefed-100-held-2198526>

This news had been spread very quickly throughout the country through social media. For this propaganda, In a conflict between a crowd and law enforcement officers in Bandarban's Lama kendrio Hori Mandir, at least 25 people were injured, including 10 police officers. According to Prashanto Bhattacharya, president of the temple management committee, they also vandalized at least 40 Hindu-owned businesses. Villagers assaulted two temples in Hatiya and one in Begumganj in Noakhali. Miscreants vandalized idols at Kashimpur Bazar in Gazipur city, attacking at least three temples. In a conflict between a mob and the police in Rajshahi's Bagmara upazila, ten people were hurt, including a police officer. Again, Hindu statues and temples were vandalized in Chattogram, Kurigram, and Moulvibazar, resulting in fights.⁶⁶

4.4.2 Adilur Rahman Adil Case:

Hefazat-E-Islam Bangladesh held a parade at the Shapla Chattor in Dhaka on May 5, 2013. At night, law enforcers came on the site and proceeded to clear the area. Odhikar, a human rights organization, examined the event and issued a complete report claiming that 61 individuals were killed as a result of the actions of police enforcement agencies.

The law enforcers filed a petition on September 3, 2013, accusing Adilur Rahman Khan Adil, the Secretary of Odhikar, and A.S.M. Nasiruddin Elan, the Director of Odhikar, of spreading false, misrepresented, and defamatory news in violation of Section 57 of the Information and Communications Technology (ICT) Act of 2006.

The ICT Tribunal filed accusations against Mr. Adil and Mr. Elan under Section 57 of the ICT Act on January 8, 2014. Following that, the defendant filed an Appeal (Revision) with the High Court Division. The initial accusations were maintained by the High Court Division in a ruling issued on January 9, 2017. The defendant subsequently filed a second appeal against the High Court Division's decision in the Appellate Division. The Appellate Division affirmed the High Court Division's decision. The matter was then remanded to the Digital Arbitration for further proceedings.⁶⁷

4.4.3 Badrunnesa college teacher detained for communal violence:

Ruma Sarker who is an assistant professor of Badrunnesa College presented previous video footage as evidence of May 2021, Shahin Uddin who was a businessman from Pallabi, Dhaka as well as the recent case of Noakhali's Jatan Kumar Saha. According to Hindu society officials, Jatan, an organizer of Durga Puja who was brutally murdered by religious extremists on Friday, 15 October 2021 during a wave of violence on Hindu residences, businesses, and holy places.⁶⁸ Jatan died because of a beat. The college teacher, Ruma's incarceration was announced by RAB in an

⁶⁶ ibid

⁶⁷ *Adilur Rahman Khan Adil v State* [2013] . 1 (The High Court Division)

⁶⁸ Staff Reporters , ' RAB detains Badrunnesa College teacher for 'communal violence disinformation' [2021] bd news 24 1

announcement on 20 October 2021. According to Lt Col Mashiur Rahman, commander of RAB's intelligence section, the video record of Shahin's cyber murder was published as Jatan's murder from Kolkata, India. The video was shared on social media by a user called 'Debadrita Bhowmik' when it was first shared on other sites. According to Mashiur, a gang is circulating false information to smear Bangladesh's image. According to the RAB, cybersecurity and intel reconnaissance are being conducted to acquire information on persons "desperate to sabotage community cohesion" and circulating "provocative and deceptive content."

4.4.4 Tripura Case:

On the evening of 26 October 2021, during such a Vishwa Hindu Parishad (VHP) protest held to condemn ongoing attacks towards Hindus from Bangladesh, a mosque was vandalized and two stores were set on fire in the Chamtilla neighborhood of the Panisagar area. Three residences and only a few stores in adjacent Rowa Bazar, purportedly occupied by residents of the minority, have also been looted, according to a high-ranking police officer.⁶⁹ This fake news was spread out on social media within a very short time. This misinformation has spread not only in Tripura but also in Bangladesh for increasing communal violence among the society.

There was no incidence of a mosque being burned down in Panisagar.⁷⁰ A special interest organization from any outside posted misinformation on 26 October 2021, to cause disturbance in Tripura and undermine the country's project development for all segments of the community.⁷¹ It was all part of a scheme to ruin the government's reputation and break society's harmony. Later On, 27 October of 2021, the Police Department Tripura filed five prosecution complaints against 71 persons on Wednesday for apparently publishing provocative and fabricated social media messages.⁷²

After spreading out of this fake news in Bangladesh, a negative image of Hindus was created among the Muslims. Lot of fanatic people started to vandalize the temple, and burnt out thhohomeshome and shops. Tripura protesters set fire to the Bangladeshi national flag and demanded an embargo on Bangladeshi goods. They also attempted to cross the international boundaries between India and Bangladesh. They have written to Indian Prime Minister Narendra Modi, urging that all commerce with Bangladesh be halted.⁷³

⁶⁹ Chauhan S, ' Fake news of mosque burning circulated to create unrest in Tripura, says government' [2021] First Post 1, <https://www.firstpost.com/india/fake-news-of-mosque-burning-circulated-to-create-unrest-in-tripura-says-government-10097061.html>

⁷⁰ Deb D, ' Tripura Police registers five criminal cases against 71 for 'provocative' posts on social media' [2021]

⁷¹ ibid

⁷² Ibid

⁷³ Bhattacharyya R, ' The Diplomat' [2021] Communal Violence in Bangladesh Echoes in India's Tripura

4.5 Application of International Law:

If someone creates cyber dispute from another country, there is directly no law to charge him against the dispute. In that case, he can be charged through the international law, treaty and conventions such as 'Tallinn Manual'.

The Tallinn Manual (formerly named the Tallinn Manual on the International Law Applicable to Cyber Warfare) is a semi-scholarly study that examines how international law (particularly the *jus ad semper* and humanitarian law) relates to cyber disputes and cyberterrorism.⁷⁴ Tallinn 2.0 was created in response to the initial document and was intended to broaden the scope of the Tallinn Manual. Tallinn 2.0 was launched in the form of a book by Cambridge University Press in February 2017.⁷⁵ The original Tallinn Manual focuses on the most disruptive and damaging cyber activities, including those that constitute "armed attacks," permitting governments to react in consciousness, and those that occur during armed conflict. The majority of academic studies have concentrated on these concerns because the possibility of cyber operations with such repercussions is particularly concerning to nations. Tallinn 2.0 uses the term "operations" instead of "conflict" as used in the original Tallinn Manual.⁷⁶

Intervention by one state in the internal or exterior matters of another is illegal under international human rights law. The concept of non-intervention safeguards the region in which freedom permits nations to decide independently, as the International Court of Justice (ICJ) concluded in the Nicaragua case, just with regard to "coercive" intrusions.⁷⁷ There is a vast gray space between military engagement, which is definitely forceful, and extending one's good offices, which is clearly not.⁷⁸ According to the UN General Assembly's Friendly Relations Declaration, which is widely acknowledged as embodying current practice, coercion is not limited to the use of excessive restraint.⁷⁹ In the new Tallinn Manual 2.0, coercion is defined as "an affirmative act meant to deprive another state of its freedom of choice, that is, to force that state to behave in an unintentional method or unintentionally refuse to act in a certain way."⁸⁰ Maziar Jamnejad and Michael Wood described the law of non-intervention in the context of transmissions as follows: Whether or not a telecast violates the non-intervention principle is determined by the context of the situation. The non-intervention principle is likely to be broken if it is purposefully incorrect and designed to cause unrest or inspire rebels. There is absolutely no impact. It is unlikely that the broadcast will be considered interference if it is truthful and unbiased.⁸¹

⁷⁴ Schmitt S. and Michael N, *Tallinn Manual on the International Law Applicable to Cyber Warfare* (2nd, Cambridge University Press, New York, United States of America 2013)

⁷⁵ *ibid*

⁷⁶ Leetaru, Kalev. *Forbes*. "What Tallinn Manual 2.0 teaches us about the new cyber order." Retrieved 15 June 2017

⁷⁷ *Nicaragua*, *supra* note 35, para. 205

⁷⁸ Kunig, 'Intervention, Prohibition of', in R. Wolfrum (ed.), *Max Planck Encyclopedia of Public International Law* (2012), vol. 6, 289, at 289–291.

⁷⁹ *Ibid.*, para. 264.

⁸⁰ Schmitt S. *supra* note 34, at 317

⁸¹ Jamnejad and Wood, 'The Principle of Non-Intervention', *22 Leiden Journal of International Law* (2009) 345, at 374

CHAPTER V: FINDINGS AND RECOMMENDATION

5.1 Findings:

Fake news is a complicated topic that defies easy or rapid fixes. Any action must strike a fine balance between providing a relatively robust reaction to false news even while ensuring that it does not end up doing more harm than erroneous information. We provide prospective ideas for such treatments in this section, while recognizing that any idea is likely to fix just a portion of the issue. Instead of supporting any of these concepts even advocating that they be accepted as a whole, we hope that the approaches will spark open discussion on how remedies should be organized and the exchange that will result.

5.2 Recommendations:

The risk of losing or manipulating identity is a threat to the whole nation. The world is growing with 5G networks very soon but we are still struggling to recognize the technological threat. We can take some measures as follows:

- I. The state legislature may take initiative to create a law to stop spreading fake news.
- II. Use an identification method for each individual to get easy reach to the accused.
- III. Limit and specify the use of social media.
- IV. Make a policy to notify obligations for a trigger nation's threat.
- V. Make clear rules for the privacy and security of electric data.
- VI. Define clear directions for using and sharing data.
- VII. Punish illegal transfer or misuse of right to freedom of speech.
- VIII. Recognize it's a crime to spread fake news intentionally.
- IX. Appoint specialist to research on database technology and apply Common law precedents.
- X. Increase public carefulness to consume such misleads and improve government surveillance and recognize it as a valuable concern.
- XI. Becoming members of relevant treaties, convention to liable the foreign offender by International Law with that specific country.

5.3 Conclusion:

This major concern is not ignorable in this technological era. The government should immediately take the initiatives to make a legal process to restrict such actions of the citizens. Unnecessary

thought sharing regarding any sensitive issue should be completely banned. A legal framework with clear modes of rules regarding the whole process of identification of the accused and penalization is a much-needed act of the government. This is important not just for any particular individual or organization but for a democratic nation.

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