

Advisory

Advisory for WhatsApp Users and Admins during the Covid-19 pandemic

A brief advisory regarding the responsibilities every WhatsApp user and admin should take amidst this coronavirus outbreak

No. 4 | April 8, 2020



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INTRODUCTION

Amidst this coronavirus crisis, a lot of fake news, misinformation and hate speech messages are being circulated on instant messaging platforms, like WhatsApp. Below are some points the members and admins of such groups on messaging platforms should take note of.

WHAT YOU SHOULD DO AS A MEMBER OF GROUPS IN MESSAGING PLATFORMS

- Do not post fake news, hate speech or misinformation in groups
- Do not further forward or circulate any such news you get from other members of the group
- Immediately delete any post, if you find it objectionable or the admin notified you
- Check the source and veracity of any news/image/video/meme you receive, before positing it on the group
- If you find any piece of misinformation, fake news or hate speech, report it on www.cybercrime.gov.in or to your nearest police station, and also inform your group admin immediately.
- Never share any content that is violent, pornographic and discriminative against any religion/community.

WHAT YOU SHOULD DO AS AN ADMIN OF MESSAGING PLATFORMS

- Ensure that every group member is reliable and responsible enough to share only verified news
- Inform all the group members about the rules of posting in the group
- Warn all the members and prevent them from sharing objectionable content
- Actively and regularly monitor content that is being shared on the group
- It is advisable that if the group is uncontrollable, then the group settings can be changed to only where admins have the right to post
- Inform the police if any members resort to mischief and share objectionable content

CONSEQUENCES

The admins as well as the users posting such objectionable content will be punished under:

- **Section 153A of IPC** punishes offenses related to promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony. Punishment can extent from imprisonment from three to five years as well as fine
- **Section 153B of IPC** safeguards the interests of “class of persons” and “national integration” by providing punishment against imputations and assertions prejudicial to national integration.
- **Section 295A of IPC** deals with actions that are intended to outrage religious feelings of any class by insulting its religion or religious beliefs.

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- **Section 505 of IPC** deals with spreading of false and mischievous news intended to upset the public tranquility.
- **Sec 188 of the IPC** prescribes punishment for disobeying any order duly promulgated by a public servant.
- **Section 66C of the IT Act** deals punishment for identity theft and says that whoever, fraudulently or dishonestly make use of the electronic signature, password or any other unique identification feature of any person, shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine which may extend to rupees one lakh.
- **Sec 66D of the IT Act** deals with punishment for cheating by personation by using computer resource, with imprisonment of either description for a term which may extend to three years and shall also be liable to fine which may extend to one lakh rupees.
- **Section 54 of Disaster Management Act** deals with someone who is providing/forwarding misleading information related to the severity/magnitude of the epidemic which may lead to panic, and that person will be punished with imprisonment which may extend to one year or with fine.
- **Section 68 of the Bombay Police Act, 1951**, states that all persons shall be bound to conform to the reasonable directions of a Police officer given in fulfilment of any of his duties under this Act.
- **Section 144 & Section 144 (3) of Criminal Procedure Code 1973**, where orders by the district magistrate, against such WhatsApp group can be passed. These orders can direct the group settings to be changed so that only WhatsApp group admins / owners can send messages.

[Even after this setting, if there are any messages sent on the group which are fake, insulting any religion, spreading hatred, bigotry messages which may create communal tensions, the admins /group owners would be held solely liable]

We urge all citizens to not post, share, forward, disseminate, any message, content, pictures or photos, videos anything that could promote enmity on grounds of religion, nationality, race, language and other grounds of discrimination or disrupt public order, decency and morality. If such act is committed, the law enforcement agency will take stern action against such perpetrators. The law enforcement agencies have power under law to take legal action against anyone who spreads rumors and causes a state of panic and unrest between religious communities in this state of crisis.

Violations will be dealt with firmly as per law including apprehension of the offenders and appropriate action under the preventive sections of law.

Stay Safe. Stay quarantined. Stay away from fake news and hate speech.

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