

DIGITAL SHADOWS: THE QUEST FOR THE RIGHT TO BE FORGOTTEN

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ABSTRACT

The idea of personal privacy is at a crossroads of innovation and intrusion in a time when the digital world creates a complex web of interconnected lives. *Digital Shadows: The Quest for the Right to Be Forgotten* unfolds as an engrossing journey through the maze-like passageways of data sovereignty, where memories that were previously carved into the sands of cyberspace pose a threat to our present and future in the form of permanent, irreversible shadows. As people strive to recover their digital identities from the unrelenting passage of time and technology, this gripping story examines the delicate dance between transparency and concealment, sovereignty and surrender. The work sheds light on the heart breaking fight to remove, alter, or protect digital fingerprints through a kaleidoscope of stories, court cases, and philosophical discussions. This imperative stems from the desire for autonomy, dignity, and atonement in the face of an unrelenting flood of information. While the overall topic challenges us to consider if we have the ability to remove our digital shadows or if they are permanently woven into the fabric of our virtual lives, each chapter blooms like a vibrant petal, exposing the complex interactions between ethics, innovation, and human rights.

A gripping story of digital privacy and individual dignity is told by the complex web of Indian and international legislation pertaining to the right to be forgotten. But in the middle of this legislative splendor, flaws and inefficiencies cast a shadow, making these safeguards frequently inadequate or inadequately implemented. The legal systems are unable to keep up with the rapid advancement of technology, which leaves the vulnerable in need of real protection in a world that is becoming more interconnected by the day. *Digital Shadows* is more than just a search; it is a bright cry to reconsider how we relate to memory, identity, and the boundless expanse of the internet. It challenges readers to consider the far-reaching ramifications of a society in which the right to be forgotten is both a haven and a battlefield an unexplored area requiring bravery, morality, and empathy.

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INTRODUCTION

“The right to be forgotten is about giving individuals the power to reclaim their privacy in an increasingly connected world.”²

-Vera Jourova³

The idea of personal privacy has become a complicated and intricate problem in an era characterized by unparalleled technical progress and the widespread presence of the internet. The examination of our past becomes a reverberation that reverberates across our present and future as our digital footprints grow with each online contact, from social media posts to e-commerce transactions. The concept of “*digital shadows*”, or the enduring effects of our online activity, has important ramifications for personal identity, reputation, and autonomy. The idea of the “*Right to Be Forgotten*” (herein after referred as RTBF), a new legal and moral principle that supports a person’s right to ask for personal information to be removed from public view, especially on websites and search engines, is at the heart of this discussion. As nations resolve the tension between the rights to privacy and freedom of speech, the pursuit of this philosophy invites us to reconsider how we think about our digital identities.

The General Data Protection Regulation (herein after referred as GDPR) of the European Union, which went into effect in May 2018, significantly increased support for the RTBF. Underpinned by the concept of privacy rights, this legal framework gives people the ability to ask for their personal data to be deleted when it is no longer required, erroneous, or has been treated illegally. The adoption of this right presents a number of issues with censorship, historical preservation, and the public’s right to know, even if it is celebrated as a significant victory for privacy supporters. The fundamental conflict arises from attempting to strike a balance between the privacy of the individual and the wider societal ramifications of expunging data from the collective memory of the internet.⁴ The fight for the RTBF becomes more than just a legal issue; it becomes a significant moral discussion as long as digital shadows continue to influence people’s perceptions and outcomes.

Digital shadows have consequences that go beyond individual privacy. They also draw attention to concerns about consent, data ownership, and the obligations of internet firms. Who actually owns the material that people create in a digital economy when user data is being commodified? A person’s life is vividly depicted by the metadata they leave behind, which can

² European Commission, *Opening remarks by VP Jourova and Cmner Reynders*, Available at: https://ec.europa.eu/commission/presscorner/detail/en/statement_20_1366. (accessed on 15th April, 2025).

³ European Commissioner for Justice.

⁴ Amal Singh Patel and Anisha Mishra, *The Right to Be Forgotten: Resuscitating Reformatory Jurisprudence*, 4(2) Indian J.L. & Legal Rsch. 1 (2022).

occasionally have unforeseen implications like job discrimination, social exclusion, or damage to their reputation from inaccurate or out-of-date information. Therefore, the RTBF is about regaining control over one's own story in a world that frequently seems to be watching and judging all the time, not only about deleting information.

The continuous discussion about digital shadows and the RTBF plays a crucial role in forming the ideals of modern society with regard to accountability, openness, and privacy. The ability to manage one's digital identity is becoming more and more challenged in a world where technology is developing quickly. This highlights important issues that call for careful analysis and nuanced policymaking. The historical background of the RTBF, its legal uses, and its ramifications for people, society, and technology in the digital era will all be covered in this research article. We must question ourselves as we set out on this journey: how can we negotiate the challenges of our shared digital existence, and what does it mean to be genuinely free in a world of digital shadows?

THE HISTORICAL CONTEXT OF THE RIGHT TO BE FORGOTTEN

Given the rapid advancement of digital technology and the growing influence of the internet on personal privacy, the concept of the *“Right to Be Forgotten”* has undergone significant transformation. The French legal doctrine of the *“Right to oblivion”*, or *“Droit a l’oubli”*, is where the concept of the right to be forgotten originated.⁵ When Spanish woman **Mario Costeja González** ran into financial trouble in 1998, she put an ad for a home up for sale. Even after her financial problems were fixed, the advertisement continued to appear online.⁶

The idea of the *“Right to be Forgotten”* was born when Mario, who was furious about the serious harm to his reputation, finally took the case to court. Although privacy rights have long rooted the idea of having control over one's personal information, the RTBF's formal articulation is a relatively recent development, largely inspired by European legislation and judicial interpretation. The inception of privacy in the United States dates back to the late 1800s, when **Samuel D. Warren** and **Louis D. Brandeis** published their seminal essay *“The Right to Privacy”* in 1890.⁷ They argued for the protection of individuals from unwanted publicity and the emerging threats posed by mass communication technologies. Their work laid the groundwork for privacy law and indicated a societal recognition of the need to balance individual privacy against public interest.

⁵ Zubair Ahmad, *Right to be forgotten*, available at: <https://articles.manupatra.com/article-details/Right-to-be-forgotten>, (accessed on 15th April, 2025).

⁶ K. Rohith, *Right to Be Forgotten: A Critical and Comparative Scrutiny between India and European Union*, 4(1) Indian J.L. & Legal Rsch., 1 (2022).

⁷ Samuel Warren and Louis Brandeis, *The Right to Privacy*, IV(5) Har.L.Rev. (1890).

In the latter half of the 20th century, the digital revolution brought forth new challenges. The introduction of the internet in the 1990s transformed information-sharing practices, enabling widespread access to personal data. This shift increased the potential for misuse of information, leading to concerns about the permanence of online data and the implications for individuals' reputations and personal lives.

The RTBF, however, gained formal recognition in Europe with the evolution of privacy laws. The most significant milestone came with the implementation of the GDPR in May 2018. When personal data is no longer required, the subject withdraws consent, or the data has been used unlawfully, they have the explicit right to request that it be deleted, according to Article 17 of the GDPR. The rule strengthens people's capacity to manage their digital footprints by highlighting their basic right to privacy and control over their personal data.

A 2014 decision for the RTBF was greatly impacted by the Court of Justice of the European Union (henceforth referred to as the CJEU) in the Google Spain case. The court established a precedent for digital privacy rights by ruling that search engines might be ordered to erase links to irrelevant or out-of-date personal information upon request. This decision influenced conversations outside of Europe by introducing the idea of the RTBF into international talks about digital rights and data protection. The RTBF is not without controversy, though. Critics argue that it puts the public's freedom of expression and access to information at risk. There have been requests for a more nuanced strategy that strikes a balance between privacy and transparency due to worries about censorship and the possibility of abuse to restrict information, especially about public personalities or topics of public interest.⁸

Similar movements around the world have also been sparked by the RTBF, resulting in a variety of legislative initiatives and legal interpretations outside of Europe. Motivated by European models, nations such as California and Brazil have investigated their own frameworks for data protection and digital privacy.⁹ The RTBF's historical background, however, is based on a complicated interaction between changing privacy laws, advances in technology, and a greater consciousness of individual rights in the digital era. Debates about the RTBF will probably continue as digital environments change, representing more general cultural standards on privacy, freedom of speech, and the responsibilities of information

⁸ Kyu Ho Youm and Ahran Park, *The Right to Be Forgotten: Google Spain as a Benchmark for Free Speech versus Privacy?*, 24 Chi. J. Int'l L., 166 (2023-2024)

⁹ Ereni Markos, George R. Milne, et.al., *Information sensitivity and willingness to provide continua: a comparative privacy study of the United States and Brazil*, 36(1) J. Pub. Pol. & Mar. (2017).

stewards. This concept marks a turning point in the ongoing debate over how to balance individual rights and the public interest in the digital age.

MEANING AND KEY CONCEPTS OF RIGHT TO BE FORGOTTEN

It is believed that humans are self-sufficient beings who naturally desire solitude and control over particular aspects of their existence. These days, we can access our data online or in public places. Thus, it is essential that everyone protect it. This idea is also known as the ***“Right to Erasure.”*** In some circumstances, the RTBF gives persons the right to have their personal information removed from websites, the internet, and other public spaces. To put it another way, the RTBF gives people the right to have their personal information removed from public places like websites and the internet.

THE LEGAL APPLICATIONS OF THE RIGHT TO BE FORGOTTEN

When personal information becomes inaccurate, irrelevant, or outdated, the RTBF aims to provide people with the option to request that it be removed from public records and search engines. The right requires striking a compromise between the public’s right to information and people’s right to privacy. The RTBF has significant legal applications in a variety of fields, such as privacy rights, data protection, and the obligations of technology companies.

The GDPR, which went into force in May 2018, is one of the most well-known legal uses of the RTBF. According to Article 17 of the GDPR, people may ask for their personal information to be deleted for a variety of reasons, such as when it is no longer needed for the reasons it was gathered, when they change their minds, when the information is being processed unlawfully, or when it needs to be deleted to meet a legal requirement. The GDPR’s implementation of the RTBF gives people more control over their online presence and marks a fundamental change toward protecting personal data in the digital era.

The legal applicability of the RTBF is particularly relevant in the context of search engines. In a landmark 2014 ruling, the CJEU mandated that search engines consider requests to remove links to outdated or superfluous personal information. For instance, a person who has received rehabilitation following a prior conviction may ask for any ties to their criminal past to be severed. The CJEU’s ruling made it plain that when a person’s right to privacy supersedes the public’s right to know, requests for delisting must be complied with, even if the public interest must be considered.

The application of RTBF, however, presents difficult legal issues, particularly when figuring out what information is *‘outdated’* or *‘irrelevant.’* Delisting request decisions can be arbitrary and frequently necessitate a careful balancing act between conflicting interests. Different jurisdictions have different policies as a result of search engines adopting criteria and methods

to evaluate requests. People are frequently confused by this contradiction, which also calls into question the decision-making process's accountability and transparency.

Furthermore, the RTBF has ramifications outside of the EU, sparking debates about comparable laws around the world. Some of the RTBF's features are mirrored in frameworks that are being considered or already in place in nations like the United Kingdom, Canada, and several Asian jurisdictions. Further incorporating RTBF principles into consumer privacy procedures, social media companies are also negotiating the intricacies of the RTBF, which allows users to request the deletion of posts or data that adversely affect their life.

The RTBF empowers individuals and protects private rights while fighting for public access to information and freedom of expression. Some argue that excessive usage of the RTBF could lead to the erasure or censorship of historical truths. Because of this, its legal uses require a sophisticated approach that recognizes the intricate relationships between privacy, data protection, and freedom of expression.

RIGHT TO BE FORGOTTEN AND INDIAN SCENARIO

With the rise in digitization and data generation in India, the RTBF became a crucial factor to take into account. With over 800 million internet users, India poses a special mix of rights and privacy issues. Despite the lack of formal legislation in India that enshrines the RTBF, the idea has started to influence the nation's data protection conversation due to growing concerns about data breaches, privacy violations, and the improper use of personal data.¹⁰

The Digital Personal Data Protection Act, 2023, which seeks to establish a data protection framework akin to the GDPR, is now being considered by the Indian Parliament. The principles of the RTBF are quite close to the concept of individual rights over personal data, including the right to have information updated and removed, even if it is not specifically addressed. Advocates emphasize the need for clear provisions that grant individuals control over their online identities and ensure that objectionable or outdated content is eliminated.

The important case of **Google India Pvt. Ltd. v. Union of India**, in which the petitioner attempted to have content from search results that they believed was detrimental to their reputation removed, serves as a reminder of the necessity of the RTBF in India. Despite the Supreme Court's partial support for the RTBF, the case made clear how urgent it is to solve privacy issues and the effects that digital footprints have on people's lives.

¹⁰ A Rajat, G Bharti, *Right to Be Forgotten in India: A Critical Legal Analysis*, 4(4) Indian J.L. & Legal Rsch., 1 (2022).

Furthermore, the value of private rights has been acknowledged by the Indian legal system more and more. The Supreme Court cleared the path for discussions between data protection and the RTBF in its historic 2017 decision that declared privacy to be a fundamental right guaranteed by Article 21 of the Constitution. This ruling created a favorable environment for legislative reforms that prioritize finding a balance between people's rights and the interests of the government and businesses.¹¹

The **Information Technology Act of 2000's Section 43A** declares:

“companies that hold sensitive personal data and neglect to maintain the necessary security to protect it, causing unlawful loss or wrongful gain to anyone, may be required to compensate the impacted party.”

The RTBF is not specifically mentioned in the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, which were announced by the Indian government. In order to get content that exposes the complainant's personal information removed from the internet without the complainant's consent, it does, however, outline the procedures for filing complaints with the designated Grievance Officer. The RTBF is partially recognized under the right to privacy and legislative requirements, provided that it is carefully incorporated into the legislation and upheld by the courts.¹² **Section 12** of the **Digital Personal Data Protection Act** guarantees the right to have personal data updated and deleted. Even though its details have not yet been announced, this Act and the Supreme Court's ultimate decision will determine the future of all cases seeking this right.

This begs the question of whether “*forgetting*” is actually possible once material has reached the huge world of the internet, or if fixes like redacting content or de-indexing secondary sources are adequate. Therefore, it is still up for debate whether a person's claim to the RTBF can ever supersede the values of open justice, the right to free speech, or the right to information.

THE RIGHT TO BE FORGOTTEN INTERROGATE THE IMPLICATIONS FOR INDIVIDUALS, SOCIETY, AND TECHNOLOGY IN THE DIGITAL AGE

Growing worries about digital privacy and the durability of online information led to the development of the complicated and dynamic RTBF concept. It gives people the option to ask for their personal information to be deleted from websites and search engines when it is no

¹¹ Niloy Ghosh, *Right to Be Forgotten: Balancing between Privacy and Freedom of Expression*, 4(2) Indian J.L. & Legal Rsch. 1 (2022).

¹² Riddhi Tripathi, *The Right to Be Forgotten*, 2(2) Indian J. Integrated Rsch. L., 1 (2022).

longer required or relevant.¹³ It has important ramifications for people, society, and technology even as it seeks to give people back control over their digital imprint. The RTBF provides a crucial channel for people to regain control over their own stories. People are frequently at the mercy of their digital pasts in a society where personal information is readily accessible and shared. The permanence of internet data can have an impact on relationships, employment opportunities, and mental health, ranging from humiliating social media posts to out-of-date professional information.¹⁴ The RTBF serves as a protection against the possibility of harmful exploitation or unforeseen repercussions resulting from publicly available information by allowing individuals to request the removal of specific data.

The RTBF's adoption raises important questions about how to strike a balance between free speech and privacy on a society level. Although privacy is a top priority, the RTBF calls into question the function of accountability and public interest in the digital realm. For instance, just because someone finds it uncomfortable, should historically significant information concerning prominent persons or corporations be removed? Finding the correct balance is essential because the RTBF may unintentionally encourage censorship, which is a tool that, when used improperly, could protect people from accountability in political, professional, or personal settings. In order to create a framework that upholds individual rights without jeopardizing group interests, society must consider these subtleties.

The RTBF offers both substantial opportunities and problems from a technology standpoint. Data accessibility tools and algorithms must change along with digital platforms. To evaluate and handle RTBF requests in a transparent and equitable manner, businesses need to make significant investments in reliable technology. Innovation in data management and privacy technologies may be possible as the RTBF is implemented, which may call for developments in artificial intelligence and machine learning to aid automate data retrieval and assessment procedures. Furthermore, the RTBF may cause a change in the way that people and organizations approach gathering and storing data. Organizations may implement stricter data retention policies as they grow more conscious of their obligations with regard to user data, encouraging an ethical and accountable culture.¹⁵ This change may result in an ecosystem where user privacy is valued and respected, increasing user confidence in digital services.

¹³ JORDAN LEVESQUE, *THE RIGHT TO BE FORGOTTEN : NO SOLUTION TO THE CHALLENGES OF THE DIGITAL ENVIRONMENT* (University of British Columbia, 2016).

¹⁴ RK Walker, *The right to be forgotten*, 64 *Hastings L.J.*, 257 (2012-2013).

¹⁵ Jef Ausloos, *The 'Right to be Forgotten': Worth remembering?*, 28(2) *Com. L. & Sec. Rev.*, 143-152 (2012).

But there is also a chance of overreach and inconsistent application of the RTBF. Legal frameworks vary significantly across jurisdictions, leading to a patchwork of regulations that can create confusion for individuals and businesses alike. As different countries implement their interpretations of the RTBF, the potential for legal clashes and international disputes looms large.

ISSUES AND CHALLENGES ASSOCIATED WITH THE RIGHT TO BE FORGOTTEN

Because it may clash with the public interest and the right to knowledge, the RTBF presents difficulties like striking a balance between freedom of expression and privacy. Because different jurisdictions have different laws, enforcement is complicated and applied inconsistently.¹⁶ Potential abuse to conceal illegal or dangerous content is a worry. Furthermore, it is challenging to completely erase the digital trace due to its persistence, which calls into doubt the efficacy and reach of this right in the digital age. The other issues are as follows:¹⁷

- ***Journalism at risk:*** Journalism and the media are seen as the fourth pillar of our democracy, and they are in danger. Additionally, news should be disseminated freely and independently by implementing the RTBF. However, as stated in the Personal Data Protection Bill, journalists will be subject to certain restrictions regarding the disclosure of certain individuals' pasts and histories, and they must wait for the adjudicating officer's decision before presenting this information. The ability of journalists to disseminate ideas and information through the media will be hindered.
- ***Violation of Article 19 of the Indian Constitution:*** Article 19 of the Constitution guarantees our fundamental right to freedom of speech and expression. If the RTBF permits some websites and mandates that content producers remove specific information from their channels, it will affect the right to freedom of speech and expression.
- ***Unjustified limitations on the right to information:*** A person's right to information will also be impacted if this measure is approved. It will have an indirect impact on this right to information and grant the state an expedient power to withhold information.

¹⁶ J. Rosen, *The Right to Be Forgotten*, 64 Stan. L. Rev. Online, 88 (2011-2012)

¹⁷ A Forde, *Implications of the Right to Be Forgotten*, 18 Tul. J. Tech. & Intell. Prop., 83 (2015).

THE JUDICIAL PERSPECTIVES ON RTBF

By interpreting laws and ensuring that people can seek the erasure of personal data that is no longer relevant or up-to-date, the judiciary plays a critical role in protecting the RTBF. Courts consider circumstances in which freedom of information and privacy rights conflict, striking a balance between openness and individual dignity. Historic decisions, such as the EU's Google Spain case, demonstrate the judiciary's dedication to upholding human privacy. In general, the judiciary serves as a guardian, guaranteeing that the RTBF is respected within the bounds of the law.

In the 1989 decision of **Florida Star v. BJF**¹⁸, the US Supreme Court ruled that any regulation that would forbid the publication of embarrassing or truthful facts is prohibited by the first amendment's guarantee of free speech, provided that the material was legally obtained. The Connecticut Court ruled in **Martin v. Hearst Corporation**,¹⁹ that historically accurate news accounts cannot be deleted.

The CJEU ruled in **Google Spain SL v. Agencia Española de Protección de Datos**²⁰, that the right to be forgotten should take precedence over the financial interests of search engine providers and the access to information of internet users. It directed search engines to remove links to secondary sources that contained court records pertaining to the claimant's acquittal from their indexes. Because it only made information about the claimant less accessible through a general search information that might be readily obtained with a more focused search this precedent brought attention to the difficulties in enforcing this right. In **Da Cunha v. Yahoo de Argentina SRL**²¹, the Argentine court ruled that search engines were only middlemen and were not responsible for monitoring third-party data, proving the CJEU's obligation on search engines to be unsound.²²

The Indian judiciary plays a crucial role in upholding the Right to be Forgotten by finding a balance between individual privacy and freedom of expression. Recognizing privacy as a fundamental right, courts have underlined that anybody can ask for sensitive information to be removed from the internet. Important decisions, such the Supreme Court's recognition of privacy as a fundamental right, have reinforced this protection. The goal of the judiciary's developing jurisprudence is to protect digital privacy by highlighting search engines' and internet platforms' accountability. The Supreme Court ruled in **State of Punjab v. Gurmeet**

¹⁸ Florida Star v. BJF, 491 U.S. 524 (1989).

¹⁹ Martin v. Hearst Corporation, 777 F.3d 546 (2015).

²⁰ Google Spain SL v. Agencia Española de Protección de Datos, (2014) 3 WLR 659.

²¹ Da Cunha v. Yahoo de Argentina SRL, AR/JUR/40066/2020

²² Edward L. Carter, *Argentina Right to be Forgotten*, 27(1) E. Int. L. Rev., 25 (2013).

Singh and Ors.²³, that anonymity might shield victims of sexual offenses from societal rejection.

The positive provisions of Articles 14, 19, and 21 as well as the guarantee of human dignity, which is ingrained in our constitutional culture, come into play when we recognize that manipulating a person is more than just humiliating him; it is also dehumanizing him and, as a result, violating his very personhood, all too frequently under the guise of “security” and “dangerousness.” In the case of **Prem Shankar Shukla v. Delhi Administration**, Justice **Krishna Iyer** spoke on behalf of a three-judge bench of the Honorable Supreme Court.²⁴

In **Sredharan T. v. State of Kerala**²⁵, The RTBF was recognized by the Kerala High Court as a part of the “Right to privacy.” In this case, the right to privacy under Article 21 of the Constitution was defended through a writ petition. In order to preserve the identity of the rape victim, the petitioner requested that the court order the removal of the victim’s name and personal information from search engines. Recognizing the petitioners’ “*Right to be forgotten*”, the court decided in their favor and directed the search engine to remove the petitioner’s name from any orders it posted on its website until further directives were received. The Gujarat High Court heard the case of **Dharamraj Bhanushankar Dave v. State of Gujarat**.²⁶ The court’s decision did not recognize the so-called “right to be forgotten.” The Gujarat High Court’s Division Bench also supported the Sessions Court’s ruling to exonerate the petitioner, who was charged with a number of crimes, including murder, kidnapping, and criminal conspiracy. Since the judgment was non-reportable and would jeopardize the petitioner’s personal and professional lives, the petitioner had contended that the respondent should not be allowed to post it online. The High Court, however, found that the respondents’ publication of the ruling did not violate Article 21 of the Indian Constitution because the petitioner had not offered any legitimate grounds to prevent it.

In the case of **Sri Vasunathan v. Registrar General**²⁷, after the Karnataka High Court upheld a woman’s “*Right to be forgotten*”, Justice **Bypareddy** said:

“This is in line with the trend in western countries of the RTBF in sensitive cases involving women in general and highly sensitive cases involving rape or affecting the modesty and reputation of the person concerned.”

²³ State of Punjab v. Gurmeet Singh and Ors., AIR 1996 SC 1393.

²⁴ Prem Shankar Shukla v. Delhi Administration, AIR 1980 SC 1535.

²⁵ Sredharan T. v. State of Kerala, WP (CIVIL) NO. 9478 of 2016.

²⁶ Dharamraj Bhanushankar Dave v. State of Gujarat, C/SCA/1854/2015.

²⁷ Sri Vasunathan v. Registrar General, 2017 SCC OnLine Kar 424.

The RTBF was considered by the Orissa High Court in **Subranshu Raot v. State of Odisha**,²⁸ as a remedy for victims of sexually explicit recordings or images that are often shared on social media for harassing purposes.

This RTBF was upheld by the Delhi High Court in **Zulfiqar Ahmad Khan v. Quintillion Business Media Pvt. Ltd.**,²⁹ in that case, as part of the #MeToo movement, the Plaintiff petitioned the Hon'ble Court for a permanent injunction against the Defendants, who had written two articles against Plaintiff based on harassment allegations they said they had received. In the interim, other websites repeated the news pieces, despite the defendants' agreement to remove them. The Court directed that any republishing of the content of the originally disputed articles, or any abstract therefrom, as well as altered forms thereof, on any print or digital/electronic platform be held back while the current suit is pending. The Court also noted the Plaintiff's right to privacy, of which the RTBF and the "*Right to be Left Alone*" are inherent aspects.

Accordingly, it is evident from the aforementioned court ruling that the judiciary has, to some degree, regarded the "*Right to be forgotten*" as a fundamental right and acknowledged it as an intrinsic component of privacy, which is connected to Article 21 of the Indian Constitution. The RTBF is a developing fundamental right in India.

The Supreme Court ruled in **Kharak Singh v. State of U.P.**³⁰, that anonymity can shield victims of sexual offenses from societal rejection because the right to life encompasses personal liberty, which is why the right to privacy is derived from Article 21 of the Indian Constitution.

The case of **Jorawer Singh Mundy at Jorawar Singh Mundy v. Union of India**³¹, highlights the problem of information manipulation. In this ruling, the Honorable Court ordered the respondents Google, Lex.in, and Indian Kanoon to set aside the verdict until further notice. The RTBF has garnered a lot of interest in India because there is no data protection law that limits the fundamental right to remove private information that is unneeded and defamatory from the internet.³² Therefore, it is evident from this case that the RTBF should be taken into consideration as a basic right.

²⁸ Subranshu Raot v. State of Odisha, 2020 SCC OnLine Ori 878.

²⁹ Zulfiqar Ahmad Khan v. Quintillion Business Media Pvt. Ltd., CS (OS) 642/2018).

³⁰ Kharak Singh v. State of U.P., 963 AIR 1295.

³¹ Jorawer Singh Mundy at Jorawar Singh Mundy v. Union of India., W.P. (C) 3918/ 2020 & CM APPL. 11767/ 2021.

³² Oishika Banerji, *The right to be forgotten-2021*, available at: [https://blog.ipleaders.in/the-right-to-be-forgotten/#:~:text=The % 20 capacity %20or % 20 competency % 20 of,the % 20 right % 20 to % 20be%20forgotten.](https://blog.ipleaders.in/the-right-to-be-forgotten/#:~:text=The%20capacity%20or%20competency%20of,the%20right%20to%20be%20forgotten.)

The Delhi High Court issued a **John Doe order in X v. The India Today Group and Ors.**³³, (2024) to delete news stories and social media posts regarding a businessman from X (previously Twitter). Even though he was honorably acquitted the following year, the posts and articles were related to a criminal prosecution that was brought against him in 2018. In this case, **Justice Vikas Mahajan** stressed that the plaintiff's right to privacy supersedes the freedom of expression of the press.

The Supreme Court acknowledged the RTBF as a component of the "*right to life*" under Article 21 of the Constitution in the case of **Justice K.S. Puttaswamy & Ors v. Union of India**.³⁴ The Court recognized this right but explained that it should not be unqualified and listed some situations in which it might not be applicable, including those involving research, archiving, public health, and the public interest.

According to the Court, acknowledging such a right would only allow a person to delete their personal information when it is no longer needed or has no justifiable use. According to the Supreme Court, the RTBF was subject to certain limitations and could not be applied if the content in question was necessary for the following purposes:³⁵

- The establishment, execution, or defense of legal claims;
- Fulfillment of legal obligations;
- Execution of a duty in the public interest or public health;
- Protection of information in the public interest;
- For scientific or historical study, or for statistical purposes; or
- Exercise of the Right to freedom of expression and information.

COMMITTEES ON THE RIGHT TO BE FORGOTTEN

The goal of the Committees on the Right to Be Forgotten is to strike a balance between information freedom and personal privacy. They suggest mechanisms that let people ask for their personal information to be deleted from online platforms, protecting their right to privacy while preserving openness and responsibility in digital environments. The following are the committees:

Justice A.P. Shah Report on Right to Privacy

In order to discuss and examine the national privacy principles in light of new concerns in India and around the world, the former Planning Commission of India established a committee in

³³ John Doe order in X v. The India Today Group and Ors, 2024 LiveLaw (Del) 857.

³⁴ Justice K.S. Puttaswamy & Ors v. Union of India., AIR 2018 SC 1841,

³⁵ Bhumika Indulia, The Evolution of Right to be Forgotten in India, SCC Blog (2022).

2012, chaired by Justice AP Shah. The report was sent in by the committee on October 16, 2012. The following five key characteristics served as the foundation for the approach recommended by the Justice AP Shah Report:³⁶

1. Adherence to privacy principles;
2. Multi-dimensional privacy;
3. Horizontal applicability to state and non-state enterprises;
4. Technological neutrality and interoperability with international standards; and
5. A co-regulatory enforcement system.

Justice B.N. Sri Krishna Committee Report

Under the direction of Justice (Retd.) BN Srikrishna, the Government of India established a committee of ten experts on data and privacy laws from various fields on July 31, 2017, with the goal of researching and suggesting an appropriate data protection law for India. Following preliminary discussion, the committee made available for public comment a ***White Paper on Data Protection framework for India*** (the White Paper).³⁷ The White Paper has discussed a number of topics and concerns regarding data privacy regulations in different countries worldwide. According to the White Paper, the primary themes are:

1. Technology agnosticism
2. Holistic application
3. Informed consent
4. Data minimisation
5. Controller accountability
6. Structured enforcement
7. Deterrent penalties

According to the **Justice Sri Krishna Committee**, the right to privacy must be examined in order to determine whether the claimant or issue is “*related to functions of a public official.*” This raises the question of whether such offenses also have the potential for redemption through the use of the right. The ruling emphasizes the continuous conflict between preserving the accuracy and openness of public information and safeguarding personal privacy, underscoring the need for more thorough legislative and judicial clarification.

CONCLUSION

³⁶ Available at: http://planningcommission.nic.in/reports/genrep/rep_privacy.pdf, (accessed on 12th February, 2025).

³⁷ Available at: http://meity.gov.in/writereaddata/files/white_paper_on_data_protection_in_india_171127_final_v2.pdf, (accessed on 12th February, 2025).

The legal applications of the RTBF highlight the ongoing evolution of data privacy laws in the digital landscape. As technology progresses and data becomes increasingly accessible, understanding and shaping the legal framework surrounding the RTBF will remain critical for protecting individual rights while respecting the broader social interest in access to information. Although the RTBF provides people in the digital era with important protections, it necessitates careful consideration of its broader implications for society and technology. Striking a delicate balance between privacy and public interest will be essential in shaping the future digital landscape, ensuring that individual rights are respected without compromising the foundational principles of transparency and accountability. As technology advances, the ongoing conversation surrounding RTBF will be pivotal in defining the rights and responsibilities of individuals and organizations alike.

In India, the RTBF is a developing right. This fundamental right is also a very important right in the current modern day, even though it overlaps with several of the other fundamental rights mentioned above. Everyone has bad times occasionally; mistakes are made and a stain appears on their character, but after a while, when the accused is found not guilty, no one accepts him as they once did. Therefore, the RTBF should exist so that his honor won't be questioned in the future. Even while Indian law has not yet codified the RTBF, its applicability in the digital era is becoming more and more clear. There is an urgent need for precise rules and principles that will enable people to safeguard their privacy while negotiating the intricacies of the online world as privacy concerns grow and the PDPB moves through legislative processes. It will be essential to make sure that the RTBF is properly incorporated into Indian law in order to promote a more secure and civil online environment for all individuals.

Finding a balance is still difficult, though, because privacy concerns frequently clash with the protection of free expression, the public interest, and the right to knowledge. Although the General Data Protection Regulation (GDPR) of the European Union and other growing legislative frameworks represent substantial progress, jurisdictional discrepancies underscore the need for a more uniform approach. Policymakers should concentrate on developing more standardized, transparent, and accountable regulations in order to advance. Campaigns to raise public awareness are crucial for informing people of their rights and obligations when it comes to controlling their online appearance. Furthermore, technology solutions like AI-driven content moderation and sophisticated data management tools can help with the proper implementation. In order to guarantee that the right to be forgotten develops into a significant protection that empowers people without jeopardizing the interests of society, it is ultimately

imperative to promote a continuous conversation among stakeholders, including governments, tech corporations, and users.