

## Right to Be Forgotten with Special Reference to Indian Women: A Legal Study

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### Abstract:

Right to be Forgotten is such a wonderful right through which we can now delete the personal information of any person scattered in the cyber world within minutes. In India, we have this right because of **Justice K.S. Puttaswamy vs. Union of India**. In this case, the court considered the right to be forgotten as a part of the right to privacy in Article 21 of the Indian Constitution, and this right is protected by Articles 21 and 32 of the Indian Constitution. Now it has become a fundamental right. This research paper specifically discusses the meaning, origin, and extent of the right to be forgotten, how it is implemented in India, and its legal aspects related to Indian women.

**Key Words:** Right of women, Protection of women, Constitutional Right of women, Right to Privacy of women, A woman's right to be forgotten, Constitutional Right, Right of Constitution, Digital Right, Right to Privacy, Right to be forgotten, Right to Forget, Right to Erasure, Right to Delete, Right to forgotten, Cyber right, Right of cyber, Right of cyber space, Right of cyber world.

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### I. INTRODUCTION

In the ancient civilisation and culture of India, we have been seeing that the place of women in the society has always been venerated in comparison to men because a woman is the birthgiver of a new life, and because of her loyalty to her family, the place is given to the first woman of the man in the society. In such a situation, if there is a stain on this honourable character of the woman, then she also has a lot of notoriety in the society, which has continued till today. But even at the present time, this notoriety cannot be completely eliminated, but it can be somewhat reduced in the cyber world because, in the present era of the Internet, the notoriety spread through the Internet can be reduced by removing it from all means of the Internet. This is called the right to erasure or the right to be forgotten.

Social media has clearly taken over the world nowadays. The degree of a person's presence in the virtual world is used to access their foundation. Google has come to represent "search", and it's possible that the online community determines the legitimacy of both individuals and organisations. We now have access to the most detailed information on people's lives, both good and negative, thanks to the unmatched development of information and technology. More than ever, the lines separating privacy are becoming hazy. We sip tea and watch the latest scandals, but have we ever considered what it could be like to be in their position? It's difficult, isn't it, to think of the most embarrassing thing you have ever done and then imagine a world where everyone is aware of it? We must consider the enormous impact our digital print has on the internet at a time when artificial intelligence has developed to the point where it can retain and understand data, analyse behavioural patterns, and automate human reactions. At this moment, a person's personal information is not limited to documents, official records, or government files. Thanks to the internet and search engines, anyone can now quickly evaluate it from anywhere in worldwide. One fundamental problem is the rapid shift in the type and volume of personal data that is available online. To be listed on Google's or any other search engine's list, a person does not have to be grounded or an overachiever.

The ability of individuals to restrict, de-link, remove, or amend the exposure of personal information on the Internet that is inaccurate, embarrassing, irrelevant, or outdated is known as the right to be forgotten, according to French law. This right was granted to the released convicts to help them start afresh and free from their past by allowing them to erase their names from the official database. This was in fact brought into the spotlight by the landmark case of *Google Spain SL, Google Inc. v. Agencia Española de Protección de Datos (AEPD), and Mario Costeja González*, in which the European Court of Justice allowed Google to remove information damaging to

Mr. González's reputation because it was now irrelevant and unnecessary, therefore recognising the right to be forgotten.

India has taken the time to acknowledge the right to be forgotten, a topic that has sparked intense debates and discussions because of its likely profound social ramifications. When a person's personal data is processed without authorisation, a data principal is granted this right. However, the removal of the concerned data cannot be done at the whim of the data principal alone. Instead, the decision must be made with the limitations imposed by the aforementioned right on the rights to information and freedom of speech and expression in mind, as well as the underlying public interest in the data's contents.

As a result, exercising the right to be forgotten requires striking a balance with the previously listed considerations. The Srikrishna Committee Report's numerous recommendations and the court's inconsistent rulings were taken into consideration when draughting the Digital Personal Data Protection Act, 2023 (DPDPA). The right to be forgotten received statutory status following the DPDPA's passage on August 11, 2023.

#### **DEFINITION:**

- **General Definition:** The right to be forgotten (RTBF) is the right of a person to demand that search engines and other websites remove negative or personal information about them from public platforms. This right allows individuals to request that their personal data be removed when it is no longer necessary or relevant.
- **According to Court of European Union:** Established by the Luxembourg-based Court of Justice of the European Union (CJEU) in 2014, the right to be forgotten was highlighted in the "*Google Spain case*" that required Google to remove inadequate, irrelevant, or no longer relevant data upon request-
  - ✦ The court ruled that search engines must address requests to remove information that is no longer relevant or excessive in light of time elapsed.
  - ✦ In the EU, the right to be forgotten is enshrined in Article 17 of the General Data Protection Regulation (GDPR), which emphasises informational selfdetermination and the right to control personal data.
- **According to Other Nations:**
  - ✦ Countries like **Canada, the United Kingdom, Argentina, and Japan** have adopted similar laws. In 2023, a Canadian court upheld the right to demand search blocks on personal data.
  - ✦ **California:** The 2015 Online Eraser law allows minors to remove their posted information. The 2023 DELETE Act extends this right to adults, allowing them to delete personal information collected by data brokers.

#### **ADVANTAGES TO THE RIGHT TO BE FORGOTTEN:**

The right to be forgotten can give significant consolation of security and can play a significant part in further developing association and individual. State and non-state organisation have many abilities with regards to web based data protection and mental profiles. Allowed to the individuals to get a sense of responsibility with their data gives them more command over their improved characters:

- 1) Self-regulation of online presence connected with on the web space.
- 2) Capacity to remove libellous or humiliating undesirable data from general visibility.
- 3) Valuable chance to give people a fresh start throughout everyday life.
- 4) Expulsion of data that might imperil an information subject's finance, profession, or
- 5) individual security and safety.

**APPLICABLE:** The right applies when an individual has previously consented to the processing of their personal data.

#### **NOT APPLICABLE OR EXCEPTIONS:**

The right to be forgotten is not absolute and can be limited in certain circumstances, such as when:

- 1) The request conflicts with the right to freedom of expression or information
- 2) The data is necessary for legal obligations, archiving, scientific research, statistical purposes, or defending legal claims
- 3) The data is in the public interest

#### **RESPONSIBILITY:**

The data fiduciary, or entity that collects and stores the data, is responsible for:

- 1) Correcting inaccurate or misleading data
- 2) Completing and updating data upon request

## **EVOLUTION OF RIGHT TO BE FORGOTTEN:**

The right to be forgotten (RTBF) is the right to remove personal information about a person from web searches and other directories under certain circumstances. The concept has been discussed and practiced in several jurisdictions, including Argentina, ] the European Union (EU) and the Philippines. The question arises from the individual's desire to "determine the development of his life independently, without being constantly or periodically stigmatised as a result of certain past actions".

There is controversy over the appropriateness of establishing the right to be forgotten (with respect to access to information) as an international human right. This is partly due to the ambiguity of current decisions trying to enforce this right. There are also concerns about its impact on the right to free speech, its interaction with the right to privacy, and whether creating the right to be forgotten will degrade the quality of the internet through censorship and rewriting of history. Those who support the right to be forgotten mention the need for issues such as revenge porn sites showing up on search engine listings for a person's name, as well as examples of results relating to petty crimes people may have committed in the past. A major concern is the potential undue impact that the results could have on an almost unlimited number of individuals online reputation if not removed.

Enforcement restrictions in certain jurisdictions include the inability to request removal of information held by entities outside the jurisdiction. There is no global framework that allows people to control their online image. However, Professor Victor Mayer- Schönberger, an expert at the University of Oxford's Oxford Internet Institute, said Google could not avoid complying with French law implementing the 2014 European Court of Justice, judgment on the right to be forgotten. Meyer- Schönberger said countries, including the US, had long argued that their national laws were.

In 2018, Google brought the first two cases to be forgotten to a preliminary hearing in the UK. Both are wealth managers who have been charged with crimes that now fall under the UK's criminal rehabilitation law, which says they can be ignored and companies should not be disclosed unless they meet very unusual exceptions. Since around 2014, Google and France have been debating in court about the scope of the right to be forgotten, which is currently pending in EU Courts. France demands concessions over possible deletion of data from online indexes around the world. Such rights are rendered meaningless if they are likely to be seen by someone in the United States or someone in Europe who could impersonate their IP address. Google restricted rights and fought French attempts to expand them, forgoing options first for Google's European space and then for any European customers. As the court administration enters Phase III of its major electronic court project, privileges such as the right to be forgotten must be included in any innovative agreements made for legal record keeping and boards of directors.

## **II. INDIA AND THE RIGHT TO BE FORGOTTEN**

However, on 11 December 2019, Ravi Shankar Prasad, Ministry of Electronics and Information Technology, presented the Data Protection Act at the Lok Sabha. This law has been passed by the DPR. The main purpose of the Personal Data Protection Act is to protect the privacy of individuals with respect to their personal data. According to the Personal Data Protection Act, Chapter 5 talks about the rights of data controllers. In this chapter, paragraph 20 mentions the right to be forgotten. Clause 20(1) states: The data subject (the person to whom the data is related) has the right to limit or prevent further disclosure of their personal data by the data guardian. Therefore, in accordance with the right to be forgotten, the user can disconnect, delete or correct a person's personal data.

Similarly, Once **Justice Sanjay Kishan Kaul** delivered his opinion on right to forgotten and he stated, "*The right of an individual to exercise control over his personal data and to be able to control his/her own life would also encompass his right to control his existence on the Internet*".

The Indian Court observed that "*This would be in line with the trend in western countries of the 'right to be forgotten' in sensitive cases involving women in general and highly sensitive cases involving rape or affecting the modesty and reputation of the person concerned.*"

India's jurisprudence on the existence and recognition of the right to be forgotten has been patchy. The existence of the right was first raised in ***Dharamraj Bhanushankar Dave v. State of Gujarat***<sup>1</sup>, when the court was asked to prevent the respondent from publishing the judgement that would have a negative effect on the petitioner even if he was found not guilty. Because there was no legal basis to bar the respondents and because the facts and circumstances of the case did not result in a violation of Article 21 of the Constitution, the Gujarat High Court (the HC) refrained to exercise the right.

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<sup>1</sup> *Dharamraj Bhanushankar Dave v. State of Gujarat*, 2015 SCC Online Guj 2019.

Moreover, even the SC in the celebrated case of *K.S. Puttaswamy v. Union of India*<sup>2</sup> accepted that the right to life enshrined under Article 21 included the right to be forgotten under its ambit. It was further held that this right is not absolute and cannot be utilised if the data was necessary for fulfilling legal obligations; defending, establishing, or executing legal claims; exercising the right to freedom of speech and expression; for statistical, historical, or scientific purposes; executing a duty in public health or interest; and protecting information in public interest. In 2017, in this case, the “right to be forgotten” defined by The European Union Regulations, 2016, has been recognized. The following are the considerations made by the Supreme Court:

- 1) Children around the world have access to the digital media. They are constantly making their footprints on social media networking. They are passing the data with chat, Bluetooth, web downloading, Emails, Facebook, Google, Hotmail, and Instagram. They should not be affected by their childish mistake or naivety, their entire life. So, the parents of such children or the person can request for remove data or personal information regarding their childhood or their children.
- 2) People change and every individual should be able to move forward in life and should not be stuck by the mistake done in past. Every individual should have the capacity to change his/her beliefs and improve as a person. The individual should not live in the fear that the view expressed by them will stay forever with them.
- 3) Whereas this right to control the dissemination of personal information does not amount to total erasure history, as this right is a part of right to privacy and should be balanced against other fundamental rights like right to freedom of expression, or freedom of media.
- 4) Thus, Right to be forgotten means, when the data of any person is no longer required or who expects that his/her personal data will be no longer stored or processed then he/she should be able to remove it from the system where the information is no longer necessary, relevant or is incorrect or is illegitimate. But, Right to be forgotten does not mean to remove data or personal information, which is necessary for exercising right of freedom of expression and information, Reconceptualizing the right to be forgotten to enable transatlantic data flow, for the performance of the task carried out in public interest, in public interest in the area of public health, scientific or historical research purpose, exercise or defense for legal claim.
- 5) As a part of privacy, every individual should be able to control his/her personal data and to be able to control his/her life encompasses his right to control his/her existence on the Internet. But this does not mean that a criminal can obliterate his past, but there are various degrees of mistake, small or big, it cannot be said that a person should be profiled to the extent many times more than his mistake.

After the Justice K. S Puttaswamy judgment, Government of India decided to constitute a committee of Experts to regime Data Protection Laws in India, because the elementary legislation governing cybercrime and e-commerce is the Information and Technology Act, 2000 .Furthermore; India is not equipped with any implemented Data Privacy laws. In order to tackle the inadequacy of laws, the BN Srikrishna Committee was formulated and led to the conceiving of Right to be Forgotten in India. According to the white paper, the consent should be one of the grounds for data processing. But here the consent should be valid. As the committee noticed that one of the three Internet users across the world is the child under the age of 18. So, a data protection law must be efficient to protect their interests, while considering their vulnerability and exposure to risks online. So, under the chairmanship of former Supreme Court Justice Shri B N Srikrishna a committee has released a white paper on Data Protection Framework for India on November 27, 2017.

This committee was created for the purpose of analysing issues around data protection and promulgate solutions to address the issues and thereby draft the data protection bill. Forgotten and issued an interim order directing the search engine to remove the name of the petitioner from orders posted on its website until further orders were issued-

- 1) Exercise of the Right to freedom of expression and information;
- 2) Fulfilment of legal responsibilities;
- 3) Execution of a duty in the public interest or public health;
- 4) Protection of information in the public interest;
- 5) For the purpose of scientific or historical study, or for statistical purposes; or
- 6) The establishment, executing, or defending of legal claims.

Also, the collected personal data should be erased once the purpose is fulfilled. The committee also mentioned in the report that, the person should have a right to confirm, access, and rectify his or her own data.

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<sup>2</sup> *Justice K. S. Puttaswamy & Ors. v. Union of India, (2017) 10 SCC 1. 27*

Also, the white paper talks about the issues with right to be forgotten provisions under data protection law. Accordingly, the right to be forgotten should not conflict with freedom of speech and expression and while formulating a right to be forgotten, it is necessary to identify the third party can be held liable for failing to comply with erasure request or not.

In *Sri Vasunathan Vs. Registrar General*<sup>3</sup>, Court has impartiality had noted that the right to be forgotten is product of foreign countries that delicate circumstances concerning women. She had upheld a woman's Right to be forgotten. The High Court recognised "Right to be forgotten." The purpose of this case was to remove the name of the petitioner's daughter because it defames her reputation. The court held the judgment in favour of the petitioner. The court held that "Right to be forgotten" is applicable as a rule in sensitive cases concerning women. Subsequently, In *V. Vs. High Court of Karnataka*<sup>4</sup>, the Karnataka High Court recognized right to be forgotten. The purpose of this case was to remove the name of the petitioner's daughter from the cause title since it was easily accessible and defame her reputation. The court held in favour of the petitioner and ordered that the name of the petitioner's daughter to be removed from the cause title and the orders. The court held that the right to be forgotten adopted by western countries in specific matter like cybercrime against women, economic misconduct heinous crime, rape, and acid attack, etc. Noticeably, the right to be forgotten has now been perceived as a basic face of the right to privacy.

### **CONSTITUTIONAL PROVISION AND RIGHT TO BE FORGOTTEN:**

The most important and essential right in the Indian Constitution is Right to Privacy. Article 21 provides to types of rights first is Right to Life & Second Right to Personal Liberty. Both are important for existence of the life. In *Justice K.S. Puttaswamy (Retd.)* case, Indian Judiciary explained very nicely right to Privacy is an inherent right and it will be included in the Right to Life enshrined under Article 21 of the Constitution. The Indian Court stated that a person's ability indicates protect to right to privacy and enhancing quality of life include that person's ability to exercise control over his or her online existence. No doubt internet useful for everyone but sometimes it is create difficulties in the human life for survival.

In *Zulfiqar Ahman Khan* Case is a famous case related to the removal of articles written against him in news website of the Quint. The Delhi High Court observed the Right to be forgotten is becoming inherent part of human being at that time.

## **III. LEGAL PROVISION**

### **1. The Constitution of India, 1950:**

Given protection under Article 21 (*Justice K.S. Puttaswamy (Retd.) case*) and Article 32 of *The Constitution of India*.

### **2. The Digital Personal Data Protection Act, 2023:**

✦ **Section 12:** The Digital Personal Data Protection Act (DPDPA) of 2023 does not include the right to be forgotten. However, it does include the right to correction and erasure of personal data. This is codified in Section 12 of the Act, In India gives data principals the right to request changes to their personal data. This includes the right to correct, update, complete, or erase their data.

#### ✦ **Data principals can request:**

- **Correction:** Request that inaccurate or misleading data be corrected
- **Completion:** Request that incomplete data be completed
- **Update:** Request that outdated data be updated
- **Erasure:** Request that their data be erased, unless the data fiduciary needs to keep it for a specific purpose or to comply with the law

✦ **Explanation** ○ The right to be forgotten is the right to request the removal or amendment of personal data.

- The DPDPA only applies to data collected by an organization with the consent of the individual.
- The DPDPA does not give individuals the same rights as the General Data Protection Regulation (GDPR) of the European Union. ○ The GDPR allows individuals to request the removal of all types of information from a service, such as a search engine or social media provider.

#### ✦ **Exceptions to the right to be forgotten:**

- 1) When the data is required for legal claims or defence
- 2) When the data is required for compliance with legal obligations
- 3) When the data is required due to public interest

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<sup>3</sup> Writ Petition No. 62038 of 2016

<sup>4</sup> 2017 SCC Online Kar 424



4) When the data is needed for public health purposes or to perform occupational or preventative medicine.

✦ **This Act recognizes** the right to “erasure” but the application of these laws to court records and publicly available data remains unclear, with conflicting interpretations in the courts.

### **3. Information Technology Rules, 2021:**

Obligates intermediaries to remove or disable access to content violating privacy within 24 hours of a complaint.

## **IV. JUDICIAL APPROACH**

### **THE RIGHT TO BE FORGOTTEN INTERPRETED IN INDIA:**

**Current Status:** India does not have a specific statutory framework for the right to be forgotten. However, the concept has been referenced in the context of *privacy and digital rights* and since the enactment of the DPDPA Act, 2023 it is available under *Right to Correction and Right to Erasure*.

### **JUDICIAL RECOGNITION:**

The 2017 ruling in *Justice K.S. Puttaswamy vs. Union of India* recognised the right to privacy as a fundamental right under the Constitution, which implicitly includes the right to be forgotten.

In the *Puttaswamy case*, the Court acknowledged the right to be forgotten but clarified that it should not be absolute. It outlined scenarios where this right may not apply, such as for public interest, public health, archiving, research, or legal claims. Stated that the recognition of such a right would only mean that an individual should be able to remove their personal data when it is no longer relevant or serves no legitimate interest.

#### **1) Important Cases**

***Zulfiqar Ahman Khan v. M/S Quintillion Business Media Pvt. Ltd. And others***<sup>5</sup>,

Ahman Khan requested for the evacuation of articles composed against him in news website The Quint. The Delhi High Court noticed the Right to be Forgotten and be as an indispensable piece of person’s presence.

***Jorawer Singh Mundy v. Union of India and Ors***<sup>6</sup>: High Court of Delhi, said to the Google to eliminate the decision vindicating man in drug case as it impacted his work profession.

#### **2) Judicial Precedents Related to the Right to Be Forgotten:**

***State of Punjab Vs. Gurmeet Singh and Ors***<sup>7</sup>, The Apex Court, anonymity can lessen the risk of social exclusion for sexual assault victims. The forgotten right is a very helpful for sexual assault victim and other persons by mistake committed crime.

**Orissa HC (2020)**, The Orissa High Court, dealing with a criminal case involving “revenge porn,” emphasised the need for extensive debate on the right to be forgotten. The Court noted that the implementation of this right presents complex issues requiring clear legal boundaries and redressal mechanisms.

**Delhi HC (2021)**, Extended the right to be forgotten in a criminal case, allowing the removal of details from search results to protect the petitioner’s social life and career prospects.

**Supreme Court Order (July 2022)**, The Supreme Court directed its registry to create a mechanism for removing the personal details of a couple involved in a contentious marital dispute from search engines. This expanded the interpretation of the right to be forgotten.

**Kerala High Court (December 2023)**, Ruled that the right to be forgotten cannot be applied to ongoing court proceedings, citing concerns about open justice and public interest. The court suggested that legislative clarity is needed but acknowledged that the right could be considered depending on specific case details and time elapsed.

**Himachal Pradesh High Court (July 2024)**, Directed the redaction of names of both the accused and the victim in a rape case, highlighting that once acquitted, an individual should not continue to carry the stigma of the accusations.

## **V. CHALLENGES**

In summary, while Indian women do not yet have an explicit legal Right to be Forgotten, the evolving legal landscape, particularly in the area of privacy and data protection, may eventually lead to greater protections for women seeking to control their online identities. The introduction of comprehensive data protection laws could be a key step in this direction-

1) **Challenges with Journalism or Restriction to Journalism:** It could restrict journalists from disclosing certain people’s histories and past activities which could hinder journalist’s ability to impart information and ideas

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<sup>5</sup> 2021 SCC Online Del 2306.

<sup>6</sup> MANU/SC/0366/1996.

<sup>7</sup> MANU/SC/0366/1996.

freely through media, affecting the democratic role of journalism. It could restrict journalists from disclosing certain people's histories and past activities which could hinder journalist's ability to impart information and ideas freely through media, affecting the democratic role of journalism. If the Right to be Forgotten is applied for the Journalism, journalists may have problems presenting news and information to the public. This will create a situation of chaos in the print and media industry as they await the decision of the judicial officer. Journalists will suffer under the barrier of sharing information and ideas through the media.

2) **Violation of Freedom of Expression:** Freedom of Expression is a basic human right in the universe. The eliminated of online substance from the web could influence the people's to freedom of speech. They will experience an issue in communicating their perspectives through distributed articles, books, TV, web or some other medium, as the overall influence of remove the data will move in the blessing of person, whose data has been disclosed. They won't go ahead and offer their viewpoints or convictions on a specific matter.

3) **Infringement of Freedom of Speech:** Right to be Forgotten presents the biggest important problem to freedom of speech in the upcoming time. When an individual's past actions are posted on the internet, the public has easy access to read/view crimes and judge a person based on their past actions.

4) **Balancing Freedoms:** The right to free speech and expression is enshrined in the Indian Constitution, and any move to introduce the Right to be Forgotten must carefully balance this with individuals' right to privacy.

5) **Lack of Uniformity:** The varied rulings by different High Courts create confusion about the application of the right to be forgotten, leading to inconsistent enforcement and potential legal uncertainty.

6) **Balancing Privacy and Public Interest:** Courts struggle to balance individual privacy rights with the principle of open justice and public access to information, making it difficult to establish clear guidelines. Courts need to balance the Right to Be Forgotten with freedom of speech and expression. Additionally, there is a need for clear guidelines to resolve conflicts between Right to Be Forgotten and the Right to Information Act, 2005.

7) **Impact on Public Records:** Right to be forgotten may conflict with matters of public records. Sections 74 on the Bharatiya Sakshya Adhiniyam, 2023, judgments are often considered public records and fall under the definition of a public document. Right to be forgotten cannot be extended to official public records, especially court records, as this would undermine public confidence in the justice system in the long run. The distinction between personal privacy and public records, as discussed in *Rajagopal vs. State of Tamil Nadu, 1994*, poses challenges. Courts must navigate how to protect personal privacy without undermining the accessibility and legitimacy of public court records.

8) **Implementation Issues:** Even if the Right to be Forgotten is codified in Indian law, there are significant challenges related to enforcement, especially considering the global nature of the internet. Removing information from one platform may not guarantee its complete removal from all parts of the web.

9) **Need for Legislative Clarity:** The absence of a comprehensive legal framework contributes to the inconsistent application of the right, highlighting the need for legislative intervention to define clear standards and procedures.

10) **No Separate Provision:** Section 12 of the DPDPA Act, 2023 does not establish a distinct provision for the right to be forgotten, rather it is included as part of the right to correction and right to erasure.

11) **Potential for Overreach:** Courts' differing approaches may prompt concerns about overreach and the integrity of digital records. There is a risk that private entities might face undue pressure to remove content, potentially affecting the accuracy and completeness of online information.

12) **Other Challenges:** Enforcing the Right to Be Forgotten across digital platforms and jurisdictions is challenging due to compliance issues and technical constraints like data replication. Ensuring compliance from search engines, websites, and other intermediaries requires robust legal and technical mechanisms. Complete removal of information from the internet can be technically difficult.

## VI. SUGGESTIONS

- **Rule regarding Privacy as on Reasonable Restriction:** In order to realize the right to be forgotten, privacy must be added as a basis for reasonable restrictions under Article 19(2) through a fundamental amendment to the Constitution. Article 19 (1) (a) of the Constitution of India provides for the right to speech and expression. This right is subject to reasonable restrictions in Article 19, paragraph 2 of the Constitution. I propose that there be an amendment whereby the right to privacy should be included in Article 19, Paragraph 2 of the Constitution.

- **Balancing between Privacy and Information:** Structural improvement is needed, the right to be forgotten may be limited.

Like as:

- a. To exercise the right to freedom of expression and information; compliance with legal obligations;
- b. Performance of a task carried out in the public interest or public health;
- c. Archival purposes in the public interest;
- d. Scientific or historical research purposes or
- e. Statistical purposes; or

f. Establishment, exercise or defence of legal claims

- **A Separate Provision is needed for Right to be Forgotten:** Provision for right to be forgotten should be made separately. Section 12 of DPDPA Act, 2023 does not make separate provision for the right to be forgotten, while it is provided for in the form of the right to correction and the right to erasure.

- **Need for a Separate Women Oriented law:**

The laws related to this in India are general and not made specifically for women. There is a need to make a separate special law for women in this regard.

## VII. CONCLUSION

The “right to be forgotten” is becoming increasingly significant from both a legal and technical perspective. Legal provisions for these rights are likewise becoming more complicated as a result of technical issues. More and more people now consider the “right to be forgotten” to be a component of the right to privacy. The information will be regarded as accurate when discussing the “right to be forgotten,” therefore the freedom of expression and publication cannot be subordinated to the “right to be forgotten.” Since India lacks a particular law providing such a “right to be forgotten”, this discussion is still going on there. To exercise this right, India continues depending on ad hoc jurisprudence.

The Committee has acknowledged this right since the Union Government of India passed legislation protecting data. As its function in protecting privacy grows, the “Right to Be Forgotten” is becoming more and more significant in the legal and technical domains. This right is now addressed by the judiciary in India due to a lack of particular legislation, but future legislation is expected to offer a clearer framework with the ongoing attempts to recognise this right. A particular and distinct law pertaining to women’s right to be forgotten ought to be included.

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