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Right to be Forgotten

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Abstract: *Information is readily available online in today's environment, when technology has permeated practically every area of our life. The world has been completely changed by the internet, and things only seem to be moving in its favour. On the internet, personal data is being kept for ever-longer periods of time. As a result, instead of forgetting by default as it is experienced in the human brain, remembering by default is now the norm thanks to the wonders of technology. The only reason why people are now concerned with the removal of their personal information is because the digital age has changed the trend from forgetting things to remembering things permanently and our digital identities are shaped by the online interactions leaving behind a permanent digital footprint. The "Right to be Forgotten" was enthusiastically brought into the European Union in this context, and it was heralded as a new era in the protection of online data privacy. The General Data Protection Regulation was created shortly after the aforementioned right to provide people a "Right to be Forgotten" so they could ask data controllers to delete their personal information in specific situations. The author analyses the potential legal barriers to recognising such a right and argues in favour of its implementation in India because it is legally solid. In this essay, the development of such a right in the European Union will be examined in light of a significant ruling by the Court of Justice of the European Union. Humans are viewed as independent entities with an innate demand for privacy and control over particular parts of their lives. Since we live in a time where our data are available online or in public forums. Therefore, it is crucial for everyone to secure it. Many nations have already stepped forward to enact data privacy regulations for this reason, and once the European Union passed GDPR, this issue gained international attention. A person may request that their private information be removed from the internet under the right to be forgotten.*

Keywords: Human Rights, Fundamental Rights, Protection, Cyber-Crime

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1. Introduction

The European Union created the "right to be forgotten," also referred to as the "right to erasure," in 2014. Almost any type of information can now be kept online thanks to the field of digitization. Numerous people benefit from the abundance of information that is available online, but some people also experience negative effects from it. There are times when people decide they do not want their whereabouts to be made public on different social networking websites. And with good reason citizen's right to privacy should always be protected and not infringed upon. A person's personal space shouldn't be invaded. People now use the internet more and more in their daily lives, necessitating urgent control of users and, in some circumstances, the imposition of penalties that many nations have recognised in their legal systems.

The public frequently posts information that is private in nature, regrets doing so much later, and wishes they had never published it in the first place and could have kept it private. Once information is posted and made public online, the original purpose for which it was intended to be used becomes utterly irrelevant. It is only natural that data made available online is open to interpretation, which may be interpreted to qualify as information misuse or even abuse.

As a result, the Supreme Court of India has declared that citizen's right to privacy is a separate basic right and an element of Article 21 of the Indian Constitution, which lists the rights to life and personal liberty.

Even though this Supreme Court ruling was graciously received, some privacy-related issues remain unresolved in terms of how they should be applied when privacy is violated. Given the abundance of information available online, anyone may find out personal information about a particular person simply typing their name into any search engine. This could have a negative impact on the person's reputation. As a result, a person may find himself in a situation where he no longer wants his personal information to be accessible online. The "Right to be Forgotten" is a term that just arose to describe this yearning for anonymity. An individual has the right to contact a social media network and request that some data about them be removed.

He made two requests for relief: the first was directed at a local Spanish newspaper, asking that the article be changed or removed; the second was directed at Google Spain SL and Google Inc., asking that any personal information pertaining to him be deleted or obscured so that it no longer appears in the search results and cannot be linked to the newspaper article. The entire justification for seeking such relief was that the proceedings in

which he was a necessary party had been resolved and he had paid his liability in full years prior, and for such information to be made publicly available at this time made no sense and was, therefore, completely irrelevant. The regulatory body, AEPD, upheld Mr. Costeja's claims against Google Inc. and Google Spain SL insofar as it was of the opinion that search engine operators must adhere to data protection laws since they process data for which they are accountable and serve as intermediaries.

"What obligations are owed by operators of search engines to protect personal data of persons concerned who do not wish that certain information, which is published on third parties' websites and contains personal data relating to them that enable that information to be linked to them, be located, indexed, and made differently available to internet users," was the question posed when Google Inc. and Google Spain approached the CJEU.

Thus, the CJEU ruled that the operator of a search engine must remove from the list of results displayed after a search based on a person's name links to third-party websites that contain information about that person, even in cases where that name or information is not immediately or beforehand removed from those websites and even, as the case may be, when its publication in itself on those pages. However, there are some restrictions that must be met before a citizen can exercise their right to be forgotten, which the court claims derives from their right to privacy. In addition, the application of this right is subject to the possibility of recalling personal data if its processing is inconsistent with the relevant directive.

The landmark Google Spain ruling established the "right to be forgotten" as a component of the right to privacy. While doing so, it included the ability to delist or de-index links in its purview, discussed these implications in considerable detail, and reiterated the existence of adequate grounds to prevent such a right from being abused.

2. Incorporation of General Data Protection Regulation in European Union

It led to a significant unification of privacy laws and the unmistakable establishment of a "right to be forgotten" for EU citizens when the CJEU, on May 13, 2014, categorically held in the Google case that such a right to be forgotten can be enforced against operators of a search engine and third parties who are publishers of the concerned information on the internet even when the publishing of the information is lawful in nature.

Finding a strong position in a piece of legislation to make a legal right enforceable with all reasonable limitations and a clearly defined area of application was always the next step in the enforcement process.

Following the ruling in the landmark case of Google Spain, the codification proposal from 2012 gained traction and was formally adopted

by the European Parliament and Council in 2016 to take effect as of 2018. It incorporates and strengthens the problems decided in the Google Spain ruling. The General Data Protection Regulation (GDPR), commonly known as the right to erasure, was established by the European Council and the European Parliament in May 2016 in order to consolidate data protection across the EU and provide a uniform normative basis for the right to be forgotten (RTBF).

In the early months of 2014, the title of Article 17 was changed to more accurately reflect its content from "Right to be forgotten and to erasure" to "Right to erasure". The goal of the aforementioned clause is to require the data controller to erase the customer-specific information if such a request is made to it. There are several reasons for this, from loss of consent to the irrelevant nature of the knowledge. Additional grounds also include:

1. Lack of legality in processing such information
2. Objection by the user, and

In the Indian case of Justice *K.S. Puttaswamy v. Union of India* [1], where the Supreme Court declared the right to privacy a basic right, the debate over data protection and privacy was put into perspective. The necessity for specific laws on data protection and privacy was also mentioned in the reports of the Standing and Parliamentary Committees. In May 2018, a new data protection bill that had been developed by the Justice B. N. Srikrishna Committee was introduced. The "Right to be Forgotten," a relatively new right intended to protect personal data, is explored in the proposed legislation. The Personal Data Protection Bill was however introduced to the Lok Sabha by Ravi Shankar Prasad, the Minister of Electronics and Information Technology, on December 11, 2019. The Parliament has not yet approved this Bill. After a parliamentary joint committee recommended 81 revisions to the 99-section bill, the government just withdrew it.

3. Right to be forgotten' 'Need of the hour?

Under certain conditions, people enjoy the "Right to be Forgotten", which gives them the right to have their private information deleted from the internet, websites, or any other public platforms. The "Right to erasure" is another name for the "Right to be forgotten." In May 2014, the European Union created the "Right to be Forgotten." The "Right to be Forgotten" is not now explicitly protected by law in India. But the parliament already has a bill on the books [2].

The issue of manipulation of individuals information is seen in the case of *Jorawer Singh Mundy @ Jorawar Singh Mundy vs Union of India* [3] the Hon'ble Court held in this vide judgement and directed the respondents (Google, Lex.in and Indian kanoon) to remove the judgment till the further order.

In the absence of a data protection regulation that restricts the fundamental Right to delete useless

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and defamatory private data from the online space, the 'Right to be forgotten' has attracted significant attention in India [4]. So by this case it is clear that it is need of the hour to consider the “Right to be forgotten” as a fundamental Right.

4. Origin and Evolution

The origin of this Right can be traced back to the French jurisprudence on the 'Right to oblivion' or *Droit a loubli* in 2010. This Right of oblivion aided convicted criminals, who had completed their imprisonment terms, by removing the publication of particulars of their crimes and their criminal life. In 1998, Mario Costeja Gonz´lez, a Spaniard, had run into financial difficulties and was in severe need of funds. As a result, he advertised a property for auction in the newspaper, and the advertisement ended up on the internet by chance [5]. Mr. Gonz, unfortunately, was not forgotten by the internet. And inconsequence news about the sale was searchable on Google long after he had fixed his financial issue, and everyone looking him up assumed he was bankrupt. Understandably, this resulted in severe damage to his reputation, prompting him to take up the matter to the court. Ultimately, this case gave birth to the concept of the 'Right to be forgotten'

By ruling against the massive search engine Google, the European Court of Justice made it clear that EU citizens had the right to request that their personal information be removed from databases that include public records and search results. The "Right to be forgotten" does not apply outside of Europe, according to the European Union court, which in 2019 limited the judgement to the European Union exclusively.

4.1 Tracing Inception of Right to be Forgotten

The right to erasure, more commonly known as the ‘right to be forgotten’, finds its place cemented in Article 17 of the General Data Protection Regulation, 2016. The concept of such a right can be traced all the way back to French Law which recognizes ‘le droit a l’oubli’ roughly translated into ‘the right of oblivion’.This right allows a convicted criminal who has served his time and been rehabilitated to object to the publication of the facts of his conviction and incarceration.This led to the modern development of the said right to transform and incorporate itself into the Data Protection Directive, 1995 of the European Union. In the said directives, a person was allowed to put in a request to the concerned authorities for deletion of certain information available on the internet for worldwide access, ‘because of the incomplete or inaccurate nature of the information’.

After nearly two decades, the Court of Justice of the European Union (hereinafter referred to as "CJEU") held that EU citizens have the right to

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be forgotten and that personal privacy outweighs the interest in free data flow in the European Union in the landmark case of "Google Spain SL and Google Inc. v. Agencia Espaola de Protección de Datos (AEPD) and Mario Costeja González." This decision, which was well received across the EU, allowed for the inclusion of the aforementioned right in the GDP Regulations of 2016.

4.2 The 'Right to be forgotten' in Indian Context

In India this Right is evolving however we have certain bill and act as follows which discuss about RTBF.

Present Law

According to Section 43A of the Information Technology Act of 2000, organizations that possess sensitive personal data and fail to maintain appropriate security to safeguard such data, resulting in wrongful loss or wrongful gain to anybody, may be obligated to pay damages to the affected person. The 'Right to be forgotten' is not specifically included in the Government of India's notification of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021. It does, however, provide procedures for filing complaints with the designated Grievance Officer in order to have content that exposes personal information about the complainant removed from the internet without the complainant's agreement [6].

4.3 Right to be forgotten in Personal Data Protection Bill

As we have already discussed that a bill is already pending before the parliament for 'Right to be forgotten'. In this bill there are some section which are either directly or some extent similar to the 'Right to be forgotten' these section are as follows.

1. According to Section 9 of the Personal Data Protection Bill 2019, The data fiduciary shall not maintain any personal data beyond the term necessary to serve the purpose for which it is processed and shall erase the personal data at the conclusion of the processing.
2. Regardless of sub-section (1), personal data may be maintained for a longer period if the data principal has given his or her explicit agreement, or if it is required to comply with any requirement imposed by any legislation now in effect.
3. The data fiduciary must assess personal data in its possession on a regular basis to decide if it is required to keep it.
4. Section 18 clause (d) of this bill say that every citizen has Right of erasure of personal data which is no longer necessary for the purpose for which it was processed.
5. Section 20 clause (1) of this bill defines the ground for claiming of Right to erasure as the clause say (1) The data principal shall have the

Right to restrict or prevent the continuing disclosure of his personal data by a data fiduciary where such disclosure-

a. has served the purpose for which it was collected or is no longer necessary for the purpose;
b. was made with the consent of the data principal under section 11 and such consent has since been withdrawn; or
c. was made contrary to the provisions of this Act or any other law for the time being in force.

6. As per Clause 21, the 'Right to be forgotten', unlike the other Rights of the data principal, does not require the data principal to request the data fiduciary to restrict or prevent the disclosure of any personal data. The data principal is only required to make an application to the Adjudication Officer to enforce this Right.

This bill is withdrawn by the parliament recently. however, it has many sections as above discussed which clearly emphasis upon 'Right to be forgotten' as fundamental Right and gave many data protection Right to the individuals.

4.2 Significant Judicial Decision on Right to be forgotten

In *State of Punjab v. Gurmeet Singh and Ors.*, the Supreme Court has held that anonymity can help protect victims of sexual offence from social ostracism.

In *Prem Shankar Shukla v. Delhi Administration* Justice Krishna Iyer, speaking for a three-judge Bench of the Hon'ble supreme court held: *...the guarantee of human dignity, which forms part of our constitutional culture, and the positive provisions of Articles 14, 19 and 21 spring into action when we realize that to manacle man is more than to mortify him; it is to dehumanize him and, therefore, to violate his very personhood, too often using the mask of 'dangerousness' and security...*

In *Sredharan T v. State of Kerala,Civil* [7] The Kerala High Court in this case recognised the 'Right to be forgotten' as a part of the Right to privacy. In this case, a writ petition was filed for protection of the Right to privacy under Art.21 of the constitution and petitioner was seeking directions from the court for the removal of the name and personal information of the rape victim from the search engines in order to protect her identity. The court held in favors of the petitioners recognising the 'Right to be 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.

In *Dharamraj Bhanushankar Dave v. State of Gujarat*, before the Gujarat High Court. In its judgment the court did not acknowledge the so-called ‘Right to be forgotten'. Here, in this case the petitioner had been charged with criminal conspiracy, murder, and kidnapping, among others and was acquitted by the Sessions Court,

which was further supported by a Division Bench of the Gujarat High Court. The petitioner had claimed that since the judgment was non-reportable, respondent should be banned from publishing it on the internet because it would jeopardize the petitioner's personal and professional life. The High Court, on the other hand, found that such publication did not violate Article 21 of the Indian Constitution, and that the petitioner had presented no legal basis to prevent the respondents from publishing the judgment.

The Karnataka High Court in the case of *Sri Vasunathan v. Registrar General*, upheld a women's 'Right to be forgotten' and Justice Byparedddy had observed that *"This is 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."*

In *V. vs. High Court of Karnataka* [8], The Karnataka High Court recognised '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 "this would be consistent with the trend in western countries, where the "Right to be forgotten" is applied as a rule in sensitive cases concerning women in general, as well as particularly sensitive cases involving rape or harming the modesty and reputation of the individual concerned".

In *Subranshu Raot v. State of Odisha* [9], the Orissa High Court examined the 'Right to be forgotten' as a remedy for the victims of sexually explicit videos or photos often posted on social media for harassing the victims.

In the *Zulfiqar Ahmad Khan v Quintillion Business Media Pvt. Ltd.* [10], the Delhi High Court supported an individual's 'Right to be forgotten'. In that instance, Plaintiff petitioned the Hon'ble Court for a permanent injunction against the Defendants, who had authored two articles against Plaintiff based on harassment accusations they claimed to have received, as part of the #MeToo campaign. Even though the Defendants agreed to remove the news stories, they were reprinted by other websites in the meantime. The Court noted the Plaintiff's Right to privacy, of which the "Right to be forgotten" and the 'Right to be Left Alone' are inbuilt aspects, and guided 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 during the pendency of the current suit.

So from above judicial pronouncement it is quite clear that Judiciary has at some extent considered the 'Right to be forgotten' as a fundamental right and it also recognized it a inherent part of privacy which is linked with

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article 21 of Indian constitution the RTBF is a evolving fundamental right in India.

In the case of *Kharak Singh v. State of UP* [11] held that Right to Life includes personal liberty and thus, Right to privacy culled from Article 21 of the Indian constitution.

In the landmark case of K.*S. Puttaswamy v. Union of India* [12], the Supreme Court recognized the 'Right to be forgotten' as part of the Right to life under Article 21.

The Supreme Court had stated that the 'Right to be forgotten' was subject to certain restrictions, and that it could not be used if the material in question was required for the-

1. Exercise of the Right to freedom of expression and information;
2. Fulfillment 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.

4 Striking a Balance Between Right to be Forgotten and Freedom of Speech and Expression

The right to be forgotten has always faced major criticism in the form of curbing the freedom of speech and expression. The crux of the matter to be discussed upon is that on one hand an individual islooking to enforce and exercise hisright to be forgotten which is an inherent aspect of the right to privacy and on the other hand, there exists the right to freedom of speech and expression of the public at large which encompasses in its fold, the right to information and the right to know.

The most important concern about the right to be forgotten is to enable people to speak and write freely, without the shadow of what they express currently to haunt them in future. Here, the author states that the underlying principle of the enforcement of such right to be forgotten is to protect free speech than to curb it. The fundamental criticism is the fact that it is prima facie restrictive of the right to freedom of speech and expression enshrined in the Constitutions of many States such as the United States of America and India etc. that have very strong municipal freedom of speech laws, which would be in direct contravention to the Right to be Forgotten. The author moves forward by taking a diplomatic approach towards the aforementioned problem and mentioning that the way forward is to contextualize the two rights on a case to case basis where the judiciary interprets which party has a balance of convenience in their favour to get their right exercised.

The right to privacy does not find a direct mention in the Constitution of India by way of a Fundamental Right under Part III. On the other hand, Article 19 of the Constitution which talks

about various freedoms of the public explicitly mentions the right to freedom of speech and expression under Article 19 (1) (a) of the Constitution. Due credit should be given to the Indian Judiciary for adopting the right to privacy as an intrinsic part of Article 21 of the Constitution.

Earlier, when the concept of privacy was alien to the Indian legal jurisprudence, it was Justice Subba Rao's powerful and groundbreaking dissent in the case of "Kharak Singh v. State of Uttar Pradesh" that gave a liberal interpretation to Article 21, thereby sowing the seeds of privacy in the Constitution. The idea and concept of privacy only extended till bodily privacy and domicillary visits, before the path breaking judgment of "Justice K.S. Puttaswamy (Retd.) v. Union of India & Ors.", where the concept of privacy was discussed at length by the Constitutional Bench of nine judges and certain other aspects of privacy were also recognized and given constitutional protection under Article 21.

Article 19(1) (a) of the Constitution ensures the freedom of speech and expression subject to certain reasonable restrictions under Article 19(2). These restrictions allow the State to make laws and frame certain rules, regulations and directions which complement the law that limit the aforementioned right. In the following sub-sections of the chapter, the author will make a compelling case against the existence and enforcement of this right to be forgotten as it violates the right to freedom of speech and expression of the citizens.

The most controversial concern about introducing the right to be forgotten is, its contradictory nature with the freedom of speech which is a constitutional right. Article 19 of the Constitution of India provides the citizens with certain freedoms, one of them being the freedom of speech and expression. This right has been given a special place in the Constitutional Jurisprudence of Free Speech and has evolved over time through various powerful judicial pronouncements.

The curtailment of free speech can only happen by the reasonable restrictions mentioned in clause 2 of the Article. This list of reasonable restrictions is exhaustive in nature and nothing which is not included under Article 19(2) can be read as a permissible restriction on right to freedom of speech and expression.

It was held in the Shreya Singhal case that restrictions mentioned in Section 66-A of the Information Technology Act, 2000 such as "information that may be grossly offensive or which causes annoyance or inconvenience" are vaguely worded and undefined in their scope and hence unconstitutional in nature as all restrictions need to be "couched in the narrowest possible terms." Further, in this case, the court held the Section 66-A unconstitutional on the ground that it had a chilling effect on freedom of speech.

The author claims that the same result will be observed in the instant case, i.e. the chilling effect of freedom of speech, if the right to be forgotten in enforced in its current form as its application is bound to reach broad areas of privacy where individuals interpret certain personal data as unnecessary, irrelevant or inaccurate on the internet which might be right and under the purview of the grounds mentioned in the Personal Data Protection Bill, 2018, but the public might not concur with the same.

Even the CJEU's decision in the Google casexli was criticized on the ground that by introducing and enforcing the right to be forgotten, the court has curbed and freedom of speech and imposed censorship by non-state actors, i.e. search engines. Moreover, to circumvent the fine, the search engines would exercise caution and essentially comply with all the requests, rather than risking the fine due to non-compliance. This would lead to a chilling effect on speech as the search engine would be motivated to remove the links without examining them carefully, and thus deleting the data might not strictly be protected under the right to be forgotten.

In conclusion, the exorbitant fines imposed on the data controllers and search engines provided they do not respect the right to be forgotten of the citizens, along with an ambiguous provision would render the right to be forgotten, in its current form, null and void, for having a chilling effect on free speech.

5 Personal Data Protection Bill, 2018

In the legal system in India, the legislation which deals with cybercrime and regulates electronic commerce is the Information Technology Act, 2000. However, this piece of legislation does not even mention any concept of data privacy on the internet or the recognition of such right to be forgotten and nor do the IT Rules 2011.

It was only after the ruling in the Privacy case in 2017 when the government established the Srikrishna Committee under the chair of B.N. Srikrishna, retired justice of the Supreme Court. The aim of this committee was to provide for a comprehensive Data Privacy Framework which could be executed and enforced keeping the other existing laws in mind [13].

Acting upon the recommendations made by the Committee, the Government drafted a comprehensive legislation on the aforementioned topic covering all aspects of privacy, called the Personal Data Protection Bill, 2018. In the words of Justice Srikrishna himself, "the citizen's rights have to be protected, the responsibilities of the states have to be defined but the data protection cannot be done at the cost of trade and industry".

The Personal Data Protection Bill is quite similar to its European counterpart, the GDPR, in relation to the impact it will have on the citizens. However, the author believes that this piece of legislation has granted some freedoms to the

State and other such entities which are a bit ambiguous in nature or more vaguely worded when compared to the GDPR. This could result in different forms of surveillance imposed by the State by using their whims and fancies and adopting unconventional interpretations to such vaguely framed provisions.

The second issue of this provision is the people adjudicating these demands for the 'right to be forgotten.' The PDP Bill has conferred this power on adjudicators appointed by the Data Protection Authority, who, in turn, are appointed by the Government. In other terms, the adjudicators will be appointed by the government and theoretically under the authority of the government for the duration of their tenure.

It suffers from many constitutional inconsistencies which make its grounding incompatible in the Indian scenario. Article 19 allows an individual to post content online about another person, or any other organization, so long as it is does not violate any legislation which is already in force in India and keeping in mind the reasonable restrictions under Article 19(2) of the Indian Constitution. The right to be forgotten should be designed in such a manner that it adequately balances the right to freedom of speech and expression with the right to privacy of a citizen.

Currently, the Supreme Court judgment by the name of 'Justice K.S. Puttuswamy (Retd.) and Anr. v. Union of India'li exists as the binding precedent on the judiciary and even though the Judges dealt with the three major aspects of privacy, they certainly felt the need to mention that the different aspects will only be discovered on a case to case basis and the need for a legislation was mentioned as well.

The Personal Data Protection Bill, 2018 has faced a lot of backlash and criticism as it delegates a huge amount of power on the state to regulate such a right to privacy and specifically the right to be forgotten as well. Specifically, Section 35 of the Bill makes some exceptions with respect to the collection of data by the Government or any of its organs whenever such organization feels that it is 'necessary or expedient' in the 'interests of sovereignty and integrity of India, national security, friendly relations with foreign States, and public order [14].

5.1 Challenges Associated with Right to be Forgotten

Danger to journalism:

Media and journalism are considered as fourth pillar of our democracy. And news should be circulated without any restriction and independently by executing 'Right to be forgotten' there will be certain restriction upon the journalist to not disclosed certain people's history sheet and their past and for presenting this news they have to wait for adjudicating officer's decision as it is in Personal Data

Protection Bill. The journalists will suffer impediment in imparting information and ideas through media.

Violation of Article 19:

The constitution under article 19 grant us fundamental Right of freedom of speech and expression. If RTBF legalizes some websites and content creator have to remove some data from their channels which will effect their Right to freedom of speech and expressions.

5.2 Unreasonable restriction upon Right to Information

If this bill passes this will also affect Right to information of an individual. It will indirectly affect this Right to Information and give a inexpedient right to the state to not disclose information.

5.3 Why Right to be forgotten should be accepted?

There are many reasons and ground for accepting and making law upon RTBF some of them are discussed as follows.

1. An individual should have a Right to control their personal information and identity in the digital age. Information communication technologies allow both government and private entities to significantly interfere with an individual's Right to privacy by enabling them to track and record all activities online. Meanwhile, individuals are encouraged to share a considerable amount of information about themselves on social media in an unprecedented manner. It is therefore the responsibility of governments and lawmakers to protect the Right to data protection and privacy lest people lose their ability to manage their identity and personal integrity. Moreover, individuals should have ownership of their personal information. The 'Right to be forgotten' thus empowers people to regain control over their digital lives [15].
2. There is no right to access private information which is unlawfully in the public domain. Most of the personal information in the public domain is there unlawfully, such as intimate photos distributed on the Internet without consent. There is no justification for other people to have access to such information.
3. It is extremely serious that the individuals is compelled to live under mental depression owing to the article published under his name which are having no relevancy in the present times

5.4 Global Recognition of the 'Right to be forgotten

European Union:

The European Union has witnessed several maneuvers to establish he 'Right to be forgotten' in a consolidated form. The Data Protection Directive was a European Union directive

adopted way back in 1995 to regulate the processing of personal data within the European Union. It is an important component of EU privacy and human rights law [16].

Subsequently The General Data Protection Regulation (GDPR) was adopted in April 2016, which superseded the 1995 Data Protection Directive. Article 17 provides that the data subject has the right to request erasure of personal data related to them on any one of a number of grounds, including noncompliance with Article 6(1) (lawfulness) that includes a case (f) if the legitimate interests of the controller are overridden by the interests or fundamental Rights and freedoms of the data subject, which require protection of personal data. Thus GDPR's Article 17 has outlined the circumstances under which EU citizens can exercise their 'Right to be forgotten' or Right to erasure.

Britain:

In *Equustek Solutions Inc v Morgan Jack and others*, the British Columbia Supreme Court issued an injunction requiring Google to de-index certain websites from its search results. Prior to initiating legal proceedings, the plaintiff had previously requested Google's help in blocking specific URLs. However, the content continued to appear through different domains, illustrating how the "whac-a-mole" approach to content blocking can be ineffective.

United States of America:

The United States of America has a well-developed Legal system that protects the privacy of its peoples. The State of New York became the first to introduce a draft 'Right to protection bill' in its State Assembly, which was titled "An act to amend the civil Rights law and the civil practice law and rules, in relation to creating the 'Right to be forgotten' act [17].

5 Conclusion

'Right to be forgotten' is an evolving right in India. Although this fundamental Right is overlapping with some of the other fundamental Rights as discussed above but this is also a very important Right in present modern era. Everyone has not good time always sometimes some mistakes happen, and a stain emerged on their character however after sometime when the accused acquitted then no one accept him as earlier. so, there should be 'Right to be forgotten' so that in future no one could question upon his dignity.

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