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Right to be Forgotten – A Critical Analysis

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Abstract

An alleged "right to be forgotten" has generated a lot of discussion in recent years. This term is hotly contested in the media, by courts, and regulators, particularly in Europe. The following essay will attempt to shed some light on this hazy topic since (yet) no definitive definition has been provided. The first section will compare the advantages and disadvantages of the right. The "right to be forgotten" appears to have value, but it needs a clearer definition to prevent any unfavorable effects. As a result, the right is merely a means of restoring individuals' control over the information and improving the consent regime. After that, the second section will assess any prospective applications. The landmark decision by the highest court of the European Union has sparked a vigorous discussion about the implications of the Right to be Forgotten in diverse national contexts. But as the Right to Privacy has developed into the Right to be Forgotten in response to rising online and cybercrime, new problems have emerged. There is a clear conflict between the right to privacy and the freedom of speech and expression, thus limiting the right to information access. One of the key tenets of a free democracy is freedom of speech, which is without a doubt of the utmost importance. The foundation of a free nation

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is the freedom of speech and expression. It is how a state's people and residents can freely express their inherent views, delving into myriad notions. Since it serves as a means of holding the government responsible for its deeds, free speech is essential for a functioning democracy. In this regard, it is crucial to defend free expression while simultaneously implementing the right to be forgotten with an exclusive approach, meaning that the application of one does not conflict with the exercise of the other.

Legislative, economic, technical, and normative measures are all necessary. The article's conclusion suggests a "right to be forgotten" is only applicable when the person has consented to data processing. This should (partially) re-establish the power balance and provide people more effectual control over their data when supplemented with an interest of the public exception.

Keywords

Clearer Definition, Normative Measures, Exclusive Approach, Prospective Applications

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Introduction

With advanced technology, the reach of humans to anything is inevitable. human beings are viewed as independent creatures with nature that necessities to have control and confidentiality in certain aspects of their life. is to differentiate personal data and public data as we live in an era where our information is on the web or in open discussions. Nowadays the internet allows anyone to publish anything resulting in the advantage or weaknesses of the web. What can be done if somebody distributes abusive remarks about someone, individual data, express photographs, or personal information without your knowledge or permission?

Nations are approaching this with the introduction of different laws and regulations for information insurance, and after the European Association presented GDPR this issue turned into the spotlight of the world.

In India, the case of Justice K.S. Puttaswamy v. Union of India highlights the importance of having regulations for data privacy and data protection, and with this, the supreme courts in India recently recognized the right to privacy of the citizens as a fundamental right which acts as a facet of Article 21 of the Constitution of India which enumerates the Right to Life and Personal Liberty. The Supreme Court observed that: the right of an individual to exercise control over his or her data and to be able to control his/her own life would also encompass his right to control his or her existence on the Internet.

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The Right to be Forgotten

The right to be forgotten appears in Recitals 65 and 66 and Article 17[3] of the GDPR. It states, "*The data subject shall have the right to obtain from the controller the erasure of personal data concerning him or her without undue delay and the controller shall have the obligation to erase personal data without undue delay*" if one of several conditions applies.[4] The ability of people to restrict, erase or remove their personal information on the internet from public reach is ensured by the Right to be forgotten.[5] The criteria for removing the data from the web are that the data should be misleading, embarrassing, irrelevant, humiliating, or anachronistic. in other words, the right to be forgotten provides the right against the revelation of her information while handling her information has become unlawful or undesirable.[6]

European Union under the General Data Protection Regulation has recognized the Right to be forgotten as a statutory legal right and has likewise been upheld by different EU and English courts.[7]

[3] Regulation (EU) 2016/679. See Article 17 of the regulation.

[4] General Data Protection Regulation, available at: https://gdpr.eu/right-to-be-forgotten/ (last visited on Sep 28, 2022)

[5] Michael J. Kelly and David Satola, The Right to be Forgotten, University of Illinois Law Review, Vo. 1, p. 1 (2017).

[6] House of Commons, Justice Committee, The Committee's Opinion on The European Union Data Protection Framework Proposals: Vol. 1, HC 572, (1st November 2012) at p. 26.

[7] Anaya Bose, "Right to be Forgotten", available at https://blog.ipleaders.in/right-to-be-forgotten-3/(last visited on Sep 28, 2022)

The Personal Data Protection Bill, 2019 recognizes the right to be forgotten in India as in India there is no such regulation has been made that accommodates this right. The Bill envisages many changes concerning information taking care and security honours of a person.

The Origins of Right to be Forgotten

The right to be forgotten is the right to have private information about a person removed from Internet searches and other directories under some circumstances.[8]

The Court of Justice of the European Union recognized the right to be forgotten in 2014. Yet, that was neither the beginning nor the finish of the right to be forgotten history. It should be noted that the legal battle started well before the CJEU's decision and continue to present.

The idea of such a right can be followed long back to the French law which perceives 'le Droit a l'oubli' as generally converted into 'the right of oblivion'.[9]

The origin could be traced back to 2010 in Argentina when the case was presented by Artist Virginia da Cunha involved photos that had initially been taken and uploaded with her consent, but she claimed that her photos were inappropriately connected her photos with erotic entertainment.[10] This case surely was successful in web indexes not showing pictures of the

[8] Vaas Lisa, "Google wins landmark case: Right to be forgotten only applies in EU", Naked Security (2019)
[9] Hillary C. Webb, People Don't Forget: The Necessity of Legislative Guidance in Implementing a U.S. Right to be Forgotten, 85 GEO. WASH. L. REV. 1304, (2017).
[10] Carter, Edward L. "Argentina's Right to Be Forgotten." Emory International Law Review. 27 (2013): pg 23

celebrity, however, this decision was on appeal until 2014 when the Supreme Court of Argentina finally ruled in favor of the websites. Virginia Simari, the judge in favor of De Cunha, stated that people have the right to control their image and avert others from "capturing, reproducing, broadcasting, or publishing one's image without permission" [11] This option enables a criminal who has completed their sentence and undergone rehabilitation to object to the disclosure of the details surrounding their conviction and incarceration. As a result, the Data Protection Directive, 1995 of the European Union underwent an advanced development of the declared right to change and integrate itself. According to the aforementioned guidelines, anyone could ask the relevant authorities to erase some data that was publicly accessible on the internet "because of the incomplete or erroneous character of the information"[12]

Around 20 years later, the European Court of Justice ruled in the famous case of "Google Spain SL and Google Inc. v. Agencia Espaola de Protección de Datos (AEPD) and Mario Costeja González"[13] that EU citizens have the right to be forgotten and that their right to privacy outweighs the need for free data movement within the EU. This ruling was requested across the EU, and as a direct result of this decision, the aforementioned right found its way paved into thein GDP Regulations, 2016.[14]

[11] Carter, Edward (January 2013). "Argentina's Right to be Forgotten". Emory International Law Review. 27 (1): 23.
[12] Council Directive 95/46/EC, art. 12 (b), 1995 O.J. (L 281) 31
[13] *Google Spain SL v. Agencia Espafiola de Proteccion de Datos (AEPD)* 2014 E.C.R. 317.
[14] GDPR, 2016, art. 17.

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Is Right to be Forgotten the need of the Hour?

Anybody can get individual pieces of information about someone by entering their name on any web search tool considering the immense measure of data on the web which can cause damage to individuals' reputation in society. Consequently, there may arise a situation where a person does not want his details to be available online anymore for someone else's access and this craving for intangibility has recently emerged as the 'Right to be Forgotten. The right permits a person to move toward a social stage and request to eradicate specific data accessible concerning him/her.

The capacity of the people to restrict, erase, de-connect, or address the divulgence of individual data on the web that is, humiliating, deceiving, insignificant, or chronologically misguided is properly ensured by the 'right to be forgotten.'[15] So basically, the right of people to have their confidential data taken out from the web, sites, or some other public stages under extraordinary conditions.

The current data protection regime in India, as enacted by the Information Technology Act of 2000 [16] and the rules ensuing from it, does not recognize an individual's "right to be forgotten." After much debate and judicial inconsistency on the subject, the Personal Data Protection Bill: 2019 PDP Bill), based on the Report of the Justice B. N. Srikrishna Committee, finally seeks

[15] Zubair Ahmad, "Right to be forgotten" Manupatra (2022)
[16] The Information Technology Act, 2000 (Act 21 of 2000), s. 30.

to give this right statutory recognition. This right is now formally recognized by the PDP Bill. This is largely inspired by the General Data Protection Regulation (GDPR) of 2016. (GDPR). Section 20 of the PDP Bill allows a data principal to prevent or limit the continued disclosure of personal data in three circumstances: a) the data has served its purpose; b) the data has been destroyed, and c) the data has been destroyed.

The Adjudicating Officers will use the following criteria to decide whether or not to exercise such right: the sensitivity of the personal data, the scale/degree of ease of access sought to be confined, the involvement of the data principal in public life, the relevance of such data to the public, as well as the essence of the disclaimer and activities of the custodian.

Under the PDP Bill, the Adjudicating Officer decides whether an individual should be entitled to practice his "right to be forgotten." That would be the only right made available for in the PDP Bill that presupposes an application to the Adjudication Officer. This also differs from the GDPR's approach, which requires registration for such an exercise of a right to sue to be done with the controller of such data.

Though the 'Right to be Forgotten' is not mentioned in the Sensitive Personal Data Information (SPDI) Rules, some judicial precedents in India are on the subject. For the first time, the Orissa High Court, an Indian constitutional court, brought to the forefront the issue of an individual's protection of privacy online, endorsing the regulatory oversight of Article 21 [17] of the Indian

[17] The Constitution of India, art. 21.

Constitution relating to the Right to Life and Personal Liberty as a remedy to victims whose conciliatory information was available online.

Disputing bail to an accused of purportedly posting explicit content of a female friend without her explicit approval, Justice SK Panigrahi observed that, despite the accused erasing the obscene material, the victim had no legal mechanism to have the content permanently removed from the host platform's (social media site's) server or the web. "It is also undeniable that implementing the 'Right to be Forgotten is a difficult problem in terms of expediency and technological nuances." The Orissa High Court, relying on the Supreme Court's decision in K.S. Puttaswamy (Privacy-9J), stated that at the moment, *"...there is no statute which recognizes the right to be forgotten but it is in sync with the right to privacy."*

In Zulfiqar Ahman Khan v. Quintillion Business Media (P) Ltd.[18], the Delhi High Court recognized the "right to be forgotten" and "right to be left alone" as an integral part of an individual's existence.

In Sri Vasunathan v. Registrar General[19], the Karnataka High Court explicitly recognized the "right to be forgotten," albeit in a limited sense. The Court granted the petitioner's request to remove his daughter's name from a judgment encompassing assertions of marriage and forgery. It was argued that recognizing the right to be forgotten would be similar to initiatives by

[18] CS (OS) 642/2018

[19] 2017 SCC OnLine Kar 424

'western countries' that uphold these rights in sensitive cases involving people's 'modesty' or 'reputation,' particularly women.

In Zulfiqar Ahman Khan v/s Quintillion Business Media Pvt. Ltd. and Ors[20]., the Delhi High Court recognized the plaintiff's 'Right to be Forgotten' in an order dated 09.05.2019. The problem arose when the respondent published two papers comprising abuse allegations against the plaintiff during the #MeToo campaign. [21]During the course of the proceedings, the court ordered that the aforementioned articles not be republished. The court also stated that the 'Right to be Forgotten' and 'Right to be Left Alone' are inherent aspects of the 'Right to Privacy.'

In Justice Puttaswamy v. Union of India[22], Supreme Court Justice Sanjay Kishan Kaul held that individuals have the right to put and remove data from online sources in both tangible and intangible forms. "*The right of an individual to exercise control over his data and to be able to control his/her own life would also include his right to control his existence on the Internet*," Kaul stated.

The right to be forgotten is rooted in Articles 19 and 21 of the Indian Constitution, which do not provide it as an unfettered and unlimited right and thus subject to restrictions such as other fundamental rights, contractual responsibility, public interest and health, archiving,

[20] Supra note 17

[21] Editorial, "Right to be forgotten: A critical and comparative analysis", *The Daily Guardian* December 17, 2020

[22] Supra note 1

researching, and defending legal claims. Kaul J. ruled that people's past mistakes should not be included as a weapon against them using their digital footprint and that people should be allowed to limit the publication of data about them. The Court relied on the 2016 European Union Regulation (Article 17), which established the right to be forgotten.

In India, a new data protection bill drafted by Justice B.N. Srikrishna Committee was presented in May 2018. The proposed bill digs into the origination of a moderately new right, which means to safeguard individual information, for example, the 'Right to be Forgotten. Currently, there's no such regulation called the right to be forgotten, but the parliament has a pending bill drafted by Justice B.N. Srikrishna Committee.

Consolation of security can be major provided by the right to be forgotten and can assume a significant part in further developing association and independence. when it comes to the abilities regarding web-based individual information, the state and non-state authorities have a wide range of powers. What gives individuals more control over their enhanced personalities is permitting individuals to assume a sense of ownership of their information. Most internet personal data is irrelevant to public interest contemplations and has undeniably more inborn worth to the individual than culture in general.

The case of "Dharamraj Bhanushankar Dave v. State of Gujarat & Ors."[23] And "Jorawar Singh Mundy vs. Union of India"[24] highlighted to have regulations as the right to be forgotten in India. With the speedy growing technology, without a trace of an information protection regulation that confines the fundamental Right to erase futile and disparaging confidential information from the web-based space, a huge consideration is been attracted by the 'Right to be forgotten So by this case it is need of great importance to consider the "'Right to be forgotten as a crucial Right" i.e., right to be forgotten should be seen as the need of the hour.[25]

Corresponding Collation

The concept of the right to be forgotten has elicited conflicting reactions from various jurisdictions around the world. The EU, in particular, has seen rapid development. Along with the EU, the provisions of the United States on the Right to be Forgotten have been discussed.

The European Union (EU) - The European Union has seen several maneuvers to consolidate the Right to be Forgotten. The Data Protection Directive was a European Union directive passed in 1995 to govern the processing of personal data within the EU. It is a crucial part of EU privacy and human rights law. Following that, in April 2016, the General Data Protection Regulation (GDPR) was enacted, superseding the 1995 Data Protection Directive.

[23] SCA No. 1854 of 2015
[24] W.P. (C) 3918/ 2020
[25] Supra note 19

Article 17 states that the data subject has the right to request the erasure of personal data relating to them on a flexible basis, including nonadherence with Article 6(1) (lawfulness), which includes a case (f) if the controller's legitimate interests are outweighed by the data subject's interests or fundamental rights and freedoms, which require the protection of personal data. As a result, GDPR Article 17 outlines the circumstances in which EU citizens can practice their right to be forgotten or erasure.

The Article gives EU citizens the right to have their data erased if they withdraw their consent to use the data or if the information is no longer appropriate for the purpose for which it was collected. However, the request may be denied in certain circumstances, such as when it contradicts the right to free expression and information, or when it is contrary to the public interest in the areas such as healthcare, scientific or historical research, or statistical purposes. As a result, Article 17 of the GDPR of 2016 provides a comprehensive safeguard for the right to be forgotten.

It can be said that in its operating jurisdiction, it seems to have at least offered a limited right of erasure. The European Court of Justice ordered Google to delete "inadequate, irrelevant, or no longer relevant" data from its search results when a member of the public requests it in Google Spain v. AEPD and Mario Costeja Gonzalez. The ruling, now popularly known as the "right to be forgotten," has been critical in reinforcing the EU's data protection laws and regulations, including the EU's General Data Protection Regulation (GDPR).

The case involved Mario Costeja Gonzalez, a Spanish man who was dissatisfied that a Google search for his name produced a newspaper report from 1998. When Gonzalez propositioned the newspaper in 2009 to have the article removed, the newspaper refused, and Gonzalez then propositioned Google to have the article removed when his name is searched. The plaintiff was successful in court. To exercise one's right to be forgotten and have one's information removed from a web browser, one must fill out a form on the search engine's website.

Google's disposal request process necessitates the candidate to classify their country of residence, provide personal information, provide a list of URLs to be removed along with a brief explanation of each one, and attach legal identification. The form allows users to enter the name for which they want search results removed. If a Web Browser refuses to delink material, EU citizens can file an appeal with their existing data protection agency. As of May 2015, the British Data Protection Agency had handled 184 such complaints, with roughly a quarter of them overturning Google's decision.

Google may face legal action if it objects to a Data Protection Agency decision. The European Union has requested that Google implement delinking requests from EU citizens across all International Domains.

United States of America (US) - The United States of America has a well-developed constitutional system that protects its citizens' privacy. The State of New York was the first to introduce a draught Right to be Forgotten bill A05323 in its State Assembly, titled "An act to

amend the civil rights law and the civil practice law and rules, about the creation of the right to be forgotten act." Furthermore, in March 2017, New York state senator Tony Avella and assemblyman David Weprin introduced legislation that would allow individuals to require search engines and online speakers to remove information that is "inaccurate," "irrelevant," "inadequate," or "excessive," that is "no longer material to current public debate or discourse," and that is causing demonstrable harm to individuals.

The bill was written largely along the lines of the European Court of Justice's decision in Google Spain SL v. Agencia Espaola de Proteccion de Datos[26]. To some extent, two important cases, Melvin v. Reid and Sidis v. FR Publishing Corporation are relevant. In Melvin's case, an ex-prostitute was accused of the murder and afterward acquitted; she then attempted to live a quiet and pseudonymous life. However, the 1925 film The Red Kimono discovered her background, and she successfully prosecuted the producer.

"Any person living a life of rectitude has that right to happiness, which includes freedom from superfluous attacks on his character, social standing, or reputation," the court reasoned. While the plaintiff in the latter case, William James Sidis, was a former child prodigy who longed to spend his adult life quietly and unnoticed, an article in The New Yorker hindered this. The court held in this case that there are limits to one's right to control one's own life and facts about oneself, that there is a decisive factor in publicly available facts, and that an individual cannot

[26] Supra note 12

completely disregard their celebrity status simply because they want to." Despite these slow improvements, the chances of success of Federal law or a Constitutional Amendment providing for a self-contained Right to be Forgotten in the United States are quite dim, especially given the strong opposition because it is inconsistent with the First Amendment to the United States Constitution, which guarantees freedom of speech and expression. It is thus argued that the Right will result in a new method of censorship.

These criticisms, however, are coherent with the recommendation stating that the only documentation that can be excluded at the request of the data subject is content that the user has uploaded.

The Boon and the Bane

The right to be forgotten can also provide important privacy safeguards as well as play a significant role in publicizing agency and autonomy. When it comes to online private information and identity, both state and non-state actors wield considerable power. Allowing people to own some of their private information gives them some oversight over their digital identities. The vast majority of online private information has no significant impact on public interest considerations and is far more valuable to the individual than to society as a whole. Current jurisprudential and governmental developments in this area have been sensitive to this, distinguishing between what is valuable to an individual, what is interesting to the public, and what is in the public interest.

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There were concerns that an "overly broad right to be forgotten" would lead to Internet censorship because data subjects could force web pages or websites to erase private details, potentially rewriting history. Individuals should not be defined indefinitely by their past in some circumstances. The Google Spain decision provides some guidance in this regard, recognizing the need for relevant considerations - such as the nature and sensitivity of the information, the interests of the state, and the role played by the data subject in public life - to be taken into account when striking a fair balance between the data subject's right and the interests of internet users. Relatively soon after the Google Spain decision, Google received a flood of requests from people seeking to have articles about them eliminated from the search engine. Google's 2017 Transparency Report provided some guidance on how it has dealt with requests, providing examples of some of the outcomes of requests for erasure. According to one response to a politician's request, *"[w]e did not delist the URLs given his former status as a public figure," while another stated, "[w]e delisted 13 URLs as he did not appear to be currently fully involved in political life and was a minor at the time."* According to Article 19[27], binding children to negative elements of their past can "impede their progression and diminish their sense of self-worth."

There are legitimate benefits to the right to be forgotten; however, there are risks associated with the right, particularly around rights enforcement and the negative impact this can have on

[27] The Constitution of India, art. 19.

the right to freedom of expression. In the absence of effective regulatory safeguards, search engines may become the "judge, jury, and executioner" of the right to be forgotten. There are risks in delegating such decision-making authority to a private entity, particularly considering the need for organizations to be effective rights, which has traditionally been reserved for courts. The Electronic Frontier Foundation is concerned that the "ambiguous responsibility placed on search engines" will lead to internet censorship.

A Threat to the Right to Freedom of Speech and Expression?

Often right to be forgotten is considered a violation of freedom of expression given to citizens of India under Article 19 of the Constitution. Freedom of Expression is a universal human right that ensures that every citizen can express themselves and their opinions. Article 19(1) (a) of the Constitution guarantees the freedom of speech and expression subject to certain reasonable restrictions under Article 19(2). These limitations permit the State to make regulations and edge-specific principles, guidelines and headings, and directions that complement the law that limits the previously mentioned right. Huge criticism is being faced by the right to be forgotten as it confronted significant analysis through checking the freedom of speech and expression. The right to be forgotten is an inherent aspect of the right to privacy and then again, there exists the right to freedom of speech and expression of general society at large which envelopes in its overlap, the right to information and the right to know.

Freedom of expression will get affected due to the removal of the online substance from the web. citizens won't be able to express their views as they will experience an issue in communicating their perspectives through published articles, books, TV, the web, or some other medium as the overall influence of eliminating the data will move in the favor of the person, whose data has been unveiled. citizens won't be able to express their viewpoints or convictions on a specific matter.[28]

In the case of Shreya Singhal, it was held that restrictions mentioned in Section 66-A of the Information Technology Act, 2000[29] such as "information that may be grossly offensive or which causes annoyance 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, for this situation, the court held Section 66-An unconstitutional on the ground that it chillingly affected the freedom of speech. The author suggests that as Article 19 (1) (a) of the Indian Constitution is subjected to certain reasonable restrictions in Article 19 (2) of the Constitution, there ought to be an amendment through which the Right to Privacy should be included for Article 19 (2) of the Constitution.

In conclusion, one is right to ensure awareness among the citizens towards an individual past event posted on the internet, and this easy access will help readers/viewers to a judge person

[28] Preeti Sudhir Nayak, Right to be forgotten in India, available at www.legalserviceindia.com/legal/article-712 (last visited on Sep 26, 2022)
[29] Information Technology Act 2000, India, available at: http://www.mit.gov.in/itbill.asp (last visited on Sep 26, 2022).

based on his past acts but can have both positive and negative affect on one's life as this can cause psychological and emotional suffering to one as it'll affect their present life. On the other hand, the restriction will occur on freedom of speech and expressions of the citizens as it will limit their free expression on the internet and it will cause chaos in newscasting. The right to be forgotten in this manner is an exceptionally mind-boggling issue as it carries vulnerability between the right to privacy and the right to free speech and expression.[30]

Conclusion

The current study looked at the conception and subsequent evolution of the right to be forgotten in the European Union. The right to privacy is more sustainable in Europe than in India, thanks to extensive jurisprudence on the subject. The right to be forgotten necessitates balancing the rights to privacy and freedom of expression. The right to privacy, which is a fundamental right in Europe, has only recently been recognized as such in India.

However, judicial pronouncements have suggested that it is inherent under Article 21 of the Constitution. Even though the right is now acknowledged, its development has thus far been limited to regulatory oversight against state surveillance. In the nonappearance of any explicit right to privacy and any legislation protecting citizens' data on an online forum, the right to be forgotten, if ascertained, would have a weak and insufficient foundation in India. Furthermore,

[30] Supra note 24

it is argued that India's free speech jurisprudence has emerged well enough to supersede the right to be forgotten.

Many constitutional inconsistencies plague the right to be forgotten, rendering its foundation incompatible in the Indian context. Article 19 of the Constitution protects citizens' freedom of expression and permits an individual to post content on the web about another person as long as it is not prohibited by statutory legislation. As a result, the GDPR's broad definition of personal data cannot be guaranteed by the constitution because it would violate the right to free expression. As a result, the right to be forgotten in its current form would be completely at odds in the Indian context, both substantively and procedurally.

However, it is proposed that the European version of the right could be modified to make it compatible with the Indian Constitution. The Right to Be Forgotten must be established statutorily in Indian law and must apply to both private individuals and the state, as envisioned in the Personal Data Protection Bill, 2019[31]. Furthermore, data protection laws, such as the Information Technology (Intermediary Guidelines) Rules, 2011[32], which currently provide weak data protection, must be strengthened, and specifically worded. An executive body should

[31] Personal Data Protection Bill, 2019, India, available at: http://164.100.47.4/BillsTexts/LSBillTexts/Asintroduced/373_2019_LS_Eng.pdf (last visited on Oct 5, 2022).
[32] Information Technology (Intermediary Guidelines) Rules, 2011, India, available at: http://www.mit.gov.in/itbill.asp (last visited on Oct 3, 2022).

have the prerogative to balance the right to privacy and the right to free expression in full compliance with administrative principles against excessive delegation.