



NALSAR Law Review

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Editorial

Introduction

It is with great pleasure that we present on behalf of the NALSAR Law Review (NLR) this special issue to commemorate NALSAR University's Silver Jubilee Year. We would like to express our deep appreciation to our contributors who so willingly devoted their time and energies towards academic writing for our Journal.

It is appropriate that we should begin the issue with the account of the aim and objective of the journal. The articles published in NLR are peer-reviewed and represent the latest thinking on various legal topics. This helps to keep the legal community up-to-date with the latest developments in the field and facilitates the exchange of ideas and knowledge. NLR serves as a vital mechanism for the dissemination of legal knowledge and intellectual discourse.

As the NLR Editorial Board, it is our duty to ensure that Nalsar law Review remains at the forefront of legal discourse, reflecting the latest developments and trends in the field of Legal education and legal thought.

The Nineth Volume of the University's flagship Journal *Nalsar Law Review* is being published on the eve of *Twentieth Annual Convocation, 2023*. This gives us immense pleasure to present our scholarship in this issue.

Authors Contributions

This issue contains diverse topics that will keep the reader engaged. The subject matter is arranged so as to give importance to emerging intersectionality of law and technology followed by issues pertaining to human rights law by virtue of its age and universality and then the interconnection of natural phenomena and the necessity of interdisciplinary solutions through the writings on Environmental law, Criminal law, IPR law, Labour Law, Corporate Law and International law.

Contributors are well established in their area of scholarship. This issue has articles written on very significant topics that highlight the necessity

of interdisciplinary approach such as *An Assessment of Emerging Forms of Technological Innovations in Justice Delivery Mechanism*, by Justice Anupama Chakravarthy, Judge, Telangana High Court; *Automation And Artificial Intelligence in Administration of Justice*, by M Radha Krishna Chahavan, Senior Civil Judge, Sanga Reddy and Research Scholar, Telangana University; *Protection of Neighbouring Copyrights– A Comparative Study of Law at India, USA and EU*, Prof. (Dr.) P. Sree Sudha, Vice Chancellor (Officiating), DSNLU, Visakhapatnam; *Can we ever take A ‘Middle Course’ In India? Contextualising the Comparative Aspects of a National Judicial Appointment Commission and the Diversity Debate*, by Dr. Uday Shankar, Rajiv Gandhi School Of Intellectual Property Law, Indian Institute Of Technology (IIT) Kharagpur; *Legal Reforms in The Age of Digitalization: Setting Realistic Goals*, by Abhishek Sharma Padmanabhan, Assistant Professor of Law, Christ University, Bangalore; *Russian Invasion of Ukraine: Illusion of Humanitarian Intervention*, by Dr. Vaibhav Goel Bhartiya, Dean, Faculty of Law, Subharti University; *Displacement Of People: An Adverse Repercussion of Climate Change*, by Rishabh Bhandari, Assistant Professor at Ramaiah College of Law, Bengaluru; *The Rights of Stray Community Dogs: Judicial and Legislative Perceptions*, Varun Dhond, Law Clerk-cum-Research Associate to Justice A. S. Oka, Supreme Court of India and many more.

The breadth of coverage highlights the legal scholarship in these articles We believe readers will find the present issue interesting and thought provoking. We hope our readers will enjoy reading the Review as much as we did putting it together for you.

Editorial Committee

EXPLORING THE SIGNIFICANCE OF 'RIGHT TO BE FORGOTTEN' & INTRICACIES OF SAFEGUARDING PERSONAL DATA IN DIGITAL ERA: AN ANALYSIS

Ms. Ana Sisodia*

Abstract

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 personal data are available online or in public forums, therefore, it is crucial for everyone to safeguard it. The case of Justice K.S. Puttaswamy v. Union of India¹ put the debate in India on data protection and privacy into perspective when the Supreme Court declared the right to privacy to be a basic right as a part and parcel of Right to Life and Personal Liberty, since, India, the world's largest Democracy has provided through lex loci some inseparable Fundamental rights which are said to be sine qua non for harmonious existence. As a result of which, Standing and Parliamentary Committees also underlined in their reports the necessity for specific data protection and privacy laws. After a considerable hustle and on the basis of Justice B.N Srikrishna report, the Personal Data Protection Bill, 2019 was tabled in the Parliament which specifically provided for 'Right to be Forgotten'. However, the bill was withdrawn and now replaced by altogether different Digital Personal Data Protection Bill, 2022, which does not specifically provides for Right to be Forgotten. The Paper is an attempt to analyse the importance, needs and challenges associated with Right to be forgotten having orientation to the current trends, with special reference to Right to Privacy.

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¹ (2017) 10 SCC 1.

Keywords: Digital Personal Data Protection Bill, 2022, Internet, Personal Data, Personal Data Protection Bill, 2022, Right to Privacy, Right to be Forgotten.

Introduction

It is often said that *Change is the law of nature*, so thus remarkably making reality in the modern digital period. The tremendous development of information and technology in recent years has given us access to the most complicated elements of our lives, both good and terrible. Among the 467.0 million social media users and 658.0 million internet users in India in January 2022², according to the report, people spend a significant portion of their day in front of computers and occasionally browse the internet. Beyond question, the Internet not only has a significant impact on people's lives but also greatly influences our surroundings.

As it is said that everything comes with its pros and cons, therefore, without an iota of doubt, internet is no exception to it. Many a times the hysterical use of the internet seems to stand in direct conflict with the very precious Right of Privacy, without which harmonious human existence seems impossible. Nowadays, privacy on the internet has become a myth, meaning thereby that one can access another's life without their knowledge and take their data and upload it without considering the authenticity and sensitivity of the information and its possible consequences.

Due to the rapid advancement of technology and the internet, personal information is no longer restricted to the government files and documents rather, now people are a search away in retrieving that information. In this light, not much heard of Right to be Forgotten (RTBF) plays an imperative role when it comes to safeguarding the reputation and interest of an individual, since it gives them the right to have their private information removed from the internet, websites or other public platforms.

² Simon Kemp, *Digital 2022: India*, DATAREPORTAL (Feb. 15, 2022), [https://datareportal.com/reports/digital-2022-india#:~:text=Internet%20use%20in%20India%20in,percent\)%20between%202021%20and%202022.](https://datareportal.com/reports/digital-2022-india#:~:text=Internet%20use%20in%20India%20in,percent)%20between%202021%20and%202022.)

Basically, Right to be Forgotten is the right of parties to get removed the publicly accessible personal information from the internet, websites, or any other platforms of public domain, if the concerned information is no more desirable and necessary by the parties.

A Global Perspective

RTBF traces its origin to the 'right to oblivion' in the French jurisprudence or *Droit a loubli* in 2010.³ Though, a relatively new and emerging concept in India, but it has been long back recognised as a statutory right in the European Union underneath the law of 'General Data Protection Regulation (GDPR)', respectively, along the courts in the United Kingdom, and in Europe, sustaining the same through their pronouncements. For the first time in 1995, it was subtly recognized by European Union Directive on Data Protection in 1995 as a substantial right.⁴ To be more precise, Article 17⁵ of GDPR, 2016 delivers 'Right to Erasure' (or the Right to be forgotten), which permits a data subject to request a controller to delete personal data concerning him or her without undue delay. As a result of GDPR, individuals are entitled to ask the organizers to delete or erase their personal information. This shows the importance of the Right to be forgotten in today's world where the information and personal data of an individual is easily accessible to the public.

Through Article 17 of General Data Protection Regulation (GDPR), 2016, a person has a right to get his personal data erased if one of the following grounds applies⁶:

1. Where the purpose got fulfilled for which personal data was collected or processed.

³ Zubair Ahmad, *Right to be forgotten*, MANUPATRA (Aug. 23, 2022), <https://articles.manupatra.com/article-details/Right-to-be-forgotten>.

⁴ EUROPEAN DATA PROTECTION SUPERVISOR, https://edps.europa.eu/data-protection/data-protection/legislation/history-general-data-protection-regulation_en, (last visited Jun. 10, 2023).

⁵ GDPR.EU, <https://gdpr.eu/right-to-be-forgotten/#:~:text=In%20Article%2017%2C%20the%20GDPR,originally%20collected%20or%20processed%20it.>, (last visited Jun. 10, 2023).

⁶ *Id.* at 4.

2. If you withdraw your consent to the processing of the data and there is no other legal basis for the processing of the data.
3. If you object to the processing and there are no overriding legitimate grounds for continuing to process your personal information.
4. A direct marketing purpose is the reason for which your personal data are being processed and you object to the processing.
5. Unlawful processing of your personal data has been done.
6. In order to comply with the legal obligation your personal data has to be erased.

The roots of the doctrine lies in the case of, *Google Spain SL, Google Inc. v Agencia Española de Protección de Datos, Mario Costeja González* (2014). Once, Spaniard, Mario Costeja González had run into financial difficulties in 1998 and was in need of assistance. In order to achieve this, he placed an advertisement in the newspaper advertising a property for auction, which ended up on the internet. It was thus possible to search for news about the sale on Google long after he had resolved his financial problems, and everyone searching for him assumed that he had declared bankruptcy. As a consequence of it, he suffered serious damage to his reputation, which led him to seek judicial intervention. As a result this case gave birth to the “Right to be forgotten”⁷. The European Court of Justice gave the judgment in favor of Mario Costeja González and directed Google to remove the personal data and declare that under certain circumstances personal information of European Union residents could be removed or deleted from the search engine. However, in 2019 the EU court limited the scope of right to be forgotten to the European Union by saying Google does not have to apply the concept of right to be forgotten outside the territory of Europe.⁸

⁷ Dave Lee, *What is the 'right to be forgotten'?*, BBC (May 13, 2014), <https://www.bbc.com/news/technology-27394751>.

⁸ THE GUARDIAN, <https://www.theguardian.com/technology/2019/sep/24/victory-for-google-in-landmark-right-to-be-forgotten-case>, (last visited Jun. 10, 2023).

Similarly, having been discovered the comprehensive roots of the same in 2015, Russia legislated in the similar manner, a law, that allows users to demand from a search engine to remove links to personal information on grounds of irrelevancy, inaccuracy and violation of law.⁹ However, speaking in context of USA, there is widespread support for the Right to be forgotten, but yet it is not supported by law.¹⁰

Right to be Forgotten in Indian Perspective: A Regulatory Framework

India, the world's largest democracy via *law of the land* has exquisitely provided for Justice whether in the nature of Social, Economic or Political as deep-seated in its Preamble stating other objectives required to be complied with in an egalitarian form of democracy like ours. Furthermore, the magnificence of *the lex loci* gets enhanced by palpable existence of Liberty of Expression not only in the Preamble set forth but also as a strong and vehement guaranteed fundamental Right paving way for Freedom of Speech and Expression¹¹, which doesn't only operate via Print or electronic media but can be exercised through social media as well. Along with Freedom of Press, Right to Information also becomes inherent part to Article 19(1)(a). The Supreme Court determined that the right to information shall be considered as a basic right under article 19 in the *Raj Narain v. State of Uttar Pradesh*¹². However, it gets peculiar to note that Right to Privacy is also reiterated as Fundamental Right lately by the Supreme Court in *K.S Puttaswamy v. Union of India*¹³, respectively. Therefore, to sum up, it becomes important to balance both the intrinsic rights as provided by the Constitution of India and Constitutional Law. Hence, in the era of digital advancement it gets crucial to not only talk about but to introduce the most heated Right

⁹ DW, <https://www.dw.com/en/russian-parliament-approves-right-to-be-forgotten-online-law/a-18560565>, (last visited Jun. 10, 2023).

¹⁰ Brooke Auxier, *Most Americans support right to have some personal info removed from online searches*, PEW RESEARCH CENTER (Jan 27, 2020), <https://www.pewresearch.org/short-reads/2020/01/27/most-americans-support-right-to-have-some-personal-info-removed-from-online-searches/>.

¹¹ INDIA CONST. art. 19, cl. 1(a).

¹² 1975 SCR (3) 333.

¹³ (2017) 10 SCC 1.

to be forgotten though in consonance with Freedom of Speech, Expression and Information, respectively.

However, with reference to India, there is no law that explicitly provides for RTBF. Information Technology Act, 2000 or governing IT Rules, 2011 or newly introduced IT Rules 2021, which is the existing regime governing digital data and protection, does not provide for any provisions concerning to the RTBF. Though it is also noteworthy that, to an extent, the Information Technology Act of 2000, provides for the payment of damages by way of compensation, If a body corporate is proven to have neglected to put appropriate security procedures in place and keep them up to date while managing or having sensitive information on a computer resource that is theirs, they might be held accountable if someone suffered harm because of it¹⁴.

However, the now-retracted *Personal Data Protection Bill (PDPB), 2019* had clauses pertaining to the relevant doctrine. The Justice B.N. Srikrishna Committee created the bill, which was presented in May 2018. The proposed measure was an entry into the regime of a little-known right, whose main objective is to safeguard the personal information of interested parties. Nevertheless, the minister in charge withdrew the 99-section measure after the joint parliamentary committee suggested 81 revisions¹⁵. In the Bill, the Right to be forgotten finds its mention directly in Chapter 5.

It elaborates that the Data Principal¹⁶ i.e. the concerned person to whom the data belong may get the data disclosure restricted when it is no longer necessary or the consent of the data principal has been revoked. However, it is also peculiar to note that the abovementioned right can only be beseeched after an order of the 'Adjudicating officer'. Apart from it the Section also provides for the fact that the Data Principal has to show to the concerned authority how restricting disclosure of his personal data is of prime importance and supersedes the Freedom of Speech and Expression

¹⁴ Information Technology Act, 2000, § 43A, No. 21, Acts of Parliament, 2000 (India).

¹⁵ THE HINDU, <https://www.thehindu.com/news/national/union-government-rolls-back-data-protection-bill/article65721160.ece>, (last visited Jun. 16, 2023).

¹⁶ Personal Data Protection Bill, 2019, § 3(14), No. 373, Bills of Parliament, 2019 (India).

along with Right to Information of the other citizens¹⁷. To sum up, the Personal Data Protection Bill (now withdrawn) provides separately the Right to Correction and Erasure via Section 18 and Right to be Forgotten via Section 20 with appropriate regulations.

However, the now placed **Digital Personal Data Protection Bill, 2022**, does not explicitly provides for RTBF in the manner the aforesaid bill seeks to elaborate. Yet, the Bill provides that if a Data Principal's personal information is no longer required for the processing being done on it, it should be deleted unless keeping it is required by law.¹⁸ Thus, the concept of RTBF has been unequivocally removed from the ambits of Digital Personal Data Protection Bill, 2022 and is said to be now impliedly been covered under the shadows of Right to Correction and Erasure in the current bill, whose application and success will be left to the test of time.

A Judicial Approach Towards RTBF

Right to Privacy is not a new phenomenon, it has always been a part and parcel of Article 21 of the Indian Constitution that advocates for Right to Life and Personal Liberty. The Apex Court of India has time and again interpreted Article 21 in numerous manner and provided indispensable rights to the people, and elevated the spirit of Judicial Activism, whenever need arouse. However, lately, in *K.S. Puttaswamy v. Union of India*¹⁹, the Court has once again reiterated Right to Privacy as a Fundamental Right. SC recognised RTBF as part of the right to life under Article 21 along with the Right to be left alone, however, the Court did not recognised it as a separate Fundamental Right. It was also observed that it is an imperative 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.

Therefore, Right to Privacy at par with Article 21 includes information that is private, whereas, the Right to be Forgotten substantially implies to involves taking down information that was

¹⁷ Personal Data Protection Bill, 2019, § 20, No. 373, Bills of Parliament, 2019 (India).

¹⁸ Digital Personal Data Protection Bill, 2022, § 13, Bills of Parliament, 2022 (India).

¹⁹ (2017) 10 SCC 1.

at a certain time publicly known and not consenting third parties to access the information once not desired.

A right that strongly holds ground under Universal Declaration of Human Rights via Article 12, being an inseparable right to human existence, that parts the lives of human beings from mere animal existence and portray the living example of a true civilization at large.

In a case first of its kind, *Dharmaraj Banu Shankar Dave v. State of Gujarat*²⁰, the Gujarat High Court refused to grant the Right to be Forgotten to Dharmaraj Banu Shankar Dave, although he was acquitted in the matter he was charged with. On the grounds, that there are no implications of the publication that violated right presented by Article 21 of the Indian Constitution.

In *Sredharan T v. State of Kerala*²¹, the Kerala High Court recognised the Right to be Forgotten as an inherent part of the Right to privacy. Case at hand involved a writ petition for protection of the Right to privacy under the umbrella of Art.21 of the constitution. The petitioner prayed to the court to get the names and personal information of the rape victim to be removed from the search engines so as to safeguard her identity. Consequently, the court pronounced in favour of the petitioners, thus recognising the right.

On the other hand, the Karnataka High Court recognised the Right to be Forgotten in a later ruling in the case of *Sri Vasunathan v. The Registrar General*²². This case aimed to protect the reputation of the petitioner's daughter by removing her name from the cause title because it was easily available. The court ruled in the petitioner's favour and issued an order removing the name of the petitioner's daughter from the cause title and the orders. The Court ruled that this would be in line with the overall tendency in Western nations, where the "right to be forgotten" is applied as a general rule in delicate instances involving women, as well as in particularly

²⁰ 2017 SCC OnLine Guj 2493.

²¹ Writ Petition No. 9478 of 2016.

²² 2017 SCC OnLine Kar 424.

delicate cases involving rape or endangering the modesty of the women.

In a recent pronouncement by Delhi High Court in *Zulfiqar Ahman Khan v M/S Quintillion Business Media Pvt. Ltd. And others*²³, the Court while adjudicating in favour of the plaintiff held that the Right of Privacy includes Right to be forgotten and Right to be left alone, being an inherent aspect of the valuable right of Privacy.

In *Subhranshu Rout @ Gugul v State Of Odisha*²⁴, the Orissa High Court is of the view that Indian Criminal Justice system is more of a sentence oriented system with little emphasis on the disgorgement of victim's loss. Keeping this in view, the Court ruled out the importance of Privacy of the victim in light of Right to be Forgotten. The Court also ruled that where a victim's right to privacy has been gravely breached or infringed upon, the victim or the prosecution may request the proper court orders to have the offending information removed from platforms used by the general public. In order to protect the victim's basic rights, the court ordered that such content be erased.

In yet another leading case of *Jorawer Singh Mundy v Union of India and Ors*²⁵, where the Court ruled in favour of the party aggrieved as his name in a legal case was accessible on various sites, though he was acquitted in the matter but his reputation and career opportunities were at stake. The Right to be Forgotten in this case was upheld.

Additionally, the Supreme Court accepted the right to be forgotten as a component of the right to life under Article 21 in the landmark decision of *K.S. Puttaswamy v Union of India*²⁶. The Supreme Court had ruled that the right to be forgotten was subject to limitations and that it could not be used if the information in question was needed for any of the following purposes: 1. the

²³ 2019 SCC OnLine Del 8494.

²⁴ BLAPL No.4592 OF 2020.

²⁵ 2021 SCC OnLine Del 2306.

²⁶ (2017) 10 SCC 1.

exercise of the right to freedom of expression and information; 2. compliance with legal obligations; 3. performance of a duty in the public interest or public health; 4. protection of information in the public interest; 5. for scientific or historical study, etc.

Right to be Forgotten-Why Needed?

There are various reasons for accepting the concept of Right to be Forgotten and legislating upon the same, few of them are discussed below:

1. With the advent of digital era it becomes crucial for an individual to take charge of his vital personal information. Without a speck of doubt various bodies can hinder the most crucial right of a human being i.e., his Right to privacy, through distinct online means by way of recording or keeping an eye on his daily activities. Henceforth, it becomes the primary responsibility of the State at large to safeguard the Right of Data Protection clubbed with the Right to Privacy. Thereby, placing the sole ownership of their private information subject to their custody.
2. Right to Freedom of Speech and Expression²⁷ as enshrined under Indian Constitution is subject to the Reasonable Restriction of Reputation and Decency & Morality²⁸, therefore, such personal information unlawfully circulated in public domain without consent of the concerned person can at large hamper the whole object of a responsible State. Also, there is no justification to have access to the same by other people.
3. Also, it becomes of prominent importance that the State should work on the principle of Utilitarianism which means “Maximum Happiness to the Maximum Number of People”, therefore, if any individual is forced to live under a state of distress due to any of his information published on online forum and having no relevance in today’s time, it will completely neglect the idea of a prosperous and progressive society.

²⁷ India Constitution Art. 19, cl. 1(a).

²⁸ India Constitution Art. 19, cl. 2.

4. In the emerging era of Artificial Intelligence, it becomes of prime importance to protect the Personal Data of the individual to safeguards against the technological outburst of personal information thereby leading towards technology war and hindrances into the harmonious imperatives of the Constitution such as Right to Privacy and Dignity.
5. The right to be forgotten can significantly increase safety and help people become more independent and organised. When it comes to online personal data and psychological profiles, state and non-state artists have a broad variety of abilities. People have greater control over their augmented personalities when they are given the freedom to take ownership of their data.

Associated Challenges

Having due regards to the importance of the Right to be Forgotten on one hand, it becomes also necessary to illustrate the challenges associated with the same, which can be faced in the long run and has to be taken proper care of in near future. To elaborate, some of them are:

1. *In Conflict with Media and Freedom of Speech and Expression:*
It is said that Press is the Fourth Pillar of the Democracy and a free and protected media whether print, electronic or social forms a basic part of any egalitarian form of society. In the presence of RTBF, there are chances that journalists may face challenges in exercising the Freedom of Expression along with presenting news to the public at large.
2. *General Impact on Right to Information/ Right to Know:*
Freedom of Speech and Expression is an established universal human right, in the similar manner, one such essential attribute of this Right is the Right to know, both being the two sides of the same coin. The removal of online content from the internet might affect the citizen's freedom of Right to Information, which though not specifically mentioned under the Indian Constitution, but is an inherent part and parcel of Article 19(1)(a), respectively. As a consequence of which the public at large will face issues in expressing their views through different

mediums. This is terrifying for everyone who supports free speech and the dissemination of knowledge.

3. *Republication of Concerned Material or False Claims*: RTBF probably wouldn't work in many circumstances since people would just keep republishing articles, which would then result in more delinking requests, which would then lead to further republishing in a never-ending loop. Also, it is possible that it may lead to raining down of undue and false claims of removal of Personal Data by concerned individuals which may be against general Public Interest. An overly broad right to be forgotten raised worries that policing the Internet would be necessary because information subjects might force web search tools or sites to remove specific material, potentially rewriting history.
4. *Absence of Explicit Right to be Forgotten in DPDP Bill, 2022*: The only way to delete personal data after it has been given to a data fiduciary is through the right to erasure, which only allows the erasure of personal data that is no longer required for the purpose for which it was processed unless retention is required for a legal purpose, since this right to be forgotten is not included in the DPDP. Contrarily, under the right to be forgotten, the data principal also has the option of stopping the processing (which includes storage) of data in the event that permission is withdrawn or if the processing was done in violation of the law. As a result, the DPDP minimises an individual's control over their personal data.
5. *Growth of AI and concerns over Privacy*: Gradually as the use of AI will rise and as it will take form from weak AI to strong, it will become even more critical to safeguard the personal data of an individual. Therefore, in this light, the Right to be Forgotten along with a strong regulatory framework, is going to play a very vital role.

Conclusion

The Right to be Forgotten may play a significant role in fostering agency and autonomy as well as crucial privacy safeguards. When it comes to a person's online identity and personal information, state and non-state entities have a lot of influence. The

majority of internet personal data has significantly greater inherent value for the individual than for society as a whole and has little influence on issues of public interest. This has been taken into consideration in recent jurisprudential and legislative developments, which distinguish between what is valuable to an individual, what is interesting to the public, and what is in the public interest.

In this regard, Right to be Forgotten seemed to make a lot of sense. Why should something that occurred years or even decades ago continue to plague someone throughout their whole life? Sadly, the devil is always in the details. Who makes the call on what gets taken out of searches? What standards should be applied? How should the individual's right to privacy and the public's interest in information be balanced? However, a bunch of challenges seems to erupt at every possible stage, which can only be eliminated with the help of Judicial, legislative and executive approach along with role of Civil Society with a sense of responsible citizenship and socializing.

Suggestions

1. *Inclusion of Right to Privacy under ambit of Constitution:* An important idea for a better application of the Right to be Forgotten is that the Right to Privacy must find its enduring home under the Articles of Indian Constitution which will promote its efficiency both in light of Legislative and Judicial interpretations so as to avoid future challenges in its execution and thus making it an imperative right.
2. *Striking balance between RTBF and Right to Know:* A healthy democracy in India requires a balance between the RTBF and the Right to Privacy on the one hand, and freedom of speech and expression together with the right to know on the other. Consequently, the public's right to information should take precedence over RTBF if the information is of wide public interest. The Legislature and Judiciary should take appropriate measures to strike out a balance between them thus maintaining Rule of Law in its true spirit.

3. *Execution of Strong Data Protection Framework:* The government should execute a strong Data Protection Policy to prevent misuse and leakage of data. Currents laws in this regard are insufficient. The now withdrawn and replaced Personal Data Protection Bill, 2019 showed a ray of hope by specifically providing for this Right under Section 20, however, now placed Digital Personal Data Protection bill touched its limited aspects via Section 13. This might be instilled in each person right away with the help of a solid information security policy. People may use the right to be forgotten to help them better ensure their security.
4. *Specific inclusion of Right to be Forgotten:* It should be noted that the Right to be Forgotten, which was included in the drafts from 2018 through 2019 and 2021, is absent from this Bill, and there is no justification for this omission. To better comprehend the government's stance on this section, it would be helpful to know the rationale behind the decision to eliminate the Right to be Forgotten, especially given the Bill is founded on the concepts of purpose restriction and data reduction. The right to be forgotten should be included in the current draught legislation since it would allow data principals more control over personal data.

FORM IV

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