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# THE RIGHT TO BE FORGOTTEN VS CELEBRITY CULTURE: A CONSTITUTIONAL ANALYSIS IN THE AGE OF SOCIAL MEDIA

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## INTRODUCTION

The rapid digitisation of society has fundamentally altered the relationship between individuals, information, and memory. In the contemporary age of social media, where information is not only created but permanently archived, the law faces an unprecedented challenge: how to reconcile the individual's right to control personal information with the public's insatiable appetite for visibility, especially in the context of celebrity culture. The emergence of the Right to be Forgotten (RTBF) reflects this evolving tension between privacy and publicity, autonomy and accountability, and erasure and remembrance.

At its core, the Right to be Forgotten is a claim to informational self-determination—the ability of an individual to demand the deletion or delinking of personal data that is no longer relevant, necessary, or lawful.<sup>1</sup> This right becomes particularly significant in a digital ecosystem where past actions, statements, or controversies remain searchable indefinitely, often divorced from their original context. While such permanence may serve public interest in certain situations, it can equally result in reputational harm, psychological distress, and perpetual social judgment.

The constitutional foundation of this right in India can be traced to the landmark judgment of Justice K.S. Puttaswamy v. Union of India, wherein a nine-judge bench of the Supreme Court unequivocally recognised the Right to Privacy as a fundamental right under Article 21 of the Constitution.<sup>2</sup> The Court held that privacy is intrinsic to life and personal liberty, encompassing informational autonomy and the right of individuals to control the dissemination of personal data. Importantly, the judgment also acknowledged that privacy is not an absolute right and must be balanced against competing interests such as freedom of expression and legitimate

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<sup>1</sup> Neeti Niyaman, "Right to be Forgotten in India: Digital Privacy & Law," 2025.

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

state concerns.

The recognition of privacy as a fundamental right laid the groundwork for the conceptual acceptance of the Right to be Forgotten within Indian jurisprudence. Although not explicitly codified, Indian courts have increasingly engaged with this principle. For instance, in *Dharmaraj Bhanushankar Dave v. State of Gujarat*, the Gujarat High Court refused to remove a judgment from public records, emphasising the importance of transparency and judicial accountability. Similarly, in *R. Rajagopal v. State of Tamil Nadu*, the Supreme Court recognised the “right to be let alone” but clarified that public records remain open to scrutiny. These cases illustrate the inherent judicial hesitation in granting absolute erasure, particularly where public interest is involved.

This tension becomes even more complex when examined through the lens of celebrity culture. Celebrities, by virtue of their public status, occupy a unique position in law. Their lives are subject to heightened public scrutiny, often blurring the distinction between public interest and mere curiosity. Social media platforms such as Instagram, YouTube, and X (formerly Twitter) have amplified this phenomenon, transforming individuals into brands and personal narratives into consumable content. In such a landscape, the question arises: should celebrities be entitled to the same degree of informational privacy as ordinary citizens?

The answer is far from straightforward. On one hand, celebrities voluntarily engage with the public domain, often monetising their visibility and leveraging media attention for professional gain. On the other hand, they remain individuals entitled to dignity, reputation, and privacy under Article 21. The challenge lies in determining the threshold at which public interest justifies continued access to personal information, and when such access becomes an unjustified intrusion.

The conflict becomes constitutionally pronounced when the Right to be Forgotten is juxtaposed with the Right to Freedom of Speech and Expression under Article 19(1)(a). The Indian Constitution guarantees freedom of expression as a cornerstone of democracy, enabling the dissemination of information, journalistic freedom, and public discourse. However, this right is subject to reasonable restrictions under Article 19(2), including defamation, public order, and morality. The RTBF introduces a new dimension to this framework by questioning whether individuals can demand the removal of truthful yet potentially harmful information from the public domain.

Judicial developments in recent years reflect this ongoing balancing exercise. In a significant development, the Supreme Court has addressed the question of whether court judgments themselves can be anonymised or delinked from search engines to protect individual privacy.<sup>3</sup> This raises critical questions about transparency, the integrity of judicial records, and the role of digital intermediaries in regulating access to information.

The legislative response to these challenges has emerged in the form of the Digital Personal Data Protection Act, 2023, India's first comprehensive data protection framework. The Act recognises the right of individuals (referred to as "data principals") to seek correction and erasure of personal data, thereby indirectly incorporating elements of the Right to be Forgotten.<sup>4</sup> It imposes obligations on data fiduciaries regarding lawful processing, storage, and deletion of data, and establishes a regulatory mechanism for enforcement.<sup>5</sup> However, the Act stops short of explicitly recognising a full-fledged RTBF, leaving several ambiguities—particularly concerning publicly available information and judicial records.<sup>6</sup>

Furthermore, the digital architecture itself poses significant challenges to the implementation of this right. The borderless nature of the internet, the role of search engines, and the permanence of online archives make complete erasure practically difficult. Even where data is removed from one platform, it may persist elsewhere, raising questions about the feasibility and effectiveness of legal remedies.

In the context of celebrity culture, these challenges are further intensified. The commodification of personal identity, coupled with algorithm-driven amplification of content, ensures that controversies, scandals, and personal narratives remain in circulation long after their relevance has diminished. This not only affects the individual's right to dignity but also raises ethical concerns about digital memory and societal judgment.

## CONCEPTUAL FRAMEWORK OF THE RIGHT TO BE FORGOTTEN

The Right to be Forgotten (RTBF) has emerged as one of the most significant yet contested legal concepts in the digital age, reflecting the growing need to reconcile technological advancement with individual autonomy and dignity. At its core, the RTBF refers to the ability

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<sup>3</sup> Mondaq, "Supreme Court Stay on Right to be Forgotten Directive," 2024.

<sup>4</sup> PRS India, "Digital Personal Data Protection Bill, 2023."

<sup>5</sup> DLA Piper, "Data Protection Laws in India," 2025.

<sup>6</sup> Drishti IAS, "Right to be Forgotten," 2024

of an individual to request the removal, erasure, or delinking of personal information that is no longer relevant, necessary, or proportionate to remain in the public domain.<sup>7</sup> Unlike traditional privacy rights, which primarily aim to prevent disclosure of personal information, the RTBF addresses the enduring presence of data in digital spaces, where information once published can persist indefinitely and continue to affect an individual's personal and professional life.<sup>8</sup> This shift from protection against disclosure to control over retention signifies a fundamental evolution in the understanding of privacy, particularly in a world where digital memory often outweighs human capacity for forgetting.

The theoretical foundation of the RTBF lies in the concept of informational self-determination, which recognises the individual's authority to control the collection, use, and dissemination of personal data.<sup>9</sup> This principle was first articulated in German constitutional jurisprudence and has since gained widespread acceptance in global data protection regimes. The idea that individuals should have the power to shape their digital identity is particularly relevant in an era where personal data is continuously generated, analysed, and monetised by digital platforms. However, the exercise of this right inevitably comes into conflict with other fundamental values, including freedom of expression, access to information, and the preservation of historical records, thereby necessitating a careful balancing of competing interests.

The modern articulation of the RTBF can be traced to European jurisprudence, particularly the landmark decision of the Court of Justice of the European Union in *Google Spain SL v. Agencia Española de Protección de Datos*, where the court held that individuals have the right to request search engines to remove links to personal data that is "inadequate, irrelevant, or excessive" in relation to the purposes for which it was processed.<sup>10</sup> This judgment marked a turning point by recognising search engines as data controllers and imposing upon them the responsibility to evaluate requests for delisting. The decision underscored the idea that even lawfully published information may, over time, become disproportionate to retain, thereby justifying its removal from search results. This principle was subsequently codified in Article 17 of the General Data Protection Regulation (GDPR), which explicitly provides for the "right

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<sup>7</sup> Orla Lynskey, *The Foundations of EU Data Protection Law* (Oxford University Press, 2015).

<sup>8</sup> Franz Werro, "The Right to Inform v. the Right to Be Forgotten," *Journal of European Tort Law* 6, no. 3 (2015): 281–300.

<sup>9</sup> Paul M. Schwartz, "Internet Privacy and the State," *Connecticut Law Review* 32 (2000): 815.

<sup>10</sup> *Google Spain SL v. Agencia Española de Protección de Datos*, Case C-131/12 (CJEU, 2014).

to erasure,” subject to certain exceptions such as freedom of expression, public interest, and compliance with legal obligations.<sup>11</sup>

In contrast to the European approach, jurisdictions such as the United States have adopted a more speech-centric framework, prioritising the First Amendment over privacy claims. American courts have generally resisted recognising a comprehensive RTBF, viewing it as a potential threat to free speech and the integrity of public records. The absence of a uniform federal data protection law further limits the scope of such a right, although sector-specific regulations and state laws provide limited remedies. This divergence highlights the broader philosophical divide between privacy-centric and speech-centric legal systems, with India occupying a middle ground that attempts to balance both values.

In the Indian context, the RTBF remains an evolving legal principle, primarily derived from the constitutional right to privacy under Article 21. While the Supreme Court has not explicitly recognised RTBF as a standalone fundamental right, various High Courts have engaged with the concept in diverse ways. In *Zulfiqar Ahman Khan v. Quintillion Business Media Pvt. Ltd.*, the Delhi High Court dealt with issues of privacy and reputation in the context of online publication, emphasising that the right to privacy must be balanced against the right to free speech. Similarly, in *X v. Registrar General, High Court of Karnataka*, the Karnataka High Court permitted the anonymisation of a party’s identity in a judgment, recognising the need to protect individual dignity in sensitive cases.<sup>12</sup> These decisions indicate a judicial willingness to acknowledge the principles underlying RTBF, albeit without formally articulating it as a distinct right.

However, Indian courts have also demonstrated caution in extending RTBF to situations involving public records and judicial transparency. In *Dharamraj Bhanushankar Dave v. State of Gujarat*, the Gujarat High Court refused to remove a judgment from the public domain, holding that judicial records are public documents and cannot be erased merely to protect individual privacy. This position reflects the principle of open justice, which is fundamental to the functioning of a democratic legal system. Similarly, courts have emphasised that the right to privacy cannot be used as a tool to rewrite history or suppress legitimate public information. The tension between privacy and transparency is particularly evident in cases involving

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<sup>11</sup> Regulation (EU) 2016/679 (GDPR), Article 17.

<sup>12</sup> *X v. Registrar General, High Court of Karnataka*, 2017 SCC OnLine Kar 424.

criminal proceedings, where the continued availability of information may serve public interest but simultaneously hinder an individual's rehabilitation.

The relationship between the RTBF and the right to privacy under Article 21 is central to its conceptual framework. Privacy, as recognised in constitutional jurisprudence, encompasses multiple dimensions, including informational privacy, which directly relates to the control of personal data.<sup>13</sup> The RTBF can therefore be understood as a specific manifestation of informational privacy, focusing on the temporal aspect of data retention. However, the exercise of this right is subject to the doctrine of proportionality, which requires that any restriction on fundamental rights be necessary, legitimate, and proportionate to the objective sought. This doctrine plays a crucial role in determining whether the removal of information is justified in a given case, particularly when it conflicts with freedom of expression.

The legislative landscape in India has also begun to reflect these developments. The Digital Personal Data Protection Act, 2023, introduces the concept of data erasure by allowing individuals to request the deletion of personal data held by data fiduciaries.<sup>14</sup> Although the Act does not explicitly refer to the RTBF, its provisions on data minimisation, purpose limitation, and storage restriction align closely with the principles underlying the right.<sup>15</sup> However, the Act also recognises exceptions, including situations where data retention is necessary for legal compliance or public interest, thereby reinforcing the idea that RTBF is not an absolute right.

Another critical aspect of the RTBF framework is the role of intermediaries, particularly search engines and social media platforms, which act as gatekeepers of information. The recognition of these entities as data controllers in European jurisprudence has significant implications for their liability and responsibilities. In India, the role of intermediaries is governed by the Information Technology Act, 2000 and the Intermediary Guidelines, which provide conditional immunity subject to due diligence requirements. The extent to which intermediaries can be compelled to remove or delink content remains a contentious issue, particularly in light of competing obligations to protect free speech and prevent misuse.

From a conceptual standpoint, the RTBF raises important philosophical and ethical questions about the nature of memory, identity, and accountability. While the right seeks to protect

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<sup>13</sup> Gautam Bhatia, *Privacy in the Age of the Internet* (Oxford University Press, 2019).

<sup>14</sup> Digital Personal Data Protection Act, 2023.

<sup>15</sup> Ibid.

individuals from the perpetual consequences of past actions, it also risks undermining the collective memory of society and the principle of transparency. The challenge, therefore, lies in developing a framework that allows for contextual evaluation, taking into account factors such as the nature of the information, its relevance to public interest, the status of the individual, and the passage of time.

## CELEBRITY CULTURE IN THE DIGITAL AGE

The notion of celebrity has undergone a profound transformation in the digital age, evolving from a relatively controlled and institution-driven phenomenon into a decentralised, algorithm-driven ecosystem of visibility, influence, and constant public engagement. Traditionally, celebrities were individuals who attained public recognition through exceptional achievements in fields such as cinema, sports, or politics, with their public image largely mediated by established institutions such as film studios, media houses, and public relations agencies.<sup>16</sup> However, the advent of digital platforms has fundamentally altered this paradigm, enabling the rapid creation and dissemination of celebrity identities through social media networks, where visibility is no longer limited to a select few but is accessible to anyone capable of capturing public attention.<sup>17</sup> This democratisation of fame has blurred the boundaries between public figures and private individuals, thereby complicating the legal distinction that has historically governed the scope of privacy rights.

In the contemporary digital ecosystem, platforms such as Instagram, YouTube, and X function not merely as communication tools but as powerful engines of identity construction and economic activity. Celebrities, influencers, and content creators actively curate their personal lives to engage audiences, often transforming intimate aspects of their existence into monetisable content. This process of self-branding, while economically beneficial, creates a paradox wherein individuals voluntarily disclose personal information for public consumption but may subsequently seek to restrict access to the same information when it becomes detrimental to their reputation or well-being. The legal system is thus confronted with a fundamental question: to what extent does voluntary exposure diminish an individual's expectation of privacy?

Indian jurisprudence has grappled with this question in various contexts, particularly in cases

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<sup>16</sup> Chris Rojek, *Celebrity* (London: Reaktion Books, 2001).

<sup>17</sup> Graeme Turner, *Understanding Celebrity* (London: Sage Publications, 2014).

involving media reporting and reputational rights. In *R. Rajagopal v. State of Tamil Nadu*, the Supreme Court recognised the right to privacy as encompassing the “right to be let alone,” while simultaneously holding that matters forming part of public records are not protected by privacy claims.<sup>18</sup> This judgment laid the foundation for distinguishing between private facts and publicly available information, a distinction that becomes increasingly complex in the age of social media, where the line between the two is often blurred. Similarly, in *Khushwant Singh v. Maneka Gandhi*, the Delhi High Court addressed defamation and privacy issues in the context of publication, emphasising that public figures are subject to greater scrutiny, though not entirely devoid of privacy rights.

The expansion of celebrity culture in the digital age has also intensified media trials and public scrutiny. The 24/7 news cycle, coupled with the viral nature of social media content, ensures that controversies involving celebrities are amplified and perpetuated far beyond their immediate context. This raises serious concerns regarding the impact of such exposure on individual dignity and the presumption of innocence. In *Romila Thapar v. Union of India*, the Supreme Court underscored the importance of protecting individual liberty and reputation against prejudicial media narratives, highlighting the potential harm caused by the unregulated dissemination of information. Although the case did not directly involve celebrity culture, its principles are highly relevant in understanding the broader implications of media scrutiny in the digital age.

A critical aspect of celebrity culture is the distinction between “public interest” and “public curiosity,” which plays a central role in determining the extent of permissible intrusion into private life. Public interest refers to information that contributes to democratic discourse, accountability, or societal welfare, whereas public curiosity is driven by entertainment and sensationalism. In practice, however, this distinction is often difficult to maintain, particularly in cases involving celebrities, where personal lives are frequently treated as matters of public concern. The courts have repeatedly emphasised that not all information about public figures qualifies as being in the public interest, and that unnecessary intrusion into personal life may violate the right to privacy.

The role of paparazzi and digital surveillance further complicates this landscape. Advances in technology have made it possible to capture and disseminate images and information without

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<sup>18</sup> *R. Rajagopal v. State of Tamil Nadu*, (1994) 6 SCC 632.

an individual's consent, thereby intensifying invasions of privacy. In *Anil Kapoor v. Simply Life India*, the Delhi High Court recognised the unauthorised commercial use of a celebrity's persona as a violation of personality rights, thereby acknowledging the economic and reputational value associated with celebrity identity.<sup>19</sup> This recognition is significant in the context of digital platforms, where images and personal information can be widely circulated and monetised without adequate safeguards.

Another important dimension of celebrity culture in the digital age is the concept of “digital permanence,” which ensures that information, once uploaded, remains accessible indefinitely. This has profound implications for the Right to be Forgotten, particularly in cases where celebrities seek to move beyond past controversies or personal events. Unlike traditional media, where information would gradually fade from public memory, digital platforms preserve content in a manner that allows it to be rediscovered and recontextualised at any time.<sup>20</sup> This perpetual visibility not only affects the individual's reputation but also raises questions about the fairness of holding individuals accountable indefinitely for past actions.

The emergence of influencer culture further complicates the legal landscape by blurring the distinction between private individuals and public figures. Influencers often achieve celebrity status through sustained online engagement, yet their legal status remains ambiguous. Unlike traditional celebrities, whose public roles are clearly defined, influencers occupy a hybrid position, functioning simultaneously as private individuals and public figures. This ambiguity complicates determining the extent of privacy protection available to them, particularly in the context of RTBF.

The intersection of celebrity culture and the Right to be Forgotten thus presents a complex legal and ethical dilemma. On one hand, celebrities benefit from public exposure and may be seen as having a reduced expectation of privacy. On the other hand, they remain individuals entitled to dignity, reputation, and the ability to move beyond their past. The law must therefore strike a balance that recognises the unique position of celebrities while ensuring that their fundamental rights are not compromised.

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<sup>19</sup> *Anil Kapoor v. Simply Life India*, Delhi High Court, 2023.

<sup>20</sup> José van Dijck, *Mediated Memories in the Digital Age* (Stanford University Press, 2007).

## CONFLICT BETWEEN THE RIGHT TO BE FORGOTTEN AND FREEDOM OF EXPRESSION

The Right to be Forgotten (RTBF) exists at the intersection of two foundational constitutional values: the right to privacy under Article 21 and the right to freedom of speech and expression under Article 19(1)(a). This intersection gives rise to an inherent and often unavoidable conflict, as the exercise of one right frequently necessitates the limitation of the other. In the digital age, where information is disseminated instantaneously and preserved indefinitely, this conflict assumes heightened significance, requiring courts and lawmakers to engage in a delicate balancing exercise that reconciles individual dignity with collective access to information.

Freedom of speech and expression has long been recognised as the cornerstone of democratic governance, ensuring transparency, accountability, and the free flow of ideas. The Supreme Court has consistently emphasised the centrality of a free press to democratic functioning, as seen in *Indian Express Newspapers v. Union of India*, where the Court underscored the importance of an independent press in facilitating informed public discourse.<sup>21</sup> However, this right is not absolute and is subject to reasonable restrictions under Article 19(2), including defamation, contempt of court, and public order. The RTBF introduces a novel dimension to this framework by questioning whether individuals can demand the removal of truthful and lawfully published information on the grounds of privacy and dignity.

The conflict becomes particularly pronounced when the RTBF is invoked to restrict access to information already in the public domain. Unlike traditional privacy claims, which seek to prevent disclosure of private information, RTBF operates retrospectively, aiming to erase or obscure information that was once legitimately available. This raises fundamental questions about the nature of truth, memory, and accountability in a democratic society. In *Shreya Singhal v. Union of India*, the Supreme Court highlighted the importance of protecting online speech, cautioning against vague or overbroad restrictions that may have a chilling effect on free expression.<sup>22</sup> The principles laid down in this case are highly relevant to RTBF, as excessive or indiscriminate removal of online content could undermine the very foundation of free speech.

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<sup>21</sup> *Indian Express Newspapers v. Union of India*, (1985) 1 SCC 641.

<sup>22</sup> *Shreya Singhal v. Union of India*, (2015) 5 SCC 1.

At the same time, the right to privacy, as recognised in *Justice K.S. Puttaswamy v. Union of India*, places significant emphasis on individual autonomy and dignity, including the ability to control personal information.<sup>23</sup> The Court acknowledged that privacy includes the right to protect one's reputation and to prevent unwarranted intrusion into personal life. This recognition provides a strong constitutional basis for RTBF, particularly in cases where continued accessibility of information causes disproportionate harm to the individual. However, the Court also emphasised that privacy is not absolute and must be balanced against competing interests, thereby reinforcing the need for a contextual and proportionate approach.

The doctrine of proportionality plays a central role in resolving this conflict. As articulated in *K.S. Puttaswamy (Aadhaar-5J) v. Union of India*, any restriction on fundamental rights must satisfy the tests of legality, necessity, and proportionality.<sup>24</sup> This doctrine requires courts to assess whether the removal of information is justified in light of its impact on both individual privacy and public interest. In the context of RTBF, this involves evaluating factors such as the nature of the information, its relevance to public discourse, the individual's status, and the passage of time.

Judicial decisions in India reflect an evolving approach towards this balancing exercise. In *Subramanian Swamy v. Union of India*, the Supreme Court upheld the constitutionality of criminal defamation, emphasising the importance of protecting individual reputation as an aspect of Article 21.<sup>25</sup> This judgment highlights the recognition of reputation as a fundamental value, which aligns with the objectives of RTBF. However, it also underscores the need to balance such protection with the right to free speech, particularly in matters of public interest.

The conflict between RTBF and freedom of expression is further complicated by the role of the media and digital intermediaries. The media plays a crucial role in disseminating information and shaping public opinion, but it also has the potential to perpetuate harm through continuous coverage and digital archiving. In *R. Rajagopal v. State of Tamil Nadu*, the Supreme Court held that the press has the right to publish information derived from public records without prior consent, thereby reinforcing the principle of open access to information.<sup>26</sup> This principle poses a significant challenge to RTBF, particularly when

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<sup>23</sup> *Justice K.S. Puttaswamy v. Union of India*, (2017) 10 SCC 1.

<sup>24</sup> *K.S. Puttaswamy (Aadhaar-5J.) v. Union of India*, (2019) 1 SCC 1.

<sup>25</sup> *Subramanian Swamy v. Union of India*, (2016) 7 SCC 221.

<sup>26</sup> *R. Rajagopal v. State of Tamil Nadu*, (1994) 6 SCC 632.

individuals seek to remove information that forms part of public records.

The role of intermediaries such as search engines and social media platforms adds another layer of complexity to this conflict. These entities act as facilitators of information dissemination while also serving as gatekeepers who can control access to content. The question of whether intermediaries should be held responsible for removing or delinking content has been a subject of intense debate. In *MySpace Inc. v. Super Cassettes Industries Ltd.*, the Delhi High Court addressed issues of intermediary liability, emphasising the need for a balanced approach that does not impose excessive burdens on platforms while ensuring protection of individual rights.<sup>27</sup>

The distinction between “public interest” and “public curiosity” is central to resolving the conflict between RTBF and freedom of expression. While public interest justifies the continued availability of certain information, public curiosity does not warrant intrusion into personal privacy. Courts have increasingly recognised this distinction, emphasising that not all information about individuals, particularly celebrities, serves a legitimate public purpose. The challenge lies in drawing this distinction consistently and objectively, particularly in the context of digital media, where sensationalism often blurs the line between the two.

Another important consideration is the temporal dimension of information. The relevance of information may diminish over time, particularly in cases involving minor offences, acquittals, or personal controversies. The continued accessibility of such information may result in disproportionate harm to the individual, thereby justifying its removal or restriction. This principle has been recognised in various international jurisdictions and is gradually gaining acceptance in Indian jurisprudence.

However, the implementation of RTBF raises concerns about censorship and historical revisionism. The removal of information from the public domain may hinder transparency and accountability, particularly in cases involving public figures or matters of public importance. It may also set a precedent for misuse, in which individuals seek to suppress information that is inconvenient rather than genuinely harmful. These concerns highlight the need for a cautious and balanced approach that safeguards both privacy and freedom of expression.

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<sup>27</sup> *MySpace Inc. v. Super Cassettes Industries Ltd.*, 2016 SCC OnLine Del 6382.

## JUDICIAL TRENDS AND CASE LAW ANALYSIS

The evolution of the Right to be Forgotten (RTBF) has been largely shaped by judicial interpretation rather than explicit statutory recognition, particularly in jurisdictions such as India, where legislative frameworks remain nascent. Courts have played a central role in defining the contours of this right, balancing it against competing constitutional values such as freedom of expression, transparency, and public interest. The judicial approach to RTBF has been neither uniform nor absolute; instead, it reflects a gradual, cautious evolution marked by case-specific reasoning and contextual analysis.

At the international level, the development of RTBF jurisprudence can be traced to European courts, which have adopted a relatively privacy-centric approach. The landmark decision in *Google Spain SL v. Agencia Española de Protección de Datos* established that individuals have the right to request search engines to delist links to personal information that is inadequate, irrelevant, or excessive in relation to its purpose. The Court of Justice of the European Union emphasised that the continued accessibility of such information could disproportionately interfere with an individual's fundamental rights, particularly where the information has lost its relevance over time. This decision effectively imposed an obligation on search engines to assess and respond to delisting requests, thereby recognising their role as data controllers.

Subsequent European decisions have further refined this principle. In *Google LLC v. Commission Nationale de l'Informatique et des Libertés (CNIL)*, the CJEU clarified that the RTBF does not require global delisting of search results but may be limited to the European Union's jurisdiction.<sup>28</sup> This judgment highlights the territorial limitations of RTBF and underscores the challenges posed by the borderless nature of the internet. Similarly, in *GC and Others v. CNIL*, the Court emphasised the need for a balancing exercise between privacy rights and freedom of information, particularly in cases involving sensitive personal data.<sup>29</sup> These decisions collectively demonstrate a nuanced approach that recognises both the importance of privacy and the necessity of preserving access to information.

In contrast, Indian jurisprudence on RTBF remains in a developmental stage, characterised by divergent approaches across High Courts. One of the earliest recognitions of RTBF in India can be seen in *X v. Registrar General, High Court of Karnataka*, where the court directed the

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<sup>28</sup> *Google LLC v. CNIL*, Case C-507/17 (CJEU, 2019).

<sup>29</sup> *GC and Others v. CNIL*, Case C-136/17 (CJEU, 2019).

anonymisation of a woman's identity in a judgment to protect her privacy and dignity.<sup>30</sup> This case marked a significant step towards acknowledging the need to limit the digital footprint of sensitive personal information, particularly in cases involving social stigma.

Another significant development in Indian jurisprudence is the increasing use of anonymisation as an alternative to complete erasure. Courts have recognised that while removing information entirely may not always be feasible or desirable, limiting access to sensitive data can achieve a balance between privacy and transparency. This approach is particularly evident in cases involving sexual offences or personal disputes, where disclosure of identity may cause irreparable harm.

Recent trends indicate that the Supreme Court has adopted a cautious stance towards RTBF, particularly in cases involving judicial records and news reporting. The Court has expressed concerns about the potential misuse of RTBF as a tool for censorship and historical revisionism, emphasising that the right cannot be invoked to rewrite or obscure facts that are part of the public record.<sup>31</sup> This position reflects a broader concern about maintaining the integrity of the legal system and ensuring that transparency is not compromised.

The comparative analysis of Indian and international jurisprudence reveals significant differences in approach. While European courts have embraced RTBF as a fundamental right with clearly defined parameters, Indian courts have adopted a more restrained and case-specific approach, reflecting the absence of a comprehensive statutory framework. The introduction of the Digital Personal Data Protection Act, 2023, is expected to influence future judicial decisions by providing a legislative basis for data erasure and privacy protection.<sup>32</sup> However, the Act's limitations, particularly in relation to publicly available information, suggest that courts will continue to play a crucial role in shaping RTBF jurisprudence.

## **ROLE OF INTERMEDIARIES AND SOCIAL MEDIA PLATFORMS**

The rise of the digital ecosystem has fundamentally reconfigured the architecture of information dissemination, placing intermediaries such as search engines, social media platforms, and content-sharing services at the centre of legal debates surrounding privacy, free

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<sup>30</sup> *X v. Registrar General, High Court of Karnataka*, 2017 SCC OnLine Kar 424.

<sup>31</sup> "Supreme Court Observations on RTBF and Public Records," 2025.

<sup>32</sup> Digital Personal Data Protection Act, 2023.

speech, and the Right to be Forgotten (RTBF). These intermediaries function not merely as passive conduits but as active participants in the circulation, amplification, and monetisation of information. Their role becomes particularly significant in the context of RTBF, as they serve as the primary gatekeepers controlling access to digital content through mechanisms such as indexing, ranking, and algorithmic curation. Consequently, any meaningful implementation of RTBF necessarily involves an examination of the legal obligations, liabilities, and regulatory frameworks governing intermediaries.

In the Indian context, the legal status of intermediaries is primarily governed by the Information Technology Act, 2000, which provides intermediaries with conditional immunity under Section 79.<sup>33</sup> This provision shields intermediaries from liability for third-party content, provided they act as neutral facilitators and comply with due diligence requirements. However, the scope of this immunity has been the subject of extensive judicial interpretation, particularly in cases involving harmful or unlawful content. The Supreme Court, in *Shreya Singhal v. Union of India*, clarified that intermediaries are required to remove content only upon receiving actual knowledge, whether through a court order or a government notification, thereby preventing arbitrary or excessive censorship. This judgment established an important safeguard against over-regulation, ensuring that intermediaries are not burdened with the responsibility of adjudicating the legality of content independently.

The introduction of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, has further expanded intermediaries' obligations, requiring them to implement grievance redressal mechanisms, appoint compliance officers, and ensure the timely removal of unlawful content. These rules also impose additional responsibilities on significant social media intermediaries, reflecting the increasing influence of platforms such as Facebook, Instagram, and X in shaping public discourse. In the context of RTBF, these regulatory developments are particularly relevant, as they provide a procedural framework through which individuals can seek removal or restriction of access to personal data.

The role of intermediaries in RTBF cases raises complex questions regarding the balance between privacy and freedom of expression. On one hand, intermediaries are expected to facilitate the exercise of RTBF by enabling individuals to request the deletion or delinking of personal information. On the other hand, imposing excessive obligations on intermediaries may

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<sup>33</sup> Information Technology Act, 2000, Sec 79.

lead to over-compliance, suppressing legitimate content and chilling free speech. This tension is evident in the Delhi High Court's decision in *Kent RO Systems Ltd. v. Amit Kotak*, where the court emphasised that intermediaries must act upon specific knowledge of unlawful content but should not be required to proactively monitor all user-generated content.<sup>34</sup>

The global jurisprudence on intermediary liability further highlights the complexities involved in regulating digital platforms. In *L'Oréal SA v. eBay International AG*, the Court of Justice of the European Union held that intermediaries may be required to take measures to prevent the recurrence of unlawful content, thereby extending their responsibilities beyond mere removal.<sup>35</sup> This approach contrasts with the more limited liability framework in India, reflecting differing regulatory philosophies. Similarly, in *Delfi AS v. Estonia*, the European Court of Human Rights held an online news portal liable for defamatory comments posted by users, emphasising the need for effective content moderation.<sup>36</sup> These decisions underscore the evolving nature of intermediary liability in the digital age.

In the specific context of RTBF, search engines play a particularly crucial role, as they determine the visibility and accessibility of information. The ability to delink search results, as recognised in European jurisprudence, effectively allows individuals to limit the discoverability of personal data without necessarily removing the original content. This distinction between deletion and delinking is significant because it offers a less intrusive way to balance privacy and freedom of expression. However, the implementation of such mechanisms in India remains inconsistent, largely due to the absence of explicit statutory provisions.

Social media platforms, on the other hand, present unique challenges due to their algorithm-driven nature. Content on these platforms is not merely hosted but actively promoted based on user engagement, thereby amplifying its reach and impact. This phenomenon, often referred to as algorithmic amplification, can exacerbate the harm caused by sensitive or outdated information, making it more difficult for individuals to escape their digital past.<sup>37</sup> The role of algorithms in shaping public perception raises important questions about accountability and transparency, particularly in cases where harmful content continues to circulate despite

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<sup>34</sup> *Kent RO Systems Ltd. v. Amit Kotak*, 2017 SCC OnLine Del 7807.

<sup>35</sup> *L'Oréal SA v. eBay International AG*, Case C-324/09 (CJEU, 2011).

<sup>36</sup> *Delfi AS v. Estonia*, (2015) 69 EHRR 6.

<sup>37</sup> Zeynep Tufekci, *Twitter and Tear Gas* (Yale University Press, 2017).

requests for removal.

The Digital Personal Data Protection Act, 2023, introduces a new dimension to the regulation of intermediaries by imposing obligations on data fiduciaries to process personal data in a lawful, fair, and transparent manner<sup>38</sup>. Although the Act does not explicitly categorise intermediaries as data fiduciaries in all cases, its provisions on data erasure and purpose limitation have significant implications for digital platforms. The Act empowers individuals to request deletion of personal data, thereby reinforcing the principles underlying RTBF. However, it also recognises exceptions, including compliance with legal obligations and public interest considerations, which may limit the applicability of such requests.

A critical challenge in enforcing RTBF through intermediaries is jurisdiction. Digital platforms operate across multiple jurisdictions, each with its own legal standards and regulatory frameworks. This creates practical difficulties in implementing removal or delinking orders, particularly when content is accessible globally. The territorial limitations of judicial orders, as highlighted in international jurisprudence, further complicate enforcement, raising questions about the effectiveness of RTBF in a borderless digital environment.

Another significant concern is the potential misuse of RTBF by individuals seeking to suppress legitimate information. Intermediaries, in their effort to avoid liability, may adopt a risk-averse approach, resulting in the removal of content that is lawful and in the public interest. This phenomenon, often referred to as “private censorship,” poses a serious threat to freedom of expression and democratic accountability. It underscores the need for clear legal standards and robust oversight mechanisms to ensure that RTBF is not used to silence dissent or rewrite history.

## **DATA PROTECTION FRAMEWORK IN INDIA**

The emergence of the Right to be Forgotten (RTBF) in India cannot be fully understood without examining the broader data protection framework within which it operates. The rapid expansion of digital technologies, coupled with the increasing commodification of personal data, has necessitated the development of a comprehensive legal regime to regulate the collection, processing, and storage of personal information. In this context, the enactment of the Digital Personal Data Protection Act, 2023, represents a significant milestone in India’s

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<sup>38</sup> Digital Personal Data Protection Act, 2023.

legal landscape, marking the country's first dedicated attempt to establish a unified data protection framework. While the Act does not explicitly recognise the Right to be Forgotten, it incorporates several principles and rights that closely align with its underlying objectives, thereby indirectly shaping its application and scope.

At its core, the Digital Personal Data Protection Act, 2023, is built upon the principles of lawful processing, purpose limitation, data minimisation, and storage restriction. These principles reflect a shift towards a rights-based approach to data governance, emphasising the importance of individual autonomy and control over personal information.<sup>39</sup> The Act introduces the concept of “data principals” and “data fiduciaries,” establishing a legal relationship in which the latter is obligated to process personal data in a manner that is fair, transparent, and consistent with the purpose for which it was collected. This framework is particularly relevant to RTBF, as it recognises the individual's right to determine how their data is used and retained.

One of the most significant provisions of the Act in the context of RTBF is the right to correction and erasure of personal data. Under Section 12, data principals are entitled to request the correction, completion, updating, and erasure of personal data held by data fiduciaries.<sup>40</sup> This provision reflects the essence of the Right to be Forgotten by allowing individuals to remove data that is no longer necessary or accurate. However, the right is not absolute and is subject to certain limitations, including compliance with legal obligations and the need to retain data for legitimate purposes. This conditional nature of the right underscores the Act's attempt to balance individual privacy with broader societal and regulatory interests.

The Act also introduces mechanisms for consent-based data processing, requiring data fiduciaries to obtain clear and informed consent from individuals before collecting or processing their personal data. Consent must be free, specific, informed, and unambiguous, thereby enhancing the individual's control over their data. In the context of RTBF, the withdrawal of consent may serve as a basis for requesting the deletion of personal data, although the effectiveness of such requests depends on the nature of the data and the legal obligations of the data fiduciary. The emphasis on consent reflects a broader shift towards empowering individuals in the digital ecosystem, although concerns remain regarding the

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<sup>39</sup> Justice B.N. Srikrishna Committee Report, *A Free and Fair Digital Economy: Protecting Privacy, Empowering Indians* (2018).

<sup>40</sup> Digital Personal Data Protection Act, 2023, Sec 12

practical challenges of ensuring meaningful consent in complex digital environments.

Another important feature of the Act is the establishment of the Data Protection Board of India, which serves as the primary regulatory authority responsible for enforcing compliance and adjudicating disputes. The Board is empowered to impose penalties on data fiduciaries for violations of the Act, thereby providing a mechanism for accountability. However, the effectiveness of this regulatory framework depends on the Board's independence, capacity, and ability to address the rapidly evolving challenges of digital data governance. In the absence of a strong and proactive regulatory body, the enforcement of rights such as RTBF may remain limited.

Despite its progressive features, the Digital Personal Data Protection Act, 2023, has been subject to criticism for its limitations and ambiguities. One of the key concerns is the absence of an explicit recognition of the Right to be forgotten as a distinct legal right. While the right to erasure provides a partial remedy, it does not fully address issues such as delinking of search results or removal of publicly available information. This gap is particularly significant in the context of social media and online platforms, where the persistence of data is often driven by factors beyond the control of data fiduciaries.

The Act also includes broad exemptions for the State, allowing government agencies to process personal data without consent in certain circumstances, including national security and public order.<sup>41</sup> While such exemptions may be justified on legitimate grounds, they raise concerns about potential misuse and the erosion of privacy rights. The absence of clear safeguards and oversight mechanisms further exacerbates these concerns, highlighting the need for a more balanced approach that ensures accountability while addressing security considerations.

Another critical challenge in implementing the data protection framework is cross-border data flows. In a globalised digital economy, personal data is often transferred across jurisdictions, making it difficult to enforce domestic legal standards. The Act provides for the transfer of data to notified countries, subject to certain conditions, but does not establish a comprehensive framework for international data governance.<sup>42</sup> This limitation has implications for the effectiveness of RTBF, particularly in cases where data is stored or processed in India.

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<sup>41</sup> Digital Personal Data Protection Act, 2023, Sec 7.

<sup>42</sup> Digital Personal Data Protection Act, 2023, Sec 16.

Comparatively, the Indian data protection framework differs significantly from the European Union's General Data Protection Regulation (GDPR), which explicitly recognises the Right to be Forgotten under Article 17. The GDPR provides a more detailed and structured approach to data erasure, including specific conditions under which the right can be exercised and exceptions that may apply. It also imposes stricter obligations on data controllers and processors, supported by robust enforcement mechanisms. While the Digital Personal Data Protection Act, 2023, draws inspiration from the GDPR, it adopts a more flexible and less prescriptive approach, reflecting India's unique socio-economic context.

The intersection of the data protection framework with celebrity culture further complicates the application of RTBF. Celebrities, by virtue of their public status, often have their personal data widely disseminated across multiple platforms. While they may seek to exercise their rights under the Act to remove certain information, the public interest in their activities may limit the effectiveness of such requests. This tension highlights the need for clear guidelines on the applicability of data protection laws to public figures, ensuring that privacy rights are not undermined while preserving the public's right to information.

### **CHALLENGES IN IMPLEMENTING THE RIGHT TO BE FORGOTTEN**

The implementation of the Right to be Forgotten (RTBF) presents a complex array of legal, technological, and ethical challenges, particularly in a rapidly evolving digital ecosystem such as India's. While the conceptual foundation of RTBF is rooted in protecting individual privacy and dignity, its practical enforcement raises significant concerns about feasibility, consistency, and compatibility with other fundamental rights. The inherent tension between digital permanence and human forgetfulness lies at the heart of these challenges, making it difficult to translate the theoretical promise of RTBF into an effective legal remedy.

One of the foremost challenges in implementing RTBF is the internet's technological architecture, which is inherently decentralised and resistant to the complete erasure of information. Digital content, once published, is often replicated across multiple platforms, servers, and jurisdictions, making it nearly impossible to ensure its complete removal. Even when information is deleted from its original source, it may persist in cached copies, archives, or third-party platforms, thereby undermining the effectiveness of RTBF. This phenomenon of data persistence highlights the limitations of legal interventions in controlling digital memory, as the internet's technical infrastructure is not designed to accommodate selective forgetting.

Another major challenge lies in the potential misuse of RTBF, particularly by public figures and other influential individuals seeking to suppress inconvenient information rather than genuinely harmful content. The ability to request the removal of online content raises concerns about censorship and the manipulation of public narratives. In the context of celebrity culture, this risk is particularly pronounced, as individuals with significant resources may attempt to erase negative publicity or controversial past actions, thereby undermining the principles of transparency and accountability. The lack of clear legal standards for determining the legitimacy of RTBF requests exacerbates this issue, leaving considerable discretion to courts and intermediaries.

The role of intermediaries also presents significant challenges in the enforcement of RTBF. Digital platforms such as search engines and social media networks are often required to evaluate and respond to requests for content removal or delinking. However, placing this responsibility on private entities raises concerns about accountability, transparency, and the risk of overcompliance.<sup>43</sup> Intermediaries may adopt a risk-averse approach, removing content even when it is lawful to avoid liability. This phenomenon, often referred to as “private censorship,” poses a serious threat to freedom of expression and the free flow of information.

Another critical issue is the lack of a comprehensive statutory framework explicitly recognising RTBF in India. While the Digital Personal Data Protection Act, 2023, provides for the right to erasure, it does not fully address the complexities of RTBF, particularly regarding publicly available information and search engine indexing. The absence of detailed guidelines on the scope and limitations of the right leaves significant gaps in the legal framework, resulting in reliance on judicial interpretation. This not only leads to inconsistency but also places an additional burden on courts to develop principles on a case-by-case basis.

Ethical concerns also play a significant role in the debate surrounding RTBF. The right raises fundamental questions about the nature of memory, history, and accountability in a democratic society. While the ability to erase past information may protect individual dignity, it may also result in the loss of valuable historical records and hinder society's ability to learn from past events.<sup>44</sup> This tension between individual rights and collective memory is particularly relevant in cases involving criminal proceedings, political activities, or matters of public significance,

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<sup>43</sup> Jack M. Balkin, “Old-School/New-School Speech Regulation,” *Harvard Law Review* 127 (2014): 2296.

<sup>44</sup> Luciano Floridi, *The Ethics of Information* (Oxford University Press, 2013).

where preserving information may serve a broader societal purpose.

Furthermore, the enforcement of RTBF may have unintended consequences for the integrity of the legal system. The removal or anonymisation of judicial records, for instance, may undermine the principle of open justice, which requires that court proceedings and decisions remain accessible to the public. This principle is essential for ensuring transparency, accountability, and public confidence in the legal system. Any attempt to restrict access to judicial records must therefore be carefully balanced against the need to protect individual privacy.

### **BALANCING CELEBRITY RIGHTS AND PUBLIC INTEREST**

The relationship between celebrity rights and public interest represents one of the most intricate and contested dimensions of contemporary constitutional law, particularly in the context of the Right to be Forgotten (RTBF). Celebrities occupy a unique legal and social position, existing simultaneously as private individuals entitled to dignity and as public figures subject to heightened scrutiny. This duality creates a persistent tension between the individual's right to privacy and society's interest in accessing information, a tension that is further intensified in the digital age, where information is both pervasive and permanent. The challenge for the legal system lies not in choosing one right over the other, but in developing a principled framework that ensures a fair and contextual balance between these competing interests.

At the heart of this debate is the question of whether celebrities should be afforded the same degree of privacy as ordinary individuals. The traditional legal position has been that public figures, by virtue of their influence and voluntary engagement with the public domain, have a reduced expectation of privacy.<sup>45</sup> This principle has been recognised in various judicial pronouncements, where courts have held that individuals who seek public attention cannot entirely shield themselves from scrutiny. However, this does not imply that celebrities forfeit their right to privacy altogether. On the contrary, the Supreme Court has consistently emphasised that the right to dignity under Article 21 extends to all individuals, regardless of their public status. The critical issue, therefore, is determining the extent to which public status justifies intrusion into personal life.

The distinction between “public interest” and “public curiosity” is central to resolving this

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<sup>45</sup> Raymond Wacks, *Privacy and Media Freedom* (Oxford University Press, 2013).

issue. Public interest refers to information that contributes to democratic accountability, transparency, or societal welfare, whereas public curiosity is driven by sensationalism and entertainment.<sup>46</sup> In practice, however, this distinction is often blurred, particularly in cases involving celebrities, where personal lives are frequently treated as matters of public concern. The judiciary has increasingly recognised the need to differentiate between these two concepts, emphasising that not all information about public figures warrants protection under the umbrella of free speech. This distinction becomes particularly relevant in the context of RTBF, where individuals seek to remove information that may no longer serve a legitimate public purpose.

The temporal dimension of information plays a crucial role in this balancing exercise. Information that may have been relevant at a particular point in time may lose its significance as circumstances change. For instance, past controversies, personal relationships, or minor legal disputes may no longer be relevant to the public's understanding of a celebrity's current role or contributions. The continued accessibility of such information may result in disproportionate harm to the individual, particularly in terms of reputation and mental well-being. In such cases, the application of RTBF may be justified as a means of restoring balance between past actions and present identity.

However, applying RTBF to celebrities raises concerns about accountability and transparency. Celebrities often wield significant influence over public opinion and cultural norms, making their actions relevant to societal discourse. Allowing unrestricted removal of information may enable individuals to selectively curate their public image, thereby distorting the historical record and undermining public trust.<sup>47</sup> This concern is particularly pronounced in cases involving misconduct, criminal activity, or matters of public importance, where access to information is essential for informed decision-making. The legal framework must therefore ensure that RTBF is not used as a tool to evade accountability or rewrite history.

Judicial approaches to this issue have emphasised the need for a contextual and case-specific analysis. Courts have increasingly relied on the doctrine of proportionality to balance competing rights, assessing whether the harm caused by continued access to information outweighs the public interest in its availability. Factors such as the nature of the information,

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<sup>46</sup> Eric Barendt, *Freedom of Speech* (Oxford University Press, 2005).

<sup>47</sup> Daniel J. Solove, *The Future of Reputation* (Yale University Press, 2007).

the role of the individual, the passage of time, and the impact on public discourse are taken into account in determining whether removal or restriction is justified. This approach reflects a shift towards a more nuanced understanding of privacy and free speech, recognising that rigid rules are insufficient to address the complexities of the digital age.

The role of consent and voluntary disclosure further complicates the balancing exercise. Celebrities often share personal information as part of their public persona, raising questions about whether such disclosure limits their ability to claim privacy rights. While voluntary disclosure may reduce the expectation of privacy, it does not eliminate it entirely. Individuals retain the right to control the use and dissemination of their personal information, particularly when it is used in a manner that exceeds the scope of the original disclosure. This principle is particularly relevant in the context of social media, where content can be repurposed, manipulated, and amplified beyond the individual's control.

Another important consideration is the need for clear guidelines to assist courts and policymakers in balancing celebrity rights and public interest. The absence of a comprehensive legal framework has led to inconsistent judicial outcomes, underscoring the need for a more structured approach. Such guidelines could include criteria for assessing the relevance of information, the extent of public interest, and the proportionality of removal measures. Additionally, the development of procedural safeguards, such as independent review mechanisms and transparent decision-making processes, could help ensure that RTBF is applied in a fair and consistent manner.

The role of regulatory authorities and intermediaries is also critical in this context. As gatekeepers of digital information, intermediaries play a key role in implementing RTBF by facilitating the removal or delinking of content. However, their decisions must be guided by clear legal standards to prevent arbitrary or inconsistent outcomes. The involvement of regulatory bodies, such as the Data Protection Board under the Digital Personal Data Protection Act, 2023, can provide oversight and ensure accountability in the decision-making process.

Ultimately, the balance between celebrity rights and the public interest requires a careful, context-sensitive approach that recognises the dynamic nature of both privacy and free speech. The legal framework must be flexible enough to accommodate the evolving realities of digital communication while maintaining the core principles of constitutional governance. This includes safeguarding individual dignity, promoting transparency, and ensuring that the

exercise of one right does not disproportionately undermine another.

## **CONCLUSION**

The Right to be Forgotten (RTBF) is one of the most significant legal responses to the challenges posed by the digital age, in which information is no longer transient but permanently embedded in the architecture of the internet. This transformation has fundamentally altered the relationship between individuals and their personal data, raising complex questions about autonomy, dignity, and control over one's digital identity. In this context, the present study has examined the constitutional dimensions of RTBF, particularly its intersection with celebrity culture and freedom of expression in India.

At the outset, it is evident that recognising privacy as a fundamental right under Article 21 has provided a strong constitutional foundation for the development of RTBF. The expansion of privacy to include informational self-determination reflects an evolving understanding of individual rights in a technologically advanced society. However, the absence of explicit statutory recognition of RTBF as a distinct right has resulted in a fragmented legal landscape in which courts must navigate competing interests on a case-by-case basis. This has led to inconsistencies in judicial approaches, highlighting the need for a more structured and coherent framework.

The analysis of celebrity culture has further revealed the unique challenges posed by digital visibility. Celebrities, by virtue of their public status, exist in a space where the boundaries between private and public life are constantly negotiated. While they may have a reduced expectation of privacy, they do not forfeit their right to dignity and personal autonomy. The persistence of digital records, particularly regarding past controversies or personal events, can result in disproportionate harm, making the case for RTBF particularly compelling in certain circumstances. At the same time, the public's legitimate interest in accessing information about influential figures cannot be disregarded, especially where such information contributes to democratic discourse and accountability.

The central conflict between RTBF and freedom of expression underscores the complexity of balancing fundamental rights in a constitutional democracy. Freedom of speech serves as a cornerstone of transparency and public participation, while privacy safeguards individual dignity and autonomy. The resolution of this conflict cannot be achieved through the absolute

prioritisation of one right over the other, but must instead be guided by the principles of proportionality, necessity, and contextual analysis. The distinction between public interest and public curiosity emerges as a critical factor in this balancing exercise, requiring careful judicial scrutiny in each case.

Judicial trends in India demonstrate a cautious yet evolving approach towards RTBF, with courts recognising the need to protect individual privacy while preserving the integrity of public records and the principle of open justice. The preference for remedies such as anonymisation and delinking, rather than complete erasure, reflects an attempt to strike a middle path that accommodates both privacy and transparency. However, the lack of uniform standards continues to pose challenges, emphasising the need for authoritative guidance from higher courts.

The role of intermediaries and digital platforms further complicates the implementation of RTBF, as these entities function as gatekeepers of information in the digital ecosystem. Their responsibilities in handling requests for content removal or delinking must be clearly defined to prevent both under-enforcement and over-compliance. The introduction of the Digital Personal Data Protection Act, 2023, marks an important step towards establishing a regulatory framework for data protection, but its limitations in addressing the full scope of RTBF indicate that further legislative development is required.

The challenges associated with RTBF, including technological constraints, jurisdictional issues, and the potential for misuse, highlight the need for a balanced and pragmatic approach. The decentralised nature of the internet makes complete erasure difficult, if not impossible, necessitating alternative solutions such as selective delinking and data minimisation. At the same time, safeguards must be implemented to prevent the misuse of RTBF as a tool for censorship or historical revisionism.

Ultimately, the Right to be Forgotten embodies a broader struggle to reconcile the permanence of digital memory with the human need for change, growth, and redemption. It reflects an evolving legal and ethical recognition that individuals should not be perpetually defined by their past, particularly in a society that values dignity and second chances. However, this recognition must be balanced against the collective interest in preserving information, ensuring accountability, and maintaining the integrity of public discourse.

In conclusion, the development of RTBF in India is still in its formative stages, shaped by judicial interpretation, legislative initiatives, and the evolving realities of the digital age. The path forward lies in creating a comprehensive and balanced framework that harmonises privacy with freedom of expression while addressing the unique challenges posed by celebrity culture and digital technology. Such a framework must be guided by constitutional principles, informed by comparative jurisprudence, and responsive to the needs of a dynamic and interconnected society.