

NOTES

Right To Be Forgotten in India

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The internet remembers almost everything. A person may have been acquitted, a case may have been settled, or an old debt may have been paid. Yet a search of that person's name may still display the old allegation or dispute before anything else. This can affect employment, marriage, reputation and mental well-being. The **right to be forgotten**, also called the **right to erasure**, responds to this problem.

For example, suppose a student was falsely accused in a criminal case and later acquitted. The judgment remains searchable by the student's name. A future employer may see the accusation first and ignore the acquittal. The student may not be asking the court to destroy the judgment. The request may simply be to remove the name from search results or to mask personal details. This article explains the meaning, origin, Indian legal position, important cases and the balance between privacy and public access.

Meaning of the Right to be Forgotten

The right to be forgotten is the right of a person to seek deletion, correction, anonymisation or de-indexing of personal information when continued online availability is no longer necessary, relevant or proportionate to the public interest. De-indexing means that a search engine does not show a link when a person's name is searched, although the original webpage may remain available through a case number, subject or direct link.

The right is not an unlimited right to rewrite history. It is concerned with the continuing effect of personal information in a digital environment. Courts may ask whether the information is accurate, whether it remains relevant, whether the person has a public role, and whether its continued circulation causes disproportionate harm.

Origin: Google Spain and Article 17 GDPR

The modern discussion began with *Google Spain SL v. Agencia Española de Protección de Datos*, decided by the Court of Justice of the European Union in 2014. Mario Costeja González

complained that a Google search of his name displayed a decades-old newspaper notice about a property auction connected with social-security debt. The debt issue had been resolved, but the search result continued to affect him.

The Court held that a search engine processes personal data and may be required to remove links from name-based search results where the information has become inadequate, irrelevant or excessive. The Court also recognised that the public interest may justify retention, especially where the person plays an important role in public life.

This principle was later expressed in [Article 17](#) of the [General Data Protection Regulation](#) (GDPR). It permits erasure where data is no longer necessary, consent is withdrawn, processing is unlawful, or the person objects and there is no overriding lawful reason to continue processing. [Article 17](#) also contains exceptions for freedom of expression, legal obligations, public interest, public health, archiving, research and legal claims. Thus, even under the GDPR, the right is subject to balancing.

Constitutional Basis in India

India does not originally have a separate constitutional article titled “right to be forgotten.” Its strongest foundation is the fundamental right to privacy under [Article 21](#) of the Constitution.

In [Justice K.S. Puttaswamy \(Retd.\) v. Union of India](#) (2017), a nine-judge Bench of the Supreme Court unanimously recognised **privacy** as a fundamental right. Informational privacy includes a person’s ability to control personal information and to protect personal choices, dignity and autonomy. **Justice S.K. Kaul’s** opinion specifically connected privacy with the ability to control one’s existence on the internet.

However, privacy under [Article 21](#) is not absolute. Any restriction must satisfy legality, a legitimate state aim, necessity and proportionality. The right to be forgotten must therefore be balanced against [Article 19\(1\)\(a\)](#), which protects speech and expression, the press, open justice and the public’s right to know.

Position under the Digital Personal Data Protection Act, 2023

Statutory right to correction and erasure is mentioned under [section 12](#) of the [Digital Personal Data Protection Act, 2023](#) (DPDP Act). It allows a Data Principal to request that inaccurate or

misleading personal data be rectified, and personal data that is no longer necessary in relation to the purpose for which it was collected be erased, subject to the Act and other legal obligations.

This is narrower than a general power to erase all online mentions. Data may need to be retained to comply with law, protect a legal claim, perform a public function or preserve records of public importance. The DPDP framework must also be understood along with its commencement rules and institutional mechanisms. In practice, court records, press reports and search-engine indexing raise questions that cannot be solved by a simple deletion request.

Right to Be Forgotten

1 MEANING

Right to seek deletion, correction, anonymisation or de-indexing of personal information when continued online availability is no longer necessary, relevant or proportionate to public interest.

De-indexing hides a record from a name search but does not remove the original webpage.



2 INDIAN BASIS

Article 21: privacy, dignity and autonomy.

Article 19(1)(a): speech, press freedom, open justice and public right to know.

The right must be balanced with public interest.



3 SECTION 12 | DPDP ACT, 2023

Allows correction of inaccurate or misleading data and erasure of data no longer necessary for its original purpose, subject to legal duties and public-interest records.



4 THREE REMEDIES

Deletion: removes the record itself.

Masking: replaces names and identifying details.

De-indexing: hides the record from a name search while access remains through the case number, court, date or citation.



Deletion



Masking



De-indexing

5 WHEN RELIEF MAY FIT

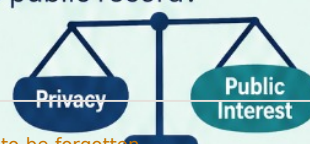
More suitable after acquittal, discharge, quashing, settlement or private matrimonial disputes.

Less suitable for serious convictions, offences against women or children, and matters involving public trust.



6 BALANCING TEST

- Is the information true and still relevant?
- Was the case concluded in the person's favour?
- Is the person a public figure?
- Can masking or de-indexing protect privacy without destroying the public record?



Indian Judicial Approach

Indian courts have developed the right gradually and differently in different cases. In [*Zulfiqar Ahman Khan v. Quintillion Business Media Pvt. Ltd.*](#) (Delhi High Court), the Court dealt with the right to be left alone as a derivative of the right to privacy and granted relief regarding an online material for the facts of the case. The case suggests that privacy may protect a person from constant online exposure, but relief is dependent on facts and competing public interest.

In the case of [*Jorawar Singh Mundy v. Union of India*](#) (Delhi High Court, 2021), an American citizen who had been acquitted of a criminal charge argued that the online availability of the case was adversely affecting his employment prospects. The Court ordered Google to delete the links to the judgment from the search results. The decision is important because it acknowledged that an acquittal may not fully remedy the damage caused by a name-based digital search.

In [*Dharamraj Dave v. State of Gujarat*](#), the Gujarat High Court refused to grant an injunction to permanently restrain publication and indexing of a non-reportable judgment. The Court noted the lack of a clear statutory scheme and the importance of public access to judicial records. This illustrates the opposite concern: one cannot simply demand removal because a judgment is embarrassing.

In **X v. Registrar General**, the Karnataka High Court acknowledged the significance of anonymity in a matter involving sexual offenses and the privacy of a woman. The Court acknowledged that publishing identifying information may cause continuous harm and permitted the protection of identity. The Supreme Court, in [*State of Punjab v. Gurmit Singh*](#), similarly laid stress on not identifying victims of sexual offenses in public. Anonymity as a principle protects dignity even when the entire judicial record is not erased.

The Recent Delhi High Court Approach

In [*Laksh Vir Singh Yadav v. Union of India*](#), a 2026 Delhi High Court decision considered a batch of petitions involving acquittals, discharged accused, quashed proceedings and private disputes. The Court treated informational privacy and dignity under Article 21 as supporting a limited right to be forgotten.

The Court preferred a middle path rather than wholesale deletion. It distinguished:

- Deletion, which removes the record itself,

- Masking, which replaces names and identifying details with neutral terms such as “X”, and
- De-indexing, which prevents a name-based search from displaying the record while leaving access through the case number, citation, court or date.

This approach attempts to protect both privacy and open justice. A judgment remains available for lawyers, researchers and the public, but it does not necessarily become the first answer whenever an individual’s name is searched. The Court indicated that relief is more suitable in cases involving acquittal, discharge, quashing, settlement or private matrimonial disputes. It is less suitable where the person is convicted of serious offences, particularly offences against women or children, or where the record concerns public trust and public accountability.

Right to be Forgotten v. Freedom of Speech

The central difficulty is that the same information may be private to one person but important to society. A journalist may need to report a public official’s conviction. A court website must preserve judgments for accountability and precedent. A victim may need anonymity, while a researcher may need access to the facts of a case.

Therefore, the following questions are relevant i.e. Is the information true? Is it still relevant? Was the matter concluded in the person’s favour? Is the person a public figure? Does the information reveal a victim’s identity? Can masking or de-indexing protect privacy without destroying the public record? The least restrictive remedy should normally be preferred.

The right also has practical limits. Removing one search result does not erase copies, screenshots, archives or social-media posts. A global de-indexing order may raise issues of jurisdiction and free speech in other countries. At the same time, refusing every request may allow an old allegation to function as a permanent punishment even after acquittal.

Conclusion

The right to be forgotten is an attempt to give individuals a fair chance to move forward in a society where digital records can remain visible forever. In India, it is developing through [Article 21’s](#) protection of privacy, [Section 12](#) of the DPDP Act and decisions of constitutional courts. It is not an absolute right to erase inconvenient history. It must be balanced against free speech, open justice, press freedom, legal duties and the public interest.

It is important to remember the crucial difference i.e. de-indexing is about limiting discoverability by name, deletion is about destroying or removing the record itself. The most constitutionally balanced solution will often be masking or de-indexing rather than total erasure. The future of the right will depend on clear statutory rules, fair procedures and careful judicial balancing between dignity and the community's right to know.