



The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2026

Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

This is an Open Access article distributed under the terms of the Creative Commons Attribution- Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

THE RIGHT TO BE FORGOTTEN IN INDIA HOW TO SCRUB YOUR DIGITAL FOOTPRINT

~Abhaya

Imagine this you made a mistake in your teenage years; it could be a false accusation, an old social media post, or a court case that ended in your acquittal. You moved on, the world moved on, you have rebuilt your life and are now applying for your dream jobs. But before your interview your recruiter Googles your name and there it is your past life sitting permanently preserved by the internet, defining you and your character forever. This is exactly what happened to Jorawar Singh Mundy¹, an Indian origin American citizen, he was acquitted in 2013 for a drug case, yet his court records were freely accessible online years later, this cost him opportunities he had every right to pursue. We live in a world where the internet never forgets, but should the law give us the right to make it?

WHAT IS RIGHT TO BE FORGOTTEN?

The Right to be Forgotten (RTBF) is your right to request that websites, companies or search engines delete your personal data from their respective databases when it is no longer relevant or necessary. It originated in the European Union's General Data Protection Regulation (GDPR)² and became widely recognized after the landmark 2014 Google Spain case³, where a man successfully asked Google to remove links of an old newspaper article about his bankruptcy since he had already settled the debt. The court agreed with him, just because something was once public or true does not mean it should follow you like a ghost on the

¹ Jorawar Singh Mundy v. Union of India & Ors., W.P.(C) 3918/2021 (Delhi H.C.).

² General Data Protection Regulation, Regulation 2016/679, art. 17 (2016).

³ Google Spain SL v. Agencia Española de Protección de Datos, Case C-131/12, ECLI:EU:C:2014:317 (Ct. Just. E.U. 2014).

internet forever. It is also known as the “Right to Erasure”; this gives individuals control of their digital narrative. For India, this right is still finding its feet, but the journey has been fruitful so far.

WHERE DOES INDIA STAND?

India’s status with the Right to be Forgotten is best described as a work in progress. The foundation was laid in 2017 when the Supreme Court in *K.S. Puttaswamy v. Union of India*⁴ declared privacy a fundamental right under Article 21 of Constitution. This gave all Indians a constitutional basis to argue for control over their personal data for the first time.

RTBF then began to get recognized in the Indian courts in bits and pieces in various judgments. The Delhi High Court in the *Mundy* case directed Google to delete his court records from search results. The Karnataka High Court⁵ allowed a woman’s name to be removed from court records to protect her dignity. The Orissa High Court granted a woman relief whose private content was being circulated online without her consent and prior knowledge.

Then came India’s biggest step yet towards RTBF, the Digital Personal Data Protection Act, 2023⁶. Section 12 of the Act grants citizens the right to correction and erasure of their personal data. On paper, it’s a win. But legal experts argue that this right still falls short of a true RTBF; the provisions are vague, the enforcement mechanism is unclear, and the Data Protection Board that is tasked with the implementation of the right is not fully independent.

THE MISSING PIECE

Despite the DPDP Act 2023 being passed, it still hasn’t been fully notified or enforced. This means that even though limited the erasure rights it promises are not yet practically available to ordinary citizens. There is no clear procedure for someone to get their data removed, no dedicated RTBF provisions like the EU has, no deadline for companies to comply with, and no consequences if they don’t. It is currently a law on paper but not in practice, and for someone whose reputation is at stake or is being destroyed online, this gap is everything.

WHY THIS MATTERS TO YOU?

This problem is not just for acquitted criminals or public figures, it is a problem for the teenager whose embarrassing posts still show up on google, or a problem for women whose private

⁴ *K.S. Puttaswamy v. Union of India*, (2017) 10 SCC 1 (India).

⁵ *Sri Vasunathan v. The Registrar General*, W.P. No. 62038/2016 (Karnataka H.C. 2017).

⁶ Digital Personal Data Protection Act, No. 22 of 2023, § 12 (India).

pictures were shared without her consent and are still available on the web no matter how many times she reports them. It is a problem for the job applicant, the college student, the ordinary person who made one mistake and is still paying the price for it because the internet is not letting them move on. In a country of 1.4 billion people moving online rapidly, the right to control your personal data and your own digital story is not a luxury. It is a necessity.

CONCLUSION

India has made progress towards RTBF by establishing privacy as a fundamental right in the Puttaswamy case, courts recognizing RTBF in their cases, and by introducing DPDP Act 2023. But this progress means nothing if it is on paper and cannot be enforced in practice. What India needs right now is a standalone Right to be Forgotten provision, one that has a defined process, real accountability, and genuine independence of enforcement. Digital footprints should be something that you control not something that controls you or your way of life, so the law needs to match the pace of the internet.

CITATION

CASES:

1. K.S. Puttaswamy v. Union of India, (2017) 10 SCC 1 (India).
2. Jorawar Singh Mundy v. Union of India & Ors., W.P.(C) 3918/2021 (Delhi H.C.).
3. Google Spain SL v. Agencia Española de Protección de Datos, Case C-131/12, ECLI:EU:C:2014:317 (Ct. Just. E.U. 2014).
4. Sri Vasunathan v. The Registrar General, W.P. No. 62038/2016 (Karnataka H.C. 2017).

STATUTES: 5. Digital Personal Data Protection Act, No. 22 of 2023, § 12 (India).

6. General Data Protection Regulation, Regulation 2016/679, art. 17 (2016).

(Citation of Indian cases follows the SCC format as adapted under Bluebook 20th Edition conventions.)