



DIGITAL PERMANENCE AND THE RIGHT TO BE FORGOTTEN IN INDIA: BALANCING REPUTATION, REHABILITATION, AND ACCESS TO INFORMATION

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ABSTRACT

Digital technology has revolutionised the creation, storage and access to information. The Internet has enhanced the ability to communicate and to gain access to knowledge, but has also led to the issue of digital permanence, which means that personal information is always present on the Internet. This can lead to negative stigma, damage to reputation, social isolation, and problems with rehabilitation. To meet these challenges, the Right to be Forgotten is a legal tool that aims to give individuals more control over their online identity. It is the objective of this paper to scrutinise the Right to be Forgotten in India from the perspective of the sociological approach to law, which emphasises the need to balance the various social interests. It examines the social harms created by digital permanence, and asks whether the issues raised by digital permanence can be effectively addressed by RTBF without compromising public access to information, transparency and freedom of expression. The study also examines judicial changes that have taken place in India in the area of RTBF and identifies the practical issues and problems in implementing RTBF in India. The paper challenges the notion of RTBF as a “right” and calls for a contextual and balanced approach that does not trample on the dignity of the individual, but also takes into account and respects the interests of society. It concludes that a well-designed legal framework is required to meet the challenges of the digital world and preserve democratic values and social welfare.

Keywords: Right to be Forgotten, Digital Stigma, Digital Permanence, Privacy, Reputation, Sociological Jurisprudence, Social Engineering, Freedom of Expression, Public Interest.

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INTRODUCTION

The internet and digital technology have grown in recent years, with a major impact on the creation, storage, and sharing of information in society. In the past, social memory was poor due to the fact that the information was stored in physical forms, which were forgotten with time. But nowadays in the digital age, information may be stored online indefinitely. There is the possibility of people getting past occurrences, personal information or news reports within a few seconds thanks to search engines and social media platforms. This has created what some people termed as data permanence or digital memory.

The constant accessibility of online information has posed new problems for humans. The previous errors, the criminal charges or personal conflicts, or old news can still impact the reputation of a person as well as social interactions. Most of the time, people struggle to move on with life as their past is still present in the social circle. It has led to increased worries about privacy, dignity, and the power to assume control over digital identity. Due to increased reliance on digital communication in society, the conventional concept of privacy is being redefined.

The concept of the Right to be Forgotten has also become one of the significant legal and social phenomena in this aspect. The Right to be Forgotten is usually the right to ask that personal information that is not relevant anymore and cannot produce an unwarranted harm be removed or de-indexed. This right is aimed at giving people a chance to leave the adverse effects of digital permanence and defend their reputation and personal dignity. It is an indication of a response to the dynamism of technological progress by the law.

The nation has been experiencing rapid digitalisation, diffusion of the internet and domination of social media platforms. Online information has become a significant factor in influencing the views of people and their social relationships. Meanwhile, India is yet to establish a well-developed legal framework that articulates the limits and the scope of this right. Such issues are usually resolved by the courts and digital platforms on a case-by-case basis, and thus provide a lack of clarity regarding the balancing of competing interests. Thus, the analysis of the Right to be Forgotten in the Indian context can be useful to comprehend the interaction of law with social reality, such as reputation, social mobility, and access to information.

Through sociological jurisprudence, the law is considered a means that develops with the needs of society and the dynamic conditions. Legal rules are not made in a vacuum by themselves,

but they are shaped by society's values, technological advancements and the necessity to have social order. The appearance of the Right to be Forgotten, therefore, could be viewed as the endeavour of the legal system to combat new types of social evil generated through digital memory. Simultaneously, the same right brings an issue of the freedom of communication, mass information, and historical records maintenance. A sociological jurisprudential approach to the problem will enable a better comprehension of why law attempts to set the interests of certain people against the wider social interests.

The primary aim of this paper is to discuss the idea of the Right to be Forgotten in India and to interpret its social meaning. The study intends to investigate the phenomenon of whether such a right can effectively combat issues like digital stigma and reputational damage, besides looking at the relevance of information access by people. The study is not focused on analysing particular statutory clauses, or even the technicality of the data protection law, but merely provides a jurisprudential examination of the social role of this right.

STATEMENT OF PROBLEM

The development of digital technology has rendered personal information as one that is indefinitely accessible on the internet, and this can harm a person's reputation and social life. The new law, Right to be Forgotten, aims at resolving this issue by enabling people to have control over such information. This, however, poses a dilemma for the law to decide between personal dignity and the interest of society to have access to information, as well as an expression of their views. Thus, there exists a necessity to consider this problem in terms of sociological jurisprudence in order to determine how this law should relate to the transforming social reality.

RESEARCH OBJECTIVES

1. To understand the concept and theory behind the Right to be Forgotten within the Indian legal framework from the perspective of sociological jurisprudence.
2. To analyse the social situations and difficulties brought about by the permanent nature of the digital world, which prompted people to ask for the deletion or regulation of past online content.

3. To critically assess how the law attempts to strike a balance between the personal needs of an individual in terms of dignity, reputation, and rehabilitation, against the interests of society as a whole regarding knowledge.
4. To determine whether the Right to be Forgotten will assist in resolving any social issues in digital India.

RESEARCH QUESTIONS

1. What are the social and technical conditions brought about by digital permanence that motivate people to remove or have control over their previous online content?
2. How will the acceptance of the Right to be Forgotten impact society's interest in terms of press freedom, freedom of information, and helping individuals rise above their stigmatised pasts and re-integrate themselves into society?
3. How should the law balance individual privacy with society's need to access information?

REVIEW OF LITERATURE

Harikartik Ramesh & Kali Srikari Kancherla, "Unattainable Balances: The Right to be Forgotten", *NLIU L. Rev*, Vol. 9, Issue 2: The article describes how the freedom of speech and privacy are very tricky in the case of the Right to be Forgotten in India. The authors present that informational control has become a significant legal problem due to the digital footprint. They emphasize that the conflicts between the individual reputation and the constitutional principles such as free expression are frequent in RTBF claims. The article can be helpful in the interpretation of the constitutional and social tensions with RTBF.

Prashant Mali, "Privacy Law: Right to be Forgotten in India", *NLIU L. Rev.*, Vol. 7: This paper follows the establishment of the Right to be Forgotten in India and how it relates to the right to privacy. The author outlines ways in which people can request the removal of their personal information as an opportunity to avoid reputational damage and social costs. It also looks at judicial progress and technological issues that have impacted RTBF implementation. The article assists in unravelling the development of RTBF within the Indian jurisprudence.

Prateek Yadav & Jyotsna Punshi, "Clearing the Slate: Right to be Forgotten After Acquittal in Digital Age", *LiveLaw* (Feb. 24, 2025): The authors examine how the Right to

be Forgotten has become a significant legal issue of the digital age. They emphasise the fact that Indian RTBF law remains immature and does not have a clear statutory backbone. The paper explains the impact of the Digital Personal Data Protection Act and the necessity to strike a balance between privacy and freedom of expression. This source can be used to comprehend the modern legal ambiguities regarding RTBF.

Arti Aasha, “Right to be Forgotten in India – A Critical Analysis”, *Indus. Eng’g J.*, Vol. 52, Issue 4, No. 1 (Apr. 2023): This paper takes a critical look at how the Right to be Forgotten has evolved in India and how the concept of the right faces certain legal and practical challenges in identification and application. It talks about the impact that further access to personal information over the internet can have on the reputation, privacy of the individual and social status. Another conflict identified by the author is between the rights of a person and the necessity to ensure access to information in society. The research can be beneficial in terms of comprehending how RTBF has changed over time due to its sociolegal status in the Indian digital realm.

Dr Santosh Kumar, “Right to Be Forgotten under Indian Law: An Emerging Jurisprudence”, *The Infinite*, Volume 2, Issue 1 (October 2025). This paper talks about the formulation of the Right to Be Forgotten as one of the emerging trends in Indian legal jurisprudence. The author describes how the rise of digitalisation has posed new challenges of safeguarding individual privacy, reputation and dignity. The paper points out the fact that the Indian courts are slowly appreciating the significance of information control, although it has been noted that there has not been a clear legal standard to balance between the rights of the individual and the interests of the people. The work is useful in the interpretation of how the Right to Be Forgotten is changing as a socio-legal issue in the Indian legal system.

RESEARCH METHODOLOGY

The study is based on a doctrinal and analytical approach to researching the concept of the Right to be Forgotten in India in a sociological jurisprudential approach. Secondary sources, including books on jurisprudence, journal articles, case laws, reports, and online legal databases, are used to conduct the study.

SOCIOLOGICAL JURISPRUDENCE AND THE IDEA OF LAW AS SOCIAL ENGINEERING

Sociological jurisprudence refers to a school of legal thought that examines legal studies with regard to society. In contrast to more conventional methods, where the primary consideration is on legal rules and statutes, sociological jurisprudence pays attention to the fact that law is actually practised in society and has an influence on the lives of people. It views law as a dynamic institution that evolves along with social needs, values, and conditions. The point is that law cannot be perceived in isolation, but it should be examined within the framework of society where it functions.

The growth of sociological jurisprudence signified the departure of the abstract law theories and the more practical and realistic ones. The previous school of thought, like natural law or legal positivism, either emphasised moral principles or emphasised the formal validity of a law. Such approaches, however, were said by sociological jurists to be incomplete since they overlooked the actual effect of law. They stressed that the law must be judged by the effectiveness it has in solving social ills and maintaining social order.

The fact that law is a means of fulfilling social needs is one of the key concepts of sociological jurisprudence. Law is not an end but a means to attain social welfare. It is supposed to secure the individual interests like life, liberty, and reputation, as well as to advance the collective interests like social stability, economic development, and the common good. With the development of society, new issues arise, and the law needs to be changed. Hence, the law must be adaptable and adapt to the dynamic social realities.

This principle is interrelated to the notion of law as social engineering that was invented by Roscoe Pound. In this perspective, law is considered to be an engineer that balances the various interests in society to ensure maximum satisfaction of needs with minimal conflict. Pound categorised interests into the individual interests, the public interests and the social interests. Law is meant to reconcile these interests in a manner that brings about the general social good. This balancing is especially relevant in those cases when various rights or claims collide with each other.

The other concept that is significant to sociological jurisprudence is the difference between law in books and law in action. The written rules of law, statutes, and judicial decisions are called law in books, and the actual implementation and experience of these laws in society is referred to as law in action. The two are usually different. A law might seem to be effective on paper, but it might not work in practice because of social, economic, or institutional reasons.

Sociological jurisprudence aims to investigate this gap and the way of how the law works in life.

In the contemporary technological society, sociological jurisprudence has become more applicable. The rapid changes in technology, in particular, the internet and digital communication, have introduced new forms of social interaction and new types of legal issues. The privacy of the information, online reputation, and online identity are the issues that, in previous times, were not of great importance but have become the focus now. Conventional legal systems might be ill-equipped to address these issues, and there is a need to embrace a sociological approach that takes into account the effects that the law has on society.

Considering the digital era, the law has to react to the issues raised by the fact that information is always accessible, and online platforms are largely used. People are getting more influenced by the way information concerning them is stored and accessed in electronic space. Simultaneously, society is interested in transparency, freedom of expression and access to information. These conflicting subjects must be harmonised, and this is one of the principal roles of law according to the sociological approach. Thus, sociological jurisprudence can help to conduct an analysis of the emergent issues in the law, including the Right to be Forgotten. It can be used to explain how the social outcomes of digital permanence can be addressed by law and balance the interests of individuals and society. This method can be used to more fully and realistically assess contemporary issues in law by addressing the practical effect of the law and its influence on the formation of social relationships.

THE RIGHT TO BE FORGOTTEN AND EMERGING SOCIAL PROBLEMS

The fast development of digital technology has changed the manner in which people socialise in society. Although the internet has enhanced accessibility of information and communication, it has also brought about new social ills. The possibility of having permanent access to personal information on the Internet is one of the most important ones because it can adversely impact the reputation of a person's reputation and social life. These new issues illuminate the necessity of responding to them through law, like the Right to be Forgotten.

The problem of digital stigma is one of the biggest issues in the digital era. Data concerning the history of an individual, including errors, accusations, or even a trivial event, may be available on the internet indefinitely. Consequently, people can always be judged according to their past and not their current situation. This brings about some sort of social stigmatisation

that influences individual dignity, jobs, and social connections. Socially, this stigma can also make the individual not fully involved in society to restore his or her life.

This is closely connected to the problem of reputation damage. In the past, reputational damage tended to be short-lived and of limited scale. Negative information, however, in the digital space, can be easily disseminated and left permanently available. Although the information may be outdated or irrelevant, it still has an effect on how other people perceive a person. This generates the imbalance in which people cannot say much about themselves and their image among others.

Permanent online records are another significant social issue because of social exclusion. Those who have had criminal involvement, conflict or controversy have long-term effects even after they have been acquitted or they have served their term. Society as a whole, employers and institutions can use the information available online at a very easy reach to make judgments. This may make the integration of these people into society impossible, hence their right to live with dignity is compromised. This becomes a significant issue concerning how fairness is and the role of punishment in society.

These problems have been exacerbated by the emergence of media trials and internet shaming. Personal information is frequently publicised by news reports, postings on social media, and online debates without regard to the long-term implications. In most situations, the people are convicted by the masses even before the guilt or innocence can be determined by a court of law. The digital record can be left despite the resolution of the issue, and it still has an impact on the image of the person. This puts the situation where the influence of public exposure is beyond the precincts of formulated legal procedures.

It is due to these issues that the demand for informational control is becoming more and more significant. People are now demanding increased control over how their personal data is stored, accessed, and shared in the online environment. This demand can be seen as a reflection of a more general movement in the social expectation that privacy is not only the issue of secrecy but also being able to manage identity and personal story. According to the sociological jurisprudence approach, this implies that the law has to change to accommodate the new types of harm that are brought about by technological changes.

Here, the Right to be Forgotten has been proposed as a potential legal solution to these social problems. It aims to grant individuals the ability to request that access to personal information

that is no longer required, or that causes disproportionate harm, be restricted or removed. This right can be used to reduce digital stigmas and reintegrate into society by enabling people to limit the publicity of their past.

Nevertheless, there are also significant issues raised with the acknowledgement of this right. The society is justified in keeping access to the information, and in particular those concerns that are affecting the interests of the people, their transparency and accountability. Thus, the Right to be Forgotten cannot be an absolute right. It has to be well matched with other interests in society, which is a major role of law in a sociological view.

Therefore, the creation of the Right to be Forgotten is an indication of a more far-reaching effort by the legal community to overcome the problems posed by the digital society. It shows how the law changes to meet new social issues and conflicting interests in an evolving environment. This makes it an important subject of analysis within sociological jurisprudence.

THE RIGHT TO BE FORGOTTEN IN INDIA: LEGAL DEVELOPMENTS AND SOCIAL IMPACT

The idea of the Right to be Forgotten is still in its developing phase in India, and there has been no clear statutory framework that has clearly defined its scope. However, in the digital age, Indian courts have gradually started to recognise the importance of individual dignity and information privacy. This is a changing strategy portraying the effort of the law to address emerging social issues posed by technology.

The decisive shift in the Indian jurisprudence of privacy was reached with a decision of the Supreme Court in *Justice K. S. Puttaswamy v. Union of India*. The Court in this case identified the right to privacy as one of the main rights in the Constitution. Though the ruling did not directly provide the Right to be forgotten, the case established the background of acknowledging the control of information and the dignity of the person in the digital society. This decision has been used as a basis for later discussions on RTBF.

Subsequently, other High Courts have dealt with the Question of the Right to be forgotten in other situations. The Delhi High Court in the case of *Zulfiqar Ahman Khan v Quintillion Business Media Pvt. Ltd.* understood the need to protect the image of a person and granted relief by blocking access to specific content on the web. Similarly, in the case of *Jorawar Singh Mundy v. Union of India*, the Court ordered the removal of online judgements who were

pleading the reputation of the petitioner in spite of his acquittal. These cases show how courts are increasingly acknowledging the societal implications of persistent digital records.

The search engines and the online platforms play a role that is critical to the operation of the Right to be Forgotten. Companies like Google are mediators that regulate entry to information through indexing and displaying search results. The RTBF in most situations is affected via de-indexing, where some of the links are removed but not the content. This provides the private platforms with a lot of authority in determining what information is to be made public. Sociologically, this brings into question the issue of privatisation of regulation by the state into the hands of others.

Irrespective of this, RTBF in India has several challenges in its implementation. To begin with, no single legal framework that explicitly stipulates the conditions under which and when this right can be exercised is in place. It is common to make decisions on a case-by-case basis, and this creates inconsistency and uncertainty. Second, clear guidelines on the balancing of privacy and freedom of expression do not exist. Third, technical issues complicate the fact that information cannot be entirely taken off the internet because data can be copied, shared and stored on various platforms.

The other significant concern is the effect of RTBF on the freedom of expression and public interest. The suppression of information can limit the freedom of the population to know, particularly on the issues of the state leaders, the criminal history or the problems of the national interest. It is possible that people can abuse this right to conceal pertinent information or evade responsibility. In this regard, courts have to analyse every case carefully so that the right is not employed in a manner that will harm democratic values.

Simultaneously, RTBF positively influences the social dimension to a considerable extent. It assists people in defending their reputation and dignity as they restrict access to the out-of-date or damaging information. It also has the potential of reintegrating people who have experienced stigma as a result of previous events, thus enhancing social justice. This is how the right can solve actual social issues brought about by digital permanence.

As a matter of fact, the operations of RTBF in India are still constrained and developing. Courts, search engines, and individuals have a role to play in the way this right is implemented. There is no clear legislation that implies that a lot of the development is occurring via judicial interpretation and platform-based decision-making. This is indicative of the law in action,

whereby the working of the law only works in relation to social, institutional and technological aspects.

Therefore, the evolution of the Right to be Forgotten in India shows how legislation is changing in response to emerging social facts. It demonstrates the attempt to reconcile personal dignity with social interests, including openness and information access. In the sociological jurisprudence approach, this changing legal practice represents the dynamic nature of law and society in the digital era.

CRITICAL ANALYSIS AND CONCLUSION

The development of the Right to be Forgotten in India is an indication that the legal system is undertaking a significant effort to address the problems posed by digital society. The major question is whether this right is effective in balancing the various social interests involved. According to sociological jurisprudential views, law should see that individual dignity, social welfare and public interest are balanced fairly and in a practical way.

The Right to be Forgotten is effective in safeguarding the interests of individuals, especially dignity, privacy and reputation. It offers people a lifeline to leave their past behind and evade the bad effects of the permanent digital records. This right can assist in the reduction of social stigma and reintegration into society in instances of acquittal, old information, or personal conflicts. In this respect, RTBF plays a significant social role in solving actual harms posed by the development of technologies.

The ability of RTBF to strike a balance between social interests is, however, limited by a number of issues. The risk of misuse is one of the major problems. People, and particularly the powerful ones, might strive to use this right to delete content that is relevant to the public interest. As an illustration, individuals or companies can be interested in concealing previous wrongdoings or scandalous activities. There is a risk that RTBF may become an avenue not only for dignity but also for accountability.

The other significant issue is that of obliteration of the memory of the people. The society has a right to preserve any information relating to events from its past. When information is deleted so easily, it can influence transparency and the operation of a democratic society. Public awareness, freedom of the media, and making informed decisions all require access to information. As such, overuse of RTBF can create a scenario where society forgets crucial facts, which can undermine democratic values.

These dilemmas reveal that the Right to be Forgotten cannot be considered as an absolute right. In a sociological jurisprudence approach, law should not prioritise one side over the other in any way. Thus, contextual or limited acknowledgement of RTBF is required. This implies that the exercising of the right should be subject to certain considerations, including the nature of the information, the position of the individual in the society, the duration that has elapsed and the extent of the damage.

Courts and authorities can distinguish between private and public persons, trivial and serious issues, and outdated and relevant information with the help of a contextual approach. As an illustration, more protection can be granted in situations that are concerned with personal dignity and minor past errors, whereas less protection can be suitable in issues that are concerned with public interest or serious offences. This form of balancing is indicative of the concept of law as social engineering, in which the aim is to attain fairness and social goodness.

Another one is the need to create a clear and sociologically sensitive legal framework in India. Currently, there is a lack of clear laws that would bring uniformity and regularity in judgment. The extent of RTBF should be recognised through a systematic framework that offers guidelines on how it is to be implemented, and the interests of both the individual and society are safeguarded. It ought to also explain the involvement and role of search engines and online platforms in executing such requests.

Additionally, preventive measures need to be brought into play to avoid abuse of the right. This may involve the adequate scrutiny of requests, openness in decision-making, and a review or appeals. Meanwhile, the understanding of people about their rights and duties in the online environment should be encouraged. Such problems cannot be overcome without the cooperation of social insight and appropriate use of the technology.

In conclusion, the Right to be Forgotten is a reaction to the problems associated with digital permanence. While this can avoid social maladies such as shaming and defamation, leading to dignity, it might also pose significant difficulties in accountability and transparency, among others. The exercise of this right should be contextual and balanced in nature in order for the society's value system to be preserved when it comes into practice. According to sociological jurisprudence, the future of RTBF in India will hinge on the ability of the law to adapt to changing social circumstances.

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