

INFORMATIONAL AUTONOMY UNDER ARTICLE 21: THE CONSTITUTIONAL STATUS OF THE RIGHT TO BE FORGOTTEN

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ABSTRACT

Seventy-five years after the adoption of the Constitution of India, Article 21 has evolved from a procedural safeguard into a substantive guarantee of dignity, autonomy and informational privacy. In the digital age, where personal data may remain perpetually accessible through search engines and online archives, individuals increasingly seek protection against disproportionate harm arising from continued digital exposure, giving rise to claims framed as a right to be forgotten. While the Digital Personal Data Protection Act, 2023 provides a statutory right to erasure, the constitutional status of a broader right to be forgotten remains unsettled. This study undertakes a doctrinal analysis of constitutional provisions, judicial precedent and statutory frameworks to examine whether informational autonomy under Article 21 extends to claims restricting digital accessibility. It argues that recognising the right to be forgotten as an independent restriction on expression would unsettle the structural exhaustiveness of Article 19(2), and that any constitutional accommodation must accordingly remain derivative and limited, structured through proportionality and harmonised with the constitutional commitment to open justice and democratic transparency. The paper proposes a principled framework to guide adjudication consistent with India's constitutional structure in the digital age.

KEYWORDS: Article 21; Digital Privacy; Informational Autonomy; Proportionality; Right to Be Forgotten

1. INTRODUCTION

The trajectory of Article 21 of the Constitution reflects one of the most significant doctrinal transformations in Indian constitutional law. Initially construed narrowly in *A.K. Gopalan v. State of Madras*, where personal liberty was read in a formal and procedural sense, the provision has since evolved into a substantive guarantee encompassing dignity, autonomy and privacy.¹ The interpretive shift inaugurated in *Maneka Gandhi v. Union of India* rejected compartmentalised fundamental rights analysis and infused Article 21 with the requirements of fairness, non-arbitrariness and reasonableness, enabling the Court over subsequent decades to recognise diverse dimensions of liberty, including decisional autonomy, bodily integrity and, most recently, informational privacy.²

The unanimous decision in *Justice K.S. Puttaswamy v. Union of India* marked a constitutional milestone by affirming privacy as a fundamental right intrinsic to life and personal liberty, the Supreme Court emphasising that privacy safeguards individual dignity and protects the ability of persons to

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¹ *A.K. Gopalan v. State of Madras*, A.I.R. 1950 S.C. 27 (India).

² *Maneka Gandhi v. Union of India*, (1978) 1 S.C.C. 248 (India).

shape their own identity.³ Importantly, the judgment acknowledged that informational control forms a central aspect of autonomy in a digital society, yet while Puttaswamy articulated broad constitutional principle, it did not delineate the specific scope of claims that may arise from informational autonomy in technologically mediated environments. The contemporary challenge emerges from the architecture of digital permanence: unlike traditional forms of publication, where information gradually receded from public memory, digital technology enables indefinite retention, replication and algorithmic amplification of personal data, and search engines and online archives allow historical information to remain continuously accessible, often without contextual relevance. As scholarship examining digital memory has observed, the technological capacity to remember indefinitely alters the social balance between forgetting and remembering, and the persistence of data may constrain individual reinvention, rehabilitation and personal development in ways previously unknown to constitutional theory.⁴

Within this context, individuals increasingly seek the removal or de-indexing of personal information they regard as outdated, misleading or disproportionately harmful, claims commonly described as invoking a right to be forgotten. Indian courts have encountered such demands in varied settings, including cases involving acquittals, matrimonial disputes and reputational concern, with relief occasionally granted through directions for redaction or restricted indexing of judicial records.⁵ The judicial approach nonetheless remains fragmented and case-specific, and the Supreme Court has not articulated a structured constitutional framework governing such claims. The Digital Personal Data Protection Act, 2023 introduces a statutory right to erasure under certain conditions, reflecting legislative recognition of informational interest, yet it does not expressly constitutionalise a broader right to be forgotten, nor does it resolve the tension between informational autonomy under Article 21 and the guarantee of freedom of speech and expression under Article 19(1)(a).⁶ The constitutional problem therefore persists in doctrinally unresolved form: does Article 21 encompass a limited claim to restrict the perpetual digital accessibility of personal information, and if so, under what conditions?

This paper contends that the right to be forgotten should not be conceptualised as an independent and absolute fundamental right, but rather represents an emerging facet of informational autonomy under Article 21 whose recognition must be structured through principled proportionality analysis,

³ Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 S.C.C. 1 (India).

⁴ Viktor Mayer-Schönberger, *Delete: The Virtue of Forgetting in the Digital Age* 3-5 (2009).

⁵ Jorawar Singh Mundy v. Union of India, 2021 SCC OnLine Del 2306 (India); X v. Registrar General, High Court of Karnataka, 2017 SCC OnLine Kar 424 (India).

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

carefully reconciling individual dignity with democratic transparency and the structural importance of free expression.

1.1 Objectives of the Study

This study analyses the conceptual foundations of informational autonomy as developed under Article 21; examines the emergence of the right to be forgotten in Indian judicial practice and assesses the consistency of existing High Court decisions; distinguishes between the statutory right to erasure under the Digital Personal Data Protection Act, 2023 and a broader constitutional claim grounded in fundamental rights; critically evaluates the tension between informational autonomy under Article 21 and freedom of speech and expression under Article 19(1)(a); and proposes a principled constitutional framework to guide judicial adjudication of claims seeking erasure or de-indexing of personal information.⁷

1.2 Research Methodology

The study adopts a doctrinal research methodology grounded in the analysis of constitutional provisions, judicial precedent and statutory frameworks relevant to informational privacy and digital data regulation in India, critically examining decisions of the Supreme Court and various High Courts concerning privacy and claims resembling the right to be forgotten, and analysing the Digital Personal Data Protection Act, 2023 to distinguish statutory erasure from constitutional protection, with limited comparative reference to foreign jurisprudence for analytical purpose. A doctrinal method is appropriate because the central inquiry concerns constitutional interpretation rather than empirical measurement of digital harm: the question addressed is normative, whether and how fundamental rights should be reconciled within the existing constitutional structure, and while empirical study may illuminate the social impact of digital permanence, it does not alter the interpretive standards governing Articles 21 and 19(1)(a).

2. INFORMATIONAL AUTONOMY UNDER ARTICLE 21

The constitutional recognition of privacy under Article 21 represents a decisive moment in the evolution of Indian fundamental rights jurisprudence; it was only in *Justice K.S. Puttaswamy v. Union of India* that a nine-judge bench unequivocally affirmed privacy as a fundamental right intrinsic to life and personal liberty.⁸ A central dimension of this recognition is informational privacy: the plurality opinions in *Puttaswamy* emphasised that in an era defined by pervasive data collection and digital intermediation, control over personal information constitutes a core aspect of autonomy, informational autonomy referring to the individual's capacity to determine the conditions under which

⁷ *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 S.C.C. 1 (India).

⁸ *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 S.C.C. 1 (India).

personal data may be accessed, processed or disseminated.⁹ It protects not merely secrecy but agency, the ability to shape one's informational identity.¹⁰

The theoretical foundations of informational autonomy find reflection in comparative constitutional thought: the German Federal Constitutional Court, in its landmark Census decision of 1983, articulated the principle of informational self-determination, recognising that individuals must retain authority over the disclosure and use of their personal data.¹¹ While the Indian Supreme Court has not formally adopted this terminology, the reasoning in *Puttaswamy* reflects a similar constitutional orientation: by grounding privacy in dignity, the Court acknowledged that personal data cannot be treated as detached from the person to whom it relates, while simultaneously emphasising that privacy is not absolute and that any limitation must satisfy the requirements of legality, legitimate state aim, necessity and proportionality. This development must also be read alongside the Court's broader dignity jurisprudence: in *National Legal Services Authority v. Union of India*, the Court affirmed the autonomy of individuals to define and express their identity, holding that constitutional protection extends to self-determination in matters central to personhood, and in *Navtej Singh Johar v. Union of India*, the Court reiterated that the Constitution safeguards intimate personal choices as an expression of dignity and individuality.¹² These decisions reinforce the proposition that Article 21 protects the integrity of identity and the conditions necessary for its development.

In the digital age, identity is increasingly constructed and mediated through persistent data trails; if dignity encompasses the capacity for reinvention and social reintegration, perpetual and contextless digital accessibility of past information may, in certain circumstances, impair that constitutional value. Informational autonomy cannot, however, be conceptualised in isolation from other constitutional guarantees, since Article 21 exists within a network of fundamental rights including the guarantee of freedom of speech and expression under Article 19(1)(a), and must therefore be understood as relational, requiring reconciliation with competing constitutional interest. This relational quality distinguishes informational autonomy from the more classically bounded privacy interests recognised in earlier decisions such as *Kharak Singh v. State of Uttar Pradesh* and *Govind v. State of Madhya Pradesh*, which addressed discrete forms of state surveillance rather than the diffuse, continuously operating architecture of digital publication and indexing that gives rise to the

⁹ Samuel D. Warren & Louis D. Brandeis, *The Right to Privacy*, 4 Harv. L. Rev. 193 (1890).

¹⁰ Alan F. Westin, *Privacy and Freedom* 7-13 (1967).

¹¹ Bundesverfassungsgericht [BVerfG] [Federal Constitutional Court], Dec. 15, 1983, 65 BVerfGE 1 (Ger.).

¹² *National Legal Services Authority v. Union of India*, (2014) 5 S.C.C. 438 (India); *Navtej Singh Johar v. Union of India*, (2018) 10 S.C.C. 1 (India).

contemporary right-to-be-forgotten claim; the doctrinal challenge this paper addresses is accordingly one earlier privacy jurisprudence, concerned primarily with intrusion by a single identifiable state actor, did not anticipate in its present form. The critical doctrinal question is whether informational autonomy logically extends beyond protection against unlawful intrusion to include, in appropriate circumstances, a claim to restrict the continuing accessibility of historically accurate information, a question privacy jurisprudence provides the normative foundation for but does not itself resolve.¹³

3. THE RIGHT TO BE FORGOTTEN: COMPARATIVE CONSTITUTIONAL DEVELOPMENTS

The emergence of the right to be forgotten has been shaped significantly by comparative constitutional development, particularly within the European Union, though its constitutional foundations lie in the balancing of privacy and freedom of expression rather than in data protection discourse alone. The most influential articulation of the modern right emerged in *Google Spain SL v. Agencia Española de Protección de Datos*, where the Court of Justice of the European Union held that individuals may, under certain circumstances, request removal of links from search engine results where continued accessibility of information is inadequate, irrelevant or excessive in relation to the purposes for which it was processed.¹⁴ Importantly, the decision did not mandate deletion of the underlying content but recognised a limited right to de-indexing, reflecting a calibrated attempt to reconcile personal dignity with informational accessibility.¹⁵ Article 17 of the General Data Protection Regulation subsequently codified this as a right to erasure, subject to specific exceptions including freedom of expression, compliance with legal obligation and public interest consideration, such that the European framework does not treat the right as absolute but operates within a structured balancing model.¹⁶ This European approach reflects a dignity-centric constitutional tradition in which data protection is itself treated as a fundamental right, Article 8 of the Charter of Fundamental Rights of the European Union expressly guaranteeing the protection of personal data and supplying a comparatively strong normative foundation for claims seeking restriction of digital accessibility.¹⁷

The United States, by contrast, has adopted a speech-centric approach in which First Amendment doctrine accords primacy to truthful publication of

¹³ Julie E. Cohen, *Examined Lives: Informational Privacy and the Subject as Object*, 52 *Stan. L. Rev.* 1373 (2000).

¹⁴ *Google Spain SL v. Agencia Española de Protección de Datos*, Case C-131/12, 2014 E.C.R. I-317.

¹⁵ *Id.*

¹⁶ Regulation (EU) 2016/679, art. 17, 2016 O.J. (L 119) 1 (General Data Protection Regulation).

¹⁷ Charter of Fundamental Rights of the European Union art. 8, 2012 O.J. (C 326) 391.

lawfully obtained information: in *Cox Broadcasting Corp. v. Cohn*, the Supreme Court held that the press cannot be sanctioned for publishing accurate information drawn from public judicial records, and in *Florida Star v. B.J.F.*, the Court reaffirmed that imposing liability for publication of truthful information concerning a matter of public significance raises serious First Amendment concern.¹⁸ The American constitutional structure accordingly leaves limited space for a legally enforceable right to be forgotten, particularly where information forms part of the public record, its normative emphasis placed on transparency and expression rather than informational rehabilitation.

The comparative divergence is structural rather than merely institutional: the European model is anchored in an express constitutional guarantee of data protection absent from the Indian Constitution, while India's open justice doctrine shares closer affinity with the American commitment to public-record transparency, placing the Indian constitutional structure normatively between the two and requiring independent doctrinal calibration rather than transplantation from either. The Indian constitutional structure does not permit hierarchical resolution in favour of either dignity or expression: unlike the European model, there is no standalone constitutional right to data protection capable of displacing speech interest, while unlike the American model, dignity is not peripheral but central to Article 21 jurisprudence. The Indian solution must therefore be harmonisational rather than hierarchical, neither privacy supremacy nor speech absolutism but structured coexistence, demonstrating that recognition of a right to be forgotten need not entail wholesale erasure of historical fact, nor must protection of expression render dignity claims illusory.

4. THE INDIAN POSITION: JUDICIAL RESPONSES AND STATUTORY FRAMEWORK

Unlike the European Union, India has not witnessed an authoritative constitutional pronouncement expressly recognising a right to be forgotten; the development of such claims has instead occurred incrementally through select High Court decisions, often in fact-specific contexts involving reputational harm, acquittal or matrimonial dispute. One of the earliest judicial acknowledgments of a claim resembling the right appeared in *X v. Registrar General*, High Court of Karnataka, where the petitioner sought removal of her name from a judgment relating to matrimonial proceedings; the Court directed anonymisation of the petitioner's identity in the cause title and online records, reasoning that continued digital accessibility could cause disproportionate hardship, implicitly recognising the rehabilitative dimension of informational privacy without elaborating a comprehensive constitutional doctrine.¹⁹ In

¹⁸ *Cox Broadcasting Corp. v. Cohn*, 420 U.S. 469 (1975); *Florida Star v. B.J.F.*, 491 U.S. 524 (1989).

¹⁹ *X v. Registrar General*, High Court of Karnataka, 2017 SCC OnLine Kar 424 (India).

Jorawar Singh Mundy v. Union of India, the Delhi High Court directed removal of certain online judgments and search results relating to a criminal case in which the petitioner had been acquitted, observing that continued online availability could adversely affect the petitioner's prospects and social standing, though the reasoning remained narrow and largely equitable, without systematic engagement with either Article 21 or Article 19(1)(a).²⁰ Other courts have adopted a more cautious approach: in Dharmaraj Bhanushankar Dave v. State of Gujarat, the Gujarat High Court declined to order removal of a judgment from online records, emphasising the importance of judicial transparency and holding that once a judgment forms part of the public record, its removal would undermine the principle of open justice.²¹ These decisions reveal two important features of the Indian judicial approach: relief has been granted in exceptional, context-specific circumstances grounded in equitable consideration rather than a structured constitutional test, and no uniform doctrinal framework presently guides the reconciliation of informational autonomy and freedom of expression.

The Digital Personal Data Protection Act, 2023 introduces a statutory right to correction and erasure of personal data under specified conditions, permitting a data principal to request deletion where consent is withdrawn or the data is no longer necessary for the purpose for which it was processed, while regulating the relationship between data principals and data fiduciaries and imposing obligations of lawful processing, purpose limitation and data minimisation.²² This statutory right differs conceptually from a constitutional right to be forgotten: erasure under the Act concerns the lifecycle of personal data within regulatory processing frameworks, whereas a constitutional claim would involve adjudication of competing fundamental rights and potentially affect public access to information more broadly. The Act's own exceptions, permitting retention for legal compliance or legitimate recognised use, indicate legislative awareness that informational control cannot be absolute, yet the Act does not resolve how courts should adjudicate claims seeking restriction of access to judicial records or publicly available information beyond regulatory data-processing contexts. The coexistence of the Digital Personal Data Protection Act, 2023 and the Right to Information Act, 2005, itself judicially recognised as flowing from Article 19(1)(a), further underscores the constitutional need for reconciliation between privacy and transparency: statutory erasure addresses data governance while constitutional adjudication addresses conflicts between fundamental rights, and in cases of tension, statutory erasure cannot override constitutional free-speech principle, meaning any reconciliation must occur at the constitutional rather than merely regulatory

²⁰ Jorawar Singh Mundy v. Union of India, 2021 SCC OnLine Del 2306 (India).

²¹ Dharmaraj Bhanushankar Dave v. State of Gujarat, 2015 SCC OnLine Guj 2019 (India).

²² The Digital Personal Data Protection Act, No. 22 of 2023 (India).

level.²³ The core constitutional question persists: can informational autonomy under Article 21 justify restricting the accessibility of lawfully published and historically accurate information, and if so, under what structured conditions, a question the statutory framework cannot by itself answer.

5. CONSTITUTIONAL TENSION: ARTICLE 21 AND ARTICLE 19(1)(a)

Any constitutional recognition of a right to be forgotten must confront a structural reality: Article 21 does not operate in isolation, and the Constitution guarantees not only dignity and personal liberty but freedom of speech and expression under Article 19(1)(a), a foundational pillar of democratic governance facilitating public discourse, transparency and accountability. Any judicial recognition of a limited right to be forgotten must accordingly be examined through the framework of Article 19(2): if restricting digital accessibility amounts to limiting expression, such restriction must fall within one of the constitutionally enumerated grounds, and while reputational harm may intersect with defamation and certain disclosures may implicate decency or morality, a generalised right to digital erasure does not neatly map onto the textual grounds of Article 19(2). This carries structural significance, since Article 19(2) is textually exhaustive in specifying the permissible grounds on which speech may be restricted; to recognise a free-standing right to be forgotten as an independent basis for limiting expression would risk judicially expanding the carefully calibrated scheme of reasonable restriction, unsettling a constitutional balance deliberately embedded in the text. The more coherent approach is accordingly to treat claims to be forgotten not as autonomous restrictions upon speech but as derivative claims emerging through harmonisation of Articles 21 and 19(1)(a) within proportionality analysis, preserving the exhaustiveness of Article 19(2) while allowing calibrated protection against demonstrable and disproportionate harm.

The Supreme Court has repeatedly emphasised that fundamental rights must be harmoniously construed rather than hierarchically arranged; in *R. Rajagopal v. State of Tamil Nadu*, the Court recognised that the right to privacy may, in appropriate circumstances, limit publication of personal information, while simultaneously affirming the legitimacy of reporting matters forming part of the public record.²⁴ The principle of open justice further reinforces this tension: judicial proceedings in India are presumptively public, and court records form part of the institutional memory of the legal system, such that restricting access solely on the basis of subsequent reputational harm risks undermining a commitment closely linked to the Constitution's basic structure. At the same time, the Court has recognised that freedom of expression is not absolute; in

²³ The Right to Information Act, No. 22 of 2005 (India); Apar Gupta & Rachit Bahl, *Data Protection in India: The Promise and Limits of the DPDP Act*, 15 *Indian J. Const. L.* 1 (2023).

²⁴ *R. Rajagopal v. State of Tamil Nadu*, (1994) 6 S.C.C. 632 (India).

Subramanian Swamy v. Union of India, while upholding the constitutionality of criminal defamation, the Court reaffirmed that reputation forms an integral component of Article 21, acknowledging that dignity and reputation coexist with expressive freedom within the constitutional scheme.²⁵ The challenge lies in identifying a principled method for reconciling these rights in cases involving digital permanence: informational autonomy may justify protection against disproportionate harm resulting from indefinite online accessibility, yet such protection cannot extend to erasing truthful and lawfully published information merely because it is inconvenient or reputationally damaging.

The proportionality doctrine, now firmly embedded in Indian constitutional adjudication, offers a structured framework for resolving such conflict. In *Modern Dental College v. State of Madhya Pradesh*, the Supreme Court articulated proportionality as requiring that restrictions pursue a legitimate aim, be suitable to achieve that aim, be necessary in the absence of less restrictive alternative, and maintain a proper balance between competing interest, a four-fold test providing a principled mechanism for assessing whether limiting digital accessibility is constitutionally justified.²⁶ Applied to claims resembling the right to be forgotten, proportionality requires courts to evaluate whether continued accessibility serves a legitimate public interest, whether restricting access would meaningfully protect dignity without unduly impairing transparency, whether less intrusive alternatives such as contextualisation or limited de-indexing could achieve the same objective, and whether the overall balance between dignity and democratic accountability favours restriction.²⁷ Comparative experience demonstrates that outright deletion of historical records is rarely justified; even in European jurisprudence, the remedy has often been limited to de-indexing rather than destruction of content, calibrated measures that preserve the integrity of public records while mitigating disproportionate harm arising not from the mere existence of information but from its algorithmic amplification and prominence in search results.²⁸ In the Indian context, the constitutional commitment to both dignity and free expression suggests that any right to be forgotten must be narrow, structured and context-sensitive: a blanket right to suppress public records would conflict with the open justice principle and the democratic value of transparency, and overbroad erasure orders may generate a chilling effect on reporting and archival practice extending well beyond the immediate dispute, while a rigid refusal to recognise any claim to digital rehabilitation would render informational autonomy hollow in cases of demonstrable and disproportionate harm.

²⁵ Subramanian Swamy v. Union of India, (2016) 7 S.C.C. 221 (India).

²⁶ *Modern Dental College v. State of Madhya Pradesh*, (2016) 7 S.C.C. 353 (India).

²⁷ Gautam Bhatia, *The Supreme Court's Privacy Judgment: A Constitutional Analysis*, 10 NUJS L. Rev. 375 (2017).

²⁸ Jeffrey Rosen, *The Right to Be Forgotten*, 64 Stan. L. Rev. Online 88 (2012).

6. TOWARDS A STRUCTURED CONSTITUTIONAL FRAMEWORK

The preceding analysis demonstrates that neither statutory erasure nor fragmented judicial discretion adequately resolves the constitutional tension surrounding claims to be forgotten. A principled framework is therefore necessary to ensure consistency, predictability and fidelity to constitutional value, harmonising informational autonomy under Article 21 with freedom of speech and expression under Article 19(1)(a) through proportionality doctrine, beginning from the recognition that a right to be forgotten cannot operate as an absolute entitlement given Article 21's coexistence with structural commitments to transparency and open justice.

A four-part analytical framework is proposed. First, relevance and temporal distance: courts should assess whether continued accessibility serves a legitimate contemporary purpose, since information relating to ongoing public functions, criminal conviction or continuing public concern may retain relevance, whereas information pertaining to acquittal, minor infraction or long-resolved dispute carries greater constitutional weight for restriction, temporal distance functioning as a relevant but not automatically dispositive factor assessed contextually rather than mechanically. Second, public role and accountability: a distinction must be drawn between private individuals and public officials or persons performing public function, since democratic accountability requires heightened transparency regarding those who exercise public power, and claims seeking restriction of information relating to public office holders must accordingly be examined with greater caution.²⁹ Third, nature of harm and proportionality: the claimant must demonstrate that continued digital accessibility causes real and disproportionate impairment of dignity or rehabilitation, mere inconvenience or reputational discomfort being insufficient, with the *Modern Dental College* test requiring courts to evaluate necessity and the availability of less intrusive measures such as contextual clarification or anonymisation.³⁰ Fourth, preference for de-indexing over deletion: where restriction is constitutionally justified, courts should prefer calibrated remedies, de-indexing from search engine results, limited anonymisation, or restricted automated indexing, preserving institutional memory while mitigating disproportionate harm, with wholesale deletion of judicial records remaining exceptional given the constitutional commitment to open justice.

This structured approach aligns with the harmonisation principle embedded in Indian constitutional jurisprudence, operationalising the coexistence of Article 21 and Article 19(1)(a) rather than subordinating either to the other, and it avoids conflating statutory data governance with constitutional adjudication:

²⁹ *Subramanian Swamy v. Union of India*, (2016) 7 S.C.C. 221 (India).

³⁰ *Modern Dental College v. State of Madhya Pradesh*, (2016) 7 S.C.C. 353 (India).

the Digital Personal Data Protection Act, 2023 regulates the lifecycle of personal data within defined fiduciary relationships, while constitutional adjudication addresses broader conflict between dignity and democratic transparency, the two operating on distinct normative planes. Adopting a structured test of this kind would also promote judicial consistency, since current High Court decisions reflect sensitivity to digital harm but lack doctrinal uniformity, a principled framework grounded in proportionality reducing arbitrariness and aligning adjudication with established constitutional methodology. Ultimately, recognition of a limited and structured right to be forgotten under Article 21 would not signify retreat from transparency but would reflect the maturation of constitutional doctrine in response to technological transformation, consistent with the Constitution's own seventy-five-year record of evolving to protect human dignity amid changing social condition.

7. FINDINGS

The foregoing analysis yields five principal findings. First, the right to be forgotten cannot presently be regarded as an independent and autonomous fundamental right under the Constitution of India, the Supreme Court not having expressly recognised such a right. Second, claims resembling the right to be forgotten derive their normative foundation from informational autonomy under Article 21; the recognition of privacy in *Puttaswamy* establishes constitutional protection over personal data and identity, but this protection operates within a structured balancing framework and does not extend to absolute informational control. Third, the Digital Personal Data Protection Act, 2023 introduces a statutory right to correction and erasure that remains regulatory in character, governing relationships between data principals and data fiduciaries without conclusively determining constitutional conflicts involving judicial records, public archives or freedom of expression; statutory erasure does not determine constitutional conflict. Fourth, any constitutional accommodation of claims seeking restriction of digital accessibility must be mediated through proportionality, Article 21 and Article 19(1)(a) being coexisting guarantees requiring harmonisation rather than hierarchical prioritisation, with proportionality doctrine supplying an established constitutional mechanism for evaluating legitimacy, necessity and balance. Fifth, judicial practice in India currently reflects sensitivity to digital harm but lacks doctrinal uniformity, such that a structured and principled framework remains necessary to ensure consistency, predictability and constitutional coherence in adjudicating such claims.

8. CONCLUSION AND SUGGESTIONS

The evolution of Article 21 over seventy-five years demonstrates the Constitution's capacity to adapt to changing social reality. The digital age

presents a distinctive challenge, the permanence and algorithmic amplification of personal information, and while dignity and informational autonomy warrant constitutional protection, transparency and freedom of expression remain foundational to democratic governance. This paper concludes that the right to be forgotten should be recognised, if at all, as a limited derivative claim grounded in informational autonomy and structured through proportionality: absolute erasure of public records would undermine the constitutional commitment to open justice, whereas categorical refusal to acknowledge digital harm would render informational autonomy ineffective.

Three suggestions follow from this analysis and may enhance doctrinal clarity going forward. The Supreme Court should articulate a structured proportionality-based framework for adjudicating claims seeking restriction of digital accessibility, of the kind proposed in Part 6, rather than leaving the question to continued fragmented High Court disposition. Courts should prefer calibrated remedies, such as de-indexing or limited anonymisation, over wholesale deletion of judicial records, preserving institutional memory while addressing demonstrable harm. Finally, a harmonised interpretive approach should be developed to reconcile data protection norms under the Digital Personal Data Protection Act with transparency legislation under the Right to Information Act, ensuring that neither dignity nor democratic accountability is disproportionately curtailed as India's constitutional doctrine continues to mature in response to the technological transformation this paper has examined.

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