



UPSC &amp; STATE PCS CURRENT AFFAIRS · UJIYARI.COM

EDITORIAL ANALYSIS

# Preserving the Record: On the Right to Be Forgotten

 THE HINDU

4 June 2026 · POLITY · GS2

CURATED &amp; WRITTEN BY

**Bharat Choudhary**

UPSC Educator &amp; Content Creator

 [linkedin.com/in/epicbharat](https://www.linkedin.com/in/epicbharat)

ALSO FROM THE CREATOR

**BharatNotes**Free UPSC notes, MCQs, PYQ analysis. **100% Free.**[bharatnotes.com](http://bharatnotes.com) →


ADVERTISE

**Advertise with Ujiyari**

Reach thousands of UPSC aspirants daily.

 [epicbharat@gmail.com](mailto:epicbharat@gmail.com)

# Preserving the Record: On the Right to Be Forgotten

 **The Hindu** 4 June 2026 **GS2**

Source: [ujjyari.com](http://ujjyari.com) — Free UPSC & State PCS Current Affairs

## EDITORIAL SUMMARY

The Delhi High Court, in a landmark 144-page judgment by **Justice Sachin Datta** (delivered on May 29, 2026), recently recognised the **right to be forgotten** as an integral facet of the **fundamental right to privacy under Article 21** of the Constitution. The court directed search engines (including Google) and legal database platforms (including Indian Kanoon) to **de-index name-based searches** in specified cases — primarily acquitted persons and parties in settled matrimonial or private civil disputes. *The Hindu* editorial welcomes the judgment while cautioning that its implementation requires nuanced frameworks that do not erode transparency, judicial accountability, or freedom of the press.

## WHAT IS THE RIGHT TO BE FORGOTTEN?

The **right to be forgotten (RTBF)** — also known as the **right to erasure** — is the right of an individual to have personal data, digital records, or online information about them removed from search indexes and databases when that information is outdated, irrelevant, or no longer serves a legitimate public purpose.

## Key Distinction

RIGHT TO KNOW / TRANSPARENCY	RIGHT TO BE FORGOTTEN
Public has right to access information about individuals	Individual has right to remove outdated or harmful digital records
Protects democratic accountability	Protects privacy and rehabilitation
Particularly strong for public figures and criminal convictions	Particularly strong for acquitted persons, private individuals

## THE DELHI HC JUDGMENT (MAY 29, 2026)

### What the Court Held

- ❶ **RTBF flows from Article 21** — the right to privacy (per *K.S. Puttaswamy v. Union of India*, 2017) includes a right to informational privacy that extends to digital records
- ❷ **Courts can enforce RTBF** even without specific legislation — constitutional courts' inherent powers under Articles 226 and 32
- ❸ **Name-masking in judgments** — personal identifiers (names, addresses) may be masked in publicly available judgments while the legal reasoning remains accessible
- ❹ **De-indexing from search engines** — Google and similar platforms must comply with court-directed de-indexing orders
- ❺ **De-indexing from legal databases** — Indian Kanoon (and similar platforms) must comply similarly

### Who Benefits?

- Persons **acquitted** of criminal charges
- Parties to **matrimonial disputes** where the case is settled
- Parties to **private civil disputes** with no ongoing public interest

### Who Is Excluded?

- Public officials and politicians — public interest in accountability overrides RTBF
- Cases involving **serious crimes** (murder, sexual assault) — public safety and victim rights outweigh perpetrator's RTBF claims
- **Ongoing proceedings** — active cases cannot be de-indexed

## THE INDIA LEGAL GAP: DPDP ACT 2023

India's **Digital Personal Data Protection Act (DPDP), 2023** contains a limited version of the right to erasure under **Section 13** — individuals can request erasure of their personal data from a Data Fiduciary when it is no longer necessary for the purpose it was collected. However:

- **Courts are NOT data fiduciaries** under DPDP — so judicial records are outside DPDP's scope
- **Search engines** are not clearly covered as data fiduciaries in the context of indexing third-party content
- **No specific RTBF framework** exists — the Delhi HC judgment fills this legislative vacuum

## COMPARISON: EU'S GDPR ARTICLE 17

The EU's **General Data Protection Regulation (GDPR)** provides the most developed RTBF framework (Article 17):

- Individuals can request erasure of personal data in specific circumstances
- Search engines (Google) must de-index search results upon valid requests
- Google has processed **5+ million RTBF requests** in the EU since 2014

India's framework, post the Delhi HC judgment, is narrower (limited to judicial records) but establishes the constitutional foundation for a broader legislative framework.

## EDITORIAL'S KEY CONCERNS

- ❶ **Verification burden:** Who verifies that a RTBF claimant is genuinely acquitted? Courts must prevent frivolous applications.
- ❷ **Press freedom:** Newspapers and news archives also carry court reporting — does RTBF extend to de-indexing news articles? The judgment does not fully resolve this.
- ❸ **Judicial transparency:** Masking names in judgments reduces the transparency that allows for legal research, precedent analysis, and accountability.
- ❹ **India needs legislation:** The court judgment is a workaround; a comprehensive RTBF statute (possibly as part of the DPDP framework) is essential.

## UPSC RELEVANCE

### Prelims

- Constitutional basis: **Article 21** (Right to Privacy — per *K.S. Puttaswamy* 2017)
- Court: Delhi High Court; Judge: Justice Sachin Datta
- Judgment date: May 29, 2026
- Platforms directed: Google, Indian Kanoon
- India's data law: DPDP Act, 2023
- EU equivalent: GDPR Article 17

## Mains Angles

- 1 **GS2 — Fundamental Rights:** Analyse the evolution of the right to privacy under Article 21. How does the right to be forgotten test the limits of this right?
- 2 **GS2 — Judiciary:** Examine the role of the higher judiciary in filling legislative gaps on digital rights. Is judicial policymaking an appropriate substitute for legislation?
- 3 **GS2 — Freedom of Press vs. Privacy:** The right to be forgotten and freedom of the press are in inherent tension. How should Indian law balance the two?

## FACTS CORNER

FACT	DETAIL
Court	Delhi High Court
Judge	Justice Sachin Datta
Judgment date	May 29, 2026
Constitutional basis	Article 21 (Right to Privacy)
Landmark SC precedent	K.S. Puttaswamy v. Union of India, 2017
Platforms covered	Google (search), Indian Kanoon (legal database)
Beneficiaries	Acquitted persons; matrimonial/civil dispute parties
India's data law	DPDP Act, 2023 (limited coverage)
EU equivalent	GDPR Article 17

Source: Preserving the Record: On the Right to Be Forgotten — Ujjyari.com | Free UPSC & State PCS Editorial Analysis

### PRACTICE TODAY'S QUIZ



[Take the 4 June 2026 Quiz →](#)

### RELATED DAILY ARTICLES

4 Jun [Current Affairs Today — June 4, 2026](#)

4 Jun **D.K. Shivakumar Sworn In as Karnataka's 24th Chief...**

4 Jun **Great Nicobar Mega-Project: Jairam Ramesh Warns of...**

3 Jun **Current Affairs Today — June 3, 2026**

← **NEWER EDITORIAL**

**Why Judicial Holidays Are Necessary — And What Court...**

**OLDER EDITORIAL** →

**USTR Tariff Threats Deepen India-US Trade Uncertainty**



CURATED &amp; WRITTEN BY

## Bharat Choudhary

UPSC Educator &amp; Content Creator

[linkedin.com/in/epicbharat](https://www.linkedin.com/in/epicbharat)[Read Full Article on Ujiyari →](#)<https://ujiyari.com/editorials/2026/06/the-hindu-right-to-be-forgotten-delhi-hc-2026/>

### ALSO FROM THE CREATOR

## BharatNotes

Free UPSC study platform — subject-wise notes across all 4 GS papers, Prelims MCQs, Mains answer frameworks, PYQ analysis & progress tracking. **100% Free • No Login Required.**

[Start Preparing → bharatnotes.com](http://bharatnotes.com)

### 📌 OPPORTUNITY

## Advertise with Ujiyari

Reach **thousands of serious UPSC & State PCS aspirants** daily through our PDFs, website, and social channels.

**Ideal for:** Coaching institutes • EdTech platforms • Book publishers • Exam prep apps

[✉ epicbharat@gmail.com](mailto:epicbharat@gmail.com)

Write to us for rates & media kit

Free UPSC & State PCS Current Affairs · [ujiyari.com](http://ujiyari.com) · [bharatnotes.com](http://bharatnotes.com)