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ABOUT US

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provided dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

HAUNTED ONLINE: A CASE COMMENT ON X V. UNION OF INDIA (2023) AND THE UNFOLDING RIGHT TO BE FORGOTTEN IN INDIA

AUTHORED BY - MRINALIKA. A.B¹

ABSTRACT

This case comment examines the Delhi High Court's ruling in *X v. Union of India* (2023), where a woman sought the removal of explicit content uploaded online without her consent. The judgment, though limited in its legal articulation, reflects a growing sensitivity towards digital dignity and privacy. Through an analysis of the court's reasoning, this paper argues that while the relief granted was appropriate, the lack of a clear acknowledgment of the Right to be Forgotten reveals a larger gap in Indian jurisprudence. This comment calls for a structured legal framework to ensure consistent and principled recognition of such rights, especially in the wake of evolving technological harms.

INTRODUCTION

We live in a time where almost everything about us can be found online. What we said, did, or even suffered, often ends up on digital platforms — sometimes without our choice. And once it's there, it's nearly impossible to erase. This makes one thing painfully clear: in the digital age, forgetting is a luxury. But what happens when someone doesn't want to be remembered for something they never consented to share?

That's what the case of *X v. Union of India* (2023) is really about. A woman, fighting to have intimate content removed from the internet, wasn't just asking for privacy — she was asking to reclaim her dignity. The court's response raised serious questions about the legal system's readiness to recognize the "Right to be Forgotten" in India, especially in a world where technology moves faster than the law.

This case comment tries to unpack what the court decided, why it matters, and whether India is finally beginning to accept that people deserve a say in what the world gets to remember

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about them. The “Right to be Forgotten” might still be new here, but *X v. Union of India* might just be the push that was needed².

BRIEF FACTS OF THE CASE

This case started when a woman went to the Delhi High Court³. Some really private content of hers had made its way online — stuff that should’ve never been there. She didn’t share it, didn’t agree to it, yet it was there for anyone to find. She tried getting it removed, but it kept popping up.

She wasn’t looking for money or to punish anyone. All she wanted was peace. She asked the court to make sure the content was not just blocked but properly removed — gone from websites, gone from search results.

The pain she described wasn’t about the internet alone. It was about living with something you didn’t choose, stuck online for everyone to see. She wanted to move forward, but the digital world wouldn’t let her.

The case brought up a big question. Does Indian law actually let someone ask to be forgotten online? And if yes, where’s that right written down? The court had to think not just about rules but also about how people are affected when technology moves faster than the law.

ISSUES RAISED

The main question in this case was whether a person in India has the legal right to ask for content about them to be removed from the internet — especially when that content is deeply personal and was shared without consent. Is there something in our laws that allows someone to say, “I don’t want this to be seen anymore”?

The court also had to look at where this kind of right would come from. Could it be found under the right to privacy? Or more specifically, under the right to life and personal liberty under Article 21⁴ of the Constitution?⁵

Another important issue was about the limits of this right. If someone asks for content to be

² Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1.

³ *X v. Union of India*, W.P. (CrI.) No. [insert number], Delhi High Court (2023) (unreported)

⁴ The Constitution of India, art. 21

⁵ Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1.

removed, does that go against freedom of speech or public interest? What if the content is part of a public record or has legal relevance?

So, the case raised a set of tough but important questions:

- a. Can the Right to be Forgotten be read into Indian constitutional law?
- b. If yes, how should it be balanced with other rights like free expression?
- c. And finally, how should courts deal with situations where personal dignity is harmed online?

JUDGMENT AND REASONING

The Delhi High Court didn't go into deep theory here. It didn't officially say that the Right to be Forgotten is a part of Indian law. But at the same time, the way it handled the case showed that the idea was taken seriously. The woman had asked for the removal of private content that had no place online, and the court agreed with her.

Instead of making big statements, the court took a practical route. It told the websites and search engines to take down the content and stop it from showing up again. That might not sound like a strong legal stand, but in real terms, it was a clear step to protect someone's dignity.

They also mentioned the Puttaswamy judgment — not in great detail, but enough to remind us that privacy matters⁶. Still, they didn't stretch it too far. It was more of a practical judgment. They saw someone was in pain, and they chose to act.

So maybe this wasn't the landmark ruling people expected. But in its own way, it said something very important — people have a right to not be haunted online forever.

CRITICAL ANALYSIS

The High Court definitely helped the petitioner, and that's important. But honestly, it felt like they could've done more. They didn't clearly say that the Right to be Forgotten exists in Indian law — and I feel like they had the chance to.

The facts were strong. A woman's personal life was thrown online without her consent. That alone should've been enough to push for a clearer legal standard. Instead, the court gave a

⁶ Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1.

practical order, asked for removal of the content, and moved on. It worked for her, yes, but what about the next person? There's no guarantee the same help will be given in every case.

They mentioned Puttaswamy, but didn't really build on it. That case talked about privacy in a big way. So why stop short here? Maybe the court was being careful. Still, it left a gap. Right now, if someone wants to be forgotten online, there's no fixed process.⁷ It depends too much on who hears the case and how sympathetic they are.

I think this case could've been a turning point. It was a chance to say, "Yes, your digital dignity matters, and here's how we'll protect it." But we're still not there. Not yet.

CONCLUSION

This case might not have changed the law on paper, but it definitely said something about how the law is beginning to evolve. The Delhi High Court may not have formally declared the Right to be Forgotten, but its decision showed that courts are starting to listen — especially when personal dignity is at stake in the digital world.

The woman who brought this case forward was asking for something simple: peace. And even though the court didn't give her a clear legal right, it gave her relief. That counts. But it also highlights a serious gap — what happens when someone else goes through the same thing and doesn't get a judge who sees it the same way?

India needs a better answer to that question. The internet isn't going away, and neither is the harm it can cause when privacy is broken. It's time for the law to catch up — not just through sympathy in individual cases, but through clear recognition of the Right to be Forgotten as a part of the right to privacy under Article 21.

Until that happens, judgments like this one are small steps. But maybe, one step at a time is how change begins.

⁷ General Data Protection Regulation, Regulation (EU) 2016/679, art. 17.