



CIVIL

The Right to Be Forgotten: A Juvenile's Journey to Rehabilitation

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In a society that often holds the past against individuals, the concept of the “right to be forgotten” offers real hope, particularly for young offenders seeking a fresh start. As Justice Anoop Kumar Dhand of the Rajasthan High Court noted in a recent judgment, “The children deserve the chance to evolve and grow beyond their past, shaped not by previous errors but by their potential for the future.” This philosophy lies at the heart of a case that shows the need for rehabilitating juveniles and ensuring their past mistakes do not haunt their futures.

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The Case of Suresh Kumar: A Fight for a Second Chance

Suresh Kumar, a resident of Rajasthan, found himself at the centre of this legal battle. As a teenager, he was convicted by a Juvenile Justice Board (JJB) for offenses under the Indian Penal Code, including criminal trespass and theft. At just 15 years old, he was released on admonition, a form of probation, without a formal sentence. Under the Juvenile Justice (Care and Protection of Children) Act, 2000, his records were supposed to be expunged after the appeal period, allowing him to move forward without the stigma of his past.

However, when Suresh applied for a constable position years later, his services were terminated on the grounds that he had “concealed” his juvenile conviction. The authorities argued that his failure to disclose this information justified his dismissal. Suresh challenged this decision, arguing that the law explicitly protected him from such consequences.

The Legal Battle: Arguments and Counterarguments

Suresh's legal team relied on key provisions of the Juvenile Justice Act, 2000, which state that a juvenile's conviction does not disqualify them from public employment (Section 19(1)). Furthermore, the law mandates that all records of such convictions must be destroyed after the appeal period (Section 19(2)). His lawyers argued that since his records were legally required to be erased, he was under no obligation to disclose them. They also cited precedents from the Delhi High Court and the Supreme Court, which have consistently ruled that convictions as a juvenile cannot be grounds for denied employment as an adult.

On the other hand, the respondents, Union of India and other authorities, claimed that Suresh's non-disclosure was an act of dishonesty. They argued that employees in public service must maintain integrity, and concealing a criminal past, even as a juvenile, could justify termination.

The Court's Verdict: Upholding the Right to Be Forgotten

In a comprehensive ruling, Justice Anoop Kumar Dhand rendered a decision in favor of the petitioner. The court noted that the Juvenile Justice Act, 2015, further strengthens this protection by explicitly removing disqualifications for juveniles and ordering the destruction of their records (Section 24). The court observed that the “right to be forgotten” is an absolute right for juveniles, ensuring their future prospects are not marred by past mistakes.

The court also highlighted the importance of rehabilitation, stating that denying a juvenile employment due to a past conviction defeats the purpose of the law. It directed the authorities to reinstate Suresh with all benefits, noting that his non-disclosure was not an act of concealment but a result of his genuine belief that his records had been expunged.

Implications of the Judgment

This case sets a precedent for how juveniles' rights should be protected in India. By affirming the “right to be forgotten,” the court ensures that young offenders are not permanently stigmatized. It emphasises the need for authorities to respect the confidentiality of juvenile records and to focus on rehabilitation rather than punishment.

The judgment is also a reminder that the law must evolve to keep pace with societal changes. In an era where digital records can easily resurface past mistakes, the “right to be forgotten” becomes even more critical. This case paves the way for a more compassionate approach to juvenile justice, one that prioritizes second chances and the promise of a brighter future.

Conclusion

The Rajasthan High Court’s decision in Suresh Kumar’s case is a victory for justice and rehabilitation. It reaffirms that juveniles deserve the opportunity to grow beyond their past and contribute meaningfully to society. As Nelson Mandela once said, “There is nothing like returning to a place that remains unchanged to find the ways in which you yourself have altered.” This judgment ensures that young offenders like Suresh can return to a society that welcomes their transformation, free from the shadows of their past.

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