

# BEYOND THE VERDICT: A COMPARATIVE STUDY OF THE RIGHT TO BE FORGOTTEN AND POST-ACQUITTAL DIGITAL RECORDS IN PAKISTAN

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## Abstract

People may forget, but digital records hold memory for decades. Records of accusation and arrest appear on social media platforms and search engines almost as soon as they happen. The suspects are always the primary focus in a case, even when they have not yet been proved to be the actual offender. This creates a major legal problem: a person may be found innocent in court, yet they remain digitally indicted for life, carrying a permanent stain on their reputation. The primary struggle for them is not going through the investigation process and proving their innocence, but the fact that even once their integrity is restored on paper, they are sentenced to a lifetime of digital scrutiny. Acquittals often receive little attention, leaving those falsely charged under permanent suspicion. This article studies the Right to be Forgotten as a legal response to digital stigma, specifically examining the constitutional right to dignity and the legal need for social reintegration. The article reviews relevance for Pakistan, where criminal records and news archives remain widely accessible online and also compares it with international legal standards. The argument supports limited erasure or de indexing of harmful data after acquittal to balance the public's right to know with individual rights and social stability.

**Keywords:** human dignity, digital restorative justice, data privacy, Article 14 Constitution of Pakistan, General Data Protection Regulation, Prevention of Electronic Crimes Act

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## 1. INTRODUCTION

A judicial acquittal is generally supposed to offer absolute vindication, especially in a legal landscape where a false First Information Report (FIR) is routinely weaponized. However, the digital world refuses to let the innocent go free. Long ago, a 'not guilty' verdict allowed the accused to reintegrate into society, marking the end of a fraught chapter. The digital age, on the other hand, has fractured this system. An acquitted person walks freely yet search engines keep old accusations alive. Nowadays, the internet's permanent and enduring memory makes sure that the initial stigma never really goes away. A simple search on social media can revive dismissed charges, forcing acquitted individuals to live with a permanent digital shadow. Their unavoidable record is inescapable and acts as an ongoing, extralegal punishment that bars them from making a fresh start.

The right to be forgotten provides a sorely needed remedy as it allows people to request the removal of outdated, irrelevant or stigmatizing personal data. As this right continues to gain

attraction globally, jurisdictions are contending with how freedom of expression must be balanced against an individual's basic rights to privacy and human dignity.

Pakistan must figure out a path which is rooted deeply in Islamic jurisprudence and unprecedented constitutional guarantees of human dignity. Ultimately, status and dignity are meant to be restored by the law. The law ought to treat an acquittal as a full restoration of character.

## 2. DIGNITY: THE FOUNDATION OF THE RIGHT TO BE FORGOTTEN

The right to be forgotten is linked to the notion of human dignity: the intrinsic and inalienable worth of each person. Dignity is not a gift bestowed upon us by the state, but an essential fact of human life.

‘To be free is not merely to cast off one's chains, but to live in a way that respects and enhances the freedom of others.’

- Nelson Mandela<sup>1</sup>

True freedom requires living in a way that respects and enhances the liberty of others. This connection is evident online: toxic posts drive 30 percent less engagement, indicated in platform reporting and audience reaction.<sup>2</sup> Additionally, misinformation travels up to six times faster than verified facts, eroding trust in shared communities. When an acquitted individual is perpetually haunted by digital records, their dignity is actively affected. They are reduced entirely to their past accusations and looked down upon. German legal philosopher **Immanuel Kant**<sup>3</sup> famously argued that a human being must always be treated as an end in themselves, never merely as a means. Repurposing an acquitted person's trauma to satisfy public curiosity treats them as a mere object, fundamentally violating their personal autonomy.

Furthermore, dignity encompasses the right to freely develop one's personality. Growth is severely stunted by constant public association with a crime. **Avishai Margalit**<sup>4</sup> defined a ‘decent society’ as one whose institutions do not humiliate its people. A system that permits the permanent stigmatization of the innocent fatally fails this test. The presumption of innocence dictates that once a trial concludes in favor of the accused, their social standing must be fully reinstated at every level of society.

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<sup>1</sup> Nelson Mandela, *Long Walk to Freedom: The Autobiography of Nelson Mandela* (Little, Brown 1994).

<sup>2</sup> Lado Beknazar-Yuzbashev and others, ‘Toxic Content and User Engagement on Social Media: Evidence from a Field Experiment’ (2025) CESifo Working Paper No 11644  
<https://www.cesifo.org/en/publications/2025/working-paper/toxic-content-and-user-engagement-social-media-evidence-field> accessed 19 March 2026.

<sup>3</sup> Immanuel Kant, *Groundwork of the Metaphysics of Morals* (Mary Gregor tr, Cambridge University Press 1998).

<sup>4</sup> Avishai Margalit, *The Decent Society* (Naomi Goldblum tr, Harvard University Press 1996).

### 3. CONSTITUTIONAL DIGNITY AND PRIVACY IN PAKISTAN

Pakistan approaches the intersection of privacy and digital permanence through a unique constitutional lens. Its foundation is **Article 14**<sup>5</sup> of the Constitution of Pakistan, which explicitly states: ‘The dignity of man and, subject to law, the privacy of home, shall be inviolable.’

Unlike many global constitutions, Article 14 elevates dignity to an absolute, fundamental right. In Pakistan, the law and Islamic values protect your reputation everywhere. However, this protection is often broken when people file false police reports to settle personal grudges. While news outlets are quick to report on an arrest, they rarely update the story when the person is later proven innocent. This leaves a permanent digital stain on the person’s life, making them look like criminals forever online. For instance, the presumption of innocence is often lost during long pre-trial detentions. Suspects become placeholders while investigations move slowly, which violates their constitutional dignity. Media outlets report arrests loudly but stay silent when a person is released. True justice requires a digital reset.

Hence, the right to be forgotten is more than just a privacy rule. It is a tool that allows someone who has been cleared by the courts to have that old, damaging information removed from the internet. Without it, an innocent person can never truly escape the shadow of a false accusation, as the internet keeps the lie alive long after the trial is over.

### 4. THE DIGITAL REALITY WITH PECA AND DATA PROTECTION

Despite having constitutional protections, Pakistan's statutory digital laws have historically lagged. The **Prevention of Electronic Crimes Act (PECA)**<sup>6</sup> of 2016 focused heavily on state security and data retention, wholly failing to establish a framework for citizen data protection or digital erasure. The acts’ security-centric focus heavily emphasizes surveillance over individual digital rights, further highlighting the inefficiency of the law to adequately protect personal privacy in the digital sphere. This legislative vacuum left individuals vulnerable to online harassment and defamation by unaccountable online portals.

To fix this, the government introduced the **Personal Data Protection Bill**<sup>7</sup>. However, it is important to note the actual legal status of this bill. The bill never made it into an ‘act’ and remains a proposed bill. Thus, assuming it currently protects digital rights in Pakistan is a misconception. If enacted, **Section 26** of this law would officially introduce the ‘Right to be Forgotten’ and allow people to demand that organizations delete their personal information within 14 days if it is no longer needed or was collected illegally. This would finally give citizens a clear legal way to wipe old arrest records and outdated or harmful data from the internet. For now, however, the absence of an active statute leaves a great gap in enforcement.

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<sup>5</sup> Constitution of the Islamic Republic of Pakistan 1973 art 14.

<sup>6</sup> Eesha Arshad Khan, ‘The Prevention of Electronic Crimes Act 2016: An Analysis’ (2018) 5 LUMS Law Journal 117.

<sup>7</sup> Personal Data Protection Bill 2023 (Draft)

<https://moitt.gov.pk/SiteImage/Misc/files/Final%20Draft%20Personal%20Data%20Protection%20Bill%20May%202023.pdf> accessed 20 March 2026.

## 5. POST-ACQUITTAL DIGITAL RECORDS AND THE JUDICIAL SHIFT

The Pakistani judiciary has begun to implement these rights while the legislature continues its efforts to create legal protections for citizens. The Lahore High Court (LHC) delivered a significant decision in the July 2025 case of **Abdul Rehman Faryad Vs. Government of Punjab**<sup>8</sup> which addressed the injustice of post-acquittal records. Faryad filed a legal challenge against the state when police issued him a Character Certificate which included false information about a criminal FIR that he had already been found not guilty of. The LHC determined that the state had violated Faryad's rights by continuing to link him with an FIR after his acquittal which destroyed the legal effect of his acquittal. The court directed authorities to issue a clean certificate which would show his actual legal position.

It is important to acknowledge that the courts have not yet broadly interpreted Article 14 to include digital privacy or the right to be forgotten. Judicial reasoning applies to online platforms because the state cannot use an acquitted FIR from an official certificate, yet digital platforms must not display it as essential information about the person. While not establishing a direct precedent for digital erasure, the LHC ruling's emphasis on a fresh start highlights its importance in the contemporary paradigm, strongly suggesting the need for an **'active state role'** to protect individuals from the continuous storage of previously laid charges.

## 6. THE INDIAN JUDICIARY'S ROLE IN PROTECTING DIGITAL RIGHTS

The Indian judiciary offers a strong regional example of judicial protection for digital rights, even without a dedicated data protection law. In **Jorawer Singh Mundy v. Union of India**, an acquitted man sought removal of his trial records from search engines and online repositories. The Delhi high court granted interim relief after recognizing ongoing harm to his reputation and career. The ruling showed how courts protect dignity after acquittal without harming public interest. It offers guidance for Pakistani courts facing similar constitutional issues.

## 7. DIGNITY IN THE CLOUD: THE EU'S RESPONSE TO PERMANENT RECORDS

Digital privacy laws in the European Union have a great deal of influence around the world today and the right to be forgotten has become a global phenomenon in 2014 due to the **Court of Justice of the European Union (CJEU)** ruling on the **Google Spain Case**<sup>9</sup>. This case set for the first time a resolution for the ability of a citizen to have out-of-date linkages removed because of a past legal obligation. The CJEU determined that search engines are not neutral observers; rather, they act as active 'data controllers' who curate and disseminate personal data. Individuals have a right to contact search engines to request the deletion of any inadequate, irrelevant or excessive link.

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<sup>8</sup> *Abdul Rehman Faryad v Government of Punjab* (LHC, 18 July 2025) Writ Petition No 40844/2025.

<sup>9</sup> Eleni Frantziou, 'Further Developments in the Right to be Forgotten: The European Court of Justice's Judgment in Case C-131/12, Google Spain SL, Google Inc v Agencia Española de Protección de Datos' (2014) 14(4) *Human Rights Law Review* 761.

The EU in 2018, codified the concept of digital erasure into a law called the **General Data Protection regulation (GDPR)**.<sup>10</sup> Article 17 utilises the language ‘Right to Erasure’, which provides citizens with the right to request that their personal data be deleted unless there is an overriding public interest, as in the case with public figures.

Pakistan should treat this as a working model. **Section 26** of the Personal Data Protection Bill mirrors this structure. It fills a legislative gap. It gives you a direct right to demand deletion of irrelevant or harmful data. It creates enforceable timelines.

## **8. THE UNITED STATES: FREE SPEECH OVER ERASURE**

Conversely, the United States approaches the issue from a radically different philosophical baseline. It lacks an explicit constitutional right to dignity or privacy. The legal system is anchored by the First Amendment's resilient protections of free speech and a free press. Consequently, the US generally resists any legislative effort to mandate the deletion of legally obtained public records.

This approach, basically saying ‘all-or-nothing’ to free speech has a high price. Even if you are arrested but never convicted, your name stays stained online forever. This digital footprint makes it nearly impossible to find a job or home. Some private companies profit by selling these old records like products. To make matters worse, news sites often refuse to update their stories when someone is cleared.

While domestic advocates recognize these harms, proposing initiatives like the ‘**Clean Slate**’<sup>11</sup> campaign to automatically seal eligible state records, these efforts struggle to combat the private, digital dissemination of information. In America, the right to speak often outweighs a person's right to a fresh start, and that can be dangerous.

The risk here can be seen clearly. This model creates digital cages. Private actors profit from people’s stigma. Pakistan must avoid this path and enforce Article 14 strictly to block similar exploitation.

## **9. BALANCING PUBLIC INTEREST AND DIGITAL ERASURE**

Judicial authorities must conduct balancing tests to assess whether information maintains its current public value when judging the ‘right to know’ against the ‘right to be forgotten’ battle. Public interest data remains accessible when it pertains to public figures and officials because their historical conduct affects their ongoing suitability for office. The public interest in private citizens’ data begins to diminish after their trial ends with a ‘not guilty’ verdict. Digital records which show past accusations should not exist after a person has maintained good behavior for an extended period because those records now serve no purpose but to punish the individual outside legal boundaries, stopping them from moving forward with their life.

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<sup>10</sup> Paul Voigt and Axel von dem Bussche, *The EU General Data Protection Regulation (GDPR): A Practical Guide* (1st edn, Springer 2017).

<sup>11</sup> Kimberly E Capuder, ‘Can a Person’s “Slate” Ever Really Be “Cleaned”? The Modern-Day Implications of Pennsylvania’s Clean Slate Act’ (2020) 94 St John's L Rev 501.

The Constitutional Article 14 of Pakistan establishes human dignity as an absolute right which needs no authentication for its enforcement. The ‘right to know’ must undergo strict evaluation because people use fake FIRs to pursue personal revenge instead of finding out the truth. Search engines and news archives that display dismissed charges continue to show innocent people as guilty because they disregard the judicial proof of acquittal. The legal system must use ‘digital restorative justice’ except in situations where ongoing threats to public safety exist to protect individual rights of honor and complete freedom from public interest in their case.

## 10. A COMPARATIVE SYNTHESIS

Comparing these three legal models reveals distinct trajectories in the quest for digital justice. The EU relies on a comprehensive statutory framework, treating the right to be forgotten as a natural extension of consumer data protection. The US relies on a decentralized, free-market approach dominated by the First Amendment, prioritizing the public record over the dignity of the system-impacted individual.

*La vida digna*, or the right to live with dignity<sup>12</sup>, expands the meaning of the right to life. It includes more than survival. It includes the right to live with respect, honor, and basic human worth. International law recognizes this idea. The United Nations Human Rights Committee interprets **Article 6** of the **International Covenant on Civil and Political Rights** in this broader sense. Constitutional courts follow the same approach. Countries such as India, even without an explicit dignity clause, apply this principle. States like Pakistan, Colombia, and Germany go further by expressly protecting dignity in their constitutions.

Pakistan occupies a powerful middle ground. While moving toward the EU’s statutory model via the data protection legislation, its philosophical mandate is much stronger. Just as German and Israeli jurisprudence dictate that extreme humiliation violates human dignity, Pakistan’s Constitution elevates this protection above administrative overreach. The challenge moving forward lies in rigorous enforcement, balancing Article 14 (Privacy and Dignity) and Article 19 (Freedom of Speech).

## 11. CONCLUSION

The right to be forgotten serves as a historical safeguard which prevents future harm through its enforcement. The justice system uses court-issued acquittals to establish definite proof of a person’s innocence. Digital platforms must be compelled to respect this verdict.

The online existence of false FIRs and unverified accusations functions as a digital cage which takes away personal freedom while forcing people to face continuous public disgrace. The US shows catastrophic outcomes which result from disregarding this fact while the EU demonstrates that a complete legal framework for erasure functions smoothly. Pakistan is developing a successful new direction and already possesses the necessary tools to provide an actual clean slate following an acquittal because of its constitutional human dignity protection.

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<sup>12</sup> Erin Daly, *Dignity in the Criminal Legal System: A Policy Guide for Advocacy and Reform* (1st edn, Widener University Delaware Law School 2024).

The public needs to start permitting the innocent to disappear from memory because this will enable them to experience genuine liberation.

The state must recognize an acquittal as a genuine legal outcome which should also hold significant value for algorithmic systems. Pakistan has the chance to establish itself as a regional leader in digital restorative justice through Article 14 and the proposed Personal Data Protection Bill which hopes to establish clear procedural guidelines. The system aims to maintain historical accuracy while protecting individuals who have received official approval from authorities to clear their records since these individuals should not face permanent obstacles toward their active participation in society. The right to self-determination in modern times enables people to create their own identity which exists beyond the boundaries of unfounded accusations.

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