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Case Commentary: Laksh Vir Singh Yadav v. Union of India & Ors. and connected matters

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ABSTRACT

In a recent landmark judgment, the Delhi High Court held that the “Right to be Forgotten” (RTBF) is a constitutionally protected facet of informational privacy under Article 21 of the Constitution of India. The judgment laid down the framework governing the de-indexing and masking of personal information from judicial records available online, and balanced the constitutional friction between an individual's fundamental right to informational privacy under Article 21 and the public's right to information under Article 19(1)(a).

Keywords: *Right to be Forgotten, Informational Privacy, Reputation, Open Justice, De-indexing and Masking.*

Citation: 2026:DHC:4891

Court: High Court of Delhi at New Delhi

Coram: Hon'ble Mr. Justice Sachin Datta

Date of Judgment: May 29, 2026

I. INTRODUCTION

The Delhi High Court in *Laksh Vir Singh Yadav v. Union of India & Ors.*¹ (along with 32 connected writ petitions) marks a significant moment in Indian digital jurisprudence. The High Court recognised that the continuous, permanent, and name-based searchability of digital judicial records causes ongoing harm to an individual's dignity and reputation. The Court established clear legal tests and parameters for the granting of de-indexing and masking reliefs. In doing so, it provided an expansive constitutional framework for the “Right to be Forgotten” (RTBF) in India, operating in a legislative vacuum.

II. BACKGROUND OF THE CASE

The case arose from a consolidation of 33 writ petitions filed under Article 226 of the Constitution. The petitioners came from diverse backgrounds but shared a common grievance:

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¹ *Laksh Vir Singh Yadav v. Union of India*, W.P.(C) 1021/2016 (Delhi H.C. May 29, 2026) (2026:DHC:4891).

their personal names functioned as search keys on platforms like Google and legal databases like Indian Kanoon, leading to search results that caused ongoing social stigma and professional harm. The factual matrix can be categorised into four primary groups.

A. Petitions Involving Acquittal, Discharge, and Quashing

W.P.(C) 3918/2021: An American citizen of Indian origin acquitted in a criminal appeal under the NDPS Act. Despite his acquittal, name-based Google searches displayed the trial records, affecting his social life and career prospects.²

W.P.(C) 5400/2023 & W.P.(C) 3687/2024: Petitioners acquitted of serious sexual offences (Sections 376 and 506 IPC). They argued that the digital presence of rape accusations permanently damaged their reputations, outlasting the legal conclusion of their trials.^{3 4}

W.P.(C) 1567/2025: A petitioner discharged by a Special CBI Court in 2015. The continuing online availability of decades-old chargesheets continued to damage the petitioner's business reputation.⁵

B. Petitions Involving Settlements, Compounding, and Private Civil Disputes

W.P.(C) 9824/2023: A petitioner convicted under Section 138 of the Negotiable Instruments Act who subsequently settled the commercial dispute through mediation.⁶

W.P.(C) 16476/2023 & W.P.(C) 6695/2024: Matrimonial disputes that concluded via consent decrees and divorce orders. The petitioners sought to mask their names to avoid ongoing social stigma.^{7 8}

C. Incidental or Administrative Involvement

W.P.(C) 1021/2016: A petitioner whose name appeared only incidentally as the spouse of a party in an NDPS order, despite having no personal involvement in the criminal trial.⁹

W.P.(C) 8209/2021: A medical doctor who obtained a declaratory court decree solely to correct a clerical mismatch in his name for a US licensing exam, only to find the administrative judgment publicly searchable under his name.¹⁰

² W.P.(C) 3918/2021.

³ *SK v. Union of India*, W.P.(C) 5400/2023.

⁴ *AK v. Union of India*, W.P.(C) 3687/2024.

⁵ *X v. Y*, W.P.(C) 1567/2025.

⁶ *DG v. Union of India*, W.P.(C) 9824/2023.

⁷ *HH v. Union of India*, W.P.(C) 16476/2023.

⁸ W.P.(C) 6695/2024.

⁹ *Laksh Vir Singh Yadav v. Union of India*, W.P.(C) 1021/2016.

¹⁰ W.P.(C) 8209/2021.

D. Petitions with Public and Professional Implications

W.P.(C) 2134/2023: An internationally recognised HIV/AIDS medical practitioner arrested in 1999 on allegations concerning medicine procurement but fully discharged in 2009. Sensationalised historical news reports of the arrest continued to dominate the petitioner's digital identity.¹¹

W.P.(C) 12620/2021: A petitioner convicted of blackmail and fraud by a UK Crown Court. After serving a nine-year prison sentence, the petitioner argued that extensive online reporting prevented rehabilitation and social reintegration.¹²

III. LEGAL ISSUES INVOLVED

The High Court addressed three primary constitutional and procedural questions: first, whether a writ petition under Article 226 is maintainable against private commercial entities and intermediaries such as Google LLC, X Corp, and Indian Kanoon for violations of the fundamental right to privacy; second, whether the “Right to be Forgotten” is a fundamental right under the Indian Constitution and how it balances against the principle of open justice; and third, what the distinct operational parameters and legal tests are for granting de-indexing and masking of digital judicial records.

IV. ARGUMENTS ADVANCED BY PARTIES

A. Petitioners' Submissions

Constitutional standing. The petitioners grounded their claims in *K.S. Puttaswamy v. Union of India* (2017),¹³ arguing that informational privacy is a facet of Article 21. Privacy guarantees dignity, which includes an individual's right to control their public narrative and to protect their reputation against outdated truths.

The European Union Regulation, 2016. The petitioners relied on the General Data Protection Regulation, which expressly recognised the right to be forgotten so as to effectuate an individual's right to control their existence on the internet.¹⁴

Digital permanence. They argued that while humans naturally forget, the digital world makes preservation the norm and forgetting a struggle. Individuals should not be permanently defined

¹¹ W.P.(C) 2134/2023.

¹² W.P.(C) 12620/2021.

¹³ *K.S. Puttaswamy v. Union of India*, (2017) 10 S.C.C. 1.

¹⁴ Regulation 2016/679, of the European Parliament and of the Council of 27 April 2016 (General Data Protection Regulation), art. 17, 2016 O.J. (L 119) 1.

by past errors or false accusations.¹⁵

Horizontal application. Supported by *Kaushal Kishore v. State of UP* (2023),¹⁶ they argued that fundamental rights under Article 21 can be enforced horizontally against non-State actors such as commercial search engines.

B. Respondents' Submissions (Google, Microsoft, X Corp, Indian Kanoon, and Others)

Jurisdictional objection. They maintained that they are private corporations operating via neutral algorithms, not State instrumentalities under Article 12, and are therefore immune to writ jurisdiction.

Passive processing. They argued that they do not create or publish the content but crawl and index third-party public documents, and that restraining them from displaying public records would restrict freedom of speech and expression and the public's right to know.¹⁷

Public-record defence. They cited *R. Rajagopal v. State of Tamil Nadu* (1994)¹⁸ to argue that privacy claims disappear once a matter becomes part of the public judicial record. They also noted that the Digital Personal Data Protection Act (DPDPA), 2023¹⁹ excludes data processed for judicial functions.

Open justice. They submitted that reporting on court proceedings is protected by free speech under Article 19(1)(a), and that directing the removal of accurate records would lead to private censorship, eroding historical truth and public transparency.²⁰

Technological compliance. The Registry supported privacy protections in family and matrimonial matters, noting that it had developed localised masking software within its online e-filing system to anonymise party details when ordered by a court.²¹

V. JUDICIAL REASONING AND ANALYSIS

Justice Sachin Datta rejected the respondents' procedural defences, constructing his analysis around constitutional principles, technical realities, and global precedents.

¹⁵ *Sahara India Real Estate Corpn. Ltd. v. SEBI*, (2012) 10 S.C.C. 603.

¹⁶ *Kaushal Kishore v. State of Uttar Pradesh*, (2023) 4 S.C.C. 1.

¹⁷ Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, r. 3(1)(d) (India).

¹⁸ *R. Rajagopal v. State of Tamil Nadu*, (1994) 6 S.C.C. 632.

¹⁹ The Digital Personal Data Protection Act, 2023, No. 22, Acts of Parliament, 2023 (India).

²⁰ *Swapnil Tripathi v. Supreme Court of India*, (2018) 10 S.C.C. 639.

²¹ Information Technology Act, 2000, § 69A (India).

A. The Maintainability of Writ Jurisdiction

The Court rejected Google and X Corp's argument that they were not subject to writ actions. Relying on *K.S. Puttaswamy*, which noted that threats to privacy originate from both State and non-State actors, the Court held that the right to privacy under Article 21 applies horizontally. Justice Datta observed:

“The violation of informational privacy by private commercial entities... is as real and as constitutionally significant as any violation by a State actor. To hold otherwise would render the fundamental right to informational privacy illusory...”

The Court also observed that media houses and search engines perform a public function in distributing information, making them subject to Article 226 judicial review when fundamental rights are infringed. Furthermore, Rule 3(1)(d) of the IT Rules, 2021 requires intermediaries to act upon receiving a court order, providing a clear statutory hook for writ directions.²²

B. Demystifying the “Neutrality” of Search Engines

The Court rejected Google's argument that it is a passive directory. Drawing from the Court of Justice of the European Union in *Google Spain SL v. Mario Costeja González* (2014) and the European Court of Human Rights in *Hurbain v. Belgium*,²³ the judgment analysed the operational steps of crawling, indexing, ranking, and serving. The Court observed that search-engine algorithms amplify specific data combinations to maximise commercial engagement. Because algorithmic aggregation creates a structured profile of an individual, search engines act as active processors of personal data. As a result, their commercial activities are not protected under the free-expression provisions of Article 19(1)(a) when balanced against an individual's right to informational privacy under Article 21.

C. The Right to Privacy and Informational Privacy under Article 21

The jurisprudence on privacy finds an early articulation in the *Auto Shankar* case,²⁴ in which the Supreme Court laid down foundational principles that continue to inform the discourse on privacy:

“The right to privacy as an independent and distinctive concept originated in the field of Tort law, under which a new cause of action for damages resulting from unlawful invasion of privacy was recognised. This right has two aspects which are

²² IT (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, r. 3(1)(d) (India).

²³ Case C-131/12, *Google Spain SL v. Agencia Española de Protección de Datos (AEPD)*, ECLI:EU:C:2014:317; *Hurbain v. Belgium*, App. No. 57292/16 (Eur. Ct. H.R. July 4, 2023).

²⁴ *R. Rajagopal*, (1994) 6 S.C.C. 632.

but two faces of the same coin: (1) the general law of privacy which affords a tort action for damages resulting from an unlawful invasion of privacy and (2) the constitutional recognition given to the right to privacy which protects personal privacy against unlawful governmental invasion... The right to privacy, by itself, has not been identified under the Constitution. As a concept it may be too broad and moralistic to define it judicially. Whether the right to privacy can be claimed or has been infringed in a given case would depend on the facts of the said case...”²⁵

In the landmark judgment in *K.S. Puttaswamy*, Dr. D.Y. Chandrachud, J., delineating the concept of privacy, observed:

“The right to privacy is an element of human dignity. The sanctity of privacy lies in its functional relationship with dignity. Privacy ensures that a human being can lead a life of dignity by securing the inner recesses of the human personality from unwanted intrusion...”

D. The Right to be Forgotten as a Facet of Informational Privacy

The right to be forgotten, understood as subsuming the right of an individual to seek the removal or restriction of personal information from public digital accessibility where such information is no longer relevant or serves no legitimate public purpose, flows naturally and necessarily from the constitutional recognition of informational privacy under Article 21. In *Vysakh K.G. v. Union of India*,²⁶ the Kerala High Court traced the “right to be forgotten” and identified its various facets, including the right to rehabilitation, the right to erasure or deletion, the right to delisting or de-indexing, the right to obscurity, and the right to oblivion.

E. The Principle of “Open Justice”

The Court distinguished between the public nature of a court record and its unlimited digital searchability. Open justice requires that judicial records exist, are preserved, and remain accessible to individuals with a legitimate interest; it does not mandate that an individual's name serve as a permanent digital key that exposes historical legal difficulties to any casual internet user. The judgment distinguished itself from earlier rulings such as *Vysakh K.G.*²⁷ and *Karthick Theodore* (Madras High Court).²⁸ While *Karthick Theodore* dealt with the complete removal of

²⁵ *PUCI v. Union of India*, (1997) 1 S.C.C. 301.

²⁶ *Vysakh K.G. v. Union of India*, 2022 SCC OnLine Ker 7337.

²⁷ *Vysakh K.G.*, 2022 SCC OnLine Ker 7337.

²⁸ *Karthick Theodore v. Registrar General, Madras High Court*, W.A.(MD) No. 1901 of 2021 (2021 SCC OnLine Mad 2755).

judgments (which was stayed by the Supreme Court), the Delhi High Court opted for the narrower, more balanced remedies of de-indexing and masking.

F. The Three Operational Tests Developed by the Court

To prevent unconstrained judicial discretion, Justice Datta established three balancing tests. **The character of information and outcome test** evaluates the legal status of the underlying case: favourable outcomes such as acquittals, discharges, or quashings favour privacy protection, and matrimonial and private civil disputes are recognised as core privacy zones under Article 21. **The public-role test** recognises that individuals in public life or positions of public trust face higher disclosure requirements, although their public role does not make the intimate details of their private lives a matter of public interest. **The accuracy and continuing-relevance test** considers the passage of time: initially lawful data processing can lose its legal justification once the records become outdated or incomplete, failing the constitutional test of proportionality.

G. Limitations on Privacy Relief

The Court identified specific categories where public interest overrides individual privacy claims, denying RTBF protection: convictions for offences against women and children (such as rape or POCSO cases); convictions involving a breach of public trust, financial fraud, or socio-economic offences by public servants and fiduciary agents; and the official public conduct of public figures and politicians.

VI. SIGNIFICANCE AND JURISPRUDENTIAL IMPACT OF THE JUDGMENT

This judgment clarifies the Right to be Forgotten within India's constitutional framework.

A. Developing Norms in a Legislative Vacuum

By basing its decision on Article 21, the Court demonstrated that constitutional protections remain enforceable even where specific digital data-protection laws do not explicitly address a remedy. While the DPDPA, 2023 provides exemptions for legal proceedings, the High Court established that post-judicial data amplification remains subject to constitutional proportionality review.

B. Extraterritoriality and Global Enforcement

By ordering search engines to apply de-indexing instructions globally rather than only on country-specific domains (such as .co.in), the Court ensured that Indian constitutional privacy protections are effective against transnational technology platforms.

C. A Balanced Approach to Transparency

The decision provides a practical alternative to the complete removal of judicial records. By focusing on de-indexing and name-masking, it protects individual privacy while preserving the historical and precedential integrity of public legal decisions.

VII. PRACTICAL SUGGESTIONS

To improve the implementation of the Right to be Forgotten across the judicial system, the following measures are recommended. **Standardised rules for anonymisation:** the Supreme Court should establish uniform rules for the e-filing and publication of judgments, so that sensitive details in matrimonial, family, and acquittal records are automatically masked at the point of origin before being uploaded to public databases. **Algorithmic de-indexing tools:** instead of requiring manual URL submissions, search-engine operators should develop automated mechanisms so that, when a court issues a masking or de-indexing order, crawlers automatically identify and delist duplicate content associated with that individual's name. **Expanding statutory protections:** Parliament should amend the Digital Personal Data Protection Act to include explicit provisions for the Right to be Forgotten, and an administrative process through the Data Protection Board would allow individuals to seek data rectification without filing expensive writ petitions in High Courts.

VIII. CONCLUSION

In *Laksh Vir Singh Yadav v. Union of India*, the High Court of Delhi demonstrated that the principle of open justice does not require the permanent digital exposure of an individual's past difficulties. By distinguishing between the preservation of public records and their immediate searchability via commercial algorithms, the judgment balances individual dignity with institutional transparency. It establishes that, under Article 21 of the Constitution, individuals have a right to rehabilitate their reputations and to ensure that their legal histories are not permanently defined by the unforgetting memory of the internet.
