

\$~2

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 3918/2021 & CM APPL. 11767/2021**

JORAWER SINGH MUNDY @ JORAWAR SINGH MUNDY

..... Petitioner

Through Mr. Sanjay Kumar, Advocate

versus

UNION OF INDIA & ORS.

..... Respondents

Through Ms. Shiva Lakshmi, Advocate for R-1

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **12.04.2021**

1. This hearing has been done through video conferencing.
2. The Petitioner prays for removal of the judgment in *Crl.A.No. 14/2013* titled *Custom v. Jorawar Singh Mundy* from the Respondents No. 2, 3, 4 and 5's platforms i.e. Google, Indian Kanoon and vLex.in.
3. The case of the Petitioner is that he is a professional of Indian origin but an American citizen by birth. He claims to be managing investments and dealing with portfolios of real estate etc. When he travelled in 2009 to India, a case under the Narcotics Drugs and Psychotropic Substances Act, 1985, was lodged against him. However, finally vide judgment dated 30th April, 2011, the trial court had acquitted him of all the charges. An appeal was filed challenging this order of the trial court, and vide judgment dated 29th January, 2013, a ld. Single Judge of this Court upheld his acquittal in *Crl.A. No. 14/2013* titled *Custom v. Jorawar Singh Mundy*.
4. Thereafter, the Petitioner is stated to have travelled back to the United States and pursued law at the University of San Diego School of Law. He then realised that he is facing a huge disadvantage due to the fact that the judgment rendered by this Court was available on a google search to any

potential employer, who wanted to conduct his background verification before employing him. According to the Petitioner, despite him having had a good academic record, he is unable to get any employment to his expectations, and the reason for the same, according to him, is the availability of this judgment online.

5. The Petitioner then issued a legal notice to Respondent Nos.2 to 5 i.e. Google India Private Ltd., Google LLC, Indian Kanoon and vLex.in. Respondent No.5 i.e. vLex.in is stated to have removed the said judgment, however, the other platforms have not yet removed the same. The prayer in this writ petition is thus to direct the removal of the said judgment from all the Respondent platforms, recognizing the Right to Privacy of the Petitioner, under Article 21 of the Constitution.

6. Issue notice to the Respondents No. 1, 2, 3 and 4, returnable on 20th August, 2021.

7. Ms. Shivalakshi, Id. Counsel, accepts notice on behalf of Respondent No.1, and submits that if this Court directs the removal of the said judgment, MEITY would accordingly issue directions to the said Respondents No. 2-4 platforms.

8. The question as to whether a Court order can be removed from online platforms is an issue which requires examination of both the Right to Privacy of the Petitioner on the one hand, and the Right to Information of the public and maintenance of transparency in judicial records on the other hand. The said legal issues would have to be adjudicated by this Court.

9. The Right to Privacy is well recognized by the Supreme Court in the Constitution Bench judgment in *K.S. Puttaswamy v. Union of India (2017) 10 SCC 1*. In *Zulfiqar Ahman Khan v. Quintillion Businessman Media*

Pvt. Ltd & Ors. this Court had examined this issue and while granting an interim order, this court had held as under:

“8. In fact, it is the submission of ld. counsel for the Plaintiff that the Plaintiff's personal and professional life has been hampered irreparably and further damage is likely to be caused if appropriate relief is not granted against the republication of these two articles. The original publisher having already agreed to pull down the same, this Court having directed that the same ought not to be republished, the Plaintiff, thus, has a right to ensure that the articles are not published on multiple electronic/digital platforms as that would create a permanent atmosphere of suspicion and animosity towards the Plaintiff and also severely prejudice his personal and professional life. The printouts of the articles from www.newsdogapp.com, which have been shown to the Court, leave no doubt in the mind of the Court that these are identical to the articles published on www.thequint.com, which have already been pulled down.

9. Accordingly, recognising the Plaintiff's Right to privacy, of which the 'Right to be forgotten' and the 'Right to be left alone' are inherent aspects, it is directed that any republication of the content of the originally impugned articles dated 12th October 2018 and 31st October 2018, or any extracts/ or excerpts thereof, as also modified versions thereof, on any print or digital/electronic platform shall stand restrained during the pendency of the present suit.

10. The Plaintiff is permitted to communicate this order to any print or electronic platform including various search engines in order to ensure that the articles or any excerpts/search results thereof are not republished in any manner whatsoever. The Plaintiff is permitted to approach the grievance officers of the electronic platforms and portals to ensure immediate

compliance of this order”

10. Recently, the Orissa High Court in *Subhranshu Rout v. State of Odisha [BLAPL No.4592/2020, decided on 23rd November, 2020]*, has also examined the aspect and applicability of the “Right to be forgotten” *qua* Right to Privacy, in a detailed manner including the international law on the subject.

11. It is the admitted position that the Petitioner was ultimately acquitted of the said charges in the case levelled against him. Owing to the irreparable prejudice which may be caused to the Petitioner, his social life and his career prospects, inspite of the Petitioner having ultimately been acquitted in the said case *via* the said judgment, *prima facie* this Court is of the opinion that the Petitioner is entitled to some interim protection, while the legal issues are pending adjudication by this Court.

12. Accordingly, Respondent Nos. 2 and 3 are directed to remove the said judgment dated 29th January 2013 in *Crl.A.No. 14/2013* titled *Custom v. Jorawar Singh Mundy* from their search results. Respondent No.4 – Indian Kanoon is directed to block the said judgement from being accessed by using search engines such as Google/Yahoo etc., till the next date of hearing. Respondent No.1 to ensure compliance of this order.

13. Let counter affidavit be filed by all the Respondents within four weeks. Rejoinder, thereto, if any, be filed within four weeks thereafter.

14. List on 20th August 2021.

PRATHIBA M. SINGH, J

APRIL 12, 2021

mw/Rahul/Ak