$~J

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% ***Judgment pronounced on: 29.05.2026***

\+ **W.P.(C) 1021/2016, CM APPL. 4449/2016 &4263/2017**

LAKSH VIR SINGH YADAV .....Petitioner

versus

UNION OF INDIA & ORS .....Respondents

\+ **W.P.(C) 3918/2021, CM APPL. 19941/2021**

JORAWER SINGH MUNDY @ JORAWAR SINGH MUNDY .....Petitioner

versus

UNION OF INDIA & ORS. .....Respondents

\+ **W.P.(C) 6790/2021, CM APPL. 21682/2024**

ASHUTOSH KAUSHIK .....Petitioner

versus

UNION OF INDIA & ORS. .....Respondents

\+ **W.P.(C) 8209/2021**

SHEKHAR SINGH JADAUN .....Petitioner

versus

UNION OF INDIA & ORS. .....Respondents

\+ **W.P.(C) 8557/2021**

JAIDEEP MIRCHANDANI & ANR. .....Petitioners

versus

UNION OF INDIA MINISTRY OF COMMUNICATION AND IT & ORS. .....Respondents

\+ **W.P.(C) 12620/2021**

MOHAMMED UMAR ASHRAFI .....Petitioner

versus

UNION OF INDIA THROUGH MINISTRY OF INFORMATION AND BROADCASTING & ORS. .....Respondents

\+ **W.P.(C) 11553/2021, CM APPL. 35651/2021**

ATUL DIKSHIT .....Petitioner

versus

UNION OF INDIA & ORS. .....Respondents

\+ **W.P.(C) 14360/2021, CM APPL. 45255/2021, 2897/2022 &59113/2023**

ANTRIKSH JOHRI .....Petitioner

versus

UNION OF INDIA & ANR. .....Respondents

\+ **W.P.(C) 1671/2022, CM APPL. 4805/2022**

MOLEESHA .....Petitioner

versus

UNION OF INDIA & ORS. .....Respondents

\+ **W.P.(C) 8658/2022, CM APPL. 26071/2022**

DHAWAL KUMAR .....Petitioner

versus

UNION OF INDIA & ORS. .....Respondents

\+ **W.P.(C) 11372/2022, CM APPL. 33466/2022**

MR. SATINDER SINGH BHASIN .....Petitioner

versus

UNION OF INDIA & ORS. .....Respondents

\+ **W.P.(C) 12567/2022, CM APPL. 38058/2022**

DR. ASHOK KUMAR CHOUDHARY .....Petitioner

versus

UNION OF INDIA & ANR. .....Respondents

\+ **W.P.(C) 2134/2023, CM APPL. 8060/2023**

DR. ISHWARPRASAD GILADA .....Petitioner

versus

UNION OF INDIA AND ORS. .....Respondents

\+ **W.P.(C) 2353/2023**

SANJEEV SEHGAL .....Petitioner

versus

UNION OF INDIA & ORS. .....Respondents

\+ **W.P.(C) 4094/2023, CM APPL. 15925/2023**

SHAKTINIDHI BAKHSHI .....Petitioner

versus

UNION OF INDIA & ORS. .....Respondents

\+ **W.P.(C) 5400/2023, CM APPL. 21149/2023**

SK .....Petitioner

versus

UNION OF INDIA & ORS. .....Respondents

\+ **W.P.(C) 9824/2023, CM APPL. 37746/2023, 37747/2023, 27142/2024**

D G .....Petitioner

versus

UNION OF INDIA & ORS. .....Respondents

\+ **W.P.(C) 5608/2023, CM APPL. 21997/2023**

MR. SJ . .....Petitioner

versus

UNION OF INDIA & ORS. .....Respondents

\+ **W.P.(C) 13461/2023, CM APPL. 53143/2023**

RAKESH KUMAR TIWARY .....Petitioner

versus

UNION OF INDIA AND ORS. .....Respondents

\+ **W.P.(C) 15523/2023, CM APPL. 62165/2023**

SHAMSHER GURJUR & ANR. .....Petitioners

versus

UNION OF INDIA & ORS. .....Respondents

\+ **W.P.(C) 16447/2023**

NARESH KUMAR JANOO .....Petitioner

versus

UNION OF INDIA & ORS. .....Respondents

\+ **W.P.(C) 16476/2023, CM APPL. 66342/2023**

HH .....Petitioner

versus

UNION OF INDIA & ORS. .....Respondents

\+ **W.P.(C) 13192/2024, CM APPL. 55091/2024, 55092/2024, 57965/2024, 71767/2024**

MR. X .....Petitioner

versus

UNION OF INDIA AND ORS .....Respondents

\+ **W.P.(C) 6695/2024, CM APPL. 52989/2024, CM APPL. 71778/2024**

PRITAM ASHOK SADAPHULE .....Petitioner

versus

UNION OF INDIA & ORS. .....Respondents

\+ **W.P.(C) 2887/2025, CM APPL. 16505/2025**

X .....Petitioner

versus

Y & ORS. .....Respondents

\+ **W.P.(C) 3687/2024, CM APPL. 15177/2024**

AK & ANR. .....Petitioners

versus

UNION OF INDIA & ORS. .....Respondents

\+ **W.P.(C) 6047/2024**

X AND ANR .....Petitioners

versus

REGISTRAR GENERAL DELHI HIGH COURT AND OTHERS .....Respondents

\+ **W.P.(C) 7763/2024**

DEEPTI SHARMA .....Petitioner

versus

UNION OF INDIA & ORS. .....Respondents

\+ **W.P.(C) 9940/2024**

P P MADHAVAN .....Petitioner

versus

UNION OF INDIA AND ANR .....Respondents

\+ **W.P.(C) 12179/2024, CM APPL. 50680/2024, 50681/2024**

PRANAV GUPTA .....Petitioner

versus

UNION OF INDIA & ANR. .....Respondents

\+ **W.P.(C) 30/2025, CM APPL. 71/2025**

X .....Petitioner

versus

Y .....Respondent

\+ **W.P.(C) 1567/2025, CM APPL. 7657/2025, 12985/2025**

X .....Petitioner

versus

Y & ORS. .....Respondents

\+ **W.P.(C) 9929/2025, CM APPL. 45429/2025**

X .....Petitioner

versus

INDIAN KANOON.ORG AND ORS .....Respondents

\+ **W.P.(C) 11714/2025, CM APPL. 47988/2025**

JASPREET SINGH .....Petitioner

versus

UNION OF INDIA & ORS. .....Respondents

\+ **W.P.(C) 11862/2025**

MITHILA MURADA .....Petitioner

versus

UNION OF INDIA & ORS. .....Respondents

\+ **W.P.(C) 14696/2025, CM APPL. 60270/2025**

MNK .....Petitioner

versus

UNION OF INDIA AND ORS. .....Respondents

\+ **W.P.(C) 18962/2025, CM APPL. 78965/2025**

PISCESIA POWER TRANSMISSION PRIVATE LIMITED .....Petitioner

versus

UNION OF INDIA & ORS. .....Respondents

\+ **W.P.(CRL) 1861/2022, CRL.M.A. 16127/2022**

R.K. BHARDWAJ .....Petitioner

versus

UNION OF INDIA & ORS. .....Respondents

Presence: Mr. Rohit Madan and Mr. Akash, Advs. for petitioner in W.P.(C) 1021/2016.

Mr. Akhil Sibal, Sr. Advocate along with Mr. Rahul Kumar, Ms. Alisha Roy and Mr. Krishnesh Bapat, Advs. for Petitioner in W.P.(C) 1567/2025.

Mr. Arvind Nigam, Sr. Advocate along with Ms. Mamta R. Jha, Mr. Rohan Ahuja, Ms. Shruttima Ehersa, Ms. Amishi Sodani, Ms. Aiswarya Debadarshini, Mr. Ankit Tripathi, Ms. Sanya Sehgal, Ms. Vareesha Irfan, Ms. Sugandha Chhibbeer and Ms. Jahanvi Agarwal, Advocates for Google LLC in W.P.(C) 3918/2021 to W.P.(C) 7763/2024, W.P.(C) 30/2025, W.P.(C) 11714/2025, W.P.(C) 14696/2025, W.P.(C) 18962/2025, W.P.(CRL) 1861/2022.

Ms. Aditi Mohan, Mr. Sparsh Goel, Advs. for Registrar General, DHC in W.P.(C) 1021/2016.

Ms. Nidhi Raman, CGSC for UOI along with Mr. Nikunj Bindal, Advs. for UOI in W.P.(C) 11372/2022.

Ms. Smriti Sinha, Mr. Satyam Thareja, Ms. Vasundhara Nagrath, Ms. Aleena and Mr. Nikhil Gupta, Advocates for Petitioner in W.P.(C) 9824/2023.

Mr. R. Venkat Prabhat, SPC along with Ms. Kamna Behrani, Mr. Ansh Kalra and Mr. Neeraj Raj, Advs. for UOI in

W.P.(C) 2887/2025.
Mr. Kumar Sameer, Adv. for Petitioner in W.P.(C) 2887/2025.
Mr. Sanjeev Sehgal, Mr. Vivek and Ms. Tulika, Advs. for Petitioner in W.P.(C) 2353/2023.
Ms. Radhika Bishwajit Dubey, CGSC along with Ms. Gurleen Kaur Wariach, Mr. Kritarth Upadhyay, Mr. Vivek Sharma and Mr. Amulya Dev Mishra, Advocates for R-1 in W.P.(C) 8557/2021, W.P.(C) 5400/2023, W.P.(C) 30/2025, W.P.(CRL) 1861/2022.
Mr. Sirish Gupta, Advocate for Petitioner in W.P.(C) 11714/2025.
Mr. Varun Pathak, Mr. Yash Karuna Karan, Ms. Amee Rana, Mr. Vishesh Sharma, Ms. Prasidhi Agrawal and Ms. Sana Banyal, Advocates for R-3 in W.P.(C) 13192/2024 and for R-4 in W.P.(C) 11714/2025.
Mr. Saurabh Seth, SC for Delhi High Court along with Ms. Neelampreet Kaur, Mr. Abhiroop Rathore, Mr. Kabir Dev and Mr. Sukhbir Singh, Advocates for R-2/DHC in W.P.(C) 2887/2025 and W.P.(C) 11862/2025.
Mr. Rakesh Kumar, SPC along with Mr. Sunil, Adv. for UOI in W.P.(C) 5608/2023.
Mr. Rishabh Kumar, Advocate for R-4 in W.P.(C) 3687/2024.
Mr. Rajiv Mohan, Ms. Shalini Sinha and Ms. Aranya Sinha, Advs. for Petitioners in W.P.(CRL) 1861/2022.
Mr. Jagdish Chandra and Ms. Maansa Saxena, Advocates for Respondent in W.P.(C) 8209/2021.
Mr. Kapil Sankhla, Mr. Saurabh Gangwar and Mr. Vipul Grover, Advs. for Petitioner in W.P.(C) 3687/2024.
Mr. Deepraj, Adv. for Petitioner in W.P.(C) 18962/2025.
Mr. Sanjay Vashishtha, Mr. Siddhartha Goswami, Mr. Aditya Sachdeva, Mr. Krish Bhatia, Advs. for Petitioner in W.P.(C) 12567/2022.
Mr. Himanshu Pathak, SPC along with Mr. Chetan Sharma, Advocate for UOI in W.P.(C) 9824/2023.
Mr. Rakesh Kumar, SPC along with Mr. Sunil, Adv. for UOI

in W.P.(C) 5608/2023.
Mr. Kaushik Moitra, Mr. Divyam Sharma and Ms. Manya Dudeja, Advs. for R-4 in W.P.(C) 16447/2023.
Mr. Ankit Sahni, Adv. along with Ms. Kritika Sahni, Adv., Mr. Chirag Ahluwalia, Adv., Mr. Mohit Maru, Adv. for the Petitioner in W.P.(C) 12179/2024.
Mr. Rakesh Taneja, Adv. for Petitioner in W.P.(C) 6695/2024.
Mr. Vikas Tiwari, Mr. Kumar Deepraj, and Ms. Palak Agrawal, Advocates for the Petitioner in W.P.(C) 18962/2025.
Mr. Rohit Anil Rathi, Mr. Yashas RK, Ms. Niharika Singh Advocates for the Petitioner in W.P.(C) 2134/2023.
Mr. Rudra Paliwal, GP for UOI in W.P.(C) 2887/2025.
Mr. Bharat S. Kumar, Adv. for Petitioner in W.P.(C) 16447/2023.
Mr. Samiron Borkataky, Adv., Mr. Ikshvaaku Marwah, Adv. and Ms. Madhupreeta Nayak, Adv., for R-24 and 26 in W.P.(C) 1567/2025.
Counsel for Respondent No. 24 - Dow Jones.
Mr. Kanishk Kumar, Ms. Deepika Pokharia and Mr. Priyansh Kohli, Advs. for R-3 in W.P.(C) 6695/2024, for R-5 in W.P.(C) 1567/2025.
Mr. Ajit Warrier, Mr. Angad Kochhar and Ms. Sakshi Agarwal, Advocates for R-7 in W.P.(C) 11372/2022.
Mr. Himanshu Pathak, SPC along with Mr. Chetan Sharma, Advs. for UOI in W.P.(C) 9824/2023.
Mr. Amit Bajaj, Adv. for R-10 in W.P.(C) 6790/2021, W.P.(C) 2887/2025, for HT Digital Stream Ltd (URL No.3(i) in CM APPL.59113/2023) in W.P.(C) 14360/2021, for R-10, 11 and 14 in W.P.(C) 1567/2025.
Mr. Vikas Kumar Sharma, Senior Central Govt. Counsel for the Respondent No.1 in W.P.(C) 14696/2025.
Mr. Aditya Agarwal, Adv. for Petitioner in W.P.(C) 30/2025.
Mr. Ajit Warrier, Mr. Angad Kochhar, Ms. Sakshi Agarwal, Advs. for R-7 in W.P.(C) 11372/2022.
Mr. Shivam Gupta, Adv. for Petitioner in W.P.(C)

5608/2023.
Mr. Rajat Joneja, Mr. Anmol Kumar, Ms. Cheshta Dalal, Advs. for R-1.
Ms. Shagun Shahi Chugh, SPC along with Mr. Varun Chugh and Ms. Ayushi Agarwal, Advs. for Respondents in W.P.(C) 15523/2023.
Ms. Rose Maria Sebi & Ms. Simran Jain (Advs.) for Yahoo India in W.P.(C) 5608/2023, W.P.(C) 6695/2024, W.P.(C) 11372/2022, W.P.(C) 1567/2025.
Mr. Vikas Chhabra, Adv. for Petitioner in W.P.(C) 16476/2023.
Mr. Rohan Rai and Ms. Amisha Ray, Advocates for Petitioner in W.P.(C) 12620/2021.
Mr. Trideep Pais, Sr. Adv. along with Neha Rathi, Adv, Ms. Kajal Giri, Adv., Ms. Saloni Ambastha, Adv., Ms. Somya Kumari, Adv., Mr. Prateek Yadav, Adv. for Petitioner in W.P.(C) 13192/2024.
Mr. Tishampati Sen, Ms. Riddhi Sancheti, Mr. Anurag Anand, Mr. Mukul Kulhari, Advocates for R-5 in W.P.(C) 16447/2023.
Mr. Jitendra Kumar Tripathi, Adv. for UOI in W.P.(C) 4094/2023.
Ms. Abhiti Vachheer, Mr. Akshat Vaccher, Ms. Poonam Nagpal, Advocates for Petitioners in W.P.(C) 8557/2021.
Mr. Piyush Beriwal, Ms. Ruchita Srivastava and Ms. Neha Kamboj, Advs. for R-1 in W.P.(C) 2353/2023.
Ms. Arunima Dwivedi, CGSC along with Ms. Himanshi Singh and Ms. Monalisha Pradhan, Advocates for UOI in W.P.(C) 12620/2021, W.P.(C) 12567/2022, W.P.(C) 4094/2023.
Mr. Dhruv Rohatgi, Panel Counsel, Ms. Chandrika Sachdev, Mr. Dhruv Kumar, Advs. for R-2 in W.P.(C) 15523/2023.
Ms. Anushka Sharma and Mr. Madhay Khosla, Advs. for R-6 in W.P.(C) 13192/2024.
Mr. P.R. Rajhans, Mr. Vivek Singh, Mr. Tarun Kumar, Ms. Pratibha and Mr. Abhishek, Advocates for Respondent no.6 in W.P.(C) 12620/2021, W.P.(C) 16447/2023 and W.P.(C)

18962/2025.
Mr. Shoumendu Mukherji, SPC, Mr. Aniruddha Ghosh, Ms. Megha Sharma and Ms. Surbhi Tuli, Advs. for UOI in W.P.(C) 16447/2023.
Mr. JiveshKumar Tiwari, CGSC, Ms. Nandini Aggarwal and Ms. Samiksha, Advs. for UOI in W.P.(C) 12620/2021.
Mr. Jitendra Kumar Tripathi, Adv. for UOI in W.P.(C) 4094/2023.
Ms. Shiva Lakshmi (SPC) along with Mr. Madhav Bajaj, Adv. for respondent in W.P.(C) 3918/2021, W.P.(C) 6790/2021 and W.P.(C) 13192/2024.
Mr. B.S. Shukla (CGSC) along with Ms. Jiniya Saha, Mr. Praveen Gupta, Advs. for Respondent in W.P.(C) 1021/2016.
Mr. Bhagwan Swaroop Shukla (CGSC), Mr. Mukesh Kumar Pandey along with Ms. Jiniya Saha, Mr. Praveen Gupta, Adv. for Respondent in W.P.(C) 6047/2024.
Ms. Rose Maria Sebi, Ms. Simran Jain, Adv. for respondent in W.P.(C) 5608/2023, W.P.(C) 6695/2024, W.P.(C) 11372/2022 and W.P.(C) 1567/2025.
Mr. Jai Shankar, Ms. Nandita Rao, Ms. Lochan Rajput, Mr. Manoj Makhija, Advs. for petitioner in W.P.(C) 11862/2025.
Mr. Ruchir Mishra, Mr. Sanjiv Kumar Saxena, Ms. Reba Jena Mishra and Ms. Poonam Shukla, Advs. for UOI in W.P.(C) 8658/2022 and W.P.(C) 2134/2023.
Mr. Neeraj, SPC, Mr. Rudra Paliwal, GP and Mr. Soumyadip Chakraborty, Adv. for UOI in W.P.(C) 1671/2022 & W.P.(C) 2887/2025.
Mr. Nitinjya Chaudhary, CGSC and Mr. Rahul Mourya, Adv. for UOI in W.P.(C) 13192/2024.
SI Praveen, PS EOW in W.P.(C) 15523/2023.
Mr. P.R. Rajhans, Mr. Vivek Singh, Mr. Tarun Kumar, Ms. Pratibha and Mr. Abhishek, Advs. for R-6 in W.P.(C) 12620/2021, W.P.(C) 16447/2023, W.P.(C) 18962/2025.
Mr. Amit Tiwari, CGSC, Ms. Ayushi Srivastava, Mr. Ayush Tanwr, Mr. Arpan Narwal and Mr. Kushagra Malik, Advs. for UOI in W.P.(C) 15523/2023 & W.P.(C) 9940/2024.
Dr. Abhimanyu Chopra, Mr. Kushagra Jain and Mr.

Akhilesh, Advs. for R-16 in W.P.(C) 1567/2025.
Mr. Farman Ali, CGSC and Ms. Usha Jamnal, Adv. for UOI in W.P.(C) 11553/2021 and W.P.(C) 11862/2025.
Mr. Pratima N. Lakra, CGSC and Ms. Upanita Soumyadarshini, Advs. for R-2 and 3.
Mr. Mukul Singh, CGSC, Mr. Aryan Dhaka and Mr. Vikrant Badesra, Advs. for UOI in W.P.(C) 3687/2024, W.P.(C) 12179/2024, W.P.(C) 11714/2025 and W.P.(C) 18962/2025.
Mr. Rohan Rai and Ms. Amisha Ray, Advs. for petitioner in W.P.(C) 12620/2021.
Ms. Tara Narula and Ms. Shivangi Sharma, Advs. for petitioner in W.P.(C) 4094/2023.
Mr. Rishi K. Awasthi and Mr. Ishaan Raj, Advs. for R-6 in W.P.(C) 6790/2021.
Mr. Saurabh Seth, SC, Ms. Neelampreet Kaur, Mr. Abhiroop Rathore, Mr. Kabir Dev and Mr. Sukhvir Singh, Advs. for R-2 in W.P.(C) 2887/2025 & W.P.(C) 11862/2025.
Mr. Shiven Varma, Panel Counsel, GNCTD for R-2 in W.P.(C) 14696/2025.
Mr. Chinmaya Sejwal, Adv. for petitioner in W.P.(C) 14696/2025.
Ms. Avshreya Pratap Singh, CGSC, Mr. Ankit Khatri, Ms. Usha Jamnal and Mr. Nyasa Sharma, Advs. for respondent in W.P.(C) 7763/2024.
Ms. Manisha Agarwal Narain, CGSC, Mr. Navneet Sharma and Mr. Aakash Pathak, GP for R-1 in W.P.(C) 6695/2024.
Mr. Joydeep Sharma and Mr. Kaushal Kapoor, Advs. for R-14 in W.P.(C) 2887/2025.
Mr. Ajay Bhargava, Mr. Abhisar Bairagi and Mr. Milind Sharma, Advocates for R5 in W.P.(C) 12620/2021.
Mr. Shri Singh and Ms. Tusharika Mattoo, Advocates.
Mr. Shivanshu Bhardwaj, Adv. for petitioner in W.P.(C) 9940/2024.
Ms. Abhiti Vaccher, Ms. Poonam Nagpal and Mr. Akshat Vaccher, Advocates in W.P.(C) 8557/2021.

CORAM:
HON'BLE MR. JUSTICE SACHIN DATTA

JUDGMENT

TABLE OF CONTENTS **PAGE NO.**

1. The present batch of petitions raises a question that stands at the intersection of constitutional law and the digital age, *viz.* whether an individual whose name appears in judicial records that are accessible through internet search engines is entitled, by virtue of the right to informational privacy guaranteed under Article 21 of the Constitution, to seek de-indexing of those records from name-based search results and masking of personal identifiers (including names) from publicly accessible digital versions of those records.

2. The petitioners range, *inter alia*, from persons who have been acquitted of criminal charges, to parties to matrimonial disputes, to persons whose names appear incidentally in judicial records of proceedings to which they were not parties. The petitioners share a common grievance that the continued availability and name-based searchability of judicial records bearing their names in the digital public domain causes disproportionate and continuing harm to their reputations, dignity, and life prospects, excessive to any legitimate public interest served by such continued accessibility.

3. The present petitions have been filed by the petitioners invoking the "right to be forgotten". The relief sought is anchored in the fundamental right to life and liberty enshrined under Article 21 of the Constitution, which has been judicially recognised to encompass the right to privacy and dignity of the individual. These petitions, while emanating from diverse factual backgrounds, share certain overlapping features and converge upon the invocation of the "right to be forgotten".

A. FACTUAL MATRIX

4. The factual matrix set forth by the petitioners in the present batch of petitions is as follows:

5. The petitioner in **W.P(C) 1021/ 2016** seeks de-linking of the order dated 13.10.2015 passed by the Special Judge, NDPS, South District, Saket, in CR No.1/15. It is submitted that the petitioner's name appears therein only incidentally, as the husband of respondent no.1, and that he had no role in the criminal proceedings. The petitioner contends that since the Trial Court is not a court of record, de-linking the concerned page from search results will not affect public interest. The petitioner further contends that inclusion of the URL in search results associated with his name is prejudicial, creating a false impression of involvement in criminality and thereby infringing his right to life and personal liberty.

6. In **W.P(C) 3918/2021**, the petitioner, stated to be an American citizen of Indian origin, seeks removal of case details/judgment/URL pertaining to the judgment dated 29.01.2013 passed by this Court in Criminal Appeal No. 14/2013 from the respondent platforms/ Google search engine and Indian Kanoon. It is submitted that although the petitioner has been acquitted in the said matter, the continued appearance of the said judgment upon a name-based search has led to irreparable prejudice, with acquaintances and professional contacts perceiving him as a criminal. The petitioner submits that his social life, marriage prospects and career have been adversely affected, notwithstanding his acquittal affirmed by concurrent findings of two courts.

7. In **W.P(C) 6790/ 2021**, the petitioner, who claims to be a public figure, is aggrieved by the continued availability of posts, videos and articles depicting incidents of drunken behaviour said to have occurred more than a decade ago. The petitioner seeks removal of such content, contending that it has no relevance in the present time and continues to tarnish his reputation.

8. In **W.P.(C) 8209/2021**, the petitioner, a medical doctor, seeks removal of the judgment dated 08.04.2019 passed by the SCJ-cum-RC (South), Saket Courts, New Delhi in CS SCJ 1194/18. It is submitted that the petitioner in 2010 sought to change his name, which was duly published in the UP Gazette. Subsequently, while applying for the United States Medical Licensing Examination, the petitioner was advised to rectify discrepancies arising on account of change in name through a court decree. Acting upon such advice, the petitioner obtained a declaratory decree dated 08.04.2019. The petitioner contends that publication and continued availability of the said judgment, containing his personal details, infringes his right to privacy.

9. In **W.P (C) 8557/ 2021**, the petitioners are aggrieved by the uploading of the orders dated 24.12.2016 and 08.08.2017 passed by the CMM and the Additional Sessions Judge (FTC), Patiala House Courts, New Delhi, (respectively), as also the related articles, on respondent platforms including Google and Times of India. The petitioners submit that despite acquittal, the continued availability of the said materials has adversely affected their professional prospects and subjected the petitioners to social stigma, particularly due to misinformed and factually incorrect reportage suggesting

involvement in smuggling or illegal activities. The petitioners seek removal of the concerned orders and articles in exercise of their right to privacy.

10. In **W.P(C) 12620/ 2021**, the petitioner seeks removal of URLs, articles, blogs and photographs pertaining to his conviction dated 19.02.2015 for the offence of 'one count of blackmail and fifteen counts of fraud' by the Leicester Crown Court, United Kingdom. The petitioner was convicted in a jury trial and sentenced to imprisonment for 9 years. After the petitioner served his sentence, he was released on 15.03.2021. It is submitted that mass reporting of the conviction has caused continuing loss of reputation, business, mental stress and social stigma to the petitioner and his family.

11. In **W.P(C) 11553/ 2021**, the petitioner seeks removal of the judgment/ order dated 07.10.2017 passed by the Special Judge-03 (PC Act) (CBI), Patiala House Courts, New Delhi, in CC No. 13/2015, whereby, the petitioner was acquitted of all charges in RC No. 21A/2015/ CBI/ACB/ND. It is submitted that the acquittal has attained finality upon dismissal of CRL.L.P. 565/2018 on 26.05.2025. The petitioner further seeks removal of the aforesaid judgment dated 07.10.2017 and judgment dated 22.09.2021 passed by the Special Judge (PC Act), CBI-17, Rouse Avenue Courts, New Delhi in CC No. 01/2021, whereby a closure report *qua* the proceedings against the petitioner was accepted.

12. The petitioner submits that despite acquittal and closure of proceedings, the inclusion of these orders in search results linked to his name and that of his children is prejudicial, particularly as the order dated 22.09.2021 contains personal details including educational qualifications,

employment particulars and family information. The petitioner seeks removal of the concerned judgments and related reportage in exercise of his right to be forgotten under Article 21.

13. In **W.P.(C) 14360/2021**, the petitioner seeks removal of news pertaining to FIR No. 2172017A0008 dated 23.05.2017. It is submitted that in the week following registration of the FIR, derogatory news articles were published without awaiting the outcome of investigation, resulting in severe damage to reputation. Pursuant to investigation, the CBI filed a closure report stating that no case was made out against the petitioner. The same was accepted by the Special Judge (PC Act), CBI-13, Rouse Avenue Courts, New Delhi by order dated 25.11.2019. The petitioner further seeks that the respondents be directed to publish/ broadcast news regarding the said judgment dated 25.11.2019.

14. In **W.P (C) 1671/2022**, the petitioner herein had filed an application before the Mahila Court, Dwarka, New Delhi seeking monetary relief and relief of residence. *Vide* order dated 01.05.2018, monetary relief was granted to the petitioner. The same was assailed by the husband of the petitioner, which came to be dismissed *vide* order dated 09.08.2018. The petitioner seeks removal of the said order dated 09.08.2018 passed by the Special Judge (PC Act), CBI-03, Dwarka Courts, New Delhi from respondent platforms, including Indian Kanoon and Google. It is submitted that the order contains personal details of the petitioner, and its continued availability in the public domain violates the petitioner's right to privacy. The petitioner asserts that disclosure of such personal information causes grave injury to the petitioner's right to privacy.

15. In **W.P.(C) 8658/2022**, the petitioner seeks the removal/un-publishing of the articles, search links and other content pertaining to the demise of the petitioner's wife, as also directions restraining respondents from further dissemination. It is submitted that information regarding the death of the petitioner's wife in 2015 holds no public interest value, being purely private in nature or serving only to instigate gossip. Continued publication is said to impede the petitioner's personal and professional life, thereby infringing his fundamental right to privacy under Article 21.

16. The petitioner in **W.P.(C) 11372/2022** seeks removal of posts, tweets, videos and articles linking him to the Bike Bot Scam, Project Grand Venice and Mist Avenue and his arrest in context thereof. It is submitted that after detailed investigation by the concerned authorities, it was revealed that one of the investor's funds were channeled in the Petitioner's project. It is submitted that due to the same, the petitioner got roped into the said scam and was subject to judicial custody for seven months, but was subsequently granted bail by the Allahabad High Court. It is submitted that multiple online platforms have disseminated inaccurate and misconceived information suggesting his involvement and arrest, accompanied by sensational headlines and images. The petitioner contends that such material creates a false impression of established criminality, violates the rights guaranteed under Articles 14, 19(1)(g) and 21 of the Constitution of India and causes irreparable harm to the petitioner's livelihood, trade and reputation. The petitioner asserts that he is subjected to speculation in the eyes of the media and public at large, and seeks removal of the impugned content in exercise of his right to privacy and dignity.

17. The petitioner in **W.P. (C) 12567/2022**, an Associate Professor at the Institute of Liver and Biliary Sciences, seeks removal of the judgment dated 19.04.2022 passed by ASJ-02, South District, Saket Courts, New Delhi, in CR No. 140/2020, whereby, the SHO PS Malviya Nagar was directed to register an FIR on the petitioner's complaint. It is submitted that the said order contains sensitive details of incidents where the petitioner was allegedly falsely accused of being the biological father of a child born to a former colleague, who also extorted money from the petitioner. The petitioner contends that availability of the order in the public domain causes grave and irreparable damage to his professional reputation and social life, and infringes his right to privacy by exposing private information to unrestricted access.

18. The petitioner in **W.P.(C) 2134/2023**, removal of news items and articles pertaining to his arrest on 23.04.1999 in connection with an FIR alleging, *inter alia*, illegal procurement of medicines from abroad and mishandling of HIV patients. The petitioner, a practicing doctor, stated to be an internationally recognized figure in the fight against HIV-AIDS, submits that the material is no longer relevant, as he was discharged by judgment dated 04.08.2009 passed by the Ad Hoc Additional Sessions Judge, City Sessions Court, Sewree, Bombay. The petitioner further submits that on account of continued circulation of the said articles, grave prejudice is being caused to the dignity and reputation of the petitioner.

19. In **W.P. (C) 2353/2023**, the petitioner seeks removal of posts, videos and articles associating his name with Crime No. 420/20, his arrest and consequential judicial proceedings. It is submitted that the petitioner was

acquitted in the said proceedings *vide* order dated 17.09.2021, thereby the said information is rendered irrelevant in the present times and causes grave injury to his dignity and reputation. It is his case that in the digital age, the right to privacy must extend to information available on the internet.

20. The petitioner in **W.P. (C) 4094/ 2023** seeks removal of the judgment dated 21.10.2010 passed by the Additional Sessions Judge-I (East), Karkardooma Courts, Delhi in SC No. 28/2009, whereby the petitioner was acquitted of offences under Sections 498A, 306 and 34 IPC. It is submitted that the said judgment contains personal details and its availability upon a name-based search violates the petitioner's right to privacy, guaranteed under Article 21 of the Constitution of India. The petitioner contends that continued accessibility is prejudicial to his reputation and adversely affects his personal, professional and social life. It is further submitted that since the Trial Court is not a court of record, de-linking will not affect public interest.

21. In **W.P.(C) 5400/2023**, the petitioner seeks removal of the judgment dated 04.07.2018 passed by the ASJ, Rohini Courts, Delhi, and directions to the Registrar General, Delhi High Court to grant only limited access to the said judgment on the e-courts portal. It is submitted that by way of the aforesaid judgment, the petitioner was acquitted of the charges of rape and criminal intimidation. It is the case of the petitioner that despite acquittal, the continued availability of the judgment upon a name-based search is gravely prejudicial, causing loss of reputation and humiliation. The petitioner urges that the identity of persons accused of sexual offences ought to be concealed upon acquittal, to prevent stigma and societal prejudice.

22. The petitioner in **W.P.(C) 9824/2023**, seeks removal of the judgment dated 04.12.2019 passed by the Metropolitan Magistrate (NI Act), East District, Karkardooma Courts, Delhi in CC No. 58734/2016, as also the order sheets, from the website of the Delhi District Courts and Indian Kanoon. It is submitted that the petitioner was convicted under Section 138 of the Negotiable Instruments Act, 1881, and sentenced on 06.12.2019 to simple imprisonment of four months and a fine of Rs. 10,000/-, with a direction to pay Rs. 9,70,000/- to the complainant therein. During pendency of appeal, however, the parties arrived at a settlement before the Mediation Centre, recorded *vide* order dated 15.09.2022 by the ASJ-02, East District, Karkardooma Courts. The petitioner contends that continued availability of the conviction judgment, despite compounding of the offence in light of settlement, is adverse to his reputation and infringes his right to be forgotten.

23. In **W.P.(C) 5608/2023**, the petitioner seeks removal of articles pertaining to FIR No. 293/2021 and his arrest pursuant thereto, which appear in search results linked to the petitioner's name. It is submitted that the matter was settled between the petitioner and the complainant *vide* MOU dated 29.09.2021, recorded by order dated 02.06.2022 in CRL.M.C. 1207/2022, and the FIR was quashed. The petitioner asserts that continued circulation of the articles is prejudicial to his reputation and causes irreparable loss, warranting removal in exercise of the right to be forgotten.

24. In **W.P.(C)13461/2023**, the petitioner seeks removal of URLs pertaining to FIR No. 29/2022 alleging offences under Sections 354, 376 and 511 IPC. Upon investigation, the Investigating Officer filed a closure report, noting no case was made out. The Metropolitan Magistrate, Patiala

House Courts, dismissed the protest petition on 23.12.2022, and the revision petition against that order was dismissed on 09.02.2023 in CRL.REV.P. 129/2023. The petitioner submits that despite closure, search engines continue to display news articles and videos reporting allegations of rape and sexual assault, which are stigmatic and defamatory, maligning his credibility and goodwill. The petitioner seeks removal of such content to protect his dignity and reputation.

25. In **W.P.(C) 16447/ 2023**, the petitioner seeks removal of web pages and links pertaining to Suo Moto Application No. 262/2015 before the National Green Tribunal. It is submitted that consequent to a news report dated 03.07.2015, alleging that a report was sent by the then Chief Conservator of Forests to the U.P Government, claiming that the petitioner had unauthorizedly cut 8000 trees in Babarpur and 4000 trees in and around the 500-metre radius of the Taj Mahal, an eco-sensitive zone, the National Green Tribunal took suo moto cognizance. The matter was disposed of on 13.07.2018, with the Tribunal noting the affidavit of the Division Forest Officer, Agra, recording that the Supreme Court and the Central Empowered Committee had found no unauthorized tree felling. The petitioner contends that continued publication of reports linking his name to the allegations, despite closure of proceedings, blemishes his image and character, and seeks removal of such content.

26. In **W.P.(C) 16476/2023**, the petitioner seeks the masking of party names in the judgments/orders as listed in paragraph –8 of the present petition. The petitioner also seeks that the judgments rendered by the Supreme Court in Civil Appeal No. 6827/2015; Criminal Appeal No.

487/2015; and SLP (C) 25871/2013, be removed from the website of the Supreme Court of India. Further, the petitioner seeks that the links to the legal material/orders/judgments pertaining to the matrimonial dispute between the petitioner and her ex-husband be removed from the public domain.

27. It is submitted that proceedings in the said matters attained finality on 03.09.2015 when the Supreme Court, with the consent of the parties *vide* Civil Appeal No. 6827/2015 granted a decree of divorce and all the pending criminal proceedings between the parties, were quashed and all the pending civil proceedings were deemed to have been disposed of.

It is the case of the petitioner that availability of the aforementioned orders/judgments, with the name of the petitioner in title thereof, has caused social stigma, humiliation and constant hampering of the petitioner's personal and professional life, and is therefore, violative of her right to privacy as enshrined under Article 21 of the Constitution of India.

28. In **W.P.(C) 13192/2024**, the petitioner, *inter alia*, seeks removal of content/ URLs pertaining to the news articles/ content drawing a linkage between the petitioner and the incident/s in context of which FIR No. 486/2021 was registered. It is submitted that the petitioner is in no way related to the said incidents; he is neither an accused, neither the complainant, nor a witness in the said matter.

29. The petitioner further seeks that the respondent/ Ministry of Electronics and Information Technology (MEITY) be directed to take action as regards the complaints dated 19.07.2021, 05.08.2022 and 12.09.2023, addressed by the petitioner, raising grievance against the aforesaid news

articles/ content. It is submitted that the concerned publishers, in featuring the said news articles, have been remiss in ensuring genuineness and correctness of the information so published and have failed in abiding by the Norms of Journalistic Conduct, 2022 published by the Press Council of India and Digital Personal Data Protection Act (DPDA), 2023.

30. In **W.P.(C) 6695/2024**, the petitioner, stated to be an Overseas Citizen of India, seeks the content/details/URLs/judgments etc. pertaining to the matrimonial disputes involving the petitioner, available on the platforms of the respondents herein, be removed from the search engines and internet platforms, or the petitioner's identity be masked therein. It is submitted that the said disputes now finally stand concluded in terms of the order dated 03.09.2015 passed in SLP (Civil) No. 19646/ 2014.

31. It is submitted that the personal details and identity of the petitioner and his former wife also form part of the judgments/ orders passed in the proceedings of matrimonial nature between the petitioner and his erstwhile wife, and the content/articles pertaining thereto, reveal the details of allegations raised by both the parties against each other and also reveal the petitioner's private information, thereby, violating the petitioner's fundamental right to privacy.

32. The petitioner in **W.P(C) 2887/2025** seeks the removal of the URLs/web-links pertaining to the petitioner in context of the FIR No. 227/2019, registered at P.S. Hauz Khas. The petitioner further seeks directions to respondent/ Google LLC to block access to the aforesaid. The petitioner also seeks that the respondents, Registrar General, Delhi High Court and Indian Kanoon, be directed to mask the petitioner's identity and

personal details from the judgment dated 30.05.2024 passed by this Court in Crl Rev 745/2023, whereby, the order on charge and framing of charge was set aside by the Court and the petitioner was discharged. It is pointed out that SLP (Criminal) Diary No. 41864/2024 filed against the aforesaid judgment dated 30.05.2024 was dismissed by the Supreme Court *vide* order dated 15.10.2024.

33. It is the case of the petitioner that despite being discharged, due to the continuation of appearance of petitioner's name in association with the criminal matter, in the context of which the judgment dated 30.05.2024 was passed; grave prejudice has been caused to the petitioner. It is submitted that the said judgment dated 30.05.2024 contains the petitioner's name and personal details, thereby revealing his identity, therefore, the availability of the said judgment in public domain is violative of the petitioner's right to privacy.

34. In **W.P (C) 3687/2024**, the petitioners seek that in recognition of their right to privacy enshrined under Article 21 of the Constitution, the respondents (except respondent no.5 therein) be directed to remove the following judgments/ orders from their platforms; and that respondent no.5/ Registrar General, Delhi High Court be directed to grant limited access thereto :

- order dated 18.03.2017 passed by ASJ (Special Fast Track Court-01), West, Tis Hazari Courts, Delhi;
- judgment dated 06.08.2018 passed by ASJ (Special Fast Track Court-01), West, Tis Hazari Courts, Delhi in Sessions Case No. 12/17;
- judgment/ order dated 12.09.2017 passed by this Court in CRL.REV.P.

504/2017;

- orders dated 04.02.2019 and 18.02.2019 passed by this Court in W.P. (CRL) 354/2019;

- orders dated 22.04.2016, 04.08.2016, 01.09.2016 passed by this Court in BAIL APPLN. 811/2016.

35. It is the case of the petitioners that the aforesaid judgments/ orders were passed in proceedings pertaining to allegations of sexual offences (u/s 376 and 506, IPC), of which the petitioners have been acquitted; therefore, their availability in public domain, is prejudicial, humiliating and violative of the petitioners' right to privacy.

36. The petitioners in **W.P(C) 6047/2024** seek that their name/s and address/es be masked/ removed from the judgment dated 02.04.2024 and orders passed in MAT. APP. (F.C.) 321/2018. The petitioners further seek that the respondents be directed to remove/delete the content pertaining to the matrimonial/ private details of the petitioners.

37. It is submitted that the aforesaid judgment dated 02.04.2024 contains details of private incidents/events of petitioner no.1 and her former husband, who is a public figure (renowned chef). Availability of the said judgment in public domain is violative of her fundamental right to privacy guaranteed under Article 21 of the Constitution.

38. The petitioner in **W.P(C) 7763/2024** seeks the removal of the judgment/ order dated 30.05.2023 passed in MAT.APP.(F.C) 49/2023, from the search engines/ platforms of the respondents. It is submitted that the said order/judgment contains personal and private information/ details of the petitioner and her former husband, including the details of the petitioner's

matrimonial relationship with her former husband, details of the matrimonial dispute between them, litigation in context thereof, the settlement arrived at, list of assets etc. It is further submitted that the said judgment appears upon a search of the petitioner's name on the respondent platform/s.

39. It is the case of the petitioner that dissemination of the aforesaid judgment/ order in public domain when it contains sensitive and private details of the petitioner and is of no concern to the public, is violative of the petitioner's fundamental right to privacy.

40. In **W.P (C) 9940/2024**, the petitioner, who is stated to be a public figure, seeks removal of the content, including articles/ news reports, pertaining to the FIR No.0418/2022, from the platforms/ search engines of the respondents. Further, the petitioner seeks that the concerned respondent/s be directed to ensure removal of inaccurate/ misleading/outdated personal data as per the request/representation furnished by the petitioner in terms of the Digital Personal Data Protection Act, 2023.

41. It is submitted that pursuant to the registration of the aforesaid FIR alleging offences under sections 376 and 506 of the IPC, the petitioner approached this Court by way of CRL. MC. No. 5294/2022. Subsequently, the petitioner and the complainant entered into a settlement dated 09.11.2023. *Vide* order dated 06.02.2024 passed in CRL.MC. No. 5294/2022, this Court while recording the submission of the complainant (respondent no.4 therein) in paragraph –4 of the said order, quashed the aforesaid FIR and all consequential proceedings emanating therefrom against the petitioner, subject to the deposit of cost of Rs.1,00,000/-.

42. It is submitted that despite the said order dated 06.02.2024, several articles and news reports, containing defamatory content pertaining to the aforesaid, continue to be available on the internet platforms/ in public domain, adversely affecting the petitioner's reputation, privacy and career prospects, thereby being in violation of the petitioner's fundamental right to privacy.

43. In **W.P(C) 12179/2024**, the petitioner seeks the removal of the details/ judgment/ URLs pertaining to the judgment dated 06.04.2013 passed by Civil Judge-02, South District, Saket Courts, Delhi, in Civil Suit No. 380/12, from the platform of the respondent/ iKanoon Software Development Private Limited.

44. It is submitted that upon a search of the petitioner's name on the respondent's platform/search engine, the said judgment dated 06.04.2013 appears in the search results. It is further submitted that the said judgment, which was passed in context of a private family dispute gives an adverse impression about the petitioner's conduct towards his now deceased father and the petitioner's relationship with his wife, and that the same adversely affects the petitioner's reputation.

45. In **W.P(C) 30/2025**, the petitioner, stated to be an Overseas Citizen of India, holding a British Passport, seeks the removal of the orders/ judgments (including order dated 22.08.2024 passed by this Court) passed in context of the FIR No. 303/2024 registered at Police Station Pahar Ganj, available on the respondent platforms. It is submitted that pursuant to the registration of the said FIR, the petitioner filed an application for anticipatory bail, however, *vide* order dated 03.07.2024, the said application was dismissed by

the Additional Sessions Judge (FTC)-01, Central Tis Hazari Courts, Delhi. Thereafter, the petitioner approached this Court and the petitioner's application seeking anticipatory bail was allowed *vide* order dated 22.08.2024.

46. It is further submitted that in the meantime, in terms of the mutual agreement arrived at between the complainant and the accused (petitioner herein), the dispute which primarily arose in the backdrop of a business transaction, was settled and a closure report was filed. In this conspectus, the proceedings were taken to their logical conclusion *vide* order dated 07.11.2024 passed by the Reliever JMFC (Central) in Cr. Case 13895/2024.

47. It is the case of the petitioner that upon a search of the petitioner's name on the respondent search engine/ Google LLC, the appearance of the aforesaid order dated 22.08.2024, as available on the platform of the respondent/ iKanoon Software Development Pvt. Ltd., creates a misleading impression of the petitioner's involvement in a criminal matter. The petitioner asserts that such continued availability of the aforesaid order adversely affects his personal and professional reputation.

48. The petitioner in **W.P(C) 1567/2025**, inter alia, seeks removal of the content, including articles, posts and orders pertaining to the investigation/ proceedings instituted by the CBI. It is submitted that in 2010, certain proceedings were instituted by the Central Bureau of Investigation, *inter alia*, against the petitioner, *viz.* Special (CBI) Case Nos. 9 / 2011, 65 / 2011, 66 / 2011, 71 / 2011 and 72 / 2011. Upon investigation, a chargesheet was filed. However, *vide* orders dated 17.06.2015 and 22.06.2015 passed by the Special Judge, the petitioner was discharged.

49. It is the case of the petitioner that there are several articles, posts, orders and other content pertaining to the aforesaid proceedings instituted by the CBI, are available on the internet/ respondent platforms, which though were relevant at a certain point in time, hold no relevance in the present especially in light of the aforesaid orders dated 17.06.2015 and 22.06.2015.

50. In **W.P(C) 9929/2025**, the petitioner, *inter alia*, seeks the removal of the judgments/ orders passed by the concerned courts in proceedings arising out of FIR No. 50/2022, registered at Women's Police Station, Srinagar, wherein, the petitioner accused Mr. Nadeem Ahmad Ganai @ Nadeem Nadu of committing offences punishable under sections 376, 384 and 506 of the Indian Penal Code, 1860.

51. It is the case of the petitioner that during the course of proceedings in the said context, certain orders/judgments, containing personal details/identity of the petitioner have been uploaded on the respondent platform/ Indian Kanoon without redaction or making of her name/identity. It is submitted that despite multiple representations, seeking masking/redaction, the respondents have been remiss in taking any action.

52. It is further submitted that the continued availability of the aforesaid orders/judgments revealing the petitioner's identity in public domain, particularly upon conducting an internet search of her name, has subjected the petitioner to social stigma, loss of dignity, psychological trauma, harassment and defamation. It is asserted that in view of her status as a victim of sexual offences, such disclosure constitutes a violation of her fundamental right to privacy guaranteed under Article 21 of the Constitution of India.

53. In **W.P (C) 11714/2025**, the petitioner, *inter alia*, seeks the removal/ delisting of the judgment dated 13.11.2024 passed by the ASJ (FTSC)(RC)-02/West/Tis Hazari Courts, in SC No. 534/23 and related content, including in the form of articles, posts, news, videos, URLs, websites, web-links etc, available on the platforms of the respondents. It is submitted that FIR No. 167/2021 was registered against the petitioner and certain other individuals, accusing them of committing offences punishable under sections 328/342/376/34 of the Indian Penal Code,1860. Subsequently, *vide* order dated 02.08.2024 passed by the Additional Sessions Judge, the accused, except the petitioner, were discharged and charges were framed against the petitioner.

54. Ultimately, *vide* judgment dated 13.11.2024, passed by the ASJ (FTSC)(RC)-02/West/Tis Hazari Courts, in SC No. 534/23, the petitioner herein was acquitted of the charges framed against him. It is further submitted that during the pendency of trial, certain content, pertaining to said ongoing trial of the petitioner were published on the respondent platforms.

55. It is the case of the petitioner that despite acquittal, the content published on the respondent platforms, in the name of the petitioner, during the pendency of the trial, is still available in the public domain, and such content while also being stigmatic, has an adverse impact on the petitioner's personal life, career and future prospects, causing irreparable prejudice.

56. The petitioner in **W.P(C) 11862/2025** seeks the removal of the content in the name of the petitioner, *viz.* certain proceedings of matrimonial nature, available on the respondent platforms, including in the form of

articles, news, journals. Further the petitioner seeks that the respondent/ Registrar General, Delhi High Court be directed to redact/mask/delete the name of the petitioner from publicly accessible digital records, including those pertaining to:

- MAT.APP (F.C.) NO. 297/2024;
- W.P (CRL.) NO. 1206/2024;
- CRL.MC.236/2024;
- MAT.APP. (F.C.) NO. 148/2025;
- CONT.CAS (CIVIL) 313/2025;
- W.P (CRL.) 1844/2024;
- W.P (CIVIL) 17733/2024;
- CM (MAIN) 4113/2024;
- CM (MAIN) 1930/2023.

57. It is submitted that the publication/ continued availability of the aforesaid contents in public domain is bringing upon the petitioner, social stigma and loss of privacy. It is also submitted that publication of her personal information is now redundant and serves no purpose.

58. In **W.P (C) 14696/2025**, the petitioner seeks removal/de-indexind of the URLs/web-links pertaining to the FIR No. 67/2006, registered at PS Lajpat Nagar, from the platform of the respondent/ Indian Kanoon. The petitioner also seeks for its name and personal information to be masked from the aforesaid content.

59. It is submitted that the petitioner was arrayed as an accused in the FIR No. 67/2006. The said FIR was, however, quashed in terms of the order dated 04.05.2023, passed by this Court in CRL.M.C. 1460/2023. Despite the

quashing of the said FIR, respondent platforms continue to publicly display judicial records associated with the said FIR, including the petitioner's name and other personal details, causing grave prejudice to his privacy and business interests, posing a serious threat to the petitioner's professional credibility and social standing. It is further submitted that the aforesaid details lack present-day legal relevance and serve no public interest.

60. The petitioner in **W.P(C) 18962/2025**, is stated to be a company engaged in the power transmission sector. It is submitted that in the year 2022, several digital news platforms published reports pertaining to the petitioner and its directors, alleging, *inter alia*, large scale financial fraud and criminal conspiracy. The said reports were premised on certain FIRs arising out of internal disputes among the shareholders of the petitioner. It is further submitted that the said reports, published on the respondent platforms, created a false narrative that portrayed the petitioner as being involved in serious criminal wrongdoings. Subsequently, all disputes between the concerned shareholders/ directors were amicably resolved. In view of the settlement, the parties jointly approached the High Court of Allahabad, seeking quashing of the FIRs registered in relation to these disputes. Thereafter, *vide* order dated 29.07.2024, passed by the High Court of Allahabad, in view of the said settlement deed, quashed the concerned FIRs. The National Company Law Tribunal, Allahabad Bench, *vide* order dated 27.02.2025 passed in IA No. 09/2025, in view of the said settlement deed, disposed of the Company Petition being CP NO.32/ALD/2021.

61. It is the case of the petitioner that despite the conclusion of concerned judicial proceedings, the availability of the content pertaining thereto, on the

respondent platforms, upon a search of the petitioner's name, has materially affected the petitioner's business reputation and social standing and violates its fundamental right to privacy and dignity under Article 21. In the above conspectus, the petitioner seeks that the respondents be directed to remove/de-index the aforesaid news reports pertaining to the petitioner.

62. In **W.P (Crl.) 1861/2022**, the petitioner seeks the removal of the order dated 21.10.2019 passed by this Court in BAIL APPLN. 1393/2019 & CRL.M.A. 35670/2019, pertaining to his deceased son-in-law, from the platforms of the respondents. Further, the petitioner seeks de-linking of the name and other information regarding his deceased son-in-law in the context of the said anticipatory bail order; and masking/redaction of the deceased's identity from the aforesaid order as available on the respondent platforms.

63. It is submitted that FIR No. 105/2019 was registered accusing the petitioner's son-in-law of offences punishable under sections 376/323/506/509/34 of the Indian Penal Code, 1860. Consequent thereto, the son-in-law approached this Court seeking anticipatory bail and he was granted interim protection. However, *vide* aforesaid order dated 21.10.2019, the said interim protection was revoked and the Bail Application (BAIL APPLN. 1393/2019) was dismissed. Thereafter, the now deceased son-in-law surrendered and moved a regular bail application being in BAIL APPLN. 591/2020, wherein, *vide* order dated 22.05.2020 passed by this Court, he was released on interim bail. The said interim bail was extended by subsequent orders dated 13.07.2020, 24.07.2020 and 24.08.2020 passed in W.P. 3037/2020. On 15.11.2021, the petitioner's son-in-law suffered a

cardiac arrest and passed away, rendering the criminal trial (Case No. SC/515/2019) abated.

64. The petitioner contends that upon conducting a search based on the name of his son-in-law, on respondent search engines, the order dated 21.10.2019, which elaborately sets out the allegations levelled against the deceased, appears prominently within the first few search results. It is submitted that such continued availability causes social stigma, grave prejudice, and loss of future prospects to the family of the deceased, including his wife and children. The publication of the aforesaid order on respondent platforms is violative of the right to privacy of the petitioner's family.

65. In **W.P (C) 15523/2023**, the petitioners seek the removal of all the content (including in the form of articles and social media posts) pertaining to the arrest of the petitioners in the context of FIR No. 187/2021 registered at PS EOW, Mandir Marg, New Delhi, available/ published on the respondent platforms. It is submitted that the aforesaid content, published on the respondent platforms creates an impression of the petitioners being guilty of the allegations in terms of the aforesaid FIR and omit the fact that the petitioners were granted interim bail *vide* order dated 29.08.2022 passed by the CMM, Saket District Court.

66. Further, it is submitted that *vide* order dated 14.09.2023, passed by this Court in CRL. M.C No. 1274/2023 the said FIR No. 187/2021 has been quashed. Despite the said order dated 14.09.2023, the aforesaid content pertaining, *inter alia*, to the petitioners' arrest continues to be available on

the respondent platforms, thereby being prejudicial to the petitioners' reputation and also violating their right to privacy.

B. SUBMISSIONS ON BEHALF OF THE PETITIONERS

67. Learned counsel for the petitioners, relying upon the judgment rendered by the Supreme Court in ***K.S. Puttaswamy (Privacy-9J.) v. Union of India***, (2017) 10 SCC 1, submitted that once any information is made public and shared on the internet, it remains accessible across the world without any expiry date. The radically unrestricted spread of personal data across the web deprives individuals of control over how, by whom, and in what context their personal data is viewed. The apparent immortality of information on the internet has compelled the petitioners to assert their "Right to be forgotten".

68. Relying upon ***K.S. Puttaswamy*** (supra), wherein privacy was recognized as an intrinsic facet of Article 21 of the Constitution, it was further submitted that privacy assures dignity, and dignity is the core which unites fundamental rights. Informational privacy, as part of this right, reflects an individual's interest in preventing dissemination of personal information. Learned counsel emphasized that privacy also includes the right to protect reputation not only against falsehoods but also against certain truths, since individuals have a right to control how their image is portrayed to the world.

69. To further substantiate the above contentions, learned counsel referred to the European Union Regulation of 2016, which expressly recognized the

Right to be forgotten to effectuate an individual's right to control his existence on the internet. In terms of the said 2016 regulations, this right means that an individual, who no longer wishes his data to be processed or stored, should be able to remove it from the digital domain.

70. It was contended that the extensive availability of personal information in the public domain possesses limited inherent value; however, its unrestricted accessibility may engender severe adverse consequences, including the frustration of employment opportunities, impairment of creditworthiness, diminution of professional and social standing, or erosion of personal dignity.

71. Individuals should not be indefinitely reminded of past mistakes, even where information was lawfully in the public domain or shared with consent. The law already recognizes this principle in relation to "spent convictions," and the same rationale ought to apply in the digital environment.

72. Reference was made to ***Google Spain SL, Google Inc. v. Mario Costeja González*** [C-131/12], where the Court of Justice of the European Union permitted de-indexing of articles that were "inadequate, irrelevant or no longer relevant." Following this decision, the European Union enacted the General Data Protection Regulation, codifying the Right to be forgotten. Learned counsel also referred to Justice Kaul's concurring opinion in ***K.S. Puttaswamy*** (supra), wherein the contours of the Right to be forgotten, were articulated as a facet of privacy.

73. Further, it was contended that the deletion, de-indexing, masking, and redaction of personal information, including one's name and identity, in exercise of the 'Right to be forgotten,' is indispensable, as it facilitates the effective realization of the right to reputation. In support of this contention, learned counsel placed reliance upon the following judgments to assert that the right to reputation has long been recognized as enforceable under Article 21 of the Constitution of India :

Umesh Kumar v. State of A.P.,(2013) 10 SCC 591
State of Bihar v. Lal Krishna Advani, (2003) 8 SCC 361
Vinod Kumar Bindal v. CIC, (2025) 2 HCC (Del) 459
DejoKappan v. Deccan Herald, 2024 SCC OnLine Ker 6494

74. The petitioners' rights to privacy, reputation, and presumption of innocence under Article 21 must be balanced against the respondents' right to freedom of speech under Article 19(1)(a). Reliance was placed on ***Sahara India Real Estate Corpn. Ltd. v. SEBI*** (2012) 10 SCC 603, where the Supreme Court held that Article 21 protection is a valid restriction on free speech.

75. It was emphasized that the Right to be forgotten is not antithetical to the freedom of information, but rather a balancing mechanism between privacy and freedom of expression. Courts must adopt a two-pronged approach: first, treating 'Right to be forgotten' as the default and second, carving out a narrow public interest exception, with clear standards for removal when information is no longer necessary, excessive, or irrelevant. Where personal data storage is no longer necessary or relevant for the

original purposes of processing, the removal of such links does not tantamount to deletion of content.

76. Relying upon the judgment rendered by the Supreme Court in ***Central Public Information Officer, Supreme Court of India v. Subhash Chandra Agarwal***, (2020) 5 SCC 48, it was submitted that the measures sought in the present proceedings, i.e. removal, masking, and de-indexing of prejudicial content, are narrowly tailored to protect the petitioners' rights without unduly infringing upon the freedom of speech and the right to know. Continued availability of such content serves no public purpose, and mere curiosity or amusement cannot justify invasion of privacy.

77. Reliance is placed upon ***Kaushal Kishore v. Sate of Uttar Pradesh & Ors.,*** (2023) 4 SCC 1, to contend that rights under Article 21 can be enforced against non-State actors such as search engines, and that the present writ petitions are maintainable on account of the absence of effective alternative remedies.

C. SUBMISSIONS ON BEHALF OF THE RESPONDENTS

GOOGLE INC/GOOGLE LLC and GOOGLE INDIA PRIVATE LTD.

78. A preliminary objection with regard to the maintainability of the petitions has been made by the respondent. It is contended Google is a private entity and does not fall within the definition of "State" under Article 12 of the Constitution. Being neither a public authority nor discharging any public function, it is not amenable to writ jurisdiction. Any petition alleging violation of Article 21 cannot be maintained against a private entity.

79. It is submitted that 'Google Search' merely operates as an automated search engine which indexes webpages available on third-party websites through automated crawlers, performing a passive and neutral function akin to a library index. Search results are generated dynamically through algorithms, and the search engine does not create, publish, modify, or control the underlying content. Google is neither the creator, nor the uploader, nor publisher of the impugned content and has no prior knowledge of its existence. The impugned material has been authored and published by an independent third parties. It is submitted that the directions for removal of online content ought to be issued against the original publishers or uploaders, since removal at the source automatically results in de-indexing from search engines.

80. It is further submitted that the impugned material pertaining to judicial orders, criminal proceedings, FIRs, arrests and related reporting, forms part of public records and therefore cannot be suppressed. Reliance, in this regard, is placed upon ***R. Rajagopal v. State of Tamil Nadu*** (1994) 6 SCC 632, wherein it was held that where information forms part of public records, the right to privacy no longer subsists. This principle has been affirmed in ***K.S. Puttaswamy*** (supra), which recognized privacy under Article 21 but clarified that it is not absolute and must be balanced with competing rights.

81. It is submitted that publication or reporting of judicial proceedings and court orders is lawful and forms part of the principle of open justice. Truthful reporting of court proceedings is statutorily protected under the Fourth Exception to Section 499 Indian Penal Code, 1860 (IPC). Freedom of

speech and expression under Article 19(1)(a) of the Constitution, freedom of the press, and the public's right to know are integral constitutional values. Permitting removal or delinking of search results relating to court orders or public records would undermine the principle of open justice.

82. The respondent submits that under Indian law, it is necessary to first establish through judicial determination that a particular publication violates the right to privacy before any direction restraining its publication or dissemination can be issued and in the absence of such adjudication, the accessibility of such material through search results cannot be restricted.

83. The respondent submits that there exists no enforceable "right to be forgotten" under the present framework of Indian law and courts have consistently held that such a right cannot be invoked in relation to judicial records in the absence of statutory backing. The respondent further submits that even the Digital Personal Data Protection Act, 2023 does not recognise any statutory right to be forgotten and in fact provides exemptions for processing of personal data for judicial functions and legal proceedings.

84. The respondent submits that foreign jurisprudence including the decision of the Court of Justice of the European Union in ***Google Spain v. Mario Costeja*** (supra) cannot be imported into Indian law as the doctrine of the right to be forgotten in Europe is based upon statutory frameworks such as the European Union Data Protection Directive and the GDPR which have no equivalent statute under Indian law. The respondent further submits that even under European law, the right to be forgotten is subject to several exceptions including freedom of expression, legal obligations and matters of public interest.

85. The respondent further submits that Indian law recognizes masking or anonymity of parties in judicial records only in limited statutory circumstances such as protection of victims of sexual offences under Section 228A IPC, the Protection of Children from Sexual Offences (POCSO) Act, 2012 and the Juvenile Justice (Care and Protection of Children) Act, 2015.

UNION OF INDIA / MINISTRY OF ELECTRONICS & INFORMATION TECHNOLOGY (MEITY)

86. Learned counsel for the UOI submits that the right to privacy has been recognized as a fundamental right under Article 21 of the Constitution by the Supreme Court in ***K.S. Puttaswamy*** (supra), and that the doctrine of the "right to be forgotten" is an evolving concept. Its applicability has been acknowledged by the Indian Judiciary in ***Subhranshu Rout v. State of Odisha***, 2020 SCC OnLine Ori 878,***Vasunathan v. Registrar General***, 2017 SCC OnLine Kar 424, ***Jorawer Singh Mundy v. Union of India***, 2021 SCC OnLine Del 2306, ***P. Nithish Vs. Union of India and Ors*** [WP (MD) No. 17228 of 2022], ***Zulfiqar Ahman Khan v. Quintillion Business Media (P) Ltd.***, 2019 SCC OnLine Del 8494.

87. It is further submitted that judicial orders/ judgments form part of public records and judicial documents within the common law system, therefore, cannot ordinarily be treated as confidential information merely because they contain personal details relating to individuals. In this regard the respondent relies upon the judgment of the Supreme Court in ***R.Rajagopal*** (supra), which was affirmed by the Constitution Bench in ***K.S. Puttaswamy*** (supra), wherein it was held that once information forms part of

public records including court records, the right to privacy no longer subsists in respect of such information and such records become legitimate subjects of publication and comment.

88. It is pointed out that courts have also emphasized the principle of open justice and public access to judicial proceedings and judgments as an important component of transparency in the administration of justice, as recognized by the Supreme Court in ***Swapnil Tripathi v. Supreme Court of India***, (2018) 10 SCC 639.

89. The respondent submits that the Digital Personal Data Protection Act, 2023 defines statutory concepts such as “data”, “data principal”, “data fiduciary”, “data processor” and “processing” and that digital court records containing identifiable information may constitute personal data capable of protection under the statutory framework. The respondent further submits that in the context of digitized judicial records, the individual concerned may be regarded as the data principal, the court system hosting the order may function as the data fiduciary and platforms that capture or index such information may operate as processors of that personal data. The respondent also submits that search engines which locate, index, store and display information relating to identifiable individuals perform activities that amount to processing of personal data and therefore play a significant role in the dissemination of such information on the internet.

90. The respondent submits that under Section 69A of the Information Technology Act, 2000, (hereinafter, IT Act, 2000) the Central Government is empowered to direct blocking of information accessible through computer resources only on limited statutory grounds such as sovereignty, and

defense of the country, security of the State, friendly relations with foreign States, public order or prevention of incitement to the commission of cognizable offences, and therefore issues relating to the doctrine of the right to be forgotten do not fall within the statutory scope of Section 69A of the IT Act, 2000.

91. The respondent further submits that the framework governing intermediary liability is provided under Section 79 of the IT Act, 2000, read with the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, (hereinafter, IT Rules, 2021) which prescribe due diligence obligations and grievance redressal mechanisms relating to unlawful information hosted on intermediary platforms. Under Section 79(3)(b) of the IT Act, 2000, as interpreted by the Supreme Court in ***Shreya Singhal v. Union of India***, (2015) 5 SCC 1, intermediaries are required to remove or disable access to information only upon receiving actual knowledge through an order of a Court of competent jurisdiction or notification by the appropriate Government.

92. The respondent submits that the Ministry of Electronics and Information Technology (MEITY) is the custodian of the IT Act, 2000 and administers Part II of the IT Rules, 2021 which relates to the due diligence obligations of intermediaries and the grievance redressal framework applicable to them. The respondent further submits that Part III of the said Rules is administered by the Ministry of Information and Broadcasting and establishes a regulatory framework for publishers of news and current affairs content on digital media and publishers of online curated content platforms including adherence to a Code of Ethics and a three-tier grievance redressal

mechanism consisting of complaints at the publisher level, review by a self-regulating body of publishers and oversight by the Ministry through an Inter-Departmental Committee.

93. The respondent submits that since the relief sought by the petitioner pertains to removal, masking, delisting or restriction of access to information available through intermediary platforms or search engines, any directions, if required, may appropriately be issued directly to the concerned intermediary platforms or search engine operators. It is further submitted that the respondent does not directly host, publish or control such content and therefore is neither a necessary nor a proper party to the present proceedings.

THE MEDIA HOUSES

94. The respondents, relying upon the judgment of the Supreme Court in ***R. Rajagopal*** (supra), submitted that once information forms part of public records or relates to events occurring in the public domain, the right to privacy cannot ordinarily be invoked to restrain publication or reporting of such information. It is submitted that reporting based on judicial proceedings or public records therefore, cannot be restrained merely because the information is adverse to the petitioner or affects his reputation.

95. The respondents further submit that the press performs an essential role as a public watchdog in a democratic society and dissemination of truthful information relating to judicial proceedings and matters of public concern is necessary to maintain transparency and accountability in public life. The respondents further submit that the principle of open justice permits

fair and accurate reporting of court proceedings and judicial decisions and that any direction restraining publication of judicial proceedings or judicial records would undermine the principle of open courts and adversely affect the public's right to know.

96. The respondents submit that the petitioner cannot seek erasure of accurate facts of the past, relating to his conviction merely to avoid reputational consequences arising from his own acts. The respondents further submit that reputational harm, if any, arises from the petitioner's own conduct rather than from the fair reporting of such conduct by the media, and that recognition of an unrestricted right to be forgotten enabling selective erasure of unfavourable information would distort public memory and undermine the principles of transparency, accountability and freedom of the press essential to a democratic society.

97. It is further submitted that the writ petition is not maintainable against private media entities as they do not perform any public function or public duty and therefore a writ of mandamus under Article 226 of the Constitution of India cannot ordinarily lie against them.

<u>iKANOON SOFTWARE DEVELOPMENT PRIVATE LIMITED</u>

98. The respondent submits that reliance on foreign jurisprudence relating to the doctrine of the "right to be forgotten" is misconceived as such principles arise from statutory frameworks such as the EU Data Protection Directive and cannot be applied in India in the absence of corresponding legislation.

99. The respondent further submits that directing removal or de-linking of information relating to an individual from search indices would amount to permitting private censorship of public documents and would therefore be violative of Article 19(1)(a) of the Constitution.

100. The respondent further submits that the legal framework governing blocking or removal of online information is already provided under Section 69A of the IT Act, 2000 and the allied blocking rules and therefore additional removal mechanisms cannot be created through writ jurisdiction.

101. It is submitted that the respondent functions merely as an intermediary providing searchable access to publicly available statutes and judicial decisions and does not author, control or modify the underlying content. Intermediaries cannot be required to adjudicate competing claims between privacy and freedom of expression as such determinations must be undertaken by the competent judicial forum that authored the underlying record.

102. The respondent further submits that information forming part of judicial records cannot be claimed as private information against which a right to privacy or a right to be forgotten may be asserted.

103. The right to information forms an integral part of the freedom of speech and expression guaranteed under Article 19(1)(a) as recognised by the Supreme Court in ***Assn. for Democratic Reforms (Electoral Bond Scheme) v. Union of India,*** (2024) 5 SCC 1.

104. The respondent further submits that restrictions on the freedom of speech and expression can only be imposed through legislation enacted by the State and cannot be judicially created beyond those enumerated in

Article 19(2) of the Constitution, as observed in ***Kaushal Kishor v. State of Uttar Pradesh & Ors.***, (2023) 4 SCC 1 and ***K.S. Puttaswamy*** (supra). The right to information under Article 19(1)(a) of the Constitution extends to access to information necessary for participatory democracy and democratic transparency as recognised in ***Assn. for Democratic Reforms (Electoral Bond Scheme)*** (supra).

X CORP. (formerly known as Twitter)

105. The respondent submits that the present writ petition is not maintainable against the answering respondent as it is a private entity incorporated under the laws of the United States of America and does not fall within the definition of 'State' or 'other authority' under Article 12 of the Constitution, and therefore a writ of mandamus under Article 226 of the Constitution cannot ordinarily be issued against it. The respondent further submits that the grant of a writ of mandamus requires the existence of a legally enforceable right in favour of the petitioner and a corresponding statutory duty imposed upon the respondent, and petitioners have failed to demonstrate the existence of any such statutory duty requiring the respondent to remove or disable access to the impugned content.

106. The respondent further submits that disputes involving alleged reputational harm, mental distress or defamatory publication necessarily involve adjudication of disputed questions of fact, including determination of the truthfulness or defamatory nature of the content complained of and such questions cannot appropriately be determined within writ jurisdiction under Article 226.

107. The respondent further submits that the statutory framework governing intermediary liability has overriding effect by virtue of Section 81 of the IT Act, 2000, thereby limiting the circumstances in which intermediaries may be held liable for third party content hosted on their platforms. The respondent submits that requiring intermediaries to independently adjudicate complaints relating to allegedly offensive, defamatory or unlawful content would effectively impose a judicial function upon private entities, which would be inconsistent with the legislative framework governing intermediary liability and contrary to the principles laid down by the Supreme Court in ***Shreya Singhal*** (supra).

108. It is submitted that the doctrine of the "right to be forgotten" is not presently recognised as an enforceable constitutional or statutory right under Indian law, notwithstanding observations made by the Supreme Court in ***K.S. Puttaswamy*** (supra), recognising the broader right to privacy. Even assuming the existence of such a right, it cannot be invoked to restrict access to information forming part of public records, including judicial records relating to criminal convictions or matters of public interest.

109. Further, it is submitted that the respondent is neither a necessary nor a proper party to the present proceedings as the petitioners have failed to establish any enforceable legal duty requiring the respondent to remove the impugned content, and that any grievance relating to allegedly defamatory or unlawful content must be pursued against the actual originators or publishers of such content.

MICROSOFT CORPORATION INDIA PRIVATE LIMITED

110. The respondent submits that any alleged reputational harm suffered by the petitioner arises, if at all, from statements published by third party authors or media outlets and liability for such content lies exclusively with the original publishers rather than with a search engine intermediary that merely indexes publicly available information.

111. The respondent submits that the determination of whether any particular content is defamatory requires detailed factual and legal analysis which can only be undertaken by a competent Court of law and therefore an intermediary cannot be required to unilaterally adjudicate upon the legality or defamatory character of third party content. The respondent further submits that the petitioner cannot circumvent the statutory remedies available under defamation law, including civil proceedings against the authors or publishers of the impugned articles, by invoking writ jurisdiction against intermediaries who have no role in the creation or publication of the disputed content.

112. It is further submitted that even where de-indexing is undertaken pursuant to lawful directions, if the underlying source websites continue to host the content, similar links may reappear in search results through subsequent automated crawling and indexing processes. The respondent therefore submits that effective relief in respect of the petitioners' grievance would require directions against the original publishers or source websites hosting the content, including removal or masking of the petitioners' identity, as only such measures would prevent the continued availability and re-indexing of the impugned material.

113. The respondent submits that intermediaries are entitled to statutory safe harbour protection under Section 79 of the IT Act, 2000, which protects intermediaries from liability for third party information made available through their platforms, where they do not initiate the transmission, select the receiver of the transmission or modify the information contained therein.

114. The respondent further submits that an intermediary is required to act against allegedly unlawful content only upon receiving actual knowledge of its illegality, which under Section 79(3)(b) of the IT Act, 2000 and the IT Rules, 2021, arises only upon receipt of an order from a competent Court or notification by the appropriate government or its authorized agency.

THE REGISTRAR GENERAL, DELHI HIGH COURT

115. Learned counsel appearing for the Registrar General submits that the right to privacy is an intrinsic part of the right to life and personal liberty under Article 21 of the Constitution. Reliance is placed upon ***K.S. Puttaswamy*** (supra), wherein the Supreme Court declared privacy to be a fundamental right and acknowledged that such right would include facets such as the "right to be forgotten."

116. Reference is made to ***Vysakh K.G. v. Union of India***, 2022 SCC OnLine Ker 7337, wherein the Kerala High Court affirmed the open court principle but acknowledged statutory exceptions protecting privacy in sensitive matters such as family law, matrimonial disputes, child custody, and adoption. Further reference is made to ***Karthick Theodore v. Registrar General, Madras High Court*** (W.A.(MD) No. 1901 of 2021), wherein, the

Madras High Court ordered removal of a judgment from an online legal database on the basis of the "right to be forgotten." However, the Supreme Court has stayed the operation of that judgment in ***iKanoon Software Development Pvt. Ltd. v. Karthick Theodore*** (SLP(C) No. 15311 of 2024), which remains pending final adjudication.

117. It is submitted that consistent with this reasoning, this Court has directed redaction or removal of records in sensitive matters, including those under matrimonial laws, the Juvenile Justice Act, and the POCSO Act, where privacy is expressly or implicitly recognised. The Delhi High Court Information Technology Committee (DHCITC) has played a central role in overseeing compliance. Minutes of meetings dated 07.12.2016, 18.03.2021 and 06.07.2022, document instances where the Registry acted in compliance with judicial orders.

118. It is further submitted that pursuant to directions dated 29.07.2021 in Crl. M.C.1655/2021 &Crl. M.C. 1657/2021, the DHCITC considered mechanisms to detect and address cases requiring identity protection from inception. In its meeting on 30.05.2023, the Committee approved development of a software module enabling masking of names when ordered by the Court. The module was demonstrated and approved on 04.10.2023 after a security audit, and has since been made operational.

119. It is submitted that the masking software allows advocates and parties-in-person, at the time of e-filing, to select an option requesting identity protection. This tool has been integrated into the Court's Online E-Filing System, ensuring sensitive cases can be masked at the threshold.

D. ANALYSIS AND CONCLUSION

I. MAINTAINABILITY

120. Several respondents have raised a preliminary objection that a writ of mandamus under Article 226 of the Constitution cannot lie against private entities that do not perform any public function or discharge any public duty and that these proceedings are therefore not maintainable against Google, iKanoon Software Development Private Limited ("Indian Kanoon"), Media Houses, X Corp. (formerly known as Twitter) and Microsoft. In this regard, reference has been made to ***Radhey Shyam & Anr. v Chabbi Nath & Ors.*** (2015) 5 SCC 423, wherein the Court has observed as under:

> ***"27.*** *Thus, we are of the view that judicial orders of civil courts are not amenable to a writ of certiorari under Article 226. We are also in agreement with the view [Radhey Shyam v. Chhabi Nath, (2009) 5 SCC 616] of the referring Bench that a writ of mandamus does not lie against a private person not discharging any public duty. Scope of Article 227 is different from Article 226."*

121. This objection is required to be dealt with at the threshold. The general principle that a writ of mandamus lies only against a body performing a public function or discharging a public duty is well established. This principle has been reiterated *vide* judgment dated 23.07.2024 passed by this Court in ***Sanchit Gupta v. Union of India***, 2024 SCC OnLine Del 5880, in the context of a writ petition filed against a social media entity (X Corp, formerly known as Twitter). In the facts of the case, and considering the nature of grievance of the petitioner therein, it was observed that " *In the Court's opinion, Petitioner's legal recourse appears more appropriate for a claim breach of contract rather than a constitutional*

violation. The proper venue for addressing such a breach would be the civil courts, where contractual disputes are adjudicated. If the Petitioner believes that his rights under the policy of X Corp have been violated, pursuing this claim through civil litigation is advised, as the remedy for breach of contract lies therein. Thus, the writ petition challenging such actions on constitutional grounds is not maintainable." The Court held as under:

> ***"11.*** *In conclusion, despite its significant role in public discourse and the potential impact on public opinion and democratic engagement, 'X' does not perform a 'public function' in the strict legal sense intended under Article 226 of the Constitution. The platform operates as a private entity under private law and does not carry out any governmental duties or obligations. Therefore, it is not amenable to writ jurisdiction under Article 226 as currently interpreted by jurisprudence on this issue."*

122. However, the present proceedings are directed at enforcing the fundamental rights of the petitioners, originating from Article 21 of the Constitution, the rights that the Supreme Court in ***K.S. Puttaswamy v. Union of India***, (2017) 10 SCC 1, expressly recognized as operating against both State and non-State actors:

> ***"328.*** *Informational privacy is a facet of the right to privacy. The dangers to privacy in an age of information can originate not only from the State but from non-State actors as well…..…*
>
> *XXX XXX XXX*
>
> ***367.*** *Claims for protection of privacy interests can arise against the State and its instrumentalities and against non-State entities, such as, individuals acting in their private capacity and bodies corporate or unincorporated associations, etc., without any element of State participation. Apart from academic literature, different claims based on different asserted privacy interests have also found judicial support. Cases arose in various jurisdictions in the context of privacy interests based on (i) common law; (ii) statutory recognition; and (iii) constitutionally protected claims of the right to privacy.*

XXX XXX XXX

> ***644.*** *The right to privacy is a fundamental right. It is a right which protects the inner sphere of the individual from interference from both State and non-State actors and allows the individuals to make autonomous life choices."*

123. In exercise of its powers under Article 226, this Court can issue directions to the respondents, including private parties, since fundamental rights are enforceable even against persons other than the State or its instrumentalities. The Kerala High Court in ***Dejo Kappan v. Deccan Herald & Ors.*** 2024 SCC OnLine Ker 6494, referring to the judgment rendered by the Supreme Court in ***Kaushal Kishor* v. *State of U.P.***, (2023) 4 SCC 1, has held as under:

> ***"20.*** *In Kaushal Kishor v. State of U.P.[7], a Constitution Bench of the Supreme Court considered, inter alia, three issues in the context of the right to free speech guaranteed under the Constitution. They are: (i) whether the grounds specified in Article 19(2) in relation to which reasonable restrictions on the right to free speech can be imposed by law, were exhaustive in nature or whether restrictions on the right to free speech could be imposed on grounds not found in Article 19(2) by invoking other fundamental rights? (ii) whether the fundamental right under Article 19 or Article 21 of the Constitution can be claimed against persons other than the State or its instrumentalities? and (iii) whether the State is under a duty to affirmatively protect the rights of a person under Article 21 of the Constitution even against a threat to the liberty of a person by the acts or omissions of another person or private agency?*
>
> ***21.*** *…Issue (ii) was answered by considering the development of law in other countries and India and holding that a fundamental right under Articles 19 and 21 can be enforced even against persons other than the State or its instrumentalities. …."*

124. If the right to privacy, including informational privacy, operates against non-State actors, the jurisdiction of this Court under Article 226 to

enforce the said right cannot be ousted merely because the entity whose conduct causes the violation is a private entity. The violation of informational privacy by private commercial entities, operating at such extensive scale, 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 in precisely the domain where it is most acutely threatened, i.e. the digital domain.

125. Additionally, Google and Indian Kanoon as intermediaries, are subject to specific statutory obligations under Rule 3(1)(d) of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (*hereinafter* "IT Rules, 2021") which , upon receiving an order from a Court of competent jurisdiction, obliges intermediaries to not host, store or publish the information concerned. The scope of the present proceedings subsumes the issue as to whether such orders are required to be passed in the peculiar factual matrix. The same provides an independent and additional basis for the exercise of this Court's writ jurisdiction.

126. On the specific objection raised by the Media Houses, it may be noted that the primary relief being considered in these proceedings, is not a blanket restraint on publication or journalistic activities. What falls for consideration is whether any specific and narrowly tailored relief can be granted, *inter alia,* relating to the de-indexing of content that has become disproportionate and constitutionally unjustifiable in light of the legal outcomes of the underlying proceedings.

127. Further, reference in this regard may be placed on ***ABC v. Commissioner of Police***, 2013 SCC OnLine Del 449, wherein it was observed as under:

> *"**48.** In the light of the aforesaid discussion, I am of the view, that the press and the media perform a public function and discharge a public duty of: disseminating news, views & information; initiating and responding to debates; dealing with matters of current interest in the society in all fields such as politics, morality, law, crime, arts, sports, entertainment, science, philosophy, religion, etc. There is not an aspect related to human rights and human existence which is not dealt with by the press and the media. Considering the immense impact that the press and media has over the polity, in my view, it cannot be said that they do not perform a public function or discharge a public duty, inter alia, when they perform the act of reporting news. Their functions touch the lives of practically everyone. Their reach is very deep and pervasive. Infact, the audio-visual media creates an even greater impact in today's time with deeper & wider penetration all across the State. They command immense power of making, moulding, sustaining or even changing public opinion. The functions performed by the press & media are recognised by the State which, consequently, accords various rights & privileges to them.*
>
> ***49.** The controversy in the present case, as aforementioned, relates to the alleged disclosure of the identity of the petitioner's daughter, who had reported a case of alleged child sexual abuse against her own father, by the respondents herein. The duty of the respondents herein to maintain utmost secrecy and confidence in the matter of identity of the petitioner's daughter has not been disputed. Such a duty of the press & media stems from the need to prevent social obliteration and humiliation of the victim. The potential of the press and media to cause such harm is immense because the press and the media enjoy a position of trust in the society and also because of their reach. Any function/activity, alleged to be in violation of such duty, would fall within the ambit of scrutiny of this court exercising jurisdiction under Article 226, especially when the same is alleged to have infringed the fundamental rights of the victim. Therefore, the respondent nos. 2 and 3 are subject to the writ jurisdiction of this court in respect of the public function and public duty performed by them."*

128. The preliminary objection is accordingly rejected.

II. ON MERITS

129. In view of the rival submissions placed before this Court, the central issue that is required to be addressed at the outset is whether, and to what extent, the "right to be forgotten" finds recognition within the constitutional and legal framework, and whether it stands embedded within the right to privacy guaranteed under Article 21 of the Constitution. It is, therefore, apposite to first revisit the jurisprudence on the contours of the right to privacy.

The Right to Privacy and Informational Privacy under Article 21

130. The jurisprudence on privacy finds its early articulation in ***R. Rajagopal v. State of Tamil Nadu*** (1994) 6 SCC 632, popularly called the "Auto Shankar case." This judgment of the Supreme Court laid down foundational principles that continue to inform the discourse on privacy:

> *"9. 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 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 first aspect of this right must be said to have been violated where, for example, a person's name or likeness is used, without his consent, for advertising — or non-advertising — purposes or for that matter, his life story is written — whether laudatory or otherwise — and published without his consent as explained hereinafter. In recent times, however, this right has acquired a constitutional status.....*
>
> *XXX XXX XXX*

> *26. We may now summarise the broad principles flowing from the above discussion:*
> *(1) The right to privacy is implicit in the right to life and liberty guaranteed to the citizens of this country by Article 21. It is a "right to be let alone". A citizen has a right to safeguard the privacy of his own, his family, marriage, procreation, motherhood, child-bearing and education among other matters. None can publish anything concerning the above matters without his consent — whether truthful or otherwise and whether laudatory or critical. If he does so, he would be violating the right to privacy of the person concerned and would be liable in an action for damages. Position may, however, be different, if a person voluntarily thrusts himself into controversy or voluntarily invites or raises a controversy.*
> *(2) The rule aforesaid is subject to the exception, that any publication concerning the aforesaid aspects becomes unobjectionable if such publication is based upon public records including court records. This is for the reason that once a matter becomes a matter of public record, the right to privacy no longer subsists and it becomes a legitimate subject for comment by press and media among others. We are, however, of the opinion that in the interests of decency [Article 19(2)] an exception must be carved out to this rule, viz., a female who is the victim of a sexual assault, kidnap, abduction or a like offence should not further be subjected to the indignity of her name and the incident being publicised in press/media. …."*

131. The recognition of privacy, being implicit in Article 21, was further elaborated by the judgment rendered in ***PUCL v. Union of India***, (1997) 1 SCC 301. The Apex Court, examining the legality of telephone tapping and surveillance, affirmed privacy as integral to the dignity and liberty of the individual. The Court observed as under:

> *"**16**. In R. Rajagopal v. State of T.N. [(1994) 6 SCC 632] Jeevan Reddy, J. speaking for the Court observed that in recent times right to privacy has acquired constitutional status. The learned Judge referred to Kharak Singh case [(1964) 1 SCR 332 : AIR 1963 SC 1295] , Gobind case [(1975) 2 SCC 148 : 1975 SCC (Cri) 468] and considered a large number of American and English cases and finally came to the conclusion that "the right to privacy is implicit in the right to life and liberty guaranteed to the citizens of this country by Article 21. It is a 'right to be let alone'." A citizen has a right "to safeguard the privacy of*

his own, his family, marriage, procreation, motherhood, child-bearing and education among other matters".

***17**. We have, therefore, no hesitation in holding that right to privacy is a part of the right to "life" and "personal liberty" enshrined under Article 21 of the Constitution. Once the facts in a given case constitute a right to privacy, Article 21 is attracted. The said right cannot be curtailed "except according to procedure established by law".*

***18**. 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 right to privacy can be claimed or has been infringed in a given case would depend on the facts of the said case....*

XXX XXX XXX

***20.** India is a signatory to the International Covenant on Civil and Political Rights, 1966. Article 17 of the said covenant is as under:*
"Article 17
1. No one shall be subject to arbitrary or unlawful interference with his privacy, family, human or correspondence, nor to lawful attacks on his honour and reputation.
2. Everyone has the right to the protection of the law against such interference or attacks."
Article 12 of the Universal Declaration of Human Rights, 1948 is almost in similar terms."

132. The contours of privacy were further delineated in ***Mr. 'X' v. Hospital 'Z'***, (1998) 8 SCC 296, where the Supreme Court considered the delicate balance between individual privacy and public interest and held that the right to privacy is not an absolute right and may be restricted. The relevant portion reads as under:

*"**26**. As one of the basic Human Rights, the right of privacy is not treated as absolute and is subject to such action as may be lawfully taken for the prevention of crime or disorder or protection of health or morals or protection of rights and freedoms of others.*

***27**. Right of privacy may, apart from contract, also arise out of a particular specific relationship which may be commercial, matrimonial, or even political. As already discussed above, doctor-patient*

relationship, though basically commercial, is, professionally, a matter of confidence and, therefore, doctors are morally and ethically bound to maintain confidentiality. In such a situation, public disclosure of even true private facts may amount to an invasion of the right of privacy which may sometimes lead to the clash of one person's "right to be let alone" with another person's right to be informed.

28. *Disclosure of even true private facts has the tendency to disturb a person's tranquillity. It may generate many complexes in him and may even lead to psychological problems. He may, thereafter, have a disturbed life all through. In the face of these potentialities, and as already held by this Court in its various decisions referred to above, the right of privacy is an essential component of the right to life envisaged by Article 21. The right, however, is not absolute and may be lawfully restricted for the prevention of crime, disorder or protection of health or morals or protection of rights and freedom of others.*

XXX XXX XXX

44*. ..... where there is a clash of two Fundamental Rights, as in the instant case, namely, the appellant's right to privacy as part of right to life and Ms 'Y's right to lead a healthy life which is her Fundamental Right under Article 21, the right which would advance the public morality or public interest, would alone be enforced through the process of court, for the reason that moral considerations cannot be kept at bay and the Judges are not expected to sit as mute structures of clay in the hall known as the courtroom, but have to be sensitive, "in the sense that they must keep their fingers firmly upon the pulse of the accepted morality of the day". (See: Allen: Legal Duties)."*

133. In ***Sharda v. Dharmpal***, (2003) 4 SCC 493, the Supreme Court, referring to ***R. Rajagopal***(supra), ***PUCL*** (supra) and ***Gobind v. State of M.P.*** (1975) 2 SCC 148, observed as under:

*"**56**. With the expansive interpretation of the phrase "personal liberty", this right has been read into Article 21 of the Indian Constitution. (See R. Rajagopal v. State of T.N. [(1994) 6 SCC 632 : AIR 1995 SC 264] and People's Union for Civil Liberties v. Union of India [(1997) 1 SCC 301] .) In some cases the right has been held to amalgam of various rights.*

57. *But the right to privacy in terms of Article 21 of the Constitution is not an absolute right.*

58. *In Gobind v. State of M.P. [(1975) 2 SCC 148 : 1975 SCC (Cri) 468 : AIR 1975 SC 1378] it was held: (SCC p. 157, para 31)*

> *"Assuming that the fundamental rights explicitly guaranteed to a citizen have penumbral zones and that the right to privacy is itself a fundamental right, that fundamental right must be subject to restriction on the basis of compelling public interest."*
>
> ***59.*** *If there were a conflict between fundamental rights of two parties, that right which advances public morality would prevail. (See 'X' v. Hospital 'Z' [(1998) 8 SCC 296] and 'X' v. Hospital 'Z' [(2003) 1 SCC 500] .) In R. Rajagopal v. State of T.N. [(1994) 6 SCC 632 : AIR 1995 SC 264] this Court upon formulating six principles, however, hastened to add that they are only broad principles and neither exhaustive nor all-comprehending and indeed no such enunciation is possible or advisable."*

134. In ***District Registrar and Collector v. Canara Bank***, (2005) 1 SCC 496, the Supreme Court reiterated that the right to privacy is subject to reasonable restrictions and observed as under:

> *"**34.** Intrusion into privacy may be by — (1) legislative provisions, (2) administrative/executive orders, and (3) judicial orders. The legislative intrusions must be tested on the touchstone of reasonableness as guaranteed by the Constitution and for that purpose the court can go into the proportionality of the intrusion vis-à-vis the purpose sought to be achieved. (2) So far as administrative or executive action is concerned, it has again to be reasonable having regard to the facts and circumstances of the case. (3) As to judicial warrants, the court must have sufficient reason to believe that the search or seizure is warranted and it must keep in mind the extent of search or seizure necessary for the protection of the particular State interest. In addition, as stated earlier, common-law-recognised rare exceptions such as where warrantless searches could be conducted but these must be in good faith, intended to preserve evidence or intended to prevent sudden danger to person or property.*
>
> *XXX XXX XXX*
>
> ***39.*** *We have referred in detail to the reasons given by Mathew, J. in Gobind [(1975) 2 SCC 148 : 1975 SCC (Cri) 468] to show that, the right to privacy has been implied in Articles 19(1)(a) and (d) and Article 21; that, the right is not absolute and that any State intrusion can be a reasonable restriction only if it has reasonable basis or reasonable materials to support it.*
>
> ***40.*** *A two-Judge Bench in R. Rajagopal v. State of T.N. [(1994) 6 SCC 632] held the right of privacy to be implicit in the right to life and liberty guaranteed to the citizens of India by Article 21. "It is the right to be let*

alone." Every citizen has a right to safeguard the privacy of his own. However, in the case of a matter being part of public records, including court records, the right of privacy cannot be claimed. The right to privacy has since been widely accepted as implied in our Constitution, in other cases, namely, People's Union for Civil Liberties v. Union of India [(1997) 1 SCC 301] , 'X' v. Hospital 'Z' [(1998) 8 SCC 296] , People's Union for Civil Liberties v. Union of India [(2003) 4 SCC 399] and Sharda v. Dharmpal [(2003) 4 SCC 493] ."

135. In the landmark judgment rendered in ***K.S. Puttaswamy (Privacy-9J.) v. Union of India,*** (2017) 10 SCC 1, Dr. D.Y. Chandrachud, J, delineating the concept of privacy, observed as under:

*"**127**. .....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. Privacy recognises the autonomy of the individual and the right of every person to make essential choices which affect the course of life. In doing so privacy recognises that living a life of dignity is essential for a human being to fulfil the liberties and freedoms which are the cornerstone of the Constitution. To recognise the value of privacy as a constitutional entitlement and interest is not to fashion a new fundamental right by a process of amendment through judicial fiat. Neither are the Judges nor is the process of judicial review entrusted with the constitutional responsibility to amend the Constitution. But judicial review certainly has the task before it of determining the nature and extent of the freedoms available to each person under the fabric of those constitutional guarantees which are protected. Courts have traditionally discharged that function and in the context of Article 21 itself, as we have already noted, a panoply of protections governing different facets of a dignified existence has been held to fall within the protection of Article 21.*

XXX XXX XXX

***298.** Privacy of the individual is an essential aspect of dignity. Dignity has both an intrinsic and instrumental value. As an intrinsic value, human dignity is an entitlement or a constitutionally protected interest in itself. In its instrumental facet, dignity and freedom are inseparably intertwined, each being a facilitative tool to achieve the other. The ability of the individual to protect a zone of privacy enables the realisation of the full value of life and liberty. Liberty has a broader meaning of which privacy is a subset. All liberties may not be exercised in privacy. Yet*

others can be fulfilled only within a private space. Privacy enables the individual to retain the autonomy of the body and mind. The autonomy of the individual is the ability to make decisions on vital matters of concern to life. Privacy has not been couched as an independent fundamental right. But that does not detract from the constitutional protection afforded to it, once the true nature of privacy and its relationship with those fundamental rights which are expressly protected is understood. Privacy lies across the spectrum of protected freedoms.....
The Constitution does not contain a separate article telling us that privacy has been declared to be a fundamental right. Nor have we tagged the provisions of Part III with an alpha-suffixed right to privacy : this is not an act of judicial redrafting. Dignity cannot exist without privacy. Both reside within the inalienable values of life, liberty and freedom which the Constitution has recognised. Privacy is the ultimate expression of the sanctity of the individual. It is a constitutional value which straddles across the spectrum of fundamental rights and protects for the individual a zone of choice and self-determination.

299. *Privacy represents the core of the human personality and recognises the ability of each individual to make choices and to take decisions governing matters intimate and personal..... Privacy at a subjective level is a reflection of those areas where an individual desires to be left alone. On an objective plane, privacy is defined by those constitutional values which shape the content of the protected zone where the individual ought to be left alone. The notion that there must exist a reasonable expectation of privacy ensures that while on the one hand, the individual has a protected zone of privacy, yet on the other, the exercise of individual choices is subject to the rights of others to lead orderly lives. For instance, an individual who possesses a plot of land may decide to build upon it subject to zoning regulations. If the building bye-laws define the area upon which construction can be raised or the height of the boundary wall around the property, the right to privacy of the individual is conditioned by regulations designed to protect the interests of the community in planned spaces. Hence while the individual is entitled to a zone of privacy, its extent is based not only on the subjective expectation of the individual but on an objective principle which defines a reasonable expectation.*

XXX XXX XXX

313. *Privacy has been held to be an intrinsic element of the right to life and personal liberty under Article 21 and as a constitutional value which is embodied in the fundamental freedoms embedded in Part III of the Constitution. Like the right to life and liberty, privacy is not absolute. The limitations which operate on the right to life and personal liberty would operate on the right to privacy. Any curtailment or deprivation of*

that right would have to take place under a regime of law. The procedure established by law must be fair, just and reasonable. The law which provides for the curtailment of the right must also be subject to constitutional safeguards.

XXX XXX XXX

320. *Privacy is a constitutionally protected right which emerges primarily from the guarantee of life and personal liberty in Article 21 of the Constitution. Elements of privacy also arise in varying contexts from the other facets of freedom and dignity recognised and guaranteed by the fundamental rights contained in Part III.*

321. *Judicial recognition of the existence of a constitutional right to privacy is not an exercise in the nature of amending the Constitution nor is the Court embarking on a constitutional function of that nature which is entrusted to Parliament.*

322*. Privacy is the constitutional core of human dignity. Privacy has both a normative and descriptive function. At a normative level privacy subserves those eternal values upon which the guarantees of life, liberty and freedom are founded. At a descriptive level, privacy postulates a bundle of entitlements and interests which lie at the foundation of ordered liberty.*

323*. Privacy includes at its core the preservation of personal intimacies, the sanctity of family life, marriage, procreation, the home and sexual orientation. Privacy also connotes a right to be left alone. Privacy safeguards individual autonomy and recognises the ability of the individual to control vital aspects of his or her life. Personal choices governing a way of life are intrinsic to privacy. Privacy protects heterogeneity and recognises the plurality and diversity of our culture. While the legitimate expectation of privacy may vary from the intimate zone to the private zone and from the private to the public arenas, it is important to underscore that privacy is not lost or surrendered merely because the individual is in a public place. Privacy attaches to the person since it is an essential facet of the dignity of the human being.*

324*. This Court has not embarked upon an exhaustive enumeration or a catalogue of entitlements or interests comprised in the right to privacy. The Constitution must evolve with the felt necessities of time to meet the challenges thrown up in a democratic order governed by the Rule of Law.....*

325*. Like other rights which form part of the fundamental freedoms protected by Part III, including the right to life and personal liberty*

under Article 21, privacy is not an absolute right. A law which encroaches upon privacy will have to withstand the touchstone of permissible restrictions on fundamental rights. In the context of Article 21 an invasion of privacy must be justified on the basis of a law which stipulates a procedure which is fair, just and reasonable. The law must also be valid with reference to the encroachment on life and personal liberty under Article 21. An invasion of life or personal liberty must meet the threefold requirement of (i) legality, which postulates the existence of law; (ii) need, defined in terms of a legitimate State aim; and (iii) proportionality which ensures a rational nexus between the objects and the means adopted to achieve them."

136. In ***K.S. Puttaswamy***(supra), S.A Bobde, J elaborated upon the concept of privacy in the following words:

*"**402**. "Privacy" is "[t]he condition or state of being free from public attention to intrusion into or interference with one's acts or decisions" [Black's Law Dictionary (Bryan Garner Edition) 3783 (2004)] . The right to be in this condition has been described as "the right to be let alone" [Samuel D. Warren and Louis D. Brandeis, "The Right To Privacy", 4 HARV L REV 193 (1890)] . What seems to be essential to privacy is the power to seclude oneself and keep others from intruding it in any way. These intrusions may be physical or visual, and may take any of several forms including peeping over one's shoulder to eavesdropping directly or through instruments, devices or technological aids.*

XXX XXX XXX

***405.** Privacy, that is to say, the condition arrived at after excluding other persons, is a basic prerequisite for exercising the liberty and the freedom to perform that activity. The inability to create a condition of selective seclusion virtually denies an individual the freedom to exercise that particular liberty or freedom necessary to do that activity.*

***406**. It is not possible to truncate or isolate the basic freedom to do an activity in seclusion from the freedom to do the activity itself. The right to claim a basic condition like privacy in which guaranteed fundamental rights can be exercised must itself be regarded as a fundamental right. Privacy, thus, constitutes the basic, irreducible condition necessary for the exercise of "personal liberty" and freedoms guaranteed by the Constitution. It is the inarticulate major premise in Part III of the Constitution.*

XXX XXX XXX

> ***415.*** *Therefore, privacy is the necessary condition precedent to the enjoyment of any of the guarantees in Part III. As a result, when it is claimed by rights bearers before constitutional courts, a right to privacy may be situated not only in Article 21, but also simultaneously in any of the other guarantees in Part III. In the current state of things, Articles 19(1), 20(3), 25, 28 and 29 are all rights helped up and made meaningful by the exercise of privacy. This is not an exhaustive list. Future developments in technology and social ordering may well reveal that there are yet more constitutional sites in which a privacy right inheres that are not at present evident to us.*
>
> *XXX XXX XXX*
>
> ***428.2.*** *The right to privacy is inextricably bound up with all exercises of human liberty—both as it is specifically enumerated across Part III, and as it is guaranteed in the residue under Article 21. It is distributed across the various Articles in Part III and, mutatis mutandis, takes the form of whichever of their enjoyment its violation curtails.*
>
> ***428.3****. Any interference with privacy by an entity covered by Article 12's description of the "State" must satisfy the tests applicable to whichever one or more of the Part III freedoms the interference affects."*

137. The contours of the right to privacy as explained in ***K.S. Puttaswamy*** (supra), by R.F Nariman, J, are reproduced as under:

> *"**521.** In the Indian context, a fundamental right to privacy would cover at least the following three aspects:*
> *• Privacy that involves the person i.e. when there is some invasion by the State of a person's rights relatable to his physical body, such as the right to move freely;*
> *• Informational privacy which does not deal with a person's body but deals with a person's mind, and therefore recognises that an individual may have control over the dissemination of material that is personal to him. Unauthorised use of such information may, therefore lead to infringement of this right; and*
> *• The privacy of choice, which protects an individual's autonomy over fundamental personal choices.*
> *For instance, we can ground physical privacy or privacy relating to the body in Articles 19(1)(d) and (e) read with Article 21; ground personal information privacy under Article 21; and the privacy of choice in Articles 19(1)(a) to (c), 20(3), 21 and 25. The argument based on "privacy" being a vague and nebulous concept need not, therefore, detain us.*

XXX XXX XXX

> ***525***. *..... In the ultimate analysis, the fundamental right to privacy, which has so many developing facets, can only be developed on a case-to-case basis. Depending upon the particular facet that is relied upon, either Article 21 by itself or in conjunction with other fundamental rights would get attracted.*
>
> ***526***. *But this is not to say that such a right is absolute. This right is subject to reasonable regulations made by the State to protect legitimate State interests or public interest. However, when it comes to restrictions on this right, the drill of various articles to which the right relates must be scrupulously followed. For example, if the restraint on privacy is over fundamental personal choices that an individual is to make, State action can be restrained under Article 21 read with Article 14 if it is arbitrary and unreasonable; and under Article 21 read with Article 19(1)(a) only if it relates to the subjects mentioned in Article 19(2) and the tests laid down by this Court for such legislation or subordinate legislation to pass muster under the said article. Each of the tests evolved by this Court, qua legislation or executive action, under Article 21 read with Article 14; or Article 21 read with Article 19(1)(a) in the aforesaid examples must be met in order that State action pass muster. In the ultimate analysis, the balancing act that is to be carried out between individual, societal and State interests must be left to the training and expertise of the judicial mind."*

138. The understanding of the right to privacy was further clarified by A.M. Sapre, J in his concurring opinion in ***K.S. Puttaswamy*** (supra). The same reads as under:

> *"**557.** In my considered opinion, "right to privacy of any individual" is essentially a natural right, which inheres in every human being by birth. Such right remains with the human being till he/she breathes their last. It is indeed inseparable and inalienable from human being. In other words, it is born with the human being and extinguishes with human being.*
>
> *XXX XXX XXX*
>
> ***559.*** *"Right to privacy" is not defined in law except in the dictionaries. The courts, however, by process of judicial interpretation, have assigned meaning to this right in the context of specific issues involved on case-to-case basis.*
>
> ***560.*** *The most popular meaning of "right to privacy" is—"the right to be*

let alone".In Gobind v. State of M.P. [Gobind v. State of M.P., (1975) 2 SCC 148 : 1975 SCC (Cri) 468] , K.K. Mathew, J. noticed multiple facets of this right (paras 21-25) and then gave a rule of caution while examining the contours of such right on case-to-case basis.

XXX XXX XXX

***565.** In all the aforementioned cases, the question of "right to privacy" was examined in the context of specific grievances made by the citizens wherein their Lordships, inter alia, ruled that firstly, "right to privacy" has multiple facets and though such right can be classified as a part of fundamental right emanating from Articles 19(1)(a) and (d) and Article 21, yet it is not absolute, and secondly, it is always subject to certain reasonable restrictions on the basis of compelling social, moral and public interest and lastly, any such right when asserted by the citizen in the court of law then it has to go through a process of case-to-case development.*

***566**. I, therefore, do not find any difficulty in tracing the "right to privacy" emanating from the two expressions of the Preamble, namely, "liberty of thought, expression, belief, faith and worship" and "Fraternity assuring the dignity of the individual" and also emanating from Article 19(1)(a) which gives to every citizen "a freedom of speech and expression" and further emanating from Article 19(1)(d) which gives to every citizen "a right to move freely throughout the territory of India" and lastly, emanating from the expression "personal liberty" under Article 21. Indeed, the right to privacy is inbuilt in these expressions and flows from each of them and in juxtaposition.*

***567.** In view of the foregoing discussion, my answer to Question 2 is that "right to privacy" is a part of fundamental right of a citizen guaranteed under Part III of the Constitution. However, it is not an absolute right but is subject to certain reasonable restrictions, which the State is entitled to impose on the basis of social, moral and compelling public interest in accordance with law.*

***568.** Similarly, I also hold that the "right to privacy" has multiple facets, and, therefore, the same has to go through a process of case-to-case development as and when any citizen raises his grievance complaining of infringement of his alleged right in accordance with law."*

139. In his concurring opinion in ***K.S. Puttaswamy*** (supra), Sanjay Kishan Kaul, J added a distinct dimension to the discourse on privacy. The relevant paragraphs are reproduced as under:

*"**576**. "The right to be", though not extinguished for an individual, as the society evolved, became hedged in by the complexity of the norms. There has been a growing concern of the impact of technology which breaches this "right to be" or privacy — by whatever name we may call it.*

***577**. The importance of privacy may vary from person to person dependent on his/her approach to society and his concern for being left alone or not. That some people do not attach importance to their privacy cannot be the basis for denying recognition to the right to privacy as a basic human right.*

***578**. It is not India alone, but the world that recognises the right to privacy as a basic human right. The Universal Declaration of Human Rights to which India is a signatory, recognises privacy as an international human right. The importance of this right to privacy cannot be diluted and the significance of this is that the legal conundrum was debated and is to be settled in the present reference by a nine-Judge Constitution Bench.*

XXX XXX XXX

***582.** Privacy is an inherent right. It is thus not given, but already exists. It is about respecting an individual and it is undesirable to ignore a person's wishes without a compelling reason to do so.*

***583**. The right to privacy may have different aspects starting from "the right to be let alone" in the famous article by Samuel Warren and Louis D. Brandeis [The Right to Privacy, (1890) 4 Harv L Rev 193.] . One such aspect is an individual's right to control dissemination of his personal information. There is nothing wrong in individuals limiting access and their ability to shield from unwanted access. This aspect of the right to privacy has assumed particular significance in this information age and in view of technological improvements. A person-hood would be a protection of one's personality, individuality and dignity. [Daniel Solove, "10 Reasons Why Privacy Matters" published on 20-1-2014 <https://www.teachprivacy.com/10-reasons-privacy-matters/>.]*
However, no right is unbridled and so is it with privacy. We live in a society/community. Hence, restrictions arise from the interests of the community, State and from those of others. Thus, it would be subject to certain restrictions which I will revert to later.

XXX XXX XXX

***619.** Privacy is also the key to freedom of thought. A person has a right to think. The thoughts are sometimes translated into speech but confined*

to the person to whom it is made. For example, one may want to criticise someone but not share the criticism with the world.

XXX XXX XXX

***621**. Dr D.Y. Chandrachud, J., notes that recognising a zone of privacy is but an acknowledgment that each individual must be entitled to chart and pursue the course of development of their personality. Rohinton F. Nariman, J., recognises informational privacy which recognises that an individual may have control over the dissemination of material which is personal to him. Recognised thus, from the right to privacy in this modern age emanate certain other rights such as the right of individuals to exclusively commercially exploit their identity and personal information, to control the information that is available about them on the "world wide web" and to disseminate certain personal information for limited purposes alone.*

XXX XXX XXX

***639.** The right to privacy as already observed is not absolute. The right to privacy as falling in Part III of the Constitution may, depending on its variable facts, vest in one part or the other, and would thus be subject to the restrictions of exercise of that particular fundamental right. ...*

XXX XXX XXX

***644.** The right to privacy is a fundamental right. It is a right which protects the inner sphere of the individual from interference from both State and non-State actors and allows the individuals to make autonomous life choices."*

140. The nine-Judge Bench in ***K.S. Puttaswamy*** (supra), thus settled the position that privacy is a constitutionally guaranteed right, integral to life and personal liberty under Article 21 and extends across the spectrum of fundamental freedoms enshrined in Part III of the Constitution. At the same time, the Court underscored that the right is not absolute and is subject to reasonable restrictions. Any invasion of privacy must be sanctioned by law, and such law must meet the standards of fairness, justice, and reasonableness. Restrictions are permissible only when they serve legitimate State or public interests, and every encroachment must withstand

constitutional scrutiny by satisfying the tests of legality, necessity, and proportionality.

The Right to be Forgotten as a Facet of Informational Privacy

141. The right to be forgotten, understood as subsuming the right of an individual to seek 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.

142. Kaul J. expressly acknowledged this right in ***K.S. Puttaswamy*** (supra). While delineating upon the informational aspect of privacy, he emphasised the individual's right to control personal data and highlighted the concept of the "right to be forgotten", as follows:

> ***"629.*** *The right of an individual to exercise control over his personal data and to be able to control his/her own life would also encompass his right to control his existence on the internet. Needless to say that this would not be an absolute right. The existence of such a right does not imply that a criminal can obliterate his past, but that there are variant degrees of mistakes, small and big, and it cannot be said that a person should be profiled to the nth extent for all and sundry to know.*
>
> *XXX XXX XXX*
>
> ***631.*** *The impact of the digital age results in information on the internet being permanent. Humans forget, but the internet does not forget and does not let humans forget. Any endeavour to remove information from the internet does not result in its absolute obliteration. The footprints remain. It is thus, said that in the digital world preservation is the norm and forgetting a struggle.*
>
> *XXX XXX XXX*
>
> ***634****. People change and an individual should be able to determine the path of his life and not be stuck only on a path of which he/she treaded initially. An individual should have the capacity to change his/her beliefs and evolve as a person. Individuals should not live in fear that the views they expressed will forever be associated with them and thus refrain from*

expressing themselves.

> ***635****. Whereas this right to control dissemination of personal information in the physical and virtual space should not amount to a right of total eraser of history, this right, as a part of the larger right to privacy, has to be balanced against other fundamental rights like the freedom of expression, or freedom of media, fundamental to a democratic society.*
>
> ***636.*** *Thus, the European Union Regulation of 2016 [Regulation No. (EU) 2016/679 of the European Parliament and of the Council of 27-4-2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive No. 95/46/EC (General Data Protection Regulation).] has recognised what has been termed as "the right to be forgotten". This does not mean that all aspects of earlier existence are to be obliterated, as some may have a social ramification. If we were to recognise a similar right, it would only mean that an individual who is no longer desirous of his personal data to be processed or stored, should be able to remove it from the system where the personal data/information is no longer necessary, relevant, or is incorrect and serves no legitimate interest. Such a right cannot be exercised where the information/data is necessary, for exercising the right of freedom of expression and information, for compliance with legal obligations, for the performance of a task carried out in public interest, on the grounds of public interest in the area of public health, for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes, or for the establishment, exercise or defence of legal claims. Such justifications would be valid in all cases of breach of privacy, including breaches of data privacy."*

143. In ***Vysakh K.G. v. Union of India***, 2022 SCC OnLine Ker 7337, the Kerala High Court traced the "right to be forgotten" and defined its various facets including the right to rehabilitation, the right to erasure/deletion, the right to delisting/de-indexing, the right to obscurity, and the right to oblivion. The Court at paragraph 61 of the said judgment noted that the right to delisting is the right of individuals to request search engines to de-link web pages containing personal information about them, where the information is inaccurate, inadequate, irrelevant or excessive for the purposes of the data processing. It was observed as under:

*"**58**. The recognition of this right to be forgotten is further supported by the General Data Protection Regulation (GDPR) which supersedes Directive 95/46/EC and expressly recognises this right. Article 17 of the GDPR lays down when a data subject can exercise the right of erasure, the obligation of data controllers to erase links to third-party websites, and the exceptions to the when the right can be exercised.*

***59.** The right to be forgotten is derived from the broader category of the right to privacy. Cécile de Terwangne in her paper "Internet Privacy and the Right to be Forgotten/Right to Oblivion",defines the right to be forgotten as 'the right for natural persons to have information about them deleted after a certain period of time.' The basis of this right to be forgotten being 'internet privacy', this concept relates to individual autonomy, rather than secrecy or intimacy. Terwangner writes:*

> *In the context of the Internet this dimension of privacy means informational autonomy or informational self determination. The Internet handles huge quantities of information relating to individuals. Such personal data are frequently processed : it is disclosed, disseminated, shared, selected, downloaded, registered and used in all kinds of ways. In this sense, the individual autonomy is in direct relation to personal information. Information self determination means the control over one's personal information, the individual's right to decide which information about themselves will be disclosed, to whom and for what purpose.*

***60.** The right to be forgotten consists of various facets or forms of rights which is important in defining the extent of this right. Professors W. Gregory Voss And Celine Castets-Renard's in their paper "Proposal For An International Taxonomy On The Various Forms of The "Right To Be Forgotten" : A Study On The Convergence of Norms" categorize the right to be forgotten into five different rights. The 'right to rehabilitation' is a right that existed prior to the digital age and refers to social reintegration subsequent to a judicial conviction. Legislation in the United Kingdom, France, the United States etc. provides for the erasure of conviction records subject to the fulfillment of certain conditions. The 'right to erasure/deletion' is a right provided by data protection legislation. It allows for the erasure of personal data where it is inaccurate or obsolete. Article 17 of the GDPR sets out this right to erasure when the data collected is no longer relevant for the purposes it was originally processed, where consent is withdrawn by data subject etc. This right is subject to freedom of speech and expression, public*

interest in the area of public health, archiving for public interest etc. This right to erasure/deletion is not a general right and applies only in the limited cases enumerated in the data protection law. The authors Voss and Renard write that the right to erasure/deletion 'is not an overarching right to be forgotten, but merely the possibility to have data deleted in certain circumstances'.

61. *The 'right to delisting' and 'right to oblivion' are facets of the right to be forgotten in the digital context. The right to delisting or de-indexing is the right of individuals to request search engines to delink web pages containing personal information about them. The authors Voss and Renard write:*

> *This applies where the information is inaccurate, inadequate, irrelevant or excessive for the purposes of the data processing. This right operates in the context of search engines' processing of personal data and, which are considered as "controllers" under Directive 95/46170. The CJEU's decision involves a mere right to delisting (and not to be completely forgotten) because the court orders the erasure of web links, but not the related article. In other words, "the source is preserved". Finally, in order to recognize a right to delisting, neither the economic interest of the operator of the search engine nor the interest of the general public in having access to that information shall prevail over the data subject's reputation and privacy.*

62*. Whereas, the 'right to obscurity' according to the authors refers to making personal information relatively hard to find. According to Hartzog and Stutzman, information is obscure online if it lacks one or more key factors i.e. search visibility, unprotected access, identification, or clarity that are essential for its discovery or comprehension. However, there is no legal recognition of this right at present. [See Woodrow Hartzog & Frederic Stutzman, The Case for Online Obscurity, 101 CALIF, L. REV. 1, 4 (Feb. 2013).]*

63*. The last categorisation of the right is the 'right to oblivion' which allows individuals to demand the deletion of personal information collected by information society services. An example of this right can be seen in the personal data protection law of Nicaragua. The authors Voss and Renard, with regard to the right to oblivion, write:*

> *The right to oblivion of data collected by information society services is a real right to be forgotten which can be exercised without the condition of providing evidence. It is not necessary to prove that the data are irrelevant, out-of-*

date, or illegal. Besides, it is not merely a right to obscurity, because the data are deleted. Therefore, it is a broad right to obtain the erasure, meeting a social demand for this right, especially with respect to social network services."

144. In view of the above, "right to be forgotten" can be understood as a broader manifestation of the right to privacy, as Cécile de Terwangne has observed[1], "*In the context of the Internet this dimension of privacy means informational autonomy or informational self determination.....Information self determination means the control over one's personal information, the individual's right to decide which information about themselves will be disclosed, to whom and for what purpose*." This observation highlights that privacy in the digital age is not merely about seclusion, but about active control over the circulation of personal data.

145. The right to be forgotten thus reflects the evolution of privacy in response to the permanence of online information. In a society where digital records are virtually indelible, the ability to seek erasure ensures that informational self-determination remains effective. It protects individuals from perpetual exposure to past events that may no longer bear relevance, while preserving their dignity and autonomy in the society.

146. India presently lacks a comprehensive statutory framework explicitly governing the right to be forgotten. However, the absence of specific legislation does not preclude Constitutional Courts from recognizing and enforcing this right.[2]

---

[1] As quoted in paragraph 59 of ***Vysakh K.G.*** (supra)

[2] ***Vishaka v. State of Rajasthan***, (1997) 6 SCC 241:
" Right to life means life with dignity. The primary responsibility for ensuring such safety and dignity through suitable legislation, and the creation of a mechanism for its enforcement, is of the legislature and

III. THE PRINCIPLE OF 'OPEN JUSTICE'

147. The recognition of the "right to be forgotten" inevitably brings into focus the questions revolving around the interplay between the individual's 'right to privacy' and the public's 'right to information' or the 'right to know'. While privacy safeguards informational autonomy, the 'right to know' ensures transparency, accountability and the free flow of information.

148. In ***Vysakh K.G***. (supra), the High Court of Kerala, dealing with the transparency in judicial functions, referred to the judgments rendered by the Supreme Court in ***Supreme Court Advocates on Record Association v. Union of India***(2016) 5 SCC 1 and **S*wapnil Tripathi v. Supreme Court of India*** (2018) 10 SCC 639 and observed as under:

> *"**48.** The independence of the judiciary cannot be assessed in isolation of its functioning. The functioning of the judiciary, on both administrative and judicial sides, must carry the edifice of the democratic character to sustain public confidence. Accordingly, Courts in India generally follow an open Court justice system. The closed-door justice system is a challenge to public confidence.*
>
> ***49.** In Supreme Court Advocates on Record Association v. Union of India [(2016) 5 SCC 1], the Court opined on judicial function and public confidence as follows:*
>
> > *Indisputably, this concept of independence of judiciary which is inextricably linked and connected with the constitutional process related to the functioning of judiciary is a "fixed-star" in our constitutional consultation and its voice centres around the philosophy of the Constitution. The basic postulate of this concept is to have a more effective judicial system with its full vigour and vitality so as to secure and strengthen the imperative confidence of the people in the administration of justice.*

---

the executive. When, however, instances of sexual harassment resulting in violation of fundamental rights of women workers under Articles 14, 19 and 21 are brought before us for redress under Article 32, an effective redressal requires that some guidelines should be laid down for the protection of these rights to fill the legislative vacuum."

> ***50.*** *The functioning of the Court and public confidence are mutually interlinked to ensure the independence of the judiciary and augur confidence about the judges who are administering justice. The judiciary cannot ignore measures to gain public confidence and is compelled to adopt steps for enhancing transparency in its functioning.... ... ... In Swapnil Tripathi v. Supreme Court of India [(2018) 10 SCC 639], the Apex Court in the context of live-streaming of Court proceedings, elaborated the concept of open justice, judicial accountability and transparency and opined as follows:*
>
> > *As no person can be heard to plead ignorance of law, there is corresponding obligation on the State to spread awareness about the law and the developments thereof including the evolution of the law which may happen in the process of adjudication of cases before this Court. The right to know and receive information, it is by now well settled, is a facet of Article 19(1)(a) of the Constitution and for which reason the public is entitled to witness Court proceedings involving issues having an impact on the public at large or a section of the public, as the case may be. This right to receive information and be informed is buttressed by the value of dignity of the people. One of the proponents has also highlighted the fact that litigants involved in large number of cases pending before the Courts throughout the country will be benefitted if access to Court proceedings is made possible by way of live streaming of Court proceedings. That would increase the productivity of the country, since scores of persons involved in litigation in the Courts in India will be able to avoid hearings and instead can attend to their daily work without taking leave."*

149. In ***Sahara India Real Estate Corp. Ltd. v. SEBI***, (2012) 10 SCC 603, the Supreme Court affirmed that "*Open Justice is the cornerstone of our judicial system. It instils faith in the judicial and legal system*." At the same time, the Court held that *"the right to open justice is not absolute. There can be exceptions in the interest of administration of justice."* The Court traced this to the nine-Judge Bench decision in ***Naresh Shridhar Mirajkar v. State of Maharashtra***, AIR 1967 SC 1, which established that courts have

inherent power to restrict publication where the administration of justice so demands.

‘Open Justice’ and its Limitations in the Digital Age

150. The conflict between the individual’s right to privacy and the principle of open justice is not unprecedented but it acquires a qualitatively different character in the digital age.

151. As held in ***Sahara India*** (supra), the principle of open justice is not absolute, and there can be exceptions in the interest of administration of justice. It has been observed therein:

> ***“31.*** *In Naresh Shridhar Mirajkar v. State of Maharashtra [AIR 1967 SC 1] this Court dealt with the power of a court to conduct court proceedings in camera under its inherent powers and also to incidentally prohibit publication of the court proceedings or evidence of the cases outside the court by the media. It may be stated that “Open Justice” is the cornerstone of our judicial system. It instils faith in the judicial and legal system. However, the right to open justice is not absolute. It can be restricted by the court in its inherent jurisdiction as done in Mirajkar case [AIR 1967 SC 1] if the necessities of administration of justice so demand [see Kehar Singh v. State (Delhi Admn.) [(1988) 3 SCC 609 : 1988 SCC (Cri) 711 : AIR 1988 SC 1883]]. Even in the US, the said principle of open justice yields to the said necessities of administration of justice (see Globe Newspaper Co. v. Superior Court [73 L Ed 2d 248 : 457 US 596 (1982)]). The entire law has been reiterated once again in the judgment of this Court in Mohd. Shahabuddin v. State of Bihar [(2010) 4 SCC 653 : (2010) 2 SCC (Cri) 904] , affirming the judgment of this Court in Mirajkar case [AIR 1967 SC 1] .*
>
> ***32.*** *Thus, the principle of open justice is not absolute. There can be exceptions in the interest of administration of justice. …”*

152. It is in the digital sphere that the tension between transparency and privacy acquires its sharpest edge, for the structure of online platforms

determines how information is disseminated, magnified and preserved in public memory. As Justice Sanjay Kishan Kaul observed in ***K.S. Puttaswamy*** (supra), "*There has been a growing concern of the impact of technology which breaches this "right to be" or privacy — by whatever name we may call it. ….This aspect of the right to privacy has assumed particular significance in this information age and in view of technological improvements. ….The impact of the digital age results in information on the internet being permanent. Humans forget, but the internet does not forget and does not let humans forget.*"

153. Thus, the permanence of the internet has fundamentally altered the equation. A judgment that previously reposed in the Court records, accessible only to the diligent searcher, is now instantly retrievable by any person who enters a 'party name' into a search engine.

154. Transparency is undoubtedly an essential pillar of a strong and independent judicial system. As noticed hereinabove, in ***Vysakh K.G.*** (supra), the Kerala High Court, relying upon ***Supreme Court Advocates on Record Association*** (supra) and ***Swapnil Tripathi*** (supra), recognized that the functioning of Courts and public confidence are mutually interlinked, and that the right to know and receive information is a facet of Article 19(1)(a).

155. While the principle of transparency is integral to judicial independence and accountability, it cannot be pursued in isolation from the protection of individual dignity and privacy. Recognizing the same, ***K.S. Puttaswamy*** (supra), referring to ***Bihar Public Service Commission v. Saiyed Hussain Abbas Rizwi***, (2012) 13 SCC 61, observed as under:

"91. *The judgment of a Bench of two Judges of this Court in Bihar Public Service Commission v. Saiyed Hussain Abbas Rizwi [Bihar Public Service Commission v. Saiyed Hussain Abbas Rizwi, (2012) 13 SCC 61 : (2014) 2 SCC (Civ) 131] dealt with the provisions of Section 8(1)(g) of the Right to Information Act, 2005. A person claiming to be a public-spirited citizen sought information under the statute from the Bihar Public Service Commission on a range of matters relating to interviews conducted by it on two days. The Commission disclosed the information save and except for the names of the interview board. The High Court directed [Saiyed Hussain Abbas Rizwi v. State Information Commission, 2011 SCC OnLine Pat 1247 : (2011) 2 PLJR 663] disclosure. Section 8(1)(g) provides an exemption from disclosure of information of the following nature : (Saiyed Hussain case [Bihar Public Service Commission v. Saiyed Hussain Abbas Rizwi, (2012) 13 SCC 61 : (2014) 2 SCC (Civ) 131] , SCC p. 72, para 21)*

> *"21. … 'information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement and security purposes.' "*
>
> *Swatanter Kumar, J. speaking for the Court, held thus : (SCC p. 74, para 23)*
>
> *"23. … Certain matters, particularly in relation to appointment, are required to be dealt with great confidentiality. The information may come to knowledge of the authority as a result of disclosure by others who give that information in confidence and with complete faith, integrity and fidelity. Secrecy of such information shall be maintained, thus, bringing it within the ambit of fiduciary capacity. Similarly, there may be cases where the disclosure has no relationship to any public activity or interest or it may even cause unwarranted invasion of privacy of the individual. All these protections have to be given their due implementation as they spring from statutory exemptions. It is not a decision simpliciter between private interest and public interest. It is a matter where a constitutional protection is available to a person with regard to the right to privacy. Thus, the public interest has to be construed while keeping in mind the balance factor between right to privacy and right to information with the purpose sought to be achieved and the purpose that would be served in the larger public interest, particularly when both*

> *these rights emerge from the constitutional values under the Constitution of India."*
>
> *(emphasis supplied)*
>
> *Significantly, though the Court was construing the text of a statutory exemption contained in Section 8, it dwelt on the privacy issues involved in the disclosure of information furnished in confidence by adverting to the constitutional right to privacy."*

156. The resolution of this conflict requires a distinction to be made between the existence and accessibility of judicial records and their name-based digital searchability. 'Open justice' requires that (i) judicial records exist, (ii) they be maintained; and (iii) they be accessible to those with a legitimate purpose. These requirements are fully satisfied by the maintenance of court records, accessible by case number, citation, or other purposeful search. What open justice does not require, and what it cannot be extended to mandate, is that a private individual's name functions as a permanent and unlimited retrieval key, through a commercial search engine, enabling any casual internet user to instantly access the entirety of an individual's engagement with legal/ judicial processes.

157. The principle of open justice was conceived to ensure that the judicial process is accessible and fully transparent. It would be incongruous if the same serves as justification for the perpetual and indiscriminate amplification of a person's worst travails with legal processes. It would be a perverse extension of the concept to hold that open justice facilitates Google (or any other search engine) to thrust an individual's arrest, accusation or legal misfortune in the face of every person who searches that individual's name, and to do so with particular force (to 'satisfy' a query), without regard to the context. An acquittal buried at the bottom of the 'search results', while the arrest dominates the search results, cannot be characterized as an

ingredient of ‘open justice’. It is, in essence, a qualitative transformation that a commercial search engine effects upon the ‘information’. This is brought about by ‘aggregating, ranking, and serving’ in direct response to, and to ‘satisfy’ a name-based query.

158. Before proceeding further, it is necessary to note that the intersection between the concept of ‘open justice’ and the ‘right to informational privacy’ came to be considered in the judgments rendered in ***Karthick Theodore v. Registrar General, Madras High Court***, W.A.(MD) No. 1901 of 2021, and ***Vysakh K.G***.(supra). However, the present proceedings have been examined in a materially different conspectus and in the context of qualitatively different relief/s. Several questions that arise in the present batch of petitions did not fall for consideration in the said cases.

Karthick Theodore v. Registrar General, Madras High Court
(W.A.(MD) No. 1901 of 2021)

159. In ***Karthick Theodore*** (supra), the Madras High Court was called upon to consider a prayer for the takedown of a judgment in its entirety from an online legal database/ search engine namely, ‘Indian Kanoon’, in a matter involving an acquittal.

160. Although the petition came to be dismissed by a Single Judge, the Division Bench directed the concerned Registry to redact and mask names from the judgment while also directing ‘Indian Kanoon’ to remove the concerned judgment from its website. The said direction for complete takedown of the judgment is the subject of the SLP being SLP(C) No. 15311

of 2024, filed by 'Indian Kanoon', which is presently pending adjudication before the Supreme Court.

161. The present proceedings are distinguishable from ***Karthick Theodore*** (supra) in various material respects. First, this Court is not considering the complete removal or takedown of any judgment/s from the website of 'Indian Kanoon' or any other legal database. The relief being considered herein is a narrower one, *viz.* 'de-indexing' from name-based search results and, separately, the restriction of name-based search functionality within the platform of 'Indian Kanoon'. The judicial record itself is not being touched.

162. Second, the question of whether a court can direct a legal database to take down a judgment in its entirety, which is the fundamental question before the Supreme Court in the aforesaid SLP, does not arise in such context.

163. Third, the present proceedings have examined the rights of the parties across a far wider spectrum and factual categories than those which fell for consideration in ***Karthick Theodore*** (supra), including the position of search engines as active processors of personal data; the constitutional position of search engines, including Google; the territorial scope of directions pertaining to de-indexing; and the distinction between de-indexing and masking as complementary reliefs.

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

164. In ***Vysakh K.G.***(supra), the Kerala High Court was called upon to consider the contours of the 'right to be forgotten' in the context of data made available by parties before a Court, and specifically the right to

anonymity in judicial proceedings. The Court, while acknowledging the right to privacy as a fundamental right and tracing the evolution of the right to be forgotten, was ultimately reluctant to grant the specific relief sought and declined to overstep what it considered to be the boundaries of judicial function in the absence of legislation, expressing the view that the legislature was better placed to evolve a comprehensive framework.

165. The present proceedings are distinguishable from ***Vysakh K.G.***(supra), in several significant respects. First, ***Vysakh K.G.***(supra), was decided in the context of a specific prayer for 'masking'. Second, the specific context of the present proceedings, that is, (i) the active role of search engines in processing data, as distinct from the passive hosting of judicial records;(ii) the distinction between de-indexing and takedown; and (iii) the scope of de-indexing directions, was not specifically considered in ***Vysakh K.G.***(supra).

166. Furthermore, this Court is unable to subscribe to the view that the absence of specific legislation on the 'right to be forgotten' deprives Constitutional Courts of jurisdiction to evolve appropriate principles. As settled in ***Vishaka v. State of Rajasthan***, (1997) 6 SCC 241, where a legislative vacuum exists and fundamental rights are at stake, Constitutional Courts are not merely empowered but duty-bound to step in. This Court is thus, not legislating, but applying constitutional principles to fill in a gap that the legislature has not yet addressed.

167. It must also be noted that ***Vysakh K.G.*** (supra) did not go to the extent of holding that the right to be forgotten can never be recognized under Indian law in the absence of legislation. The Court expressed caution about

the scope of judicial intervention and declined to grant relief on the specific facts, however, relief was extended in certain categories, including where the content in question pertained to matters of matrimony/family/child custody. The expression of such caution is materially different from holding that the right does not exist or that Courts are without jurisdiction.

The Role and Character of Search Engines

168. To undertake the balancing exercise identified above, it is necessary to examine the operational framework of search engines such as those operated by Google LLC. The manner in which such platforms function is central to understanding how information is made perpetually accessible to the public.

169. In ***Google Spain, S.L. v. Agencia Española de Protección de Datos (AEPD) & Mario Costeja González*** (Case C-131/12), the Court of Justice of the European Union traced the functioning of Google as a search engine and held:

> *"**28.** Therefore, it must be found that, in exploring the internet automatically, constantly and systematically in search of the information which is published there, the operator of a search engine collects such data which it subsequently retrieves, records and organises within the framework of its indexing programmes, stores on its servers and, as the case may be, discloses and makes available to its users in the form of lists of search results. As those operations are referred to expressly and unconditionally in Article 2(b) of Directive 95/46, they must be classified as processing within the meaning of that provision...*
>
> *XXX XXXXXX*
>
> ***33**. It is the search engine operator which determines the purposes and means of that activity and thus of the processing of personal data that it itself carries out within the framework of that activity and which must, consequently, be regarded as the 'controller' in respect of that*

processing..."

XXX XXXXXX

80. *It must be pointed out at the outset that... processing of personal data, such as that at issue in the main proceedings, carried out by the operator of a search engine is liable to affect significantly the fundamental rights to privacy and to the protection of personal data when the search by means of that engine is carried out on the basis of an individual's name, since that processing enables any internet user to obtain through the list of results a structured overview of the information relating to that individual that can be found on the internet — information which potentially concerns a vast number of aspects of his private life and which, without the search engine, could not have been interconnected or could have been only with great difficulty — and thereby to establish a more or less detailed profile of him. Furthermore, the effect of the interference with those rights of the data subject is heightened on account of the important role played by the internet and search engines in modern society, which render the information contained in such a list of results ubiquitous."*

XXX XXX XXX

83. *As has been established in paragraphs 35 to 38 of the present judgment, inasmuch as the data processing carried out in the context of the activity of a search engine can be distinguished from and is additional to that carried out by publishers of websites and affects the data subject's fundamental rights additionally, the operator of the search engine as the controller in respect of that processing must ensure, within the framework of its responsibilities, powers and capabilities, that that processing meets the requirements of Directive 95/46, in order that the guarantees laid down by the directive may have full effect.*

84*. Given the ease with which information published on a website can be replicated on other sites and the fact that the persons responsible for its publication are not always subject to European Union legislation, effective and complete protection of data users could not be achieved if the latter had to obtain first or in parallel the erasure of the information relating to them from the publishers of websites.*

XXX XXX XXX

87. *Indeed, since the inclusion in the list of results, displayed following a search made on the basis of a person's name, of a web page and of the*

information contained on it relating to that person makes access to that information appreciably easier for any internet user making a search in respect of the person concerned and may play a decisive role in the dissemination of that information, it is liable to constitute a more significant interference with the data subject's fundamental right to privacy than the publication on the web page.

170. Google's operation involves three stages of processing.[3] The first stage is crawling, wherein Google deploys automated programs known as Googlebots that systematically navigate the internet, discovering and reading web pages, including judicial records hosted on court websites and legal databases. The next stage is indexing, wherein, the content is thereafter analysed through sophisticated natural language processing algorithms that identify names of entities, the names of parties in judicial proceedings, and create structured associations between such names and documents, stored in Google's index as a searchable database. The third stage is serving search results, wherein when a user enters a name, Google retrieves all associated documents and ranks them algorithmically. Because judicial records hosted on reliable sources, including court websites and Indian Kanoon, are treated as authoritative, they frequently appear prominently among the top search results accessible to ordinary user.

171. Beyond these three stages, other technical features can actively surface associations between an individual's name and terms such as 'case', 'court', or 'arrested' perpetuating the stigma even before the search is completed.

[3] https://developers.google.com/search/docs/fundamentals/how-search-works
https://support.google.com/webmasters/answer/7645831?hl=en

172. Google has submitted that it performs a passive and neutral function. This is inaccurate. By actively collecting, indexing, organizing and serving personal data through name-based search results, and by deriving commercial revenue through advertising linked to those search results, Google is an active processor of personal data, which materially contributes to the invasion of informational privacy. The same has also been traced by the European Court of Human Rights, in the judgment rendered in ***Hurbain v. Belgium*** (Grand Chamber, Application No. 57292/16):

> *"**195**. Subsequently, a new aspect of this "right to be forgotten" emerged in national judicial practice in the context of the digitisation of news articles, resulting in their widespread dissemination on the websites of the newspapers concerned. The effect of this dissemination was simultaneously magnified by the listing of websites by search engines. In judicial practice this aspect, known as the "right to be forgotten online", has concerned requests for the removal or alteration of data available on the Internet or for limitations on access to those data, directed against news publishers or search engine operators. In such cases, the issue is not the resurfacing of the information but rather its continued availability online. The contemporary debate on this aspect of the "right to be forgotten" was undoubtedly reinforced by the CJEU's Google Spain judgment (C-131/12) concerning a request for the operator of a search engine to remove links to the web pages of a Spanish daily newspaper from the list of results."*

173. ***Google Spain, S.L.*** (supra) also observes as under:

> *"**36** Moreover, it is undisputed that that activity of search engines plays a decisive role in the overall dissemination of those data in that it renders the latter accessible to any internet user making a search on the basis of the data. subject's name, including to internet users who otherwise would not have found the web page on which those data are published.*

> ***37***. *Also, the organisation and aggregation of information published on the internet that are effected by search engines with the aim of facilitating their users' access to that information may, when users carry out their search on the basis of an individual's name, result in them obtaining through the list of results a structured overview of the information relating to that individual that can be found on the internet enabling them to establish a more or less detailed profile of the data subject.*
>
> *XXX XXX XXX*
>
> ***40*** *That fact does not alter the position that the purposes and means of that processing are determined by the operator of the search engine.*
>
> *XXX XXX XXX*
>
> ***43*** *….. Google Search does not merely give access to content hosted on the indexed websites, but takes advantage of that activity and includes, in return for payment, advertising associated with the internet users' search terms, for undertakings which wish to use that tool in order to offer their goods or services to the internet users.*
>
> *XXX XXX XXX*
>
> ***57.*** *As has been stated in paragraphs 26 to 28 of the present judgment, the very display of personal data on a search results page constitutes processing of such data. Since that display of results is accompanied, on the same page, by the display of advertising linked to the search terms, it is clear that the processing of personal data in question is carried out in the context of the commercial and advertising activity of the controller's establishment on the territory of a Member State, in this instance Spanish territory."*

174. On the question of Google's constitutional rights, it is well settled that fundamental rights under Article 19 of the Constitution are available only to the citizens of India. The legal position in this regard has been reiterated in a

catena of judgments[4]. It is also relevant to note that the functioning of Google (and similar search engines) is entirely automated and algorithmic. Article 19(1)(a) protects the human faculty of conscious and purposeful expression, rooted in the values of human dignity and autonomy that the Supreme Court in ***K.S. Puttaswamy*** (supra), identified as the foundation of all fundamental rights. A purely mechanical process driven by algorithmic logic cannot constitute an exercise of freedom of speech and expression.

175. As held in ***Google Spain S.L.*** (supra), the activities of Google cannot be equated with those of the "publishers of websites". The observations made in this regard are as under:

> *"35 In this connection, it should be pointed out that the processing of personal data carried out in the context of the activity of a search engine can be distinguished from and is additional to that carried out by publishers of websites, consisting in loading those data on an internet page."*

176. It follows that Google's indexing and serving of judicial and other records in response to name-based searches is not an exercise of any fundamental right that can be legitimately pitted against the petitioner's fundamental right to informational privacy under Article 21 of the Constitution. Such search engines are not 'passive channels of information', instead they are in the nature of a 'commercial platform', deriving revenue by leveraging user searches and associating them with advertising opportunities[5]. While the operations of the search engines may incidentally

---

[4]***State Trading Corpn. of India Ltd. v. CTO,*** (1963) 33 Comp Cas 1057; ***Railway Board v. Chandrima Das,*** (2000) 2 SCC 465.

[5]***Google Spain, S.L. v. Agencia Española de Protección de Datos (AEPD) & Mario Costeja González*** (Case C-131/12)

"43. …..*Google Search does not merely give access to content hosted on the indexed websites, but takes advantage of that activity and includes, in return for payment, advertising associated with the internet users' search terms, for undertakings which wish to use that tool in order to offer their goods or services to*

facilitate access to information, unlike the publishers of information/ websites, the search engines do not themselves exercise the fundamental right to freedom of speech and expression under Article 19 of the Constitution.

177. The position of Indian Kanoon is somewhat different. It performs a function that bears a closer resemblance to publication. It curates, organizes and makes available judicial records in a manner that facilitates wide spread dissemination of legal information. Importantly however, the relief being considered against Indian Kanoon in the present proceedings, is not the removal or takedown of judicial orders/judgments which would directly burden its publication function, but the specific and narrow restriction of name-based search functionality within the platform of Indian Kanoon for judicial orders/judgments in defined categories. This narrow relief does not substantially interfere with Indian Kanoon's public interest function. The judgment remains accessible by case number, citation, court, date and subject matter.

IV. RESOLUTION OF THE CONFLICT

178. Having identified the competing interests at stake, the petitioners' fundamental right to informational privacy under Article 21 on one side, and the principles of open justice, transparency and Article 19(1)(a) rights (only in some cases) on the other side, the framework within which these interests are to be reconciled, needs to be articulated.

---

the internet users…."

179. The threefold test as put forth in paragraph 325 of the judgment rendered in ***K.S. Puttaswamy*** (supra), requires that any encroachment on the right to privacy must satisfy (i) **Legality**: there must be a valid law justifying the encroachment; (ii) **Legitimate Aim**: there must be a justifiable and reasonable need; and (iii) **Proportionality**: the means must be proportionate to the objective sought to be achieved.

180. In the categories of cases with which this Court is concerned, *inter alia*, acquittals, discharges, quashings, settlements, compounding and disputes of purely private nature, no law authorises Google or any search engine to perpetually index and surface judicial records in a manner that overrides the individual's fundamental right to informational privacy. Rule 3(1)(d) of the IT Rules, 2021 in fact obliges intermediaries to comply with Court orders directing removal or restriction of content. No legitimate aim of sufficient specificity is served by the unlimited and unrestricted name-based searchability of records whose underlying proceedings have been resolved, in favour of the concerned individual. Moreover, permanent and unlimited name-based digital searchability, is wholly disproportionate to any legitimate aim that might be identified.

181. The balancing framework has been further illuminated by several judgments. In this regard, reference may be made to the following judgments.

i. *In* ***Mr. 'X' v. Hospital 'Z'*** (1998) 8 SCC 296:

> *"**44.** ..... where there is a clash of two Fundamental Rights, as in the instant case, namely, the appellant's right to privacy as part of right to life and Ms 'Y's right to lead a healthy life which is her Fundamental Right under Article 21, the right which would advance the public morality or public interest, would alone be enforced through the process of court,*

for the reason that moral considerations cannot be kept at bay and the Judges are not expected to sit as mute structures of clay in the hall known as the courtroom, but have to be sensitive, "in the sense that they must keep their fingers firmly upon the pulse of the accepted morality of the day". (See: Allen: Legal Duties)."

ii. ***Sharda v. Dharmpal***, (2003) 4 SCC 493

*"**59.** If there were a conflict between fundamental rights of two parties, that right which advances public morality would prevail…."*

iii. ***Asha Ranjan v. State of Bihar***, (2017) 4 SCC 397

*"**61**. Be it stated, circumstances may emerge that may necessitate for balancing between intra-fundamental rights. It has been distinctly understood that the test that has to be applied while balancing the two fundamental rights or inter fundamental rights, the principles applied may be different than the principle to be applied in intra-conflict between the same fundamental right. To elaborate, as in this case, the accused has a fundamental right to have a fair trial under Article 21 of the Constitution. Similarly, the victims who are directly affected and also form a part of the constituent of the collective, have a fundamental right for a fair trial. Thus, there can be two individuals both having legitimacy to claim or assert the right. The factum of legitimacy is a primary consideration. It has to be remembered that no fundamental right is absolute and it can have limitations in certain circumstances. Thus, permissible limitations are imposed by the State. The said limitations are to be within the bounds of law. However, when there is intra-conflict of the right conferred under the same article, like fair trial in this case, the test that is required to be applied, we are disposed to think, it would be "paramount collective interest" or "sustenance of public confidence in the justice dispensation system"..... Therefore, if the collective interest or the public interest that serves the public cause and further has the legitimacy to claim or assert a fundamental right, then only it can put forth that their right should be protected. There can be no denial of the fact that the rights of the victims for a fair trial is an inseparable aspect of Article 21 of the Constitution and when they assert that right by themselves as well as the part of the collective, the conception of public interest gets galvanised. The accentuated public interest in such circumstances has to be given primacy, for it furthers and promotes "Rule of Law". It may be clarified at once that the test of primacy which is based on legitimacy and the public interest has to be adjudged on the facts of each case and cannot be stated in abstract terms. It will require studied scanning of facts, the competing interests and the ultimate*

perception of the balancing that would subserve the larger public interest and serve the majesty of rule of law. In this regard, we are reminded of an ancient saying:

"Yadapi siddham, loka viruddham

Na adaraniyam, na acharaniyam"

The aforesaid saying lays stress on public interest and its significance and primacy over certain individual interest. It may not thus have general application, but the purpose of referring to the same is that on certain occasions it can be treated to be appropriate.

62.*There may be a perception that if principle of primacy is to be followed, then the right of one gets totally extinguished. It has to be borne in mind that total extinction is not balancing. When balancing act is done, the right to fair trial is not totally crippled, but it is curtailed to some extent by which the accused gets the right of fair trial and simultaneously, the victims feel that the fair trial is conducted and the court feels assured that there is a fair trial in respect of such cases. That apart, the faith of the collective is reposed in the criminal justice dispensation system and remains anchored."*

iv. ***Sunil Sachdeva v. Owner of Domain Name WWW.CJR7.COM,*** 2019 SCC OnLineDel 11168

*"**18.** In Central Public Information Officer v. Subhash Chanda Agarwal, 2019 SCC OnLine SC 1459 pronounced today, even in the context of Right to Information Act, 2005, it has been held that if ones right to know is absolute, then the same may invade another's right to privacy and breach of confidentiality, and therefore the former right has to be harmonized with the need for personal privacy, confidentiality of information and effective governance. Distinction was made between personal information and information relating to pubic activity and interest, and the provisions of the Right to Information Act were interpreted to exempt disclosure of information which if disclosed, would cause unwarranted invasion in privacy of the individual, unless public interest warranted its disclosure. It was again held that the two rights have to be balanced, and distinction was made between "something which is of interest to the public" and something which is "in public interest". It was held that public may be interested in private matters with which the public may have no concern and need to know; however such interest of the public in private matters would repudiate and directly traverse the protection of privacy and there is a right to shield oneself from unwarranted access to one's personal information and to protect facets of reputation, honor etc. associated with the right to privacy. Transparency was held to be not entitled to run to its absolute.*

> *Chandrachud, J. in his concurring opinion reiterated that an individual has a constitutionally protected right to control the dissemination of personal information, and that unauthorized use of personal information abridges a citizen's right to privacy. Information relating to health, personal relationships and finances was identified as private information. The test, whether the information would be offensive to a reasonable person of ordinary sensibilities, was advocated to be applied to determine what information qualifies as personal."*

182. The thread running through all these decisions is that even where fundamental rights come into conflict, the balance is not absolute but contextual, requiring careful attention to purpose, relevance, and the potential impact on individual reputation and dignity. The decisive consideration is always whether disclosure serves any integral public welfare function. Only if the answer is in the affirmative can such information be allowed to continue in the digital space in the form in which it presently exists.

183. The concepts of de-indexing and masking emerge as the appropriate modalities through which this balance is to be given practical effect. As explained in ***Hurbain v. Belgium*** (Grand Chamber, European Court of Human Rights, Application No. 57292/16), the minimal, appropriate measure is not erasure of the article which remained preserved in the archives, but its de-indexing from search engines so as to moderate accessibility. The record is preserved; the unlimited and indiscriminate name-based searchability is what is moderated.

184. In ***XXXX v. High Court of Karnataka***, 2024 SCC OnLine Kar 18, the Karnataka High Court recognised this principle observing that *"the direction would be only to enable the internet forget, like the humans forget. If it is*

allowed to stay on record, the internet will never permit the humans to forget." The observations made by the Court in this regard are as under:

> ***"11.*** *This Court, in plethora of cases, comes about issues where crimes are registered without any rhyme or reason and lead to quashment of those proceedings in exercise of its jurisdiction under Section 482 of the Cr. P.C., sometimes on the sole score that it was frivolous or an act of wreaking vengeance, inter alia. It is therefore, after the accused gets blame-free by a process of law, he cannot be seen to be carrying the sword of him being accused on his head, for all his life. Right to oblivion; right to be forgotten are the principles evolved by the democratic nations, as one being a facet of right to informational privacy. Countries like France and Italy, had by themselves evolved the concept of right to oblivion, which dates back to 19th century. Europe, in the European Union has, over privacy and personal data, evolved the principle of right to be forgotten, as a right to be a part of ones right to personality, which encompasses dignity, honour and right to a private life. The aforesaid principles evolved from time to time, can be paraphrased into what could become right to life under Article 21 of the Constitution of India. It becomes apposite to refer to the judgment of the Apex Court in the case of JUSTICE K.S. PUTTASWAMY(RETD) v. UNION OF INDIA[1]. The Apex Court considers various facets of privacy; one such privacy is informational privacy. On informational privacy, the Apex Court observes as follows:*
>
> > ***"Informational privacy***
> >
> > ***629.*** *The right of an individual to exercise control over his personal data and to be able to control his/her own life would also encompass his right to control his existence on the internet. Needless to say that this would not be an absolute right. The existence of such a right does not imply that a criminal can obliterate his past, but that there are variant degrees of mistakes, small and big, and it cannot be said that a person should be profiled to the nth extent for all and sundry to know.*
> >
> > ***630.*** *A high school teacher was fired after posting on her Facebook page that she was "so not looking forward to another [school] year" since the school district's residents were "arrogant and snobby". A flight attendant was fired for posting suggestive photos of herself in the company's uniform. [Patricia Sánchez Abril, "Blurred Boundaries: Social Media Privacy and the Twenty-First-Century Employee", 49 Am Bus LJ 63 at p. 69 (2012).] In the pre-digital era, such incidents would have never occurred. People could then make mistakes and embarrass*

themselves, with the comfort that the information will be typically forgotten over time.

631. The impact of the digital age results in information on the internet being permanent. Humans forget, but the internet does not forget and does not let humans forget. Any endeavour to remove information from the internet does not result in its absolute obliteration. The footprints remain. It is thus, said that in the digital world preservation is the norm and forgetting a struggle [Ravi Antani, "the resistance of memory : could the European union's right to be forgotten exist in the united states?", 30 Berkeley Tech LJ 1173 (2015).].

632. The technology results almost in a sort of a permanent storage in some way or the other making it difficult to begin life again giving up past mistakes. People are not static, they change and grow through their lives. They evolve. They make mistakes. But they are entitled to re-invent themselves and reform and correct their mistakes. It is privacy which nurtures this ability and removes the shackles of unadvisable things which may have been done in the past.

633. Children around the world create perpetual digital footprints on social network websites on a 24/7 basis as they learn their "ABCs" : Apple, Bluetooth and chat followed by download, e-mail, Facebook, Google, Hotmail and Instagram. [Michael L. Rustad, Sanna Kulevska, "Reconceptualizing the right to be forgotten to enable transatlantic data flow", (2015) 28 Harv JL & Tech 349.] They should not be subjected to the consequences of their childish mistakes and naivety, their entire life. Privacy of children will require special protection not just in the context of the virtual world, but also the real world.

634. People change and an individual should be able to determine the path of his life and not be stuck only on a path of which he/she treaded initially. An individual should have the capacity to change his/her beliefs and evolve as a person. Individuals should not live in fear that the views they expressed will forever be associated with them and thus refrain from expressing themselves.

635. Whereas this right to control dissemination of personal information in the physical and virtual space should not amount to a right of total eraser of history, this right, as a part of the larger right to privacy, has to be balanced against other fundamental rights like the freedom of expression, or freedom of media, fundamental to a democratic society.

636. Thus, the European Union Regulation of 2016 [Regulation No. (EU) 2016/679 of the European Parliament and of the Council of 27-4-2016 on the protection of natural persons with

regard to the processing of personal data and on the free movement of such data, and repealing Directive No. 95/46/EC (General Data Protection Regulation).] has recognised what has been termed as "the right to be forgotten". This does not mean that all aspects of earlier existence are to be obliterated, as some may have a social ramification. If we were to recognise a similar right, it would only mean that an individual who is no longer desirous of his personal data to be processed or stored, should be able to remove it from the system where the personal data/information is no longer necessary, relevant, or is incorrect and serves no legitimate interest. Such a right cannot be exercised where the information/data is necessary, for exercising the right of freedom of expression and information, for compliance with legal obligations, for the performance of a task carried out in public interest, on the grounds of public interest in the area of public health, for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes, or for the establishment, exercise or defence of legal claims. Such justifications would be valid in all cases of breach of privacy, including breaches of data privacy."

(Emphasis supplied)

12. *The Apex Court considers the entire spectrum the right to privacy and the 'right to be forgotten' evolved in the European Union Regulation of 2016, by the European Parliament. The Apex Court recognizes the right to be forgotten to be a basic right under the right to informational privacy. It has observed the right of an individual to exercise control over his personal data and, to be able to control his or her own life would encompass his right to control over its existence on the internet. The Apex Court observes that the impact of digital age results in information on the internet being permanent. Humans forget, but the internet does not forget and does not let humans forget. Therefore, the soul of the judgment of the Apex Court quoted supra is that the footprints in certain circumstances should not be permitted to remain, as it is an anti-thesis to right to be forgotten.*

XXX XXX XXX

16. *Evolving this concept of a right to be forgotten or right to erasure have been the subject matter of the Personal Data Protection Bills notified from time to time. The Personal Data Protection Bill, 2018 recognizes the right to be forgotten. Likewise, the Personal Data Protection Bill, 2018 also recognizes the right to correction and erasure. The Government of India notifies the Digital Personal Data Protection Act, 2023, on 11th August, 2023, to come into force from the date of its publication in the official gazette. The Act also recognizes the right of erasure of personal data. The aforesaid are referred only*

to lay emphasis, on the fact that the law in this regard is also evolving in the country.

17. *It becomes germane at this juncture, to notice the judgment of the Queen's Bench of the United Kingdom rendered on 13-04-2018, which also recognizes the said principle in NT 1 v. GOOGLE LLC*[4] *wherein the Queen's Bench has held as follows:*

> ***"1. These two claims are about the "right to be forgotten" or, more accurately, the right to have personal information "delisted" or "de-indexed" by the operators of internet search engines ("ISEs").***
>
> ……
>
> *38. Point 2 highlights the fact that the CJEU regarded the sensitivity of the data in question as an important element in striking the balance. Point 4 explains why it may be misleading to label the right asserted by these claimants as the "right to be forgotten". They are not asking to "be forgotten". The first aspect of their claims asserts a right not to be remembered inaccurately. Otherwise, they are asking for accurate information about them to be "forgotten" in the narrow sense of being removed from the search results returned by an ISE in response to a search on the claimant's name. No doubt a successful claim against Google would be applied to and by other ISEs. But it does not follow that the information at issue would have to be removed from the public record, or that a similar request would have to be complied with by a media publisher on whose website the same information appeared. In these proceedings the claimants are not asking for any such remedy. It is also worth noting here a point that I shall come back to: a successful delisting request or order in respect of a specified URL will not prevent Google returning search results containing that URL; it only means that the URL must not be returned in response to a search on the claimant's name.*
>
> ……
>
> *101. In my judgment, both versions of the argument would fail on the alternative ground that the processing involved when Google Search makes available third party content that happens to be of a journalistic nature is not properly regarded as processing undertaken "solely" or "only" for journalistic purposes, as required by Article 9 and s 32. In Google Spain, the Grand Chamber indicated at [85] that it did not consider an ISE would process solely for journalistic purposes, and although that was not an integral part of the Court's reasoning I consider it is true. I also accept the argument of Ms Proops, for the ICO that Google's approach to the journalism exemption is to be resisted because it would have consequences that cannot have been intended by the legislators. The argument, shortly stated, is that the effect of ss 3, 45 and 46 of the DPA is to impose severe constraints on the ICO's powers of enforcement where data are processed for the special purposes. If Google's activities fall within*

that description, it would be able to operate the "right to be forgotten regime" without regulatory oversight and control. I consider my conclusions to be consistent with the stricture contained in Article 9 of the DP Directive, that Member States may provide for journalistic exemptions "only if they are necessary to reconcile … privacy with … freedom of expression"

(emphasis added).

……

165. Behind these competing submissions lie some obvious difficulties. It is not a simple matter of applying s 4 of the 1974 Act, without regard to other factor or considerations. Such a hard-edged approach would be incompatible with human rights jurisprudence, and the fact-sensitive approach that is required. The argument for the ICO, and the argument with which Mr Tomlinson ended up, acknowledge as much. The Court's task is to interpret and apply the will of Parliament as expressed in a statute passed some 25 years before the advent of the internet, to a set of facts of a kind that Parliament cannot then have foreseen; to do so consistently with the will of Parliament as expressed via the HRA in 1998; and to do so in the light of the fact that it was not until 2004 that the Courts identified the existence of the common law tort of misuse of private information. The conclusions arrived at then have to be fitted into the scheme of the "right to be forgotten", first authoritatively recognised in a CJEU judgment of 2014 by which this Court is bound, by reason of the 1972 Act.

……

230. My conclusions are:—

(1) The delisting claim is not an abuse of the court's process, as alleged by Google.

(2) The inaccuracy complaint is upheld, and an appropriate delisting order will be made, its terms to be the subject of argument.

(3) The remainder of the delisting claim also succeeds. An appropriate order will be made, in terms to be the subject of argument.

(4) The claim for misuse of private information succeeds.

(5) But Google took reasonable care, and the claimant is not entitled to compensation or damages."

(Emphasis supplied)

18. *The Queen's Bench declines to accept the contentions of Google for delisting the name of the accused therein. The claim of the appellant before the Queen's Bench, on an allegation of misuse of*

*private information succeeded. The **distilled essence** of the judgments rendered by the **Apex Court** and the judgment of the **Delhi High Court**, as also that of the judgment of Queen's Bench all quoted supra would mean that, even an accused who has been discharged or acquitted honourably by a competent Court of law has a right to live with dignity.*

***19.** Article 21 of the Constitution of India mandates that no person shall be deprived of his life or liberty except in accordance with law. The expression 'life' cannot be seem to connote a mere animal existence, it has a much wider meaning. It takes within its sweep right to live with dignity. In the crime, once the accused gets acquitted - honourably, discharged by a competent Court of law, or this Court would quash those crimes in exercise of its jurisdiction under Section 482 of the Cr. P.C. and those orders become final, the shadow of crime, if permitted to continue in place of shadow of dignity, on any citizen, it would be travesty of the concept of life under Article 21 of the Constitution of India. Every citizen born in this nation, governed by the Constitution, has a right to live with dignity. What is being sought for, is masking of the name of the petitioner in the cause title of the case found in the records of this Court.*

20.** In the peculiar facts of the case, no fault can be found with such a demand. I deem it appropriate to observe that when identical demands are made by those accused or victims, as the case would be, accused who come within the circumstances narrated hereinbefore, the **Fourth Estate** should also consider masking, delisting and deleting their names from their respective digital records and not drive them to this Court seeking such deletion. However, it is made clear that mere erasure of the name of the petitioner in the cause title, does not mean that he is entitled to seek such erasure from the police records. **The direction would be only to enable the internet forget, like the humans forget. If it is allowed to stay on record, the internet will never permit the humans to forget."

185. In ***State of H.P. v. X2,*** 2024 SCC OnLine HP 3169, the Court, relying upon directions of the Supreme Court, directed masking of names in digital records, holding that "*the shadow of crime, if permitted to continue and substitute its place for the shadow of dignity on any citizen, it would be a travesty of the concept of life under Article 21*."

186. It must also be noted that this Court's own Registry has developed and operationalised masking software, enabling masking of names at the stage of e-filing when ordered by the Court.

V. DE-LINKING / DE-INDEXING

187. The principle underlying de-indexing has been explained by the Grand Chamber, European Court of Human Rights, in the judgment rendered in ***Hurbain v. Belgium*** (supra), wherein, the Court considered whether the continued prominence of a lawfully published article in search results disproportionately intruded upon private life. The measure directed was not erasure of the article, which remained preserved in the archives, but its de-indexing from search engines so as to moderate accessibility.

188. De-indexing and de-linking are terms that are used interchangeably in the context of the present proceedings, and this Court uses them to refer to the same relief, that is, the removal of a specific URL or record from the name-based search results generated by a search engine or legal database platform in response to a search query entered in the name of an individual.

189. De-indexing does not erase the judicial record. The judgment or order continues to exist on the court's website, on Indian Kanoon, or on whichever platform hosts it. It remains accessible to anyone who knows the case number, the citation, the court, or any other purposeful identifier. The record is preserved in its entirety for institutional, precedential and accountability purposes. What changes is only that the concerned name (whether an individual or an entity) ceases to function as an unlimited retrieval key that instantly and effortlessly surfaces the record for any casual internet user who

happens to search that name. In respect to ‘Indian Kanoon’, disabling of name- based search functionality serves the purpose.

190. The relief of de-indexing, properly understood, is therefore not an interference with open justice. As noticed, ‘open justice’ requires that judicial records exist, be maintained and be accessible to those with a legitimate interest. De-indexing does not touch any of these requirements.

191. The relief of de-indexing is also distinct from the relief of masking (which is addressed separately in this judgment). De-indexing operates at the level of the search engine or legal database platform. Masking operates at the level of the court record itself. It is a direction to a court or its registry to replace a party's name with a neutral reference in the publicly accessible digital version of a judgment, while preserving the un-redacted version in the court’s internal records. The two reliefs are complementary and address different dimensions of the same underlying harm. De-indexing reduces the digital amplification of the harm whereas masking addresses the harm at its source in the court record. Together, they provide the most complete available protection of the right to informational privacy in the digital domain, while preserving the principles of open justice and transparency.

192. De-indexing affords a relief, which while meaningful and necessary is limited in nature, in relation to the violation of informational privacy, of the kind suffered by the petitioners. The violation does not consist merely of the searchability of a name, but the nature of the ‘results driven’ algorithmic logic of a commercial platform, designed to highlight what is ‘most clicked’, ‘most shared’, and ‘most sensational’.

193. A search on a person's name in conjunction with the terms such as 'arrested', 'accused', 'case', or 'court', returns results that are ranked by engagement and not by accuracy or completeness. The algorithm that determines this ranking is not a function of 'open justice', but is designed to maximize commercial interest. De-indexing moderates the harm to some extent in as much as it removes the specific URL from 'name-based result.' Such relief is liable be granted in a deserving case. The same principle applies to video content hosted on platforms such as 'YouTube' which is detrimental to certain of the petitioners. Such content, when it surfaces in response to a name-based search, causes the identical harm that de-indexing is designed to address *viz.* the disproportionate and indiscriminate amplification of damaging material in response to a search.

194. The protection under right to informational privacy under Article 21 is not merely against the disclosure of personal information but against an individual being involuntarily and perpetually defined in the digital domain, by such projection, and that too, regardless of the outcome of the underlying legal and judicial proceedings pertaining to such conduct (which is the subject matter of a video or a news article).

The legal parameters/ Tests for directing 'de-indexing'

195. As noticed above, 'de-indexing' is in the nature of a limited relief in a deserving case involving invasion of informational privacy rights as a result of operation of search engines, given that the relief operates at the level of specified URLs and leaves untouched the underlying architecture of search engines. Yet it is imperative to ensure that the modalities of de-indexing are

applied in a principled and consistent manner, avoiding both unconstrained discretion and mechanical application. The determination of whether such measures are warranted must be guided by a variety of considerations that together provide the framework for balancing privacy and transparency.

196. The relevant factors are: (i) the nature of the information sought to be moderated, that is, whether it pertains to intimate aspects of private life, professional conduct, or matters of public record; (ii) the time that has elapsed since publication and the continuing relevance of the disclosure; (iii) the public role of the individual, i.e., those who occupy positions of responsibility or influence are subject to heightened demands of transparency; (iv) the accuracy and completeness of the material, that is, outdated, misleading, or partial disclosures cannot sustain a continuing intrusion into privacy; (v) the impact upon dignity and autonomy, including reputational harm, stigma, or disproportionate interference with the individual's ability to lead a dignified life, weighed against any legitimate public welfare served by disclosure; (vi) the degree of accessibility in the digital sphere, where search engines amplify the reach and effect of information; and (vii) the effect upon freedom of expression and the integrity of public records.

197. These factors are not to be applied as a checklist or a set of boxes to be ticked. They are to be weighed contextually, with due regard to the facts of each case. The decisive consideration always has to be the facts and circumstances of the individual case.

198. Within this broader framework, the following specific tests can be applied:

Test One: The character of the information and the outcome of concluded proceedings

199. The most significant factor is the outcome of the underlying legal proceedings. Where proceedings have resulted in acquittal or discharge and it has been judicially determined that the accusation was not established, the presumption of innocence requires that this determination be given full practical effect, including in the digital domain. An acquittal that is effective in law but negated by the permanent digital searchability of the accusation, results in an incongruity.

200. Similarly, where proceedings have been quashed, the same Court tantamounts to a determination that those proceedings ought never to have been initiated. Where proceedings have been concluded by settlement or compounding, the complainant has consensually extinguished the matter. In each of these cases, the continued unlimited name-based searchability of the records fails the proportionality test, that is, the harm to the individual is disproportionate to any legitimate purpose served.

201. For purely private civil and matrimonial disputes, as mentioned in the preceding paragraphs, ***K.S. Puttaswamy***[6](supra) identified family life, marriage, procreation, and personal relationships as lying at the very core of the protected zone of privacy under Article 21. Once such proceedings have

[6]*"**323.** Privacy includes at its core the preservation of personal intimacies, the sanctity of family life, marriage, procreation, the home and sexual orientation. Privacy also connotes a right to be left alone. Privacy safeguards individual autonomy and recognises the ability of the individual to control vital aspects of his or her life. Personal choices governing a way of life are intrinsic to privacy. Privacy protects heterogeneity and recognises the plurality and diversity of our culture. While the legitimate expectation of privacy may vary from the intimate zone to the private zone and from the private to the public arenas, it is important to underscore that privacy is not lost or surrendered merely because the individual is in a public place. Privacy attaches to the person since it is an essential facet of the dignity of the human being."*

concluded, their continued unlimited digital searchability serves no purpose and has no bearing on 'open justice'.

Test Two: The Public Role of the Individual

202. As recognised in ***R. Rajagopal***[7] (supra), public officials have no right to privacy with respect to their acts and conduct relevant to the discharge of their official duties. This principle extends to all those who voluntarily enter public life, their conduct in their public role is a legitimate subject of public scrutiny. Where judicial proceedings relate directly to the manner in which a public figure has exercised their public role, the public interest in the continued accessibility of that information is of constitutional weight.

203. However, this principle does not extend to every aspect of a public figure's existence. A public figure's status in one domain does not transform the intimate details of their private life, including matrimonial disputes, personal relationships, or conduct entirely unrelated to their public role, into matters of public interest. The public figure principle is limited to conduct in the public capacity.

---

[7] *"**18.** The principle of the said decision has been held applicable to "public figures" as well. This is for the reason that public figures like public officials often play an influential role in ordering society. It has been held that as a class the public figures have, as the public officials have, access to mass media communication both to influence the policy and to counter-criticism of their views and activities. On this basis, it has been held that the citizen has a legitimate and substantial interest in the conduct of such persons and that the freedom of press extends to engaging in uninhibited debate about the involvement of public figures in public issues and events.*
***26** (3) There is yet another exception to the rule in (1) above — indeed, this is not an exception but an independent rule. In the case of public officials, it is obvious, right to privacy, or for that matter, the remedy of action for damages is simply not available with respect to their acts and conduct relevant to the discharge of their official duties. This is so even where the publication is based upon facts and statements which are not true, unless the official establishes that the publication was made (by the defendant) with reckless disregard for truth. In such a case, it would be enough for the defendant (member of the press or media) to prove that he acted after a reasonable verification of the facts; it is not necessary for him to prove that what he has written is true…."*

Test Three: Accuracy and Continuing Relevance

204. Even initially lawful processing of accurate data may, with the passage of time and change in circumstances, lose its justification for continued processing. As recognised in ***Google Spain S.L.***[8](supra), the lawfulness of processing personal data is not static but must be assessed in light of its continued necessity and relevance. Where information has become inadequate, irrelevant or no longer relevant, or excessive in relation to any purpose that can be identified, its continued searchability fails the proportionality test.

205. Inaccurate information stands in an even stronger position. Where information is demonstrably false, its continued name-based searchability has no claim to protection on the ground of continuing relevance. The principles of open justice and public interest, lend no support to the perpetuation of a demonstrably false association between a person and those proceedings.

Cases where de-indexing may not be appropriate

206. Notwithstanding the foregoing, there are categories where relief in the form of de-indexing or masking may not be apposite. The same are as under:

i. Cases involving conviction for offences against women or children: where a person stands convicted of such an offence, there subsists a

[8] *"**93**. It follows from those requirements, laid down in Article 6(1)(c) to (e) of Directive 95/46, that even initially lawful processing of accurate data may, in the course of time, become incompatible with the directive where those data are no longer necessary in the light of the purposes for which they were collected or processed. That is so in particular where they appear to be inadequate, irrelevant or no longer relevant, or excessive in relation to those purposes and in the light of the time that has elapsed."*

continuing public interest, inter alia, for the protection of potential victims and those responsible for their safety, in the accessibility of that information. This interest does not attenuate with the passage of time. Article 15(3) of the Constitution and enactments such as the Protection of Children from Sexual Offences (POCSO) Act, 2012, reflect the legislative recognition of the protective concern towards this category.

ii. Cases involving persons convicted of offences involving breach of public trust, including offences by public servants, elected representatives, and those in positions of fiduciary responsibility. The principle of public accountability, which underlies the constitutional framework of democratic governance, demands that the public retain access to information about the abuse of public trust.

De-indexing where proceedings have abated

207. Where proceedings have abated by death without any merits based determination, the right to be forgotten does not arise in its primary form, which flows from the vindication of the concerned person/s in judicial proceedings. However, de-indexing may be warranted on the grounds of proportionality, where digital accessibility occasions disproportionate and continuing harm to the surviving family, particularly the children who had no involvement in the proceedings.

The Territorial Scope of De-indexing

208. An important aspect is the territorial scope of a de-indexing direction. For instance, Google operates multiple country-specific versions of its

search engine, including google.co.in for India, as well as its global platform at google.com. A de-indexing direction limited to google.co.in would be of limited practical utility since google.com is freely and easily accessible to any person in India.

209. The fundamental right to informational privacy under Article 21 of the Constitution is not a right of limited territorial application. The harm caused by unlimited digital accessibility is not confined to searches conducted on any particular domain. A remedy that can be circumvented by the simple expedient of changing a domain suffix is not a meaningful remedy. De-indexing directions issued pursuant to this framework shall accordingly operate globally, across all versions and domains of the relevant search engine, to the extent necessary to give meaningful and effective protection to the petitioner's fundamental right to informational privacy under Article 21.

VI. MASKING: JURISDICTION, ENTITLEMENT AND PARAMETERS

210. Having addressed the relief of de-indexing, it is now necessary to examine in greater detail the relief of masking.

211. Masking, in the context of the present proceedings, refers to the replacement of a party’s name and such other personal identifiers (including address and identity details) as are necessary, with a neutral reference such as ‘ABC’ or ‘XYZ’ in the publicly accessible digital version of a judicial record. It is a direction to a court’s registry to modify the publicly accessible version of the record in this limited respect, while preserving the complete un-redacted version in the court's internal records without any modification.

212. Masking does not erase the judgment. The reasoning, findings, legal conclusions, case number, the court details, date etc., remain entirely intact and publicly accessible. The judgment continues to serve every institutional and precedential purpose that it was intended to serve. What changes is only the direct association between a specific individual's name and the judicial record in the public digital domain. A person's name ceases to function as the searchable key that unlocks the record for casual public access. The record itself, in all its substance, remains accessible to courts, parties, advocates, authorities, and any person who seeks it through purposeful means.

213. Masking is therefore not censorship or suppression of judicial records, but a precisely calibrated intervention that gives effect to the right to informational privacy while preserving the full requirements of open justice. As the Karnataka High Court observed in ***XXXX v. High Court of Karnataka*** (supra), the direction is "*only to enable the internet forget, like the humans forget. If it is allowed to stay on record, the internet will never permit the humans to forget*."

214. In ***State of H.P. v. X2*** (supra), the Court, relying upon directions issued by the Supreme Court in ***XXXXX v. YYYY2,*** 2022 SSC online SC 1123, emphasized that the right to privacy, of which the right to be forgotten or the right to be left alone is an inherent aspect, necessitates masking of names of both the accused and the prosecutrix in digital records. The Court observed that continued visibility of such identifiers in search engines would jeopardize dignity and cause irreparable hardship. The relevant observations are as follows:

*"**19.** The Hon'ble Apex Court in a case concerning squabble between husband and wife, wherein the High Court had rejected the plea of the parties therein to mask their names, directed the High Court to evolve methodology for masking the names of both the accused and the victim. The order passed by the Hon'ble Apex Court in case XXXXX v. YYYY2, 2022 SSC online SC, neutral citation 2024 : KHC : 14572, on dated 18.07.2022 reads as follows:—*

"i) Learned counsel for respondent No. 1 has entered appearance and joins in the request made by the petitioner.

ii) The petitioner submits that the display of her name in the public domain with respect to offences committed on the modesty of woman and Sexually Transmitted Disease (STD) has caused immense loss by way of social stigma and infringement of her personal privacy. Even if the name of the respondent No. 1 appears, it causes the same result.

iii) The petitioner pleads the 'right to be forgotten' and 'right of eraser' being rights of privacy, the name of the petitioner as well as the respondent be removed/masked along with the address, identification details and case numbers to the extent that the same are not visible for search engines. We thus, call upon the Registry of the Supreme Court to examine the issue and to work out how the name of both the petitioner and respondent No. 1 along with address details can be masked so that they do not appear visible for any search engine.

iv) The IA and the Miscellaneous Application accordingly stand disposed of.

v) The needful be done within three weeks from today by the Registry."

***20.** Thus, there can be no dispute that right of privacy of which the right to be forgotten and the right to be left alone are inherent aspects. Once that be so, obviously, the names of the prosecutrix as also the appellant need to be masked/erased so that they do not appear/visible in any search engine, least the same is likely to jeopardize and cause irreparable hardship, prejudice etc., not only to the respondent and the prosecutrix, but to their little daughter in their day-today life, career prospects etc. etc.*

***21**. Article 21 of the Constitution of India mandates that no person shall be deprived of his life or liberty except in accordance with law. It is more than settled that the expression 'life' cannot be seem to connote a mere animal existence it has a much wider meaning. It takes within its sweep right to live with dignity. In the crime, once the accused gets acquitted/honorably discharged by a competent Court of law or this*

Court, and the order becomes final, the shadow of crime, if permitted to continue and substitute its place for the shadow of dignity on any citizen, it would be a travesty of the concept of life under Article 21. Every person has a right to live with dignity.

22. *In view of the aforesaid discussion, we not only do not find any merit in the instant application and accordingly reject the application for grant of leave to appeal, but also direct masking the names of the appellant and the prosecutrix from the data base of the learned Special Judge, Bilaspur and further direct the Registrar General of this Court to mask the names of the appellant in the digital records, pertaining to the instant appeal."*

Legal Parameters for granting the relief of Masking

215. The entitlement to masking flows from the same constitutional foundation as the entitlement to de-indexing, that is, the right to informational privacy as a facet of Article 21, as recognised in ***K.S. Puttaswamy*** (supra). The proportionality analysis that underlies the right to be forgotten is equally applicable. The continued association of an individual's name with a judicial record in the public digital domain causes disproportionate harm to informational privacy, dignity and reputation that is not justified by any legitimate public interest in the eligible categories identified in this judgment.

216. In cases of acquittal, discharge, or quashing, the presumption of innocence, (a substantive guarantee under Article 21), requires that the judicial determination of innocence be given full practical effect. Masking gives that determination its full effect at the level of the court record itself. In cases of settlement, the consensual extinguishment of the proceedings by the complainant removes any basis for the continued association of the individual's name with the record. In matrimonial and purely private civil

disputes, ***K.S. Puttaswamy*** (supra), at paragraph 323, identifies the sanctity of family life, marriage and personal relationships as lying at the very core of the protected zone of privacy. The intimate details of such proceedings have no legitimate claim to continued name-based retrievability once they have concluded.

217. The same absolute bars that deny de-indexing in cases of convictions for offences against women or children, breach of public trust, and the public conduct of public figures, apply equally to masking. There is no separate or more permissive standard.

218. The question of jurisdiction in relation to masking requires careful consideration. Unlike de-indexing, which is a direction to a private platform, 'masking' would involve a direction to a Court or more precisely to a Court's registry, to modify the publicly accessible version of its own judicial record.

219. The general principle, consistently applied by courts in India, is that a request for masking or anonymisation of a judicial record ought to be made before the court that rendered the original order or judgment. In ***Abhishek Beri v. Union of India,*** W.P.(C) 15145/2024, this Court observed[9] that directions for masking can be issued by the concerned court that rendered the original order or judgment. The underlying rationale for this position is that the originating court has direct supervisory authority over its own registry/ records, and is in the best position to carry out the modification

[9] *"3. In this regard, it is noted that directions for masking can be issued by the concerned Court that has rendered the original order/ judgment. Accordingly, Mr. Chaudhury counsel for Petitioner states that at the first instance he will make a request to the concerned court for appropriate directions for masking the details of the parties. Consequently, he requests permission to withdraw the present writ petition, with liberty to reapply if the Petitioner's request is not entertained by the concerned court."*

while ensuring the un-redacted version is properly preserved. For this reason, in the opinion of this Court, masking of subordinate court records is more appropriately left to the originating court.

220. The following parameters would govern the grant of relief of masking:

i. Only names and personal identifiers are masked, not the substance of the judgment. The reasoning, findings, legal conclusions, case number, court details, relevant dates, etc., remain intact and publicly accessible. The judicial record retains its full institutional, precedential and accountability functions.

ii. The complete and un-redacted version of the judgment is preserved in the court's internal records without exception. Masking applies only to the publicly accessible digital versions. The un-redacted version remains accessible to courts, parties, advocates, and authorities with a legitimate legal purpose.

iii. Masking operates both retrospectively, in respect of the existing publicly accessible digital version and prospectively, in respect of any future digitisation or uploading.

iv. A masking order by the concerned Court constitutes an order of a Court of competent jurisdiction for the purposes of Rule 3(1)(d) of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021. Upon receipt of such an order, Google and other search engine operators are obliged to de-index the masked judgment from name-based search results and ‘Indian Kanoon’ and other hosts are obliged to disable name-based search functionality on

their platform/s in respect of that judgment. The concerned Court may expressly include this direction in its masking order.

v. The concerned Court retains jurisdiction to review and revoke a masking direction if subsequent circumstances bring the matter within the absolute bars or other categories where relief is not available.

vi. Masking applications must be disposed of expeditiously, having regard to the continuing nature of the harm caused by the availability of personal identifiers in the public digital domain.

Liberty to Seek Masking from Concerned Courts

221. Where this Court has directed de-indexing in respect of any of the petitioners, such petitioners shall also be at liberty to seek masking of their names and personal identifiers from the publicly accessible digital versions of the relevant judicial record by moving an appropriate application before the concerned Court that rendered the original order or judgment. Such an application, where made, shall be decided expeditiously.

E. APPLICATION OF THE ABOVE PRINCIPLES TO THE PRESENT PETITIONS

222. In the above conspectus, what falls for consideration is whether the limited relief of de-indexing (much short of complete takedown) of the offending digital material can be granted in the present petitions. As noticed, directions regarding complete takedown have previously been issued by

certain High Courts[10], but qua some of the said orders, the Supreme Court has passed interim orders. The de-indexing direction being considered in these proceedings are in a much narrower domain. De-indexing has also been ordered in various other proceedings.[11]

Petitions Involving Acquittal, Discharge and Quashing

223. The largest group of petitions before this Court involves persons who have been acquitted of criminal charges, discharged from criminal proceedings, or whose cases have been quashed. These petitions share a common foundation that the judicial process has formally determined that the criminal allegations against these persons were not established.

224. The right to reputation, recognised as an inseparable facet of Article 21 in ***Umesh Kumar v. State of A.P[12].***, (2013) 10 SCC 591 and ***Om Prakash***

[10] ***Karthick Theodore v. Registrar General, Madras High Court*** (W.A.(MD) No. 1901 of 2021); ***Rakesh Jagdish Kalra v. India Today Group***, 2024 SCC OnLine Del 5113.

[11] ***Vysakh K.G. v. Union of India,*** 2022 SCC OnLine Ker 7337.

[12] *"**18.** Allegations against any person if found to be false or made forging someone else's signature may affect his reputation. Reputation is a sort of right to enjoy the good opinion of others and it is a personal right and an enquiry to reputation is a personal injury. Thus, scandal and defamation are injurious to reputation. Reputation has been defined in dictionary as "to have a good name; the credit, honour, or character which is derived from a favourable public opinion or esteem and character by report". Personal rights of a human being include the right of reputation. A good reputation is an element of personal security and is protected by the Constitution equally with the right to the enjoyment of life, liberty and property. Therefore, it has been held to be a necessary element in regard to right to life of a citizen under Article 21 of the Constitution. The International Covenant on Civil and Political Rights, 1966 recognises the right to have opinions and the right to freedom of expression under Article 19 is subject to the right of reputation of others. Reputation is "not only a salt of life but the purest treasure and the most precious perfume of life". (Vide Kiran Bedi v. Committee of Inquiry [(1989) 1 SCC 494 : AIR 1989 SC 714] , Port of Bombay v. DilipkumarRaghavendranath Nadkarni [(1983) 1 SCC 124 : 1983 SCC (L&S) 61 : AIR 1983 SC 109] , Nilgiris Bar Assn. v. T.K. Mahalingam [(1998) 1 SCC 550 : 1998 SCC (Cri) 450] , Mehmood Nayyar Azam v. State of Chhattisgarh [(2012) 8 SCC 1 : (2012) 4 SCC (Civ) 34 : (2012) 3 SCC (Cri) 733 : (2012) 2 SCC (L&S) 449 : AIR 2012 SC 2573] , Vishwanath Agrawal v. Sarla Vishwanath Agrawal [(2012) 7 SCC 288 : (2012) 4 SCC (Civ) 224 : (2012) 3 SCC (Cri) 347 : AIR 2012 SC 2586] and Kishore Samrite v. State of U.P. [(2013) 2 SCC 398 : (2013) 2 SCC (Cri) 655])"*

Chautala v. Kanwar Bhan[13] (2014) 5 SCC 417, requires that legal exoneration be given full effect, including in the digital domain. It is, therefore, held that persons, who have been acquitted, discharged, or whose proceedings have been quashed are entitled to have that legal determination reflected in their digital identity/persona. The question in each case is whether any specific competing interest qualifies or limits that entitlement.

W.P.(C) 3918/2021

225. The petitioner stands acquitted of criminal charges by concurrent findings of two courts including this Court. The proceedings have attained finality. The petitioner is a private individual. There is nothing in the record to suggest that the subject matter retains any continuing relevance to any matter of public concern, or that the petitioner continues in any role where these proceedings would bear upon any legitimate public assessment of him. The right to informational privacy under Article 21 entitles the petitioner to relief. Accordingly, the concerned respondents/ search engine operators/ legal database platforms are directed to de-index, and disable, across all platforms and domains, name-based search functionality in respect of the judgments/orders/news articles complained of in the petition.

---

[13] *"Reputation is fundamentally a glorious amalgam and unification of virtues which makes a man feel proud of his ancestry and satisfies him to bequeath it as a part of inheritance on posterity. It is a nobility in itself for which a conscientious man would never barter it with all the tea of China or for that matter all the pearls of the sea. The said virtue has both horizontal and vertical qualities. When reputation is hurt, a man is half-dead. It is an honour which deserves to be equally preserved by the downtrodden and the privileged. The aroma of reputation is an excellence which cannot be allowed to be sullied with the passage of time. The memory of nobility no one would like to lose; none would conceive of it being atrophied. It is dear to life and on some occasions it is dearer than life. And that is why it has become an inseparable facet of Article 21 of the Constitution. No one would like to have his reputation dented. One would like to perceive it as an honour rather than popularity. When a court deals with a matter that has something likely to affect a person's reputation, the normative principles of law are to be cautiously and carefully adhered to. The advertence has to be sans emotion and sans populist perception, and absolutely in accord with the doctrine of audi alteram partem before anything adverse is said."*

W.P.(C) 8557/2021

226. The petitioners have been acquitted yet continue to be associated in the digital public domain with allegations of smuggling and illegal activities. It appears evident that the impugned articles constitute an impermissible encroachment on the petitioner's reputational and informational privacy rights. As such, grant of relief is merited. In the circumstances, the concerned respondents/ search engine operators/ legal database platforms are directed to de-index, and disable, across all platforms and domains, name-based search functionality in respect of the judgments/orders/news articles complained of in the petition. The petitioners are at liberty to pursue such further remedies as may be available against the publishers on account of inaccurate/ defamatory content.

W.P.(C) 11553/2021

227. The petitioner was acquitted of all charges in the proceedings initiated by the CBI. The said acquittal is confirmed by the dismissal of CRL.L.P. 565/2018. In a separate matter, a closure report was accepted by the Special Judge in CC No. 01/2021.

228. Also, the orders sought to be de-linked contain not merely the petitioner's personal details but also particulars of his children, including their identities and other personal information. Kaul J. in ***K.S. Puttaswamy*** (supra) expressly recognised that the privacy of children requires special protection not merely in the physical world but in the digital domain as well. Children cannot be made to bear the digital consequences of proceedings in which they had no involvement and over which they had no control.

Accordingly, the concerned respondents/ search engine operators/ legal data base platforms are directed to de-index, and disable, across all platforms and domains, name-based search functionality in respect of the judgments/orders/news articles complained of in the petition, with particular emphasis on the removal of identifying details of the petitioner's children from publicly accessible digital records.

W.P.(C) 4094/2023

229. The petitioner was acquitted as far back as in 2010, of serious charges including abetment of suicide and cruelty under Sections 498A/306/34 Indian Penal code, 1860 (IPC). Whatever public interest may have attached to these proceedings has long since dissipated. The right of an individual to move beyond a chapter of life that the law has formally closed, as recognised in ***K.S. Puttaswamy*** (supra) as an aspect of the right to privacy, is directly involved in the present petition. In the circumstances, the concerned respondents/ search engine operators/ legal data base platforms are directed to de-index, and disable, across all platforms and domains, name-based search functionality in respect of the judgments/orders/news articles complained of in the petition.

W.P.(C) 5400/2023

230. The petitioner was acquitted of charges of rape and criminal intimidation under Sections 328/376/506 IPC. He urges a broader principle to the effect that the identity of persons accused of sexual offences ought to be protected upon acquittal.

231. This submission merits careful consideration. The law already protects the identity of victims of sexual offences but the stigma associated with an accusation of rape is of such severity and permanence that an acquittal, without more, is frequently insufficient to undo the reputational damage. A person acquitted of charges of committing rape carries indefinitely, the association with such accusation in name-based search results, not because they were found guilty but because the accusation was made and is permanently retrievable. This Court is of the view that in cases of acquittal from charges of sexual offences, where the petitioner is a private individual and no specific articulable continuing public interest in their identification can be established, the case for masking and de-indexing follows almost as a matter of course from the acquittal itself. Accordingly, the concerned respondents/ search engine operators/ legal data base platforms are directed to de-index, and disable, across all platforms and domains, name-based search functionality in respect of the judgments/orders/news articles complained of in the petition.

W.P.(C) 2353/2023

232. The petitioner seeks removal of content pertaining to Crime No. 420/20 and consequential proceedings. The petitioner was acquitted of the charges *vide* judgment dated 17.09.2021 passed by the Additional Sessions Judge-06, Gwalior. In light of acquittal, the concerned respondents/ search engine operators/ legal data base platforms are directed to de-index, and disable, across all platforms and domains, name-based search functionality in respect of the judgments/orders/news articles complained of in the petition.

W.P.(C) 3687/2024

233. The petitioners were acquitted of the charges of sexual offence under Sections 376 and 506 IPC. Multiple orders and judgments from different stages of the proceedings remain publicly accessible through name based search. The constitutional position of these petitioners is directly analogous to that of the petitioner in W.P.(C) 5400/2023 and the same reasoning applies with equal force. In the circumstances, the concerned respondents/ search engine operators/ legal data base platforms are directed to de-index, and disable, across all platforms and domains, name-based search functionality in respect of the judgments/orders/news articles complained of in the petition.

W.P.(C) 2887/2025

234. The petitioner was discharged by this Court *vide* judgment dated 30.05.2024 in Crl. Rev.no. 745/2023. The SLP filed against the said judgment was dismissed by the Supreme Court *vide* order dated 15.10.2024. The present petition warrants emphasis on a particular aspect, *viz.*, that this Court's own order of discharge is not being given full practical effect in the digital domain. A court order that discharges a person from criminal proceedings must carry its legal consequence into the digital domain as well. In the circumstances, the concerned respondents/ search engine operators/ legal data base platforms are directed to de-index, and disable, across all platforms and domains, name-based search functionality in respect of the judgments/orders/news articles complained of in the petition.

W.P.(C) 5608/2023

235. The matter was settled between the parties through a Memorandum of Understanding dated 29.09.2021 and the proceedings emanating from FIR no. 293/2021 were quashed by this Court *vide* order dated 02.06.2022 passed in CRL.M.C 1207/2022. In the circumstances, two independent grounds, warranting relief emerge, namely, consensual settlement and judicial quashing. Considering the convergence of the said reliefs, this Court is of the view that continued searchability of content about the FIR and the petitioner's arrest serves no purpose that can withstand constitutional scrutiny. In the circumstances, the concerned respondents/ search engine operators/ legal data base platforms are directed to de-index, and disable, across all platforms and domains, name-based search functionality in respect of the judgments/orders/news articles complained of in the petition.

W.P.(C) 15523/2023

236. The FIR against the petitioners was quashed by this Court *vide* order dated 14.09.2023 in CRL.M.C. No. 1274/2023. However, despite such quashing, the content pertaining to the petitioners' arrest in connection with the said FIR continues to be available in the digital domain, sustaining an association with criminal allegations that this Court has itself determined should not be continued. In the circumstances, the concerned respondents/ search engine operators/ legal data base platforms are directed to de-index, and disable, across all platforms and domains, name-based search functionality in respect of the judgments/orders/news articles complained of in the petition.

W.P.(C) 13461/2023

237. FIR No. 29/2022, lodged against the petitioner, alleged rape and sexual assault. The investigation pursuant to the said FIR resulted in a closure report. The protest petition was dismissed by the concerned Metropolitan Magistrate. The revision petition in CRL.REV.P. 129/2023 was also dismissed *vide* order dated 09.02.2023. Evidently, the said closure has been affirmed through successive judicial determinations. The particular stigma that attaches to a person accused of committing sexual offences, as discussed in the context of WP(C) 5400/2023, makes the case for relief quite compelling. In the circumstances, the concerned respondents/ search engine operators/ legal data base platforms are directed to de-index, and disable, across all platforms and domains, name-based search functionality in respect of the judgments/orders/news articles complained of in the petition.

W.P.(C) 14360/2021

238. The petitioner was named in an FIR against which the CBI, upon investigation, filed a closure report noting that no case was made against the petitioner. The concerned Special Judge, CBI accepted the closure report *vide* order dated 25.11.2019. It is noted that certain articles of derogatory nature were published even before the investigation had concluded. The said articles remain accessible in the public domain on a name-based search, despite the closure of proceedings by the CBI. The disparity between the outcome of due process and what the internet perpetuates is precisely the harm that the right to informational privacy requires to address. Accordingly, the concerned respondents/ search engine operators/ legal data base platforms are directed to de-index, and disable, across all platforms and

domains, name-based search functionality in respect of the judgments/orders/news articles complained of in the petition.

239. The petitioner additionally seeks a direction for publication of news regarding the aforesaid order dated 25.11.2019. This prayer is declined, while granting liberty to the petitioner to pursue such private remedies as may be available through appropriate proceedings.

W.P.(C) 14696/2025

240. FIR No. 67/2006 was quashed by this Court *vide* order dated 04.05.2023 passed in CRL.M.C. 1460/2023. Despite the said quashing, the judicial records associated with the said FIR continue to be publicly displayed. In line with the reasoning set forth in W.P.(C) 15523/2023, the concerned respondents/ search engine operators/ legal data base platforms are directed to de-index, and disable, across all platforms and domains, name-based search functionality in respect of the judgments/orders/news articles complained of in the petition.

W.P.(C) 1567/2025

241. The petitioner was arrayed in five CBI cases, *viz*, Special (CBI) Case nos. 9/2011; 65/2011; 66/2011; 71/2011; 72/2011. Pursuant to the filing of the charge sheet/s, the petitioner was discharged from all five cases by the concerned Special Judge *vide* orders dated 17.06.2015 and 22.06.2015. A discharge from CBI proceedings after the filing of a charge sheet/s is a significant judicial determination. Considering that over a decade has elapsed since the petitioner's discharge, no continuing public interest lies in the association of the petitioner's name with the said proceedings.

242. The prejudicial context referred to in the petition, despite its irrelevance (i) has caused the petitioner and his family embarrassment and social hardship; and (ii) has affected and prejudiced his engagement with potential clients and investors.

243. In the circumstances, the concerned respondents/ search engine operators/ legal data base platforms are directed to de-index, and disable, across all platforms and domains, name-based search functionality in respect of the judgments/orders/news articles complained of in the petition.

W.P.(C) 11714/2025

244. FIR No. 167/2021 was registered against the petitioner alleging offences under Sections 328/342/376/34 IPC. After trial, the petitioner was acquitted *vide* judgment dated 13.11.2024 passed by the ASJ (FTSC)(RC)-02/West/Tis Hazari Courts in SC No. 534/23. Despite the said acquittal, the content published during the trial remains available in public domain on a name-based search. Needless to say, the proximity of acquittal is not a relevant factor; the right to informational privacy arises from the legal determination of acquittal itself. In the circumstances, the concerned respondents/ search engine operators/ legal data base platforms are directed to de-index, and disable, across all platforms and domains, name-based search functionality in respect of the judgments/orders/news articles complained of in the petition.

Petitions Involving Settlement and Compounding

W.P.(C) 9824/2023

245. The petitioner was convicted under Section 138 of the Negotiable Instruments Act, 1881, a provision that is in its essence a commercial remedy between private parties. Subsequent to conviction, the parties arrived at a settlement before the Mediation Centre, recorded *vide* order dated 15.09.2022 by the ASJ-02, East District, Karkardooma District Courts.

246. The compounding of the offence through settlement extinguished the proceedings by the consensual act of the parties. The complainant's own election to compound extinguishes whatever public interest may have existed. In the circumstances, the concerned respondents/ search engine operators/ legal data base platforms are directed to de-index, and disable, across all platforms and domains, name-based search functionality in respect of the judgments/orders/news articles complained of in the petition.

W.P.(C) 9940/2024

247. The petitioner claims himself to be a public figure. FIR No. 0418/2022 alleging commission of sexual offences under Sections 376 and 506 of the IPC was lodged against the petitioner. The said FIR was quashed by this Court *vide* order dated 06.02.2024 in CRL.MC. No. 5294/2022 on the basis of a settlement between the petitioner and the complainant.

248. Settlement based quashing in matters involving sexual offences and the public figure status of the petitioner impinges upon the petitioner's entitlement to relief. There is a continuing public interest in the accessibility of proceedings that touch upon serious allegations against such public

figure. As such, it is untenable to grant relief as sought by the present petitioner.

Petitions Involving Purely Private Civil and Matrimonial Disputes

W.P.(C) 16476/2023 and W.P.(C) 6695/2024

249. These two petitions present materially identical circumstances and are thus considered together. Both petitioners were parties to matrimonial disputes that attained finality in 2015 through a consent orders passed by the Supreme Court in Civil Appeal No. 6827/2015 and SLP (Civil) No. 19646/2014, respectively, granting a decree of divorce and quashing all pending criminal proceedings between the parties therein.

250. Matrimonial disputes lie at the very core of the zone of privacy as identified in ***K.S Puttaswamy*** (supra), the sanctity of family life, marriage, and personal relationships. Those proceedings concluded by consent nearly a decade ago. Whatever public interest may have existed has long been extinguished. Therefore, the petitioners in both the petitions are entitled to relief.

251. Accordingly, the concerned respondents/ search engine operators/ legal data base platforms are directed to de-index, and disable, across all platforms and domains, name-based search functionality in respect of the judgments/orders/news articles complained of in the petition. The petitioner is relegated to avail appropriate remedies as regards the prayer in W.P.(C) 16476/2023 for removal of judgment/s from the Supreme Court's website.

W.P.(C) 11862/2025

252. The petitioner was embroiled in multiple matrimonial proceedings before this Court. The petitioner's right to informational privacy in respect of the intimate details of her matrimonial life outweighs any residual public interest in the name-based searchability of these records. In the circumstances, the concerned respondents/ search engine operators/ legal data base platforms are directed to de-index, and disable, across all platforms and domains, name-based search functionality in respect of the judgments/orders/news articles complained of in the petition.

W.P.(C) 7763/2024

253. The petitioner seeks removal of the judgment/order dated 30.05.2023 in MAT.APP.(F.C) 49/2023 containing intimate personal details including the terms of settlement between the parties, details of the matrimonial relationship and a list of assets of the parties. The combination of the purely private nature of the matrimonial dispute and the consensual nature of the settlement warrants that appropriate relief be granted. In the circumstances, the concerned respondents/ search engine operators/ legal data base platforms are directed to de-index, and disable, across all platforms and domains, name-based search functionality in respect of the judgments/orders/news articles complained of in the petition.

W.P.(C) 6047/2024

254. The petitioner seeks masking and removal of the judgment dated 02.04.2024 in MAT APP (FC) 321/2018. Her former husband is stated to be a public figure and renowned chef. His public status as a chef does not

transform the intimate details of his private marriage into matters of public interest. The public figure principle relates to conduct in the public role. The petitioner is a private individual whose right to informational privacy is not diminished by her former husband's professional public status. In the circumstances, the concerned respondents/ search engine operators/ legal data base platforms are directed to de-index, and disable, across all platforms and domains, name-based search functionality in respect of the judgments/orders/news articles complained of in the petition.

W.P.(C) 12179/2024

255. The petitioner seeks restriction of name-based search in respect of the judgment dated 06.04.2013 in Civil Suit No. 380/12 which gives an adverse impression about his conduct towards his now deceased father and his relationship with his wife. This is a purely private civil dispute between private individuals concerning personal and family matters. No public interest of any kind attaches to its continued name-based searchability.

256. Over a decade has elapsed since the judgment in question came to be passed. In the circumstances, the concerned respondents/ search engine operators/ legal data base platforms are directed to de-index, and disable, across all platforms and domains, name-based search functionality in respect of the judgments/orders/news articles complained of in the petition.

Other Petitions

W.P.(C) 1021/2016

257. The petitioner was never a party to the proceedings before the Special Judge, NDPS, in CR No.1/15. His name appears in the order dated 13.10.2015 solely as an identifier, as the husband of a respondent, and the petitioner had no role in those proceedings whatsoever. The digital identity of the petitioner has been affected not by any proceeding to which he was a party and not by any proceeding in which the open justice principle can be invoked in relation to the petitioner, but by an incidental reference in a proceeding entirely concerning third parties.

258. No principle of open justice, freedom of expression, or public interest can justify the continued prominent searchability of a person's name in connection with criminal proceedings in which they had no involvement. In the circumstances, the concerned respondents/ search engine operators/ legal data base platforms are directed to de-index, and disable, across all platforms and domains, name-based search functionality in respect of the judgments/orders/news articles complained of in the petition.

W.P.(C) 8209/2021

259. The petitioner obtained the order dated 08.04.2019 in CS SCJ 1194/18 for a purely administrative purpose, that is, to resolve a discrepancy in his name arising from a name change, on the advice of an examining authority in the context of the petitioner’s medical licensing application. The proceeding was not adversarial. No allegation was made or found. This is a case where proceedings were entirely innocuous in nature and purpose, but

whose public availability has resulted in consequences disproportionate to any legitimate public interest.

260. No interest in transparency or accountability is served by the searchability of an administrative declaration obtained by a private individual to resolve a documentary discrepancy. In the circumstances, the concerned respondents/ search engine operators/ legal data base platforms are directed to de-index, and disable, across all platforms and domains, name-based search functionality in respect of the judgments/orders/news articles complained of in the petition.

W.P.(C) 2134/2023

261. The petitioner is described as a world-renowned figure in the fight against HIV-AIDS. The petitioner was arrested in 1999 on allegations relating to the treatment administered by him to HIV patients. Over 15 years ago, the petitioner was discharged *vide* order dated 04.08.2009 by the Ad Hoc Additional Sessions Judge, City Sessions Court, Sewree, Bombay, however, articles pertaining to his arrest continue to appear in name-based search results.

262. The content qua which relief is sought, relates to allegations pertaining to the petitioner's medical practice, which could be characterized as conduct in his professional capacity. However, the discharge by the competent Court represents a definitive judicial determination that the allegations were not established. The petitioner's public contribution to the fight against HIV-AIDS, is entirely unrelated to and unaffected by the allegations. The continued digital prominence of those out-dated allegations, long after discharge, serves no legitimate public interest. In the

circumstances, the concerned respondents/ search engine operators/ legal data base platforms are directed to de-index, and disable, across all platforms and domains, name-based search functionality in respect of the judgments/orders/news articles complained of in the petition.

W.P.(C) 12567/2022

263. The petitioner, an Associate Professor seeks removal of the judgment dated 19.04.2022 passed in CR No. 140/2020, whereby the Court directed registration of an FIR against persons who had accused the petitioner of being the biological father of a colleague's child and extorted money from the petitioner. It is to be noted that the petitioner is the complainant and not the accused.

264. No public interest is served by the searchability of this order, which serves as a direction to register an FIR on a private complaint. In the circumstances, the concerned respondents/ search engine operators/ legal data base platforms are directed to de-index, and disable, across all platforms and domains, name-based search functionality in respect of the judgments/orders/news articles complained of in the petition.

W.P.(C) 13192/2024

265. The petitioner was not a party to FIR No. 486/2021 neither as an accused, nor as a complainant, nor as a witness. The petitioner’s name appears in news articles in the context of the above FIR and the said news article/s alludes/ suggests the petitioner’s involvement therein, despite the fact that the petitioner was never an accused therein nor any order has been passed against the petitioner. In the circumstances, the concerned

respondents/ search engine operators/ legal data base platforms are directed to de-index, and disable, across all platforms and domains, name-based search functionality in respect of the judgments/orders/news articles complained of in the petition.

266. The petitioner's grievances under the Digital Personal Data Protection Act, 2023 in respect of representations made to MEITY are appropriately directed to MEITY for consideration under the applicable statutory framework.

W.P.(C) 16447/2023

267. The NGT took suo moto cognizance based on a news report alleging unauthorised tree felling by the petitioner. The NGT disposed of Suo Moto Application No. 262/2015 on 13.07.2018, after the forest officer's affidavit, consistent with findings of the Supreme Court and the Central Empowered Committee, confirmed that no unauthorised tree felling had occurred. The NGT proceedings concluded with an effective exoneration on the very allegations that prompted them. News reports that remain available present the allegations without the context of their resolution in the petitioner's favour. In the circumstances, the concerned respondents/ search engine operators/ legal data base platforms are directed to de-index, and disable, across all platforms and domains, name-based search functionality in respect of the judgments/orders/news articles complained of in the petition.

W.P.(C) 30/2025

268. The FIR No. 303/2024 arose from a business dispute. The petitioner's anticipatory bail application was initially dismissed by the Sessions Court

before being granted by this Court *vide* order dated 22.08.2024. Subsequently the parties settled and a closure report was filed and accepted *vide* order dated 07.11.2024 in Cr. Case 13895/2024.

269. The particular harm identified is the continued availability of the anticipatory bail order, which records the dismissal of bail by the Sessions Court before its grant by this Court, creating a misleading picture of the petitioner's legal position. The order in isolation records a dismissal of bail, a fact that without the context of the subsequent grant by this Court and the final settlement and closure, creates a false impression. The settlement and closure extinguishes any public interest. In the circumstances, the concerned respondents/ search engine operators/ legal data base platforms are directed to de-index, and disable, across all platforms and domains, name-based search functionality in respect of the judgments/orders/news articles complained of in the petition.

W.P.(C) 18962/2025

270. The petitioner is a company engaged in the power transmission sector. News reports in 2022 portrayed it as involved in serious financial fraud arising from FIRs registered in connection with internal shareholder disputes. All disputes were resolved and the FIRs were quashed by the Allahabad High Court *vide* order dated 29.07.2024. The NCLT also disposed of the company petition *vide* order dated 27.02.2025 in view of the settlement. Evidently, the concerned proceedings stand concluded and the same renders the concerned news reports disproportionate. In the circumstances, the concerned respondents/ search engine operators/ legal data base platforms are directed to de-index, and disable, across all

platforms and domains, name-based search functionality in respect of the judgments/orders/news articles complained of in the petition..

W.P.(C) 8658/2022

271. The petitioner seeks removal of content relating to the demise of his wife in 2015. The content concerns a private matter. No criminal proceedings were involved. No public interest of any kind attaches to the continued searchability of content about the demise of a private person. The petitioner's own right to informational privacy in respect of the most intimate aspects of his personal life, including the circumstances of his wife's death, the same serves no public interest and its continued searchability is disproportionate to any legitimate purpose. In the circumstances, the concerned respondents/ search engine operators/ legal data base platforms are directed to de-index, and disable, across all platforms and domains, name-based search functionality in respect of the judgments/orders/news articles complained of in the petition.

W.P.(C) 1671/2022

272. The petitioner seeks removal of the order dated 09.08.2018 passed by the Special Judge (PC Act), CBI-03, Dwarka Courts in CBI proceedings, on the ground that it contains personal details of the petitioner. Taking note of the fact that the said order pertains to proceedings of matrimonial nature, and on the basis of the personal details contained in the order, and the absence of any identified continuing public interest, the concerned respondents/ search engine operators/ legal data base platforms are directed to de-index, and disable, across all platforms and domains, name-based

search functionality in respect of the judgments/orders/news articles complained of in the petition.

W.P.(C) 11372/2022

273. The petitioner seeks removal of content linking him to the Bike Bot Scam, Project Grand Venice, and Mist Avenue, characterizing the content as sensational and premised on inaccurate facts. The current status of the underlying proceedings is not placed on the record before this Court. Content that presents allegations as established facts, without substantiation, cannot be permitted to continue indefinitely. However, the petitioner has not placed the status of the underlying proceedings before this Court. The prayer for de-indexing cannot be adjudicated without this information and is accordingly rejected on the material available.

W.P.(C) 9929/2025

274. This petition stands in a category entirely its own. The petitioner is a victim of sexual offences, the complainant in proceedings arising out of FIR No. 50/2022 registered at Women's Police Station, Srinagar, wherein she accused Nadeem Ahmad Ganai @ Nadeem Nadu of offences under Sections 376/384/506 IPC. Orders and judgments containing the name and personal identifiers of the petitioner have been uploaded on Indian Kanoon without masking or redaction of the same. Despite multiple representations, no action has been taken.

275. This petition does not require the application of the framework pertaining to the right to be forgotten as its primary basis. The identity of a victim of sexual offences is expressly protected under Section 228A of the

IPC, now Section 72 of the Bharatiya Nyaya Sanhita, 2023, which prohibits the disclosure of the identity of any person against whom a sexual offence has been committed. This prohibition is a statutory mandate of absolute application and not a discretionary relief. The uploading of orders/judgments containing the identity of a victim of sexual offences on a publicly searchable legal database, without masking or redaction constitutes a violation of this statutory prohibition. The failure of Indian Kanoon to act upon the petitioner's multiple representations, despite being placed on notice, enhances the violation. In the circumstances, the concerned respondents/ search engine operators/ legal data base platforms are directed to immediately de-index, and disable, across all platforms and domains, name-based search functionality in respect of the judgments/orders/news articles complained of in the petition.

276. This relief is directed as a matter of statutory right and legal obligation under Section 228A IPC read with Article 21 of the Constitution and not merely as a matter of judicial discretion under the right to be forgotten framework. The respondents are directed to comply forthwith. This Court also records its deep concern that a victim of sexual offences was required to approach this Court to enforce a statutory right that ought to have been given effect without the necessity of any litigation.

277. Indian Kanoon is directed to put in place appropriate systems at the point of upload, to ensure that in future, the identity of victims of sexual offences are not disclosed.

W.P.(C) 6790/2021

278. The petitioner claims himself to be a renowned public figure, who, working as a television artist, has appeared in various reality shows/daily soaps. The petitioner seeks the removal of posts, videos and articles depicting several incidents of drunken behaviour said to have occurred more than a decade ago. The petitioner is, avowedly, a public figure and the content relates to conduct in the public domain.

279. On careful consideration, this Court declines to grant relief in the present case. The petitioner is a public figure. The right to be forgotten, as articulated in this judgment, is primarily a protection for private individuals against the disproportionate perpetuation of information whose legal or social foundation has been extinguished. It is not a mechanism for the selective erasure of past conduct by those who have voluntarily assumed a public identity. The mere passage of time does not extinguish the public interest in the conduct of a person who remains a public figure. If the content complained of is demonstrably false or inaccurate, a separate cause of action in defamation may be available through appropriate proceedings. The petition is accordingly dismissed.

W.P.(C) 12620/2021

280. The petitioner seeks removal of content relating to his conviction for the offence of ‘one count of blackmail and fifteen counts of fraud’ by the Leicester Crown Court of the United Kingdom dated 19.02.2015. This Court is not inclined to grant relief for multiple reasons. First, the petitioner stands convicted of serious offences by a Court of competent jurisdiction. The right to be forgotten cannot be invoked as a means to efface serious criminal

culpability. While a conviction may, as in the case of ***NT1, NT2 and Google LLC and The Information Commissioner,*** [2018] EWHC 799 (QB), lose its continuing relevance with the passage a sufficient period of time, no such case is made out here. The conviction is of relatively recent vintage and is for offences whose relevance to those who may have occasion to deal with him, does not diminish with passage of time. In the circumstances, this Court is not inclined to grant the relief sought; the prayer is, accordingly rejected.

W.P.(Crl.) 1861/2022

281. The petitioner seeks the removal of bail orders concerning his deceased son-in-law, who was, *vide* FIR No. 105/2019, accused of offences under Sections 376/323/506/509/174-A/34of IPC. While on bail, the son-in-law passed away on 15.11.2021, rendering the criminal trial in Case No. SC/515/2019 infructuous and abated on 23.11.2021.

282. Considering the circumstances, in light of the framework articulated above, including the fact that the proceedings have abated upon the demise of the accused without any adverse determination, and that the continued circulation of such orders serves no present public purpose while perpetuating stigma upon the surviving family, including the wife and children of the deceased, this Court is of the view that de-indexing from search results linked to the name of the deceased son-in-law of the petitioner is warranted on the ground of proportionality. The family of the deceased (including his children), is entitled to be protected from the perpetuation of unresolved allegations.

283. In the circumstances, the concerned respondents/ search engine operators/ legal data base platforms are directed to de-index, and disable, across all platforms and domains, name-based search functionality in respect of the judgments/orders/news articles complained of in the petition.

F. FURTHER DIRECTIONS

284. Unless otherwise specified, all aforesaid directions shall be complied with within two weeks from today. Where relief has been granted, Google LLC/ Google Inc./Google India Private Ltd. and all other search engine operators are directed to de-index the relevant content, orders, judgments and associated reportage from name-based search results, and shall be complied in the same manner, as a direction under Rule 3(1)(d) of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.

285. Indian Kanoon (iKanoon Software Development Private Limited) is directed to restrict name-based search functionality within its platform in respect of the records of the petitioners identified above. The judgments and orders shall remain accessible on Indian Kanoon by case number, citation, Court details and date.

286. All petitioners in respect of whom de-indexing has been directed shall be at liberty to seek masking from the concerned Court that rendered the original order or judgment.

287. The Union of India, through the Ministry of Electronics and Information Technology (MEITY), is directed to ensure compliance with these directions by the respondent intermediaries within the aforementioned

time period. MEITY shall immediately communicate these directions to Google LLC/ Google Inc., Indian Kanoon and all other search engine operators and intermediary platforms operating within the jurisdiction of India, and shall file a compliance affidavit within a period four weeks from today.

288. The petitions are disposed of in the above terms. All pending applications, also stand disposed of, accordingly.

SACHIN DATTA, J

MAY 29, 2026/*ss,ka.*