OPEN JUSTICE IN THE AGE OF THE SEARCH ENGINE: A CASE COMMENT ON LAKSH VIR SINGH YADAV V. UNION OF INDIA (2026:DHC:4891)

by

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Case commented on: *Laksh Vir Singh Yadav v. Union of India & Ors. and connected matters*, 2026:DHC:4891 (High Court of Delhi, 29 May 2026, Sachin Datta J.)

ABSTRACT

In *Laksh Vir Singh Yadav v. Union of India*, the Delhi High Court decided a batch of over thirty writ petitions by persons whose names, tied to old judicial records and news reports, kept surfacing in name based searches long after the proceedings had ended. Sachin Datta J held that the right to be forgotten is a facet of informational privacy under Article 21, enforceable by writ even against private search engines and legal databases, but that the remedy is de-indexing from name based results and, in suitable cases, masking of identifiers, not deletion of the record. Relief is channelled into defined categories, chiefly acquittal, discharge or quashing, settlement, and purely private disputes. This comment argues that the central distinction between a record's existence and its retrievability by name is sound, but that the framework relies on outcome based categories, builds a right through adjudication while Parliament has declined to enact one, draws support from an intermediary rule that presupposes the order sought, and contemplates de-indexing across all versions of a search engine without a developed comparative justification. Its durability also depends on pending Supreme Court proceedings.

Keywords: right to be forgotten, informational privacy, Article 21, open justice, de-indexing, masking, search engines, Digital Personal Data Protection Act

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Introduction

A court judgment is public by design. Open courts let citizens scrutinise judges and learn the law. But that design assumed a courthouse and a law report, where finding a record about a named person took effort. A search engine removes the effort. Long after an acquittal, a name search may return the accusation and not the verdict. *Laksh Vir Singh Yadav v. Union of India* confronts that gap, in a judgment of 144 pages that recognises a right to be forgotten under Article 21 while refusing to erase any record.[2]

The decision matters for cyber law because it treats the search engine as an actor whose ranking can convert a past allegation into a present identity, and because it assigns remedies to courts, search engines and legal databases in a way that other benches will now follow or resist.

Facts and Procedural History

The batch began with a writ petition filed in 2016. The lead petitioner sought delinking of an order of 13 October 2015 passed by the Special Judge, NDPS, Saket, in which his name appeared only incidentally, as the husband of a party, and he argued that it created a false impression of involvement in crime.[3] More than thirty petitions were later added. The petitioners included persons acquitted, discharged or relieved by quashing of an FIR; persons whose cases ended in settlement or compounding; parties to matrimonial and private civil disputes; a person convicted in the United Kingdom who had served his sentence; a company affected by news reports of shareholder disputes; and a father seeking to protect the memory of a deceased son-in-law whose bail order, after abatement of the trial, still ranked high in name searches.[4]

The respondents were the Union of India through the Ministry of Electronics and Information Technology (MeitY), Google, Indian Kanoon, X Corp, Microsoft, media houses and the Registrar General of the High Court. The petitioners relied on *Puttaswamy*, the European Union's General Data Protection Regulation and *Google Spain*. The respondents argued that writs do not lie against private entities, that search engines are passive indexes, that judicial records are public records in which privacy no longer subsists under *R. Rajagopal*, that open justice and Article 19(1)(a) forbid private censorship, that no statute recognises a right to be

[2] *Laksh Vir Singh Yadav v. Union of India*, 2026:DHC:4891 (High Court of Delhi, 29 May 2026, Sachin Datta J.), W.P.(C) 1021/2016 and connected matters.
[3] *Laksh Vir Singh Yadav*, paras 1 to 3 and 5.
[4] *Id.*, paras 10, 22, 41, 60 and 62 to 64.

forgotten, and that blocking is governed by section 69A of the Information Technology Act, 2000 and the intermediary rules.[5]

Issues and Decision

1. Whether writ jurisdiction lies against private search engines, databases and media entities.
2. Whether the right to be forgotten forms part of informational privacy under Article 21.
3. How that right is to be reconciled with open justice, and what relief and tests follow.

Maintainability. The Court rejected the preliminary objection. Although a writ of mandamus ordinarily does not lie against a private person who performs no public duty, the proceedings sought to enforce Article 21, which *Puttaswamy* described as operating against non-State actors, and *Kaushal Kishor* confirmed that fundamental rights can be enforced against private persons. The Court also found an independent basis in rule 3(1)(d) of the IT Rules, 2021, which obliges intermediaries to act on the order of a competent court. It held that the relief sought against media houses was not a blanket restraint on journalism.[6][7]

The right and its limits. The Court held that India has no comprehensive statute on the right to be forgotten, that the right flows from informational privacy under Article 21, and that it is not absolute and must be balanced against free expression, public interest and open justice. As reported, it distinguished removal of a record from its retrievability by name, and treated search engines as active processors of personal data and not as neutral conduits.[8]

Remedies. De-indexing prevents a record from appearing when a person's name is searched, while leaving it accessible through case number, citation, court or date. Masking replaces names in the public digital version with neutral placeholders, while the unredacted record stays with the court, and such relief is ordinarily sought from the court that passed the order. For legal databases, the Court restricted name based search and did not order takedown. De-indexing was contemplated across all versions of the search engine for the specified links. Relief is available mainly where there is acquittal, discharge or quashing, where a dispute has been settled or compounded and the complainant no longer presses the accusation, and in purely private civil or matrimonial matters. It is unavailable where the petitioner was

[5] *Id.*, paras 67 to 119.
[6] *Id.*, paras 120 to 128; *Radhey Shyam v. Chhabi Nath*, (2015) 5 SCC 423; *Justice K.S. Puttaswamy v. Union of India*, (2017) 10 SCC 1; *Kaushal Kishor v. State of Uttar Pradesh*, (2023) 4 SCC 1.
[7] *Laksh Vir Singh Yadav*, para 125; Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, r. 3(1)(d).
[8] *Laksh Vir Singh Yadav*, Parts II and III (pp. 59 to 93 of the judgment); V. Venkatesan, "When a name becomes a sentence", *Supreme Court Observer* (11 June 2026).

convicted of an offence against women or children or of a breach of public trust, and for public figures' public conduct. Relevant factors include the outcome, sensitivity, time elapsed, public role, accuracy and continuing public interest. MeitY was directed to ensure compliance.[9]

Critical Analysis

A. Existence and retrievability: the doctrinal move

The respondents' strongest authority was *R. Rajagopal*, which says that once a matter becomes part of the public record, including court records, privacy no longer subsists.[10] *Puttaswamy* did not overrule that statement in terms. The Court's answer, as reported, is to separate the existence of a record from its aggregation and retrieval by name. This is persuasive. Privacy law has long recognised that information may be technically public yet practically obscure, and the harm lies in the loss of that obscurity. The distinction also explains why the remedy leaves the record intact and does not offend open justice, which is concerned with scrutiny of courts and not with the ranking of a person's name. A fuller explanation of why *Rajagopal*'s public record exception does not reach name based aggregation would have strengthened the reasoning.

B. A right built by adjudication

The Digital Personal Data Protection Act, 2023 contains a right to erasure in section 12, which is not yet in force and is expected to commence on 13 May 2027, and section 17 exempts processing by courts for judicial functions.[11] Prashant Reddy has argued that Parliament considered an express right to be forgotten and declined to include it, that *Puttaswamy* was chiefly concerned with the State, and that the Court chose one strand of that decision without explaining why.[12] These objections have force on institutional competence, since a legislated right would come with definitions, a regulator and procedures. But Article 21 has grown through adjudication where legislation was silent, and the Court's relief is narrow and

[9] *Laksh Vir Singh Yadav*, Parts V and VI (pp. 104 to 118 of the judgment); Venkatesan (n 7); King Stubb & Kasiva, "Right to Be Forgotten in India: Delhi High Court's Ruling in Laksh Vir Singh Yadav and Its Interplay with the DPDP Act", *Legal 500* (5 November 2026).

[10] *R. Rajagopal v. State of Tamil Nadu*, (1994) 6 SCC 632, para 26(2); *Laksh Vir Singh Yadav*, paras 80, 87 and 130.

[11] Digital Personal Data Protection Act, 2023, ss. 12 and 17; King Stubb & Kasiva (n 8) (section 12 to commence on 13 May 2027).

[12] Prashant Reddy T., *Economic Times*, as reported in Venkatesan (n 7).

discretionary. The fair conclusion is that the Court acted within its remit but took a step on which Parliament may legitimately legislate differently.

C. Rule 3(1)(d) is a mechanism, not a source

The Court treats rule 3(1)(d) of the IT Rules, 2021 as an independent basis for jurisdiction, because it obliges intermediaries to act on a court order. It also notes that the proceedings subsume the question whether such orders should be passed.[13] The rule therefore presupposes the very order sought. It explains how an order is implemented, not why one should issue. The respondents relied on *Shreya Singhal* and section 79(3)(b) to say that intermediaries need act only on a court order.[14] The Court's reasoning is best read as supplying that order from Article 21, with the rule adding little to the jurisdictional answer.

D. Outcome based categories

The framework keys eligibility to the outcome of proceedings. This is administrable, but an acquittal does not always signify innocence in fact. It may reflect a failed investigation or hostile witnesses. Reddy criticises the framework for treating every acquittal as exoneration and reads the public purpose test as loose. The Court's discretionary factors, including accuracy, relevance and continuing public interest, partly answer this, but the reasoning on the acquittal that follows a failed prosecution is thin.

The settlement category raises a sharper concern. One petition in the batch concerned an FIR under sections 376 and 506 of the Indian Penal Code that was quashed on settlement, with costs.[15] The exclusion for convictions of offences against women does not by its terms catch a person whose FIR was quashed without conviction. Whether relief is granted where a complainant's change of position may reflect pressure is left to discretion. A safeguard, such as scrutiny of the circumstances of settlement where serious offences against women or children are alleged, would be prudent.

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E. Global de-indexing

The Court contemplated de-indexing across all versions of the search engine for the specified links. The reasoning is practical, since a remedy confined to the Indian domain is easily defeated. But global reach raises questions of jurisdiction and comity. The Court of Justice of the European Union held in *Google v. CNIL* that European law does not require delisting on

[13] *Laksh Vir Singh Yadav*, para 125.
[14] *Laksh Vir Singh Yadav*, paras 91, 107 and 113 to 114; *Shreya Singhal v. Union of India*, (2015) 5 SCC 1.
[15] *Laksh Vir Singh Yadav*, para 41 (W.P.(C) 9940/2024); *id.*, Part E (pp. 118 to 143).

all versions, though it does not forbid it, whereas the Supreme Court of Canada upheld a worldwide order in *Equustek*.[16] The Indian judgment would have benefited from engaging with this contrast and explaining why a worldwide order is proportionate to a name based, link specific remedy.

F. Fragility and institutional design

The decision is by a single judge and enters contested ground. The Supreme Court has stayed the Madras High Court's order requiring removal of a judgment from Indian Kanoon, and in February 2026 stayed a Delhi High Court direction to de-index news reports about a person discharged of charges.[17] Its eventual view on whether accurate reportage can be de-indexed after proceedings end will decide how much of this framework survives. The framework is built with this concern in mind, since the record remains and only retrieval by name is restricted.

On institutional design, requiring masking requests to go to the originating court places the decision with the court that knows the case, and the Delhi High Court already offers masking at the e-filing stage through a software module.[18] But it also risks inconsistent standards across courts. A uniform protocol, issued through the e-Committee of the Supreme Court, with a retained unredacted record and a record of reasons, would reduce that risk.

Conclusion

Laksh Vir Singh Yadav gives Indian law a vocabulary for the harm of perpetual name based discoverability and a calibrated remedy that preserves the judicial archive. Its distinction between a record's existence and its retrievability is its best contribution. Its weaknesses are mostly those of a first framework: outcome categories that may not track innocence, an intermediary rule that cannot bear the weight placed on it, a global remedy without comparative justification, and a right created while Parliament has chosen another route. Whether it endures will depend on the Supreme Court's pending decisions and on how the legislature, when section 12 of the Data Protection Act takes effect, treats erasure alongside

[16] *Google Spain SL v. Agencia Española de Protección de Datos*, Case C-131/12 (CJEU, 13 May 2014); *Google LLC v. CNIL*, Case C-507/17 (CJEU, 24 September 2019); *Google Inc. v. Equustek Solutions Inc.*, 2017 SCC 34 (Canada).

[17] *iKanoon Software Development Pvt. Ltd. v. Karthick Theodore*, SLP(C) No. 15311 of 2024, noted in *Laksh Vir Singh Yadav*, para 116; Venkatesan (n 7) (Supreme Court order of 6 February 2026 staying a Delhi High Court direction to de-index news reports).

[18] *Laksh Vir Singh Yadav*, paras 117 to 119.

open justice. Until then, the judgment should be read for what it does: it does not say the past can always be erased, only that the past need not always be chained to a person's name.

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