

THE INTERNET NEVER FORGETS.

Should the Law help you Move On?



Delhi HC upholds **right to be forgotten**, says online records cannot cause endless harm

Laksh Vir Singh Yadav v. Union of India & Ors

29 May, 2026 : Delhi High Court :

MANU/DE/4264/2026 and 2026:DHC:4891

The petitioners, originating from diverse factual backgrounds, share a common grievance: the continued online availability and name-based searchability of judicial records bearing their names cause disproportionate and ongoing harm to their reputations, dignity, and life prospects . The relief sought across these petitions invokes the "right to be forgotten"



Judgment affirms the "Right to be Forgotten" as an integral facet of the Right to Informational Privacy under Article 21 of the Constitution.

"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,"

-Hon'ble Mr. Justice Sachin Datta

Key Takeaways

Right to be Forgotten Upheld

The Court held that the right to seek removal or restriction of personal information from public digital access, when it's no longer relevant or serves a legitimate public purpose, flows directly from the Right to Privacy established in the K. S. Puttaswamy judgment.

Balancing Act

The judgment meticulously balances the individual's Right to Privacy against the principles of 'Open Justice' and the public's 'Right to Know'. It clarifies that open justice does not mean a person's name must serve as a permanent, unlimited retrieval key for their entire legal history online.

De-indexing vs. Masking

The Court defined two key remedies:

- **De-indexing:** Directing search engines (like Google) to remove specific URLs/records from name-based search results. The record itself is not erased but is no longer easily discoverable by a casual search of the person's name.
- **Masking:** Directing court registries to replace a party's name with a neutral reference (e.g., 'ABC' or 'XYZ') in the publicly accessible digital version of a judgment, while the un-redacted original is preserved in court records.

When Relief May Be Available

The Court indicated relief may be appropriate where:

- ✓ Person was acquitted
- ✓ Person was discharged
- ✓ FIR was quashed
- ✓ Matter was settled
- ✓ Dispute was purely personal
- ✓ Matrimonial and other private civil disputes

When Relief May Not Be Available

The Court also drew limits. Relief may be denied where:

- ✗ Serious convictions remain relevant
- ✗ Convictions for offences against women or children
- ✗ Public accountability is involved : Offences involving a breach of public trust (e.g., by public servants).
- ✗ Public figures, where their conduct is a matter of legitimate and continuing public interest
- ✗ Strong public interest continues to exist

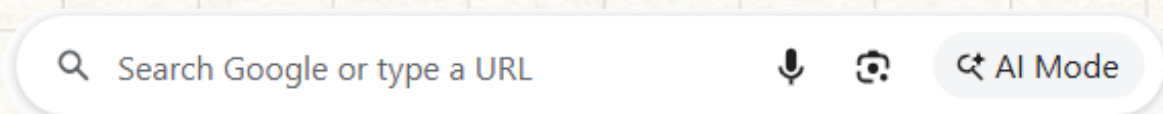
The Right to Be Forgotten is NOT absolute.

The Problem

Imagine

- You were acquitted in a criminal case.
- A family dispute ended years ago.
- A false allegation was dismissed.
- A case was settled long ago.

Yet when someone
Googles your name,
that information
appears instantly.



Job
interviews.



Marriage
prospects.



Business
opportunities

The internet remembers everything. Should it?

What Was the Court Deciding?

The Court had to answer:

- ? Does a person have a "Right to Be Forgotten"?
- ? Can someone ask Google or legal websites to stop showing old court cases when their name is searched?
- ? Can privacy outweigh unlimited online visibility?



The Court considered cases involving

- ✓ Acquittal
- ✓ Discharge
- ✓ FIRs quashed
- ✓ Closure reports

Court's view: If the legal system has cleared a person, that outcome should also be reflected in their digital identity.

PRIVATE FAMILY DISPUTES

 Divorce cases  Matrimonial disputes
 Family conflicts  Settlement agreements




Court's view: These matters involve deeply personal details. Once disputes are over, unlimited public access may serve little public purpose.

SETTLED CASES

Disputes ended through  Settlement 
Compromise  Mediation  Compounding of offences

Court's view: When parties have resolved their dispute and moved on, continued name-based visibility may become unnecessary.

PEOPLE WRONGFULLY LINKED

Some petitioners were:  Not accused
 Not complainants  Not witnesses

Yet their names appeared online alongside criminal allegations.

Court's view: A person should not suffer reputational damage merely because their name appeared somewhere in a record.

But the principle of OPEN JUSTICE requires that, Justice must be open and transparent.

The public has a legitimate interest in accessing court decisions. So privacy cannot automatically override transparency.

The Balancing Test

The Court said every case must be examined individually. No automatic deletion. Case-by-case evaluation.

Questions include:

- ? Is the information still relevant?
- ? Is there a genuine public interest?
- ? Has the person been acquitted or discharged?
- ? Is the matter purely private?
- ? Does continued publication cause disproportionate harm?

WHAT IS "DE-INDEXING"?

De-indexing ≠ Deleting.

Example: A judgment may remain on a court website. But search engines may be directed not to show it when someone searches your name.

The information exists, but is harder to find through name-based searches.

WHAT IS "MASKING"?

Masking means: Removing or hiding personal identifiers such as names and sensitive details.

The judgment remains public. But your identity may be protected.

This is particularly relevant in sensitive matters such as:

- Matrimonial disputes
- Sexual offence cases
- Privacy-sensitive proceedings

WHO MAY BENEFIT?

The judgment is particularly important for:

- ✓ Acquitted individuals
- ✓ Persons discharged from criminal cases
- ✓ Victims of sexual offences
- ✓ Parties in private matrimonial disputes
- ✓ Individuals wrongly linked to allegations
- ✓ People facing continuing reputational harm from outdated information

Why This Judgment Matters

For the first time, the Court provides a structured framework for balancing:

 **Privacy** vs.  **Open Justice**

People should not necessarily be forced to carry a digital scar forever when public interest no longer justifies it.