

Right to be forgotten – Will this work in actual practice?

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Right to be forgotten: HC lets personal info be masked in judicial records

Times News Network

New Delhi: In a landmark ruling, Delhi HC has recognised the "right to be forgotten" as an "integral facet" of the right to privacy, saying individuals cannot be condemned to suffer harm to their reputation merely because information about them remains indefinitely available in the digital domain.

HC said search engines such as Google cannot be perpetually permitted to show judicial records in name-based searches for cases that are private in nature or have ended in acquittal, discharge, quashing or settlement. It underlined that continued association of a person's name with allegations in the digital space may inflict disproportionate harm on dignity and reputation.

The "shadow of crime" should not be allowed to replace the "shadow of dignity" after the legal process has vindicated a person, it said.

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



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removal or restriction of personal information from public digital accessibility, where such information is no longer relevant or serves no legitimate purpose, flows naturally and necessarily from the constitutional recognition of Article 21. Justice Sachin Dutta noted in an order passed last week and made available now. Court granted relief to a batch of petitioners and directed authorities, search engine operators and legal database platforms to de-index and disable their "name-based search functionality" in respect of judgments, orders and news articles concerning those who had a favourable end to court proceedings.

accessibility of proceedings touching upon serious allegations against a public figure.

Similarly, it declined relief to reality show celebrity Ashutosh Kaulank, who sought removal of posts, videos and articles depicting incidents of drunken behaviour, saying the "right to be forgotten" is not a mechanism for the "selective erasure" of a public figure's past conduct.

HC also observed that since the fundamental right to informational privacy is not limited by territory, de-indexing must operate globally. It noted that search engines are commercial platforms that generate revenue through user searches and that IT rules oblige intermediaries to comply with orders directing removal or restriction of content.

HC directed Google and other search engine operators to de-index relevant content where relief had been granted and asked the Centre, through ministry of electronics & information technology, to ensure compliance within two weeks.

* 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 YADAVPetitioner

versus

UNION OF INDIA & ORSRespondents



Right to privacy. Right to be forgotten. The High Court of Delhi has issued detailed directions to protect privacy of those who do not wish their personally identifiable information to be available in public domain through search-engines like Google Search, Microsoft Bing, etc. (click this link to download the [Judgment](#)). But the question is, how far it will be successful to implement these directions in practice. Well, we in TheLawyerics are not very hopeful. To our knowledge, first such case was decided by the European Court of Justice (ECJ) on May 13, 2014 – *Google Spain v. Agencia Española*, C-131/12. The logic behind such directions is that everything available on Net is not always up to date. The information becomes stale with passage of time. Besides, some persons do not wish their personal information to be available to others. This conflicts with principles like right to free speech, right to know, open society, information society, etc. These problems arise from the easy availability of information across the world through digital and electromagnetic technologies. We at TheLawyerics have often said in posts that these technologies have annihilated time and space which are the two parameters through which the physical world operates. Now the information travels from one part of the globe to the other practically in no time. The information is digitised and then electromagnetic waves or the optical signals carry them. There is virtually no travel time.

The Internet searches do not show that ECJ ruling stands fully implemented in all sincerity. The search engines may carry out the court directions but in digital environment, it is possible to correlate the information from various sources and defeat the very purpose of masking, redaction, and similar measures. Various AI models, whether it is ChatGPT, or Claude, or some other model, are capable of correlating the information, and provide you nearly complete information.

There is a popular Indian saying, “हमाम में सब नंगे होते हैं” (“everyone is naked in a common bathing room”).

Besides, a judicial order is generally understood in the context of a particular case. It is the practice in law that all facts are adequately incorporated in the judicial order itself so that it is self-contained. It is doubtful whether a judicial order would be capable of being properly understood if its contents are partly disclosed and partly withheld. It needs to be decided as a policy whether we wish to have open court system or a private court system.

The directions of the Delhi High Court are only a patchwork solution. A comprehensive framework is required to balance competing interests of stakeholders.



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