



The Indian Journal for Research in Law and Management

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Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

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CASE COMMENT: JORAWAR SINGH MUNDY V. UNION OF INDIA AND ORS. (2021)

- *HINDUJA.B.R*

Citation: W.P.(C) 3918/2021 & CM APPL.11767/2021 (Delhi High Court, Apr. 12, 2021)

Bench: Justice Prathiba M. Singh

Judgment: April 12, 2021

INTRODUCTION

The Delhi High Court's interim order in *Jorawar Singh Mundy v. Union of India* marks an important development in Indian privacy jurisprudence. The case tests the limits of the “right to be forgotten” (RTBF) under Article 21 of the Constitution against the principle of transparency and public access to judicial records. The petitioner, an acquitted individual, sought removal of an old judgment from search engine results, claiming its availability caused professional and reputational harm. The Court, while not erasing the judgment itself, granted interim delisting relief.¹ This balance between individual dignity and the open-courts doctrine situates the case at the intersection of privacy, free speech, and judicial transparency.

BACKGROUND AND FACTS OF THE CASE

The petitioner, a U.S. citizen of Indian origin, was charged under the Narcotic Drugs and Psychotropic Substances Act, 1985, during a visit to India in 2009. He was acquitted by the trial court in 2011, and the acquittal was affirmed by the Delhi High Court in 2013. After

¹ Software Freedom Law Center, *Jorawar Singh Mundy v. Union of India*, W.P.(C) 3918/2021, SFLC.IN (Sept. 30, 2025), <https://sflc.in/litigation/jorawar-singh-mundy-v-union-of-india-w-p-c-3918-2021>.

resuming his legal career abroad, the petitioner discovered that online searches of his name prominently displayed the High Court's judgment, which he argued impeded his employment prospects.

Notices were issued to Google India, Google LLC, Indian Kanoon, and vLex.in to remove or block access to the judgment. Only vLex complied. The petitioner filed a writ petition under Article 226, seeking directions to remove the judgment from search engines, asserting that the continued online presence violated his fundamental right to privacy.²

ISSUES

1. Whether the right to privacy under Article 21 includes a right to be forgotten, permitting courts to order de-indexing of judicial decisions.
2. How to reconcile the individual's privacy interests with the constitutional mandate of open courts and public access to judicial information.³

RULES

Constitutional Basis: Article 21 guarantees the right to life and personal liberty, which the Supreme Court in *K.S. Puttaswamy v. Union of India* recognized as including the right to privacy. Article 19(1)(a) guarantees free expression and underpins the open courts principle.

Statutory Framework: The Information Technology Act, 2000 does not explicitly feed for RTBF. The Personal Data Protection Bill, 2019 (now superseded by the Digital Personal Data Protection Act, 2023) recognized a limited right of erasure, though judicial records were exempted. The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, mandate removal of certain unlawful content but do not cover judicial decisions.

PRECEDENTS:

- *K.S. Puttaswamy v. Union of India*⁴ — this case recognized privacy as a fundamental right.

² *Jorawar Singh Mundy v. Union of India*, W.P.(C) 3918/2021 (Del. HC Apr. 12, 2021), https://www.livelaw.in/pdf_upload/16186364774292021-393948.pdf.

³ Id.

⁴ *Justice K. S. Puttaswamy (Retd.) & Anr. v. Union of India & Ors.*, Writ Petition (Civil) No. 494 of 2012, 10 SCC 1 (Sup. Ct. Aug. 24, 2017) (India).

- *Zulfiqar Ahmad Khan v. Quintillion Bus. Media Pvt. Ltd.*⁵ — Delhi HC held that privacy includes RTBF and restrained republication of allegations.
- *R. Rajagopal v. State of Tamil Nadu*⁶ — SC recognized privacy as the right to be “let alone.”
- *Dharamraj Bhanushankar Dave v. State of Gujarat*⁷ — Gujarat HC denied removal of an acquittal judgment, citing lack of legal basis.

JUDGMENT

In an interim order dated April 12, 2021, the Delhi High Court granted protection to the petitioner. The Court observed that since the petitioner had been acquitted, continued online availability of the judgment could cause serious prejudice to his personal and professional life. Justice Prathiba M. Singh directed Google India and Google LLC to remove the 2013 judgment from search results and ordered Indian Kanoon to block the judgment from search engine access.⁸ The Union of India was asked to ensure compliance.

Notably, the Court did not erase the judgment from its archives; it merely restricted discoverability through search engines, thereby striking a temporary balance between privacy rights and public records.

ANALYSIS

The Court’s order demonstrates a conservative expansion of privacy rights. By directing de-indexing rather than deletion, the Court ensured that judicial transparency was maintained while limiting the undue harm caused by the persistent online availability. This approach mirrors European RTBF jurisprudence under the GDPR, which distinguishes between access in libraries and easy accessibility via search engines.

Unlike the Gujarat High Court in *Dharamraj Dave*,⁹ which refused alike relief due to lack of statutory support, the Delhi High Court depended on the constitutional guarantee of privacy

⁵ *Zulfiqar Ahmad Khan v. Quintillion Business Media Pvt. Ltd.*, (2019) 175 DRJ 660 (Delhi H. Ct.)

⁶ *R. Rajagopal & Ors. v. State of Tamil Nadu & Ors.*, W.P. (C) No. 422 of 1994, 6 SCC 632 (Sup. Ct. Oct. 7, 1994) (India).

⁷ *Dharamraj Bhanushankar Dave v. State of Gujarat & Ors.*, SCA 1854/2015 (Guj. H. Ct. Feb. 5, 2015)

⁸ *Supra*, note 2

⁹ SS Rana & Co., *Right to Privacy and the Indian Legal System*, Lexology (Sept. 30, 2025), <https://www.lexology.com/library/detail.aspx?g=8523cc2e-5987-41f6-9420-b11cf3cff6cd>.

post-*Puttaswamy*. The decision is consistent with *Zulfiqar Khan*, where the Court recognized RTBF in the context of online allegations.

However, the order is interim and leaves open broader questions: Should RTBF extend to all acquitted beings? What standards should govern “relevance” or “public interest” in conserving judgments? Absent a statutory framework, Indian courts are pacing case by case, raising concerns about inconsistency.

The decision indicates a shift toward privacy-centric remedies, recognizing that digital permanence of judgments can disproportionately affect acquitted individuals. At the same time, it carefully avoids undermining the open courts principle, ensuring that judicial records remain complete for those who actively seek them.

AFTERMATH OF THE JUDGMENT

As of 2024, the matter remains pending. The case has drawn significant attention from analysts, who note that while the Digital Personal Data Protection Act, 2023, now provides for erasure rights, it excludes judicial records. Consequently, controversies over judgments and RTBF remain judicially governed.

Legal spectators emphasize that *Mundy* adds weight to the growing judicial recognition of RTBF in India, especially for acquitted individuals, though the absence of statutory clarity means outcomes remain unpredictable.¹⁰

CONCLUSION

Jorawar Singh Mundy illustrates the Indian judiciary’s attempt to balance privacy and transparency in the digital age. By granting interim delisting, the Court defended the dignity of an acquitted person without erasing the judicial record. This case highlights that RTBF in India is not absolute but contextual, necessitating reconciliation with constitutional commitments to open justice.

The judgment, though interim, contributes significantly to privacy jurisprudence and will probably influence future rulings and legislative debates. It underscores the principle that

¹⁰ Mashwra, *Right to Be Forgotten in India: Case Analysis of Jorawar Singh Mundy v. Union of India & Ors.*, Mashwra (Feb. 5, 2023), <https://mashwra.com/2023/02/05/right-to-forgotten-in-india-case-analysis-of-jorawar-singh-mundy-vs-union-of-india-ors/>.

privacy and transparency are not mutually exclusive but must be harmonized to protect both individual dignity and the integrity of judicial records.