

Using Court Orders To Erase a Shady Corporate Past

Even as I write this, somewhere in an Indian courtroom, a lawyer is asking a judge to silence a man who doesn't exist. In the US, he is called John Doe; In India, Ashok Kumar— a placeholder for an anonymous person who has not yet been traced and so cannot be named. Unfortunately, John Doe orders are now being sought and granted as a shortcut to sweeping injunctions against writers, forcing them to take down articles claimed to be defamatory, instead of the harder work of sending notices and giving them a chance to respond.

A Delhi High Court ruling in mid-2026 recognised a right to have search engines and legal databases de-index name-based results connected to matters that ended in acquittal, discharge or settlement, while preserving the underlying record. The ruling carved out exceptions for offences against women and children and for breaches of public trust by public servants — but left open a window that is now being actively exploited. If financial, regulatory or criminal matters end in a negotiated settlement rather than a conviction, the settling party argues that the continued searchability of contemporaneous, factual reporting is itself an ongoing injury.

Typically, the suit names an aggregator platform, such as Google or Meta, as the primary respondent, attaches one or two articles said to be defamatory and then adds an open-ended John Doe clause that lets hundreds more be taken down on a mere mention. Worse, courts are increasingly issuing such orders *ex parte*, so publications and bloggers find out about the case only when Google or YouTube forwards them a takedown demand. Trial courts have granted gag orders naming a dozen or more established news organisations at once, on nothing more than a plaintiff's unilateral assertion of defamation and, in one sweep, have directed the takedown of several thousand links, with no individual review of which pieces were actually inaccurate.

It is a beautifully engineered legal strategy, geared to exploit a slow and expensive justice system: cheap to obtain, devastating to fight and invisible to everyone it will eventually hit, until it affects them. No media organisation has raised the issue so far, even though several of their own members are affected. This systematic effort to erase negative news has a direct impact on investors.

In 1992, India made a specific regulatory choice about how its capital markets would work. It did not opt for a merit-based system in which the Securities and Exchange Board of India (SEBI) decides whether a security is fit to sell. It chose a disclosure-based one, built on the principle of *caveat emptor* or 'buyer beware'. SEBI's job is to ensure the facts are out there and the investor's job is to find them.

That only works if the investor can actually locate what there is to know. Prospectuses help and continuing corporate disclosure requirements are important. But independent financial journalism and whistle-blowers play an important role in connecting a promoter's current venture to trouble under an earlier name, or digging up related-party arrangements a prospectus fails to mention. If

the courts take away the searchability of that record, it is not protecting privacy; it is punching a hole in the very regulatory philosophy that underpins the entire market. Here is how it is happening.

De-indexing: Nobody treats newspaper archives as a primary research tool anymore and even artificial intelligence (AI agents) rely on search engines. So when a takedown order asks a search engine to de-index an article, it barely matters that the piece still sits on the original website or blog. For practical purposes, it has vanished from the public domain, save for the odd order that survives on a court or regulator's website which are notoriously hard to search.

This has already been used by a prominent businessman to scrub reporting on sexual harassment allegations against him, sparing him the trouble of going after individual publications. Unless there is pushback, every corporate house and businessman with deep pockets is likely to use the same route — and it could take years, even a decade, before the problem is large enough to reach the apex court.

Renaming: Companies change names all the time for entirely legitimate reasons — mergers, acquisitions, de-mergers and the like. But renaming is also a long-documented trick used by dubious corporate actors to hide their trail and it predates de-indexing by decades. Following an enforcement probe, or allegations of securities fraud, bank fraud or bribery, the companies involved often change their names. Some industrialists have changed their own names too. Public-interest websites, such as Prime Database, track these changes; but few investors know this or dig deep enough during ordinary due diligence. Several dodgy companies have used the name-change trick to access public funds, confident that their past would be wiped clean. They are now part of stock indices too.

John Doe Orders: The newest method is a wave of *ex parte* 'right to be forgotten' orders and John Doe injunctions aimed at investigative and financial publications, affecting several hundred articles, by conservative count, over the past two years. Some filings explicitly acknowledge that any future critical content can be added to the order without further notice. I will not name specific cases here, since several are already under litigation. But Moneylife itself is fighting one such order relating to the Sandesara group ([Moneylife, Sucheta Dalal Move Delhi Court Against Ex Parte Takedown Order In Sterling Biotech Fraud Coverage](#)).

That case follows a Supreme Court order (<https://jgopikrishnan.in/?p=982>). A pattern is now visible: companies try to force publications to take down articles after a settlement, rather than a conviction, in serious fraud matters. Firms that use the settlement route under various statutes — paying up without admitting or denying guilt — are, in effect, trying to make the searchability of accurate, contemporaneous reporting impossible. The Supreme Court order in the Sandesara case has not been challenged or appealed by anyone and it stands.

Emboldened by such *ex parte* orders, corporate lawyers are now sending defamation notices demanding the takedown of straightforward reports that merely quote enforcement directorate's

press releases, perhaps hoping to intimidate publications into complying without protest. We have also received demands to remove reports on settlement orders. A settlement is not a discharge. It is certainly not exoneration. It means the underlying allegation was never tested, let alone overturned. Investors weighing a promoter's track record have every right to know that a regulatory settlement happened, on what terms and over what. A search result disappearing without a trace ensures that they can never find out.

None of this works in isolation. A promoter who has already renamed one company has also secured an order de-indexing coverage of regulatory action linked to the old name. This matters because the company is now raising several hundred million dollars in the overseas bond market. Investors doing a simple due-diligence search are unlikely to find anything online about its long history of misdeeds. Financial and regulatory reporting sourced directly from court orders and official agency press releases — not opinion or allegation, but republication of the primary record — has been targeted for takedown once a settlement was reached, suggesting that the doctrine is being used to make the very existence of a resolved proceeding unsearchable, not merely to soften old characterisations of it.

Where a matter has genuinely been settled and the complaint withdrawn, there is a fair case for the right to be forgotten. Nobody should be permanently defined online by an allegation formally resolved in their favour. But that right cannot be weaponised to erase traces of financial wrongdoing. Setting this right needs no reinvention of the law. Just as the right to be forgotten does not extend to offences against women and children, there needs to be similar clarity for financial wrongdoing that leads to regulatory action or settlements. Companies cannot be allowed to wipe the slate clean simply by taking the court's help to intimidate the media.

This is not a hypothetical problem awaiting regulatory attention at some point in the future. It has already been brought to the attention of SEBI's top leadership. So far, there has been no public response. A regulator whose entire model assumes that the record stays visible cannot afford to stay silent while that record is erased, case by case, order by order, name change by name change. Media bodies, too, need to wake up to what is unfolding in the lower courts before it snowballs into an issue that affects the whole industry.