

GENDER JUSTICE AND

THE RIGHT TO FREEDOM OF OPINION AND EXPRESSION

A REPORT BY THE ADI SHAVITE MINORITY TRADITION (ASMT) HINDU COMMUNITY

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Introduction

1. The human rights situation for women and children in India¹ is abysmal². Despite tremendous public outcry³ against crimes against women and children such as rape, sexual violence, gender-based harassment, and female infanticide happen unabated in India. The State of the Republic of India has been either unwilling or unable to curtail these crimes. India is the most dangerous country for sexual violence against women, according to the Thomson Reuters Foundation 2018 survey.⁴ According to the National Crimes Records Bureau, the rape of minor girls increased by 82% in the year 2016 compared with the previous year.⁵ Sexual violence and brutal rape have been weaponized against minority women and children by extremist militant elements at the highest levels of governance. This weaponization of sexual violence targeting women and children is part of a more pervasive and systematic campaign targeting certain indigenous spiritual traditions, minority communities, and their leaders,⁶ especially those from linguistic and religious minority groups, and of dark-skinned people of indigenous spiritual traditions, and of ethnic native-Hindu tribes that have existed in India for millennia.⁷ One such indigenous spiritual tradition currently targeted for extermination by the Neo-Hindutva⁸ extremist militants is the Hindu Adi Shaiva Minority Tradition ("ASMT") in India. The women, children, and young girls of the ASMT community were the most vulnerable target of the Neo-Hindutva extremism.
2. The ASMT explicitly rejects extremism of all types. The extremist militant elements are opposed⁹ to ASMT's stance when it comes to the rights of women¹⁰, including otherwise marginalized Dalit women, and the rights of members of the LGBTQ+ and transgendered communities¹¹. The neo-Hindutva terrorists despise Hindu women in monastic and priestly roles¹². The spiritual head of ASMT has publicly declared himself to be transcendental gender¹³ and possessing multiple gender components. The neo-Hindutva extremists see LGBTQ+ rights as immoral.¹⁴ The ASMT freely ordains women into Sannyasa (the monastic order), recognizes 11 genders, and performs specific temple rituals for gay marriage, as per more than 5000-year-old indigenous spiritual scriptures. The ASMT represents one of the most progressive ideologies and is a target of persecution by the neo-Hindutva extremists.

¹ <https://www.cnn.com/2018/06/25/health/india-dangerous-country-women-survey-intl/index.html>

² <https://www.hrw.org/news/2018/01/18/india-unchecked-attacks-religious-minorities>

³ www.ndtv.com/cities/2-cops-in-uttar-pradeshs-gorakhpur-suspended-for-alleged-inaction-in-gang-rape-case-2383376
<https://theprint.in/opinion/the-kathua-rape-case-has-brought-up-disturbing-memories-of-jammus-history/53039/>

⁴ <http://poll2018.trust.org/>

⁵ <http://ncrb.gov.in/>

⁶ <https://www.theguardian.com/commentisfree/2015/nov/12/india-hindu-taliban-narendra-modi>

⁷ <https://www.amnesty.org/en/countries/asia-and-the-pacific/india/report-india/>

⁸ <https://southasia.ucla.edu/social-life/various-articles/hinduism-versus-hindutva/>

⁹ "Being gay is against Hindutva, it needs a cure," [BJP MP Subramanian Swamy \(10 June 2018\)](#) ; Homosexuality not a crime, but against nature: [RSS - militant wing of neo-Hindutva extremists \(SEPTEMBER 06, 2018\)](#)

¹⁰ <https://www.nithyananda.org/photo-gallery/nithyananda-diary-30th-november-2018-nithyananda-peetham-bengaluru-aadheenam-uttamatam> pictures from daily rituals of ASMT temples showing ASMT nuns performing temple rituals which are ordained for all genders as per Hindu scriptures but [prohibited for women by the Hindutva extremists](#)

¹¹ <https://timesofindia.indiatimes.com/city/madurai/transgenders-extend-support-to-nithyananda/articleshow/13159083.cms>

¹² <https://www.newsclick.in/Hindutva-War-Women-gendered-face-saffron-fascism>

¹³ (i) <https://www.youtube.com/watch?v=PwSYdVulzq0> ; (ii) Saakshi, 30 April 2010, Page : 11, Title : I am not a man ; (iii) Times of India, 30 April 2010, I'm not a man

¹⁴ (i) "Being gay is against Hindutva, it needs a cure," [BJP MP Subramanian Swamy \(10 June 2018\)](#) (ii) "Homosexuality not a crime, but against nature": [RSS - militant wing of neo-Hindutva extremists \(SEPTEMBER 06, 2018\)](#)

I. Barriers, challenges, and threats to women in the public sphere face in exercising their freedom of opinion and expression online and offline, with examples of how the freedom of opinion and expression has been abused or appropriated to undermine women's human rights

(a) Image morphing deepfake technology to publicly shame women and girls

3. In the last decade, especially in India, there has been an alarming trend in the mainstream media and social media¹⁵ of sensational screening and manufacture of misinformation and hate speech that is marginalizing minority communities¹⁶, especially targeting women¹⁷ with the use of image morphing¹⁸ and deep-fake¹⁹ videos²⁰. In 2010 a fabricated video of an ASMT actress, Ranjitha²¹, was repeatedly and sensationally broadcasted²² by Sun TV and various media channels to defame her character, and to delegitimize her Guru the Supreme Pontiff of Hinduism (SPH), Jagatguru Mahasannidhanam (JGM), His Divine Holiness (HDH) Bhagavan Sri Nithyananda Paramashivam.

(b) Shaming of child rape victims by media

4. In 2009, a twelve-year-old ASMT girl was kidnapped and molested by a Neo-Hindutva extremist. The US courts sentenced the child rapist to 57 months imprisonment²³. This did not remedy the damage. The child rapist filed several vexatious litigations in India and the US. In the US, these false allegations by the child rapist, such as calling the child a "liar", and her parents and community part of a "brainwashing", "cult" etc., were all rejected by the court²⁴ with a penalty for defamation with cost.²⁵ This did not deter the neo-Hindutva media from victimizing the child with hours of hate speech on television, for which one Samaya TV was penalized USD 5 Million by a US court.²⁶ Even this has failed to redress the situation.

(c) Shaming and sexual objectification of women and girls by media

5. In India, the Neo-Hindutva media ran 14,000 hours²⁷ of hateful programs marginalizing ASMT actress Ranjitha, ASMT nuns, ASMT women, and girls who had been raped by neo-Hindutva militants. The neo-Hindutva media publicly addressed them as "brainwashed", "sodomized

¹⁵ <https://news.un.org/en/story/2021/03/1087412>

¹⁶ theprint.in/world/uks-communications-regulator-imposes-20000-fine-on-republic-bharat-for-hate-speech/572131/

¹⁷ <https://www.thequint.com/news/webqoof/explained-why-fake-news-misinformation-around-women-more-than-men>

¹⁸ scroll.in/latest/877007/network-of-women-in-media-demands-immediate-end-to-online-vilification-of-journalist-rana-ayyub

¹⁹ Kietzmann, J.; Lee, L. W.; McCarthy, I. P.; Kietzmann, T. C. (2020). "Deepfakes: Trick or treat?". Business Horizons. 63 (2): 135–146. doi:10.1016/j.bushor.2019.11.006

²⁰ <https://www.newindianexpress.com/nation/2013/sep/03/Channel-ordered-to-apologise-to-Ranjitha-512987.html> ;

<https://www.deccanherald.com/content/355108/bccc-tells-channel-apologise-airing.html>

²¹ <https://www.imdb.com/name/nm1043431/>

²² WP 7767/2010 <http://judgmenthck.kar.nic.in/judgments/bitstream/123456789/427478/1/WP7767-10-12-08-2010.pdf>

²³ State of Washington v. Vinay Keshavan Bharadwaj (Case No.10-1-10009-8 SEA)

<https://drive.google.com/file/d/1OnFmhM1bacqa1JB8HcMzVrI352shNXwf/view>

²⁴ State v. Bharadwaj, Nos.74013-0-1 (December 27, 2016), <https://law.justia.com/cases/washington/court-of-appeals-division-i/2016/74013-0.html>

²⁵ Superior Court Of the State California, County of San Bernardino, Vinay v. Nithyananda Foundation CIVRS 1013793, 4 April 2013, nithyananda.org/sites/default/files/news/vinay%20bharadwaj%20order%20for%20attorney%20fees.pdf

²⁶ Life Bliss Foundation vs Samaya TV in CIVRS 1410615 filed in the Superior Court of California, County of San Bernardino, order dated 8 Dec 2017 <https://nithyanandatruth.org/2017/12/10/5-million-judgement-against-samaya-tv-by-usa-court-for-defamation-of-his-divine-holiness-nithyananda/>

²⁷ https://docs.google.com/spreadsheets/d/1Opin5NMenD_f2WYQZ_M74dL96tN3PpU0uC2QuNTFba4/edit

disciples"²⁸, "witches"²⁹, "prostitutes"³⁰, "cult worshippers", (child) "sex slaves"³¹, and also published violence-inciting prejudicial narratives such as "*Hang the Sin Swamis* (Hindu monks and nuns)"³² etc. Previously, before the sensational release of the doctored video, the senior and aged female monks who used to attend phone calls of devotees seeking spiritual counseling were faced to pick up phone calls demanding prostitution³³ from them. Several media houses continue to publish such defamatory articles, causing marginalization of the ASMT women and girls, and dangerously inciting mob violence and rape against them.

6. People have resorted to violence after reading or watching such material, as perpetrators have directly commented on the online versions of these media clips openly accepting that they have "*hit one nithyananda people*", and also suggesting others should do the same by saying, "*I request everyone to hit them nicely. Even don't show courtesy for women in nithyanandha ashram. They are the most dangerous.*"³⁴
7. Such targeted persecution of Hindu nuns and female religious leaders is not limited to the ASMT but is aimed at destroying the rights of indigenous female spiritual leaders. Vexatious litigations have been used to persecute female Hindu spiritual leaders of minority communities on absurd allegations of indecent dressing booking it under anti-superstition laws.³⁵

(d) Shaming of Hindu female monks for expressing their disciple hood as a father-daughter relationship with the SPH.

8. The media targeted ASMT minor girls by publishing their pictures in the national newspapers with vulgar captions.³⁶ Young ASMT female monks were sexually linked with their Guru (spiritual guide and leader), the SPH, by entire cover page and several pages of yellow tabloids being dedicated to malign sacred sentiments of disciple hood.³⁷ The media published fake interviews of ASMT actress

²⁸ <https://www.newindianexpress.com/states/karnataka/2010/dec/10/nithyananda-sodomised-his-disciples-209732.html>

²⁹ Worship of divine feminine consciousness during [Chandi Homa](#) maligned as witch craft
<https://www.youtube.com/watch?v=M6T8GwNo8SM>

³⁰ "They are continuously harassed in public for no fault of theirs", said Nithyananda. According to Nithyananda, sarees of at least '17 women devotees were pulled' in public, at seven places his Brahmacharis were thrashed and the Ashram call centre received about 300 phone calls for prostitution." <https://www.deccanherald.com/content/152493/cid-report-stolen-says-nithyananda.html>

³¹ (i) [CC 25289/12](#), 21 Dec 2012, CMM Court Bangalore, ASMT Dalit Nun Ma Nithya Supriya Swami v. Charu (Kumudam Reporter) (ii) <https://www.vikatan.com/news/coverstory/114380-the-psychology-behind-the-cults-worshippers.html> Date: 24/Jan/2018

³² 5 March 2010 - Headlines Today - 8:20PM – Hang the Sin Swamis (Hindu monks)
docs.google.com/document/d/1f7CEsZDNw5Tl8wJX3fckhmEGqOyESHgy7GgXjiai8vo

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³⁴ Profile with the name Parthasarathy J (The Rock) commented (comment id : [UgzPVRI09bZwNd_IaUF4AaABAg](#)), "*I have hit one nithyanandha people when they try to encourage near pallavaram. I request everyone to hit them nicely. Even don't show courtesy for women in nithyanandha ashram. They are the most dangerous*" <https://youtu.be/eRIYu2xguG8>

³⁵ <https://indianexpress.com/article/india/india-others/new-complaint-lodged-against-godwoman-radhe-maa/>

³⁶ 2 Feb 2011, DNA India, "*After Ranjitha, Nithya claims sex video was not of him*", the picture shows a minor ASMT girl's picture. This news clip caused victimization of the child in school and neighbourhood for being captured in a vulgar news item while cheering for the SPH.

³⁷ Tamil yellow Tabloid NAKKHEERAN edition with monk Ma Nithya Preetananda's full size picture
https://drive.google.com/open?id=1pxScgv6iDqgMv7VNIWZAWSeUj3M_PLao

Ranjitha defaming her for being a disciple of the SPH. Nakkheeran Gopal and other media heads pressured Ranjitha to commit suicide and circulated false news of the same in media as a rumor³⁸.



(LEFT) The SPH Nithyananda Paramashivam, with a girl child of a pre-monastic family member. **(RIGHT) 17 Oct 2018:** As part of the festival of Navaratri, a young ASMT girl waiting for Kumari Puja, a ritual where Devi Parashakti (primordial Hindu divinity and supreme God) is invoked in a small girl, and puja (worship) is offered to Her as how one would physically offer puja if God appears in the form, including washing Her feet and feeding Her with all the sweets and favorite Naivedyams (food offering). ([See more](#))

- ASMT as a tradition fundamentally respects women as embodiments of divine mother Goddess, and it is extremely painful for the community to witness this smear campaign, on ASMT women. This smear campaign is not just limited to ASMT women, ASMT female monks, but the most vulnerable target of this persecution, are the ASMT girls, especially those minor girls who pursue religious studies to become nuns. Many ASMT girls who have now grown up to become nuns, had grown up in the lap of the SPH Nithyananda Paramashivam and strongly relate with Him not just as a Guru but a father figure also. As per the law in India Hindu nuns are allowed to have the name of their Guru in the place of their father in their passports.³⁹ It is not just extremely traumatizing for these girls to be sexually linked with the SPH by the Indian media it deeply undermines their freedom of expressing themselves as a “Divine mother-figure” what their community sees up to them as. Yellow tabloids have specifically targeted minor ASMT girls mentioning their name and age, while profanely addressing these girls as “cult worshippers”, (child) “sex slaves”.⁴⁰ Some media houses like the Samaya TV (previously owned by members of the BJP) have been penalized up to

³⁸ <https://www.mangaloretoday.com/titbits/It-rsquo-s-my-offering-to-Swamiji-Ranjitha.html>

³⁹ news18.com/news/india/govt-appeases-sadhus-by-allowing-gurus-name-instead-of-parents-in-passport-1326843.html

⁴⁰ <https://www.vikatan.com/news/coverstory/114380-the-psychology-behind-the-cults-worshippers.html>

USD 5 Million for such poisonous defamation, however, other politically owned media houses chose to continue this hate propaganda because there is no accountability of media in India.

(e) Image morphing deepfake technology to publicly shame women and girls

10. Although there are many instances of attacks against followers of the ASMT and their spiritual leader, a particular focus of attacks has been a fabricated video of 2010 of the ASMT actress Ranjitha. Forensic examinations have shown the video to be fabricated, super-imposing videos of the two individuals.⁴¹ Intolerance has existed, since pre-historic times, however only in the past few decades with the advancements in technology it has taken the form of fabricated videos. A comparison can be drawn to the practice in China of Falun Gong, a spiritually based set of exercises. Like the ASMT, the practice is an updating of ancient traditions, in the case of Falun Gong, Buddhism, Taoism, and the Qi Gong exercises. Like the ASMT, the practice has a particular modern appeal, in the case of Falun Gong, health benefits. Like the ASMT, the practice was targeted by those jealous of its success, in the case of Falun Gong, the CPC⁴². Like the ASMT, the targeting, in part, took the form of a fabricated video, in the case of Falun Gong, a video pretending⁴³ to show practitioners of Falun Gong self-immolating, putting themselves on fire.⁴⁴ Like the ASMT, the video was aimed at a major appeal of the practice, in the case of Falun Gong, its health benefits. In 2010, those victimizing through video the Adi Shaivite Minority Tradition and its spiritual leader were completely unaware of Falun Gong and its victimizing video. The propagandas used to persecute the ASMT and Falun Gong are not entirely similar either, but what we are witnessing in the 21st century is the almost infinite ingenuity of humanity to adopt technology developed for human betterment to oppression and destruction.

II. Distinct challenges faced by those who experience multiple and intersecting forms of discrimination

(a) Law is not respected in India

11. An ASMT female monk from Dalit origin, Ma Nithya Supriyananda Swami, has faced intersecting discrimination for multiple reasons (1) ASMT origin (2) Dalit origin (3) Female monk (nun). Ma Nithya Supriyananda heads the Tamil language publication department of an ASMT monastery. On 9 May 2010, she and her team were addressed as "sex slaves" by Tamil yellow Tabloid writer Charu Nivedita.⁴⁵ She filed a defamation case against the magazine and writers, which has been pending in the courts for a decade.⁴⁶

⁴¹ (i) <https://www.nithyananda.org/sites/default/files/news/lenin-arrested/edward-joe-report.pdf> (ii) <https://www.nithyananda.org/sites/default/files/news/lenin-arrested/bryan-neumeister-report.pdf> (iii) <https://www.nithyananda.org/sites/default/files/news/lenin-arrested/David-NCAVF-Report-for-Life-Bliss.pdf> (iv) <https://www.nithyananda.org/sites/default/files/news/lenin-arrested/joe-yonowitz-report.pdf>

⁴² https://theepochtimes.com/unbridled-evil-the-corrupt-reign-of-jiang-zemin-in-china-chapter-4-part-1_3310751.html

⁴³ (i) Philip P. Pan (4 February 2001). "Human Fire Ignites Chinese Mystery". The Washington Post. (ii) Danny Schechter, "Falun Gong's Challenge to China" (Akashic Books, 2001) (iii) David Ownby, "Falun Gong and the Future of China" Oxford University Press (2008)

⁴⁴ Tiananmen Square Self-Immolation Hoax | China Uncensored <https://www.youtube.com/watch?v=8nKjGYoXqc4>

⁴⁵ 9 May 2010 <https://drive.google.com/open?id=1ETDbGI0PhJ-Wz2n6bYlOjG6xBu79fWjv> In the above magazine link, Charu Nivedita asked the following obscene questions openly addressing monks and members of the ASMT community in his article: "I would like to ask, to those like the head of Tamil publication dept. Supriya and actress Ragasudha: Did you sign Nithyananda's sex agreement after reading it? Did he have the above said tantric sex with you?"

⁴⁶ (i) [CC 25289/12](https://www.vikatan.com/news/coverstory/114380-the-psychology-behind-the-cults-worshippers.html), 21 Dec 2012, CMM Court Bangalore, ASMT Dalit Nun Ma Nithya Supriya Swami v. Charu (Kumudam Reporter) (ii) <https://www.vikatan.com/news/coverstory/114380-the-psychology-behind-the-cults-worshippers.html> Date: 24/Jan/2018

(b) No Legal Recourse Available in India

12. Even if she wins the case, it would be useless as in India, court orders are not executed by the government executive⁴⁷, especially in absence of political motivation. The Indian government⁴⁸ and Indian State departments are perceived as one of the most corrupt in the world.⁴⁹ The mainstream Indian media and social media⁵⁰ influencers exercise a massive influence on the masses and even the Court judges. The media is easily able to sway public opinion and even sway the opinion of judges⁵¹. In a court proceeding directly involving the ASMT, the court explicitly mentioned how the court was prone to prejudice by this negative media propaganda.⁵² Though media can influence the judiciary in India, the court judgments are toothless in curbing the media's hate propaganda. Neo-Hindutva media wilfully dishonors court orders without any consequence.
13. The ASMT actress, Ranjitha, the victim of celebrity deep-fake⁵³, petitioned in the Karnataka High Court and all available forums for several years. Although the courts ordered in her favor restraining the misinformation⁵⁴ and telecast of fabricated deep-fake videos, the neo-Hindutva media kept pushing the implementation of the order to various quasi-legal institutions⁵⁵ (self-regulatory bodies run by the media itself). Finally, the media self-regulatory quasi-legal body, the NBSA ordered its member channels to remove fabricated defamatory videos from their websites.⁵⁶ None of the media houses complied with the order and kept reuploading⁵⁷, retelecasting the same footage, and continue the misinformation propaganda to date. Any complaint on media in the High Court is redirected to NBSA, BCCC, or other such bodies which do not even have a website⁵⁸ listing their policies to self-regulate. The NBSA as a self-regulatory body is toothless and is known to disregard its own guidelines and orders even when the member channels ridicule and shame dead celebrities.⁵⁹ The NHRC (National Human Rights Commission)

⁴⁷ <https://www.thehindu.com/news/national/karnataka/no-govt-mechanism-to-implement-courts-orders/article33235504.ece>

⁴⁸ <https://www.bloomberg.com/news/articles/2019-07-24/india-has-been-accused-of-overstating-its-growth-statistics>

⁴⁹ *India most corrupt country in Asia* | *The Express Tribune*. <https://tribune.com.pk/story/2273544/india-most-corrupt-country-in-asia> (Accessed: 25 April 2021).

⁵⁰ (i) <https://www.dnaindia.com/india/photo-gallery-contemporary-media-trials-on-social-media-has-an-influence-how-a-judge-decides-a-case-justice-sikri-2718374> (ii) <https://thewire.in/communalism/delhi-riots-misinformation-radicalisation-social-media>

⁵¹ (i) 1997 (8) SCC 386, *State of Maharashtra vs. Rajendra Jawanmal Gandhi*, Supreme Court observation. (ii) M.P. Lohia v. State of West Bengal, AIR 2005 SC 790 (iii) *In Dm v. MA Hamid Ali Gardish*, AIR 1940 Oudh 137, (Para 137C2) (iv) *Saibal Kumar Gupta and Ors. v. B.K. Sen and Anr*, AIR 1961 SC 633, (v) *Y.V. Hanumantha Rao v. K.R. Pattabhiram and Anr*, AIR 1975 AP 30 (vi) November 3, 2006, former chief justice of India Y K Sabharwal expressed concern over trial by media.

⁵² HC Karnataka order to CrI. P. 2328/2010, dated 11 June 2010, point number 13 (page number 12)

<http://judgmenthck.kar.nic.in/judgments/bitstream/123456789/388329/1/CRLP2328-10-11-06-2010.pdf>

⁵³ https://link.springer.com/referenceworkentry/10.1007/978-3-319-59531-3_60-1

⁵⁴ *W.P. 8619/2011, WP 7767/2010, 14/527/10-11-PCI*, 2 Sept 2013 BCCC Order, *NBSA #32/2014*, etc.

⁵⁵ http://www.nbanewdelhi.com/assets/uploads/pdf/Fourth_Annual_Report_2010-11.pdf Item#4

http://www.nbanewdelhi.com/assets/uploads/pdf/Fifth_Annual_Report_2011-12.pdf Page 35

http://www.nbanewdelhi.com/assets/uploads/pdf/Annual_Report_2012-13.pdf Page 32

http://www.nbanewdelhi.com/assets/uploads/pdf/Seventh_Annual_Report_2013-14.pdf Page 84

⁵⁶ News Broadcasting Standards Authority Order No. 32 (2014) dated 27 Aug 2014, found Zee TV and Aaj Tak in contempt of court, and were ordered to apologize and also delete all similar videos from their websites also (refer point - 6 of the same order). http://www.nbanewdelhi.com/assets/uploads/pdf/2014_12_ORDER_NO_32_DT_27_8_14.pdf

⁵⁷ <https://youtu.be/OaWpcjimbvo> (from 0:13 to 0:22 and 2:00 to 2:06), <http://youtu.be/zuFe8apSDBg> (0:06 to 0:16, 0:43 to 1:05), <http://youtu.be/LeNyjSpTBQw> (0:31 to 0:37, 0:42 to 1:17), <http://youtu.be/bfKBwFTxjvg> (0:18 to 0:54, 1:39 to 1:51), https://youtu.be/_wjS6AH0hwA (0:00 to 0:07, 0:23 to 0:30), <http://youtu.be/LJEoh8dHJtE> (full video by Nakkheeran / recently restrained by Google for some geographies), etc.

⁵⁸ <https://thewire.in/media/what-happens-when-you-complain-to-a-standards-authority-about-republic-tv>

⁵⁹ <https://thewire.in/media/sushant-singh-rajpoot-death-aaj-tak-zee-news-abp-nhrc>

has maintained silence on the subject and pushed the responsibility on the State executive.⁶⁰ A politically owned neo-Hindutva media channel aired a media report where it accused the ASMT leader SPH Nithyananda Paramashivam of raping His own biological mother (a Hindu nun) on the occasion of His father's sad demise. The channel went on to justify their sadist sexual objectification of Hindu nuns terming it as "unbiased reporting".⁶¹ Indian Courts are unwilling or unable in protecting ASMT women, especially nuns and children.

(c) Legal Recourse Outside India is inaccessible to most

14. The Indian media kept marginalizing the ASMT nuns and girls with defamatory sexualized allegations. In 2017, a US Court penalized a neo-Hindutva media to the tune of \$USD 5 Million⁶² for civil conspiracy and defamation targeting the ASMT community.⁶³ This is the largest penalty against any Indian media. This did not remedy the damage as other media channels and journalists continued the smear campaign.

(d) Indian media is the most corrupt and least accountable

15. The Election Commission, a constitutional body of India, reported more than 1,400 identified cases of paid news between 2009 and 2013, during which elections were held in 17 states of India.⁶⁴ The rise of 'Paid News', the report says, "has undermined the essence of a democratic process." But the document, submitted to the Lok Sabha (Lower House of the Parliament) on May 6, 2013, generated little media coverage.⁶⁵ The Central Government of India Income Tax department published a report in the Supreme Court of India showing how the media was involved, "*unethical and biased journalism*"⁶⁶ for money laundering and how media was involved in the 2G spectrum scam worth INR 1.75 trillion.⁶⁷ Ministers of the DMK political party who are also the owners of the channel, Sun TV, had their assets worth INR 7 billion impounded by the State for their involvement in the 2G spectrum scam⁶⁸. This did neither remedy the situation nor deterred the channel from stopping its criminal activities.
16. Sections of the media that are politically owned in India, have weaponized rape to punish minority communities such as the ASMT using three forms of terrorism – (i) Media Terrorism (using a misinformation campaign, defamation, hate speech, and incitement of violence), (ii) Militant Terrorism (by assaulting and raping their targets by associated militants), (iii) Legal Terrorism (by filing vexatious litigations and using State machinery for malicious persecution of the community.)

⁶⁰ Ibid.

⁶¹ ZMCL to Lakshmi Malladi dated 25 Oct 2017, drive.google.com/file/d/1loqzwnyv674XYVWqkX9EReCnKt7ygvIH/view, in reply to NBSA complaint to Guru Ghantaal Zee News - <http://youtu.be/AmDr3wb7FPk>

⁶² <https://supremoamicus.org/wp-content/uploads/2019/11/A27vol14.pdf>

⁶³ Life Bliss Foundation v Samaya TV, RSM Broadcasters Private Limited & Others (CIVRS 1401615) <https://nithyanandatruth.org/2017/12/10/5-million-judgement-against-samaya-tv-by-usa-court-for-defamation-of-his-divine-holiness-nithyananda/>

⁶⁴ (i) <https://www.thehindu.com/news/national/ec-detects-over-1400-paid-news-cases-during-assembly-polls/article5107140.ece> (ii) <http://archive.indianexpress.com/news/congress-goes-buying-reporters-in-chhattisgarh-offers-ours-rs-25000/1207579/>

⁶⁵ <https://www.thehindu.com/news/national/ib-ministry-has-done-little-to-curb-paid-news-parliamentary-panel/article4693362.ece>

⁶⁶ <https://www.oneindia.com/2010/11/21/does-media-follow-unethical-biased-journalism.html>

⁶⁷ http://www.dnaindia.com/india/report_leaked-tapes-cbi-says-it-has-5851-recordings_1470650

⁶⁸ <https://www.thehindu.com/news/national/ed-attaches-assets-worth-rs74258-crore-in-aircelmaxis-case/article7058252.ece>

(e) Media and Militant Terrorism

17. The Chief Operations Officer of the Sun TV, a politically owned media house run by the DMK party, gave a media interview⁶⁹ and affidavit⁷⁰ in a US court acknowledging the detailing the history and methodology of the blackmail and extortion followed by the channel, particularly in targeting the ASMT community and its leader the SPH by 1200 hours of propaganda. On **3 March 2010, 9:00 AM** 100 militants hired by Sun TV and DMK, entered the Bengaluru monastery⁷¹, ambushed the residence hut of the SPH, pushed Him inside the hut, and set it on fire⁷². The same day, **3 March 2010, around 11 AM**, Porasapalayam, (Namakkal, Tamil Nadu), a different crew of militants and journalists of the Sun TV portrayed that the local ASMT Ayurvedic Hospital and Temple were set on fire and aired it live, following which they came to the spot to set the hospital on fire. With the help of a friendly policeman's protection, Dr. S Chandran (Sri Nithya Sarvananda), the head of the hospital questioned the crew of journalists and militants why their channel was portraying that the hospital had been set on fire, they replied that they were late to arrive at the scene because their car got punctured, admitting that before they could set the hospital on fire and capture it on camera, the Sun TV aired stock footage. Political ownership by the State executive imparts media complete impunity from any legal resource. On, **9 March 2013**, Journalists and militants of the Suvarna TV have on gone live on national television holding swords and given the threat to assassinate the SPH. Despite the video evidence the local police refused to register any formal complaint (FIR). A city magistrate registered the FIR⁷³. The case was dismissed despite video evidence and telecast on national television.⁷⁴



7 June 2012: Ma Nithya Jnanatmananda Swami protecting herself with a chair while Suvarna TV channel journalists and associated Nav Nirman Sene militants molest and attempt to rape her.



8 June 2012: Ma Nithya Achalananda Swami molested and groped by Suvarna TV channel journalists and associated Nav Nirman Sene militants. ([See Video clip](#))

⁶⁹ 18 Dec 2012 - Jaya TV - Hansraj Saxena's Statement - Jaya TV - <https://youtu.be/YdLDypTvbBk>

⁷⁰ US District Court, Central District of California, Case 5:13-cv-00393-VAP (SPx), document 156-3, 3 Nov 2014, Declaration of Dharmaraja Hansraj Saxena <https://drive.google.com/file/d/0Bxdhe28M7ijWSmRUQzYwUzBFTEU/view>

⁷¹ 4 March 2010 - Dina Malar - Page 2 - Chennai - "Nithyananda Ashram Meedhu Thaaku"

⁷² 4 March 2010 bangaloremirror.indiatimes.com/bangalore/others/swami-on-the-run/articleshow/21911753.cms

⁷³ FIR 81/2013 dated 10/March/2013 at the 8th Addl. CMM Court. Nrupatunga Road, Bangalore City

⁷⁴ (i) CC 27325/2014, CMM Court Bangalore, order dated 13 Oct 2014. drive.google.com/file/d/1vqA2kX4Hx3IsUiaqorZZVaMIHwdBrdLo

(ii) Cr. 3708/2013, CMM Court Bangalore, dated 11 Mar 2013. drive.google.com/file/d/1HLUNrbqy8FhEPn12PUJK9IX6TtjZn7Xs

18. **7 Jun 2012**, BJP owned Suvarna TV's chief editor Ajith and the militants sexually assaulted female monks beat up ASMT members present on the campus. They gang-raped⁷⁵ ASMT nun Ma Nithya Jnanatmananda Swami. This criminal act was live broadcasted on national and regional television. **28 Oct 2015**, an ASMT female monk was molested and escaped an attempted rape by a neo-Hindutva militant who was declared innocent in a subsequent court trial.⁷⁶ Ma Nithya Jnanatmananda Swami watching her sister monks being raped and denied justice was forced to flee India because of blackmail by terrorists threatening her to withdraw the case. The case filed by the ASMT nun is still pending in courts as of **2021**. In the same attack of June 2012, Ma Nithya Achalananda Swami was also sexually and physically assaulted by Ajith and other militants who groped her chest⁷⁷ and recorded it on camera to blackmail her and used it to publicly shame her⁷⁸. The summons issued by the court for Ajith to appear has not been delivered by the police.

(f) Media and Legal Terrorism

19. On the contrary, the Police registered a false FIR against the ASMT community based on Ajith's vexatious complaint, which was dismissed by the courts only a year later in 2013, with the High Court terming it – "*abuse of process of law*"⁷⁹. This did not remedy the damage, as the State directly engaged in malicious prosecution.

(g) State Terrorism

20. **7 Jun 2012**, Bengaluru, neo-Hindutva militants attacked an ASMT monastery, several ASMT nuns were raped.⁸⁰ The Chief Minister of Karnataka - D V Sadananda Gowda, who was from a party that sees LGBTQ+ rights as immoral⁸¹ said, "*We do not encourage such immoral people in Karnataka, and I am going to make an example out of Nithyananda*"⁸², ordering an arbitrary and illegal arrest of the SPH, going to the extent of claiming that he was ready to face jail term but would not stop targeting The SPH⁸³. The State High Court in its order CRL.P. 3253/2012⁸⁴ implicitly exposed the state terrorism, terming the arrest of the SPH as "*illegal*", "*without any authority*", "*contrary to law*", "*without jurisdiction*". This did not remedy the damage, State persecution continued in other forms

⁷⁵ FIR 300/2012, Bidadi PS, Ramanagara, Karnataka, https://shrikailasa.github.io/persecution_evidences/CC233-2020-FIR300-2012-MajnanatmaSwami.pdf

⁷⁶ FIR 587/15, Tiruvarur Town PS, 27/Oct/2015 https://shrikailasa.github.io/persecution_evidences/CC37-2015_FIR587-2015_MajyotikaSwami.pdf

⁷⁷ <https://youtu.be/BHf5h0Ktllc>

⁷⁸ India TV report "*It is our campus sir, we have right to our protection you cannot come and destroy us like this. I am also a girl, I have a right to my security. Somebody attacks me, you are not going to save me, I have to save myself*", <https://youtu.be/1-43XTF18Lc> at 3 mins 49 secs.

⁷⁹ High Court of Karnataka in Criminal Petition No.2974/2012 order dated 15 Feb 2013 <https://indiankanoon.org/doc/55531299/>

⁸⁰ (i) FIR 300/2012, Bidadi PS, Ramanagara, Karnataka, https://shrikailasa.github.io/persecution_evidences/CC233-2020-FIR300-2012-MajnanatmaSwami.pdf (ii) FIR 294/2012, Bidadi PS, https://shrikailasa.github.io/persecution_evidences/CC442-2020-FIR294-2012-MaAchalaSwami.pdf

⁸¹ (i) "*Being gay is against Hindutva, it needs a cure*," BJP MP Subramanian Swamy (10 June 2018) (ii) Homosexuality not a crime, but against nature: [RSS - militant wing of neo-Hindutva extremists \(SEPTEMBER 06, 2018\)](https://indiatoday.in/magazine/nation/story/20120625-nithyananda-surrenders-in-court-sent-to-custody-758791-2012-06-16)

⁸² 16 Jun 2012, India Today, indiatoday.in/magazine/nation/story/20120625-nithyananda-surrenders-in-court-sent-to-custody-758791-2012-06-16

⁸³ 15 Jun 2012, Times Of India, Sadananda takes on Nithyananda says he is ready to face jail term timesofindia.indiatimes.com/city/bengaluru/sadananda-takes-on-nithyananda-says-he-is-ready-to-face-jail-term/articleshow/14148461.cms

⁸⁴ CRL.P. 3253/2012 <http://indiankanoon.org/doc/85011170>

and the media propaganda made citizens extremely prejudicial and insensitive to the persecution done on the SPH and ASMT community, especially the nuns and girls.

21. **17 Sep 2013**, the Karnataka State Department of Women and Children forcibly, cruelly, and illegally interrogate children in the ASMT school (Gurukul). The interrogation was done without the consent of the parents, with no video recording of the examiners, late-night beyond⁸⁵ the time permissible by law⁸⁶. The State interrogators shamed and ridiculed the children, particularly girls for their dress, pressured them to quit their spiritual-religious lifestyle, and forced children to eat unhealthy substances avoided in the ASMT lifestyle. The lawyer of the school was sued by the State for intervening in the violation of the rights of children and parents.⁸⁷ Several such raids were done by the State and many vexatious legal proceedings and orders were executed by the State to forcibly shut down the school.
22. **18 Jan 2018**, young female nun Ma Nithyananditha received death threats over the phone for voicing out against defamatory sexualization of Hindu female saint Andal by politically owned media. Several obscene morphed videos depicting Ma Nithyananditha and ASMT children were uploaded on social media by unknown groups.
23. **In November 2019**, the Gujarat State government (CWC) Child Welfare Commission officials raided the female monastery and molested the children studying there. The CWC officials were pulled up by the parents of these children in the High Court.⁸⁸ The police complaint against the State authorities was closed without investigation and the petition to the Court was forced to be withdrawn by the Court. Instead, a false case was charged against the women monk heads, and they were kept under custody for almost 3 months. The only women monastery and Hindu University were demolished. The false case is still not closed.

Recommendations

(a) Study the use of media for negatively stereotyping women and girls

24. While the use of information and communications technology has contributed to the empowerment of women and girls, its use has also generated new forms of violence against women and girls⁸⁹. The use of media (both conventional and social) for negative stereotyping and persecution of women and girls, especially from marginalized communities should be studied, added to the scope of Women Observatories, and brought to check.

(b) Recognize other forms of hate speech

25. Apart from discrimination based on gender, race, sexual orientation, hate speech such as dehumanization and other forms of hateful and degrading expression of free speech should be brought under check by social media and internet intermediaries.

⁸⁵ http://shrikailasa.github.io/persecution_evidences/gurukul/CWC_Representatives_17-Sep-2013.png - Letter from CWC representative Radhka. K acknowledging with a signed letter that she came to see gurukul with police beyond legally permissible time ([click here to see video evidence](#))

⁸⁶ http://shrikailasa.github.io/persecution_evidences/gurukul/Letter_CWC_Representative_Radhka_K_17-Sep-2013.png

⁸⁷ FIR 340/13 Bidadi PS dated 19-Sept-2013 u/s IPC 186 against Ragasudha (lawyer of the ASMT school and parents)

⁸⁸ In High Court of Gujarat, R/SCR.A/26/2020, <https://indiankanoon.org/doc/74023602/>

⁸⁹ <https://undocs.org/en/A/HRC/38/47A/HRC/38/47>

(c) International condemnation of deep-fake and other sophisticated smear campaigns

26. The victims of this new form of persecution, which involves deep-fake and sophisticated smear campaigns should be supported by condemnation of the violence and propaganda waged against them. The use of deep-fake videos for targeting women should be brought to check and condemned internationally.

(d) Laws or policy framework to check cross-media and political ownership

27. As seen by the case of Jamal Khashoggi's assassination, there is a need to protect journalists internationally. At the same time, criminal syndicates in the guise of media houses such as in India need to be checked from using grab of "freedom of speech" for engaging in terrorism.

28. Cross-media holding can be explained as holding more than one medium business, by a single person. In India, incidentally, approximately 499 channels are being provided by 11 distributors. The dominance of Sun TV in cable, satellite TV, and now in the DTH market is quite visible. Unlike India, there are certain rules in the United Kingdom related to cross-media holding such as:

1. A person can own only 20% of the channel.
2. 3 licenses.
3. Any national newspapers not more than 20% of the market share.

A person who is holding 20% of shares of national newspapers is prohibited from holding more than 20% shares of the national newspapers market, sometimes known as the "20/20" rule. The situation in India is however very different from that of the United Kingdom. It is seen that in India there is no common policy related to ownership or cross-media. Laws and policy frameworks to check cross-media ownership and political ownership of media would help mitigate a part of the situation in India.

(e) Stop detribalization of indigenous girls in the name of modernization

29. Tribal and indigenous girls should be protected from detribalization and persecution by the State as highlighted in this report. This persecution is often difficult to understand as it waged in the guise of women empowerment and child protection, which is essentially a new form of the civilizing mission.⁹⁰ Recommended reading - Report on "Rights of Indigenous Women" submitted to the Committee on the Elimination of Discrimination against Women: <https://drive.google.com/file/d/1VLx7qCXFQTMckUk8fjyKdcBrgp0PBDE6/view?usp=sharing>

⁹⁰ <https://www.oxfordreference.com/view/10.1093/oi/authority.20110803095614878>