

The GBC Must Prove Their Case!

by *Krishnakant*



The current polemic over the 'Guru' debate raging in ISKCON is characterised by a complete lack of adherence to the reason and logic that underpins the basis of the Vaisnava tradition of debate. Before entering into any philosophical discussion, basic principles regarding on whom the burden of proof falls and what needs to be proven must first be determined. Once these points are determined it becomes easy to establish when a proposition has been proven or not, and both sides are then able to accept the conclusion. As Vaisnavas are gentleman, the loser can then humbly accept defeat and surrender unto his victor. Contrast this with the mix of character attacks, 'straw man' arguments, dubious evidence, lack of consistency and the claims and counter-claims that form the current debate. No wonder many devotees are confused and feel that there is no end in sight.

Below we will clearly determine the following:

On whom does the Burden of proof lie and what exactly needs to be proven?

Has the evidence put forward overcome the burden of proof and established what needs to be proven?

Please note that what follows can not be dismissed as simply being 'legalistic' since as we have noted, the determination of the the above points is central to the system of debate. Unless we know the answers to the above **BEFORE** we commence the debate, our 'arguments' will not yield a conclusion.

1. The Burden of Proof

The onus of proof is always on the **PETITIONER** (plaintiff) - or he who puts forward the charge or action to be determined. The party that does not have the burden of proof is the **RESPONDENT** because they are not **PROPOSING** anything, simply defending themselves against the **ACTION** brought. Thus to determine on whom the onus of proof lies, one must determine who is bringing forward a proposition or charge that needs to be proven or justified, and who is **DEFENDING** themselves against this **ACTION**.

An example will illustrate this. If someone on the street in plain clothes claims that he is a policeman, he has the burden of showing that he is, in fact, a policeman. That is why policemen are obligated to show their badges. Similarly, if someone claims that he or she is a qualified medical practitioner, the burden is on them, if questioned, to present their credentials.

Once it has been determined on whom the burden of proof lies, the petitioner must supply evidence to support his claim. Until this evidence is presented, the respondent has no case to answer. If this evidence is brought forth, the respondent either needs to dis-prove the evidence or introduce evidence for his own case.

Of course the issue of initiations is not subject to litigation in a court of law and we are not proposing such a thing, but the civil rules simply provide a standard system for how facts are established.

The Case Before Us

The point of contention is over how *Diksa* should have continued after Srila Prabhupada's departure. One side claims

that Srila Prabhupada wanted *ritviks* to continue to perform initiations on his behalf, as they were doing even whilst he was present ['Prabhupadanugas']. The other side claims that Srila Prabhupada wanted these *ritviks*, along with other disciples, to become *Diksa* Gurus in their own right immediately on his physical departure [GBC].

This much is accepted by both sides.

The following are the facts of the case:

- a. A *ritvik* system was set up to exist on [July 9th, 1977](#) and had continued to exist until November 14th, 1977.
- b. One party [the 'Prabhupadanugas'] argues that the system continues to exist.
- c. The other party [GBC] argues that the system should have been terminated on November 14th, 1977.

The above facts are also not in dispute. However from these facts and the natural system of determining burden of proof we can determine the following:

- i. A system's **CONTINUED** existence requires no proof or power other than the very fact that it **EXISTS**, since by **DEFINITION** if a system **EXISTS** it will continue to exist until it is DIS-continued.
- ii. The system can only be dis-continued as a result of an action put forward to bring about its termination.
- iii. Thus the GBC is trying to propose a change to the existing state of affairs by putting forward a proposed action. The other party is simply trying to maintain the existing state of affairs and thus **DEFEND** the system from the **ACTION** that the other side has proposed.

Thus the GBC petitioning a course of action in this case and are the **PETITIONERS**. The 'Prabhupadanugas' are trying to **DEFEND** against this course of action and are the **RESPONDENTS**.

Isn't a '*Ritvik* System' Being Proposed?

The situation is sometimes confused by stating that it is the Prabhupadanugas who are 'proposing a *ritvik* system' and thus the onus of proof is on them. The establishment of the *ritvik* system then becomes the 'proposition', and the Prabhupadanugas become the 'petitioners' who have to prove their case. However as we have noted above this is false because:

- a. You do not need to propose something that already existed.
- b. You do not need to propose that something which exists, continues to exist. **THIS IT WILL DO BY DEFINITION**. To move from **EXISTENCE** » **EXISTENCE**, is simply **CONTINUITY**, and merely requires **NO ACTION** is taken.
- c. The **DIS-CONTINUANCE** of the *ritvik* system definitely has been **PROPOSED**, since to move from **EXISTENCE** » **NON-EXISTENCE** definitely requires an **ACTION** or **CHANGE** to occur. This cannot be assumed but must be demonstrated.

Thus the Prabhupadanugas are proposing **NOTHING**, or more accurately that **NOTHING IS DONE**, which amounts to the same thing. The GBC are proposing the termination of the *ritvik* system, and the other party is trying to **DEFEND** the *ritvik* system from that enforced termination..

Since it is undisputed that the status quo on November 14th, 1977, was the *ritvik* system, the burden of proof can only be on those who wish to alter that status quo with a new system [the GBC]. Those who seek to **DEFEND** the system from such changes [the Prabhupadanugas] are naturally the respondents in this situation.

Conclusion:

The plaintiffs and respondents in this action are clearly denoted by the propositions that they seek to establish (or the lack of them). Thus the onus of proof is on those who are proposing the termination of the *ritvik* system.

2. Evaluating the Evidence

We have now clearly established that the burden of proof lies on the GBC. The proposition that the GBC has to prove is that the *ritvik* system, and hence Srila Prabhupada's status as the *Diksa* Guru for ISKCON, was terminated upon his physical departure. If this proposition can not be proven then no change has been proven, and Srila Prabhupada's status as the *Diksa* Guru for ISKCON remains. We will now examine the evidence that his put forward by the GBC to try and prove their claim.

- a. To date **NO DIRECT** evidence terminating the *ritvik* system on Srila Prabhupada's departure has been put forward. Thus there is **NO EVIDENCE**:
 - i) That the *ritvik* system was set up to terminate as soon as Srila Prabhupada departed;
 - ii) That once the *ritvik* system was running, Srila Prabhupada subsequently ordered its termination;
 - iii) That there exists a *sastric* injunction forbidding a *Diksa* Guru giving initiation after his physical departure.
- b. The only evidence put forward has been **INDIRECT** evidence. This is evidence that does not directly call for the *ritvik* system to terminate, but results in its termination due to Srila Prabhupada authorising *Diksa* Gurus to succeed him on his departure. The evidence presented is a taped room conversation held on [May 28th, 1977](#). Unfortunately this tape can no longer be admissible as evidence. This is the verdict of the forensic specialist authorised by the GBC itself to determine the validity of this evidence:

"In conclusion, this recording exhibits strong signs suggestive of falsification. I do not believe that these deficiencies might possibly be the product of some mechanical process or problem within the recording or duplication process and I believe that they exist at what is considered to be a higher degree than that of a coincidence. I strongly recommend that an independent Forensic Analysis be conducted the Master recording in order to determine the authenticity and originality of the evidence. This analysis requires what is represented as the original recording and the original tape recorder upon which this recording was represented to be made."

(N. Perle, GBC appointed forensic investigator, 22/9/97)

"IF the copy contains signs suggestive of falsification, that copy could NOT be relied upon as a faithful and accurate rendition of the original."

"If the preliminary analysis discovers ANY area that is significantly suggestive of falsification, then the ENTIRE recording is in question and a Forensic Analysis should be done."

(N. Perle, 13/10/97 & 14/10/97, in response to query asking if ANY part of a tape can be taken as being 'intact', after a preliminary analysis had discovered irregularities)

The conclusion in the words of the GBC's own appointed examiner is that until a forensic analysis is done on the **ORIGINAL** tape there is **NO** evidence on the table - we do not currently have something that is a 'faithful and accurate rendition of the original'.

Evidence Falsely Presented as Satisfying the Proposition

There is however other evidence presented that also purports to **INDIRECTLY** prove the termination of the *ritvik* system through the creation of *Diksa* Gurus **ON** Srila Prabhupada's departure. Unfortunately this evidence, that falls into the following three categories, does not support the GBC proposition:

- i. Statements encouraging devotees to "become gurus" and preach, following Lord Caitanya's instruction. Such statements have been proven to refer only to devotees becoming *vartha-pradaksya gurus*, or teachers/instructors of Krsna consciousness and are thus not applicable.
- ii. Statements simply stating the **PRINCIPLE** that *Diksa* Guruship must only be taken up **AFTER** the Guru departs. This however is **NOT** evidence for **AUTHORISING PARTICULAR** individuals to become *Diksa* Gurus **ON** Srila Prabhupada's departure.
- iii. Private letters written to individuals who were desirous of initiating even whilst Srila Prabhupada was present, are interpreted as directing the individuals concerned to initiate **IMMEDIATELY** upon Srila Prabhupada's departure, since he simply tells them to at least wait until the Guru has departed. (It would be hard however to demonstrate that this was a ringing endorsement rather than simply a measure to check the ambition of those desirous to initiate). In any case these instructions are inadmissible since they were not specifically made available to those responsible for terminating the *ritvik* system. Further they can only apply to the individuals concerned and thus not have general applicability.

Conclusion

THERE IS NO EVIDENCE AUTHORIZING *DIKSA* GURUS IMMEDIATELY UPON SRILA PRABHUPADA'S DEPARTURE THAT WOULD TERMINATE THE *RITVIK* SYSTEM.

We still require evidence that proves the actual proposition put forward by the GBC:

That Srila Prabhupada's position as *Diksa* Guru for ISKCON became redundant IMMEDIATELY he departed due to the termination of the *ritvik* system of initiation that he set up.

This evidence if it exists will need to specifically state that either the *ritvik* system will terminate, or that some individuals (or individual) become *Diksa* Guru, **IMMEDIATELY** after Srila Prabhupada departed, and will need to have been widely available to those responsible for instituting these changes.

Until such evidence is put forward, the *ritvik* system is protected from change, and Srila Prabhupada remains as the sole *Diksa* Guru for ISKCON, as was the case at the time of his departure.