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Official Decision on the case of Bhavananda dasa

This judgment, decided on July 1, 2000, was rendered in accordance with the guidelines for adjudicating cases of alleged child abuse established by the ISKCON Child Protection Task Force Report and ratified by the ISKCON Governing Body Commission. This judgment is the official decision of the ISKCON Central Office of Child Protection (ICOCP) on the child abuse case of Bhavananda dasa (legal name).

This decision defines the parameters of the relationship of Bhavananda dasa with ISKCON. The ICOCP advises child abuse victims, their parents, and all members of the ISKCON organization to report allegations of child abuse to governmental social service and law enforcement authorities. Also, the ICOCP advises all members of ISKCON to learn and follow their local laws regarding child abuse and mandated reporting of child abuse.

Bhavananda dasa is a white-bodied person who has received initiation from Srila Prabhupada. He was formerly in the sannyasa asrama and for several years was an initiating guru and a member of the ISKCON Governing Body Commission. Currently he resides in Australia.

The ICOCP has received several testimonies of alleged child abuse perpetrated by Bhavananda dasa. The ICOCP has received an email letter, dated November 19, 1999, from a representative of the ICOCP, reporting on a conversation he had with Bhavananda dasa. During that interview Bhavananda responded to some of the accusations of child abuse that he allegedly perpetrated. Bhavananda has not responded to other attempts of the ICOCP to contact him concerning the investigation of this case.

Below are sections of the ISKCON Child Protection Task Force Report concerning definitions of child abuse.

"1. DEFINITIONS OF TYPES OF ABUSE

Preface:

Cultural norms and or poverty are to be taken into consideration when considering neglect, corporal punishment, and psychological abuse. (By cultural norms we mean different outlooks on child raising, punishment, dealing with teenagers, education etc. according to local custom and practice.)

What a parent may be able to provide in one country and is accepted as basic care there, may not be available in another country. Parents or guardians may be in poverty or in rural environment. There will naturally be variances in facilities and outlook on child raising, but at the same time there are basic and universal standards as well; children can be kept as safe, clean, cared for, educated, and emotionally supported as possible. Cultural norms and or poverty are not a loophole but a factor for consideration. They are never an excuse for sexual abuse.

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Child Protection Standards

Overview: ISKCON is an international organization, encompassing many countries and cultures. While recognizing these variations, there are universal and basic standards of decency and morals. Each temple and/or community is expected to comply with its own local child protection standards (established by the

local and or regional child protection team), to follow the standards established by the central office for child protection, to abide by all relevant GBC resolutions, and to work with the local police and civil authorities, as required. The following child abuse definitions represent the minimum standard in basic child care.

I. CHILD MALTREATMENT

A. Definition- A broad range of mistreatment of children including neglect, physical, abuse, sexual abuse, and psychological abuse.

1. CHILD- a child is defined as 0-18 years of age OR whatever the legal definition for a child is in the particular country where the alleged maltreatment occurred.

B. Types of Child Maltreatment

B.2. Physical Abuse- An act of commission (perpetration) by the parent or caretaker where the child is physically injured and/ or marks such as bruises, welts, lacerations, or burns, etc. are visible. Although the injury is not an accident, the parent may not have intended to hurt the child. The injury may have resulted from over-punishment that is inappropriate to the child's age.

a) Forms of physical abuse include: punching, beating, shaking, whipping, caning, burning, slapping, biting, kicking, ear twisting, throwing.

b) Corporal punishment can also be considered abusive if, although no single incident leaves a mark or results in an injury , the frequent and chronic use of such has a deleterious cumulative effect. (In a recently published study on spanking, researchers

found that the more frequently spanking was used as a method of punishment (three or more times per week) the more antisocial behaviors the child developed.

B. 5. Psychological Abuse- A repeated pattern of behavior that conveys to the child that they are worthless, flawed, unwanted, unloved, or only of value to meet another person's needs. This verbal battering seriously erodes and damages the child's self-esteem and sense of worth as a person.

a) Forms of Psychological Abuse

1. Spurning- hostile, rejecting humiliating parent/caretaker acts that degrade the child.

2. Terrorizing- parent/caretaker behavior that is likely to hurt, kill, abandon or place the child's loved ones, or the child in a dangerous situation.

3. Corrupting- acts that encourage the child in criminal, anti-social behaviors.

4. Denying Emotional Responsiveness-ignoring the child's need for love and affection."

Regarding Bhavananda dasa, one devotee (witness 1) stated that he remembers in the Henry Street temple in New York that one time Bhavananda got angry with the children about something. He had all the children come downstairs to the basement and expose their bottoms. He started to whack them indiscriminately, and, according to witness 1, who was one of the children, with maliciousness. This was 1970. The witness was 7 years old. This testifier also witnessed that Bhavananda made a child eat raisins till the child vomited. This testifier further reported that in 1975, in Mayapur, when he (the deponent), was walking and chanting, Bhavananda, practically every day, would punch the child's arms. This was supposedly in jest, but it actually hurt the 12 year old child quite a bit. His arms had black and blue bruises due to this. This routine continued for about a year. The child reported that he told two leading ISKCON authorities about these arm-punching incidents, but they just laughed and didn't take it seriously. This witness further related that sometimes, when Bhavananda found a child sleeping when he didn't want the child to be sleeping, he would not allow that child to take prasadam that day. This witness also related that Bhavananda would whack children on the head with a gong stick during kirtana. The testifier personally got lumps on his head from getting whacked by Bhavananda's gong stick. This young man described an incident when he had complained to his mother that he wasn't happy in gurukula. Bhavananda heard about this, and Bhavananda grabbed the youth by the shirt and pushed him against the wall, and said something to the effect of "If you have any complaints, you tell them to me." The witness further stated that on occasion Bhavananda would come to the gurukula and start abusing children, grabbing them to get them out of bed, pushing them, and yelling at them.

Another witness (witness 2) stated "Yes, I also remember for sure how he used to beat the kids. I got a little personal taste of it the very first day I joined the Vrndavana Gurukula. It was during arati, and because I wasn't jumping up and down in ecstasy, I got

his fat fist hammered on my head from behind. Boy, was I shocked! What a sweet beginning."

Witness 3 said "He used to sometimes call the boys over to his room [in Vrndavana]. Then we all had to sit there while some teacher...used to tell all the bad things so-and-so did, and then that boy had to come up and get a good smack across the face. If you ever got one from him, you know what it means. It was about three times as strong as any other maniac would ever hit a kid."

Witness 4 reported "Bhavananda didn't limit his attention to gurukula boys. I remember when I lived in Vrindavan when I was four, he used to take special delight in lifting me up by my pony tail."

Other testimonies from witnesses 2, 3, and 4 include the following:

"I want to confirm that story about how he used to bring up the boys to his room and smack them around. I was one of those boys."

"Bhavananda used to take special interest in the punishment of the kids in Vrndavana when he was there, especially if some infraction was committed in his presence. I remember one time during his Vyasa puja, I wasn't adequately enthusiastic. He pointed at me and signaled that he's seen me. After it was over, he had me and a few other kids come up to his room where he gave us a few of his patented smacks. He would smack harder than anyone else. After a few of his smacks my ears would ring, I'd see stars, and would be so disoriented that I could barely stand up. Needless to say, we were all crying when we left..."

Witness 5, during a phone interview with a representative from the ICOCP, stated that 5 times, in the late 1970s or early 1980s, Bhavananda made him, when he was a teenager, masturbate Bhavananda, and Bhavananda passed semen.

In response to reading some of the allegations of child abuse, Bhavananda dasa, during an interview with a representative from the ICOCP, said that he fully accepts that he made many mistakes, and he feels terrible about that. Notes from the interviewer paraphrase Bhavananda as saying "I am just trying to salvage something... I have made such a mess of my life. Looking back I think the main cause was due to having no realization about Krsna consciousness. I really had no idea what it was; I just understood I loved Srila Prabhupada and wanted to serve him, but I had no real understanding of the philosophy. Its only now that I am getting a glimmer of what it means...I am willing to apologize but I need a little time to formulate it so that I can do it all in one go. I understand that there is no harm that can come from being humble -- it is the quality of a Vaisnava -- I want to try to be as humble as I can." When Bhavananda read the allegations from witness 5, he shook his head in denial and said something about it being "some kind of madness", or some words to that effect, indicating that the accusation is absurd. Then he said "I don't even know who this [name of witness 5] is." Bhavananda did not reply to attempts by the ICOCP to obtain from him a written statement concerning the allegations of witness 5.

The interviewer described Bhavananda as "...frank, humble and genuinely regretful of mistakes and offenses he committed in the past. It was clear that he has a genuine desire to reform himself and cling on to the process of devotional service and the lotus feet of Srila Prabhupada."

This panel herein acknowledges the many years of service that Bhavananda dasa has devoted to Srila Prabhupada's movement, and appreciates his expressed willingness to atone for the mistakes he made that caused suffering for children in Srila Prabhupada's movement. The panel accepts the testimonies of witnesses 1, 2, 3, and 4. Concerning witness 5, there is some uncertainty as to whether witness 5 was a minor at the time of the alleged incidents. Thus it is not clear whether the allegations of witness 5 fall under the jurisdiction of the ICOCP, and therefore this panel will not adjudicate those allegations.

Based on the evidence and descriptions above, this panel has determined the following:

Bhavananda dasa physically and psychologically abused several children, thus causing pain and suffering for these young devotees. We believe that, for the healing of himself and his child abuse victims, Bhavananda dasa needs to specifically and individually acknowledge his excesses in his dealings with children. In order for Bhavananda dasa to have any connection with ISKCON, including the right to visit a temple, he must write apology letters to witnesses 1, 2, 3, and 4. In these letters Bhavananda dasa must specifically acknowledge his transgressions of child maltreatment, take full responsibility for them, express appropriate remorse, and make genuine offers to the victims to make amends in every way possible. If Bhavananda dasa does this, then he may participate as an active congregation member in an ISKCON temple. The ICOCP will assist Bhavananda in any way it can to locate the child abuse victims. He should send his letters to the ICOCP, not directly to the victims. If in the future the ICOCP hears from additional victims of child abuse that was perpetrated by Bhavananda dasa, then Bhavananda dasa should also write appropriate letters of apology to them.

For at least 3 years from the date of this Official Decision Bhavananda dasa is not permitted to reside in an ISKCON temple or at any project affiliated with ISKCON. Also, for 3 years he is not permitted to represent ISKCON by giving class or leading a kirtana or bhajana in an ISKCON temple or at an ISKCON-affiliated project. After 3 years he may have these privileges restored if he complies with the following:

1) Bhavananda dasa must contribute at least $5,000 US to an organization, pre-approved by the ICOCP, that is dedicated to serving Vaisnava children, such as Children of Krishna, the Mayapur CPT, the ICOCP, or an ISKCON gurukula approved by the ICOCP.

2) Bhavananda dasa must undergo a psychological evaluation by a mental health professional pre-approved by the ICOCP, and he must comply with recommendations for ongoing therapy described in the evaluation report.

As lifetime restrictions, Bhavananda dasa must not have a service involving connection with children, except for atoning for his offenses against children in ways described in this document, and must not hold a position in ISKCON, such as temple president, temple treasurer, or Governing Body Commissioner.

If a child abuse victim of Bhavananda dasa is present at an ISKCON function or on ISKCON property, and Bhavananda dasa is also present, then Bhavananda dasa must leave the premises if the former student objects to his presence. This condition is in effect for 3 years from the date of this Official Decision.

These judgments constitute the minimum restrictions that an ISKCON organization may place on Bhavananda dasa . Any specific ISKCON organization may choose to invoke more stringent restrictions.

While this Official Decision has delineated various restrictions and conditions, the panel members realize that engagement in devotional service to Sri Krsna is essential for purification. Though it is not the function of this panel to determine or suggest the type of devotional service that Bhavananda dasa should perform, we want to mention that, within the restrictions described herein, there are countless ways in which Bhavananda dasa may serve Srila Prabhupada's mission, and we encourage him to do so. Also, we wish to state that the directives described in this document, such as writing apology letters and donating for the betterment of the children of Srila Prabhupada's movement, are also forms of bhakti-yoga.

According to the ISKCON Child Protection Task Force Report, Section 5, in cases where an allegation(s) of child abuse are determined to be valid, the accused may appeal the Official Decision to the GBC Executive Committee and the ISKCON Minister of Justice within one month of the date of this decision. The Official Decision described in this document is effective immediately, and the perpetrator must abide by its guidelines during the appeal process, should he choose to appeal this decision.

Judges serving on this case were: Hanuman dasa, Jyestha dasi, and Praghosa dasa. The Case Manager for this case was Dhira Govinda dasa. The Director of ICOCP at the time of this Official Decision was Dhira Govinda dasa.