

Investigation into the ongoing suit over the possession of the Dharma Chakra Center in Rumtek, Sikkim

July 19th, 2009 by Dr. Michael Nesterenko

As requested by you, I have concluded my investigation into the ongoing suit over the possession of the Dharma Chakra Center in Rumtek, Sikkim, the Karmapa Charitable Trust vs. the state of Sikkim and Gyaltsub Rinpoche. In my research on this topic I had interviewed many individuals, which for the sake of their anonymity, will not be mentioned by name. I have examined many significant documents pertinent to the case and have made several enquiries into the heart of the matter to the best of my abilities and at the risk of those who have been brave enough to assist me in this investigation. It is due to these risks that my sources and I will remain anonymous, as was promised by you upon hiring me for this assignment. Many things mentioned here will not be necessarily new information to you. I have chosen to present the results of my investigations in a chronology of events leading up to the suit, the inception of the proceedings and concluding with the present status of the suit as it stands today for the sake of continuity. My hope is that the bigger picture will become more evident and the new information discovered through my investigation will be seen in its proper place amongst the other well known facts. Below, is the outline of events as I have discovered them in my pursuit to filter out the allegations from the litigation.

Background

On August 2, 1993 Gyaltsub Rinpoche, Tai Situ Rinpoche and the Sikkim Govt. forcefully took possession of Rumtek monastery from the Karmapa Charitable Trust and had the keys handed over to Gyaltsub Rinpoche and Situ Rinpoche thereafter.

It should be noted that this was the second attempt made by Gyaltsub Rinpoche and Situ Rinpoche to obtain possession over the monastery. Previously they had succeeded in coaxing some of the seven original trustees to resign from their post by sending misleading letters asking for their resignation. This was an attempt to create vacancies in the trust to later be filled by the four Rinpoches, Gyaltsub, Situ, Jamgon Kongtrul and Shamar Rinpoche.

As two of the trustees had already passed away, only two remaining trustees needed persuasion to resign in order to create the vacancies needed. However, their deceptive approach in convincing the trustees to resign raised the suspicions of Mr. Gyan Jyoti, since the letter asking for his resignation was not signed by Shamar Rinpoche. Thus he declined to accept their suggestion to remove himself from the board of trustees. Though they had easily convinced Mr. Asho Burman to resign from his position, they did not succeed in winning the majority of the seats in the trust. This left only three positions open, which were to be filled in order of seniority. This was how the three Rinpoches, Shamarpa, Jamgon Kongtrul and Situ, became trustees in the first place. The vacancies were filled by the vote of the remaining trustees, though it was split amongst them whether to accept the plea of the Rinpoches to become trustees at all. Eventually, the decision was made at the insistence of two of the trustees by arguing that if they were to deny the positions to these respected Lamas the Karmapa Charitable Trust would be looked upon in ill favor by the community. There is even documented proof from minutes of prior meetings where Shamar Rinpoche himself had made efforts to halt the interference of the other Rinpoches into the trust. Nevertheless, the trustees were put into a difficult situation and in the interest of saving face the appointments were made. Though, by this time the Karmapa Charitable Trust's original remaining trustees were becoming aware of foul play involved.

In fact, it was the unscrupulous behavior of the other Rinpoches that prompted Shamar Rinpoche to have the doors of the main shrine hall locked and to cancel many activities such as the conclusion of the Nalanda Institute's examinations that semester. This was a clear signal to the other Rinpoches that their fellow trustees were ardently watching their actions to surmise the actual intent of their deceitful conduct. It was this pressure put on them from the exposure of their cunning objectives that provoked the need to pursue a more elaborate and persuasive approach.

So it was in August of 1993, through the support of Chief Minister N. B. Bandhari and the help of the armed forces sent by the corrupt official, that Rumtek monastery was seized by the State of Sikkim and the two Rinpoche's, Gyaltsub and Tai Situ were placed in charge. The 2.5 million dollars in bribe money paid to Mr. N. B. Bandhari through Chen Lu An (http://www.tilogaard.dk/Who_is_Chen_Luan.pdf), a devotee of Tai Situ Rinpoche, eventual caught the eye of the Indian Government inciting them to issue a ban on Situ Rinpoche's reentry into the country a year later in the interest of national security.

The illegal takeover of Rumtek monastery

The sad truth is that the original trustees of the Karmapa Charitable Trust, Shamar Rinpoche and some 300 monks were ousted without any court order or any other legal arrangements. Though this issue is being debated in

the District Court of Sikkim at this very moment, all one needs to do is to question a handful of the exiled monks who suffered at the hands of this violent takeover to conclude that the sheer number of witnesses alone dispel any doubt to what happened that day. In my investigations I had spoken to a professor of the Buddhist Vinaya to discover if during the SoJong, or monastic monsoon retreat, it was ever customary to have lay people participating in any manner. This was the claim by the two Rinpoche's, Gyaltsub and Tai Situ. It was said that the large crowd of lay followers were gathered for this sanctified occasion and that their restlessness was provoked by the denial of entry by the caretakers in charge of the property into the main shrine hall. Though likely true on the surface, in that there was a large agitated crowd anxiously awaiting entry into the shrine hall, this is highly uncharacteristic of the prescribed procedures of administering this SoJong vow, as taught by the Buddha himself in the Vinaya subdivision of the Buddhist canon. According to the students as well as the Professor of Vinaya that I had spoken to, it is strictly forbidden that the lay community be involved at all with this event as it is exclusively intended for those who have taken the monastic vows. Therefore, there is no justifiable excuse for there being a crowd at all that day, let alone for those lay people outside of the monastery to have the presumed authority to take issue with what rooms they are allowed access to or not in the monastic institution.

I had been told that many peaceful attempts were made by the Karmapa Charitable Trust, Shamar Rinpoche and the ejected monastic body of the Rumtek Dharma Chakra Center to make amends and establish order once again. Unfortunately, their endeavors were unsuccessful. So, on July 1st, 1997 a suit was filed against the State of Sikkim (Defendants #1), the then Secretary of ecclesiastical affairs (Defendants # 2), Gyaltsub Rinpoche (Defendant #3) and J.T. Densapa (Defendants #4), who is a trustee that refused to participate in the suit and was therefore made a pro-forma defendant. The suit was filed by the Karmapa Charitable Trust (Plaintiffs # 1), T.S. Gyaltzen (Plaintiff #2), an original Trustee of the the Karmapa Charitable Trust, Shamar Rinpoche (Plaintiff # 3) the 2nd ranking spiritual leader of the Karma Kagyu as well as a Trustee of the Karmapa Charitable Trust and Gyan Jyoti (Plaintiff #4), an original Trustee of the Karmapa Charitable Trust. Unfortunately, in 2004, the two trustees Mr. T.S. Gyaltzen and Mr. Gyan Jyoti passed away. Therefore, it was submitted to the Court that, as designated in the original trust deed of the Karmapa Charitable Trust, the eldest son of these trustees be instated as plaintiffs #2 and #4. It was agreed upon by the Court and Mr. Jigme Gyaltzen and Mr. Amrit Jyoti were allowed to become parties of the case in their stead, despite objections from the side of Defendant #3 (Gyaltsub Rinpoche).

The case was first placed into the hands of honorable judge Tashi Wangdi Bhutia. However, he refused to handle the suit due to his familial relations with the then Chief Secretary of Sikkim who was involved in the suit under Defendants #1 (the State of Sikkim). Consequently, the case was handed over to honorable Judge R. K. Praksha. After some time being involved with the suit, he was appointed to a new post as Law Secretary and the case was then handed over to honorable Judge Dr. S. W. Lepcha. However, due to other subsequent postings of judges and many delays that had caused the suit to drag on for years, the case had changed hands several times. In 2005

honorable judge Mrs. Manakshee M. Rai had been placed in charge of the Court proceedings and has been the presiding judge up to the present date. Currently, Mrs. Manakshee M. Rai has also been posted to a new position as Registrar General of the High Court of Sikkim and the case is once again in limbo while her replacement is being decided upon.

At the time of filing the case, the whereabouts of Situ Rinpoche were unknown, as he had been banned as of August, 1994 by the Central Govt. of India from entering the country due to his suspicious relationship and known activities in cooperation with the Govt. of China. In 1998, leniency was given to Situ Rinpoche and he was allowed to return to India, with the stipulation given by the Indian Govt. that he be confined to his monastery Sherab Ling in Palpung as well as a few additional restricted locations. When news came to the Plaintiffs of the case, they immediately informed the court, as Situ Rinpoche is technically still a trustee. Without delay, the entire case records were sent to Situ Rinpoche by the attorneys of the Karmapa Charitable Trust. Though acknowledgement of the receipt of documents was made, there was no reply in regards to any desire for becoming a party to the suit. The court was duly informed and the Honorable Judge presiding over the case at that time decided to continue onward without pushing the issue any further.

The inventory

From the very beginning as well as throughout the proceedings, Gyaltsub Rinpoche made numerous attempts to delay progress. This became so evident, in fact, that the court itself recorded it on several occasions.

In 1997 the plaintiff filed an application for an injunction to have an inventory done on all moveable properties inside the monastery. The District Court agreed to this request and passed an order for the inventory of all “Schedule A” properties attached to the plaint.

However, Gyaltsub Rinpoche was not pleased with this order and thus appealed to the High Court in an attempt to halt the inventory. Of course, the fact that such a simple request should be unwarranted in the eyes of the defense raises suspicions alone. After all, what harm could have come to either side through inventoried properties? That is unless the “Schedule A” properties pertinent to the case were no longer there to be inventoried.

Gyaltsub Rinpoche lost his appeal with the High Court and the inventory process was started in the presence of the High Commissioner from the Reserve Bank of India in Calcutta. Representatives from all sides were there to help administer the inventory.

In brief, once the Commissioner submitted his report to the court it was noted that 28 items on the list of the “Schedule A” properties to be

inventoried were not found. More suspicious is the fact that his report mentions the efforts of Gyaltsub Rinpoche's representatives to negotiate on site the terms of procedure for said inventory, arguing on religious grounds that it would hurt the sentiments of the defense and the devotees of the late 16th Gyalwa Karmapa at large if he were to handle certain sacred objects that were supposedly only to be touched by the Karmapas themselves. This included the precious "Vajra Mukut" or "Black Crown" so famously worn by the Karmapas since the fifth Karmapa Deshin Shegpa (1384-1415) was gifted this jewel incusted silk-woven crown by the Chinese Emperor Yung-Lo. Furthermore, access to many other precious relics and ritual items was also denied by Gyaltsub Rinpoche's representatives on these grounds, claiming in addition to the above said argument that the seal of the 16th Karmapa must not be broken as well as denying knowledge of the whereabouts of the necessary keys to unlock certain cupboards containing particularly precious items.

Due to raised suspicions from the incomplete inventory and further apprehension on the side of the plaintiffs incited by recent publications casting doubt on whether the "Black Crown" brought by the late Karmapa from Tibet to India was in fact the original crown at all, the plaintiffs filed an application to the District Court for the completion of the inventory so as to confirm or deny the suggestion that some "Schedule A" items may no longer be there in the monastery and have presumably been stolen, if indeed that is the case. The District Court dismissed this application and the matter was escalated up to the High Court of Sikkim under the honorable judge A.N. Rai, who up to this point has had no involvement with the issues espoused in this ongoing suit.

The application put forth before the High Court was denied by Mr. A. N. Rai. However, in the order given by the honorable judge of the High Court blatant bias was expressed on the issue of the Karmapa recognition dispute and allegiance to the side of Ugyen Trinley Dorje, the Defendant's claimant to the throne of the Karmapa, was quite transparent.

However, the issue of recognizing the true Karmapa has never been raised in this suit. The suit is simply to establish whether the Karmapa Charitable Trust has the legal authority to administer the duties described in the deed of trust drafted by His Holiness in 1961, which includes "erecting and maintenance of religious buildings, temples, maths, monasteries, inns, educational institutions, hospitals; And for carrying on and performing religious rites at Rumtek and at other campus equipments for religious ceremonies and meetings, other expenses of such rites and ceremonies" Therefore, the remarks made in the order by Mr. A. N. Rai are irrelevant to the suit at hand and directly contradict the decision given by the Supreme Court of India not to involve themselves or interfere in any way with the religious matters pertaining to the recognition of the Karmapa.

In his judgment, Mr. A. N. Rai had first cast doubt on the legitimacy of the institution of the Shamarpas, in particular the authenticity of the present Shamar Rinpoche. "The plaintiff #3 who claims to be the Shamarpa under the said Karmapa does not have papers for entering Sikkim. At the instance of such outcasts from Sikkim, it is extremely difficult for the Court to

manipulate or delve into items of religious sanctity lying in a reputed monastery.” However, he later say, “In Rumtek Monastery there is a box sealed by the monks, authorized by the present Karmapa according to the persons who are in charge and in secessions of the Monastery now, who resides at present with the Dalai Lama, and those seals were identified on behalf of the respondents when the box was pointed out as the one containing the Vajra Mukut... the seals on the box were genuine and put there (on behalf of the Karmapa the true one, who is now with the Dalai Lama) by the monks following him... Clearly it is a tall claim and not to be acceded to by any Court unless the plaintiffs show that their master and guide, the purported alternative Karmapa, Thaye Dorje, who is not even a party to the suit, has some semblance of right to the office of the Karmapa at present, though he is not in any manner recognized by that head, revered all over, who is the Dalai Lama himself.”

In fact, throughout the entire order given by Mr. A. N. Rai, “the Karmapa Charitable Trust” is hardly mentioned at all with the exception of his declaration that “the plaintiff #1 is a trust allegedly established by the earlier, i.e., the 16th Karmapa who died in 1981. The second plaintiff is allegedly a trustee.” He goes on to say that “the suit is also filed as many as 17 years after the death of the 16th Karmapa.”

Clearly, the suit had been filed over the incidents that took place in 1993 and the amount of time that had passed between the filing of the suit and the passing of His Holiness the 16th Gyalwa Karmapa is completely irrelevant to the case at hand and even more so to the application for completion of the inventory. These remarks smack too much of the defense’s attempt to prove much earlier in the case that the Karmapa Charitable Trust has no Locus Standi in the suit and that the suit is not maintainable. This decision, however, had already been made and was not subject to be discussed again in the High Court, as will be explained hereafter.

Suspiciously, it had been predicted by some parties involved that this obviously biased behavior on behalf of Mr. A. N. Rai was the foreshadowing of his retirement from the judicial system and that he would soon be offered a job by the State of Sikkim. It should be known that it is completely illegal in Indian law for there to be any collaboration between the State and the judicial system. However, exactly as predicted, Mr. A. N. Rai retired thereafter and was given a job working for the State of Sikkim. I have been told that Mr. A. N. Rai’s reputation as a judge suffered tremendously after his retirement, even to the point of reprimand by the Supreme Court of India.

The Tsurphu Labrang & Karmapa Charitable Trust

The second attempt by the defense, earlier in the suit, was to put forth an application to the District Court to argue whether this case was maintainable at all. It was argued that because not all of the trustees of the Karmapa Charitable Trust were participating in the suit they are not justified in their

claim to represent the Karmapa Charitable Trust and that this was simply a scheme to obtain control over the monastery for personal gain. A second argument was raised that the Karmapa Charitable Trust could not substantiate their claim as administrators over the Rumtek properties.

However, this too was shot down and the court passed the order that the case was indeed maintainable in the eyes of law because the suit was filed by the majority of the trustees in question and the Karmapa Charitable Trust had already provided ample documents supporting their argument that the monastery had been in their possession prior to August 2nd, 1993. Gyaltsub Rinpoche challenged this order as well by appealing to the High Court and lost, thus making it clear once and for all that the Karmapa Charitable Trust is justified in their plaint.

The next attempt by Gyaltsub Rinpoche was to have himself removed as a defendant in the suit and have an application submitted by the “Tsurphu Labrang” in request to become party to the suit in his stead under order 1 rule 10(2) of the civil procedure court 1908. In this application Gyaltsub Rinpoche admitted that he himself held no sovereignty over the Rumtek properties but that the “Tsurphu Labrang” were the regents of the Karmapas and thus held the responsibility of administration over the properties of the Karmapas. Of course, Tsurphu is in Tibet and it goes without saying that the Labrang, or administrative body, of Tsurphu would have command over the Tsurphu property inside the now Chinese occupied Tibet.

However, on the 23rd of August, 1961, shortly after His Holiness the 16th Gyalwa Karmapa had settled in Rumtek, the trust deed of the Karmapa Charitable Trust was drafted by His Holiness implicitly conferring the responsibilities of administration over the activities and properties of the Karmapa in exile to the Karmapa Charitable Trust, of which His Holiness himself presided over. Thus, the plaintiffs argued that the “Tsurphu Labrang” does not hold dominion over anything at Rumtek and, if it did exist at all, it would fall under the Karmapa Charitable Trust’s legal authority as established by His Holiness the late 16th Gyalwa Karmapa. Throughout these arguments, Defendants #1 and #2 remained silent and offered no response to the matter.

Nevertheless, Gyaltsub Rinpoche wholeheartedly supported this application made on behalf of the “Tsurphu Labrang”, even filing an affidavit under oath in which he unreservedly admitted to having no authority as an individual in regards to the administration of the Rumtek properties. After reviewing all of the evidence from both sides, the court rejected the application stating that the “Tsurphu Labrang” failed to provide documented proof that it was in possession of Rumtek monastery before 1993. The plaintiffs, on the other hand, held several documents signed and sealed by the Govt. of Sikkim showing the Karmapa Charitable Trust had indeed been executing the administrative duties of Rumtek monastery from as early as 1986. The “Tsurphu Labrang” appealed this decision to the High Court and again was rejected on the same grounds. It was finally taken up with the Supreme Court, resulting in a final order to not allow the “Tsurphu Labrang” to become party to the suit due to lack of supporting evidence of their claim.

The court finally hear the case

The order of procedures for the Court is as such: First, the suit is filed. Secondly, the defendants prepare their statement. Afterwards, both sides meet in the presence of the honorable Judge to frame the issues of the case. Then, both sides file their documents and the evidence of the plaintiff is submitted along with their selection of witnesses. Once this is done, the cross examination by the defendants is allowed to be held. Subsequently, the defendants file their evidence after which the plaintiffs are then permitted to cross examine the defense. Lastly, there are the final arguments before the Court and the decision of the honorable judge is made thereafter.

So, after some dispute from Gyaltsub Rinpoche's side over the maintainability of the case and the proposed issues to be framed by the plaintiff, both sides came to an agreement and the framing of the issues had now been completed. Both the defendants and the plaintiffs had filed their documents with the court and the plaintiffs had produced ten witnesses from their side for examination. This included their principal witness, Shamar Rinpoche. It was decided that Shamar Rinpoche would be the first witness to give evidence. However, there was a snag in proceeding with this venture. Shamar Rinpoche had not been permitted to enter the State, by order of the Sikkim Govt. (Defendant #1) that his expired registration not be renewed as it was deemed by them to be in the public's interest.

The plaintiffs therefore proposed that a commissioner be appointed by the Court in Kalimpong, where Shamar Rinpoche resides, so that the defense could cross examine him there. It should be noted that Kalimpong, West Bengal and Gangtok, Sikkim are within a short three hours drive from each other and that this was therefore a logical resolution to proceed onward without inconveniencing the State of Sikkim or the defense. Gyaltsub Rinpoche flatly objected to this proposal stating that he would feel insecure performing the cross examination in Kalimpong as it is the residence of Shamar Rinpoche. The plaintiffs made no argument and offered that the solution be put forth by either the honorable Court or defense. With the consent of all parties, the Court finally decided that the cross examination would be held in New Delhi under the supervision of the Court appointed Commissioner Justice S.S. Chadda.

Interestingly, the presiding Judge at that time, Mrs. Manakshee M. Rai, had concluded the decision with the order that the expenses for travel, provisions, lodging and any other necessity of the commissioner and his staff would be paid by the plaintiffs. This seemed quite unconventional as a reasonable solution had already been provided by the plaintiffs to hold the proceedings in nearby Kalimpong and, after all, it was the cross examination for the side of the defense that was being held not for the plaintiffs.

The plaintiffs had respectfully submitted to the Court that they were a charitable trust and that it would be difficult for them to apply any funds from the side of the trust that were not suitable within the guidelines of the Trust deed. Nevertheless, Mrs. Manakshee M. Rai unceremoniously remarked that “with regard to the submission of the plaintiff pertaining to the commissioner fees, he is advised not to agitate this point before this court.”

As ordered by the District Court of Sikkim, from August 26th through the 31st in 2008, the cross examination was held before the commissioner in New Delhi. During this time the Defendants #1 and #2 completed their cross examination on the first day. Thereafter, Gyaltsub Rinpoche’s team proceeded with their cross examination of Shamar Rinpoche relentlessly for the remaining 5 days designated by the Court, posing 389 questions to the witness in all.

Afterward, the Defendant #3 (Gyaltsub Rinpoche) submitted before the commissioner that they were not able to complete their cross examination in the time allotted. The plaintiffs objected to this request stating that there was ample amount of time to question the witness and that this was the amount of time decided upon by the Court with the consent of all parties involved. It was also put forth by the witness himself that if they were not able to come to a reasonable conclusion after 5 days and 389 questions they will not be satisfied with one million questions posed to him and that they were wasting time asking questions irrelevant to the case. However, the Court, under the decision of Mrs. Manakshee M. Rai, ordered that another ten days be given to Defendant #3 for cross examination and once again all expenses for the procedures were to be bared by the plaintiffs.

After the passing of T.S. Gyaltsen, several boxes of documents pertinent to the case were bequeathed to Shamar Rinpoche by the deceased. These documents were then filed away by trusted associates of Shamar Rinpoche. However, when a request was made by Shamar Rinpoche to have a look at these documents at a later date, they suddenly were unable to find them. Carefully examining the situation and questioning all parties in his company involved with handling these documents, Shamar Rinpoche came to the conclusion that they were not misplaced but rather had been stolen by someone working for him and most likely given to the defendants for a price. The suspected were expelled yet no evidence of the documents was ever found.

Shortly thereafter, the defense filed an application to the Court to submit some 142 documents that they had supposedly dug up recently upon a second inspection of their files at the Rumtek Monastery. This request was filed nearly 10 years after the suit was established and long past the stage permissible to submit documents. Though no evidence was ever provided by the defense to the relevance of these documents in the case, Mrs. Manakshee M. Rai allowed the defense to submit them blatantly disregarding the standard judicial process in leniency to the defense.

One could argue that the same lack of proof was held against the plaintiffs when they had submitted their request for the completion of inventory under the assumption of theft. However, it seems the lack of proof was overlooked

for the defense when submitting these documents. Oddly, these newly found documents resurfaced for the defense around the same time the above mentioned documents of the plaintiffs went missing and suspiciously amount to about the same quantity of documents that had been bequeathed by the departed T. S. Gyaltzen to Shamar Rinpoche.

Mrs. Manakshee M. Rai has shown a deliberate departure from the manner in which the proceedings were handled by all of the previous judges. She has gone so far as to propose of her own accord that issue #7, that is to say, whether the suit has any Locus Standi or maintainability, be brought up again before her Court, despite it having already been decided in the same court (the District Court of Sikkim) by a previous judge. Further more, it had been pushed up to the High Court of Sikkim and again the order came down that the suit was indeed maintainable putting an end to any further discussion on this matter. Mrs. Manakshee M. Rai later retracted her wish to discuss issue #7 after these obvious facts were pointed out to her.

When the plaintiffs tried to file an application under order 12 rule 6 of the CPC 1908 for judgment on admission, it was not accepted even in light of the statements made by the defendants contradicting themselves and making clear reference to the fact that the Karmapa Charitable Trust was in possession of the Monastery prior to August 2nd 1993. Mrs. Manakshee M. Rai denied this application by saying “even if there were instances of admission in the defense statement, it does not obligate the Court to pronounce judgment based on said admissions.” She then accused the plaintiffs of using "dilatory tactics apparently with a bid to delay the trial.”

In most of Mrs. Manakshee M. Rai’s orders rejecting applications by the plaintiffs, she has unnecessarily made unconstructive accusatory remarks towards the plaintiffs such as, “This application is frivolous and made with the utmost malafide and suffers from inordinate delay and is liable to be dismissed for laches”, showing her clear bias to the defense and her contempt for plaintiff # 3 when Shamar Rinpoche’s attorney’s had submitted an application to have the State issue a temporary permit for entry into Sikkim to participate in the cross examination for the defense. She accused him of trying to gain “back door entry” in attempt to relocate himself in Sikkim through the guise of the necessity to facilitate the proceedings of the trial.

Whether it be the irrelevant foregone conclusions of Mr. A. N. Rai on issues neither pertinent to the application submitted nor to the trial in the District Court, the ongoing discovery of confidants of the plaintiff having sabotaged their own case in a deceptive manner unbeknownst to the plaintiffs themselves or the malice expressed by Mrs. Manakshee M. Rai in conjunction with her observable prejudice towards the defense’s often unreasonable requests, the stench of corruption throughout these Court procedures has been overwhelming. Though no paper trail has been found and no admissions have been made, one could say quite confidently, “Where there is smoke there is fire.”

What now?

At present, Mrs. Manakshee M. Rai has been taken off of the case, which leaves everyone with the burning question of who will fill the role of continuing the Court proceedings in her absence. Will the future judge show noble character and strict observance of the law, following the decisions of the previous judges in the suit? Or, will they be bribed and seduced into corruption in order to pass biased judgment, overlooking the facts of the case and the damage that may be caused to many people at the hands of their sentence? That question still remains to be answered and, though things can go in either direction, the potential for corruption looms over this suit as the evidence of past misconduct has marred the face of the judiciary process irrevocably.

Statement from Michael Nesterenko

Posted on July 19th, 2009

When we decided to publish "The Karmapa Papers" Blue Book in 1992 it was quite evident that the motivation of Situ and Gyaltsep Rinpoche had more to do with power politics than Dharma spirit. The Karmapa Papers showed to the world and to the western scholars (we received many calls) the dangers of mixing politics with religion. One should note in passing that after enlisting the help of the China Government in Tibet to identify their candidate Situ quickly renounced his word and allegiance to spirit the candidate away and break the trust that the China Government had put in him. Since the Law suit over Rumtek control was started in 1997, the Indian Government wisely tried to keep politics out the tribunal. But Gyaltsep has relentlessly tried to delay and even appears to have influenced a local Judge to rule according to Gyaltsep's peculiar view of religious tradition. Now that the Court Case is reaching the final judgment stage, the greatest fear of Situ and Gyaltsep is that everybody will find out that priceless religious symbols have been spirited away and disappeared against the rule of law. Why else refuse an inventory under the weirdest of excuses?

We should thank Situ and Gyaltsep for providing us with such a clear teaching about what we should never do: never mix politics with religion and always stay true to our word and our commitments. If we do not do this, dharma loses its profound meaning.

Dr. Michael Nesterenko
Editor of the Karmapa Papers