

COLORADO COURT OF APPEALS
101 West Colfax Ave., Suite 800
Denver, CO 80202

Appeal from Denver County District Court
The Honorable Michael A. Martinez
Case No. 2010CV1867

Plaintiffs-Appellants: ANANDA MARGA, INC., a
Colorado Nonprofit Corporation, *et al.*

v.

Defendants-Appellees: ACHARYA
VIMALANANDA AVADHUTA, *et al.*

and

Intervenor-Appellee: ANANDA MARGA
PRACARAKA SAMGHA-RANCHI

COURT USE ONLY

Case Number:
11CA1405

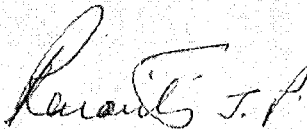
**AFFIDAVIT OF BHAVESHANANDA AVADHUTA
IN SUPPORT OF MOTION FOR LEAVE BY AMICUS CURIAE**

Be it known to all that I, BHAVESHANANDA AVADHUTA, of lawful age and competent to make this Affidavit, do hereby of my own volition solemnly swear, affirm, declare, attest and depose the following 16 Points:

1. I am a citizen of India, reside in Kolkata, West Bengal, India, and serve as the General Secretary of Ananda Marga Pracaraka Samgha, which has more recently been known as the "Ananda Marga Pracaraka Samgha-Kolkata/United Ananda Marga Administration" and is located at 527 VIP Nagar, Eastern Metropolitan Bypass Road, Kolkata, West Bengal, India 700100. For purposes of this affidavit and for clarity in distinguishing it from Intervenor "Ananda Marga Pracaraka Samgha-Ranchi" ("AMPS-Ranchi"), the Ananda Marga Pracaraka Samgha organization I represent shall be referred to as "AMPS-Kolkata".

Bhaveshananda Avadhuta, *Ranajit J. P.*

2. It is in my role as General Secretary of AMPS-Kolkata that I make this affidavit in support of the motion of AMPS-Kolkata for leave to file a brief as amicus curiae in the current case before the Colorado Court of Appeals.
3. I have been directly involved in the Ananda Marga spiritual movement for over 46 years. In 1966, I was initiated into Ananda Marga spiritual disciplines, and became an Acarya (spiritual instructor) of Ananda Marga in 1968. Over that time I have been involved in and have served in various leadership roles in the Ananda Marga organization including: President; General Secretary; Central Public Relations Secretary and Central Law Secretary; Sectorial Secretary; and have also held other significant Central-level postings as well. I was President of Ananda Marga Pracaraka Samgha from 2003-2008. During this same time period, Acarya Viitamohananda Avadhuta was the General Secretary.
4. In my role as General Secretary of AMPS-Kolkata, it is my duty to oversee the administration of the Ananda Marga movement worldwide, which includes the management and preservation of Ananda Marga properties, the ecclesiastical oversight of Ananda Marga Acaryas (family and monastic spiritual teachers) worldwide, and the dissemination of Ananda Marga spiritual teachings & practices throughout the world.
5. Since August 2003, there has been extensive and ongoing litigation in numerous courts of the Republic of India between two different administrative entities, with each claiming legal and ecclesiastical leadership of the worldwide Ananda Marga spiritual movement. One of these administrative entities is Intervenor "AMPS-Ranchi" and the other is AMPS-Kolkata.
6. Reflecting the fact that the Ananda Marga movement was begun in and remains at the present time centered in India, and is widespread throughout a variety of legal jurisdictions within India, there are currently now pending nearly two dozen cases in various level courts in India. These range from local courts up to the Indian Supreme Court. These cases are ongoing & are currently without final resolution or disposition.
7. The most important ongoing case in India involves the dispute between AMPS-Kolkata and AMPS-Ranchi that commenced in August 2003 (Case No. 305 of 2003). That case is meant to determine which faction is entitled to claim legal and ecclesiastical leadership of the Ananda Marga spiritual movement.
8. Both parties have been allowed to function simultaneously as separate Administrations by decision of the High Court of Kolkata until the "Governing Body" Case is settled (Writ Petition [WP] #19662(W) of 2003), and both parties are permitted to submit annual organizational reports to the government (WP No. 26072(W) of 2007 with CAN 1742/2008 with CAN 2338/2008). (Exhibits 1 & 2 attached)
9. The decision of the Colorado Appellate Court will have serious & direct consequences for the Ananda Marga monastic clergy both in India and other parts of the world. Of all the Ananda Marga monastic clergy around the world who are recognized by one or both of the two factions, the reasonable estimates of AMPS-Kolkata are that approximately

Bhavanananda Avadhuta, 

two-thirds of all the monastic clergy both in India and worldwide are directly affiliated with or supportive of AMPS-Kolkata / United Ananda Marga Administration.

10. Ananda Marga Pracaraka Samgha, both AMPS-Ranchi and AMPS-Kolkata factions, claim varying forms of legal and ecclesiastical connections to Ananda Marga groups and legal entities outside of India and throughout the world including, but not limited to: the United States, Canada, Mexico, Central America, the Caribbean, South America, Europe, Africa, the Middle East, and other countries in Asia.
11. The decisions of this Appellate Court in Colorado will have serious and direct consequences for the legal and ecclesiastical relationship between AMPS-Kolkata and the entire Ananda Marga body of organizations throughout the United States and elsewhere. These consequences involve legal issues as to property ownership, trademarks and copyright control, etc. and also include purely ecclesiastical issues such as who is spiritually empowered to represent themselves as an Ananda Marga Acarya, where geographically such Acaryas are posted, what duties Acaryas are required to perform, who is empowered to give spiritual initiation to new adherents, what spiritual teachings of the movement are promoted and how are they taught, and multiple other similar related issues.
12. Allowing AMPS-Kolkata to file an amicus brief will assist the court in resolving this matter in a number of ways. Most importantly, AMPS-Kolkata is uniquely positioned to present to the court the far-reaching and damaging effects the trial court's decision will have on the orderly resolution of the multiple parallel and reactive disputes, both ecclesiastical and property, between the Intervenor, AMPS-Kolkata, and each organization's various subordinate & affiliated entities, currently ongoing in the courts of the India, Australia, and elsewhere. Representing the majority of individuals and organizations most directly effected by the resolution of the dispute, AMPS-Kolkata can provide the court with an important first-hand perspective as to those effects.
13. Another important factor is that - AMPS-Kolkata's interests spread over the majority of the world's countries and continents, including the New York Sector, while Plaintiff's direct legal and ecclesiastical interests are limited to its jurisdiction - the New York Sector.
Although AMPS-Kolkata is supportive of Plaintiff's efforts to check Defendant's & Intervenor's attempt to take control of Ananda Marga's ecclesiastical authority and assets in the United States and other areas of the New York Sector, AMPS-Kolkata's interests cannot be deemed fully represented by Plaintiff in this litigation.
14. For these reasons, among others, AMPS-Kolkata/ United Ananda Marga Administration respectfully prays that it be allowed to file an amicus brief in this case, as I believe such could help this court and thus be of immense value regarding this case. There are numerous logistical, financial, and other concerns in filing this brief that must be, & will be, overcome. These include communication difficulties between India and the U.S., the fact that I am currently in Australia as a witness is a similar dispute between Ananda Marga factions in Australia (which has emphasized to the AMPS-Kolkata/ United

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Ananda Marga Administration the importance of our views being heard in all such proceedings), and the fact that we have only recently been able to engage counsel to represent us for purposes of the amicus brief. If leave is granted, AMPS-Kolkata / United Ananda Marga Administration will serve and file its amicus brief within the time period being sought by counsel, or sooner if so directed.

FURTHER AFFIANT SAYETH NAUGHT

Bhaveshananda Avadhuta
 Bhaveshananda Avadhuta

OFFICIAL ACKNOWLEDGEMENT

MELBOURNE POLICE }
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 MELBOURNE, AUSTRALIA }

Second

The foregoing was subscribed and sworn before me this ~~First~~ *Second* Day of April 2012 by Bhaveshananda Avadhuta, who, being first duly sworn, acknowledged that he signed, as his free act and deed, the foregoing *Affidavit* and declared that all statements therein contained are true, correct and complete to the best of his knowledge and belief. In witness whereof, I have hereunto set my hand and affixed my official seal.

Signature

Constantine J.P.

CONSTANTINE KARAVITIS JP
 C/O HONORARY JUSTICE OFFICE
 LEVEL 10/223 WILLIAM STREET
 MELBOURNE 3000
 JUSTICE OF THE PEACE FOR VICTORIA
 REG. NO 8847

Printed Name:

Certification

I certify that all the facts contained in this form are true and correct to the best of my knowledge.

<i>Bhaveshananda Avadhuta</i> (Signature) (Printed Name and Title)	<i>02/04/2012</i> (Date)	Seal General Secretary Ananda Marga Pracharaka Samithi
BHAVESHANANDA AVADHUTA, GENERAL SECRETARY		

