

AUROVILLE FOUNDATION

AUROVILLE FOUNDATION
BHAVAN AUROVILLE 605 101

No.AF/1/2011

Date:23-Aug.2011

STANDING ORDER No.8

SUBJECT: LEGAL SUITS & PROCEEDINGS

1. **Whereas**, by virtue of the Section 3 of the Auroville Foundation Act, 1988 (No. 54 of 1988) (hereinafter referred to as "the Act") read together with Section 4 (1), and Section 6(1) *ibid*, so much of the undertakings of Sri Aurobindo Society, having its registered office in Kolkata in the State of West Bengal, as form a part of or are relatable to Auroville vest in the Auroville Foundation (hereinafter referred to as "the Foundation") from the date the Central Government establishes such a Foundation for the purposes of the Act; further Section 10 (2) *ibid* also vests the said Foundation with power to acquire, hold and dispose of property, both movable and immovable, relatable to the purposes of the Foundation;

2. **Whereas**, by virtue of Rule 6 (a) and Rule 6 (g) of the Auroville Foundation Rules, 1997, (hereinafter referred to as "the Rules") Secretary to the Foundation, appointed in terms of Section 15 (1) of the Act, (hereinafter referred to as "Secretary") is vested with the power to: (1) act as the custodian, *inter alia*, of properties mentioned in paragraph 1 *supra* and such other properties of the Foundation as the Governing Board may commit to his charge; (2) represent the Foundation in disputes relating to any matter in any court of law and/or before any authority; (3) sign any power of attorney on behalf of the Foundation with prior approval of Chairman/Governing Board; (4) verify pleadings in any court of law; and (5) depute any officer of the Foundation to appear on his behalf in any court of law and/or authority ;

3. **Now, therefore**, the Governing Board has decided that, in all matters in general and movable and immovable properties vested in the Foundation in particular, wherein the Foundation is involved or is likely to be involved in litigation in any court of law and/or before any authority with extra-mural bodies and/or individuals who are not a part of the Foundation, Secretary shall be responsible for taking all necessary steps

to represent the Foundation in such suits and proceedings and to protect its interests with the assistance of such advocates on the rolls of the appropriate courts as Chairman/Governing Board may considered necessary and appropriate;

4. The Governing Board decides that, in all such litigation, Secretary shall represent the Foundation in person in any court of law or before any authority that has competence over the suit or proceeding in question provided always that, with the prior permission of Chairman, Secretary may authorize any officer and/or employee of the Foundation to represent him in any court of law and/or before any authority.

5. The Governing Board also decides that, as the movable and immovable properties vest in the Foundation and the latter is accountable for the same to the Central Government, a member of the Residents' Assembly, irrespective of the fact that such a member is nominated by the Governing Board on any committee in terms of Section 16 (1), *ibid*, may not appear in any court of law or before any authority to represent the Foundation in any capacity provided always that the competent court of law or authority has duly summoned such a member to appear before it and/or to act as its *amicus curie*;

6. The Governing Board also decides that a member of the Residents' Assembly, who is holding office in any organization, trust, society or association, by whatever name called but created by the Working Committee with the approval of the Governing Board in terms of Section 20 (4) *ibid*, may appear in any court of law or before any authority in respect of any matter relatable to such an organization, trust, society or association provided always that Secretary has authorized such a member for such purposes with the prior permission of Chairman;

7. The Governing Board hereby advises the members of the Residents' Assembly holding office in any committee, organization, trust, society or association, by whatever name called, created under the Foundation in terms of Section 16 *ibid*, read together with Section 20 (4) *ibid* that they are required to inform Secretary forthwith whenever a dispute is likely to arise or has arisen in respect of any matter related to such committee, organization, trust, society or association that may result in a suit or proceeding in any court of law or before an authority; On being so informed, Secretary shall be responsible for taking such steps as Chairman/Governing Board may consider necessary and appropriate.

8. **The Governing Board also advises** all members of the Residents' Assembly to render all possible assistance to Secretary in settling disputes with extra-mural individuals and/or bodies keeping the best interests of the Foundation in view.

9. This Standing Order issues with the approval of Chairman/Governing Board and shall come into force with immediate effect. Chairman/Governing Board may amend this Standing Order from time to time.

FOR & ON BEHALF OF THE GOVERNING BOARD


SECRETARY
AUROVILLE FOUNDATION

Copy for information to"

1. Chairman, Auroville Foundation
2. Members, Governing Board
3. Chair, International Advisory Council
4. Chairperson, Finance Committee
5. Ministry of HRD (UNESCO Division)
6. The Working Committee of the Residents' Assembly
7. All other committees/units under Auroville Foundation
8. Secretary, Auroville Foundation
9. F&AO, Auroville Foundation
10. Governing Board Guard File
11. Standing Order Guard File