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EXTRAORDINARY

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PART II—Section 1

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन  
के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed  
as a separate compilation

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 3rd October, 1988|Ashvina 11, 1910 (Saka)

The following Act of Parliament received the assent of the President  
on the 29th September 1988, and is hereby published for general infor-  
mation:—

THE AUROVILLE FOUNDATION ACT, 1988

No. 54 of 1988

[29th September, 1988.]

An Act to provide for the acquisition and transfer of the under-  
takings of Auroville and to vest such undertakings in a founda-  
tion established for the purpose with a view to making long-  
term arrangements for the better management and further  
development of Auroville in accordance with its original char-  
ter and for matters connected therewith or incidental thereto.

WHEREAS Auroville was founded by the 'Mother' on the 28th day of  
February, 1968 as an international cultural township;

AND WHEREAS in view of the serious difficulties which had arisen with  
regard to the management of Auroville, the management thereof had been  
vested in the Central Government for a limited period by the Auroville  
(Emergency Provisions) Act, 1980;

59 of 1980.

AND WHEREAS under the management of the Central Government and  
under the overall guidance of the International Advisory Council set up  
under the aforesaid Act, Auroville had been able to develop during the

last eight years along several important lines and the residents of Auroville have also carried on activities for the development of Auroville which need further encouragement and consolidation;

AND WHEREAS Auroville was developed as a cultural township with the aid of funds received from different organisations in and outside India as also from substantial grants received from the Central and State Governments, and the United Nations Educational Scientific and Cultural Organisation also had, from time to time, reflected in its resolutions that the project on Auroville is contributing to international understanding and promotion of peace;

AND WHEREAS for the purpose of encouraging, continuing and consolidating the aforesaid activities of Auroville, it is necessary in the public interest to acquire the undertakings of Auroville and to vest them in a body corporate established for the purpose;

BE it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows:—

## CHAPTER I

### PRELIMINARY

Short  
title,  
Defini-  
tions,

1. This Act may be called the Auroville Foundation Act, 1988.
2. In this Act, unless the context otherwise requires,—
  - (a) "appointed day" means the date of commencement of this Act;
  - (b) "Auroville" means so much of the undertakings as form part of, or are relatable to, the cultural township which is known as Auroville and the charter of which was proclaimed by the 'Mother' on the 28th day of February, 1968;
  - (c) "Council" means the Auroville International Advisory Council constituted under sub-section (1) of section 21;
  - (d) "Custodian" means the person who is appointed as the Custodian under sub-section (2) of section 7 in respect of the undertakings;
  - (e) "Foundation" means the Auroville Foundation established under sub-section (1) of section 10;
  - (f) "Governing Board" means the Governing Board of the Foundation constituted under sub-section (1) of section 11;
  - (g) "notification" means a notification published in the Official Gazette;
  - (h) "prescribed" means prescribed by rules made under this Act;
  - (i) "Residents' Assembly" means the Residents' Assembly of the Foundation;
  - (j) "Society" means Sri Aurobindo Society, being a Society as defined in the West Bengal Societies Registration Act, 1961, and having its registered office at Calcutta in the State of West Bengal;

West Ben-  
gal Act  
XXVI of  
1981.

(k) "specified date" means such date as the Central Government may, for the purpose of section 9, by notification, specify;

(l) "trust" or "body" means a trust or body specified in the Schedule;

(m) "undertakings" means the undertakings of the Society, trust or body which had vested in the Central Government under section 3.

## CHAPTER II

### ACQUISITION AND TRANSFER OF UNDERTAKINGS OF AUROVILLE

3. On the appointed day, so much of the undertakings of the Society, trust and body as form part of, or are relatable to Auroville, and the right, title and interest of the Society, trust and body, in relation to such undertakings, shall, by virtue of this Act, stand transferred to, and vest in, the Central Government.

Transfer to, and vesting in, the Central Government of certain undertakings of the Society, trusts and bodies.

4. (1) The undertakings vested under section 3 shall be deemed to include all the assets, rights, leaseholds, powers, authorities and privileges, and all property (movable and immovable), including lands, buildings, works, workshops, projects, stores, instruments, machinery, automobiles and other vehicles, cash balances, funds, including reserve funds, investments and book debts of the Society, trust or body as form part of, or are relatable to, Auroville and all other rights and interests arising out of such properties as were immediately before the appointed day in the ownership, possession, power or control of the Society, trust or body, whether within or without India, and all books of account, registers, maps, plans and all other documents of whatever nature relating thereto.

General effect of vesting.

(2) All properties and assets as aforesaid which have vested in the Central Government under section 3 shall, by force of such vesting, be freed and discharged from any trust, obligation, mortgage, charge, lien and all other incumbrances affecting them or of any attachment, injunction, decree or order of any court or other authority restricting the use of such properties or assets in any manner or appointing any receiver in respect of the whole or any part of such properties or assets shall be deemed to have been withdrawn.

(3) Any licence or other instrument granted to the Society, trust or body in relation to any undertaking which has vested in the Central Government under section 3 at any time before the appointed day and in force immediately before the appointed day, shall continue to be in force on and after such day in accordance with its tenor in relation to and for the purposes of such undertaking or where the undertaking is directed under section 6 to vest in the Foundation, the Foundation shall be deemed to be substituted in such licence or other instrument as if such licence or other instrument had been granted to

the Foundation and the Foundation shall hold it for the remainder of the period for which the Society, trust or body would have held it under the terms thereof.

(4) If, on the appointed day, any suit, appeal or other proceeding, of whatever nature, in relation to any property or asset which has vested in the Central Government under section 3, instituted or preferred by or against the Society, trust or body is pending, the same shall not abate, be discontinued or be, in any way, prejudicially affected by reason of the transfer of the undertakings of the Society, trust or body or of anything contained in this Act, but the suit, appeal or other proceeding may be continued, prosecuted or enforced by or against the Central Government, or where the undertakings of the Society, trust or body are directed under section 6 to vest in the Foundation, by or against the Foundation.

Central Government or Foundation to be liable for certain prior liabilities.

5. Every liability in relation to any undertaking in respect of any period prior to the appointed day shall be enforceable against the Central Government and not against the Society, trust or body, or where the said undertakings are directed, under section 6, to vest in the Foundation, against the Foundation.

Power of Central Government to direct vesting of the undertakings in the Foundation.

6. (1) Notwithstanding anything contained in sections 3 and 4, the Central Government shall, as soon as may be after the appointed day, direct, by notification, that the undertakings and the right, title and interest of the Society, trust or body in relation to such undertakings which had vested in the Central Government under section 3, shall, instead of continuing to vest in the Central Government, vest in the Foundation either on the date of publication of the notification or on such earlier or later date as may be specified in the notification.

(2) Where the right, title and interest of the Society, trust or body in relation to the undertakings vest, under sub-section (1), in the Foundation, the Foundation shall, on and from the date of such vesting, be deemed to have become the owner in relation to such undertakings and the rights and liabilities of the Central Government in relation to such undertakings shall, on and from the date of such vesting, be deemed to have become, the rights and liabilities, respectively, of the Foundation.

Management, etc. of the undertakings.

7. (1) The general superintendence, direction, control and management of the affairs of the undertakings, the right, title and interest in relation to which have vested in the Central Government under section 3, shall,—

(a) where a direction has been made by the Central Government under sub-section (1) of section 6, vest in the Foundation; or

(b) where no such direction has been made by the Central Government, vest in a Custodian appointed by the Central Government under sub-section (2).

and, thereupon, the Foundation, or the Custodian so appointed, as the case may be, shall be entitled to exercise all such powers and do all such

things as the Society, trust or body, as the case may be, is authorised to exercise and do in relation to its undertakings.

(2) The Central Government may appoint any person as the Custodian of the undertakings in relation to which no direction has been made by it under sub-section (1) of section 6.

(3) The Custodian so appointed shall receive such remuneration as the Central Government may fix and shall hold office during the pleasure of the Central Government.

8. (1) On the vesting of the management of the undertakings in the Foundation or on the appointment of a Custodian under section 7, all persons in charge of the management of the undertakings immediately before such vesting or appointment shall be bound to deliver to the Foundation or Custodian, as the case may be, all assets, books of account, registers and other documents in their custody relating to the undertakings.

Duties  
of persons  
in charge  
of  
manage-  
ment by  
under-  
takings  
to deliver  
all assets.

(2) The Central Government may issue such directions as it may deem desirable in the circumstances of the case to the Custodian as to the powers and duties of the Custodian and such Custodian may also, if it is considered necessary so to do, apply to the Central Government at any time for instructions as to the manner in which the management of the undertakings shall be conducted or in relation to any other matter arising in the course of such management.

(3) Any person, who on the appointed day, has in his possession or under his control, any books, documents or other papers relating to the undertakings shall be liable to account for the said books, documents or other papers to the Central Government or the Foundation, as the case may be, and shall deliver them up to the Central Government or the Foundation or to such person or body of persons as the Central Government or the Foundation may specify in this behalf.

(4) The Central Government or the Foundation may take or cause to be taken, all necessary steps for securing possession of all undertakings which have vested in the Central Government or the Foundation under this Act.

(5) The Society, trust or body shall, within such period as the Central Government may allow in this behalf, furnish to that Government a complete inventory of all its properties and assets, as on the appointed day pertaining to the undertakings and, for this purpose, the Central Government or the Foundation shall afford to the Society, trust or body all reasonable facilities.

9. The Central Government or the Foundation shall be entitled to receive up to the specified date, to the exclusion of all other persons, any money due to the Society, trust or body in relation to its undertakings which have vested in the Central Government or the Foundation, as the case may be, and realised after the appointed day, notwithstanding that the realisation pertains to a period prior to the appointed day.

Certain  
powers  
of the  
Central  
Govern-  
ment or  
the  
Founda-  
tion.

## CHAPTER III

## THE AUROVILLE FOUNDATION

Establishment and incorporation of the Foundation.

10. (1) With effect from such date as the Central Government may, by notification, appoint in this behalf, there shall be established for the purpose of this Act, a Foundation, to be called the Auroville Foundation.

(2) The Foundation shall be a body corporate by the name aforesaid, having perpetual succession and a common seal with power to acquire, hold and dispose of property, both movable and immovable, and to contract and shall by the said name sue and be sued.

(3) The Foundation shall consist of the following authorities, namely:—

- (a) the Governing Board;
- (b) the Residents' Assembly;
- (c) the Auroville International Advisory Council.

Governing Board.

11. (1) The Governing Board shall consist of the following members, namely:—

(i) not more than seven members to be nominated by the Central Government from amongst persons, who have—

- (a) rendered valuable service to Auroville;
- (b) dedicated themselves to the ideals of life-long education, synthesis of material and spiritual researches or human unity;
- (c) contributed significantly in activities that are being pursued or are envisaged to be promoted in Auroville, including activities relating to environment, afforestation, arts and crafts, industry, agriculture, humanities, sciences and integral yoga;

(ii) two representatives of the Central Government to be nominated by it.

(2) The Central Government shall nominate a Chairman of the Governing Board from amongst the members nominated by it under clause (i) of sub-section (1).

(3) The general superintendence, direction and management of the affairs of the Foundation shall vest in the Governing Board which may exercise all the powers and discharge all the functions which may be exercised or discharged by the Foundation.

(4) The Governing Board may associate with itself in such manner and for such purposes as may be prescribed, any persons whose assistance or advice it may desire in complying with any of the provisions of this Act and a person so associated shall have the right to take part in the discussions of the Governing Board relevant to the purposes for which he has been associated, but shall not have the right to vote.

(5) No act or proceeding of the Governing Board or any committee appointed by it under section 16 shall be invalidated merely by reason of,—

- (a) any vacancy in, or any defect in the constitution of, the Governing Board or such committee; or

(b) any defect in the nomination of a person acting as a member of the Governing Board or such committee; or

(c) any irregularity in the procedure of the Governing Board or such committee not affecting the merits of the case.

12. (1) Subject to the provisions of this section, the term of office of the members of the Governing Board including the Chairman shall be four years from the date of their nomination.

Term of  
office of  
members.

(2) An outgoing member of the Governing Board shall be eligible for re-nomination.

(3) The term of office of a member nominated to fill a casual vacancy in the Governing Board shall continue for the remainder of the term of the member in whose place he is nominated.

(4) A member may resign his office by writing under his hand addressed to the Central Government but he shall continue in office until his resignation is accepted by that Government.

13. The Chairman of the Governing Board shall be entitled to such salary and allowances and such conditions of service in respect of leave, pension, provident fund and other matters as may, from time to time, be fixed by the Central Government.

Salary  
and  
allow-  
ances  
and  
other  
condi-  
tions of  
service  
of Chair-  
man.

14. (1) The Governing Board shall meet at least once a year at Auroville at such time as may be fixed by the Chairman of the Governing Board.

Meetings  
of the  
Governing  
Board.

(2) All the decisions at any meeting of the Governing Board shall be taken by a majority of the members present and voting:

Provided that in the case of equality of votes, the Chairman of the Governing Board shall have a casting vote.

15. (1) The Central Government shall appoint a Secretary to the Foundation to exercise such powers and perform such duties under the Chairman of the Governing Board as may be prescribed or as may be delegated to him by the Chairman.

Secretary  
and other  
officers  
of the  
Founda-  
tion.

(2) The Secretary shall be entitled to such salary and allowances and such conditions of service in respect of leave, pension, provident fund and other matters as may, from time to time, be fixed by the Central Government.

(3) Subject to such control, restrictions and conditions as may be prescribed, the Governing Board may appoint such other officers and employees as may be necessary for the efficient performance of its functions.

(4) The Chairman, Secretary and other officers and employees of the Foundation shall not undertake any work unconnected with their duties under this Act except with the permission of the Central Government.

Committees  
of the  
Governing  
Board.

16. (1) The Governing Board may appoint such committees as may be necessary for the efficient discharge of its duties and performance of its functions under this Act.

(2) The Governing Board shall have the power to co-opt as members of any committee appointed under sub-section (1), such number of persons who are not members of the Governing Board as it may think fit, and the persons so co-opted shall have the right to attend the meetings of the committee, and take part in the proceedings of the committee, but shall not have the right to vote.

Powers  
and func-  
tions of  
the  
Governing  
Board.

17. The powers and functions of the Governing Board shall be—

(a) to promote the ideals of Auroville and to coordinate activities and services of Auroville in consultation with the Residents' Assembly for the purposes of cohesion and integration of Auroville;

(b) to review the basic policies and the programmes of Auroville and give necessary directions for the future development of Auroville;

(c) to accord approval to the programmes of Auroville drawn up by the Residents' Assembly;

(d) to monitor and review the activities of Auroville and to secure proper management of the properties vested in the Foundation under section 6 and other properties relating to Auroville;

(e) to prepare a master-plan of Auroville in consultation with the Residents' Assembly and to ensure development of Auroville as so planned;

(f) to authorise and coordinate fund-raising for Auroville and to secure proper arrangements for receipts and disbursement of funds for Auroville.

Resi-  
dents'  
Assem-  
bly.

18. (1) The Residents' Assembly shall consist of all the residents of Auroville who are for the time being entered in the register of residents maintained under this section.

(2) The Secretary to the Governing Board shall maintain the register of residents in such manner as may be prescribed and all the persons who are residents of Auroville and who are of the age of eighteen years and above are entitled to have their names entered in the register on an application made to the Secretary in such form as may be prescribed.

(3) All the names of residents, which have been included in the register maintained by the Administrator appointed under section 5 of the Auroville (Emergency Provisions) Act, 1980 immediately before the appointed day, shall be deemed to have been included in the register maintained under this section.

59 of 1980.

Func-  
tions of  
Resi-  
dents'  
Assem-  
bly.

19. (1) The Residents' Assembly shall perform such functions as are required by this Act and shall advise the Governing Board in respect of all activities relating to the residents of Auroville.

(2) In particular, and without prejudice to the foregoing powers, the Residents' Assembly may—

(a) allow the admission or cause the termination of persons in the register of residents in accordance with the regulations made under section 33;

(b) organise various activities relating to Auroville;

(c) formulate the master plan of Auroville and make necessary recommendations for the recognition of organisations engaged in activities relatable to Auroville for the approval of the Governing Board;

(d) recommend proposals for raising funds for Auroville for the approval of the Governing Board.

(3) For the purpose of carrying on its functions, the Residents' Assembly may establish such committees as it may consider necessary which shall represent it in relation to the functions to be performed by the Governing Board.

20. (1) There shall be a Working Committee of the Residents' Assembly which shall assist the Residents' Assembly or, as the case may be, the Governing Board, in discharging its duties under this Act.

(2) The Working Committee shall consist of not more than seven members to be chosen by the Residents' Assembly from among themselves.

(3) The manner of choosing the members of the Working Committee and their term of office shall be such as may be decided by the Residents' Assembly.

(4) The Working Committee may, with the approval of the Governing Board, create or constitute other organisations, trusts, societies or associations relatable to Auroville if the Working Committee is satisfied that such organisations, trusts, societies or associations have—

(a) their headquarters at Auroville;

(b) declared that in all matters relating to Auroville they shall act in conformity with the decisions of the Governing Board and that their main object is to promote the ideals laid down in the Charter of Auroville proclaimed by the 'Mother' on the 28th day of February, 1968.

21. (1) The Auroville International Advisory Council shall consist of not more than five members nominated by the Central Government.

(2) The Central Government may nominate the members of the Council from amongst persons who in its opinion are devoted to the ideals of human unity, peace and progress.

(3) The Council may, on its own motion or on a reference made to it by the Governing Board, advise the Governing Board on any matter relating to the development and management of Auroville.

(4) In tendering any advice to the Governing Board, the Council shall endeavour to secure that—

(a) the ideals for which Auroville has been established are encouraged, and

Working  
Committee of  
Residents'  
Assembly.

Advisory  
Council.

(b) the residents of Auroville are allowed freedom to grow and develop activities and institutions for the fulfilment of the aspirations and programmes envisaged in the said Charter of Auroville.

(5) There shall be a Chairman of the Council who shall be elected by the members of the Council from among themselves.

(6) The term of office of, the method of filling casual vacancies among, and the allowances and other remuneration, if any, payable to, the members of the Council, shall be such as may be determined by the Central Government.

(7) The Council shall have power to regulate its own procedure.

Dissolu-  
tion  
of the  
Founda-  
tion.

22. (1) The Central Government may, by notification and for reasons to be specified therein, direct that the Foundation shall be dissolved from such date and for such period as may be specified in the notification:

Provided that before issuing any such notification, the Central Government shall give a reasonable opportunity to the Foundation to make representation against the proposed dissolution and shall consider the representation, if any, of the Foundation.

(2) When the Foundation is dissolved under the provisions of sub-section (1),—

(a) all members of the Governing Board, notwithstanding that the terms of their office had not expired, shall, from the date of dissolution, vacate their offices as such members;

(b) all powers and duties of the Foundation shall, during the period of dissolution, be exercised and performed by such person or persons as the Central Government may appoint in this behalf;

(c) all properties vested in the Foundation shall, during the period of dissolution, vest in the Central Government; and

(d) as soon as the period of dissolution expires, the Foundation shall be reconstituted in accordance with the provisions of this Act.

Grant by  
Central  
Govern-  
ment  
to the  
Founda-  
tion.

23. For the purpose of enabling the Foundation to discharge its functions under this Act, the Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Foundation, in each financial year, such sums of money as that Government considers necessary by way of grant, loan or otherwise.

#### CHAPTER IV

#### MISCELLANEOUS

Duty to  
furnish  
returns,  
etc.

24. (1) The Governing Board shall furnish to the Central Government at such time and in such form and manner as may be prescribed, or as the Central Government may direct, such returns and statements and such particulars as the Central Government may, from time to time, require.

(2) Without prejudice to the provisions of sub-section (1), the Governing Board shall, as soon as possible after the end of each financial year, submit to the Central Government a report in such form and before such

