

# NOTIFICATION DRAFT

## Auroville Foundation (Admission or Termination of Persons in the Register of Residents) Regulations, 2012.

### PREAMBLE

**WHEREAS**, Auroville was founded by The Mother on the 28<sup>th</sup> day of February, 1968, and envisioned by her as a universal township dedicated to human unity and international understanding based on the teachings of Sri Aurobindo;

**AND WHEREAS**, the Mother has laid down guidelines for Auroville and its residents in the Auroville Charter (1968), to be a True Aurovilian (1970), and in numerous other messages and writings, such as "A Dream" (1954);

**AND WHEREAS**, the Auroville Foundation Act, 1988 was enacted with a view of making long-term arrangements for better management and further development of Auroville in accordance with the Auroville Charter and for matters connected therewith or incidental thereto;

**AND WHEREAS**, under section 32 of the Act, the Governing Board is empowered to make regulations not inconsistent with the Act, and the Rules made thereunder, for enabling it to discharge its functions under the Act;

**AND WHEREAS**, under sub-section (2) of section 19 of the Act, the Residents' Assembly may allow the admission or cause the termination of persons in the register of residents in accordance with the regulations made under section 32;

**AND WHEREAS**, it is considered necessary and expedient to make regulations for entry in and removal of names from the Register of Residents;

**NOW THEREFORE** in exercise of the powers conferred by clause-(h) sub-section (2) of section 32 of the Auroville Foundation Act, 1988 (Act No.54 of 1988) the Governing Board hereby makes the following Regulations,

### CHAPTER – I Preliminary

#### 1. Short Title and Commencement.-

- (a) These regulations shall be called the Auroville Foundation (Admission or Termination of Persons in the Register of Residents) Regulations, 2012.
- (b) They shall come into force with effect from the date of their publication in the Official Gazette.

#### 2. Definitions.-

- (1) In these Regulations, unless the context otherwise requires,-
  - (a) **"Act"** means the Auroville Foundation Act, 1988 (No.54 of 1988);
  - (b) **"Admission Policy"** means the Auroville Admission Policy specifying the conditions for admission and affiliation to Auroville made by the Governing Board under section 17 of these Regulations.
  - (c) **"Affiliate"** means a person who is affiliated to Auroville;
  - (d) **"Applicant"** means a person who has applied for admission in the Register;

- (e) **"Auroville"** means so much of the undertakings as form part of, or are relatable to, the township which is known as Auroville in the charter which was proclaimed by the 'Mother' on the 28<sup>th</sup> day of February, 1968;
- (f) **"Charter"** means the Charter of Auroville as proclaimed by The Mother on the 28<sup>th</sup> day of February 1968;
- (g) **"Entry Service"** means the working group constituted by the Residents' Assembly under Section 19 (3) of the Act for carrying out the functions of the Residents' Assembly related to admission of persons to Auroville;
- (h) **"Foundation"** means the Auroville Foundation established under sub-section (1) of section 10 of the Act;
- (i) **"Funds and Assets Management Committee"** means the Funds and Assets Management Committee constituted under the Auroville Foundation Rules, 1997;
- (j) **"Governing Board"** means the Governing Board of the Auroville Foundation constituted under sub-section (1) of section 11 of the Act;
- (k) **"Register"** means Register of Residents of Auroville maintained under sub-section (1) of section 18 of the Act;
- (l) **"Resident"** means a person whose name has been entered in the Register;
- (m) **"Residents' Assembly"** means the Residents' Assembly of the Auroville Foundation constituted under sub-section (1) of section 15 of the Act;
- (n) **"Review Committee"** means the working group constituted by the Residents' Assembly under Section 19 (3) of the Act for dealing with **complaints** against residents and affiliates and for carrying out the functions of the Residents' Assembly related to the termination of persons in the Register of Residents.
- (o) **"Rules"** means the Auroville Foundation Rules, 1997;
- (p) **"Secretary"** means the Secretary of the Auroville Foundation appointed by the Central Government under sub-section (1) of section 15 of the Act;
- (q) **"Working Committee"** means the Working Committee of the Residents' Assembly constituted under section 20 of the Act;

2. All other words and expressions used herein and not defined but defined in the Auroville Foundation Act, 1988 (No.54 of 1988) and Foundation Rules 1997, shall have the meanings respectively assigned to them in that Act, and those Rules.

## **CHAPTER – II Constitution of Entry Service and Review Committee**

### **3. Constitution of the Entry Service**

- a) The Residents' Assembly shall constitute an Entry Service whose members shall be appointed directly by the Residents' Assembly or by a committee constituted by it for this purpose.
- b) The Entry Service will consist of nine members, at least six of whom, have been resident for a minimum period of five years.

- c) The Residents' Assembly or such other committee constituted by it for the purpose will ensure
  - i. that the Entry Service will be composed of residents of different ages and nationalities and that there will be gender balance; and*
  - ii. that the members are qualified for the work to be done and that they have the required communication and organisational skills.*
- d) The members of the Entry Service shall hold office for a period of three years but after completion of every year three members shall retire and three new members shall be appointed in their place. Outgoing members are eligible for re-appointment after a gap of one year.
- e) The Residents' Assembly, at any time, will have the right to remove any of the members of the Entry Service and replace them with other persons as member if it considers that in the larger interest of the community of Auroville.
- f) Any vacancy arising either by way of resignation, expiry of term of office, or otherwise, shall be filled up by the Residents' Assembly or by the committee constituted by it for the purpose.

#### **4. Mandate of the Entry Service.**

The Entry Service will have the following mandate:

- a) To welcome, register and assist any applicant seeking admission to Auroville.
- b) To accept or reject an applicant in accordance with the Auroville Admission Policy.
- c) Where applicable to recommend to the Secretary that an applicant and his/her descendants or wards are recommended an appropriate Visa.
- d) To recommend to the Secretary that the name of an applicant is entered in the Register of Residents.
- e) To accept or reject requests for affiliation to Auroville.

#### **5. Constitution of the Review Committee**

- a) The Residents' Assembly shall constitute a Review Committee whose members shall be appointed directly by the Residents' Assembly or by a committee constituted by it for the purpose.
- b) The Review Committee will consist of nine members at least six of whom have been resident in Auroville for more than ten years.
- c) The Residents' Assembly or such other committee constituted by it for the purpose will ensure
  - i. that the Review Committee will be composed of residents of different ages and nationalities and that there will be gender balance; and*
  - ii. that the members are qualified for the work to be done*
- d) The members of the Review Committee shall hold office for a period of three years but after completion of every year three members shall retire and three new members shall be appointed. **Outgoing members are eligible for re-appointment after a gap of one year.**
- e) The Residents' Assembly will have the right to remove any of the members and replace them with other persons as member if it considers that it is in the larger interests of the community of Auroville.

- f) Any vacancy arising either by way of resignation, expiry of term of office, or otherwise, shall be filled up by the Residents' Assembly or by the committee constituted by it for the purpose.

#### **6. Mandate of the Review Committee**

The Review Committee will have the following mandate

- a) To conduct an enquiry upon receiving a **report** from an **Auroville working group** or from at least ten residents that a resident's or affiliate's behaviour is incompatible with Auroville's ideals or the laws of India or that a resident is not engaged in any community work or meaningful activity relevant to the life and growth of Auroville.
- b) To deal with a request from an **Auroville working group** or from at least ten residents for removal of the name of a resident from the Register;
- c) To deal with a request from an **Auroville working group** or from at least ten residents for removal of an affiliate from Auroville.
- d) Suo moto, to initiate proceedings for the removal of the name of a resident from the Register when the resident has not been residing in Auroville for a consecutive period of three years.

#### **7. Powers of the Review Committee**

The Review and Assessment Service has the following powers:

- a) to reject a complaint or request;
- b) to issue a public warning;
- c) to decide that a resident or affiliate pay a compensation in cash or kind;
- d) After having obtained an opinion of a qualified medical doctor or psychiatrist registered in India, to direct that a resident or affiliate undergoes therapeutic treatment in Auroville or elsewhere or goes to their home town or country for treatment;
- e) to decide that a resident or affiliate has to leave Auroville permanently or for a certain period of time, and determine the period within which that resident or affiliate has to leave Auroville;
- f) to recommend to the Secretary that the name of a resident be removed from the Register.

#### **8. Procedure and Process of the Review Committee.-**

- (1) The Review Committee shall dispose of all **reports** and requests received by it expeditiously and in each case the proceeding shall be concluded within a period of six months from the date of receipt of the request by the Committee.
- (2) The Review Committee shall ensure that due opportunity is given to the resident or affiliate to submit any declaration or explanation as also to the working groups and persons making the complaint or request, before giving its finding.
- (3) The Review Committee, when acting suo moto to initiate proceedings for the removal from the Register of the name of a resident who has not been residing in Auroville for a consecutive period of three years, shall give due opportunity to the resident to submit any declaration or explanation

### **CHAPTER – III Admission into the Register of Residents**

#### **9. Conditions for admission**

A person shall be qualified to have his or her name entered in the Register if he / she fulfills the following conditions, namely :

- a) If he / she has completed the age of eighteen years;
- b) If he / she has faith in and devotion and commitment to the aims and ideals of Auroville as enunciated by the Mother and undertakes by way of declaration prescribed in Form-I to respect and abide by the founding principles of Auroville;
- c) If he / she has been accepted by the Entry Service as resident.

#### **10. Authority to whom applications for admission may be made.-**

An application for entry in the Register shall be made in Form-B appended to the Auroville Foundation Rules, 1967 to the Secretary enclosing the following documents, namely :-

- a) Certificate of Nationality / Passport issued by the country where the applicant is domiciled at the time of making the application; in the case of Indians, the birth certificate or any such other proof would suffice;
- b) Declaration in Form-I appended to these regulations;
- c) Recommendation of the Entry Service that the name of the applicant be entered in the Register.

### **CHAPTER IV**

#### **11. Removal of Names from the Register of Residents**

11.1 The name of a resident shall be removed from the Register:

- a) At the request of the resident;
- b) If it is found that the name has been entered by fraud, misrepresentation or by suppression of material information.
- c) Upon the recommendation of the Review Committee.

11.2 The Secretary shall send notice of such removal to the resident to the address as entered in the Register.

11. 3 If a resident leaves Auroville at his or her own initiative, the Funds and Assets Management Committee may in exceptional cases of dire need grant a Leave Auroville allowance in order to enable the resident to settle elsewhere, taking into account the period of residence and the resident's past commitment and contribution to Auroville.

## CHAPTER V – Appeal

### 12. Filing an appeal

An appeal against a decision of the Review Committee may be filed to the Residents' Assembly through the Working Committee by any resident or affiliate aggrieved by the decision of the Review Committee.

**13. Period of limitation of appeal** No appeal shall be entertained unless such appeal is received by the Working Committee within a period of fifteen days from the date of the decision of the Review Committee.

### 14. Consideration of appeal. -

(1) The Working Committee will call for a meeting of the Residents' Assembly to constitute a Special Committee to consider whether in the light of the provisions of these regulations and having regard to the circumstances of the case, the decision of the Review Committee is justified. (2) Pending the constitution and proceedings of the Special Committee, the decision of the Review Committee will be suspended. (3) The Special Committee shall decide an appeal within thirty days from the day it has been constituted by the Residents' Assembly. (4) The decision of the Special Committee to confirm or revoke the decision of the Review Committee shall be final and binding. (5) The Special Committee will be dissolved from the moment it has communicated its decision to the Residents' Assembly and to the Secretary.

### 15. Implementation of orders in appeal. -

The Secretary shall give effect to the decision of the Special Committee.

## CHAPTER – V MISCELLANEOUS

### 16. No application for re-entry.-

No application for re-entry of a name removed from the Register shall be entertained for a period of five years, ***except if the Review Committee has decided that a resident has to leave Auroville for a shorter period, in which case the application for re-entry can be made after the expiry of that shorter period.***

### 17. Auroville Admission Policy.-

The Governing Board may make an Auroville Admission Policy, not inconsistent with the Act and the Rules and these Regulations, which details the conditions for admission and affiliation to Auroville.

### 18. Savings.-

All persons whose names have been entered in the Register on the date of coming into force of these regulations shall be deemed to have been duly entered in the Register under the provisions of these regulations and will be subject to the provisions of these regulations in all other matters except in the matters of initial entry.

**FORM-I**

**Declaration**

*(See regulation 5(1) (iv)*

I, \_\_\_\_\_, aged about ..... years, S/W/D/o. \_\_\_\_\_  
\_\_\_\_\_, national of \_\_\_\_\_ for the present domiciled  
at \_\_\_\_\_

\_\_\_\_\_, do hereby solemnly affirm and declare that I have understood the Mothers writing and conversations on Auroville and fully subscribe to the principles upon which Auroville is founded.

I also solemnly declare that I have full faith and devotion and commitment to the aims and ideals of Auroville and undertake to respect and abide by the founding principles of Auroville. To the best of my knowledge and belief, I have not done anything so as to incur any disqualification for being admitted as a resident of Auroville.

I solemnly affirm that what are stated above are true.

Date :

Station

APPLICANT