

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

SOURTHERN ZONE, CHENNAI

ORIGINAL APPLICATION No.239 of 2021

NavrozKersaspMody&Anr

... Applicant(s)

-Vs-

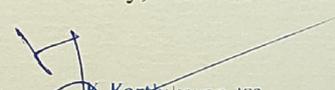
The Auroville Foundation and Others

... Respondent(s)

COUNTER -AFFIDAVIT ON BEHALF OF RESPONDENT NO.02 ,
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

I,K.Karthikeyan S/o Shri Karuppiyah M.A, aged about 42 years, working as Assistant Inspector General of Forest (C) in the Integrated Regional office, Ministry of Environment, Forest & Climate Change (MoEF&CC) at Chennai do hereby solemnly affirm and state as follows:

1. That I am competent to swear the present affidavit on behalf of Ministry of Environment, Forest & Climate Change hereinafter referred to as (MoEF&CC) and I am aware of the facts and circumstances of the case based on record.
2. That, I have gone through the contents of the present Application and have understood the contents thereof.
3. That, the present affidavit is being filed in the compliance of this Hon'ble Court vide Order dated 21.12.2021 through the Ministry of Environment, Forest & Climate Change as Respondent no.2 and also indicate the basic stand and role of the Ministry in the case.
4. That ,at the outset, I state that this respondent, Ministry of Environment, Forest & Climate Change is the nodal agency of the Central Government for the planning, promotion, co-ordination and overseeing the implementation of India's environment and forest policies. The primary concern of the Ministry is the implementation of policies and guidelines relating to conservation of the country's forests, biodiversity, natural resources and


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wildlife. That most of the averments made in the said Original Application pertains to the State Respondent and the same may be testified by the State Government, who are also the respondents in the instant matter as the management of its resources and use thereof is under the control and management of the concerned State Government.

5. It is most humbly submitted that the Hon'ble NGT vide order dated 21.12.2021 has directed that:

"(...) we feel that the question as to whether the project requires prior environmental clearance is also arises for consideration for the purpose of settling the issue in an effective manner.

11. MoEF&CC is directed to enlighten this aspect in their counter statement and without filing a statement in a sweeping way stating that such and such provisions of EIA Notification deals with those aspects they will have to collect the facts and on the basis of the facts, they will have to say as to whether this project requires environment clearance or not. So, they are directed to mention about these things also when they are filing the counter statement."

6. It is respectfully submitted that the answering respondent issued EIA Notification, 1994 S.O. 60 (E) dated 27.01.1994 mandating requirement of Environment Clearance (EC) for undertaking any new project in any part of India or the expansion or modernization of any existing industry or project listed in the Schedule-I. True copy of the above mentioned notification has been annexed as ANNEXURE A/1.

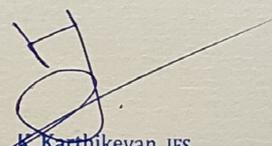
7. It is further submitted that the requirement of prior EC for certain category of construction and development activities (**New Construction Project and New Industrial Estate**) in the country was inserted in the Schedule-I, after item 30 through an amendment in the EIA Notification, 1994 (operative at that time) vide notification number S.O. No. 801(E) dated 07.07.2004.

The above-said amendment mentioned that *"...New construction projects which were undertaken without obtaining the clearance required under this notification, and where construction work has not come up to the plinth level, shall require clearance under this notification with effect from the 7th day of July, 2004... .."*


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True copy of the above mentioned notification has been annexed as ANNEXURE A/2.

8. That under the Environment (Protection) Act, 1986 (29 of 1986), the Central Government issued the Environment Impact Assessment (EIA) Notification vide S.O. 1533(E) dated 14th September, 2006 (hereinafter referred to as the "EIA Notification, 2006") superseding the Environmental Impact Assessment Notification 1994.
9. That as per the EIA Notification, 2006, the following projects or activities shall require prior environmental clearance from the concerned regulatory authority, which shall hereinafter referred to be as the Central Government in the Ministry of Environment and Forests for matters falling under Category 'A' in the Schedule and at State level the State Environment Impact Assessment Authority (SEIAA) for matters falling under Category 'B' in the said Schedule, before any construction work, or preparation of land by the project management except for securing the land, is started on the project or activity:
 1. All new projects or activities listed in the Schedule to this notification;
 2. Expansion and modernization of existing projects or activities listed in the Schedule to this notification with addition of capacity beyond the limits specified for the concerned sector, that is, projects or activities which cross the threshold limits given in the Schedule, after expansion or modernization;
 3. Any change in product - mix in an existing manufacturing unit included in Schedule beyond the specified range.
10. That under the provisions of the EIA Notification, 2006, Environment Clearance for Building and Construction Projects & Township and Area Development Projects are covered under entry 8 (a) & (b) of the Schedule to the EIA Notification, 2006. The entry 8(a) and 8(b) of the Schedule of EIA Notification 2006 provides as follows;


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(1)	(2)	(3)	(4)	(5)
8				Building or Construction projects or Area Development projects and Townships
8(a)	Building and Construction projects		<p>≥20000 sq.mtrs and <1,50,000sq.mtrs. of built-up area</p>	<p>The term "built up area" for the purpose of this notification is the built-up or covered area on all floors put together, including its basement and other service areas, which are proposed in the building or construction projects.</p> <p>Note 1.- The projects or activities shall not include industrial shed, school, college, hostel for educational institution, but such buildings shall ensure sustainable environmental management, solid and liquid waste management, rain water harvesting and may use recycled materials such as fly ash bricks.</p> <p>Note 2.- "General Conditions" shall not apply.</p>
8(b)	Townships and Area Development projects.		<p>Covering an area ≥ 50 ha and or built up area ≥1,50,000 sq. mtrs</p>	<p>A project of Township and Area Development Projects covered under this item shall require an Environment Assessment Report and be appraised as Category 'B1' Project.</p> <p>Note:- "General Conditions" shall not apply.</p>

11. That the aforementioned entries of items 8(a) and 8(b) are qualified as category 'B' projects under the EIA Notification, 2006 and the said projects are appraised by the State Level Expert Appraisal Committees (SEACs) and approved by the State Environmental Impact Assessment Authorities (SEIAAs).

Further, as per the EIA Notification, 2006, in the absence of a duly constituted SEIAA/SEAC, a category 'B' project shall be considered at the Central Level as Category 'B' project.

12. It is respectfully submitted that the instant project has been examined by the Answering Respondent for applicability of Environment Clearance, as directed by Hon'ble Tribunal. In this regard, the Answering Respondent had a meeting with the officials of Respondent No. 1 and subsequent to the discussions the Respondent No. 1 provided certain documents and made the following submissions:

- i. The Foundation has been developed as an international cultural township. It was established under the Auroville Foundation Act, 1988 (hereinafter referred to as the Act, 1988).
- ii. The Galaxy Plan was prepared in 1968 which was the basis of Auroville Master Plan of 2001. The Master Plan of the Foundation was prepared and was approved by the Governing Body of the Foundation under the authority of the Act.
- iii. Thereafter, The Auroville Master Plan was approved by the Ministry of Human Resource Development, (now known as Ministry of Education) Government of India in April 2001. The same has been notified in the Gazette of India on 16th August 2010.
- iv. The Galaxy Plan as approved by the Mother was displayed during the Auroville inauguration on 28-02-1968 along with the Auroville Charter.
- v. The development of the Auroville Project has been put into execution on the basis of the Galaxy Plan which was also the basis of the Auroville Master Plan of 2001 and various components of the Main Auroville Project have already been completed.

vi. The list below indicates township components arising from the Master Plan. It is pertinent to note that works in respect of these components were being executed as on 2001 when the Master Plan was approved:

- a) Peace Area:- Matrimandir, Matrimandir gardens, Matrimandir Lake, Amphitheatre
- b) Residential Zone:- Housing, Community services, Health services
- c) International Zone:- Bharat Nivas, Country Pavilions, Visitors Centre, SavitriBhavan, Unity Pavilion, Language Lab, Guesthouses, Residential quarters
- d) Economic Zone:- Buildings for economic activities, Guesthouses, Earth Institute, Centre for Scientific Research, Residential quarters.
- e) Cultural zone:- Schools, Other educational facilities, Residential quarters, Facilities for cultural programs
- f) Green belt:- Tree plantation work, Agriculture, Botanical gardens
- g) Township-wide:- Community services, Workshops, Restaurants and guesthouses, Roads and paths Infrastructure services (electricity, water, mobility, communication etc.

vii. The building of the Auroville Township began in 1968 on the basis of the galaxy plan and since that time, this is an on-going project of which a significant part has been completed. Therefore, it is seen that substantial work of the Auroville project has already been ongoing and completed at various stages even as far back as in 2001.

viii. All developments initiated by the Auroville Foundation have been taking place as per the approved Master Plan and there is no change in scope from the original approved master plan.

True copy of the above mentioned Auroville Foundation Act, 1988 has been annexed as ANNEXURE A/3 and approval on the Master Plan has been annexed as ANNEXURE A/4.

13. That, in view of the information made available and submission made by the Respondent No.1, it may be inferred that the instant township project in question has been under construction since much before the EIA Notification 1994 and its amendment dated 7th July 2004 and therefore it could not have been considered as a "New Construction Project" under the provision of said Notification as on 7th July 2004.
14. It is further submitted that as per submission made by the Respondent No. 1, there is no change in scope of the township project from the original approved master plan, as such; the township project may not attract the provisions of EIA Notification 2006 and its amendments for grant of EC. It is pertinent to mention that in case of any change in scope of the township project from the originally approved master plan, prior EC shall be required as per provisions of EIA Notification 2006.
15. It is also respectfully submitted that as adequate information is not available on the details of balance construction activities within different zones of the said township viz. Economic Zone, Residential Zone, International Zone, etc., with respect to their built up area and their construction status, all such individual projects/ activities within such zones may require separate prior EC in case they fall under the schedule of activities requiring prior EC as per provisions of the EIA Notification 2006.
16. That, the Answering Respondent craves liberty to rely on the present affidavit and thereafter reserves its right to file additional information before the Hon'ble Court, if required till Pendente-Lite.
17. That, in view of the foregoing submissions, this Hon'ble Court may be pleased to pass such or further orders as it may deem fit in the given circumstances of the case.

DEPONENT

K. Karthikeyan, IFS
Asst. Inspector General of Forest (Central)
Ministry of Environment Forest and Climate Change
Integrated Regional Office, Chennai

VERIFICATION:

I, the deponent above named do hereby verify that the contents of the above affidavit are true and correct to my knowledge, no part of it is false and nothing material has been concealed therefrom.

Verified at Chennai on this 02nd day of January, 2022.


DEPONENT
K. Karthikeyan, IFS
Asst. Inspector General of Forest (Central)
Ministry of Environment Forest and Climate Change
Integrated Regional Office, Chennai

MINISTRY OF ENVIRONMENT AND FORESTS**ENVIRONMENT IMPACT ASSESSMENT NOTIFICATION S.O.60(E), dated
27/01/1994**

(incorporating amendments vide S.O. 356(E) dated 4/5/1994, S.O. 318(E) dated 10/4/1997, S.O. 319 dated 10/4/1997, S.O. 73(E) dated 27/1/2000, S.O. 1119(E) dated 13/12/2000, S.O. 737(E) dated 1/8/2001, S.O. 1148(E) dated 21/11/2001, S.O. 632(E) dated 13/06/2002)

- 1) **S.O. 60 (E)**- Whereas a notification under clause (a) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 inviting objections from the public within sixty days from the date of publication of the said notification, against the intention of the Central Government to impose restrictions and prohibitions on the expansion and modernization of any activity or new projects being undertaken in any part of India unless environmental clearance has been accorded by the Central Government or the State Government in accordance with the procedure specified in that notification was published as SO No. 80(E) dated 28th January, 1993;

And whereas all objections received have been duly considered;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby directs that on and from the date of publication of this notification in the Official Gazette, expansion or modernization of any activity (if pollution load is to exceed the existing one, or new project listed in Schedule I to this notification, shall not be undertaken in any part of India unless it has been accorded environmental clearance by the Central Government in accordance with the procedure hereinafter specified in this notification;

- 2) Requirements and procedure for seeking environmental clearance of projects:

I.(a) Any person who desires to undertake any new project in any part of India or the expansion or modernization of any existing industry or project listed in the Schedule-I shall submit an application to the Secretary, Ministry of Environment and Forests, New Delhi.

The application shall be made in the proforma specified in Schedule-II of this notification and shall be accompanied by a project report which shall, inter

alia, include an Environmental Impact Assessment Report, Environment Management Plan and details of public hearing as specified in Schedule-IV prepared in accordance with the guidelines issued by the Central Government in the Ministry of Environment and Forests from time to time. However, Public Hearing is not required in respect of (i) small scale industrial undertakings located in (a) notified/designated industrial areas/industrial estates or (b) areas earmarked for industries under the jurisdiction of industrial development authorities; (ii) widening and strengthening of highways; (iii) mining projects (major minerals) with lease area up to twenty five hectares, (iv) units located in Export Processing Zones, Special Economic Zones and (v) modernisation of existing irrigation projects.

Provided that for pipeline projects, Environmental Impact Assessment report will not be required:

Provided further, that for pipeline and highway projects, public hearing shall be conducted in each district through which the pipeline or highway passes through.

(b) Cases rejected due to submission of insufficient or inadequate data and Plan may be reviewed as and when submitted with complete data and Plan. Submission of incomplete data or plans for the second time would itself be a sufficient reason for the Impact assessment Agency to reject the case summarily.

II. In case of the following site specific projects:

- a. mining;
- b. pit-head thermal power stations;
- c. hydro-power, major irrigation projects and/or their combination including flood control;
- d. ports and harbours (excluding minor ports);
- e. prospecting and exploration of major minerals in areas above 500 hectares;

The project authorities will intimate the location of the project site to the Central Government in the Ministry of Environment and Forests while initiating any investigation and surveys. The Central Government in the Ministry of Environment and Forests will convey a decision regarding suitability or otherwise of the proposed site within a maximum period of thirty days. The said site clearance shall be granted for a sanctioned capacity and shall be valid for a period of five years for commencing the construction, operation or mining.

- III. (a) The reports submitted with the application shall be evaluated and assessed by the Impact Assessment Agency, and if deemed necessary it may consult a committee of Experts, having a composition as specified in Schedule-III of this Notification. The Impact Assessment Agency (IAA) would be the Union Ministry of Environment and Forests. The Committee of Experts mentioned above shall be constituted by the Impact Assessment Agency or such other body under the Central Government authorised by the Impact Assessment Agency in this regard.
- (b) The said Committee of Experts shall have full right of entry and inspection of the site or, as the case may be, factory premises at any time prior to, during or after the commencement of the operations relating to the project.
- (c) The Impact Assessment Agency shall prepare a set of recommendations based on technical assessment of documents and data, furnished by the project authorities supplemented by data collected during visits to sites or factories, if undertaken and details of the public hearing.

The assessment shall be completed within a period of ninety days from receipt of the requisite documents and data from the project authorities and completion of public hearing and decision conveyed within thirty days thereafter.

The clearance granted shall be valid for a period of five years for commencement of the construction or operation of the project.

- IV. In order to enable the Impact Assessment Agency to monitor effectively the implementation of the recommendations and conditions subject to which the environmental clearance has been given, the project authorities concerned shall submit a half yearly report to the Impact Assessment Agency. Subject to the public interest, the Impact Assessment Agency shall make compliance reports publicly available.
- V. If no comments from the Impact Assessment Agency are received within the time limit, the project would be deemed to have been approved as proposed by project authorities.

3) Nothing contained in this Notification shall apply to:

- a. any item falling under entry Nos. 3, 18 and 20 of the Schedule-I to be located or proposed to be located in the areas covered by the Notifications S.O. No.102 (E) dated 1st February, 1989, S.O. 114 (E)

dated 20th February, 1991; S.O. No. 416 (E) dated 20th June, 1991 and S.O. No.319 (E) dated 7th May, 1992.

- b. any item falling under entry no.1,2,3,4,5,7,9,10,13,14,16,17,19,21,25,27 of Schedule-I if the investment is less than Rs.100 crores for new projects and less than Rs. 50 crores for expansion / modernization projects.
- c. any item reserved for Small Scale Industrial Sector with investment less than Rs. 1 crore.
- d. defence related road construction projects in border areas.
- e. any item falling under entry no. 8 of Schedule-I, if that product is covered by the notification G.S.R. 1037(E) dated 5th December 1989.
- f. Modernization projects in irrigation sector if additional command area is less than 10,000 hectares or project cost is less than Rs. 100 crores.

4) Concealing factual data or submission of false, misleading data/reports, decisions or recommendations would lead to the project being rejected. Approval, if granted earlier on the basis of false data, would also be revoked. Misleading and wrong information will cover the following:

- False information
- False data
- Engineered reports
- Concealing of factual data
- False recommendations or decisions

SCHEDULE-I**(See paras 1 and 2)****LIST OF PROJECTS REQUIRING ENVIRONMENTAL CLEARANCE FROM
THE CENTRAL GOVERNMENT**

1. Nuclear Power and related projects such as Heavy Water Plants, nuclear fuel complex, Rare Earths.
2. River Valley projects including hydel power, major Irrigation and their combination including flood control.
3. Ports, Harbours, Airports (except minor ports and harbours).
4. Petroleum Refineries including crude and product pipelines.
5. Chemical Fertilizers (Nitrogenous and Phosphatic other than single superphosphate).
6. Pesticides (Technical).
7. Petrochemical complexes (Both Olefinic and Aromatic) and Petrochemical intermediates such as DMT, Caprolactam, LAB etc. and production of basic plastics such as LLDPE, HDPE, PP, PVC.
8. Bulk drugs and pharmaceuticals.
9. Exploration for oil and gas and their production, transportation and storage.
10. Synthetic Rubber.
11. Asbestos and Asbestos products.
12. Hydrocyanic acid and its derivatives.
- 13 (a) Primary metallurgical industries (such as production of Iron and Steel, Aluminium, Copper, Zinc, Lead and Ferro Alloys).
(b) Electric arc furnaces (Mini Steel Plants).
14. Chlor alkali industry.
15. Integrated paint complex including manufacture of resins and basic raw materials required in the manufacture of paints.

16. Viscose Staple fibre and filament yarn.
17. Storage batteries integrated with manufacture of oxides of lead and lead antimony alloys.
18. All tourism projects between 200m—500 metres of High Water Line and at locations with an elevation of more than 1000 metres with investment of more than Rs.5 crores.
19. Thermal Power Plants.
20. Mining projects (major minerals) with leases more than 5 hectares.
21. Highway Projects except projects relating to improvement work including widening and strengthening of roads with marginal land acquisition along the existing alignments provided it does not pass through ecologically sensitive areas such as National Parks, Sanctuaries, Tiger Reserves, Reserve Forests
22. Tarred Roads in the Himalayas and or Forest areas.
23. Distilleries.
24. Raw Skins and Hides
25. Pulp, paper and newsprint.
26. Dyes.
27. Cement.
28. Foundries (individual)
29. Electroplating
30. Meta amino phenol

SCHEDULE-II

[See Sub-para I (a) of para 2]

Procedure for seeking environment clearance of projects.

1. (1) Any persons who desires to establish a thermal power plant of any category mentioned n Schedule-I, shall submit an application to the Department of the State Government dealing with the subject of environment.

(2) The application shall be made in the Form 'A' specified in Schedule-II annexed to this notification and shall be accompanied by a detailed project report which shall, inter alia, include an Environmental Impact Assessment Report and an Environment Management plant prepared n accordance with the guidelines issued by the State Department of Environment from time to time.

(3) Cases rejected due to submission of insufficient or inadequate data and Action Plans may be reviewed as and when submitted with complete data and Action Plans. Submission of incomplete data for the second time would itself be a sufficient reason for the State Government to reject the case summarily.

5) In case of the pit-head thermal power plants, the applicant shall intimate the location of the project site to the State Government while initiating any investigation and surveys. The State Government will convey a decision regarding suitability or otherwise of the proposed site within a maximum period of thirty days. The said site clearance will be granted for a sanctioned capacity and it will be valid for a period of five years for commencing the construction or operation of the project.

3. (1) The applicant shall obtain No Objection Certificate from the concerned Pollution Control Board. The State Pollution Control Board shall issue No Objection Certificate to establish only after completing public hearing as specified in Schedule-IV annexed to this notification.

(2) The reports submitted with the application and No Objection Certificate from the State Pollution Control Board shall be evaluated and assessed by the State Government, in consultation with a Committee of experts which shall be constituted by the State Government as specified in Schedule-III appended to this notification.

(3) The said Committee of experts shall have full right of entry and inspection of the site or, as the case may be, factory premises at any time prior to, during or after the commencement of the preparations relating to the plant.

(4) The State Government Department dealing with the subject of Environment shall prepare a set of recommendations based on technical assessment of documents and data furnished by the applicant supplemented by data collected during visits to sites, if undertaken and interaction with affected population and environment groups, if necessary.

(5) The assessment shall be completed within a period of ninety days from receipt of the requisite documents and data from the applicant and decision conveyed within thirty days thereafter.

(6) The environmental clearance granted shall be valid for a period of five years from commencement of the construction or operation of the project.

4. Concealing factual data or submission of false, misleading data reports, decisions or recommendations would lead to the project being rejected. Approval, if granted, earlier on the basis of false data, can also be revoked.

(FORM A)

APPLICATION FORM

1. (a) Name and Address of the project proposed :

(b) Location of the project:

Name of the Place:

District, Tehsil:

Latitude/Longitude:

Nearest Airport/Railway Station :

(c) Alternate sites examined and the reasons for selecting the proposed site:

(d) Does the site conform to stipulated land use as per local land use plan:

2. Objectives of the project:

3. (a) Land Requirement:

Agriculture Land:

Forest land and Density of vegetation.

Other (specify):

(b) (i) Land use in the Catchment within 10 kms radius of the proposed site:

(ii) Topography of the area indicating gradient, aspects and altitude:

(iii) Erodibility classification of the proposed land:

(c) Pollution sources existing in 10 km radius and their impact on quality of air, water and land:

(d) Distance of the nearest National Park/Sanctuary/Biosphere Reserve/Monuments/heritage site/Reserve Forest:

(e) Rehabilitation plan for quarries/borrow areas:

(f) Green belt plan:

(g) Compensatory afforestation plan:

4. Climate and Air Quality:

(a) Windrose at site:

(b) Max/Min/Mean annual temperature:

(c) Frequency of inversion:

(d) Frequency of cyclones/tornadoes/cloud burst:

(e) Ambient air quality data:

(f) Nature & concentration of emission of SPM, Gas (CO, CO₂, NO_x, CH_n etc.) from the project:

5. Water balance:

(a) Water balance at site:

(b) Lean season water availability;

Water Requirement:

(c) Source to be tapped with competing users (River, Lake, Ground, Public supply):

(d) Water quality:

(e) Changes observed in quality and quantity of groundwater in the last years and present charging and extraction details:

- (f) (i) Quantum of waste water to be released with treatment details:
- (ii) Quantum of quality of water in the receiving body before and after disposal of solid wastes:
- (iii) Quantum of waste water to be released on land and type of land:

- (g) (i) Details of reservoir water quality with necessary Catchment Treatment Plan:
- (ii) Command Area Development Plan:

- 6. Solid wastes:
 - (a) Nature and quantity of solid wastes generated
 - (b) Solid waste disposal method:

- 7. Noise and Vibrations:
 - a. Sources of Noise and Vibrations:
 - b. Ambient noise level:
 - c. Noise and Vibration control measures proposed:
 - d. Subsidence problem, if any, with control measures:

- 8. Power requirement indicating source of supply: Complete environmental details to be furnished separately, if captive power unit proposed:
- 9. Peak labour force to be deployed giving details of:
 - o Endemic health problems in the area due to waste water/air/soil borne diseases:
 - o Health care system existing and proposed:
- 10. (a) Number of villages and population to be displaced:
- (b) Rehabilitation Master Plan:
- 11. Risk Assessment Report and Disaster Management Plan:
- 12. (a) Environmental Impact Assessment
- (b) Environment Management Plan:
- (c) Detailed Feasibility Report:
- (d) Duly filled in questionnaire

Report prepared as per guidelines issued by the Central Government in the MOEF from time to time:

- 13. Details of Environmental Management Cell:

I hereby give an undertaking that the data and information given above are due to the best of my knowledge and belief and I am aware that if any part of the data/information submitted is found to be false or misleading at any stage, the

project be rejected and the clearance given, if any, to the project is likely to be revoked at our risk and cost.

Signature of the applicant
With name and full address

Given under the seal of
Organisation
on behalf of Whom the applicant is
signing.

Date:

Place:

In respect to item for which data are not required or is not available as per the declaration of project proponent, the project would be considered on that basis.

SCHEDULE-III

[See Sub. Para(2), Para 3 of Schedule- II]

COMPOSITION OF THE EXPERT COMMITTEES FOR ENVIRONMENTAL IMPACT ASSESSMENT

1. The Committees will consist of experts in the following disciplines:

- i. Eco-system Management
- ii. Air/Water Pollution Control
- iii. Water Resource Management
- iv. Flora/Fauna conservation and management
- v. Land Use Planning
- vi. Social Sciences/Rehabilitation
- vii. Project Appraisal
- viii. Ecology

- ix. Environmental Health
 - x. Subject Area Specialists
 - xi. Representatives of NGOs/persons concerned with environmental issues.
2. The Chairman will be an outstanding and experienced ecologist or environmentalist or technical professional with wide managerial experience in the relevant development sector.
 3. The representative of Impact Assessment Agency will act as a Member-Secretary.
 4. Chairman and Members will serve in their individual capacities except those specifically nominated as representatives.
 5. The Membership of a Committee shall not exceed 15.

SCHEDULE IV

(See para 3, subparagraph (2) of Schedule- II)

PROCEDURE FOR PUBLIC HEARING

(1) **Process of Public Hearing:** - Whoever apply for environmental clearance of projects, shall submit to the concerned State Pollution Control Board twenty sets of the following documents namely: -

- i. An executive summary containing the salient features of the project both in English as well as the local language along with Environmental Impact Assessment (EIA). However, for pipeline project, Environmental Impact Assessment report will not be required. But Environmental Management Plan including risk mitigation measures is required.
- ii. Form XIII prescribed under Water (Prevention and Control of Pollution) Rules, 1975 where discharge of sewage, trade effluents, treatment of water in any form, is required.
- iii. Form I prescribed under Air (Prevention and Control of Pollution) Union Territory Rules, 1983 where discharge of emissions are involved in any process, operation or industry.

- iv. Any other information or document which is necessary in the opinion of the Board for their final disposal of the application.

(2) Notice of Publics Hearing: -(i) The State Pollution Control Board shall cause a notice for environmental public hearing which shall be published in at least two newspapers widely circulated in the region around the project, one of which shall be in the vernacular language of the locality concerned. State Pollution Control Board shall mention the date, time and place of public hearing. Suggestions, views, comments and objections of the public shall be invited within thirty days from the date of publication of the notification.

- (ii) All persons including bona fide residents, environmental groups and others located at the project site/sites of displacement/sites likely to be affected can participate in the public hearing. They can also make oral/written suggestions to the State Pollution Control Board.

Explanation: - For the purpose of the paragraph person means: -

- a. any person who is likely to be affected by the grant of environmental clearance;
- b. any person who owns or has control over the project with respect to which an application has been submitted for environmental clearance;
- c. any association of persons whether incorporated or not like to be affected by the project and/or functioning in the filed of environment;
- d. any local authority within any part of whose local limits is within the neighbourhood wherein the project is proposed to be located.

(3) Composition of public hearing panel: - The composition of Public Hearing Panel may consist of the following, namely: -

- (i) Representative of State Pollution Control Board;
- (ii) District Collector or his nominee;
- (iii) Representative of State Government dealing with the subject;
- (iv) Representative of Department of the State Government dealing with Environment;
- (v) Not more than three representatives of the local bodies such as Municipalities or panchayats;
- (vi) Not more than three senior citizens of the area nominated by the District Collector.

(4) Access to the Executive Summary and Environmental Impact Assessment report:- The concerned persons shall be provided access to the

Executive Summary and Environmental Impact Assessment report of the project at the following places, namely:-

- (i) District Collector Office;
- (ii) District Industry Centre;
- (iii) In the Office of the Chief Executive Officers of Zila Praishad or Commissioner of the Municipal Corporation/Local body as the case may be;
- (iv) In the head office of the concerned State Pollution Control Board and its concerned Regional Office;
- (v) In the concerned Department of the State Government dealing with the subject of environment.

5. Time period for completion of public hearing:

The public hearing shall be completed within a period of 60 days from the date of receipt of complete documents as required under paragraph 1.

THE GAZETTE OF INDIA**EXTRAORDINARY****PART II – Section 3 – Sub-section (ii)****MINISTRY OF ENVIRONMENT AND FORESTS****NOTIFICATION**

New Delhi, the 7th July, 2004

S.O.801(E), dated 7th July, 2004 - Whereas a draft of certain amendments to the notification of the Government of India in the Ministry of Environment and Forests number S.O.60 (E), dated the 27th January 1994 was published in the Gazette of India, Extraordinary, Part II, section 3, sub-section (ii) vide number S.O.1236 (E), dated the 27th October, 2003 inviting objections and suggestions from all persons likely to be affected thereby within a period of sixty days from the date on which copies of the Gazette containing the said notification were made available to the public;

And whereas, copies of the said notification were made available to the public on 27th October, 2003;

And whereas, the Orders of the Hon'ble Supreme Court in the Writ Petition (C) No.725 of 1994 with I.A. No.20, 21, 1207, 1183, 1216 and 1251 in Writ Petition (C) No.4677 of 1985 in the matter of news item published in Hindustan Times titled "And Quiet Flows the Maily Yamuna" vs. Central Pollution Control Board and Others have been duly considered;

And whereas, the Orders of Hon'ble High Court of Madras in W.P. (C) No.33493 of 2003 and W.P. Nos.35205, 35517, 35691, 35692 and 35825 of 2003 and W.P. M.P. Nos.40556, 42562, 43720, 45348 to 45350, 42791, 42792, 43882,

43181, 43366 to 43369, 43544 and 43545 of 2003 between C.S. Kuppuraj and others Vs. the State of Tamil Nadu and others have also been duly considered;

And whereas, all objections and suggestions received have been duly considered by the Central Government;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following further amendments in the notification number S.O. 60 (E), dated the 27th January 1994, namely:-

In the said notification, -

I. in paragraph 3-

(i) in item (a), for the letters, word and figures "Nos.3,18 and 20", the letters, word and figures "Nos.3,18,20,31 and 32" shall be substituted;

(ii) after sub-para (f), the following shall be inserted, namely:-

"(g) any construction project falling under entry 31 of Schedule-I including new townships, industrial townships, settlement colonies, commercial complexes, hotel complexes, hospitals and office complexes for 1,000 (one thousand) persons or below or discharging sewage of 50,000 (fifty thousand) litres per day or below or with an investment of Rs.50,00,00,000/- (Rupees fifty crores) or below.

(h) any industrial estate falling under entry 32 of Schedule-I including industrial estates accommodating industrial units in an area of 50 hectares or below but excluding the industrial estates irrespective of area if their pollution potential is high.

Explanation.-

- New construction projects which were undertaken without obtaining the clearance required under this notification, and where construction work has not come up to the plinth level, shall require clearance under this notification with effect from the 7th day of July, 2004.
- In the case of new Industrial Estates which were undertaken without obtaining the clearance required under this notification and where the construction work has not commenced or the expenditure does not exceed 25% of the total sanctioned cost, shall require clearance under this notification with effect from the 7th day of July, 2004.
- Any project proponent intending to implement the proposed project under sub-paras (g) and (h) in a phased manner or in modules, shall be required to submit the details of the entire project covering all phases or modules for appraisal under this notification”;

II. in Schedule-I, after item 30 and the entry relating thereto, the following shall be inserted, namely:-

“31. New construction projects

32. New industrial estates.”;

III. in Schedule-II, -

(i) in para 5, for sub-para (f), the following shall be substituted, namely:-

“(f)(i) The quantum of existing industrial effluents and domestic sewage with incremental load to be released in the receiving water body due to the proposed activities along with treatment details;

(ii) The quantum and quality of water in the receiving water body before and after disposal of solid wastes including municipal solid wastes, industrial effluents and domestic sewage;

(iii) The quantum of industrial effluents and domestic sewage to be released on land and type of land;”;

(ii) in para 6, for sub-para (a), the following shall be substituted, namely:- “(a) Nature and quantity of solid wastes generated including municipal solid wastes, biomedical wastes, hazardous wastes and industrial wastes.”.

[No. Z-11011/1/2002-IA-I]

R. Chandramohan, Jt. Secy.

Note: The principal notification was published in the Gazette of India vide number S.O.60 (E) dated 27-1-1994 and subsequently amended vide:

- S.O. 356 (E) dated 4th May, 1994,
- S.O 318 (E), dated 10th April, 1997,
- S.O. 73 (E) dated 27th January, 2000,
- S.O. 1119 (E) dated 13th December, 2000,
- S.O. 737(E) dated 1st August, 2001,
- S.O.1148 (E) dated 21st November, 2001,
- S.O. 632 (E) dated the 13th June, 2002,
- S.O. 248 (E) dated the 28th February, 2003,
- S.O. 506 (E) dated the 7th May, 2003,
- S.O. 891(E) dated the 4th August, 2003,
- S.O. 1087(E) dated the 22nd September, 2003.



भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 1
PART II—Section 1

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 70] नई दिल्ली, सोमवार, अश्विन 11, 1910
No. 70] NEW DELHI, MONDAY, OCTOBER 3, 1988/ASHVINA 11, 1910

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;

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
1961.

(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

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tings 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

Work-
ing
Com-
mittee of
Resi-
dents'
Assem-
bly.

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
Foun-
dation.

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

date as may be prescribed giving a true and full account of its activities, policy and programmes during the previous year.

(3) A copy of the report received under sub-section (2) shall be laid, as soon as may be, after it is received before each House of Parliament.

25. Subject to such rules as may be made in this behalf, the Governing Board shall have the power to borrow on the security of the properties of Auroville or any other asset for carrying out the purposes of this Act.

Borrowing powers of the Governing Board.

26. (1) The Governing Board shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, including the income and expenditure account and the balance-sheet in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor General of India.

Accounts and audit.

(2) The accounts of the Foundation shall be audited by the Comptroller and Auditor General of India at such intervals as may be specified by him and any expenses incurred in connection with such audit shall be payable by the Foundation to the Comptroller and Auditor General.

(3) The Comptroller and Auditor General of India and any person appointed by him in connection with the audit of the accounts of the Foundation shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor General of India has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect the office of the Foundation.

(4) The accounts of the Foundation, as certified by the Comptroller and Auditor General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before each House of Parliament.

27. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act, or in any decree or order of any court, tribunal or other authority.

Act to have overriding effect.

28. Every contract entered into by the Society, trust or body in relation to its undertakings for any service, sale or supply, and in force immediately before the appointed day, shall, on and from the expiry of one hundred and eighty days from that day, cease to have effect unless such contract is, before the expiry of the said period, ratified in writing by the Central Government or, as the case may be, the Foundation, and in ratifying such contract, the Central Government or, as the case may be, the Foundation may make such alterations or modifications therein as it may think fit:

Contracts to cease to have effect unless ratified by the foundation.

Provided that the Central Government or, as the case may be, the Foundation shall not omit to ratify a contract and shall not make any alteration or modification therein,—

(a) unless it is satisfied that such contract is unduly onerous or has been entered into in bad faith or is detrimental to the interests of the Central Government or, as the case may be, the Foundation; and

(b) except after giving the parties to the contract a reasonable opportunity of being heard and except after recording in writing its reasons for its refusal to ratify the contract or for making any alteration or modification therein.

Penalties.

29. A person who,—

(a) having in his possession, custody or control any property forming part of the undertakings of the Society, trust or body, wrongfully withholds such property from the Central Government or, as the case may be, the Foundation or any person or body of persons authorised by that Government or the Foundation; or

(b) wrongfully obtains possession of, or retains, any property forming part of any undertaking of the Society, trust or body or willfully withholds or fails to furnish to the Central Government or, as the case may be, the Foundation or any person or body of persons authorised by that Government or the Foundation, any documents relating to such undertakings which may be in his possession, custody or control, or fails to deliver to the Central Government or, as the case may be, the Foundation or any person or body of persons authorised by that Government or the Foundation any assets, books of accounts, registers or other documents in his possession, custody or control relating to the undertakings of the Society, trust or body; or

(c) wrongfully removes or destroys any property forming part of the undertakings of the Society, trust or body,

shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to ten thousand rupees, or with both.

Protection of action taken in good faith.

30. No suit, prosecution or other legal proceedings shall lie against the Central Government or any officer of that Government or the Custodian or any officer or other person authorised by that Government or the Foundation for anything which is in good faith done or intended to be done under this Act.

Power to make rules.

31. (1) The Central Government may, by notification make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the manner in which and the purpose for which any person may be associated with the Governing Board under sub-section (1) of section 11;

(b) the powers and duties which the Secretary to the Governing Board may perform under sub-section (1) of section 16;

(c) the control, restrictions and conditions subject to which the Governing Board may appoint officers and employees under sub-section (3) of section 15;

(d) the manner in which the register of residents may be maintained under sub-section (2) of section 18;

(e) the time within which and the form and manner in which the Governing Board may furnish returns and reports under sub-section (1) of section 24;

(f) the form and the date before which the Governing Board shall submit reports to the Central Government under sub-section (2) of section 24;

(g) the rules subject to which the Governing Board shall have the power to borrow under section 25;

(h) any other matter which is to be or may be prescribed.

32. (1) The Governing Board may make regulations, not inconsistent with this Act and the rules made thereunder, for enabling it to discharge its functions under this Act.

Power
to make
regula-
tions.

(2) Without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(a) the procedure to be followed at meetings of the Governing Board or at the meetings of the committees appointed by it and the number of members which shall form a quorum at such meetings;

(b) the delegation to the Chairman, other members, Secretary or other officers of the Governing Board, of any of the powers, duties of the Governing Board under this Act;

(c) the travelling and other allowances payable to persons associated under sub-section (4) of section 11 or co-opted under sub-section (2) of section 16;

(d) the pay and allowances and leave and other conditions of service of officers (other than those appointed by the Central Government) and other employees of the Foundation;

(e) the maintenance of the accounts of the Foundation;

(f) the maintenance of the registers and other records of the Foundation and its various committees;

(g) the appointment by the Governing Board of agents to discharge on its behalf any of its functions;

(h) admission or termination of persons in the register of residents.

(3) No regulation made by the Governing Board shall have effect until it has been approved by the Central Government and published in the Official Gazette, and the Central Government, in approving the regulation, may make changes therein which appear to it to be necessary.

Rules
and
regula-
tions to
be laid
before
Parlia-
ment.

33. Every rule or regulation made under this Act shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation, or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

Power to
remove
difficulties.

34. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the appointed day.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

THE SCHEDULE

[See section 2 (1)]

TRUSTS AND BODIES

1. Auroville Trust, Auroville.
2. Artisane Trust, Auroville.
3. Auroservice d'Auroville Trust, Pondicherry.
4. Aurelec Trust, Auroville.
5. Auromitra, Auroville.
6. Centre for Scientific Research, Auroville.
7. Sri Aurobindo International Institute of Educational Research, Auroville.
8. Altecs Trust, Auroville.
9. New Engineering Trust, Auroville.
10. Auro Trust, Pondicherry.
11. Service Trust, Pondicherry.
12. Auro Press Trust, Pondicherry.
13. New Trust, Pondicherry.

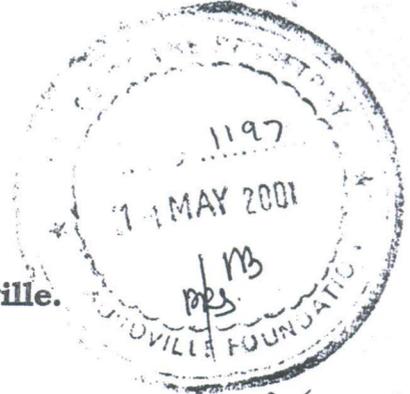
S. RAMAIAH,
Secy. to the Govt. of India.

No.F. 27-3/2000-UU
 Government of India
 Ministry of Human Resource Development
 Department of Secondary & Higher Education
 (UNESCO Unit)

New Delhi, Dated 12th April, 2001

To,

The Secretary,
 Auroville Foundation,
 Auroville - 605 101,
 Villupuram District,
 Tamil Nadu.



Subject: Approval of the Master Plan of Auroville.

Sir,

I am directed to refer to this Ministry's letter of even number dated 26.2.2001 forwarding the minutes of the meeting Chaired by Secretary Department of Secondary & Higher Education on 15.2.2001 for considering the Master Plan of Auroville. It has been noted that the Master Plan of Auroville has been prepared by the Resident's Assembly in consultation with the experts involved and with technical contribution of the Town and Country Planning Organization, Government of India. It, therefore stands approved in so far as Department of Secondary & Higher Education is concerned.

With regards,

Yours sincerely,

MB
 [B. S. Dhillon]
 Deputy Secretary [INC]