

[Shri E. K. Imbichibava]

solve the problem. Sufficient quantities of these essential supplies should be allotted immediately and sufficient number of wagons should be procured to transport the supplies to the State in time. I draw the attention of the Prime Minister and Ministers of Agriculture, Civil Supplies and Railways on this issue.

14.18 hrs.

STATUTORY RESOLUTION RE:
DISAPPROVAL OF AUROVILLE
(EMERGENCY PROVISIONS)
ORDINANCE, 1980

AND

AUROVILLE (EMERGENCY PRO-
VISIONS) BILL

MR. DEPUTY-SPEAKER: The House will now take up items Nos. 11 and 12 together.

SHRI N. K. SHEJWALKAR (Gwalior) : I beg to move:

"That this House disapproves of the Auroville (Emergency Provisions) Ordinance, 1980 (Ordinance No. 19 of 1980) promulgated by the President on the 0th November, 1980."

MR. DEPUTY-SPEAKER: Shri K. P. Unnikrishnan wanted to raise objection to the consideration of this item, statutory resolution on Auroville (Emergency Provisions), Ordinance, 1980 and the connected Government Bill. Since he is not here, you can go ahead.

SHRI N. K. SHEJWALKAR: I have two preliminary points to raise, but before I raise these points, it is better....

MR. DEPUTY-SPEAKER: Before that, I would like to mention that the time allotted to this item by the Business Advisory Committee is one hour. Please see that we stick to this time.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI P. VENKATASUBBAIAH): For your information, the Business Advisory Committee has not allotted one hour for this, it has only given an indication of one hour for this item.

DR. KARN SINGH (Udhampur): We spoke to the speaker this morning and he assured us before the House adjourned privately that the time has been extended to two hours. I think, that should be the minimum time for this.

MR. DEPUTY-SPEAKER: In that case, we will have two hours for this.

SHRI N. K. SHEJWALKAR (Gwalior): So far as the mover is concerned, under Rule 178, I am entitled for half an hour minimum. That cannot be taken away. As I was submitting, before I raise some point, I have to submit in brief the facts which are relevant to all these matters.

Sir, everybody knows that Shri Aurobindo was settled in Pondicherry in the beginning of this century for the preaching of certain ideals and having some specific teachings and Madam Mirra from France, who is better known as Mother, also joined and she was actually the lady who was practising all his teachings and she was the vocal forum for that organisation.

Sir, what the purpose of these teachings was can be very well understood from whatever they have said themselves:

Sir, "Aurobindo says that the Asram has been created with another object than that of ordinary, common institutions, not for the renunciation of the world, but as a centre and a field of practice for the evolution of another type and form of life which would, in the final, be moved by higher spiritual consciousness and

embody a greater life of spirit. This is not an Ashram like others. The members are not Sanyasis. It is not Moksha that is, sole aim of the Yoga here. What is being done here is a preparation for a work, a work which will be founded by Yogic consciousness and Yoga which can be and can have no other foundation". It further said "there are only two possible foundations for the material life here. One is that one is a member of Ashram founded on principles of self-giving and self-surrender. All belongs to the divine and all one has belong to the divine. In giving, one gives, not ones own, but what already belongs to the divine. There is no question of payment of or return, no bargain, no room for demand and desire." With this objective, you see, the Ashram was founded and they also laid down some rules of living there. A Sadhaka in the Ashram is expected to observe the following conditions:—

"All physical sexual relations or connection between Sadhaka and Sadhaki are absolutely forbidden and inadmissible in the Ashram. Even a husband and wife must stop all conjugal relations and regard each other as fellow-Sadhaks only and, not as husband and wife."

So, the Mother also reiterated the same thing and she said the "rules are very few so that each one can enjoy the freedom needed for his development but a few things are strictly forbidden. They are one, politics, two, smoking, three, alcoholic drinks and four, sex enjoyment."

Sir, with these objectives and with these principles and rules for living there, the Ashram was working and in 1960 a Society was formed in the name of Shri Arobindo Society which was registered in Calcutta under the Bengal Societies Registration Act (No. 26) of 1961.

Sir, the purpose of Auroville was, in the words of the Mother, "Earth needs a place where men can live

away from all national rivalries, social conventions, self-contradictory moralities and contending religions."

... a place where human beings, freed from all slavery of the past can devote themselves wholly to the discovery and practice of the Divine Consciousness that is seeking to manifest itself.

Auroville wants to be this place and offers itself to all who aspire to live the Truth of tomorrow."

There is Auroville Charter declared by madam, The Mother on 28th February 1968. It says as follows:

1. "Auroville belongs to nobody in particular, Auroville belongs to humanity as a whole. But to live in Auroville one must be a willing servitor of the Divine Consciousness.

2. Auroville will be the place of an unending education, of constant progress and a youth that never ages.

3. Auroville wants to be the bridge between the past and the future. Taking advantage of all discoveries from without and from within, Auroville will boldly spring towards future realisations.

4. Auroville will be a site of material and spiritual researches for a living embodiment of an actual Human Unity."

With this background, I want to submit that actually it is a sort of religious body, because the definition of religion has been given by the Supreme Court. I will come to that later on. But before that, the dictionary meaning of religion is: "Belief in, recognition of, or an awakened sense of, a higher unseen controlling power or powers with an emotion and morality connected therewith." So, this is the point, I want to drive at. Now, I want to submit one more fact. There is already a case pending in the Supreme Court about this matter. There is a writ petition about this matter.

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They have obtained a stay order. Of course, that is a point which has to be decided. I will place all the relevant facts before the House. The point on which the application was made before the Supreme Court was that this is a religious type of organisation and any interference is barred under Articles 25 and 26 of the Constitution. Therefore, this is a bad legislation. This is the point which has been put before the Supreme Court in substance. The Supreme Court has granted a stay order in the following words:

"We direct as an interim measure that the present Committee may carry on the day to day administration of the society but it shall not take any major policy decision or undertake any major project or acquire or dispose of any property or expand more than Rs. 5000 at a time without the prior permission in writing of the Administrator Shri I. P. Nigam."

The first sentence is: "Issue Rule Nisi in the Writ Petition." Now the point is whether this House can consider the matter, whether it is barred by the rule, *sub-judice* or not. Then you see page 910 of Practice and Procedure of Parliament by M. N. Kaul and S. L. Shakdher.

"... It is the absolute privilege of the Legislatures and members thereof to discuss and deliberate upon all matters pertaining to the governance of the country and its people. Freedom of speech on the floor of the House is the essence of parliamentary democracy. Certain restrictions on this freedom have to a limited degree been self-imposed. One such restriction is that discussions on matters pending adjudication before courts of law should be avoided on the floor of the House; so that the courts function uninfluenced by anything said outside the ambit of trial, in dealing with such matters."

There are rulings of this House itself. Several rulings are there where they have stated that there is no bar for this House to discuss the matter. Because, otherwise, it will be restriction on legislation itself. Sir, the reported cases which I have seen up till now, are to be found on page 913. Because the time at my disposal is short, I will only say that there is a distinction between those rulings which have already been given by this hon. House and the one which is being at present discussed. There is a case where the matter was taken to the court and rule nisi was issued but there is not one where an injunction has been issued. There is not a single matter where an injunction of this type has been issued. So, that is the distinction which I want to make from the previous rulings and the present one. I, therefore, want to make a submission that the House should consider whether it will be proper to discuss this matter and I do not know whether it may be a sort of infructuous legislation or may not be, but whether it will be a proper step to go on with the discussion. Sir, of course, it is not final. The Court has not given any final judgment as yet. But so far as the point raised, that is, whether this is at all 'religion' or even a 'religious' matter, or not, the Supreme Court has stated—I am quoting from the report of *Indian Express* dated the 25th November, 1980 it has appeared in other papers too:—

'Earlier Mr. M. K. Ramamurthy and Mr. K. Venugopal on behalf of the Society and its members had argued that Parliament would not have had the competence to pass a law such as the Ordinance. Moreover a belief in God, Hinduism, Islam, Christianity or some such other school was not necessary to get the protection given to a religious denomination under Article 26. The Solicitor General started reading from the letters of Mother and Aurobindo that they did not intend to establish any religion, philosophy for school of thought. To this, the Chief Justice of India responded

that what this meant was only that no religions in the classical sense would be established by them. Suppose in the context of communal riots people of several religious faith in India set up a fundamental creed that there would be no religion hereafter at all and all people would be Indians only, "Will this not be the greatest of religions?" asked the Chief Justice and admitted the petition.'

Sir, earlier also in an older case before the Supreme Court, not only this but the administration also was considered part of religion. This is A.I.R. 1954 Supreme Court page 282. Sir, I read the relevant portion.

AN HON. MEMBER: Which year? Has it not changed? (*Interruptions*).

SHRI N. K. SHEJWALKAR: It is 1954. No it has not changed. The page number is 282. Commissioner of H.R.E. Versus A. T. Swamaya.

"Our Constitution not only protects freedom of religion, it also protects acts done in pursuance of religion, and this was made clear by the use of the words 'protection of religion' in Article 25 of the Constitution. It extends to religious practices as well, subject to restrictions which the Constitution itself has laid down... that is morality and those things... under Article 26-B. Therefore, a religious denomination or organisation enjoys complete autonomy in the matter of deciding as to the rites and ceremonies that are essential according to it...." etc.

and further they say—

"it should also be noted that under Article 24 it is the fundamental right of the religious denomination or its representative to administer its properties in accordance with law and the law therefore must allow the right of that administration subject to such restrictions and regulations as it may feel..."

Sir, now with this submission, regarding my first point, kindly consider that this sort of legislation is against Article 25 and 26.

Therefore, it should not be considered, when, the same point is being agitated in the Supreme Court. According to my conception, there is no legal bar, but after all, it is the question of propriety for this House, as to whether it should see that such legislation should not be passed which may become infructuous.

Secondly, the power which has been exercised under article 123 for the promulgation of this ordinance—I think the House must unanimously condemn that. Ten ordinances have been promulgated just before the session. The nature of these ordinances may kindly be examined. This particular one was promulgated just seven days before, on 10th November. I do not think in any way it can be appreciated. I will cite the previous instances where this House has unequivocally condemned it and the Hon. Speaker also has condemned such action. I pray that the Chair and hon. members must condemn this sort of practice. I quote from *Practice and Procedure of Parliament* by Kaul and Shakhder. Chapter XXIII, page 521;

"On November, 15, 1971, when the Deputy Minister of Parliamentary Affairs sought to lay on the Table copies of the thirteen ordinances issued by the President during the preceding inter-session period, an objection was raised that never before in the history of Parliament, so many ordinances were issued during any particular inter-session period"...

They may say it was still worse then, now we have issued only ten ordinances. But looking to the nature of these ten ordinances, they cannot be supported at all. At that time, the Speaker observed:

"I agree with you that so many ordinances should not have been issued. I personally think that it is not a light matter to be ignored.

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Certain observations have been made by my predecessor, Sri Mavalankar based on very sound judgment..."

There is some correspondence which is annexed to this commentary which I will not read. The Speaker observed further:

"I would invite the attention of the Government to see that there is a real emergency or urgency justifying the issue of an ordinance.... If you think that there should be some distinction between financial and non-financial, tax and non-tax ordinances, there is nothing in my knowledge on which I can base my ruling. Ordinances by themselves are not very welcome, specially so when the date (for session of the House) is very clear. It is not only clear but is also near. In such cases, unless there are very special reasons, ordinances should be avoided. This is the ruling which I gave on 22nd November, 1971—and the same was given by my predecessors."

This is the state of affairs where I will pray that the Chair should make a specific observation in conformity with what has been done earlier. The hon. members also must condemn this measure outright.

After all, there are some pre-requisite conditions for issuing an ordinance. What was the emergency? It is true that the satisfaction of the President is a subjective matter and the court cannot decide it. But what we are going to legislate here, can we not discuss the propriety of it, the propriety of this ordinance and the Bill? I think we can. The whole aspect has to be looked into as to what were the grounds on the basis of which this promulgation was done. I will state the events later. The only ground which has been given along with the

ordinance is this: In the Gazette of India dated 10th November, on page 538, it is said:

"The said Committee had, after a detailed scrutiny of the accounts of Sri Aurobindo Society, found instances of serious irregularities in the management of the said Society, misutilisation of its funds and their diversion to other purposes."

Is it not a principle of natural justice that if you have to sack anybody, you should give him a show cause notice and an opportunity to explain what the difficulties are? My information is that there was a report of audit and that audit report was not in favour of the statement which has been made here, but it was otherwise. Wonderfully enough, this committee—I do not know under what powers it was constituted—was by itself an unconstitutional committee. It was formed in 1976. They did not say when the report was submitted. But my information is—the Minister can correct me if I am wrong—this report was submitted somewhere in 1977. Whether it was *mala fide*, how it was submitted, what was the ground etc.—I will come to these things later. When it was submitted in 1977 there was enough time for giving an opportunity. As a matter of fact, what was the urgency? The report was submitted in early 1977. After 3 1/2 years they are taking that report into consideration and on that basis, they come to a hasty conclusion. They did not give an opportunity. In this connection, there were three letters. One was by the President of the Aurobindo Society, which also donated funds. Others including Government also donated funds. But No. 2 funds were donated by the Aurobindo Society. The Chairman of the Society wrote a letter on 7th September to the then Education Minister, Sri Shankaranand, where he says that there is one gentleman known as Kireet Joshi, Education Adviser to Government of India, who is having a one-sided view,

siding with one party only. The Chairman wrote further:

"Your Ministry gave us the report last year prepared by the Government Audit team which visited Pondichery in early 1977. Your Ministry is aware, just as we are, that nothing incriminating was found against the Society. This has been clearly brought out by the subsequent correspondence between Sri Aurobindo Society and your Ministry on the subject... He has already promised the Government takeover of Auroville and will cook up any materials to fulfil his *mala-fide* intentions."

So, this was brought to his notice.

Ex-Minister, Shrimati Renuka Devi also wrote a letter to the Education Ministry dated 4th November stating:

"At that time itself I found that a particular officer in the Ministry was personally involved in the affairs of Auroville and I found that often we were misguided... It is sad that a handful of self-motivated persons have created differences with Sri Aurobindo Society and thus tried to sabotage the project for the last four years."

Again, Shri Raju on 27th November in his letter has written the same thing. When these letters were written three months before, why were they not replied to and why were they not given an opportunity? I do not understand. I cannot conceive of any reason. Not only that. There was a civil suit filed in the Calcutta High Court on 18th August, 1980. In that civil suit, where an injunction was given, the Union Government was also a party. There they said that they did not have any intention of promulgating an ordinance. What has emerged in between? Why was this hasty action taken? I do not see any reason for that. Therefore, my submission is that there is no reason for supporting this action.

There is a point whether on merits, their decision stands. But that is a different thing. So far as the action taken by the Government is concerned, it is absolutely incorrect. *mala fide* and improper misuse of such power by the Government requires outright condemnation.

What is the cause of trouble? The cause is that the teaching and the practice under certain rules is a necessity in that area. But there are certain people who do not want to practice that thing. They want to live in a permissive way. They want to have free alcohol and sex. That is why, this trouble started. There may be some philosophy or some philosophers may think that way. But that is a different thinking altogether. I read out the particular teachings of The Mother and the Aurobindo.

The very surprising thing is that our hon. Minister went there on 30th of October but he did not call any of those people who were concerned.

THE MINISTER OF EDUCATION AND SOCIAL WELFARE (SHRI S. B. CHAVAN): I did not call any of them. They came on their own.

SHRI N. K. SHEJWALKAR: That is still worse. For what purpose you have gone there?

SHRI K. P. UNNIKRISHNAN (Badagara): He says that he did not go for making a personal enquiry.

SHRI N. K. SHEJWALKAR: He did not hold any enquiry. This sort of action I am afraid, cannot be justified. I do not know whether I am divulging something. But I want to tell about this Kulkarni Committee. How was this Committee constituted? There is a Government of India, Ministry of Home Affairs Resolution No. U-13019/11/76-GP dated December, 1976. This has been published in the Gazette of India also. It says:

"The township of Auroville has been founded on the basis of a

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Charter announced by The Mother on the 28th February, 1968. The Government of India have, therefore, decided to set up a Committee to consider the problems of Auroville in depth and in their entirety and help in their solution with a view to promoting the objectives set forth by The Mother in the Auroville Charter...."

This Committee will also evolve an appropriate procedure about the clearance for entry into and stay in Auroville of foreigners. The Committee will consist of:—

1. Shri B. T. Kulkarni, Lt. Governor, Pondicherry—Chairman.
2. Shri V. Kartikeyan, Chief Secretary, Government of Tamil Nadu—Member
3. Shri S. S. Siddhu, Additional Secretary, Ministry of Home Affairs—Member."

I want to submit now about the *malafides* of this Committee. I do not want to make any personal remarks about the Chairman, but I think everybody knows how much faith he had in the teaching of The Mother and Shri Aurobindo which I had mentioned.

Now I want to disclose one thing. There was an account opened in the name of this Committee, which I just mentioned, and they took about Rs. 2 lakhs from Shri Tata.

AN HON. MEMBER: For what?

SHRI N. K. SHEJWALKAR: They can tell us why this Committee was formed by the Government. It is not exactly an enquiry committee. So far as this amount is concerned.....

SHRI RAVINDRA VARMA (Bombay North): Can you substantiate it?

SHRI N. K. SHEJWALKAR: I have got a photostat copy of the letter.

which has been written by Shri J. L. Khanna, Honorary Secretary, Tata Energy Research Institute to Auroville on "Deposit of Rs. 2 lakhs placed with you for three months at the rate of 15 per cent per annum" and this is addressed to the Auroville Committee, Pondicherry. The letter reads:

"We acknowledge the receipt of your Cheque No. SB/AD 660382 on the State Bank of India, Pondicherry....."

SHRI S. B. CHAVAN: Sir, on a point of order. Is the hon. Member quite sure that this Committee has received the amount which he is stating, or is it any other Society in which Shri J. R. D. Tata was one of the members?

SHRI N. K. SHEJWALKAR: According to the information which I have got, the account is in the name of the "Auroville Committee". The Account No. is.... (Interruptions). It is in the Pondicherry Branch of the State Bank of India and the Account No. is 3764. The name is "Auroville Committee" and this cheque has been credited in that account.

SHRI K. P. UNNIKRIISHNAN: It has to be enquired into.

SHRI N. K. SHEJWALKAR: The letter reads:

"We acknowledge the receipt of your cheque No. SB/AD 660382 on the State Bank of India, Pondicherry, in favour of Mr. J. R. D. Tata, in part refund of the above deposit and the interest due thereon".

I am prepared to lay a copy of this letter on the Table of the House.

SHRI K. P. UNNIKRIISHNAN: SB means the State Bank not Shri S. B. Chavan.

SHRI N. K. SHEJWALKAR: What was the provision which was made for the running of this Committee? Did Government make any financial provision for that Committee? Had any accounts been submitted by the Committee?

The whole difficulty is that the Government want this House to pass a Bill, on the basis that there has been some irregularity, and they say that irregularity is clear from the report of the Kulkarni Committee, and we do not know what that report is. Up till now that report has not been placed on the Table of the House and yet they want a decision of the House on that report. I cannot understand how it can be justified. My submission is that it was not actually an enquiry committee, it was not actually meant for an enquiry, it was just to solve the problems of Auroville.

•SHRI BIJU PATNAIK (Kendra-para): They have solved the problem by an Ordinance.

SHRI N. K. SHEJWALKAR: My further information is that they wanted to help the person against whom complaints have been made, he was interested in all the affairs and he tried to get this Ordinance promulgated. This is the allegation which is generally made. I am told that when the matter came up before the Government, the Secretary, Ministry of Home Affairs as well as the Secretary, Education Ministry, submitted a report in writing that this Ordinance should not be promulgated. While I am subject to correction, this is the information which I have got.... (Interruptions).

Therefore, in short, my submission is like this. Firstly, this is a matter which is *sub judice* and so it should not be considered. Secondly, it is an Ordinance for which there is no justification and such sort of Ordinances should be condemned outright particularly this Ordinance, in the circumstances which I have mentioned that there was no necessity for having such a sort of Ordinance. There was nothing going wrong and no opportunity is given to the management, and the note to the Ordinance by the hon. Minister does not make it clear about the Committee's Report which is not

yet made available to the hon. House. Neither it has been laid on the Table of the House. The action, I submit, appears to be *mala fide* because one particular agent is interested therein and all this hanky-panky affair is made up saying to the court that 'we are not going to do anything'. Then within one day after the High Court vacated the stay order, immediately on the very same day by taking decision and all that, they make it clear that after all this action is *mala fide*. That should not be the practice. We should have some good precedents. It may be the practice up till now. So, I moved this Resolution and I request the hon. Members to kindly accept it and support it.

MR. DEPUTY-SPEAKER: Resolution Moved:

"That this House disapproves of the Auroville (Emergency Provisions) Ordinance, 1980 (Ordinance No. 19 of 1980) promulgated by the President on the 10th November, 1980".

THE MINISTER OF EDUCATION AND SOCIAL WELFARE (SHRI S. B. CHAVAN): Sir, I beg to move:*

"That the Bill to provide for the taking over, in the public interest, of the management of Auroville for a limited period and for matters connected therewith or incidental thereto, be taken into consideration."

Sir, as the House is aware, the President promulgated an Ordinance on 10th November 1980, to provide for taking over, in the public interest of the management of Auroville, an international cultural township, for a limited period and for matters connected therewith or incidental thereto. The step of resorting to a Presidential Ordinance had to be taken in the wake of serious difficulties which had arisen in regard to the management of this prestigious international project.

Sri Aurobindo Society, which is a non-governmental organisation, was

*Moved with the recommendation of the President.

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constituted in 1960 and registered in Calcutta. It has also an office in Pondicherry. This society is completely distinct from Sri Aurobindo Ashram in Pondicherry. What is being said here refers only to the Aurobindo Society and not to Sri Aurobindo Ashram. The Society has been a channel of funds for setting up of the cultural township known as Auroville where people of different countries are expected to live together in harmony in one community and are expected to engage in cultural, educational and scientific and other pursuits aiming at human unity.

15.00 hrs.

At the initiative of the Government of India, UNESCO, being of the opinion that the Auroville Project would contribute to international understanding and promotion of peace, sponsored the Project by proposing a resolution to this effect at its General Conference in 1966. This Resolution was unanimously adopted at this Conference. By a further resolution passed in 1968, UNESCO invited its member States and international non-governmental organisations to participate in the development of Auroville as an international culture township to bring together the values of different cultures and civilisations in a harmonious environment with integrated living standards which correspond to man's physical and spiritual needs. In 1970, UNESCO had directed its Director-General to take such steps as may be feasible, within the budgetary provisions, to promote the development of Auroville as an important international cultural programme.

Shri Aurobindo Society received large funds in the shape of grants from different organisations from India and abroad for development of the township. The assistance included contributions from the State Governments of the value of Rs. 66.30 lakhs and Central Government of the value of Rs. 26.14 lakhs.

After the Mother left her body, a number of problems of varied nature have arisen affecting the smooth running of the Project. The Government of India, on receiving complaints about mismanagement of the Project and misuse of funds by Sri Aurobindo Society, set up a Committee under the chairmanship of the Lt. Governor of Pondicherry with representatives of the Government of Tamil Nadu and of the Ministry of Home Affairs in the Central Government to look into the matter. The Committee had a detailed scrutiny of the accounts of Sri Aurobindo Society relating to Auroville and found instances of serious irregularities in the management of the Society, mis-utilisation of its funds and their diversion to other purposes. Further, various other serious difficulties have arisen plaguing the management of Auroville and rendering thereby any further growth of the township almost impossible. As such, the takeover of the management of Auroville becomes imperative to ensure a growth of the township in tune with its objectives.

Keeping in view the international character of the Project and considering the Government's involvement in actively sponsoring the project through UNESCO, the growth and management of the project has come the primary responsibility of the Government of India. The ideals of the project confirm India's highest aspirations, which could not be allowed to be defeated and frustrated. Sri Aurobindo Society had lost complete control over the situation, and the Members of the Auroville approached the Government of India to give protection against oppression and victimisation at the hand of the said Society, Government had to intervene.

In recent months there had been fresh complaints from members of Auroville. There are also internal quarrels between the various factions of Sri Aurobindo Society. There have also been instances of law and order situation.

Besides, the financial management of the project has not been sound. Several instances of Mismanagement diversion of funds have been revealed. It was also brought to the notice of the Government that a large sum of money was given by Sri Aurobindo Society to AURO Construction—an agency whose status is not at all defined, whose functions and capabilities for taking up large construction work also not made known.

In the circumstances, Government could no longer be a silent spectator to the mismanagement of the project and internecine quarrels among its members, which, if not checked, could lead to the destruction of the project so nobly conceived. The matter was, therefore, examined by Government at length and it was decided to issue a Presidential Ordinance, which is now sought to be replaced by an Act of Parliament. I sincerely hope that the House will appreciate the gravity of the situation and share the concern of the Government in setting right the affairs of Auroville.

There are three important features of the Bill to which I would like to draw the attention of the House. First, this Bill seeks to vest the powers of management of the property of Auroville in the Central Government. But this is only for a limited period. The period that is envisaged is two years in the first instance. There is also a provision that if before these two years the management of Auroville is put on the right rails, Government would relinquish the management. If, however, any extension is needed beyond two years, the extension has to be only for one year at a time, with a maximum limit of the aggregate period of five years. This will show that the Government has been motivated solely by the idea of securing proper management in public interest and nothing else.

The second feature of the Bill brings out clearly that the government's function will be that of a protector of the members of Auroville. Therefore, while there is the proposal of an Administra-

tor for the management of Auroville on behalf of the Central Government, we have provided for a Council to be called the Auroville International Advisory Council. This Council will consist of eminent persons who are devoted to the ideals of human unity, peace and progress. This Council will be entitled to advise the Central Government either on its own motion or on a reference made to it by the Central Government on any matter concerning the management of Auroville. And in tendering any advice to the Central Government, the Council shall endeavour to secure that the ideals for which Auroville has been established are encouraged, and the members of Auroville are allowed freedom to grow and develop activities and institutions for the fulfilment of the aspiration and programmes envisaged in the Charter of Auroville. As will be noted, our entire emphasis is upon the fulfilment of the ideals of Auroville, and the Government is determined to help the members of Auroville in giving them the freedom which is necessary for them to work out the programmes which have been envisaged in the Charter of Auroville.

This provision will ensure that nobody is allowed to work in such a way as to disturb the freedom of the members of the Auroville or that might tend to be an obstacle to the fulfilment of the programmes envisaged in the Charter of Auroville.

The third feature of this Bill is that there will be a tribunal for the adjudication of any dispute or doubt that may arise as to whether any asset, right or property forms part of, or is related to Auroville. It would be noted that the Government of India do not wish to be an arbitrator in such disputes. Section 9 clearly provides that such disputes will be referred to a tribunal consisting of a person who is or has been a judge of a High Court, to be appointed by the Central Government. If any person is aggrieved by the decision of the Tribunal, he can prefer an appeal to the High Court.

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The foregoing provisions ensure a fair deal in the matter of take-over of the management of Auroville.

With these words, I move:

MR. DEPUTY SPEAKER: He has raised certain legal points in regard to the Ordinance. Please reply to that also.

SHRI K. P. UNNIKRISHNAN: Where is the Law Minister? Normally it has been the practice whenever such questions were raised regarding ordinances or legislative competence and so on it was always the Law Minister who used to reply because it is not expected of the Minister Incharge to reply effectively or put across the views of the Government. It is rather strange that after giving such notices, the Law Minister is absent.

MR. DEPUTY-SPEAKER: There is joint responsibility of the Cabinet. Any Minister can reply. He is competent to reply. Mr. Chavan.

(Interruptions)

MR. DEPUTY-SPEAKER: Any Minister can reply. He is competent to reply.

SHRI S. B. CHAVAN: As far as the points made by hon. Members both on legal and Constitutional issues are concerned, certainly I would like to explain the position. The first point which has been made here by hon. friend Shri Shejwalkar is that this matter is *sub judice* and cannot be discussed on the Floor of the House. Later on in his speech, if I understood him correctly, he also concerned that there is no bar for this House to consider this Bill. (Interruptions). You later on referred to it—as a matter of propriety whether it will be done or not? If the hon. Member is interested in getting the Rulings given by the Speaker of this very House, I am prepared to give him.

SHRI N. K. SHEJWALKAR: I myself referred to that.

SHRI S. B. CHAVAN: I would like to give the rulings.

PROF. MADHU DANDAVATE (Rajapur): You yourself had pointed out to the Rule in the past. It is exactly the same book and the same page number.

SHRI S. B. CHAVAN: This is Lok Sabha Debate (3rd series) 18th November to 1st December, 1965. The ruling is absolutely clear here Speaker has ruled.

SHRI N. K. SHEJWALKAR: I have said that a distinction is there. In that case, no injunction was issued. That is the distinction. If he has to say anything on that, he is welcome.

SHRI S. B. CHAVAN: If the hon. Member, Shri Shejwalkar, would like to get a clarification about the propriety aspect of it, the ruling refers to that aspect also. It is absolutely clear that both from the point of view of legal grounds and from the point of view of propriety, there is no bar and no court can bar any discussion or any preliminary powers of this august House to discuss any legislation. This point is absolutely clear. There is no doubt about it.

The second point to which he also referred is that a stay order has been issued. He himself read out the stay order in which it has been stated that this is a conditional stay order. Whereas the present Society has been allowed to function under certain conditions, the Administrator has been appointed by the Government and his approval is considered necessary even by the Supreme Court. This is the combination of powers which have been given to Mr. Nigam under the ordinance. At the same time, the present Society has also been allowed to continue. The leave has also been granted to the Union of India to approach the Supreme Court for getting vacation of the stay order. At any rate, these are matters which are absolutely clear and I do not think there is any legal or constitutional bar for considering the Bill which is before the House.

The third point which the hon. Member made out was about articles

25 and 26, whether they are attracted by this Bill. I do not know whether he can refer to this as a kind of a judgment of the Supreme Court or as an observation of a judge of the Supreme Court. While admitting the writ petition, what goes on in the court, if it is reported in the press, I do not think can be considered as the opinion of the Supreme Court. I do not think that is the position. If the hon. Member is interested in knowing as to what exactly is the protection and to which religion this protection has been guaranteed, under articles 25 and 26. I am prepared to give a Delhi High Court decision in which they have clearly mentioned that certain rights which are guaranteed under articles 25 and 26 are available to the conventional religions. Those who proclaim themselves that they do not belong to any religion, those who belong to different religions, coming together and living in a cultural township; in fact, this township cannot be considered to be a religious township. . .

SHRI N. K. SHEJWALKAR: Please cite that decision.

SHRI S. B. CHAVAN: AIR 1976, page 207. It says:

"The meaning of the word 'religion' in article 31 is confined to the well-defined religion of India, such as, Hinduism, Islam, Sikhism, Christianity. . . ."

There is a very clear ruling of the Delhi High Court on this point.

MR. DEPUTY-SPEAKER: He would have gone through it.

SHRI S. B. CHAVAN: So, the provisions under articles 25 and 26 which the hon. Member referred to will not be attracted, first of all, because Auroville is not a religious institution and I would ask him to kindly find out from the persons who seem to have given him the information as to whether in their own application they have stated that this is a non-political and non-religious organisation. When the Aurobindo Society approached the

Government of India, the Education Ministry, for a grant and when they approached the Finance Ministry for exemption under Section 35 and also Section 80(g), in both the applications, the applicants themselves who are now agitating in the High Court and Supreme Court have stated that this is a non-religious organisation, this has nothing to do with religion. Aurobindo and Mother have categorically stated that this Auroville has nothing to do with religion and there are no rights and other things involved; this is a new concept of eternal yoga as they called themselves. This is a kind of new cultural township which has come up and our commitment is there to the UNESCO. Sponsoring the Resolution on behalf of the Government of India, it is the UNESCO who has passed the Resolution in their three Sessions. There is a commitment on behalf of the Government of India that we are going to continue the work of this Auroville there and see that the objects for which this has been created by the charter of Auroville will be completed. So, this aspect, we cannot forget.

Some of the hon. Members might refer to Entry 32 of State List. May I, for the information of the House, refer to Entries 10 and 13 of the Union List and over and above these, I refer to article 253 also. Article 253 reads:

"Notwithstanding anything in the foregoing provisions of this Chapter, Parliament has power to make any law for the whole or any part of the territory of India for implementing any treaty, agreement or convention with any other country or countries or any decision made at any international conference, association or other body."

So, article 253 is absolutely clear on this issue. Though the Aurobindo Society has been registered under the Societies Registration Act of West Bengal, article 253, which has the overriding effect, gives full powers to the Government of India and this House to legislate on this issue. So, the question of any legal objection or

[Shri S. B. Chavan]

Constitutional objection should normally not arise. This is all that I wanted to say. If there is any other point which hon. Member Shri Unnikrishnan has to raise, certainly I am prepared to give him all the information that he wants.

SHRI N. K. SHEJWALKAR: He has not said anything about the Ordinance.

MR. DEPUTY-SPEAKER: The position has been clarified by the Minister of Education and Social Welfare. I have also looked into the matter.

It has been held that a Bill seeking to replace an Ordinance can be discussed in the House notwithstanding the fact that the Ordinance has been challenged in a court of law: The fact that the present Ordinance has been challenged in the court of law and an interim stay order has been issued would not bar the consideration of the Bill seeking to replace the Ordinance by the House.

As regards the question of legislative competence of the House, it is the accepted practice in Lok Sabha that the Speaker does not give any ruling on the point whether a Bill is constitutionally within the legislative competence of the House or not. It is open to Members to express their views in the matter and to address arguments for and against the *vires*. Members take this aspect into consideration in voting on the motion for leave to introduce the Bill or on subsequent motions on the Bill.

SHRI N. K. SHEJWALKAR: What about my prayer for condemning this sort of method, issuing an Ordinance?

MR. DEPUTY-SPEAKER: The Speaker has made the observation on the very first day.

SHRI S. B. CHAVAN: One point, to make the record straight. The hon.

Member mentioned the names of Home Secretary and Home Minister, about their alleged report. My information is that this is not correct; they have made no report.

MR. DEPUTY SPEAKER: Motion moved:

"That the Bill to provide for the taking over, in the public interest, of the management of Auroville for a limited period and for matters connected therewith or incidental thereto, be taken into consideration."

SHRI MOOL CHAND DAGA (Pali): I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 15th January, 1981." (1)

DR. VASANT KUMAR PANDIT (Rajgarh): I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st January, 1981." (2)

SHRI MOOL CHAND DAGA: I beg to move:

"That the Bill to provide for taking over, in the public interest, of the management of Auroville for a limited period and for matters connected therewith or incidental thereto, be referred to a Joint Committee of the House consisting of 21 members, 14 from this House, namely:—

- (1) Dr. Farooq Abdulla
- (2) Shri Xavier Arakaj
- (3) Shri Gulam Nabi Azad
- (4) Shri Chitta Basu
- (5) Dr. Krupasindhu Bhoi
- (6) Shri S. B. Chavan
- (7) Shri V. N. Gadgil
- (8) Shri Harish Kumar Gangwar
- (9) Shri Asnok Gehlot
- (10) Shri Krishna Kumar Goyal
- (11) Shri Daulatsinhji Jadeja
- (12) Shri Chiranjee Lal Sharma

(13) Shri Mohan Lal Sukhadia

(14) Shri Mool Chand Daga

and 7 from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the 31st January, 1981;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees shall apply with such variations and modifications as the Speaker may make; and

that this House do recommend to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of 7 members to be appointed by Rajya Sabha to the Joint Committee."

SHRI K. P. UNNIKRISHNAN
(Badagara): I beg to move:

"That this House recommends to the Government that the Attorney General of India be requested to address the House to clarify certain constitutional aspects of the Bill in respect of:—

(a) the question of legislative competence of Lok Sabha in relation to the matters of a Society registered under an Act passed by a State Legislature in pursuance of its inherent and exclusive powers emanating from Entry 32 of List II of the Seventh Schedule of the Constitution of India; and

(b) whether an association or denominational group following a specific system of spiritual beliefs; distinctive philosophical-cum-religious standpoint and discipline such as the Sri Aurobindo Society composed of the devotees of Sri Aurobindo and the Mother would

be entitled to the protection of articles 25 and 26 of the Constitution of India." (19)

श्री राम बिरास पासवान: (हाजीपुर):

उपाध्यक्ष महोदय, आरोबिल को लेने के सम्बन्ध में मंत्री महोदय ने 3 बातें अभी कही हैं। मैं आरोबिल गया था और कुछ दिन पहले मैंने उस स्थान को देखा है। पता नहीं सरकार की टैन्डेंसी या नीयत कुछ खराब है या क्या है, या इतनी पावर होने के बावजूद भी सरकार को संतोष नहीं है, वह हर चीज को हथियाना क्यों चाहती है ?

मंत्री जी ने उसे लेने के सम्बन्ध में कहा कि यह 2 साल का मामला है, कुछ दिन बाद आवश्यकता पड़ी तो एक-एक साल के लिये बढ़ाते जायेंगे। दूसरे उन्होंने कहा कि हमारा काम संरक्षण प्रदान करना है और तीसरे उन्होंने कहा कि सम्पत्ति के विवाद के लिये न्यायधिकरण भी रहेगा।

सदन को यह बात मालूम है कि यहां बहुत से ट्रस्ट हैं। नेहरू जी, सरदार वल्भ भाई पटेल और जयप्रकाश जी के नाम पर भी ट्रस्ट हैं। मैं जानना चाहता हूं कि सरकार का इरादा क्या है? अब कहीं कोई गड़बड़ी है, लोकतंत्र में गड़बड़ी है तो उसका स्क्रू कैसे ठीक किया जाये, लोकतंत्र को कैसे चलाया जाये? अगर लोकतंत्र में कहीं खराबी नजर आये तो प्रधान मंत्री जी कह देती हैं कि लोकतंत्र के बजाये दूसरा प्रशासन लाया जाये। यही बात यहां है।

आपने कहा कि आप वहां गये थे, मैं जानना चाहता हूं कि वहां कौन से लोग आपसे मिले थे? क्या एयरपोर्ट पर कुछ लोग मिले थे, आपने यह नहीं बताया। शेजवलकर जी ने पूछा था कि आपने इन्क्वायरी कराई थी या नहीं या वहां जाकर आप एयरपोर्ट पर ही कुछ लोगों से मिल लिये और सारी औपचारिकता समाप्त हो गई? मैं यह कहना चाहता हूं कि यह जो ट्रस्ट का मामला है, इसकी आपको जांच करवानी चाहिये थी।

[श्री राम विलाम पामवान]

अगर उसमें कहीं कोई गड़बड़ी थी, तो उसको ठीक करवाना चाहिये था, न कि सरकार उसको अपने हाथ में ले। अपने हाथ में लेने में क्या होता है ?

इन्होंने जो कांस्ट्रिक्टयूशन का हवाला दिया था आर्टिकल 25 और 26 का यह बिल्कुल माकूल चीज कही थी। आर्टिकल 25 और 26 के तहत इस देश में सर्व धर्म समभाव और सारे धर्मों को समान स्थान देने की बात कही गई है। इस देश में इस्लाम भी धर्म है, सिख धर्म भी और बौद्ध धर्म भी है। इसके अलावा और बहुत सारे विभिन्न सम्प्रदाय के लोग भी यहां हैं। अगर आप कहीं एक जगह भी छुगी चलायें या सुई भोंकने की बात करते हैं तो यह बात सारे देश को झकझोरती है और सोचने के लिये विवश करती है कि कहीं सरकार की नियत खराब तो नहीं है, सरकार देश के सांस्कृतिक स्पीचुअल या रिलीजस मामले में इंटरफीअर करने तो नहीं जा रही है।

यह आर्डिनेन्स सरकार 10 नवम्बर को लायी। कई बार इस सदन में कहा जा चुका है कि जब सदन खुलने वाला हो, उसके पहले कोई इस तरह की बात नहीं करनी चाहिये लेकिन यह सरकार डरती है, इसलिये आर्डिनेन्स के माध्यम से सारा इलाज करना चाहती है।

आरोबिल के 300 सेंटर भारत में हैं और 40 विदेशों में हैं। आरविन्दो आश्रम का मंत्री जी ने जो झलक बताया है, तो आरविन्दो आश्रम हमारे यहां का शंकराचार्य जी का मठ नहीं है। यह मंदिर के समान नहीं है कि बिना पैसा दिये वहां जल नहीं चढ़ा सकते हैं, या कुछ नहीं कर सकते हैं। वह तो रहने का एक स्थान है, कि जीवन स्तर को किस तरह से वहां पर रखा जाये ? साधारणतः जब आश्रम की बात चलती है तो लोग यह कल्पना करते हैं कि जंगल में कुछ झोंपड़ी लगाकर गेरुवा लंगोट पहनकर लोग रहते होंगे। इसके प्रीएम्बल में, जो शुरुआत है उसमें लिखा है,

आश्रम में जीव का उद्देश्य है। ऊपर से कोई नियम नहीं है। जो कोई पूजा-पाठ करता है वह करे। दूरे को अपनी क्षमता के अनुसार प्रगति का मौका दिया जाता है। इसमें स्कूल भी हैं और शारीरिक श्रम करने वालों के लिये भी स्थान हैं।

वहां पर अमीर और गरीब सब समान रूप में रहते हैं। वहां पर एक सेठ भी अपने रूप में झाड़ू देने का काम करता है। हम गोर बढाई गये थे। हमने देखा कि कोई ब्राह्मण है या हरिजन, किसी को भी यह मालम नहीं है। यदि पूरे देश में उस तरह की व्यवस्था हो जाये, तो हम लोग जो यहां पर इतना हल्ला करते हैं, हमें भी सरकार से कोई शिकायत नहीं रहेगी। यदि सरकार वहां के विचार को अपने काम में उतार ले, तो देश का बहुत भला होगा। मंत्री महोदय ने वहां पर जो गड़बड़ी बताई है, उसमें लाखों गुना गड़बड़ी सरकार के शासन में है, लेकिन फिर भी यह शासन चला रही है।

सरकार प्रत्येक चीज को अपने हाथ में लेने की बात न करे। जब सरकार ऐसा कोई काम करती है, तो सिख मुस्लिम और बौद्ध आदि दूसरे सम्प्रदायों के दिमाग में यह बात आती है कि कल कहीं सरकार हमारे रिलिजस इंस्टीट्यूशन्स पर हाथ तो नहीं डालेगी। इसके अलावा जो चीज भी सरकार अपने हाथ में लेती है, वह पाताल में चली जाती है, उसका नामो-निशान नहीं रहता है। सरकार द्वारा लेने के चार महीने बाद ही अरविन्द आश्रम नाम की कोई चीज नहीं रहेगी और जिस आरोबिल के बारे में इतना बड़ा स्वप्न देखा गया था, उसकी आत्मा मर जायेगी।

उपाध्यक्ष महोदय, मैंने उस दिन कहा था कि आपका नाम है बलराम। महाभारत के युद्ध में बलराम ने कृष्ण का साथ दिया था**

मैं आपसे कहना चाहता हूँ कि आप हमेशा न्याय-पक्ष का साथ दीजिए और कभी कभी लक्ष्मण का भी रोल भ्रदा किया कीजिए। जब धरती कांपती थी, तो लक्ष्मण अपना पांव रख कर उसे रोक देता था।

राजनीति पर कब्जा करते करते जब इस सरकार का पेट नहीं भरा, तो उसने धार्मिक और स्पर्चुअल इंस्टीट्यूशन्स पर भी कब्जा करना शुरू कर दिया है। वह सब देश को निगलने की बात कर रही है। इसलिए मैं इस विधेयक का विरोध करता हूँ। मैं मंत्री महोदय से कहूँगा कि वह इस पर पुनर्विचार करें। यह उनका और हमारा मामला नहीं, यह देश का मामला है। भारत केवल एक ही बात के लिए संसार का गुरु माना जाता है और वह है उसकी स्पर्चुअल तथा आध्यात्मिक भावना और उसकी प्रतिष्ठा की उसी पर निर्भर है। जब किसी संस्था के फलने-फूलने का समय आता है, तो सरकार उसको अपने हाथ में ले लेती है। इसी तरह शान्ति निकेतन का भी मामला है। मैं मंत्री महोदय से आग्रह करूँगा कि वह इस पर गम्भीरता से विचार करें और जन्दबाजी में कोई कदम न उठायें।

इस देश में सर्व धर्म-समभाव की जो परम्परा रही है, उसको मद्देनजर रखते हुए मैं इस विधेयक का विरोध करता हूँ। मैं सभी माननीय सदस्यों से, चाहे वे इस पक्ष में हों या उस पक्ष के, आग्रह करता हूँ कि वे भी इसका इसका विरोध करें—साठे साहब से भी, क्योंकि जब वह इधर बैठते थे, तो बहुत जोर से बोला करते थे, लेकिन वहाँ जाने के बाद इन सारी बातों को भूल गये हैं।

सूचना और प्रसारण मंत्री (श्री वल्लभ साठे) : मैं सहमत हूँ। आज-कल क्या जमाना आ गया है। "राम" निकल गया, खाली "विलास" रह गया है।

MR. DEPUTY-SPEAKER: I do not recognise him as my brother.

श्री राम विलास पासवान : मैं आग्रह करूँगा कि मंत्री महोदय इस पर ठंडे दिल से पुनर्विचार करें। मैं माननीय सदस्य, श्री शेजवलकर, के साथ सहमत हूँ और मैं समझता हूँ कि दूसरे माननीय सदस्य भी उनके संकल्प का समर्थन करेंगे।

SHRI ERA ANBARASU (Chengalpattu): Mr. Deputy-Speaker, Sir, I rise to wholeheartedly support this Bill.

So much has been said by the Opposition Members in respect of the nature of the organisation. At the very outset, I would like to impress upon the members here that this is not a religious institution. If the hon. Members of the Opposition go through the Charter of Auroville, they will find that it is not a religious institution. Further, I would like to recall the words of Mother when she addressed the International Conference about the nature of the institution. I quote:

"It is not a religious body. People belonging to different religions and people who do not believe in religion and people who have no religion at all can all come and live together in Auroville."

That is the concept of Auroville. I have quoted verbatim the address given by the Mother during the Conference.

Mr. Deputy Speaker, Sir, I would like to impress upon the Members that this project as an international cultural organisation attracted as many as 120 countries. So, this is not a small project as they think or estimate. It has got international, rather global, repercussions. The world is looking at this legislation. If the interest of the Aurovillians—individuals belonging to different countries—are not protected properly that will tell upon the international policy of our country.

Therefore, Sir, I would like to submit that this is not a religious body. It is a unique one. Now, I would like to point out the irregularities committed by the Aurobindo Society. If we just study the administrative events of the Society, we find it is a power-struggle between the Committee of the Auroville and the Committee of the Sri Aurobindo Society. Sir, one cannot forget the antecedents of the Chairman of the Aurobindo Society. When the then Prime Minister of India, Shri Morarji Desai, was the

[Shri Era Anbarasu]

Chief Minister of Bombay an arrest warrant was issued against him for the evasion of income tax for a sum of Rs. 7 lakh. I have got an ample testimony to prove the same. Not only that, one of the office bearers of the Aurobindo Society has written a letter to the then Minister, Dr. Karan Singh, who is very much present here in the House, stating that it is not a religious body. That letter has been produced before the Supreme Court and, therefore, I would like to remind the hon'ble Members not to go by the false propaganda that is being carried on by the members of the Aurobindo Society. Further, Sir, the report submitted by the High Level committee will reveal the quantum of amount that has been mis-appropriated. Large amount has been spent for the purpose for which it was not meant for. (Interruption).

Sir, a sum of Rs. 90 lakhs was sanctioned by the Central and State government for developing Auroville. Out of this Rs. 90 lakhs, nearly Rs. 25 lakhs were not to be seen. There are no vouchers for this amount as to show how and where it has been spent.

15.30 hrs.

[SHRI HARINATHA MISRA in the Chair]

MR. CHAIRMAN: What is the basis of your statement? Have the accounts been ever audited?

SHRI ERA ANBARASU: It is very much shown in the high level committee's report.

SHRI N. K. SHEJWALKAR: Any observation against anybody who cannot defend himself here should not be made unless there is a supporting material. Sir, I do not want to defend anybody but if he is reading from the report of any committee let it be placed on the Table of the House. No hearsay can be allowed here.

SHRI BHOGENDRA JHA (Madhubani): At least your query should be replied to.

MR. CHAIRMAN: Let us see what the hon. Minister has to say when he speaks. He must have in his possession the audit report and he may like to quote from it if he likes.

SHRI ERA ANBARASU: The hon. Member was referring to B. T. Kulkarni report. Was he in possession of that report?

SHRI N. K. SHEJWALKAR: I did not quote from there.

SHRI ERA ANBARASU: The very same B. T. Kulkarni report reveals that an amount of Rs. 25 lakhs has been misappropriated by the Society. All these irregularities were brought to light and only then the Government intervened and appointed a high level committee. Another fact which I would like to mention before this august House is that the opium, sexual, smoking and drinking activities to which the hon. Member was referring are in fact, the activities of the members of the Sri Aurobindo Society and not Aurovillans. This is just a propaganda to sidetrack the real issue. The members of Sri Aurobindo Society were engaged in such malpractices. In fact, some goondas were engaged by them to beat the members of this Auroville. Persons like Mr. Federic, Mr. Pierro and Mrs. Gloria were brutally attacked by the members of the Society. They were hospitalised and took treatment for months together. These are the activities carried on by the members of Sri Aurobindo Society. To save the society from all such malpractices, misappropriation of funds, a timely ordinance was promulgated by the President. Unfortunately, the Supreme Court has passed an interim order in respect of this. Now, the time has come. This House should seriously think whether the Parliament has got the supremacy, competence to pass such legislation, or whether the Supreme Court is the supreme body to decide such things. In this connection, I would like to recall

the words of the Light of Asia, Shri Jawaharlal Nehru:

“Parliamentary democracy is a delicate plant and it is a measure of our own success and that this plant has become sturdier during the last few years.”

I would, therefore, like to appeal not only to the Members of the opposition parties, but also to the members of the ruling party to consider that the country needs a thorough change and reform in the judiciary. If everything is being questioned, even if a right thing is being questioned by the Supreme Court what is the way to get out of this? Even if a small welfare measure is brought in the interest of the nation, it is brought before the Supreme Court and if it is struck down, then what would be the fate of the Parliamentary system? Everyone talks about the basic features of the Constitution. What basic features, if the Constitution is not able to meet the needs of the society and the country? It requires a change. It is therefore, high time that we go for a re-thinking on the question of reforming the Constitution as well as the entire judicial system. Mr. Antulay is correct when he said that “Democracy is the dictatorship of the Judiciary”. Today we may be in power. Tomorrow you may come to power and, therefore, if this sort of waging war against the legislature by the judiciary and if such conflict is prevalent, the Government cannot function and, therefore, I feel that we must cooperate to find some solution to put an end to such a dead-lock.

MR. DEPUTY-SPEAKER : I think you have finished.

SHRI ERA ANBARASU: Therefore, Sir, the Government cannot sit as a silent spectator to all the irregularities committed by the members of Aurobindo Society and therefore the Bill is a timely and proper one. After all, the Bill provides only for a limited

period to regulate the administration of the Auroville for two years, if not for five years and it also provides freedom for the members of the Auroville Society to get themselves free from the clutches of the Chairman of the Aurobindo society and, therefore, I wholeheartedly support this Bill.

SHRI K. P. UNNIKRISHNAN: Mr. Chairman, Sir, I speak more in anguish and pain than in anger.

MR. DEPUTY-SPEAKER: Your look shows that you are not angry.

SHRI K. P. UNNIKRISHNAN: I have not reason to be angry about. But, I want to say that this is an extraordinary piece of legislation and a simple example of how Ordinance-making powers of the Government have been blatantly misused. This is a kind of the symptom that has gripped this Government ever since it came into power, a kind of ordinance mania about which there have been observations from the Chair.

Sir, Shri Aurobindo is a luminous person. He stands out from the rest and that is why Rabindranath Tagore, our national poet, had called him and said prophetically that “Long after other voices are stilled, his voice will continue to be heard.”

MR. DEPUTY-SPEAKER: It was C. R. Das, while arguing, who said so about Shri Aurobindo.

SHRI K. P. UNNIKRISHNAN: I have great respect for Shri C. R. Das, but when Shri Aurobindo was dragged out through the streets of Calcutta, Rabindranath Tagore composed a poem “Hail Aurobindo” and I am only quoting a sentiment which he had expressed therein. C. R. Das is a different point. Rabindranath Tagore or C. R. Das is not the point. The point I want to make is that Shri Aurobindo carved out for himself a place not only in our national liberation struggle on which our distinguished colleague, Dr. Karan Singh, has written a brilliant book. It is not only a

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thesis, as Jawaharlal Nehru said about it in his book, but a brilliant book on what Shri Aurobindo's contribution to the national movement is. He came before Gandhi and he was the first one who advocated passive resistance which developed into Satyagraha which is a combination of Gandhiji's experiments in South Africa as well as Shri Aurobindo's contributions in Bengal and elsewhere which ultimately found itself in the confluence of Satyagraha and it was a powerful instrument for our national liberation. Indeed, it is not merely as a prophet of Indian nationalism that Shri Aurobindo stands out, not merely as a poet, a philosopher, or a brilliant interpreter of Indian wisdom, but also for his unique experiment on Integral Yoga which he started in Pondicherry. There are many who may agree or disagree, but the point remains that it became a nucleus of an international centre, a nucleus of a new vision from which the rest of the things cannot be detached. It was the powerful and great presence of the personage of the Mother that concretised Shri Aurobindo's dream and hope and give it a new presence not only nationally but internationally, because she guided the experiment and it is to her dream that we owe the dream of Auroville society. "There should be somewhere on earth a place... where all human beings of goodwill who have a sincere aspiration could live freely as citizens of the world and obey one single authority, that of the supreme truth; a place of peace, concord and harmony where all the fighting instincts of man would be used exclusively to conquer the causes of his sufferings and miseries. to surmount his weaknesses and ignorance, to triumph over his limitations and incapacities; a place where the needs of the spirit and the concern for progress would take precedence over the satisfaction of desires and passions, the search for pleasure and material enjoyment..." This was the

conceived dream of Auroville. I would not like to say or admit that the dream is in shambles although she wanted to avoid rein over unfortunately Auroville and his organised manifestation; whether it is society or rival factions or various other people who have tried to convert it into a sanctuary of drop-outs. It is to our extraordinary misfortune that lesser men have made it into a mess. I do not want to take this opportunity or use this opportunity to apportion blame. It is not the proper forum to do so. But, however, what I want to emphasise is that the township acquired international significance because Shri Aurobindo Society launched a project. The project did not come out of the vacuum nor did the government initiate the project; government rightly commended it to UNESCO for approval and tried to help as far as possible within the stringency of our financial resources, and government did support. Whether it could have supported more or whether it could have intervened earlier is a matter into which I do not want to go now.

I find from the statement of objects and reasons that an attempt has been made to divorce it from Shri Aurobindo, Shri Aurobindo Ashram and society. It is possible that the government by bringing forward this Bill wants to get over certain legal difficulties. That is why my esteemed friend, the hon. Education Minister has sought recourse to Articles 205, 54 and Entries 13 and 14, because it is a debatable point. I do concede the force of the argument of the hon. Education Minister, but I must also tell him that there is another point of view regarding two Entries in the State List when we try to legislate. That is why in my amendment I have sought that we should summon the Attorney-General to render us his opinion on the legal question, the constitutional question of this problem. The main thing I want to emphasise is that it would not be good for the government to divorce it or to

separate it from the nucleus, that is, Shri Aurobindo's teachings, Shri Aurobindo and Mother's works and Shri Aurobindo Ashram or even Shri Aurobindo Society which was entrusted with the job of organising this work nor is it true to say that the fund of Shri Aurobindo has come exclusively from UNESCO. As far as I know—I do not know; you can correct me if I am wrong—UNESCO's contribution so far has only been \$ 5,000 out of the total expenditure of about Rs. 2.35 crores. Well, the Government of India provided about Rs. 96 lakhs and Shri Aurobindo Society and Indian members from their own funds have raised about Rs. 1 crore and 25 lakhs. Foreigners abroad have given about Rs. 5 lakhs. You would find UNESCO's own contribution has been very limited. Probably it is because they supported this project—I would like a clarification—on this point also—because it is the effort of a non-governmental organisation. UNESCO's Charter, and UNESCO Conferences have time and again clarified this point, that they support such projects conducted by non-governmental organisations. Now for Auroville, trying to change the character of this organisation into a governmental effort, I do not know how Article 254 will help the hon. Minister for Education to get over this difficulty which is also an international difficulty. Now, Sir, the point I want to make is, a number of foreigners, as I mentioned earlier, who thought that this can be converted into a sanctuary of drop-outs, came to live in Auroville. While talking about the misappropriation or otherwise and the way Aurobindo Society's affairs have been conducted about which we had numerous discussion,—Dr. Karan Singh will bear me out—trying to find some solution, the source of all trouble I would say is the way some of the foreign nationals behave in Auroville. I am not trying to say that this is the only reason, but the main source of trouble has been the way they have been

behaving. Hon. Minister will not deny when I say that there are about 80 foreign nationals living in Auroville today against whom deportment orders have been given but not implemented. Eighty foreigners, including two—I shall come to that later—about whose conduct and whose past enquiries have been made by the Ministry of Home Affairs and the Ministry of External Affairs. Now from 1968 to 1976-77 Shri Aurobindo Society was recommending issue of visas. Now, after 1977 this practice was stopped. I would like to know why the Ministry of External Affairs thought it fit not to consult the Society for permission to issue visas as was the earlier practice. Now, it is the very same people Sir, who declare publicly that they want to convert this into another Vatican with independent status and the very same people are today being sheltered—and that is the gravamen of my charge, today—they are being sheltered by certain powers within your Ministry as well as in the Ministry of External Affairs and Home, for reasons best known to them. This cannot be overlooked. Now, as I said, Auroville did not emerge from vacuum. Sir, it is not one of our international projects. It is a concretisation of the Dream of the Mother and those who believe in the teachings of Shri Aurobindo and the Mother. She was only articulating the hopes of humanity when she said that it shall not be exclusive, 'it shall belong to the whole humanity'.

But the idea flows from the worldview of Shri Aurobindo. What some foreign nationals, who landed here, however, thought was, that they are themselves—I take pity on them because they are creatures of a situation, of a social situation the Western world, where alienation has become a major problem, when it has become rudderless, when a society loses its moorings and direction, it is natural that some people have to find escape routes. Some people cannot concede when they find that social disintegration is taking place and they obviously

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look for scapegoats. Whereas the concept of Shri Aurobindo and the Mother was a view of integrated humanity, not necessarily to let them indulge in anything that they want or like to do. As I pointed out before, the Minister is aware that against these people, action was taken. What I want to know specifically is why it was not implemented. The particular case I want to refer to today is, one gentleman called Allan Lithman, an American national, entered India by making a false submission. He said he was a salesman. On enquiry by the agents of the Government of India, it was found out that he belonged to a corps of US Marines and even at times he was involved with the Central Intelligence Agency. Deportation order was passed against him as well as against another gentleman, Mr. Spalding, but they were allowed to return to Auroville. I would also, like to tell you that against several of these people there are criminal cases pending and they have been charged with criminal offences. A number of people from both sides have met me. I do not want to waste the time of the House by going into details of what happened when and who was at fault. But the fact remains that—I can say this authoritatively—there is a lot of undesirable criminal elements and foreigners who have entered Auroville and it was the duty of the Government of India all these years to have got them thrown out. They have no business to convert Auroville into another arena for their various activities. They probably thought it was another extension of Goa Beach. That is why they have demanded freedom—freedom from the Government of India and freedom from the sovereignty of this great country. They thought they could convert this township into another Vatican. So, matters are not that simple. Matters are very complex and serious and I do understand the difficulty of the Government of India in involving itself in an activity like this.

There are two or three basic fundamental points I would like the Minister to clarify. Ours is a plural society

where I am sure he would agree, the voluntary organisations have a large role to play. But they should remain voluntary and they should be allowed to remain voluntary. It cannot be, whether it is a religious society or a social welfare organisation or a monument in the name of some particular philosophy or for any such thing, that the Government would repeatedly intervene and use its ordinance-making powers to take over such institutions. It will be a sad day for this country if all voluntary organisations are brought to a pass where they will be converted into tools or instruments of a set of people who want to dominate and use the Government towards the end of domination.

There are two important points I want to emphasise and that is why I have moved this amendment. One is relating to entry about which I referred. Secondly, freedom of religion. I do not want to go into the details of a legal question, because the Law Minister is not here to help us. But the point, however, remains that there are important cases. Not only the one he has quoted about Delhi High Court, but there is the case of Ramana Ashram in Madras High Court, where contrary views have been expressed. So, if you touch upon the rights of minorities or upon the freedom of religion or involve yourself in bridging the fundamental rights of any kind, Government must be careful. I am afraid in this case not enough thought had gone into it and Government was taken for a ride by certain people who had other interests.

16.00 hrs.

It is a very important issue. Even when my friends in Kerala criticised me in the Congress when there was a question of running the educational institutions by the minorities I was one of those who stood by the rights of minorities. Despite my other beliefs and so on, I was even criticised for taking a reactionary posture. But I know for this society and for this country to remain, these guarantees which we have enshrined in our Constitution are very

important. They are important in the sense that the unity of the entire country would depend on that. So, it requires to be clarified that this is not a precursor to further abridgement of our rights whether it is in the case of Auroville or several other institutions as well. Whether it will be a precedent or is it only because the Government of India has international commitment or whether it is an ordinary resolution of the UNESCO general conference as well as the executive board regarding assistance to this project which is basically a non-governmental organisational effort that the Government of India decides to step in? The Government of India has lot of explanation to do to satisfy the people that this shall not be a precedent in relation to many other organisations. They also have to satisfy that it is essentially in the public interest that they have stepped in. And in order to do so, I shall certainly watch what the Minister for Education would do—whether he would allow one group or a faction of Sri Aurobindo Society, which has organised certain groups for themselves.

I want to mention the name of Mr. Joshi. I have been informed that he is a brilliant officer. He is also having a very good record and so on. I have nothing against him. But he is a Government servant. If he is a Government servant, is he governed by the rules and regulations of the Government and conduct of service rules of the Government? If so, has he been permitted to remain a trustee of a trust running as a parallel to the Sri Aurobindo Society Trust? It is an extraordinary position if you allow senior officials of the Government and those who are responsible to you, to start private trusts and receive donation and carry on parallel activity, it will be a sad day and Government will have to examine this precedent. How was he permitted to operate these things and how was he permitted to carry on this kind of parallel activity when he is governed by the code of conduct meant for Government officials?

In the end, I would like to say that he will be watched not merely now as to how he would proceed and what he would do with the management of Auroville but also what steps he would take for the fulfilment of the great dream. Would he hand it over to a section or he would take the cooperation of everyone, the maligned one and those who are not maligned and those who are interested in the teaching of The Mother?

With these words, I hope and trust that the House would accept my amendment so that the Attorney-General may be summoned to give us the benefit of his views.

SHRI JAGANNATH RAO (Berhampur): Mr. Chairman, Sir, I am glad to take part in this debate because I was connected with Auroville from the very beginning. I used to visit Pondicherry from 1962 every year and I used to have *dershan* of The Mother. In 1964 or 65 I was informed of this project that The Mother was contemplating. I myself felt that it was a very good, very noble ideal for which The Mother was trying to set up the township where persons belonging to different religions, different races, different continents, different culture and so on would live together as members of one family and in peace. It was also to be a centre of the world community to establish world peace. This was the noble objective that The Mother had in mind when she contemplated the setting up of the cultural township of Auroville. I was also associated with it in getting income-tax exemption for the collections that this Aurobindo Society was making for setting up this township. I was present on the 28th February, 1968, when the foundation of this township was laid, when representatives of about 120 countries attended the function. Each of them brought a parcel of earth from his own country and put it in an urn which was placed in the centre, to symbolise that this was the township of the world community. That was the noble ideal that The Mother had in view.

[Shri Jagannath Rao]

As stated by Shri Unnikrishnan, it was the Aurobindo Society, which started this and I used to go there year after year. As time passed, I found that unfortunately trouble had started. There were internal differences and quarrels among the members of the Aurobindo Society and the members of the Aurobindo Ashram. The foreigners that had settled there, though they were not many, they were not living an austere life, they were converting it into a holiday inn, a holiday resort, thereby defeating the very purpose for which this township was intended. There were acts of violence, there were police cases and arrests and so on were going on. When I went to Pondicherry, I was sad to know about all these things. The Mother was still alive and she was carrying on. But, after the departure of The Mother from this world, these have grown in dimensions, the internal quarrels between the members of the Aurobindo Society and the Aurobindo Ashram and the foreign settlers escalated, resulting in violence and the absence of peace.

Since the object for which this township was started were going into oblivion apart from the international obligations, intervention by the Government was felt necessary. So, I would support this Bill on this ground that timely intervention of the Central Government is necessary to avert further decline in the noble standards set up by The Mother, to arrest the fall that has already taken place from the high pedestal and to see that this Auroville survives and remains a symbol of Mother's noble ideal. I presume that Government have intervened with this object in view, and the Government wants to hold the baby for a period of two years.

In the mean while, a Committee of Management is going to be appointed. The Government should not make it a governmental institution. People who have belief in the philosophy of Aurobindo and The Mother, people who have lived in the Pondicherry Ashram

for some years—and they are still available in Madras and in Calcutta—some of those persons should be selected and should be made members of the Advisory Committee or Council or Management Committee, whatever it is called. I would suggest that my good friend, Dr. Karan Singh, who is steeped in the philosophy of Aurobindo, should be made an advisor so that his Council would stand up to the high ideals of The Mother.

I would again say that it was a voluntary organisation and not a religious organisation. I know it because I myself persuaded the Finance Ministry to give exemption under section 80 of the Income-tax Act for the donations that were collected. That character should be preserved and it should be allowed to be managed as a voluntary organisation. Whoever be the members of the Council should be members of the Aurobindo Society or the Aurobindo Ashram so that the voluntary character of the institution would be preserved. If it is made a governmental institution because Government comes in, the very purpose of the legislation would be lost. Even the UNESCO started giving aid because it is a voluntary organisation. Apart from governmental actions or support, it is a voluntary organisation and with voluntary contributions a project has come up. The Government should see that this voluntary project survives, grows in strength and grows in stature, so that it will be a symbol of the world community, a symbol of international peace and people who belong to different religions, races, continents and speaking different languages live together as members of one world family. Therefore, I welcome this Bill, but at the same time I request the Government not to make it a governmental organisation. Don't put in these bureaucrats as members of the Committee and you should see that least governmental interference is there. Mismanagement is complained of. I do not know about the reports, and I have no access to Government files. So, if the Government says there is mismanagement, I believe that there is mismanagement and

the Government has intervened rightly and in right time. Therefore, I support the Bill and I hope that the very purpose for which the Mother had conceived the idea and started this Auroville will be kept in mind and I personally take pride that I got a land there and I deposited some money so that I can construct a house there. The ownership does not belong to a person who pays for it, but he has a right to stay there.

Therefore, I am very happy that the Government has intervened and I also suggest that in the minimum time the Government should hand it over to a voluntary organisation for seeing that this Auroville carries on its functions properly.

*SHRI ERA MOHAN (Coimbatore): Mr. Chairman, Sir, on behalf of my party the Dravida Munnetra Kazhagam, I extend my support to the Auroville Emergency Provisions Bill seeking to set right Auroville, a project conceived of by Aurobindo and Mother as a symbol of human unity at the global level.

When the work on this international township was initiated in 1968, the D.M.K. Party was in power in Tamil Nadu and the then Chief Minister of Tamil Nadu, Arignar Anna, acquired large tracts of land for this township and handed them over to the project authorities. Similarly, the Pondicherry Government also acquired vast areas of land and handed them to the project management. Unfortunately now the noble objectives with which this project was started have all been nullified; in fact the laudable objectives have gone into oblivion. The project has come to such a sorry pass necessitating central interferences. In 1968 the representatives of 120 countries brought pockets of earth from those countries to Auroville to make it a real centre of international living. Today all these countries are looking in anguish at the happenings in Auroville.

It is but meet to mention here that Mother declared in unequivocal terms that Auroville belongs to nobody in particular. After the demise of Mother in 1973 her ideals have also disappeared. Contrary to her concepts many things are taking place in Auroville. Sri Aurobindo Society has been charged with misappropriation of large sums of money. In 1976 the Government of India constituted a Committee to go into myriad allegations of malpractices being indulged in by Sri Aurobindo Society. This Committee has averred that a sum of Rs. 1 crore has been misappropriated. This has appeared in many newspapers and has also been highlighted in the Parliament. On 26-4-78 Shri Bijoy Singh Nahar, the then Member of Lok Sabha, stated on the floor of Lok Sabha that certificates of expenses have not been furnished even after several years and this had been found out in the Audit.

The Government are taking over the management for a period of two years. I welcome this legislation as the necessary means for uprooting the malpractices. Those responsible for these malpractices should be punished without hesitation. After two years the project is to be handed over to a Committee of Management. It should be ensured even now that at that stage it does not again become a matter of controversy and conflict. The Government should choose well in advance proper persons to administer this project well.

I would like to take this opportunity to emphasise the need for respecting the sentiments of the local people and for enlisting their cooperation without which this kind of a project can never become a success. The views of Pondicherry Government should also be given due weightage in arriving at decisions. Auroville stands for real human unity above all politics, religious and any creeds. Arignar Anna, quoting Thirumular's saying, used to stress the universal truth that there is

*The original speech was delivered in Tamil.

[Shri Era Mohan]

only one Society and One God. Through the forum of Dravida Munnetra Kazhagam, Arignar Anna propagated the ideal of humanbeings belonging to the entire world and not to a narrow geographical concept of a nation. None can dispute that this was also the basis of the concept of Auroville. The very fact that Auroville has become a question mark on the floor of this House testifies to the mismanagement of the project. The ideal of Mother has been mauled beyond recognition. Let the Government reform this project. Let the malpractices be rooted out. Let the criminals be brought to book. Let the law and order be established. At the same time, I would like to point out that this place is fast becoming a haven for hippies. We are living in the neighbouring State of Tamilnadu. We come to know of these happenings whenever we visit this place. The Government should take energetic steps to ensure that Auroville does not turn into a haven for hippies and a sanctuary for the dropouts. Auroville is not merely an Indian issue. It has international implications. The right steps we take to restore Auroville to its pristine purity will earn international encomium and goodwill. With these words I conclude my speech.

DR. KARAN SINGH (Udhampur):
The greatest miracle that surrounds us at every moment of our being is the fact of the evolution of consciousness on this planet. From apparently inert matter, from uni-cellular organisms, the way consciousness has developed through the millions of years of the history of this planet through mineral, vegetable and animal forms, up to the flowering of human consciousness is indeed the only true miracle that we can behold. A lot of people are impressed by lesser miracles, but if you consider that from the slime of the priemeval broth that existed on this planet, how the mind of man has developed, the mind that can break the confines of this planet reached upto the moon and the stars and beyond, the mind that has created

the greatest poetry, art and architecture that has been known. Certainly man is a curiously flamed animal. He has great achievements. He also has a terrible capacity for sustained and methodical cruelty. The gas chambers of Hitler, the blinding of prisoners in jail are reminders that man's consciousness is by no means complete. There are both aspects of it, they are divine and the malign. This was the basic point that Aurobindo dealt with in his extra-ordinary and tremendous philosophical system. He dwelt on this point that man is not a final creature, the final result of evolution. Man is an intermediate creature, his feet in the mud and the slime, his mind reaching up to the heavens. That was the unique contribution of Aurobindo.

Apart from his role in the freedom movement which is well known as the prophet of Indian nationalism, as the man who gave the mantra of Bande Mataram which he took from Bankim's Anand Math and made the rallying cry of Indian nationalism at the turn of the century; the man who developed the concept of passive resistance and satyagraha and whose writings in the Karmayogin and the Bande Mataram are among the most eloquent and brilliant political pieces ever written anywhere in the world. Apart from that contribution, the system of philosophy Aurobindo built up in 40 years when he was in Pondicherry from 1910 to 1950 revolves around the concept of evolution of spiritual evolution and the fact that man has now reached a stage where he can co-operate with the forces and powers of evolution in order to hasten the advent of the new consciousness. He held that in the same way as consciousness has ascended upto man, there will be the next leap from man to superman, and from the mental to the supramental consciousness. It was around this theory of spiritual evolution that he developed his whole concept of integral yoga, of the purna yoga, so that all the faculties of man, his mind, his heart, his physical and psychic abilities are drawn together in a supreme effort to make a quantum leap into the new consciousness. As his

great spiritual collaborator Madame Mirra Alfarsa, better known as the Mother, collaborated with him in this great project and founded the Aurobindo Ashram where even to-day a large number of Sadhakas are following their own sandhana and yoga.

It is important here to point out that this Bill does not deal with the Aurobindo Ashram at all as has been said in some of the press reports. I was the first person in the last Session, under Rule 377, to make a plea that the Government should intervene by an Act of Parliament. When I made my statement, the next day it was reported—Dr. Karan Singh urges take over of Aurobindo Ashram. It is totally wrong. Hon. Members may be very clear in their minds that the Aurobindo Ashram founded by the Mother in the lifetime of Aurobindo remains a separate organisation and as far as I have understood it, there is no intention whatsoever to touch it.

After the passing away of Aurobindo the Mother conceived this vision of a new city of light. Auroville—it means light. It is also linked with Aurobindo's name. This is the concept of Auroville where the ground would be prepared for the new consciousness. There are innumerable quotations, but because of the limited time, I will not go into it except one single quotation.

"An inner fullness has come in like the coming in of light in dark caves. It fills, it illuminates, it vibrates the multiple strings of life; it has found the contact with the forgotten achievements of the past to enable me to start the new ones of the future on the basis of the changing formations of the present. The currents of life well up to meet the descending rays of light from the upper heavens for transmutation of the base and the dark into the liminous and the true, for transmutation of the ugly and the wrong into the beautiful and the right."

This was the vision that impelled the Mother to set up this great concept of collective living based on spiritual

principles. The idea was that from the Matri Mandir which is the spiritual heart of Auroville will radiate this new type of township, a new form of human living.

On the 28th February, 1968, it was inaugurated by the Mother as has been mentioned by some hon. Members—Shri Jagannath Rao was there on the occasion with earth which was brought and put in there from many countries. Subsequently, it has attracted world-wide attention. The UNESCO passed resolutions three times, and a lot of people all over the world became interested. In 1972, we had the Sri Aurobindo Centenary. I happened to be the Convenor of the National Committee. The Prime Minister was the Chairman. Out of the money that was allotted, I think Rs. 20 lakhs were given specially to Auroville for its development. A lot of very interesting things happened in Auroville.

Until the Mother lived, there were developments in the field of education. I have myself visited Auroville on several occasions. There are educational experiments, land reclamation experiments, agricultural and horticultural experiments and so on. The thing was beginning to develop. Unfortunately, at that stage the Mother passed away. I had feared all along, even when she was alive and when I went there, I would ask the organisers, "What is going to happen after the Mother passes away? It was a question to which I received no satisfactory reply.

After the Mother passed away, the whole structure, the inner spiritual magnet as it were which held Auroville together began to fall apart. I do not want to go into the sordid story of how the dream of the Mother became the nightmare that we see today. I have myself been associated with the Aurobindo Society and also with Auroville. I am an Aurovillian. I have made a personal donation of Rs. 1 lakh, as a contribution to Auroville so that one could build one of the houses which belongs to Auroville. I have been associated with the Aurobindo Society, the Delhi Branch. I can tell you that there have been most terrible conflicts—

[Dr. Karan Singh]

—physical violence, intimidation, terror court cases and what not. On both sides, there have been failings. I do not want to apportion the blame to any particular individual or any particular group. If the Aurobindo Society is sought to be run by one individual as a personal empire, there have also been failings on the part of Aurovillians. Many Aurovillians have not acted upto the standard that is expected of people living in a great new city like this.

The fact of the matter was that there were these conflicts. Foreign people also come.

आ नौः भद्रा कृतवौ यन्तु विश्वतः

Certainly, we want good thoughts from all sides and good people. But the way they developed it was not always very satisfactory. The great moral and spiritual power of the Mother having disappeared, instead of the collectivity emerging, instead of the Aurovillians being involved in the administration, instead of the Ashram being involved in the administration, the attempts were made to run it in an arbitrary and authoritarian sort of manner. And conflicts grew. It is a disgrace. I have been receiving letters from all over the world saying, "Is this the image of Sri Aurobindo and the Mother that you want to project?" There has been talk of irregularities. I am not concerned here with legal niceties or financial irregularities. I am concerned with the deeper outrage against the ideals of Sri Aurobindo and the Mother that we have been witnessing in Auroville.

So, we waited. I myself for the last three or four years have been in touch with them. I have been pleading with them to do something. Nothing happened. I was in-charge of the Ministry for a short while. I have written certain minutes which no doubt my successor has studied. We looked into that situation which worsened. Therefore in the last session, on the 23rd July, 1980, under rule 377, I made a plea for the first time that Auroville

should be made a national memorial to Sri Aurobindo and the Mother by an Act of Parliament. The Government acted promptly and the Bill is now before us.

I know, there are reservations and fears among some genuine followers of Sri Aurobindo. Apart from the legal aspects, which the Minister has no doubt dealt with, there is a fear as to whether a spiritual township can come into being under an Act of Parliament. When some people spoke to me about this, I said, "if the supramental power is all-pervasive, there is no reason why occasionally, once in a while, it cannot pervade this Chamber also". I agree that, very often, we do not act in a supramental manner in this House. But if the Power is there, surely, it can also act through the elected representatives of the people, through this highest tribune of the nation. I see no inherent contradiction provided—and always provided—that the Government is quite clear in its mind that this is not to be made an extension of the Education Ministry that some Deputy Secretary, sitting in that very distinguished Bhavan where I also sat as a Minister, will become the final arbiter of everything that may happen, people who will not have any vision or any idea as to what Sri Aurobindo and the Mother stood for.

I had personally suggested a broader-based Committee consisting of representatives of the Ashram, of the Society, of the Aurovillians, Members of Parliament and the Governments of Tamil Nadu and Pondicherry, because a lot of things are involved; land acquisition is involved, citizenship problems are involved, financial problems are involved, and so on. But they have, in their wisdom, suggested only a five-member Advisory Committee. I presume that this is only going to be an apex Committee, and that it will have full authority to set up such other bodies and committees as may be necessary for the smooth

running of Auroville, on the lines envisaged by the Mother and in the light of the teachings of Sri Aurobindo. This is an assurance which, I think, will go a long way in satisfying all those people who, though genuinely fed up with the present situation, are nonetheless afraid of Government intervention.

This is a drastic remedy, it is a cutting of the Gordian knot. But there was no other way:

नान्यः पन्थाः विप्रतेध्यवायः

There was no other way. I am aware of this. I have studied the case. There was no other way to pry this great project loose from the iron control of people who were running it as if it was their personal fief. This is now a leap into the unknown, as it were. It could conceivably be the most important single Bill ever passed by this House because it deals not simply with material manifestation, not even with the collective human manifestation, but it deals with something which is still beyond the ken of human consciousness, it deals with an idea which is an arrow into the future. If, in that capacity, and in that spirit this House accepts this Bill, and if it is implemented in that spirit by the hon. Minister, the Ministry and the Government, we will be justified in doing this.

Therefore, having carefully studied, with painful scrutiny, as it were, into my own heart and into the Bill, having studied this, I have come to the conclusion that there is no other way to break the present deadlock of what can only be called "disharmonious, undivine forces", to have a clean breakthrough and, hopefully, to move towards a new orientation where we can say along with the sage of the Upanishads:

वे दादे मेतम् पुरुषम् महान्तम् आदित्यवर्णम्
तमसः परस्तात्

तमेव विदित्वा डनिमृत्युमेति नान्यः पन्थाः
विधेतड्यनाय ॥

"With these words, I support the Bill.

श्री मल्लानन्द झागा (पासी) : सभापति महोदय, इस सदन में आज जो विषय लाया गया है और जिस पर चर्चा हो रही है वह एक बहुत महत्वपूर्ण विषय है। मैं शिक्षा मंत्री जी से यह कहना चाहता हूँ कि वे, इस पर पुनर्विचार करें कि जिस कदम को वे उठा रहे ह, वह ऐसा न हो जाए कि हमारे जो अभी पूर्ववक्ता बोल रहे थे, उनकी भावनाओं को ठेस लग जाए।

एक बात तो सब से पहले मैं यह कहना चाहता हूँ कि आध्यात्मिक जगत में हिन्दुस्तान सारे संसार में गुरु रहा है और आज भी बड़े-बड़े विद्वान इस बात पर विचार कर रहे हैं कि रिलीजन क्या है? इस सम्बन्ध में मैं संविधान की आर्टिकल 26 को सदन में पढ़ देना चाहता हूँ :

"Subject to public order, morality and health, every religious denomination or any section thereof shall have the right—

(a) to establish and maintain institutions for religious and charitable purposes;

(b) to manage its own affairs in matters of religion;

(c) to own and acquire movable and immovable property; and

(d) to administer such property in accordance with law."

हमारे संविधान में आर्टिकल 26 मौजूद है। हिन्दुस्तान में कई गुरुद्वारे, मंदिर और मस्जिद हैं जिनकी अपनी सम्पत्ति है। जो अपना अपना धर्म चलाते हैं। हिन्दुस्तान विभिन्न धर्मों का देश है और यहां विभिन्नता में एकता है। इस विभिन्नता में एकता को कायम रखने के लिए, हिन्दुस्तान में जो कि एक सेक्युलर स्टेट है, हमारे संविधान ने, अपने आर्टिकल 26 के अधीन सभी धर्मों को स्वतंत्रता दी है, रिलीजस आजादी दी हुई

[श्री मूल चन्द डाग।]

है। आखिर इस रिलीजन का मतलब क्या है? आक्सफोर्ड डिक्शनरी में रिलीजन का मतलब लिखा है —

“System of faith and worship; human recognition of superhuman controlling power and especially of a personal God entitled to obedience.”

जब मैंने इस बिल को पढ़ा तो मेरे दिमाग में इस संस्था के उद्देश्य और इसका चार्टर आया। उसका चार्टर कहता है —

“Auroville belongs to nobody in particular. Auroville belongs to humanity as a whole. But to live in Auroville one must be the willing servitor of the Divine Consciousness.”

इस संस्था की अपने चार्टर के अनुसार यह धारणा थी। उसी के आधार पर यह संस्था रजिस्टर हो चुकी थी। आज के हमारे शिक्षा मंत्री ने, और सौभाग्य से डा० कर्ण सिंह भी हमारे शिक्षा मंत्री रह चुके हैं, उन्होंने भी, मेरे ख्याल से इस पर ध्यान नहीं दिया या ध्यान देना आवश्यक नहीं समझा। लेकिन आज हिन्दुस्तान के अन्दर एक नयी बात हो रही है। हमारे यहां जो धार्मिक संस्थाएं हैं, उनकी प्रापर्टी का इंतजाम करने के लिए आप अपना कदम बढ़ा रहे हैं। अभी एक साल के लिए कह रहे हैं, फिर एक साल और बढ़ायेंगे और इस तरह से आप पांच साल से ज्यादा नहीं बढ़ायेंगे। आपके जो एक के बाद एक कदम उठ रहे हैं उन कदमों के बारे में आपको खुद को संदेह है। आप इस बिल के द्वारा अरविन्दो सोसायटी को कुछ समय के लिए लेना चाहते हैं। अभी तो इसे आप दो साल के लिए लेना चाहते हैं। अब कोई यह पूछे कि यह सोसायटी किस एक्ट में रजिस्टर्ड हुई तो आप कहेंगे कि वैस्ट बंगाल रजिस्ट्रेशन एक्ट के नीचे यह संस्था रजिस्टर्ड हुई। वहां रजिस्टर्ड होने के बाद, वहां के कानून के मुताबिक यह चलती रही। वैस्ट बंगाल गवर्नमेंट

ने इसके बारे में कभी कोई कदम नहीं उठाया इसके बारे में कि यह संस्था या सोसायटी धन का दुरुपयोग कर रही है, उस एक्ट के मुताबिक कदम उठाया जाना चाहिए था। हमारे शिक्षा मंत्री जी बड़े अच्छे शिक्षा मंत्री हैं। वे इस बात की हिम्मत करें कि वहां की रिपोर्ट को सदन की मेज पर रखें। इस सोसायटी ने वैस्ट बंगाल सोसायटी एक्ट के नीचे, रजिस्ट्रेशन एक्ट के नीचे जो आज तक काम किया है, क्या क्या धन का दुरुपयोग किया है, उसकी रिपोर्ट यहां रखें। इसके कांस्टीट्यूशन में लिखा था —

“The accounts of the society will be audited once a year by the Chartered Accountant’.

हर साल इसके हिसाब से सोसायटी देगी। वैस्ट बंगाल गवर्नमेंट ने कोई कदम नहीं उठाया कभी नहीं और हमारे मंत्री जी, जिनका कारण अच्छा हो सकता है, वे कहते हैं कि कंप्लेंट वर-रिसीव्ड। पार्लियामेंट के सामने बड़े-बड़े विद्वान बैठे हैं, बड़े ऊंचे वकील बैठे हैं और आप भी बड़े ऊंचे वकील हैं, कभी पार्लियामेंट के सामने आप लिखकर संस्था को ले लेंगे ?

Were complaints received? If so what are they? With what misuse the funds of the Aurobindo Society were put to? A committee was appointed? What are the terms and conditions of that Committee? Where is their report?

वो रिपोर्ट कहां है, सदन में है क्या? लेफ्टिनेंट गवर्नर साहब ने बैठकर जो रिपोर्ट बनाई थी, वो सदन में है क्या? रिपोर्ट दे दी 1977 में जब महाराजा कर्ण सिंह साहब मिनिस्टर थे। 1977 में वह रिपोर्ट पेश हो चुकी है। मुझे कहा जाए, आडिट रिपोर्ट भी की जाए, मैं भुगता हुआ हूं, कई साल एक संस्था का चेयरमैन रहा हूं, म्यूनिसिपैलिटी का चेयरमैन रहा हूं, जो आडिट आब्जेक्शंस होते थे मुझे मीट करने पड़ते थे,

अगर नहीं होते थे तो चेयरमैन प्रासीक्यूट किया जाता था। अब आप क्या कर रहे हैं ?

A report came to me after a detailed scrutiny of the accounts. Sri Aurobindo Society had the report of the Team which found instances of serious irregularities.

अगर कोई मुझे यह कहे कि सीरियस इरेगुलैरिटी पर एक हिम्मत करके तो यहां आकर बता दें कि मिस अप्रोप्रिएशन आफ प्रापर्टी पर उसक चुलान किया गया। शिक्षा मंत्री बने हैं दशहरे के दिन और दीवाली के दिन यह काम कर दिया, सारा ज्ञान हो गया अरविंदो सोसायटी का। दशहरे के दिन . . .

सभापति महोदय : दशहरे का दिन भी शुभ है, दीवाली का भी शुभ है।

श्री मूलचन्द उन्ना : बड़ा अच्छा दिन है, रावण के मरने का दिन था। बड़ा अच्छा काम किया इन्होंने। क्या किया कि ज्यों ही दीवाली का दिन आया, पर हमें भी बताइए हम भी पार्लियामेंट के मेंबर समझना चाहते हैं कि लाखों रुपया जाता कहां है, लेकिन उस मंदर ने एक बात कही थी कि यहां शराब पीने वाले, व्याभिचार करने वाले यहां वे लोम नहीं आ सकते इस संस्था में वो नहीं कि वे अपने कल्चर को लेकर आए। उन्होंने कहा कि मेरा जो परपज है that is my particular object.

लेकिन उस बात में नहीं। मिनिस्टर साहब आप बतलाएं। आप बड़े अच्छे विद्वान और समझदार हैं। क्या आपने उस सोसायटी को नोटिस दिया था ?

These are serious allegations against you. Please give a detailed reply. आदरणीय सभापति जी, न्याय एक बात कहता है कि जिसके साथ अन्याय कर रहे हैं उसको सुन भी लें। नेचुरल जस्टिस की डिमांड है। मैं यह नहीं कहता कि आप कुछ करें। मुझे यह नहीं कि आप संस्था को कुछ भी कर लें लेकिन

महाराजा कर्ण सिंह जी के वाक्य हैं जो धारा. प्रवाह बोलते हैं, भगवान ने उनको बुद्धि और ज्ञान सब दे रखा है, उन बातों को ध्यान में रख लें और श्रीमती इंदिरागांधी ने क्या कहा है अरविंदो आश्रम के लिए। आज श्रीमती गांधी की सरकार क्या करने जा रही है ? मैं उसको पढ़ना चाहता हूं। यह किताब लिखी हुई है कि श्रीमती इंदिरा गांधी द्वारा।

This is Shrimati Indira Gandhi's Book. It was written by her. This is what she says. I do not want to read the whole of it.

"The problem of man was viewed in the context of his future evolution and also as an inter-action between Mother and spirit. Sri Aurobindo, intently a patriotic and a revolutionary, described by Roman Rolland is the completest synthesis of the East and the West; declared man to be a transitional being who needed to undergo an integral spiritual transformation; not by escaping to some far heaven but here and now on this physical earth. This he felt was an issue of the whole world's upward expectation and fulfilment of the mother (Madame Mirra Alfara) who came from France in 1914, met Sri Aurobindo and made India her permanent home, to collaborate with him and to fulfil the task of integral transformation. She attained the highest spirituality and the near future will show the revolutionary effects of her work for humanity; for its lasting unity and harmony, and for this transformation into super-humanity".

मैं ज्यादा नहीं कहना चाहता। यहां पर एक सज्जन बैठे हुए हैं पी०वी० राजू साहब, वे इस संस्था के एक मेंबर हैं पहले स्टेट मिनिस्टर एक थीं, वह भी इसकी एक मेंबर थी। उन्होंने तथा इन्होंने एजुकेशन मिनिस्टर की हैसियत से लेटर लिखा था कि ये सब बातें गलत हैं, बकवास हैं, ये कुछ लोगों की बातें हैं कि वहां मिसयूज होता है। सारी बातें उन्होंने लिखी है

[श्री मूल बन्द गा]

उन्होंने यह भी कहा है कि हम संघ की मत मा। लेकिन आज बिना सोचे समझे बिना रीजंज दिए हुए आप आर्डिनेंस निकाल देने हैं। आपके आर्डिनेंस की आज हानत यह है कि वह लागू नहीं है। सुप्रीम कोर्ट जो उच्चतम न्यायालय है हिन्दुस्तान का और कांस्टीट्यूशन में जो उनके मानने की बात कही गई है उसको आपको चालिये था कि आप ध्यान में रखते।

मैं एक और कोटेशन देना चाहता हूँ :

This is from an Article written by Shri Swaminathan:

"The Constitution has created three authorities—Parliament, Executive and Judiciary. They are complementary and supplementary. All the three authorities have been assigned their respective roles and no-one can encroach upon the powers of the other. All must function within the four corners of the provisions of the Constitution. That is why it is stated that they derive the power from the Constitution and they cannot work at cross purposes."

दस नवम्बर का आर्डिनेंस आज लागू नहीं है। सुप्रीम कोर्ट ने कहा कि आपका जो आर्डिनेंस है वह लागू नहीं है, वह गलत है। उसने आर्डर कर दिया कि आपका आर्डिनेंस एनफोर्सबल नहीं है। मैं मानता हूँ कि पार्लियामेंट सुप्रीम है, सब बातें हैं। लेकिन क्या डीसेंसी नाम की कोई चीज नहीं है, क्या डीसेंसी हमारे में है कहीं? क्यों आप उसके साथ कन्फ्लिक्शन में आना चाहते हैं? उसने कह दिया है कि सोसाइटीज एक्ट के नीचे कोई क्लॉज नहीं और यह सारी कौम की प्रापर्टी है, इसको पांडीचेरी आश्रम वालों को वापिस दे दो। सोसाइटी ने भी कहा है कि अगर गवर्नमेंट चाहे तो हम वहां उसका

एकाउंटेंट रखने के लिए तैयार है, एकाउंटेंट चैक करवाने के लिए तैयार है। मैं आपको उसकी आडिट रिपोर्ट में बनवाना चाहता हूँ कि कितनी नारीफ उस में इस मोमाइटी की की गई है। मैंने कम में कम पंद्रह आडिट रिपोर्ट्स का फेंस किया होगा। लेकिन इस रिपोर्ट में कहा गया है कि हम ने बहुत अच्छा काम किया है। श्री साहब ने निश्चा है कि यह संस्था को बढ़ानी चाहिये और मैं चाहता हूँ कि यह बड़े और इसको बढ़ाने के लिए यह संस्था कुछ और काम करे। मैं चाहता हूँ कि बी० ए० श्री साहब को बनाया जाए, एटर्नी जनरल साहब को बनाया जाए और उनमें इन सब चीजों के बारे में पूछा जाए कि क्या संविधान में यह लिखा हुआ है कि किसी भी संस्था को ले लो? श्री साहब आफिगर आन रोगल ड्यूटी हैं। मई 1977 में उन्होंने यह रिपोर्ट दी थी। यह 96 पेजज की रिपोर्ट है। आप इस रिपोर्ट को पढ़ लें। यह 1977 में दी गई थी। उसके बाद जनता पार्टी की हकमत रही, लोक दल की हकमत रही। आज हमारी हकमत है। सन् 1977 के बाद एक नोटिस दिया था कि इस संस्था में यह गबन है, मिस-अप्रोप्रिएशन है, मिस-यूटिलाइजेशन है। लेकिन एक वे एलीगेशन लगाकर कह दिया कि गवर्नमेंट की एक कमेटी बनाई गई है। वह कमेटी इस सदन की नहीं बनाई गई। आज आप क्यों इसे लेने जा रहे हैं?

आज हमारे एजुकेशन मिनिस्टर, जो कि महाराष्ट्र के चीफ मिनिस्टर रह चुके हैं अगर वह रिपोर्ट रख देते तो मैं एग््री हो जाता कि वहां पर गबन है। अगर आडिट वाले कहते तो मैं मानता कि गबन है। कोई केस अदालत में चलता या प्रासीक्यूशन होता तो गबन

होता, लेकिन बैठे-बैठे दिमाग में आया कि इसको ले लें। मैं जानना चाहता हूँ कि इसको लेने के क्या कारण हैं? कितनी ही धार्मिक संस्थाएँ इस हिन्दुस्तान में हैं, आचार्य रजनीश आश्रम चला रहे हैं, वह एक नये भगवान बने बैठे हैं, हर एक की प्रापटी है। क्या गवर्नमेंट हर एक को लेकर वहाँ पर एडमिनिस्ट्रेटर मुकर्रर करेगी, प्रशासक बनायेगी। उस एडमिनिस्ट्रेटर को क्या क्वालिफिकेशनज होंगी? नो क्वेश्चन आफ क्वालिफिकेशनज। वहाँ एक •आई० ए० एस० आफिसर जायेगा जो वहाँ जाकर मिगरेट पियेगा और रात को दारू पियेगा। उस तरह का एडमिनिस्ट्रेटर एक्वाइन्ट किया जायेगा। मैं मंत्री जी से जानना चाहता हूँ कि वह क्या बिल लाये हैं। वहाँ पर कम मेम्बर जायेंगे, उन मेम्बरों की क्या क्वालिफिकेशनज होंगी। इस तरह में अरविन्दो सोसाइटी में मूलचन्द डागा जैसे लोग मेम्बर बन जायेंगे, तो ज्यादा धार्मिक नहीं हैं, बल्कि राजनीतिवा है। इस तरह के राजनीतिक लोग वहाँ पहुँच जायेंगे। न तो हम में डा० कर्णामिह जैसा ज्ञान है न कुछ है, मंत्री जी बतायें, वहाँ कौन मेम्बर बनेगा, उसकी क्या क्वालिफिकेशन होगी?

मंत्री जी एक कदम रखते हैं, सुप्रीम कोर्ट ने इसीलिये इंटीरियम आर्डर दे दिया। आपके वकील ने जवाब दिया कलकत्ता हाई कोर्ट में कि अभी हमारा लेने का इरादा नहीं है। जब उन्होंने वैंकेट किया। फिर सुप्रीम कोर्ट में दो दिन की छुट्टी हो गई, तो उन्होंने लिखा "We direct as an interim measure that the present committee may carry on the day-to-day administration. It shall not take any major policy decision."

मैं जानना चाहता हूँ कि यह किस पर चपत लगा, किस के गाल पर तमाचा लगा? आर्डिनेन्स इश्यू हो गया, उसके

बाद एक तमाचा लगाया सुप्रीम कोर्ट ने और उनको कह दिया कि आप अपना काम करते रहें। उनके पास सम्पत्ति रहेगी, प्रापटी उनके पास रहेगी और काम भी वह चलायेंगे। मैं मंत्री जी से जानना चाहता हूँ कि अब वह किस क्लॉज्ज को पास करवा रहे हैं? सुप्रीम कोर्ट ने अपना इंटीरियम आर्डर दे दिया। सुप्रीम कोर्ट ने अपने आर्डर में कहा है:—

The present Committee shall not expend more than Rs. 5,000, at a time without the prior permission in writing of the Administrator. The Committee shall maintain true and correct accounts of all its dealings which will be submitted for an inspection of the Administrator at the end of every week.

Writ petition filed by Shri Aurobindo Society and pending in the High Court of Calcutta shall stand withdrawn to this Court under Article 139-A of the Constitution for hearing by this Court.

सुप्रीम कोर्ट ने अपना आर्डर इश्यू कर दिया है और सरकार ने टाइम ले लिया है। सरकार को अपने फैक्ट्स तैयार रखने चाहिए थे और उसी दिन ऐफिडेविट में अपना रिप्लाइ दे देना चाहिए था। सरकारी वकील को उसी दिन कहना चाहिए था कि आप गलत आर्डर पास कर रहे हैं, मैं अपने रिप्लाइ के साथ तैयार हूँ।

आज जबकि पार्लियामेंट यह बिल पास कर रही है, सुप्रीम कोर्ट का आर्डर स्टैंड करता है। पार्लियामेंट को यह बिल पास करने का अधिकार है, लेकिन जब सुप्रीम कोर्ट का आर्डर मौजूद है, तो हमें उसके साथ कानफ्रेंटेशन करने की क्या जरूरत है?

इसमें एक प्रिसिपल का सवाल है कि हमारी जो आध्यात्मिक और धार्मिक

[श्री मूल चन्द डागा]

संस्थायें डीनामिनेशनल सैक्ट्स के रूप में कार्य कर रही हैं और अपने ढंग से भवनान् को प्राप्त करने तथा आत्मा के नजदीक रहने का रास्ता बता रही हैं, क्या उन्हें काम करने का अधिकार है या नहीं। जैसा कि मैंने कहा है, सुप्रीम कोर्ट और पार्लियामेंट का कान्फेंशन नहीं होना चाहिए। कलकत्ता हाई कोर्ट में एक डिक्लेरेटरी सूट फाइल किया गया है। जब सरकार पहले ही तीन साल तक इन्तजार कर चुकी है, तो वह थोड़ा इन्तजार और कर सकती है। अगर वह आर्डर को वैकेट करवा लेती है, तो बांग कहेंगे कि न्यायालय का निर्णय हो गया है, अब आरोविल को ले लेना चाहिए। शिक्षा मंत्री हमें बतायें कि हमने इतने लोगों को प्रासीक्यूट किया है और इतने रुपये का गबन हुआ है। जहां तक आडिट वालों का सम्बन्ध है, वे तो कहते हैं कि कलम के बदले पैन क्यों ले लिया। लिखने के लिए कलम नहीं मिला, इसलिए पैन ले लिया। लेकिन कोर्स आबजेकशन तो होना चाहिए सीरियस इर्रमुलेरिटीज का मतलब फंडज का एमवेअलमेंट नहीं है। वह रिपोर्ट हमारे सामने नहीं है।

यह बड़ा महत्वपूर्ण प्रश्न है, जिसका संबंध संविधान के आर्टिकल 26 से है। शिक्षा मंत्री ने संविधान के प्रति दो बार शपथ ली है। मैंने एक बार ली है। मैं समझता हूँ कि अगर हम पहले आर्डर को वैकेट करायें और फिर इस बिल को लें तो पार्लियामेंट की शोभा बढ़ेगी। वर्ना मंत्री महोदय सदन के सामने रिपोर्ट रख कर यह साबित कर दें कि इन इन कारणों से हमें यह कदम उठाना पड़ा है। सब प्रश्नकारों में खबर निकल गई है कि स्टे आर्डर इश्यु हो गया है। लेकिन शिक्षा मंत्री जी कहते हैं कि मैं आज ही

बिल पास कराऊंगा। सब सदस्य भी कहते हैं कि यह बिल पास होना चाहिए। सरकार को कोई रोक नहीं रहा है लेकिन सुप्रीम कोर्ट ने जिस एसेपेक्ट को टच किया है, उस पर भी विचार करना चाहिए। मान लीजिए कि कल सुप्रीम कोर्ट ने आर्टिकल 26 के तहत इस कानून को स्ट्राइक डाउन कर दिया, तो क्या शिक्षा मंत्री फिर बिल लायेंगे ?
(शुद्धबान)

SHRI XAVIER ARAKAL (Ernakulam): Please refer to Clause.11.

SHRI MOOL CHAND DAGA: I have read each and every Clause.

मैंने कुछ एमेंडमेंट मूव किये हैं।

तो मेरा यह कहना था कि प्राय मेहरबानी कर के इस पर एक दफा विचार करें और विचार करने के बाद अगर इस को रखें तो ज्यादा अच्छा होगा। फैक्ट्स एण्ड फिगर्स अगर सब के सामने हों तो निर्णय लेने में आसानी होगी। इसलिए मैंने यह कहा कि इस को कमेटी में भेज दीजिए। चार-पांच दिन में कमेटी निर्णय कर लेनी। मैं नहीं कहता कि ज्यादा लम्बा समय उस के लिए रखिए। अगर कमेटी में इस पर विचार हो जाए और वहां निर्णय करने के बाद इसे यहां लाएं तो अच्छा होगा। इसलिए मैंने यह एमेंडमेंट रखा है।

17.00 hrs.

SHRI M. RAMANNA RAI (Kasaragod): Mr. Deputy Speaker, Sir. I support the Bill. After hearing the arguments of various members, I am fully convinced that the Bill has been introduced in a proper time. Many speakers have supported Aurobindo society, some of them have supported Auroville committee and some other speakers are in favour of Aurobindo Ashram. But after hearing all the

speeches I am fully convinced that something is really wrong either with the Aurobindo Society of Auroville. The way in which the government has introduced this Bill is not appreciated. There was no necessity to bring an Ordinance. Government would have, in the ordinary course, introduced a Bill, because now the government wants to say, the Minister wants the House to believe that there is some irregularity; the fund of the society has been diverted to some other purpose than what was the intention of the founder.

The government had received the report in the year 1977. So, after three years, what was the necessity to bring the Ordinance. It has been made very clear that if the government wants to have a good legislation or wants to bring a good act, the government does it only by bringing it through an Ordinance. That part of the government is objectionable.

The purpose for which Auroville society was started was really a good purpose. Everybody knows that Shri Aurobindo Moharishi was a real and great son of India; and in the same way, the Mother also had her own views regarding the human society. So, we have no complaint about their intention. To what pass now the situation has reached is very important. Now, the government is ready to take two years. I am doubtful whether this period of two years which the government is ready to take is sufficient, because the investigation conducted by the government reveals that the committee has, after a detailed scrutiny of the accounts of Aurobindo Society, found an instance of serious irregularity in the management of the said Society, misutilization of the fund and the diversion of this fund to other purposes. Now, the government may conduct an enquiry only into certain aspects. Only a little enquiry reveals that there is an instance of irregularity in the functioning of Aurobindo Society. After taking two years, there will be people, interested people who will raise hue and cry.

Government must immediately hand over the activities of the Aurobindo Society or the Auroville. Government should not yield to the cries, but at the same time Government should conduct an elaborate and detailed inquiry into this matter, because a small inquiry, a small investigation into this matter reveals huge irregularities. So, what I want to submit is, that Government must have a detailed inquiry into this matter. Why I say this is because in Auroville there are Central Intelligence Agency agents and anti-national activities are going on in Auroville. So, to convince the people how they are functioning and about the idea of Auroville, a detailed inquiry and investigation is necessary. Only then, after that, if the Government feels that it could be entrusted again to the Aurobindo Society or Auroville can they do that. Unless such an investigation is conducted and the background of the enemies of Auroville is fully revealed, and they are fully known to the people of India, such diversion of taking over should not be there. But after taking over Auroville, after taking over the organisation, after conducting a detailed enquiry and investigation, and taking over, the report must be placed before this House and then if necessary arrangements may be made to punish those anti-national people and to revive the activities of Auroville and Aurobindo Society, necessary steps may be taken by the Government. So, with these few words I support the bill.

MR. DEPUTY-SPEAKER: Shri Krishan Dutt.

श्री कृष्ण दत्त (शिमला): माननीय उपाध्यक्ष जी, हमारे माननीय मंत्री महोदय जो अध्यादेश लाए हैं, मैं उसका समर्थन करने लिए बड़ा हुआ हूँ। इसके सम्बन्ध में यहाँ पर काफी वातावरण चली है और हमारे विपक्ष के सदस्यों ने तथा हमारे सदस्यों ने भी इसका कड़ा विरोध किया है। मैं समझता हूँ यह उचित

[श्री कृष्ण दत्त]

वान नहीं है। जहाँ तक इस देश का ताल्लुक है हमारी सरकार कभी नहीं चाहती कि कोई ऐसी संस्था अपने अस्तित्व में ली जाए, जिसमें देश में ऐसी हवा पैदा हो कि हम धार्मिक संस्थाओं को नहीं मानते हैं। लेकिन यह संस्था जो अग्रविन्द के नाम से मण्डल है जिसमें दस हजार एकड़ जमीन भारत सरकार ने राज्य सरकारों से लेकर दी है और वहाँ पर बहुत सी राज्य सरकारों ने तथा अन्य लोगों ने योगदान किया है। एक ऐसा वातावरण पैदा करने के लिए यह किया गया, अपने को संतुष्ट करने के लिए, अपना आचरण बनाने के लिए यह किया गया ताकि इस देश में ऐसा वातावरण हो कि मजदूरी नहीं लेंगे बल्कि सहयोग और सहायता मिलेगी राज्य सरकारों की तरफ से और अपने आप वहाँ पर काम करेंगे, वहाँ पर कारखाना लगायेंगे जिसमें प्रोडक्शन होगा लेकिन कोई तनहवाह नहीं लेंगे। इस तरह से समाज के लिए करेंगे, एक अच्छे नागरिक के ढंग से रहना सीखेंगे। मार्वाजनिक जीवन में इसका निर्वाह करेंगे, एक इंसान की तरह से इन्मानी जीवन व्यतीत करेंगे। लेकिन जैसा कि सुनने में आया है, जिस तरह से गड़बड़ी हुई है; जिस तरह से संस्था के नाम को कर्लकित किया गया है उसको बर्दाश्त करने के लिये कोई भी तैयार नहीं होगा। अगर हमारी हाई कोर्ट या सुप्रीम कोर्ट ने कर लिया, तो ठीक है लेकिन हमारी यह पार्लियामेंट सुप्रीम है। हमारी प्रधान जी को जो संदेश है, हम नहीं चाहते हैं कि कोई उसके खिलाफ कार्यवाही करे। हम चाहते हैं कि देश में जो धनारत्निक पैदा करने वाली संस्था है, जैसा कि अपोजीशन की तरफ से एक साथी ने कहा कि उसमें सी० आई० ए० वाले आ गए हैं और बड़े-बड़े घनाइम-लोग जो हैं, उस पर कब्जा करना चाहते हैं, वहाँ के वातावरण को खराब करना चाहते

हैं, वहाँ पर शराब पीना चाहते हैं, इस तरह से वे इस संस्था के लक्ष्य को खत्म करना चाहते हैं। मैं यह समझता हूँ कि यह उचित नहीं है और हमारी सरकार ने जो कदम उठाया है, वह वाजिब है। हमारी सरकार ने वहाँ तमिलनाडु की सरकार को शामिल करके जो कुलकर्णी कमेटी बनाई गई उसकी रिपोर्ट लेकर जो कदम उठाया है, हम इसकी सराहना करते हैं। इस देश की इज्जत बचाने के लिए यह कार्यवाही की गई है। संस्था के प्रोग्राम को आगे बढ़ाने के लिए यह काम किया गया है। जिसकी मैं सराहना करता हूँ और जो लोग इसकी मुखालिफत करते हैं उनका मैं पुरजोर विरोध करता हूँ।

SHRI RATANSINH RAJDA (Bombay South): Sir, these are the days of science and spiritualism. The blending of science and spiritualism is sought to be implemented and ideal is sought to be created on the soil of Auroville. That was the dream of the Mother and Sri Aurovindo. We in India are very much proud about the ideal of Universal Brotherhood—

वसुधैव कुटुम्बकम् and we have imbibed that spirit. We were on the wave of sublimity when Dr. Karan Singh was addressing this House. He spoke about human consciousness, the sublime and the highest point where the human mind can reach. I would like to congratulate Dr. Karan Singh on his lucid analysis of the situation as far as this subject is concerned. It is a happy augury that this House has cut across the party lines on this subject. I would appeal to each and every hon. member of this House to approach this subject in a dispassionate manner and to take a detached view of the entire situation.

What is the exact situation we are confronted with? What is the exact problem we have to face and what have we to decide? There are certain

misconceptions in the minds of some hon. members. Actually there are three distinct organisations—Aurobindo Ashram, Aurobindo Society and Auroville. Some members are mixing up the three together and thinking that the Government is attacking Aurobindo Ashram, due to sentimental reasons, they take a particular stand. As far as Government intervention is concerned, I am not for it. The moment Government takes over a public institution, it would be setting a very bad precedent. But this is an organisation conceived of as a city of human unity, a township which is known as the City of Dawn—in such idealism, in the case of such a township which aims at such high ideals, we shall have to consider dispassionately what should be our approach and how we shall find out the remedy for the ills afflicting it. We have been informed that a report was submitted. One report was by a committee headed by the Lt. Governor. Unfortunately that report is not here on the Table of the House and members have not got the benefit of going through it. So, it is very difficult to come to some conclusion on the basis of that report. There was an report. I am told I very much wish that we could go through these reports and if we find that there are culprits, they should not be spared. When people join such an organisation and create vested interests for their own personal benefit and to establish their own authority, such people are always dangerous to any organisation which is having a very high ideal. From that viewpoint I would request the Government to lay on the Table of the House the report of the Committee headed by the Lt. Governor and also the auditors' report. I do not know why the Government is fighting shy of publishing the report or to lay it on the Table.

As we are informed and if there is falsification of accounts, if there is mis-management of the funds of the Society and if some people have diverted the funds meant for Auroville to some other thing, then it is naturally

a very serious matter and we cannot be a silent spectator to that. But what is the alternative; what should be the remedy as far as this thing is concerned? I would say that the whole trouble has started because the Sri Aurobindo Society and those who are managing the affairs, feel that it is their birthright to capture and to manage the affairs of Auroville which is the distinct and independent township, quite a different thing. But since the funds are channelled through the Sri Aurobindo Society they feel that it is their right to dominate and to have a dominant position in the affairs of Auroville. Having said this, I would say that this confusion which has been prevalent should be removed. It was the task of the Government to remove this confusion because the gentleman who is controlling the Sri Aurobindo Society feels that it is his duty, a pious duty that, to control all the affairs of Auroville. From that the vested interest has been created and from that all the events have taken place and the repercussions have come. Allegations and counter-allegations have been made. Some people have talked against the foreigners. If some foreigners inspired by the high ideals of the Mother and subscribing to the ideals propounded by The Mother, have come to this township of international brotherhood, there is nothing wrong. I am told that some of the foreign friends gave away and donated whatever they had, to the last penny. They came here so that they could also be one of the cogs of the machine and to create the township of human unity. They were inspired by the high ideals. If there are complaints that some people are indulging in nefarious activities, this again, becomes a thing to be probed.

From this viewpoint I would request the Government that it should not take over an institution like this because that would set a very bad precedent. Today, Government would try to take over Auroville, tomorrow they may take over some other good public institution. This should be

[Shri Ratansinh Rajra]

discouraged. That is my very clear view. But how do the Government and the Parliament find a way out? My friend, Shri Unnikrishnan, has requested the entire House that the Attorney-General should be called so that he can enlighten the House of the correct legal position or otherwise. I think, this is a very constructive suggestion and the entire House should agree to this suggestion.

Apart from that, I am very much inclined that persons like Dr. Karan Singh, who have imbibed the spirit of The Mother, the ideals of Auroville, should be appointed to help this Society. And in that Society people who have no axe to grind should be appointed to monitor, to supervise and to conduct the affairs of the Society.

MR. DEPUTY-SPEAKER: Have you taken his permission?

SHRI RATANSINH RAJDA: He belongs to the public sector.

SHRI RATANSINH RAJDA: He is a part and parcel of the Sri Aurobindo Society and he has just now informed the House that he is an Aurovillian. From that view point, I am suggesting that, I am sure, he has imbibed the spirit of that high ideal and all those ideals by which he stands. I have suggested it from this view-point. This is merely my suggestion. It is for the House to decide it. I would request Shri Shankarrao not to take it over as a governmental institution, because it would be a retrograde step. You can find a *via media* through which you can monitor the affairs and cleanse the Augean Stable. Because, there are two groups and naturally there is cut-throat competition and neck and neck fight is going on. Some persons who can take a detached view, a dispassionate view, who would not take sides, they should be asked to set things right. From this point of view, I would request the Government not to take over the entire Auroville, the management and everything, but to monitor it through

some body, which would set things right.

श्री सुन्दर सिंह (फिल्लोर) : डिप्टी स्पीकर साहब, मैं एजुकेशन मिनिस्टर साहब को दिन से बघाई देता हूँ और उनसे प्रार्थना करता हूँ कि श्रीरोविल्लों जो और भी हिन्दुस्तान में हैं जो कि हिन्दुस्तान तबाह कर रहे हैं, मजहब के नाम पर तबाह कर रहे हैं उनके साथी भी ऐसा ही सलूक होना चाहिए। हमारे पंजाब में जिला जालंधर में मूडल मन्दिर है। वहाँ पर भी लोग लड़ते मरते हैं, मजहब के नाम पर बँले बैठ कर खाते हैं। निकम्मे बैठ कर खाते हैं। ऐसे विल आपको इन जगहों के लिए भी लाने चाहिए। मैं आपको बताना चाहता हूँ कि—

Where should you seek for God? Are not the poor, the miserable, the down-trodden Gods? Worship them first. I do not believe in God or religion, which cannot wipe out tears from the widow's eyes or bring a morsel of food to the orphan's mouth. This was which Swami Vivekanand had said. Then, education is not the amount of information that is put in your brain and runs riot there, undigested all your life. You must have the man-making, life-building, character-building and assimilation of ideas. If you have assimilated five ideas and made them your life and character, you are more educated than a man who has got by heart the whole library. If education were identical with information, then the libraries would be the greatest sages in the world or encyclopaedia the rishis.

महाराज आप इस पर धमल करने की तकलीफ करें। इस पर आप धमल कर के बतलाएं। हमारी जो आज एजुकेशन है उसमें भी यह महजहबी लोग गरीब लोगों को ऊपर नहीं आने देते हैं, और मजहब के नाम पर खूब पैसा इकट्ठा करते हैं। गरीब आदमी भूखों मरते हैं और पुजारी बैठ कर खाते हैं। मैं

आपको बताना चाहता हूँ कि ह्यूमेनिटी क्या है ? महात्मा गांधी ने कहा है -

Our civilisation, our culture, our Swaraj, do not depend upon multiplying our wants and self-indulgence, but upon restricting our wants and self-denial. This was what the father of the Nation had said.

जो आदमी दुनिया में सब से तंग जगह पर रहता है, जो सब से कम चीजें अपने लिए इस्तेमाल करता है वही सोमायटी में ऊंचा उठता है, नाम पाता है। जो आदमी इन्मान को एक्सप्लाण्ट करता है, वह खुद को एक्सप्लाण्ट करता है। महात्मा गांधी ने असली मजहब चलाया था। उन्होंने करेक्टर बिल्डिंग की बान कहीं थी। जिसकी करेक्टर होता है उसको देखकर दूर से ही पता चला जाता है कि कोई शानदार आदमी जा रहा है।

यह जो सोमायटी एजुकेशन मिनिस्टर साहब लेने जा रहे हैं इसके लिए मैं उनको दिल से बधाई देता हूँ। डागा साहब इस सोमायटी की बहुत तारीफ कर रहे थे। मगर मैं बताना चाहता हूँ कि आज गरीब आदमी भूखों मर रहे हैं और ये मजहब के नाम पर निकम्मे बैठ कर खा रहे हैं।

I do not want to be re-born but if I have to be re-born, I should be born as an untouchable so that I may share their sorrows, their sufferings afflicted upon them. I, therefore, pray, if I have to be born again, I should not be born as a Brahmin or Kshatriya or Vysya or Shudra, but an Atishudra. This was said by Mahatma Gandhi.

महात्मा गांधी ने कहा था कि मैं सबसे नीचा हूँ। हिन्दुस्तान की कोई बीमारी ऐसी नहीं है जो मुझे न लगे, हिन्दुस्तान का कोई ऐसा नीचा काम न हो जो मैं न कर सकूँ। तब वे फादर आफ नेशन बने थे।

Truth, purity and unselfishness—where these three are present, there is no power below and above the sun to crush the possessor thereof. Equipped with these even a single man can stand against the whole universe in opposition. Arise, awake and stop not till the goal is reached, said Swami Vivekanand.

आप बड़े नायक हैं, इसमें कोई शक नहीं है। हिन्दुस्तान धर्म की जगह है यहाँ कोई पाखण्ड नहीं चल सकता। लोग समझते हैं कि ह्यूमिनिटी क्या चीज है। चलने फिरने से ही आदमी का पता चल जाता है कि कौन सा आदमी अच्छा है। कांग्रेस ने गरीबों की मदद की है। आप जवाहरलाल नेहरू को देखें। क्या ऐसा आदमी आप पैदा करेंगे ?

ग्रंट में मैं आपका धन्यवाद करता हूँ। जहाँ जहाँ मजहबी इदारों में गंदगी है, जहाँ जहाँ लोग निकम्मे बैठकर खाते हैं, नड़ाई झगड़ा करते हैं इन सब को सरकार ले ले।

SHRI BHOGENDRA JHA (Madhubani): Mr. Deputy-Speaker, Sir, we have all sorts of questions—constitutional, philosophical, religious political...

(Interruptions)

MR. DEPUTY-SPEAKER: Hon. Members you have got to complete this Bill today. Therefore, please cooperate. Already two hours are over. Now, we are taking more time.

(Interruptions)

SHRI BHOGENDRA JHA: As far as this particular problem is concerned, I think that Parliament has got the right to enact legislation because the supremacy of Parliament is there, and in that respect Parliament is supreme to enact any legislation with regard to the affairs concerning our country. But, Sir, the question of propriety comes in here as to whether on such an issue where the court

[Shri Bhogendra Jha]

has issued an 'injunction' we should rush for passing this Bill at this moment. That is the question of propriety and here I have got some doubts. I would like the Minister to clarify this point and to think over it.

As far as the philosophical question is concerned, I do not want to go into the details, but people have mixed it up and certain things have to be clarified. Aurobindo never started any separate religion and so, Auroville of the Aurobindo Ashram is not based on any religion. In respect of going into the depths of ancient Indian philosophy it can be said that it is not religious. There was no concept of personal God. Shri Daga has correctly quoted from the Oxford Dictionary. There religion has been defined as believing in personal god. In Sankhya, Mimamsa, Nyaya, Yoga, and in all these sutras—I am talking of the original—personal god was non-existent because those philosophies were born in a classless society. There was no ruler and no ruled, and there was no necessity of the State. So, personal god was unborn at that time. That concept emerged later when society was based on classes in Bharat. Ours is the only country in the world which has this peculiar word that our social and State laws never interfere with the personal ways and beliefs of an individual. And that is a matter for pride for us. So, we should not treat this as a religious issue.

As we all know, when Yudhishtira, who led the Pandavas, headed by Krishna asked Bhishma what dharma was, replied:

धरणं हि मित्राह्वयैर्न विदुताः प्रजाः ।
यः स्वत् धरणतयुक्तः सधर्म इति निश्चरः ॥

Whatever helps the maintenance of the public good, whatever helps the common good of the people, is

dharma. So, at that time also the concept of a personal god was unborn. That is the classical definition of dharma. I think that many must be knowing it here.

Things have been stated here on both sides, and I think there are grave errors on both sides. Some pertinent questions do arise.

MR. DEPUTY-SPEAKER: You belong to which side?

SHRI BHOGENDRA JHA: What is the objection of the Government to place on the Table of the Government the report of the committee of enquiry, as also the audit report with regard to irregularities in the functioning of the institution, so that people could know what the position is?

Secondly, is it a fact that the orders of deportation passed by the Government of India some years ago against certain persons were not carried, and now the violators of the deportation orders are being rewarded?

So far as the reign of terror is concerned, the ordinary law of the land is there. Take over cannot be justified on this ground.

I would also like to know from the hon. Minister whether he met the members of the Society when he went there, whether he had informed the society in advance of his visit, whether they refused to meet him.

The UNESCO, in 1968, had requested the governments of the world to co-operate in the Auroville project as a symbol of our concept of *vasudhavia kutumbakam*, and also the modern concept of one world. Earth was brought from all over the world so that it could be a symbol of the future world. There are very honest and very sincere people who believe that only through spiritual efforts we can have a world of our

liking, but the reality goes against that, because the spirit emerges out of matter, and the two cannot be separated. Without a change in the material condition, the spiritual condition cannot be changed. We have again and again been affected through-out history by our material condition. So, I am not clear whether the UNESCO effort would be rewarded here.

The only saving grace in this Bill is that this measure is for a temporary period, with a limited objective. One can have faith in the Government's words, or one can have grave doubts, because we have been told that three are certain officers in the Ministry who are interested in this matter. So, I do not know whether the House will be asked to extend it again and again and make it an endless affair.

I may not like Auroville or the philosophy behind it, but I must protect the rights of these people to go their own way, to travel their own path. That is our basic philosophy and culture.

I am not very much enthused to support the Bill, nor do I oppose the Bill. I would like the Minister to enlighten us in this background so that we are enabled to vote with a free mind.

SHRI HARIKESH BAHADUR (Gorakhpur): I am going to make some suggestions. Fundamentally, I am very much against this concept of taking over any cultural, spiritual or religious organisation. It is also some sort of spiritual or cultural organisation. This Government, after taking over, after grabbing the political power, they want to capture almost all the cultural and religious organisations also. It is a wrong tendency. It is a tendency of authoritarianism which this Government has been accused of on many occasions by many people. Public Sector undertakings are already under the control of the Government. There

are several organisations which have been taken over by the Government. Everywhere we find there is a lot of corruption, lot of mis-management bungling, etc. It will further add to this particular chain. It will be a link in the chain of corruption and nothing more.

It is said that there is a lot of mismanagement there. If there is mismanagement, Government should have taken administrative action. Thing could have been improved. But Government chose some other way. Actually trouble started from 1976-77 when Government started ignoring the recommendations of Aurobindo Society and started issuing visas unilaterally without consulting their organisation. Previously their recommendations were always accepted and were considered. Visas were granted as per their wish. Therefore after some time some people entered that organisation who started creating some sort of hooliganism as has been described by many people and that had actually brought the name of this institution to disrepute. Now the point is whether Government will be able to correct it after taking it over? If proper persons are not put...

MR. DEPUTY SPEAKER: With your co-operation they will be able to do.

SHRI HARIKESH BAHADUR: My co-operation is always there.

As hon. Shri Unnikrishnan has suggested, Attorney General of India should be called here and he should enlighten us on this particular subject. I think it will be better if Government considers this proposal.

The second suggestion which I would like to give is that this Bill should go to a Select Committee. I do not know whether Government is prepared for this or not. If Government is going to take over and constitute a Board, at least there should be two M.Ps. one from each House

[Shri Harikesh Bahadur]

of Parliament and they should be duly elected by these Houses. (*Interruptions*) I will be very happy if Dr. Karan Singh is taken into that Committee or he is appointed Chairman of that Committee. I certainly suggest and recommend his name. But it is for the Government to take Dr. Karan Singh or not.

These are my suggestions. I would like to request the hon. Education Minister through you to decide according to the suggestions made by us. Most of the Members are concerned with it. I hope the hon. Education Minister will take our suggestions into account.

THE MINISTER OF EDUCATION AND SOCIAL WELFARE (SHRI S. B. CHAVAN): Mr. Deputy-Speaker, Sir, I am grateful to all the members of the House who have participated in the discussion on this very important measure which the Government has undertaken.

At the outset, I would like to make one point absolutely clear and that is that we do not propose interfering in the religious beliefs of any religious faith. This was done more because of the international commitment that we had, the three resolutions which were passed by UNESCO and the responsibility which devolved on the Government of India to see that if any mismanagement was brought to their notice, they should not be silent spectators and that they should try to correct the entire situation. At the same time, I do not know how far the Government will be able to come to the expectations which Dr. Karan Singh has expressed here. We can keep proper accounts; we can do proper auditing. As Mr. Daga has pointed out, if anybody has misappropriated any amount, though we have not been thinking in terms of

prosecuting the persons concerned, and hon. Members seem to be very insistent that if the Government is on so sure ground, why not prosecute the persons concerned, this is a suggestion which can be considered by the Government. If the matter is so serious and, absolutely, if the proof is available, certainly I can assure the House that the Government will not hesitate to take even that step also.

Let me also assure Mr. Daga that it was not at the instance of any particular officer that the Government has taken any decision. I do not think it is necessary for me to plead for any particular officer. But, at the same time it is my moral responsibility to defend an officer who is not present here to defend himself. Some allegations have been made that the officer was chiefly responsible for bringing this kind of an Ordinance. I can assure the House that the officer has done his duty. Three or four Education Ministers have gone through the records. The responsibility devolved on me to go to the Cabinet, get their approval and issue an Ordinance and then come to the House. But to say that it was only one officer who was trying to do all this is very unjust and very unfair. I do not think that we have the tradition in this House to make this kind of an allegation.

I know, there are some office-bearers of the Aurobindo Society who are interested in denigrating certain officers so that once you demoralise those officers, they feel that the work of the entire Government can come to a complete standstill. I do not think they are correct in this thinking of their own. But I must make clear the point that he has done his duty and not that we have acted blindly. We have also applied our mind; the Cabinet has also applied its mind. The matter was referred to the Law Ministry; everything was examined from the legal and constitutional point of view also.

One thing which was alleged against one of the officers was that he was a trustee. I believe, Mr. Unnikrishnan is a person who knows what are the institutions in Auroville or in Pondicherry. Still I do not know how he has confused all these things. As one of the members rightly pointed out, some of the foreigners, when they came to Auroville, surrendered all their belongings to the Society on the condition that for their maintenance and other things, certain sums will be advanced by the Society. The quarrel started when the office-bearers of the Society started dictating these inhabitants by saying, "You have to obey the orders of the Society." They said, "We are not going to obey any body's orders. We have come here; we want to live as free citizens here. If there is anything, certainly, you can tell us. If we are convinced about it, certainly, we will do it." Thereafter, I am given to understand—this is the information given to me by my officers—that even the maintenance amount which was given to them was stopped. They had to actually work in the fields; they had to do some other work in order to make their own living. At this point of time, Auro Mitra, another organisation, was founded by JRD Tata; JRD Tata intervened finding that this was the condition of the Aurovillians who had come there all the way from different countries, having surrendered all their belongings to the Society, that this was the kind of treatment to which they were subjected, and he founded another organisation in which one of the trustees was Mr. Kirit Joshi. I must tell the hon. Members that, before he joined the Government in May, 1980, he submitted his resignation as the trustee; he is no more a trustee there. So, JRD Tata had founded this kind of an organisation and he was a trustee there. As a trustee also, he was not being paid anything, he was not getting anything. But it is a matter of principle whether any officer should become a trustee or not. Certainly, it

is a matter which can be gone into. But as the position stands today, in May, 1980, he had submitted his resignation; he is no more a trustee.

PROF. MADHU DANDAVATE: The parallel Ashram will also continue?

SHRI S. B. CHAVAN: It is good you have raised that point. . .

PROF. MADHU DANDAVATE: Otherwise, there will be one Ashram in the public sector and one in the private sector!

SHRI S. B. CHAVAN: I am sorry, the Ashram has nothing to do with the Society. Ashram is one, the Aurobindo Society is another and the Auroville is the third. We are not taking over the Society also. For the information of Mr. Unnikrishnan also, I may say that we are not taking over the affairs of the Society. It is only the Auroville part of it which we are taking over because there is an international commitment due to which we have to accept this responsibility.

SHRI BHOGENDRA JHA: What about Auro Mitra founded by Tata? Why not take it over?

SHRI S. B. CHAVAN: Auro Mitra is a different organisation with which Government has nothing to do. We have not contributed anything in this. In the case of Auroville, the State Government and the Central Government, together, have contributed about Rs. 90 lakhs and that too for a specific purpose. I do not want to go into the details as to whether the amount given for a particular project can be diverted by the Society. I have at least made myself absolutely clear on this issue that *prima facie* there is a good case; in the action taken against the Society, there is nothing wrong; it is not because of any prejudice, it is not because of any other thing, it is not at the instigation of anybody. I can assure

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Dr. Karan Singh also that I am aware of the fact that there is factionalism in Auroville; there are two factions fighting each other. We do not propose to hand over this Auroville to them. One Administrator has been appointed and there are going to be five other Advisers. An International Advisory Council is proposed to be set up. Government has also taken a decision to appoint this Council. But, after the Bill is passed, the names can be announced. I can assure the House that, once the hon. Members come to know of the names of these members, every one of them will be satisfied that it is not for taking over a certain property or a Society that Government has taken this kind of an action. People who are, in fact, very eminent in the international field are going to be in that Advisory Council...

SHRI INDRAJIT GUPTA (Basirhat): Who will actually run the show? This is only an Advisory Council.

SHRI S. B. CHAVAN: It is the Administrator. His job is going to be to correct the accounts, that the work which has been completely stopped and thereafter come to the greater ideal which Dr. Karan Singh is putting forth. We will have to discuss that with him. At least in the Bill there is nothing of that nature. We would like to be advised by him as to what he has to say in the matter.

Let me also take this opportunity...

SHRI BHOGENDRA JHA: On a point of order. This is a Bill which is before the House. It has not yet been passed into a law. One should not presume that the Bill will be passed in that very form in which he has brought forward here—Advisory Council, etc. Therefore, Sir, is it correct or appropriate or valid for the Minister to say that the

names also have been finalised?

Sir, the names are there in his mind and the Bill is yet to be passed by the House. I want you to give a ruling whether it is proper for the government to have finalised the names before the Bill is passed.

SHRI S. B. CHAVAN: I never said that the names have been finalised. All I said was that we have taken a decision to have this committee of Advisers who are going to be men of international repute. That is stated in the Bill itself and there is nothing new that I have said.

I must suppose that I have met the points made by Mr. Unnikrishnan and Mr. Daga and Mr. Shejwalkar who wanted the Bill to be circulated for public opinion.

SHRI K. P. UNNIKRISHNAN: I did not want.

SHRI S. B. CHAVAN: It was Mr. Daga's suggestion. One of his suggestions was for seeking public opinion and the second one was for sending it to a Joint Committee.

MR. DEPUTY-SPAKER: Mr. Daga's suggestions for all Bills to be sent for eliciting public opinion.... He is the greatest democrat.

SHRI S. B. CHAVAN: Mr. Unnikrishnan suggested calling the Attorney General and about the points he wanted the Attorney General to be consulted, I have clarified at the very beginning. I do not think there is any legal or constitutional difficulty and so there is no point in requesting the Attorney General to come to the House to explain the position.

Mr. Unnikrishnan wanted to have information as to some deportation orders issued against some foreign nationals. I have made an inquiry and I am given to understand that those deportation orders are not going to be effected and the Home Ministry has informed us that they are not going to proceed in those cases...

AN HON. MEMBER: Why?

SHRI S. B. CHAVAN: I do not know. It is for them. I cannot say.

SHRI K. P. UNNIKRISHNAN: It is a very important matter. You will have to investigate into it.

SHRI S. B. CHAVAN: You just wanted to have the information. So I just got it from the Ministry. Why they took this kind of a decision, you ask them. Certainly they will be able to tell you. I am only giving the factual information.

SHRI N. K. SHEJWALKAR: Is it a fact that the orders were passed twice against those persons for deportation?

SHRI S. B. CHAVAN: I have clarified it. I have nothing more to add. I request the House to pass the Bill.

SHRI K. P. UNNIKRISHNAN: In addition to this, my charge was that people without valid Indian visas are staying there. They continue to stay and operate there. They continue to be hauled up for criminal offences. What are you going to do about it? It is a matter very well within the scope regarding the future of this project.

SHRI S. B. CHAVAN: If there are any foreign nationals who will believe in the objectives of Auroville and if it is merely a question of difficulty of the visa, certainly we will recommend their cases to the Home Ministry to see that the visas are given to them.

SHRI K. P. UNNIKRISHNAN: Even to those who are indulging in anti-national activities?

SHRI S. B. CHAVAN: Recommending the cases for visa is not for the first time being contemplated. It has been there since long.

MR. DEPUTY-SPEAKER: Shri N. K. Shejwalkar.

SHRI BHOGENDRA JHA: Mr. Deputy Speaker, Sir...

MR. DEPUTY-SPEAKER: I am not permitting you. You have already spoken. He has already replied to it. You please allow him... (Interruptions). This is not correct. He has got a right of reply. I have called him. He has got to reply. You will allow the normal thing to go. What is this? You may continue, Mr. Shejwalkar.

SHRI N. K. SHEJWALKAR: Sir, I was with great attention trying to hear the hon. Minister as to whether he would like to explain why this Ordinance was brought.

I am afraid he has not pointed out any reason for the urgency. Anyway it is up to him.

Before I come to other points, may I say, what he meant by the international commitment to the UNESCO? Does the hon. Minister consider Tindivanam—Auroville area—which is part of the Tamilnadu as something not to be included in the Indian territory? Are not the laws of India applicable to that territory? Are the people there free to be there without visas? Even though the deportation orders are passed, they continue to be there. Does the hon. Minister mean that? I can understand about UNESCO. Once their idea was that there should be such a place—this is a very important thing—which should be a window to the whole of the world of the teaching of Aurobindo. Without the teaching of Sri Aurobindo, they did not mean that there should be a settlement of any of the foreign nationals. We have heard about the teachings. I just said in the beginning that the teachings were very important and they must not have illicit liquor etc., etc. Formerly, the practice was that while giving visas, the committee was consulted. After all you know how the visas are to be granted. At the time of granting visas you have to see that those who are not having proper visas against whom deportation orders are passed are not allowed to live there. I do not know how the hon. Minister is saying that their cases would be

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considered now. I am very much surprised to hear that answer.

He was talking of the UNESCO contributions and said that contributions of the Government were of the order of Rs. 96 lakhs while the contributions of UNESCO were just Rs. 40,000. I do not know why he is being so much scared about the UNESCO affairs. It was very good that they wanted to participate in that good project. That does not mean we should be swayed away by other extraneous matters. Something which cannot be allowed is done there. The hon. Minister does not say a single word about laying of the report on the table of the House. Nor he has explained why an opportunity to explain was not given to the concerned people. That is the principle of natural justice against whom you want to take action. Some opportunity of being heard should be given. You have not said anything about it. Similarly you do not say anything about the Audit Report.

SHRI RAM SINGH YADAV (Alwar): On a point of Order, Sir. After the reply of the Minister, only questions may be put and the answers given.

MR. DEPUTY-SPEAKER: No no. He is a mover of the Resolution.

SHRI N. K. SHEJWALKAR: Probably he is a new Member.

MR. DEPUTY-SPEAKER: Is it the pleasure of the House to extend the time of the House by ten minutes?

SEVERAL HON. MEMBERS: Yes, yes.

MR. DEPUTY-SPEAKER: The time is extended by ten minutes.

SHRI N. K. SHEJWALKAR: I am finishing it within a short time provided they do not obstruct me. I shall be brief.

Where is the Audit Report? You should have laid it on the table of the House. You have put in so many charges about the Auroville but you have not said anything about the Audit Report. (Interruptions). Sir, I brought to your notice the letter wherein a suggestion was made by a committee member that if you have any doubt regarding the accounts and functioning of the committee then you appoint three officers from the Government and one officer of the Indian Audit and Accounts Service to be there on the committee and they can look into the matter and help in the functioning of the committee. But you were not kind enough to give a reply to this point.

Sir, some of my friends took the names of such and such person. I do not want to make any allegation against any individual who can not defend himself. We have got Rule 353 which provides that no allegation should be made. I would only like to say that if there are any remarks against any individual or institution, those remarks should not have been made.

Now, Sir, why Auro Mitra was formed. They are two different committees. I brought to your notice one letter where one of the firms of Talas have written to Auroville society that such and such amount was paid. That point has also not been explained by the hon. Minister. Similarly there was a suit filed by Aurobindo Society against the so-called Auroville society and a permanent injunction was passed that they cannot function as Auroville society. Thereafter Auro Mitra was registered by them in Delhi. When all these things were known I fail to understand why no show-cause notice was given and why they were not asked to come around the table. I think that would have been proper. Sir, not only justice should be done but it should appear to have been done. Nothing of that type has been done. Neither were you kind enough to reply to all these queries. So, I feel not satisfied with the reply and,

as such, I still stick to the Resolution and I pray that the same may be accepted.

MR. DEPUTY-SPEAKER: I shall now put the Statutory Resolution to the vote of the House. The question is:

"This House disapproves of the Auroville (Emergency Provisions) Ordinance, 1980 (Ordinance No. 19 of 1980) promulgated by the President on the 10th November, 1980."

The motion was negatived.

MR. DEPUTY-SPEAKER: I shall now put motion No. 19 moved by Shri K. P. Unnikrishnan to the vote of the House. The question is:

"That this House recommends to the Government that the Attorney General of India be requested to address the House to clarify certain constitutional aspects of the Bill in respect of:

(a) the question of legislative competence of Lok Sabha in relation to the matters of a Society registered under an Act passed by a State Legislature in pursuance of its inherent and exclusive powers ...emanating from Entry 32 of List II of the Seventh Schedule of the Constitution of India; and

(b) whether an association or denominational group following a specific system of spiritual beliefs; distinctive philosophical-cum-religious standpoint and discipline such as the Sri Aurobindo Society composed of the devotees of Sri Aurobindo and the Mother would be entitled to the protection of article 25 and 26 of the Constitution of India. (19)".

The motion was negatived.

MR. DEPUTY-SPEAKER: I shall now put amendment No. 1 to motion for consideration moved by Shri Mool Chand Daga.

Amendment No. 1 was put and negatived.

MR. DEPUTY-SPEAKER: I shall now put amendment No. 2 to motion for consideration moved by Shri Vasant Kumar Pandit.

Amendment No. 2 was put and negatived.

MR. DEPUTY-SPEAKER: I shall now put amendment No. 3 to motion for consideration moved by Shri Mool Chand Daga.

Amendment No. 3 was put and negatived.

MR. DEPUTY-SPEAKER: The question is:

"That the Bill to provide for the taking over, in the public interest, of the management of Auroville for a limited period and for matters connected therewith or incidental thereto, be taken into consideration.

The motion was adopted.

MR. DEPUTY-SPEAKER: Now, we will take up clause-by-clause consideration of the Bill. The question is:

"That clause 2 stand Part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3 was added to the Bill.

Clauses 4 to 18 were added to the Bill.

Clause 1, the Enacting Formula, the Preamble and the Title were added to the Bill.

SHRI S. B. CHAVAN: I beg to move:

"That the Bill be passed".

MR. DEPUTY-SPEAKER: The question is:

"That the Bill be passed".

The motion was adopted.