

# HARYANA VIDHAN SABHA

Bill No. 14— HLA of 2025

## THE APARNA INSTITUTION (TAKING OVER OF MANAGEMENT AND CONTROL) BILL, 2025

A

### BILL

*to provide for the taking over, in the public interest, for a limited period, for proper and efficient management and control of Aparna Institution situated within the revenue estate of Village Silokhra, District Gurugram, falling within the territorial jurisdiction of the State of Haryana, and for matters connected therewith and incidental thereto.*

Be it enacted by the Legislature of the State of Haryana in the Seventy-sixth Year of the Republic of India as follows:-

1. (1) This Act may be called the Aparna Institution (Taking Over of Management and Control) Act, 2025. Short title and commencement.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In this Act, unless the context otherwise requires,- Definitions.

- (a) "Administrator" means the Administrator appointed by the Government under section 5;
- (b) "appointed day" means the date of publication of this Act in the Official Gazette;
- (c) "Government" means the Government of the State of Haryana;
- (d) "Institution" means Aparna Institution situated at Village Silokhra, Tehsil Wazirabad, District Gurugram, Haryana;
- (e) "property" means the land ad-measuring 24 acres 16 marlas situated within the revenue estates of Village Silokhra, Tehsil Wazirabad, District Gurugram, Haryana and all the buildings existing thereon, and all other properties of whatever nature as form part of, or are relatable to the Institution and all other rights and interests arising out of such properties;
- (f) "prescribed" means prescribed by the rules made under this Act;
- (g) "Society" means Aparna Ashram Society (Registration No. S-5766 of 1973-74) registered under the Societies Registration Act, 1860 (Central Act 21 of 1860) having its registered office at A-50, Friends Colony, Mathura Road, New Delhi.

Vesting of  
management and  
control of  
Institution in  
Government.

3. On and from the appointed day and for a period of ten years thereafter, the management, control and possession of the property of the Institution and as was immediately before the appointed day under the management and control of the authority/governing council of the Institution by whatever name called shall vest in the Government, and all persons responsible for the management and control of the business and affairs of the Institution immediately, before the appointed day, shall cease to exercise such control and management and shall be deemed to have vacated their offices as such: Provided that if the Government is of the opinion that in order to secure the proper and efficient management of Institution and its further development after the expiry of the said period of ten years, it may, issue directions for the continuance of such management for such period, not exceeding five years, at a time, as it may think fit.

Overriding effect.

4. Notwithstanding anything contained in any other law for the time being in force in the Memorandum of Institution,-

- (a) on and from the appointed day, every member of the Authority/Governing Council of the Institution, by whatever name called, shall cease to exercise any powers whatsoever of management and control in relation to the Institution;
- (b) it shall not be lawful for the members of the Authority/Governing Council of the Institution by whatever name called or any other person to nominate or appoint any person to look after the management and control of the Institution in any manner whatsoever or its property of whatever nature as form part of, or are relatable to the Institution and all other rights and interests arising out of such property;
- (c) no resolution in relation to the Institution passed by the members of the Authority/Governing Council of the Institution by whatever name called shall be given effect;
- (d) no proceedings for the dissolution of the Institution or merger of the Society with any other Institution or for the appointment of a receiver in respect of any asset forming part of, or relatable to the Institution, the management and control of which has vested in the Government under section 3, shall lie in any court except with the written consent of the Government.

Administrator and  
his powers.

5. (1) The Government shall, as from the appointed day, appoint a person as the Administrator, in such manner, having such qualifications and experience, as may be prescribed for the purposes of carrying on the management of the Institution for and on behalf of the Government.

(2) The Administrator so appointed, notwithstanding anything contained in the Societies Registration Act, 1860 (Central Act 21 of 1860) or any other law for the time being in force, shall in relation to the Institution exercise the powers of the Authority/Governing Council, by whatever name called.

(3) The Administrator may, from time to time, shall take instructions from the Government as to the manner in which he shall conduct the management of the Institution or in relation to any other matter including its further development arising in the course of such management.

(4) The Administrator, with the prior written approval of the Government, may appoint any person(s) for the conduct and management of the Institution. The person(s) so appointed shall exercise such powers of the Administrator in the same manner as has been conferred on that person (s) directly by this Act and not by way of authorization.

(5) The Administrator may delegate any of its powers to the person(s) appointed under sub-section (4) for the purposes of carrying out the management of the Institution for and on behalf of the Government.

(6) The Administrator shall have the power to institute, defend or take part in, any suit or legal proceedings by or against the Institution.

(7) The Administrator and any other person (s) appointed by him under this Act shall receive such remuneration, as may be prescribed.

6. The Government, in order to ensure proper and efficient management and control of the Institution and for the assistance of the Administrator shall, constitute a committee, consisting of such persons, having such qualifications and experience, as may be prescribed. Constitution of committee.

7. The Government may, on an application made by the Administrator or the committee, as the case may be, give grant or advance to the Institution, on such terms and conditions, as the Government may specify for the purposes of managing the business and affairs of the Institution and its further development. Advance or grant by Government.

8. The Administrator with the assistance of the committee shall make every possible endeavour to achieve the following aims and objectives, namely:- Aims and objectives of Institution.

- (i) to make yoga more popular through diffusion of useful knowledge of yoga among the masses through education, research, training and dissemination to enable the general public to regain health and vigour, to cure problems and the diseases which are curable by resorting to the practice of yoga;
- (ii) to educate people the art and science of yoga in its manifold aspects particularly the higher stages of the same without distinction of any kind whatsoever;
- (iii) to undertake and facilitate practical courses and training in the field of yoga and its application to the well-being and upliftment of humanity;
- (iv) to educate people in the art of healthy living and in eradicating the injurious habits of consuming LSD (lysergic acid diethylamide) and other spurious drugs and drinks with a view to build a better society;
- (v) to teach natural and simple methods of rescuing mental tensions and removing mental imbalance;

- (vi) to create atmosphere for self-purity, universal brotherhood, peace and spiritual values and provide facilities and training for the same;
- (vii) to organize conferences, lectures, seminars, tours and set up study-groups and training programmes;
- (viii) to bring out books, various other publications and literature on yoga with a view to disseminate wider and deeper understanding of the same and to foster its acceptance as a way of life and as developed system;
- (ix) to give assistance, fellowships, scholarship, stipend, or any other kind of benefit to any person, organization or Institution with a view to promote any of the objects of the Institution;
- (x) to invite scholars to take advantage of the facilities offered by the Institution and/or to benefit the Institution by their knowledge and experience;
- (xi) to constitute or cause to be constituted branches, centers, anywhere considered necessary for carrying out, attainment, or in furtherance of any of the objectives;
- (xii) to issue appeals and make applications for money and funds for furtherance of the objectives and to accept gifts, donations and subscriptions in cash or kind;
- (xiii) to assist or cooperate with or to seek assistance of cooperation from associations, institutions, societies etc. engaged in similar objects;
- (xiv) to invest and deal with the advance, grant of money and any other amount received by the Institution in the manner, as may be prescribed;
- (xv) to acquire, purchase, or otherwise own on lease or hire, temporarily, or permanently, any movable or immovable property, necessary or convenient for the furtherance of the objects of the Institution, and to maintain, cultivate or to raise construction on such land;
- (xvi) to establish ashrams, yoga guest house, undertake agricultural and dairy farming, carry out gardening and plantation pursuits and to establish and maintain health resorts and swimming places;
- (xvii) to construct, maintain, alter, improve, or develop any building or works as may be necessary or contingent thereto;
- (xviii) to borrow money on such terms, as considered necessary;
- (xix) to look after the welfare and provide facilities as considered necessary for persons working with the Institution;
- (xx) to do all such lawful acts as considered necessary and conducive to the attainment or furtherance of all or any of the objective.

9. (1) Every person having, on the appointed day, in his possession, custody or control any property(s) forming part of, or relatable to the Institution, shall deliver forthwith such property(s) to the Administrator or to any officer or other employee of the Government, as may be authorised by the Government in this behalf.

Delivery of possession of property.

(2) Any person who has, on the appointed day, in his possession or under his control, any book, paper or other documents relating to the Institution (including the minute books containing resolutions in relation to Institution adopted by persons in charge of the management of the Institution before the appointed day, the current cheque books relating to the Institution, any letters, memorandum, notes and other communication between him and the Institution shall, notwithstanding anything contained in any other law for the time being in force, be liable to account for the books, papers and other documents (including such minute books, cheque books, letters, memorandum, notes and other communications), to the Administrator or to such other person (being an officer or other employee of the Government), as may be authorised by the Government in this behalf.

(3) Every person in charge of the management of the Institution immediately before the appointed day shall, within seven days from that day or within such further period as the Government may allow in this behalf, furnish to the Administrator, a complete inventory of all the properties and assets (including particulars of donations received, book of accounts, investments and belongings) forming part of, or relatable to the Institution immediately before the appointed day and all liabilities and obligations of the Society in relation to the Institution subsisting immediately before that day and also of all agreements entered into by the Society in relation to the Institution and in force immediately before the appointed day.

10. (1) If the Government is satisfied, after such inquiry, as it may think fit, that any contract, transfer, lease, agreement or any other arrangement entered into at any time in relation to the Institution with any other person, in so far as such contract, transfer, lease, agreement or any other arrangement relates to the management of the Institution, has been entered into in bad faith, or is detrimental to the interests of the Institution, it may make an order cancelling or varying (either unconditionally or subject to such conditions, as it may think fit to impose) such contract, transfer, lease, agreement or any other arrangement and thereafter, the contract, transfer, lease, agreement or any other arrangement shall have effect accordingly:

Contracts, transfers etc. in bad faith may be cancelled or varied.

Provided that no contract or agreement shall be cancelled or varied except after giving to the parties to the contract or agreement a reasonable opportunity of being heard.

(2) Notwithstanding anything contained in any law for the time being in force, no person in respect of whom any contract, transfer, lease, agreement, or other arrangement is terminated under sub-section (1), shall be entitled to claim any compensation for the premature termination of such transfer, lease, agreement, or other arrangement.

Offences and penalties.

11. Any person who-

- (a) having in his possession or custody or control any asset or property forming part of, or relatable to the Institution, wrongfully withholds such asset or property from the Administrator or any person authorised under this Act; or
- (b) wrongfully obtains possession of any such asset or property forming part of, or relatable to the Institution; or
- (c) wilfully retains any asset or property forming part of, or relatable to the Institution, or remove or destroy it; or
- (d) wilfully withholds or fails to deliver any books, papers or other documents relatable to the Institution which may be in his possession or custody or under his control, to the Administrator or any person authorised under this Act; or
- (e) fails, without any reasonable cause, to furnish any inventory of properties and assets as provided in sub-section (3) of section 9,

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

Offences by companies.

12. (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other employee of the company, such director, manager, secretary or other employee shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly. Explanation.- For the purposes of this section,-

- (a) "company" means any body corporate and includes a firm or other association of individuals; and
- (b) "director" in relation to a firm, means a partner in the firm.

Protection of action taken in good faith.

13. No suit, prosecution or other legal proceeding shall lie against the Government, any of its officer or other employee, the Administrator or any person authorised under this Act for anything, which is done or intended to be done in good faith.

14. The provisions of this Act or any notification, order or rule made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any law other than this Act or in any instrument having effect by virtue of any law other than this Act or in any decree or order of any court..

Act to have overriding effect.

15. (1) The Government may, by notification, make rules to carry out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid as soon as may be after it is made before the State Legislature.

16. (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Power to remove difficulty.

Provided that no order shall be made under this section after the expiry of two years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before the State Legislature.

## STATEMENT OF OBJECTS AND REASONS

WHEREAS, Swami Dharendra Brahmachari, a renowned yoga guru was of the view that yoga is the only solution of all the problems and the diseases which are not been cured by allopathic/ other types of treatments. He left no stone unturned to popularise yoga through physical demonstrations and speaking about its benefits. His efforts did lead to some benefits to the people but the dimensions of such benefits were limited. On review of his efforts after a period of time, he felt that the health problem of the nation cannot be effectively cured by individual efforts, and that to ensure large scale benefit to humanity, there was a great need for making yoga more popular through institutionalization, to enable people to regain their health and vigour by resorting to the practice of yoga.

AND WHEREAS, in furtherance thereof, Swami Dharendra Brahmachari incorporated and got registered a Society under the name and style of Aparna Ashram (Regn. No. S-5766 of 1973-74) under the Societies Registration Act, 1860, with the Registrar of Societies, District South-East, New Delhi, having its registered office at A-50, Friends Colony, Mathura Road, New Delhi, for diffusion of useful knowledge of yoga among the masses through education, research, training and dissemination.

AND WHEREAS, apart from incorporating the said Society, Swami Dharendra Brahmachari also created an institution namely Aparna as a separate entity through an instrument of Memorandum of Institution (MoI) and constituted its independent Governing Council consisting of four members including himself for carrying out the aims and objectives of the said institution and entrusted it the control and management of the institution. The aims and objectives enumerated under the MoI empowers the institution to acquire, purchase, or own any movable or immovable property for establishing yoga ashram, guest houses, undertaking agricultural and dairy farming, carrying out gardening, plantation pursuits, health resorts and swimming places. The said Society was made for the benefit of the public at large, therefore, the said Society comes within the definition of a public trust.

AND WHEREAS, Swami Dharendra Brahmachari wanted to develop the said institution as a research, development and training centre of yoga, a medical centre of various patients and a conference centre for various yoga scholars of the world. He was of the view that the necessity of spreading the knowledge of yoga in the present mechanized world is of great importance as the cases of physical and mental diseases resulting in disappointment, frustration and mental worries are increasing day by day among the people.

AND WHEREAS, in furtherance to set up, develop and establish the proposed institution, Swami Dharendra Brahmachari purchased land ad-measuring 24 acres 16 marlas situated within the revenue estates of Village Silokhra, Tehsil Wazirabad, District Gurugram, in the name of Aparna Ashram with the help of donations, grants and the financial assistance received by him from time to time from the Central Government and vested the said land in the institution. Thereafter, various buildings were constructed over the said land after spending crores of rupees 2 and various yoga related activities were started therein. The said institution is located near Sector 30, Gurugram.

AND WHEREAS, in the year 1989, the Government of Haryana, published notification dated 30.01.1989 under Section 4 of the Land Acquisition Act, 1894, notifying that the lands of Villages Silokra and Sukhrali, Tehsil & District Gurgaon, described therein are required for the public

purpose which also included the aforesaid land and building of the institution. After publication of the said notification, the General Body and/or the Governing Council of the Society were prohibited to deal with the said land and building of the institution as a free agent and to create any encumbrances whatsoever in respect of the same. Swami Dharendra Brahamchari filed objections dated 07.03.1989 under Section 5A of the L.A. Act, 1894 before the Land Acquisition Collector seeking release of the said land and building of the institution from acquisition on the grounds stated therein. The said objections were dismissed and declaration dated 25.01.1990 under Section 6 was issued. Aggrieved therefrom, Swami Dharendra Brahamchari filed CWP No. 3117/1990 before the High Court of Punjab and Haryana, praying for issuance of writ of certiorari for quashing the said notifications. Perusal of averments of the said writ petition reveals Swami Dhirender Brhamchari's mission of life and the aims and objectives with which he incorporated and got registered the said Society.

AND WHEREAS, on 09.06.1994, Swami Dharendra Brahamchari died in a plane crash. After his demise, the Society stood divided in two groups, one led by Laxman Chaudhary and the other led by Murali Chaudhry. Later on, Murli Chaudhry removed Subash Dutt and K. S. Pathania of his group from the primary membership of the Society and the said persons formed their separate group. From time to time, these groups enrolled persons of their confidence to increase their majority.

AND WHEREAS, for the past several years inter see disputes are going on between the Society and its members and for the last more than two decades these groups are litigating with each other. These groups are trying to illegally and unauthorisedly sell the aforesaid land and building of the institution against the aims and objects of the institution for their personal gains. There is every likelihood that the moveable and immoveable properties of the institution may get destroyed which will frustrate the very purpose with which the institution was created. Therefore, for the management, administration, control and regulating the activities of the institution, it is expedient in the public interest to take-over, the management and control thereof in order to achieve the aims and objectives of the institution and to fulfil the wish and will of a yoga guru. Any delay in taking over the management of the said institution would be highly detrimental to the interests, aims and objectives of the said Institution as well as that of the general public and for that purpose to provide for the taking over for the management and control of the said institution.

The Bill seeks to achieve the above objectives.

RAO NARBIR SINGH,  
Industries Minister, Haryana.

The Governor has, in pursuance of Clauses (1) and (3) of Article 207 of the Constitution of India, recommended to the Haryana Legislative Assembly the introduction and consideration of the Bill.

Chandigarh :  
The 24th March, 2025.

DR. SATISH KUMAR,  
Secretary.

**N.B.—** The above Bill was published in the Haryana Government Gazette (Extraordinary), dated the 24<sup>th</sup> March, 2025, under proviso to Rule 128 of the Rules of Procedure and Conduct of Business in the Haryana Legislative Assembly.

**FINANCIAL MEMORANDUM**

As per provision made in Section 7 of the proposed Aparna Institution (Taking over of Management and Control) Bill, 2025 the Government may, on an application made by the Administrator or the committee, as the case may be, give grant or advance to the Institution, on such terms and conditions, as the Government may specify for the purposes of managing the business and affairs of the Institution and its further development. However, advance or any grant cannot be forecasted at this stage.

## **MEMORANDUM REGARDING DELEGATED LEGISLATION**

Under Section 3 of the proposed The Aparna Institution (Taking Over of Management and Control) Bill, 2025 powers have been delegated to Government for management, control and possession of the property of the Institution for a period of ten years. Under Section 5(1) of the proposed Bill powers have been delegated to Government to appoint an Administrator. Under Section 5(3) of the proposed Bill powers have been delegated to Government as to the manner in which Administrator shall conduct the management of the Institution or in relation to any other matter including its further development arising in the course of such management. Under Section 5(4) of the proposed Bill powers have been delegated to Government to give written approval to the Administrator to appoint any person(s) for the conduct and management of the Institution. Under Section 6 of the proposed Bill powers have been delegated to Government to constitute a committee, consisting of such persons, having such qualifications and experience, as may be prescribed to ensure proper and efficient management and control of the Institution and for the assistance of the Administrator. Under Section 7 of the proposed Bill powers have been delegated to Government to give grant or advance to the Institution, on such terms and conditions, as the Government may specify for the purposes of managing the business and affairs of the Institution and its further development on an application made by the Administrator or the committee, as the case may be. Under Section 9(1) of the proposed Bill powers have been delegated to Government to authorize any officer or other employee of the Government to take delivery of any property(s) forming part of, or relatable to the Institution from every person having such property, on the appointed day, in his possession, custody or control. Under Section 9(2) of the proposed Bill powers have been delegated to Government to authorize such other person (being an officer or other employee of the Government) to take account of the books, papers and other documents (including such minute books, cheque books, letters, memorandum, notes and other communications) from any person who has, on the appointed day, in his possession or under his control, any book, paper or other documents relating to the Institution (including the minute books containing resolutions in relation to Institution adopted by persons in charge of the management of the Institution before the appointed day, the current cheque books relating to the Institution, any letters, memorandum, notes and other communication between him and the Institution. Under Section 9(3) of the proposed Bill powers have been delegated to Government to allow to extend the period for every person in charge of the management of the Institution immediately before the appointed day to furnish to the Administrator a complete inventory of all the properties and assets (including particulars of donations received, book of accounts, investments and belongings) forming part of, or relatable to the Institution immediately before the appointed day and all liabilities and obligations of the Society in relation to the Institution subsisting immediately before that day and also of all agreements entered into by the Society in relation to the Institution and in force immediately before the

appointed day. Section 10(1) of the proposed Bill powers have been delegated to Government to make an order cancelling or varying (either unconditionally or subject to such conditions, as it may think fit to impose) any contract, transfer, lease, agreement or any other arrangement, if the Government is satisfied, after such inquiry, as it may think fit, that such contract, transfer, lease, agreement or any other arrangement entered into at any time in relation to the Institution with any other person, in so far as such contract, transfer, lease, agreement or any other arrangement relates to the management of the Institution, has been entered into in bad faith, or is detrimental to the interests of the Institution. Under Section 15(1) of the proposed Bill powers have been delegated to the Government to make rules to carry out the purposes of this Act. Under Section 16(1) of the proposed Bill powers have been delegated to the Government to make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing any difficulty arising in giving effect to the provisions of this Act.

Hence, the memorandum regarding delegated legislation as required under rule 126 of the Rule of the procedure and Conduct of the Business of the Haryana Legislative assembly is enclosed.