

National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Rules, 2000

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National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Rules, 2000

Ministry of social Justice and Empowerment, Noti. No. G.S.R. 639(E), dated July 26, 2000, published in the Gazette of India, Extra., Part II, Section 3(i), dated 27th July, 2000, pp. 17-32, No.

410 [F. No. 1-3/99-NI-II] In exercise of the powers conferred by Section 34 of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 (44 of 1999), the Central Government hereby makes the following rules, namely :

1. Short title and commencement :-

(1) These rules may be called the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Rules, 2000.

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

2. Definitions :-

In these rules unless the context otherwise requires,

(a) "Act" means the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 (44 of 1999);

(b) "Form" means the form annexed to these rules;

(c) "State level agency" means any State authority or committee constituted by the Board under Section 13 of the Act;

(d) "year" means the financial year commencing from the 1st day of April and ending on the 31st day of March following;

(e) all other words and expressions used herein and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Procedure for election of Members :-

(1) The Central Government shall make the initial appointment by nominating nine persons as Members on the Board, from amongst the registered organisations out of which three Members each shall be from voluntary organisations, association of parents of persons with autism, cerebral palsy, mental retardation and multiple disability and from association of persons with disability for a term of three years.

(2) The Board shall, three months prior to the expiry of the term of office of the nine Members representing the registered organisations invite nominations from amongst the organisations

registered with it under Section 12 of the Act.

(3) The vacancies caused on completion of the term of office of these nine Members shall be distributed amongst the registered organisations with three members each from (a) voluntary organisations, (b) association of parents of persons with autism, cerebral palsy, mental retardation and multiple disability, and (c) association of persons with disability, in such manner that amongst three voluntary organisations under clause (a), one each shall be working in the area of mental retardation, in the area of autism and in the area of cerebral palsy; from amongst three association of parents of persons with disability under clause (b), one each shall be from the area of mental retardation, autism and multiple disabilities; and from amongst three representatives of associations of persons with disabilities under clause (c), one shall be from the area of cerebral palsy and two from the area of multiple disabilities.

(4) Where the number of nominations received by the Board is more than the number of vacancies, the Board shall hold elections by postal ballot for the vacancies.

(5) Where nomination is not received for any category representing registered organisation as specified in sub-rule (2), the Board may make appointment by nomination to the given vacancy. Conditions of service of the Chairperson and members:

4. Salary :-

The salary of the Chairperson shall be equivalent to the basic pay of the Secretary to the Government of India and as admissible dearness allowance and city compensatory allowance: Provided that where the Chairperson is a retired person from the Central Government or a State Government or Union territory Administration or semi-Government body or Public Sector Undertaking or a recognised research institution or other autonomous or statutory body, the salary payable together with the pension or pensionary value of the terminable benefits or both received by him shall not exceed the basic pay of Secretary to the Government of India.

5. Dearness allowance and the travelling allowance :-

(2) The non-official Members shall be eligible for receiving sitting fee of rupees five hundred for each day of the meeting of the Board and they shall also be paid travelling allowances as per the rules of the Central Government for attending the Board meetings.

6. Powers and duties of the Chairperson :-

(1) The Chairperson shall be responsible for calling and presiding over all the meetings of the Board.

(2) The Chairperson shall move the Board to take into consideration his views in regard to any matter which is required to be considered by it, or any matter required by the Central Government to be considered by the Board.

(3) The Chairperson shall be responsible for the proper functioning of the Trust including local level committees and ensure implementation of the policies and programmes of the Trust.

(4) The Chairperson may give directions to the Chief Executive Officer for implementation of the decision taken by the Board. Rules of procedure for transaction of business at the meeting of the Board:

7. Membership Roll :-

(1) The Member-Secretary shall keep a record of names of the members and their addresses.

(2) If a member changes his address, he shall notify the new address to the Member- Secretary, who shall thereupon enter his new address, in the official records, and if he fails to notify his new address, the address as in the official records shall for all purposes be treated as his correct address.

8. Notice of Meetings :-

(1) The meetings of the Board shall ordinarily be held at the Trust headquarters on such dates as may be fixed by the Chairperson.

(2) The Chairperson shall upon the written request of not less than five members of the Board, call a special meeting of the Board.

(3) Fifteen clear days' notice of an ordinary meeting and five clear days' notice of special meeting specifying the time and the place at which such meeting is to be held and the business to be transacted thereat, shall be given by the Member-Secretary to the members.

(4) The notice of a meeting may be given to the members by delivering the same by messenger or sending it by registered post to his last known place of residence or business in such other manner as the Chairperson, may, in the circumstances of the case

thinks fit or by electronic mail.

(5) No member shall be entitled to bring forward for the consideration of the meeting any matter of which he has not given ten clear days' notice to the Member-Secretary, unless the Chairperson in his discretion, permits him to do so.

(6) The Board may adjourn its meetings from day to day or to any particular day.

(7) Where a meeting of the Board is adjourned from day to day, notice of such adjourned meeting shall be given to the members available at the place where the meeting was adjourned by a messenger and it shall not be necessary to give notice of the adjourned meeting to other members.

(8) Where a meeting of the Board is adjourned not from day to day but from the day on which the meeting is to be held to another date, notice of such meeting shall be given to all the members as provided in sub-rule (4) of this rule.

9. Presiding Officer :-

The Chairperson shall preside at every meeting of the Board and in his absence, the members present shall elect one of the members to preside over the meeting.

10. Quorum :-

(1) One third of the total members shall form the quorum for any meeting.

(2) If a meeting of the Board cannot be held for want of quorum, then, the meeting shall automatically stand adjourned till the same day in the next week, at the same time and place, or if that day is a public holiday, till the next succeeding date which is not public holiday, at the same time and place.

(3) Notice of the adjourned meeting shall be given to all the members

11. Minutes :-

(1) The record of the names of the members who attend the meeting and of the proceedings shall be kept in a book to be maintained for that purpose by the Member- Secretary.

(2) The minutes of the meeting shall be circulated to all concerned.

(3) The minutes of the previous meeting shall be read at the beginning of every succeeding meeting, and shall be confirmed and signed by the presiding officer at such meeting.

(4) The proceedings shall be open to inspection by any member at the office of the Member-Secretary, during office hours. , '

12. Maintaining order at meeting :-

The presiding officer shall maintain order at the meeting.

13. Business to be transacted at a meeting :-

(1) Except with the permission of the presiding officer, no business which is not entered in the agenda or of which notice has not been given by a member in advance under sub-rule (3) of Rule 8, shall be transacted at the meeting.

(2) At any meeting business shall be transacted in the order in which it is entered, in the agenda, unless otherwise resolved in the meeting with the permission of the presiding officer.

(3) Either at the beginning of the meeting or after the conclusion of the debate on a motion during the meeting, the presiding officer or a member may suggest a change in the order of business as entered in the agenda and if the Chairperson agrees, such a change shall take place.

14. Decision by majority :-

All questions considered at a meeting shall be decided by a majority of votes of the members present and voting and in the event of equality of votes, the Chairperson or in his absence, the member presiding at the meeting, as the case may be, shall have a second or casting vote.

15. Appointment, Powers and Duties of the Chief Executive Officer :-

(1) The appointment to the post of Chief Executive Officer shall be made through the Central Staffing Scheme of the Central Government:

Provided that experience in the field of disability, rehabilitation, administrative capability and any other such conditions as the Central Government may consider appropriate shall be kept in view.

(2) The Chief Executive Officer shall be of the rank of Joint

Secretary to the Central Government and shall draw the salary and avail benefits availed by the Joint Secretary to the Central Government.

(3) The term of office of the Chief Executive Officer shall be for a period of three years or his superannuation at the age of 60 years, whichever is earlier.

(4) Subject to the general control and directions of the Board, the Chief Executive Officer shall exercise powers of the Head of Department.

(5) The Chief Executive Officer shall be in-charge of the management of the Trust and exercise such powers in respect of the affairs of the Trust, as may be delegated to him by the Chairperson from time to time,

(6) The Chief Executive Officer shall be responsible for the administrative control and management of the office and shall perform such other duties as may be directed by the Board.

(7) The Chief Executive Officer shall be responsible for maintaining proper accounts of the Trust.

(8) All contracts shall be executed by the Chief Executive Officer in consultation with the Board and as per the regulations made by the Board from time to time.

(9) The Chief Executive Officer as the Member-Secretary of the Board shall be responsible for maintaining all records pertaining to the meetings of the Board and business arising thereof.

16. Application for guardianship :-

(1) The application by a parent, relative or registered organisation for appointment of guardian for a person with disability shall be made to the local level committee in Form A.

(2) The confirmation of appointment of guardian on such application shall be made in Form B.

(3) A quarterly report in the prescribed format shall be given by the local level committee to the Board or to the State level agency authorised by the Board giving particulars of the applications received and orders passed thereon.

17. Procedure for removal of Guardian :-

(1)(i) The local level committee upon receiving an application for removal of a guardian from a parent or a relative of a person with disability or a registered organisation on the grounds specified in clauses (a) and (b) of sub-section (1) of Section 17 of the Act, shall appoint a team of investigators consisting not less than three persons.

(ii) The team shall consist of one representative of parent organization, one representative of the association for the disabled and one Government official associated with disability not below the rank of Assistant Director.

(v) The team of investigators while investigating a complaint for assessing the abuse or neglect of a person with disability shall follow the guidelines specified by the Board.

(2) The team of investigators shall submit their report within a period of ten days.

(3) Upon receiving the report of the investigation team, the local level committee shall take the final decision within the period of ten days on the removal of the guardian against whom the complaint has been received after giving the said guardian an opportunity of being heard.

(4) The local level committee shall record in writing its reasons for removal of the guardian or rejection of the application.

18. Form in which Budget of the Trust shall be forwarded to the Central Government :-

(1) The Chief Executive Officer of the Trust shall prepare the budget estimates for the next financial year and submit the same to the Board by the 31st July.

(2) The Board shall approve the budget estimates in its annual meeting by the 20th September.

(3) The budget estimates shall be revised by the Chief Executive Officer keeping in view the observations of the Board.

(4) The duly approved budget estimates will be submitted by the Chief Executive Officer to the Central Government by 30th September of each year.

19. Maintenance of Fund, Operation of Accounts and Preparation of Annual Statement of Accounts :-

(1) The funds of the Trust shall be deposited in a nationalised bank and operated by any two of the three signatories nominated by the Board, one of the three being the Chief Executive Officer.

(2) The Trust shall maintain proper accounts and other relevant records and prepare the annual statement of accounts including the statement of income and expenditure, receipt and payments, and the balance sheet.

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

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

(5) The accounts of the Trust as certified by the Comptroller and Auditor General of India or any other person appointed by him in this behalf, together with the audit report thereon, shall be forwarded by the 31st December every year to the Central Government, and that Government shall cause the same to be laid before each House of Parliament.

20. Appropriation and re-appropriation :-

The Chief Executive Officer with the approval of the Board shall have the power to appropriate or re-appropriate for valid reasons the funds from one primary or secondary unit to another and to have the same ratified by the Board in its next meeting.

21. Investments :-

(1) The funds of the Trust may be invested in short or long term deposits to yield better returns if feasible after keeping sufficient balance at the disposal of the Trust or in such manner as the Board may authorise.

(2) The Chief Executive Officer shall maintain a register of securities held by the Trust.

(3) All investments of the funds of the Trust shall be made in the name of the Trust and all purchases, sales or alternations of such investment shall be effected and all contracts, transfer deeds or other documents necessary for purchasing, selling or altering the investments of the Trust shall be executed by the Chief Executive Officer after approval of the Board.

(4) The safe custody of the receipts, securities shall remain in the personal charge of the Chief Executive Officer and shall be verified once in six months with the register of securities in his custody and a certificate of such verification shall be recorded in the register after every verification.

(5) The Chief Executive Officer after approval by the Board shall sign and execute all agreements, contracts, transfer deeds of conveyance and other documents in connection with the affairs of the Trust with consultation and advice of the legal advisers appointed by the Trust.

(7) In case of movable property bequeathed by any person for the benefit of persons with disability under clause (b) of sub-section (1) of Section 11 of the Act, the Board shall determine the differential treatment to be provided to the persons covered under the Trust on the basis of the bequests, donations and the agreement made in this regard with the person bequeathing the property.

22. Disposal of property :-

The Chief Executive Officer with the approval of the Board shall form a condemnation board to dispose of the non-expendable and other articles and to write off all unserviceable and condemned articles.

23. Drawl of funds :-

(1) The Chief Executive Officer shall keep watch over expenditure and accord sanction to the payments within the grants sanctioned and not by exceeding the powers delegated to him by the Trust.

(2) The Chief Executive Officer shall be assisted by officers authorised under the financial regulations made in this behalf by the Trust.

(3) The funds shall be drawn from the Bank by cheque to meet the

expenditure.

(4) The Cheque Books shall remain in the personal custody of the Chief Executive Officer or any other officer as may be authorised by the Chief Executive Officer on his behalf.

(5) The Chief Executive Officer shall be assisted in respect of receipts and expenditure by the Accounts Officer or Accountant, who shall maintain pro forma accounts and submit all claims in respect of pay and allowances, travelling allowances and contingent bills in the specified forms and shall be countersigned by the Chief Executive Officer or by the officer authorised in this behalf before those are passed for payment by means of demand drafts or cheques or cash, as the case may be.

(6) The Accounts Officer or Accountant shall apply a check of a nature of a pre-audit to all payments from the funds of the Trust.

24. Hiring of Office Accommodation :-

(1) The Chief Executive Officer shall have the powers to acquire hired accommodation for office premises with the approval of the Board, whenever necessary at the rates not exceeding those specified by the Central Government for similar purposes and in the absence of such specified rates with the approval of the Central Government.

(2) The Chairperson shall, with the prior approval of the Central Government have the powers to hire or purchase the residential accommodation for the staff of the Trust in case the alternative arrangements are not made from the Central pool of accommodation.

"(3) In the event of the accommodation for the Chairperson or the staff of the Trust not being hired, purchased or alternative arrangements made, they may be paid house rent allowance as admissible to the officers and servants holding posts of corresponding scale of pay under the Central Government."

25. Maintenance of Registers :-

The following books and registers shall be maintained by the Trust, namely :

(1) Register of Grants;

(2) Register of Assets;

- (3) Register of outstanding dues recoverable from parties other than employees of the Trust;
- (4) Register of Loans and Advances given to employees with recovery position;
- (5) Register of Rents;
- (6) Register of Cheque Books;
- (7) Register of Receipt Books;
- (8) Register of sanctioned posts with authority of sanction;
- (9) General provident fund accounts, Ledger and Balance Sheets;
- (10) Service Books;
- (11) Register of Selection Committee's proceedings;
- (12) Register of Library Books;
- (13) Acquittance rolls and register of periodical increments;
- (14) Cash Books and Imprest Cash Books;
- (15) Bank reconciliation register (to be maintained with the Cash Book);
- (16) Ledger for control of expenditure;
- (17) Travelling Allowance, Dearness Allowance Register;
- (18) Pay Bill Register;
- (19) Contingent Bill Register;
- (20) Fuel Accounts Register;
- (21) Stamp Account Register;
- (22) Stock Register;
- (23) Stationery Register;
- (24) Bill Control Register;
- (25) Register of Securities;
- (26) Miscellaneous Expenditure Register; and
- (27) Register of beneficiaries with photographs.

26. Preparation and submission of Annual Report to the Central Government :-

(1) The Chief Executive Officer as soon as possible after the end of the financial year but not later than the 30th day of September in the next financial year ensuing, prepare and submit to the Central Government an Annual Report giving complete accounts of the activities of the Trust during the said financial year.

27. Miscellaneous :-

(1) The return covering property of the ward shall be submitted by the guardian within 6 months of his appointment as guardian in Form C.

(2) The account of property and assets to be furnished by the guardian within a period of 3 months of the close of every financial year shall be made in Form D.

(3) The application for registration of a voluntary organisation or the association of parents or the association of persons with disability shall be made in Form E.

(4) Any organisation working in the field of autism, cerebral palsy, mental retardation, multiple disabilities and already registered under the Societies Registration Act, 1860 (21 of 1860), or Section 25 of the Companies Act, 1956 (1 of 1956), or as a Public Charitable Trust shall not require separate recognition.

(5) The registration of such organisations shall be necessary with the Trust for availing benefits under the Trust and for seeking decision of the Board.