

**NATIONAL TRUST FOR WELFARE OF PERSONS WITH
AUTISM, CEREBRAL PALSY, MENTAL RETARDATION AND
MULTIPLE DISABILITIES ACT, 1999**

44 of 1999

[30th December, 1999]

CONTENTS

CHAPTER 1 :- PRELIMINARY

1. Short title and extent
2. Definitions

CHAPTER 2 :-THE NATIONAL TRUST FOR WELFARE OF PERSONS WITH AUTISM. CEREBRAL PALSY, MENTAL RETARDATION AND MULTIPLE DISABILITY

3. Constitution of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disability, etc
4. Term of office of Chairperson and Members, meeting of Board, etc
5. Resignation of Chairperson and Members
6. Disqualifications
7. Vacation of office by Members
8. Chief Executive Officer and staff of Trust
9. Vacancies in Board not to invalidate acts, etc

CHAPTER 3 :- OBJECTS OF THE TRUST

10. Objects of Trust

CHAPTER 4 :- POWERS AND DUTIES OF THE BOARD

11. Powers and duties of Board

CHAPTER 5 :- PROCEDURE FOR REGISTRATION

12. Procedure for registration

CHAPTER 6 :- LOCAL LEVEL COMMITTEES

13. Constitution of local level committees
14. Appointment for guardianship
15. Duties of guardian

16. Guardian to furnish Inventory and annual accounts
17. Removal of guardian

CHAPTER 7 :- ACCOUNTABILITY AND MONITORING

18. Accountability
19. Monitoring
20. Annual general meeting

CHAPTER 8 :- FINANCE, ACCOUNTS AND AUDIT

21. Grants by the Central Government
22. Fund
23. Budget
24. Accounts and audit
25. Annual report
26. Authentication of orders, etc
27. Returns and information

CHAPTER 9 :- MISCELLANEOUS

28. Power of Central Government to issue directions
29. Power of Central Government to supersede Board
30. Exemption from tax on income
31. Protection of action taken in good faith
32. Chairperson, Members and officers of Trust to be public servants
33. Delegation
34. Power to make rules
35. Power to make regulations
36. Rules and regulations to be laid before Parliament

NATIONAL TRUST FOR WELFARE OF PERSONS WITH AUTISM, CEREBRAL PALSY, MENTAL RETARDATION AND MULTIPLE DISABILITIES ACT, 1999

44 of 1999

[30th December, 1999]

An Act to provide for the constitution of a body at the national level for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities and for matters connected therewith or Incidental thereto. Be it enacted by Parliament in the Fiftieth Year of the Republic of India as follows:-

CHAPTER 1 PRELIMINARY

1. Short title and extent :-

(1) This Act may be called the National Trust for Welfare of Persons

with Autism. Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

2. Definitions :-

In this Act, unless the context otherwise requires.-

(a) "autism" means a condition of uneven skill development primarily affecting the communication and social abilities of a person, marked by repetitive and ritualistic behaviour;

(c) "cerebral palsy" means of group of non-progressive conditions of a person characterised by abnormal motor control posture resulting from brain insult or injuries occurring in the pre-natal, perinatal or infant period of development:

(f) "Member" means a Member of the Board and includes the Chairperson;

(g) "mental retardation" means a condition of arrested or incomplete development of mind of a person which is specially characterised by sub-normality of intelligence;

(i) "notification" means a notification published in the Official Gazette:

(j) "person with disability" means a person suffering from any of the conditions relating to autism, cerebral palsy, mental retardation or a combination of any two or more of such conditions and includes a person suffering from severe multiple disability.

(k) "prescribed" means prescribed by rules made under this Act;

(l) "professional" means a person who is having special expertise in a field which would promote the welfare of persons with disability;

(n) "regulations" means the regulations made by the Board under this Act,

(o) "severe disability" means disability with eighty per cent. or more of one or more of multiple disabilities;

CHAPTER 2

THE NATIONAL TRUST FOR WELFARE OF PERSONS WITH AUTISM, CEREBRAL PALSY, MENTAL RETARDATION AND MULTIPLE DISABILITY

3. Constitution of the National Trust for Welfare of Persons

with Autism, Cerebral Palsy. Mental Retardation and Multiple Disability, etc :-

(1) With effect from such date as the Central Government may, by notification, appoint, there shall be constituted, for the purposes of this Act, a body by the name of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities, which shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold and dispose of property; both movable and immovable, and to contract, and shall, by the said name, sue or be sued.

(2) The general superintendence, direction and management of the affairs and business of the Trust shall vest in a Board which may exercise all powers and do all acts and things which may be exercised or done by the Trust.

(3) The head office of the Trust shall be at New Delhi and the Board may, with the previous approval of the Central Government, establish offices at other places in India.

4. Term of office of Chairperson and Members, meeting of Board, etc :-

(2) The conditions of service of the Chairperson and other Members shall be such as may be prescribed.

(4) Before appointing any person as the Chairperson or a Member, the Central Government shall satisfy itself that the person does not and will not, have any such financial or other interest as is likely to affect prejudicially his functions as such Member.

(5) No Member of the Board shall be a beneficiary of the Trust during the period such Member holds office.

(6) The Board shall meet at least once in three months at such time and place as may be determined by the Board by regulations and shall observe such rules of procedure in the transaction of business at a meeting as may be prescribed.

(7) The Chairperson, if for any reason is unable to attend the meeting of the Board, any Member elected by the Members present from amongst themselves at the meeting, shall preside at the meeting.

(8) All questions which come up before any meeting of the Board shall be decided by a majority of votes of the Members present and voting, and in the event of an equality of votes, the Chairperson, or in his absence, the person presiding shall have a second or casting vote.

5. Resignation of Chairperson and Members :-

(2) A Member may resign from office by writing under his hand addressed to the Chairperson.

6. Disqualifications :-

No person shall be a Member if he-

(a) is, or becomes, of unsound mind or is so declared by a competent court; or

(b) is, or has been, convicted of an offence, which in the opinion of the Central Government, involves moral turpitude; or

(c) is, or at any time has been, adjudicated as an insolvent.

7. Vacation of office by Members :-

If a member-

(b) is, without obtaining leave of absence, absent from three consecutive meetings of the Board; or

8. Chief Executive Officer and staff of Trust :-

(1) The Central Government shall appoint the Chief Executive Officer to exercise such powers and perform such duties under the direction of the Board as may be prescribed or as may be delegated to him by the Chairperson.

(2) The Board shall, with the previous approval of the Central Government, appoint such other officers and employees as it considers necessary to carry out the objectives of the Trust.

(3) The salary and allowances payable to, and the other terms and conditions of service of, the Chief Executive Officer, other officers and employees of the Trust shall be such as may be determined by regulations.

9. Vacancies in Board not to invalidate acts, etc :-

No act or proceeding of the Board shall be called in question on the grounds merely of the existence of any vacancy in, or any defect in the constitution of, the Board.

CHAPTER 3

OBJECTS OF THE TRUST

10. Objects of Trust :-

The objects of the Trust shall be-

- (a) to enable and empower persons with disability to live as independently and as fully as possible within and as close to the community to which they belong;
- (b) to strengthen facilities to provide support to persons with disability to live within their own families;
- (c) to extend support to registered organisations to provide need based services during the period of crisis in the family of persons with disability;
- (d) to deal with problems of persons with disability who do not have family support:
- (e) to promote measures for the care and protection of persons with disability in the event of death of their parent or guardian;
- (f) to evolve procedure for the appointment of guardians and trustees for persons with disability requiring such protection;
- (g) to facilitate the realisation of equal opportunities, protection of rights and full participation of persons with disability; and
- (h) to do any other act which is incidental to the aforesaid objects.

CHAPTER 4

POWERS AND DUTIES OF THE BOARD

11. Powers and duties of Board :-

(3) While earmarking funds for the purposes of clause (c) of subsection (2), preference shall be given to women with disability or to persons with severe disability and to senior citizens with disability.

CHAPTER 5

PROCEDURE FOR REGISTRATION

12. Procedure for registration :-

(1) Any association of persons with disability, or any association of parents of persons with disability or a voluntary organisation whose main object is promotion of welfare of persons with disability may make an application for registration to the Board.

(2) An application for registration shall be made in such form and manner and at such place as the Board may by regulation provide and shall contain such particulars and accompanied with such documents and such fees as may be provided in the regulations.

(3) On receipt of application for registration, the Board may make such enquiries as it thinks fit in respect of genuineness of the application and correctness of any particulars thereon.

(4) Upon receipt of such application the Board shall either grant registration to the applicant or reject such application for reasons to be recorded in writing;

Provided that where registration has been refused to the applicant, the said applicant may again make an application for registration after removing defects, if any, in its previous application.

CHAPTER 6

LOCAL LEVEL COMMITTEES

13. Constitution of local level committees :-

(1) The Board shall constitute a local level committee for such area as may be specified by It from time to time.

(3) A local level committee shall continue to work for a period of three years from the date of its constitution or till time it is reconstituted by the Board.

(4) A local level committee shall meet at least once in every three months or at such interval as may be necessary.

14. Appointment for guardianship :-

(1) A parent of a person with disability or his relative may make an application to the local level committee for appointment of any person of his choice to act as a guardian of the persons with disability.

(5) The local level committee shall send to the Board the particulars of the applications received by it and orders passed thereon at such interval as may be determined by regulations.

15. Duties of guardian :-

Every person appointed as a guardian of a person with disability under this Chapter shall, wherever required, either have the care of such person of disability and his property or be responsible for the maintenance of the person with disability.

16. Guardian to furnish Inventory and annual accounts :-

(2) Every guardian shall also furnish to the said appointing authority within a period of three months at the close of every financial year, an account of the property and assets in his charge, the sums received and disbursed on account of the person with disability and the balance remaining with him.

17. Removal of guardian :-

(2) Upon receiving such application the committee may, if it is satisfied that there is a ground for removal and for reasons to be recorded in writing, remove such guardian and appoint a new guardian in his place or if such a guardian is not available make such other arrangements as may be necessary for the care and protection of person with disability

(3) Any person removed under sub-section (2) shall be bound to deliver the charge of all property of the person with disability to the new guardian, and to account for all moneys received or disbursed by him.

Explanation.-- For the purposes of this Chapter, the expression "relative" includes any person related to the person with disability by blood, marriage or adoption.

CHAPTER 7

ACCOUNTABILITY AND MONITORING

18. Accountability :-

(1) The books and documents in the possession of the Board shall be open to inspection by any registered organisation.

(2) Any registered organisation can submit a written requisite to the Board for getting a copy of any book or document maintained by the Board.

(3} The Board shall frame such regulations as it thinks necessary for allowing the access of any book or document to a registered organisation.

19. Monitoring :-

The Board shall determine by regulations the procedure for evaluating the prefunding status of registered organisations seeking financial assistance from It and such regulations may also provide for the guidelines for monitoring and evaluating the

activities of the registered organisations who are receiving financial assistance from the Trust.

20. Annual general meeting :-

(1) The Board shall in each year hold an annual general meeting of registered organisations, and not more than six months shall elapse between the date of one annual general meeting and that of the next.

(2) A notice of the annual general meeting along with a statement of accounts and records of Its activities during the preceding year shall be sent by the Board to every registered organisation at such time as may be determined by regulations.

(3) The quorum for such meeting shall be such number of persons of the registered organisations as may be determined by regulations.

CHAPTER 8

FINANCE, ACCOUNTS AND AUDIT

21. Grants by the Central Government :-

The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the Trust a one-time contribution of rupees one hundred crores for a corpus, the income whereof may be utilised to achieve the objects of the Trust under this Act.

22. Fund :-

(2) All moneys belonging to the fund shall be deposited in such banks or invested in such manner as the Board may, subject to the approval of the Central Government, decide

23. Budget :-

The Board shall prepare, in such form and at such time in each financial year as may be prescribed, the budget for the next financial year showing the estimated receipt and expenditure of the Trust and shall forward the same to the Central Government.

24. Accounts and audit :-

(1) The Board shall maintain proper accounts and other relevant records and prepare an annual statement of accounts of the Trust including the income and expenditure accounts in such form as the Central Government may prescribe and in accordance with such

general direction as may be issued by that Government in consultation with the Comptroller and Auditor-General of India.

(2) 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 expenditure incurred by him in connection with such audit shall be payable by the Board to the Comptroller and Auditor- General of India.

(3) 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 generally has in connection with the audit of the 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 any of the offices of the Trust.

(4) 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 annually to the Central Government, and that Government shall cause the same to be laid before each House of Parliament.

25. Annual report :-

The Board shall prepare every year, in such form and within such time as may be prescribed an annual report giving a true and full account of its activities during the previous year and copies thereof shall be forwarded to the Central Government and that Government shall cause the, same to be laid before each House of Parliament.

26. Authentication of orders, etc :-

All orders and decisions of the Board and instruments issued in the name of the Trust shall be authenticated by the signature of the Chairperson, the Chief Executive Officer or any other officer authorised by the Chairperson in this behalf.

27. Returns and information :-

The Board shall furnish to the Central Government such reports, returns and other information as that Government may require from time to time.

28. Power of Central Government to issue directions :-

(2) The decision of the Central Government whether a question is one of policy or not shall be final.

29. Power of Central Government to supersede Board :-

30. Exemption from tax on income :-

Notwithstanding anything contained in the Income-tax Act, 1961, or any other law for the time being in force relating to tax on income, profits or gains, the Trust shall not be liable to pay income-tax or any other tax in respect of its income, profits or gains derived.

31. Protection of action taken in good faith :-

No suit, prosecution or other legal proceeding shall lie against the Central Government or the Trust or any member of the Board or Chief Executive Officer or any officer or other employee of the Trust or any other person authorised by the Board to perform duties under this Act for any loss or damage caused or likely to be caused by anything which is done in good faith

Explanation.-For the purposes of this section, the expression "good faith" shall have the same meaning as is assigned to it in the Indian Penal Code (45 of 1860).

32. Chairperson, Members and officers of Trust to be public servants :-

All Members, Chief Executive Officer, other officers and employees of the Trust shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servant within the meaning of Section 21 of the Indian Penal Code, 1860 .

33. Delegation :-

The Board may, by general or special order in writing, delegate to the Chairperson or any member or any officer of the Trust or any other person subject to such conditions and limitations, if any, as may be specified in the order such of its powers under this Act (except the power to make regulations under Section 35) as it may deem necessary.

34. Power to make rules :-

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

35. Power to make regulations :-

(1) The Board may, with the previous approval of the Central Government, by notification in the Official Gazette, make regulations consistent with this Act and rules generally to carry out the purposes of this Act.

36. Rules and regulations to be laid before Parliament :-

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