

National Trust For Welfare Of Persons With Autism, Cerebral Palsy, Mental
Retardation And Multiple Disabilities (Amendment) Bill, 2018

Bill No. XVII of 2018

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A Bill to amend the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999.

National Trust For Welfare Of Persons With Autism, Cerebral Palsy, Mental
Retardation And Multiple Disabilities (Amendment) Bill, 2018

Bill No. XVII of 2018

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

1. Short title.

This Act may be called the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities (Amendment) Act, 2018.

2. Amendment of section 4.

In the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 [44 of 1999] (hereinafter referred to as the principal Act), in section 4,—

(a) in sub-section (1), the words "or until his successor shall have been duly appointed, whichever is longer" shall be omitted;

(b) after sub-section (1), the following sub-section shall be inserted, namely:—

"(1A) The Central Government shall initiate the process for appointment of the Chairperson or Member, as the case may be, at least six months prior to the expiry of the term of office of such Chairperson or Member.";

(c) in sub-section (3), the following proviso shall be inserted, namely:—

"Provided that the Central Government may, in case of a casual vacancy in the office of the Chairperson, by order in writing, direct an officer of appropriate level, to perform the functions of the Chairperson until such vacancy is filled in."

3. Amendment of section 5.

In section 5 of the principal Act, in sub-section (1), in the proviso, for the 10 words "until the appointment of his successor is made by the Central Government", the words "until his resignation is accepted by the Central Government" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

1. The National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 (the said Act) was enacted 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 matter connected therewith or incidental thereto.

2. Sub-section (1) of section 4 of the Act, inter alia, provides that the Chairperson and Members of the Board of National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities shall hold office for a term of three years from the date of his appointment or until his successor shall have been duly appointed, whichever is longer. Similarly, sub-section (1) of section 5 relating to resignation of Chairperson and Members, provides that the Chairperson shall continue until the appointment of his successor is made by the Central Government. Such provisions allow the Chairperson and other Members to continue in office even after the expiry of their tenure for an indefinite period until a suitable person is appointed to such posts. In the past, it has been witnessed that despite repeated efforts to fill up the post of the Chairperson within the stipulated period, no candidate could be found suitable for appointment to the post.

3. In view of the above, it has been considered necessary to amend the said Act, so as to provide—

(a) for a fixed tenure of three years to the Chairperson and Members;

(b) that the Central Government shall initiate action for filling up of the post of the Chairperson or Member, at least six months prior to the expiry of the term of office of such Chairperson or Member;

(c) that the Central Government may, in case of a casual vacancy in the office of the Chairperson, by order in writing, direct an officer of appropriate level to perform the functions of the Chairperson until such vacancy is filled in; and

(d) for continuation of the Chairperson, in case he resigns from office, until his resignation is accepted by the Central Government.

4. The Bill seeks to achieve the aforesaid objectives.

ANNEXURE

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

(44 OF 1999)

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

(1) The Chairperson or a Member shall hold office for a term of three years from the date of his appointment or until his successor shall have been duly appointed, whichever is longer:

Provided that no person shall hold office as the Chairperson or other Member after he has attained the age of sixty-five years.

5. Resignation of Chairperson and Members.

(1) The Chairperson may resign his office by writing under his hand addressed to the Central Government:

Provided that the Chairperson shall continue in office until the appointment of his successor is made by the Central Government.