

Board of the Trust Regulations, 2001

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Ministry of Social Justice and Empowerment. The National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disability, Noti. No. G.S.R. 579(E), dated August 3, 2001, published in the Gazette of India, Extra., Part II, Section 3(i), dated 3rd August, 2001, pp. 11-24, No. 402 [F. No.: 1-3/99-NI-II} In exercise of the powers conferred by sub-sections (1) and (2) of Section 35 of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 (44 of 1999), the Board, with the previous approval of the Central Government hereby makes the following regulations, namely:

1. Short title and commencement :-

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

2. Definitions :-

In these regulations, unless the context otherwise requires,

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

(d) all other words and expressions used in these regulations but defined in the Act, shall have the same meaning as assigned to them in the Act.

3. Conditions of service of Chief Executive Officer, other Officers and Employees of the Trust :-

(1) Creation, continuation and confirmation of posts of officers and employees of the Trust. The Board shall be responsible for creation, continuation and confirmation of posts of officers and employees of the Trust in accordance with the instructions and guidelines issued by the Central Government, in the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) from time to time.

(2) Recruitments Rules. The Board shall frame the recruitment rules, adopt Central Government scales of pay or pay scales approved by the Government of India, prescribe academic and professional qualifications, experience, age etc. for various posts of officers and employees of the Trust.

(3) The reservation of posts for Scheduled Castes, Scheduled Tribes, Other Backward Classes, Ex-Servicemen and Persons with Disability will be as per the Government of India rules applicable from time to time. The Board will maintain rosters for implementation of reservation orders of the Central Government.

(4) Procedure for selection and appointment of officers and employees of the Trust. The posts in the service of the Trust shall be either a "permanent post", that is a regular post carrying a definite scale of pay sanctioned without any time limit, or a "temporary post", that is a post carrying a definite scale of pay sanctioned for a limited period of time. An employee may also be appointed on contract for a limited period, maximum of which may be 5 years. An employee taken on contract shall be given consolidated pay without any allowances. The posts will be advertised in leading national newspapers giving time of at least 30 days, from the date of appearance of the recruitment notification, for submission of applications. The Chief Executive Officer shall

scrutinize them and fix a date for the meeting of the Selection Committee. The Selection Committee for posts equivalent to Group 'A' of the Central Government will be constituted by the Chairperson while the Selection Committee for posts equivalent to Group 'B', 'C' and 'D' of the Central Government, the Selection Committees will be constituted by the Chief Executive Officer. All applications, so scrutinized shall be put up before the Selection Committee. The Selection Committee may make selection on merit on the basis of age, qualification and experience of the candidates as prescribed in the recruitment rules. In case it is not feasible to invite all candidates for interview, the Chief Executive Officer shall have the authority to make a short list of the applications on the criteria approved by the Chairperson. In that case, only short-listed candidates will be invited for interview.

(5) Appointing Authority. Appointment to the post of Chief Executive Officer shall be made by the Central Government as per the rules notified by the Central Government. All appointments to the posts maximum of the pay scale of which does not exceed rupees thirteen thousand and five hundred, shall be made by the Board with the previous approval of the Central Government. Appointing authority for posts equivalent to Group 'A' of the Central Government will be the Chairperson of the Board while for posts equivalent to Groups 'B', 'C' and 'D' of the Central Government, the appointing authority will be the Chief Executive Officer.

(7) Salaries and allowances. The Chief Executive Officer, other officers and employees shall be entitled to salary in the scale of the post held by them as specified in the recruitment regulations. They shall be entitled to dearness allowance and city compensatory allowance appropriate to their pay at the rates admissible to the Central Government rules.

(8) Period of Probation. All officers and employees will be on a probationary period of two years from the date of joining duty, except those who have joined the Trust on deputation. The probationary period may be extended at the discretion of the competent authority. During the probationary period, the services of the officers or employee, if found unsatisfactory, can be terminated at any time without giving any notice and without assigning any reason, as per Central Government rules.

(9) Officers and employees to be whole time servants. Unless otherwise distinctly provided, officers and employees of the Trust

shall be whole time servants and their working time will be as at the disposal of the Board and they may be employed in any manner required by the competent authority.

(10) Insurance. The Chief Executive Officer, other officers and employees of the Trust shall be entitled to Life Insurance Cover appropriate to their pay in the same manner, at the same scales and on the same conditions as the Central Government employees are entitled under the Central Government Employees Group Insurance Scheme, 1980 notified by the Government of India in the Ministry of Finance (Department of Expenditure) vide No. F.7(5)- EV/89, dated the 1st November, 1980.

(11) Liability to serve throughout India. Any person employed as an officer or an employee under the Trust shall be liable to serve anywhere in India.

(12) Liability to undergo training. Any person appointed under the provisions of these regulations shall be liable to undergo such training as desired by the competent authority. He/ she shall be liable to be detailed on courses of instructions in India as the competent authority may decide from time to time. Any person detailed for training course, the duration of which is six months or more, or any other person detailed for training outside India or with private firms or establishments in India, irrespective of the duration of the training, shall be liable to refund in full the expensed or cost of training, if, for any reason, during the training or within a period of three years after the completion of such training, he/she opts to discontinue his/her service in the Trust.

(13) Facilities/or medical treatment. Medical Treatment and Hospital Facilities under the Medical Attendance Rules as applicable to the Central Government employees shall be admissible to the officers and employees of the Trust.

(15) Seniority. Seniority of the officers and other employees shall be governed in accordance with the orders and instructions by the Central Government in the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) from time to time.

(16) Superannuation. The age of superannuation for the Chief Executive Officer, other officers and employees shall be 60 years.

(2) The Central Civil Services (Classification, Control and Appeal)

Rules, 1965 will be applicable to the posts of the Chief Executive Officer, other officers and employees and the matters relating to discipline, imposition of penalty, inquiry, appeal of other related matters.

(4) An appeal against the order of the Chairperson imposing a penalty shall lie to the Central Government and against the order of the Chief Executive Officer to the Chairperson.

(18) Leave travel concession. The Chief Executive Officer, other officers and employees shall be entitled to leave travel concession appropriate to their pay at the same rate, at the same scales and on the same conditions as are admissible to the Central Government employees from time to time.

(21) Suppression of facts and information. If any declaration given, or information furnished by the Chief Executive Officer, or any other officer or employee proves to be false or incorrect or is found to have been wilfully suppressed any material information, the officer or employee shall be liable to be removed from the service of the Trust and shall also be liable for such other action as the Trust may deem necessary or proper to be taken against him/her.

(22) General conditions of service. The general conditions of the service of the Chief Executive Officer, other officers and employees including pay, allowances, honorarium, compensatory allowance, joining time, lien confirmation, dismissal, removal, suspension, retirement and other related matters shall be governed in accordance with the provisions of the Fundamental Rules and Supplementary Rules, Financial Rules, Central Service (Temporary Service) Rules, 1965 and orders issued by the Central Government from time to time.

(23) Maintenance of records of service. The Trust shall maintain the service book, confidential reports and other service records of the Chief Executive Officer, other officers and employees in accordance with the provisions of Supplementary Rules.

(24) Extension of service or re-employment after retirement shall be regulated by Central Government applicable from time to time.

(25) Holidays and working hours. The holidays, vacations and working hours as admissible to Central Government servants, will be granted mutatis mutandis, to the officers and employees of the Trust.

(26) No officer or the employee of the Trust shall be allowed private practice or private employment during the period of the service in the Trust.

4. Manner of associating persons for assistance or advice other than Members :-

(1) The Board may associate with itself, any person representing a registered organization or a professional, such as a parent having a child with disability, legal expert, financial consultant, rehabilitation professional, management consultant, or any other person or professional, who in the opinion of the Board can give assistance or advice or contribute to furtherance of the objectives of the Trust.

(2) The maximum number of persons so associated and invited to the meeting of the Board at any given point of time, and on any given agenda item taken up for discussion by the Board, shall not exceed eight.

(3) A person or professional associated with the Board shall not be a member of the Board, and shall not have the right to vote at the meeting of the Board.

(4) The Board may appoint short-term consultants, inspectors or advisors to carry out its business, for a duration not exceeding six months.

(5) The Board may by resolution appoint any person or professional who in its opinion can give assistance or advice or contribute to carry out its business.

(6) The Chief Executive Officer in consultation with the Chairperson of the Board may take emergent action to appoint any person or professional as short-term consultant, or inspector, or adviser to carry out the business of the Trust, whenever exigencies of the situation so demand in the interest of the Board, and to have the same ratified by the Board in its next meeting.

(7) In case a person or a professional is invited to attend a meeting of the Board or a meeting of the committee or a sub-committee constituted by the Board, he shall be entitled to receive a sitting fee or rupees five hundred for each day of the meeting in addition to the Travelling Allowance/Dearness Allowance as may be admissible as per the Central Government rules.

(8) In case a person or professional is appointed as a short-term

consultant, inspector, or advisor to carry out the business of the Trust, he shall be entitled to receive consolidated consultation fee as may be determined by the Board.

5. Meetings of the Board :-

(1) The Board shall meet at least once in three months at head office of the Trust at New Delhi at such time and date as may be fixed by the Chairperson of the Board.

(2) In the event of the Trust having established offices at other places in India, the Board may meet at any of its offices in India at the time and date of the meeting as fixed by the Chairperson of the Board.

(3) The notice of the annual general meeting, along with a statement of accounts and records of the activities of the Trust during the preceding year, shall be sent to every registered organizations or associations so as to reach them at least thirty days before the scheduled date of the meeting. Explanation. 1. For the purposes of this sub-regulation, a period of one week shall be adequate for the postal or other means of communication.

(4) Every eligible registered organizations may nominate their representative and in his absence an alternative representative to attend the annual general meeting and participate in any voting which may take place.

6. Form and manner in which application shall be made for registration :-

(2) The application shall be submitted to the head office of the Trust or its regional office, if any, having over the place of the office of the applicant.

(3) The registration fee payable with the application shall be rupees five hundred.

(4) The registration shall be for a period of five years.

(5) The Board may in its discretion, invite application for registration from the organization through the print, audio, visual, electronic or such other media.

7. Procedure for grant of registration :-

(1) The Board may notify the minimum standard for registration.

- (2) The certificate of registration shall be issued in Form B.
- (3) The renewal of certificate of registration shall be in Form C.
- (5) The Board may ask for additional information or clarification or ask the applicant to appear for a hearing before deciding on the application.
- (7) The registration may be refused when any information required to be furnished by an applicant has not been given or the same has been given wrongly or errors in the form is found.
- (8) The deficiency, if any, may be got rectified with the specified time and if the applicant fails, the Trust shall issue an order rejecting the application with the reasons recorded thereon.
- (9) An applicant shall be given an opportunity of being heard by the Trust, before suspending the operation of a registration, or cancelling the same during continuance of it for violation of any provisions of the Act, or the rules and regulations.
- (10) The Trust may suspend or cancel the registration for any misuse or abuse of the registration after giving an opportunity of being heard to the applicant.

8. Procedure of evaluation -of registered organization for participation in the Trusts scheme and programmes :-

- (1) The Board shall determine the criteria for participation in Trust's schemes and programmes as per the terms and conditions of such programmes and schemes.
- (2) The Board may, by order, determine the mechanism for evaluation and monitoring of the performance of such programmes and schemes and such criteria shall include prefunding status of the registered organizations or associations.

9. De-registration and consequences of de-registration :-

- (2) Any failure to disclose the above, may result in action which may include the refund of any or all of the funds given by the Trust by way of grant or loan or subsidy, with or without interest as may be determined by the Board.

Explanation. For the purpose of this sub-regulation, such action shall be confined to such of the fund which is made available to any such organization during the period under consideration and may

include sums which, have been made available earlier of which instalments are to be paid or have been paid in the period under consideration.

10. Form and manner of constitution of the Local Level Committee :-

(1) The Local Level Committee shall consist of representative(s) of registered organization working primarily in the district concerned.

11. Who may apply for guardianship :-

(1) Both the parents may jointly, or, in the event of the absence of one due to death, divorce, legal separation, desertion or conviction, may singly apply for guardianship of their or as the case may be his ward beyond the age of 18 years.

(2) In the event of death, desertion, conviction of both the parents, the siblings (including half and step-siblings) jointly or singly (reason of single application to be explained separately) may apply for guardianship of a disabled member of the family.

(3) In the event of non-application of sub-registration (1) and (2) above, a relative may make an application for guardianship.

(4) In the event of non-application of sub-regulation (1), (2) and (3), any registered organization may make an application for guardianship.

(5) The Local Level Committee may direct a registered organization to make an application for guardianship in case of a destitute or abandoned person.

12. Who may be indicated by applicant as guardian. :-

(2) The applicant may indicate siblings, or any member of the family or any other person or a registered institution for consideration as a guardian and in case of institutions, the conditions of eligibility of institutions shall be as stipulated in sub-regulations (3), (4) and (5).

(3) In the case of considering the institution as a guardian, the institution must be registered under a law and be capable of providing care of the person.

(4) In the event of institution ceasing to be registered under a law or stops functioning, or is found otherwise unsuitable, the Local

Level Committee shall make alternative arrangements for the foster care of any such inmate or the ward, who is under the care of any such institute.

(5) The alternative care under sub-regulation (4) shall not be permanent in nature and shall be placed by permanent guardianship within a period of one year.

(6) The applicant must be living in the vicinity or close proximity to the place where the ward has been habitually living at the time of appointment of guardian.

(7) No single male shall be considered as a guardian for a female ward and in the case of female wards, the male person shall be given co-guardianship with his spouse, who shall be master co-guardian.

13. Guidelines for receiving, processing and confirmation of application for appointment of a guardian :-

(2) On receipt of the application for appointment of guardian, the Local Level Committee shall scrutinize the application and call for any supporting document or information that may be necessary for deciding the issue of guardianship.

(3) In case of application received from parents for guardian other than themselves, the Local Level Committee may decide to get parent's counselling in any manner, it may decide to determine the genuineness of having a guardian other than parents.

(4) If parents or relatives are not available for the person with disability who is in need of guardian, because of being a vagrant or destitute or found abandoned, member or the members of the Committee may ask for applications from a registered organization to initiate the process of guardianship for the person.

(5) The person with disability must be assessed by the Local Level Committee, to determine the genuineness of the need of guardianship and it shall be open to the Local Level Committee to seek the assistance of technical personnel or their services to determine the need.

(6) The Local Level Committee shall satisfy itself about the capabilities and the suitability of the person on whom guardianship is being conferred.

14. Particulars of orders passed by the Local Level Committee :-

¹ The Local Level Committee shall send to the Board quarterly the particulars of the applications received by it, the order passed thereon, and a report on the assessment of the functioning of the guardianship to be determined by it in consultation with the registered parents associations.

1. Substituted by Board of the Trust (Amendment) Regulations, 2004

15. Miscellaneous :-

Anything not covered under these regulations, may, with the previous approval of the Central Government be determined in accordance with the order of the Board, till such time as the Board may draw up the amendment regulations.