

THE NATIONAL TRUST RULES, 2000

MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT

NOTIFICATION

New Delhi, the 26th July, 2000

G.S.R. 639 (E) -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 (4 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 -**

- (1) The Chairperson shall be entitled to dearness allowance, city compensatory allowance, travelling allowance as per rules applicable to the Secretary to the Government of India.
- (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 allowance 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 decisions 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 there at, 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, at any time fixed for a meeting or during the course of a meeting less than one third of the total members are present, the Chairperson may adjourn the meeting to such hours on the following or on some other future date as he may fix.
- (3) No quorum shall be necessary for the adjourned meeting.
- (4) No matter which had not been on the agenda of the ordinary or the special meeting, as the case may be, shall be discussed at the adjourned meeting.
- (5)
 - (i) Where a meeting of the Board is adjourned under sub-rule (2) for want of quorum to the following day, notice of such adjourned meeting shall be given to the members available at the place where the meeting which is adjourned is held by messenger and it shall not be necessary to give notice of the adjourned meeting to other members.
 - (ii) Where a meeting of the Board is adjourned under sub-rule (2) for want of quorum to the following date with a gap, notice of such 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 super annuation 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 Office 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 organisation, one representative of the association for the disabled and one Government official associated with disability not below the rank of Assistant Director.
- (iii) While taking a decision on the appointment of guardian, the local level committee shall ensure that the person whose name has been suggested for appointment as guardian is :
- (a) a citizen of India;
- (b) is not of unsound mind or is currently undergoing treatment for mental illness; (c) does not have a history of criminal conviction;
- (d) is not a destitute and dependent on others for his own living; and (e) has not been declared insolvent or bankrupt.
- (iv) In case of an institution or organisation being considered by the local level committee for appointment as a guardian, the following guidelines shall be followed :
- (a) the institution should be recognised by the State or the Central Government;
- (b) the institution should have a minimum of 2 years' experience in offering disability rehabilitation services including running residential facilities or hostel to the respective 'c' category of persons with disability;
- (c) the residential facility or hostel for persons with disabilities shall maintain minimum standards in terms of space, staff, furniture, rehabilitation and medical facilities as specified by the Board.
- (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.
- (vi) The following Acts of commission or omission shall constitute abuse or neglect on the part of the guardian, namely :-
- (a) solitary confinement of person with disability in a room for longer period of time;
- (b) chaining of the person with disability;
- (c) beating or treating a person with disability resulting in bruises, skin or tissue damage (not due to his injurious behaviour indulged by the persons with disabilities);
- (d) sexual abuse;

- (e) long deprivation of physical needs such as food, water and clothing;
 - (f) no provision or non-compliance of rehabilitation or training programmes as specified by experts in the field of disability rehabilitation;
 - (g) misappropriation or misutilisation of the property of the person with disability; and (h) lack of facilities or no provision of trained or adequate staff for meeting the training and management needs of the persons with disabilities.
- (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 alterations 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.
- (6) The Trust shall invest and deal with funds and moneys of the Trust and shall have the right-
 - (i) to issue appeals and applications of money and funds in furtherance of the said objectives and to raise or collect funds by gifts, donations, subscriptions or otherwise of cash and securities and any movable property;
 - (ii) to acquire, purchase or otherwise own or take on lease or hire temporarily or permanently buy any movable or immovable property necessary or convenient for the furtherance of the objects of the Trust;

- (iii) to borrow and raise money with or without security or on the security of mortgage charge or on the security hypothecation or pledge of all or any of the movable or immovable properties belonging to the Trust or in any other manner whatsoever, provided that prior approval of Central Government in writing has been obtained in that behalf;
- (iv) to sell, assign, mortgage, lease, exchange and otherwise transfer or dispose of all or any property movable or immovable of the Trust for the furtherance of the objects of the Trust provided prior approval of the Central Government in writing is obtained for the transfer of the immovable property;
- (v) to enter into any agreement with any Government or authority, municipal, local or otherwise to obtain from such Government or authority any rights, privileges, concessions, fiduciary or otherwise that the Trust may deem desirable to obtain and carryout, exercise and comply with such arrangements and rights, privileges and concessions;
- (vi) to draw, make, accept, endorse, discount, execute, sign issue and otherwise deal with cheques, hundis, drafts, certificates, receipts, Government securities, promissory notes, bills of exchange or other instruments and securities whether negotiable or transferable or not'
- (vii) to build, construct, maintain, repair, alter, improve or develop or furnish any buildings or works necessary or convenient for the purpose of the Trust;
- (viii) to undertake and accept management of any endowment or trust fund or donation to further the objects of the Trust but so nevertheless that this shall exclude immovable property;
- (ix) to appoint or employ temporarily or permanently any person or persons that may be required for the purposes of the Trust and to pay them in return for services rendered to the society, salaries, wages, honorarium, fees, gratuities, provident funds and pensions provided that prior approval of the Central Government is obtained in this behalf;
- (x) to establish a provident fund and other benefits for employees of the Trust provided that prior approval of the Central Government is obtained in this behalf;
- (xi) to institute, offer, or grant, prizes, awards, scholarships, fellowships and stipend in furtherance of the objects of the Trust;
- (xii) to receive and accept grant, donations and other contributions but not immovable property;
- (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 off the non-expendable and other articles and to write off all unserviceable and condemned articles.

23. **Drawl of fund :-**

- (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 Officers shall be assisted in respect of receipts and expenditure by the Accounts Officer or Accountant, who shall maintain proforma accounts and submit all claims in respect of pay and allowances, travelling allowances and contingent bills in the specified forms and shall be counter-signed 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 of cash, as the case may be.
- (6) The Accounts Officer or Accountant shall apply a cheque 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.

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 Interest 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 ensuring, prepare and submit to the Central Government an Annual Report giving complete accounts of the activities of the Trust during the said financial year.
- (2) In particular, the Annual Report referred to in sub-rule (1) shall contain information in respect of each of the following matters, namely :-

- (a) names of members, officers, staff of the Trust and a chart showing the organisational set up;
- (b) highlight performance of the Trust with respect of each of the activities carried out for furtherance of the objects of the Trust;
- (c) progress made in implementation of various programmes undertaken by the Trust including the work of local level committees;
- (d) any other matter deemed appropriate for inclusion by the Trust, or specified by the Central Government from time to time.

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.

FORM-A
(see rule 16(1))
Form of application to the Local Level Committee
by a parent, relative or a registered organisation
for appointment of guardian for person with Disability

From

Date :

To

The Local Level Committee. Sir/Madam,

_____ is a person with disability and requires protection of his person and property _____ through a guardian. We hereby request that _____ be appointed as guardian of the said _____ for the protection of his person property.

We furnish hereunder further details and request early decision :

1. Particulars of the person to be

provided guardian

Name:

Age:

Nature of disability:

Address:

2. Particulars of the person proposed to be

appointed as guardian

Name:

Age:

Relationship with ward, if any Address:

We enclose herewith disability certificate of the said _____ obtained from _____

Yours faithfully,

Witnesses

1st Witness

Authorised signatory

Name:

2nd Witness

Designation:

Office stamp:

Consent of the person proposed to be appointed Guardian

I hereby agree to be the guardian of the person and property of _____ and shall discharge my obligations with due diligence.

Signature:

Name:

Date:

Consent of the guardian, if any, to the aforesaid proposal

I hereby agree to the above proposal to appoint _____ as the guardian of _____.

Signature:

Name:

Date:

FORM-B

Form of confirmation of appointment of guardian on application made by

(1) a registered organisation, or (2) parent or relative of person with disability.

The Local Level Committee situated at _____ having considered the application made by _____ for appointment of _____ for _____ appointment of guardian for hereby confirms its decision as under :

1. Name of the ward:
2. Name of the guardian:
3. Obligations of the guardian
 - (a) Maintenance and residential care
 - (b) Management of immovable property
 - (c) Management of movable property
 - (d) Any others:

The guardian shall furnish property to this Committee as per Form C and Form D specified under these rules.

Place:

Signature(s) :

Date :

Stamp :

FORM-C

(see rule 27(1))

Form of return covering property of the ward to be submitted by the guardian within 6 months of his appointment as guardian.

1. Name of the guardian:
2. Name of the ward:
3. Date of appointment of the guardian:
4. Inventory of immovable property of the ward received by the guardian (to be furnished item-wise) :
 - (i) Nature
 - (ii) Estimated market value :
 - (iii) Location
5. Inventory of the movable property of the ward received by the Guardian (to be furnished item-wise):
 - (1) Description:
 - (2) Amount:
6. Pending liabilities of the ward:
 - (i) Nature
 - (ii) Amount
7. Pending claims receivable by the ward :
 - (i) Nature
 - (ii) Amount

I declare that aforesaid information is true and accurate to the best of my knowledge, information and belief.

Place:

Signature of the guardian

Date:

Witnesses

1st witness

2nd witness

FORM-D

see rule 27(2)

Form of account of the property and assets to be furnished by the guardian within a period of 3 months of the close of every financial year.

1. Name of the guardian
2. Name of the ward
3. Immovable property of the ward
held by the guardian as on _____
(to be furnished item-wise)
 - (i) Nature
 - (ii) Estimated Market-wise)
 - (iii) Location
4. Receipts and payments statement
For the period from _____ to _____
_____ Payments _____ Receipts _____
Heads Amount Heads Amount
5. Movable assets of the ward
in the charge of the guardian
on _____
 - (i) Nature
 - (ii) Amount
6. Investments redeemed or alienated for
consideration during the year ended _____
7. New investments made during the
year ended _____ (including renewals)
8. Increase/decrease in the value of movable assets
of the ward during the year ended _____
9. Brief explanation for the variation
vide (8) above

I hereby declare that aforesaid information is true and accurate to the best of my knowledge, information and belief.

Place:

Signature of the guardian

Date:

Witnesses

FORM-E

(see rule 27 (3))

Form of application for registration of a Voluntary Organisation/Association of Parents/Association of Persons with Disability

1. Organisation
Name :
Address (Office/Project)
Phone/Fax/Telex (Office)
(Project)
2. (i) Name of the Act under which registered :
(ii) Registration No. and date of registration (Please attach a photocopy)
3. Memorandum of Association and Bye-laws (Please attach a photocopy)
4. Name, address, occupation and Other particulars of the members of the Board of Management/Governing Body:
5. Present Activities of the organisation
6. Present membership strength and categorisation List of documents to be attached-
 - (a) A copy of the annual report for the previous year,
 - (b) Audited Statement of account duly certified by Chartered Accountant for the last two years
 - (i) Receipt and Payment Account (by Chartered Accountant) for the last two years,
 - (ii) Income and Expenditure Account (by Chartered Accountant) for the last two years,
 - (iii) Balance Sheet for the last two years (by Chartered Accountant)
 - (c) Details of Staff employed
 - (d) Details of beneficiaries to be covered
 - (e) If hostel is maintained, then number of hostellers,
 - (f) Other terms, if any,
 - (g) Whether located on its own/Rented building (Necessary evidence to be attached).

Signature of the Authorised Signatory

Name :

Designation :

Address :

Date :

Office Stamp :

The National Trust Regulations, 2001

MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT

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

NOTIFICATION

New Delhi, the 3rd Aug., 2001

G.S.R. 579(E).-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:** -
 - (1) These regulations may be called the Board of the Trust Regulations, 2001.
 - (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 -
 - (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 regulations or the National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Rules, 2000 as the case may be;
 - (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. **Condition 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 payor 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 Groups 'B', 'C' and 'D' of the Central Government, 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 Centre 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.
- (6) Any person to be employed on whole time employment shall be appointed only when he produces at the time of joining; -
- a. Medical and fitness certificate from the Chief Medical Officer or District Medical Officer or any other Authorized Medical Officer;
 - b. Original Degree or Diploma Certificate in support of the educational qualifications, date of birth and experience;
 - c. Character, integrity and antecedents certificate from the Sub-Divisional Magistrate or any Gazetted Officer or other equivalent competent authority;
 - d. Certificate of the Scheduled Caste or the Scheduled Tribe or other backward Classes or Ex-Servicemen or Disability, if applicable;
 - e. If married, certificate to the effect that he/she is not having more than one living wife/ husband.
- (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 maybe extended at the discretion of the competent authority. During the probationary period, the services of the officer 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 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 Nov, 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 instruction 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 expense 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 for 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.
- (14) Grant of Leave -(1) The Chief Executive Officer, other Officers and employees shall be governed in accordance with the provisions of the Central Civil Service (Leave) Rules, 1972 and orders issued thereunder by the Central Government from time to time.
(2) The Chairperson shall be the authority competent to sanction leave in respect of the Chief Executive Officer. The Chief Executive Officer shall be the authority competent to sanction leave in respect of the officers and other employees.
- (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.

- (17) Conduct- (1) The Chief Executive Officer, every officer and every employee shall at all times maintain absolute integrity, devotion to-duty and do nothing which is unbecoming of an officer or an employee. The conduct and behaviour of the Chief Executive Officer, other Officers and employees shall be governed by the provisions of the Central Civil Services (Conduct) Rules, 1964 and the orders issued thereunder by the Central Government from time to time.
- (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.
- (3) The authority competent to impose a penalty shall be-
- a. in the case of Chief Executive Officer and Group 'A' Officers, the Chairperson;
- b. in the case of other employees, the Chief Executive Officer.
- (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.
- (19) Travelling allowance- (1) The Chief Executive Officer, other officers and employees shall be entitled to the travelling allowance for journeys performed in the service of the Trust, daily allowance, allowance for transportation of personal effects and other similar matters appropriate to their pay at the same scale, at the same rates and on the same conditions as are admissible to the Central Government employees from time to time.
- (2) The authority competent to sanction L TC shall be-
- a. The Chairperson in the case of Chief Executive Officer and Group 'A' Officers,
- b. In the case of other employees, the Chief Executive Officer.
- (20) Deputation - (1) A Government servant or an employee of Central or State Autonomous Organization, Statutory Body, or semi-Government organizations may be taken on deputation as per Central Government rules.
- (2) An employee of the Trust may go over on deputation to Central or State Government Organizations on terms and conditions mutually acceptable between the Trust and the borrowing organization. It 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.
- (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 willfully 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 condition 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 mutas 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 meetings 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 meetings 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 of 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 organization or associations so as to reach them at least thirty days before the scheduled date of the meeting.

Explanation:-

1. For the purpose of this sub-regulation, a period of one week shall be adequate for the postal or other means of communication.
2. For the purpose of this sub-regulation, organizations which are registered with the Trust but are in arrears of payment or repayment of any amount or amounts which shall be separately determined, shall be ignored.
- (a) Inadvertent omission to send or non-receipt of the notice of the meeting by any registered organization, shall not invalidate the holding of the Annual General Meeting or the proceedings thereat unless, it is established that more than 5% of the eligible registered organizations have not received the notice.
- (b) 20% of the total number of eligible registered organizations or 25% of the present in the Annual General Meeting, whichever is higher shall constitute the quorum and if, the quorum is not complete at the appointed time, the Annual General Meeting shall be adjourned for 30 minutes and reconvened at the end of the interval and the condition of quorum shall not be applicable for such reconvened meeting.
- (4) Every eligible registered organization 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:-

- (1) An application for registration of an organization under sub-section (2) of section 12 of the Act shall be made .in Form A or Form E under the rules.
- (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 applications for registration from the organizations through the print, audio, visual, electronic or such other media.

7. Procedure for grant of registration;-

- (1) The Board may notify the minimum standards 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.
- (4) The granting authority may:-
 - a) refuse registration;
 - b) suspend operation of a registration; and
 - c) cancel a registration.
- (5) The Board may ask for additional information or clarifications or ask the applicant to appear for a hearing before deciding on the application.
- (6) If an applicant is registered or recognized under the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (1 of 1996), weightage shall be given to him while granting registration.
- (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 within 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 Trust's 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 pre-funding status of the registered organizations or associations.

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

- (1) If an association or organization ceases to be a registered organization 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 then such association or organization shall also cease to be registered with the Trust.
- (2) Any failure to disclose the above, may result in action shall be 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.

- (2) A person with disability as defined in clause (t) of section 2 of the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (1 of 1996) shall be selected from all such persons residing in the district and involved in disability related work.

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-regulation (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:-

- (1) Both the parents jointly, or, singly in the event of the absence of one due to death, divorce, legal separation, desertion or conviction, being natural guardian of minor may apply to the Local Level Committee to get themselves or himself as the case may be, appointed as guardian of their or as the case may be, his disabled ward beyond the age of 18, in which case the application shall be accepted unless the parent is disqualified on account of
 - i. loss of citizenship;
 - ii. being of unsound mind;
 - iii. being convicted by a court of law; or iv. being a destitute.

- (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:-

- (1) The Local Level Committee shall receive applications for appointment of guardian in Form D or Form A under the rules.
- (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 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.
- (7) The application for guardianship for personal care and maintenance shall be accepted to cover the following areas, namely:-

- a. Food, clothing and shelter needs;
 - b. Health care needs;
 - c. Religious needs;
 - d. Education, training and employment needs;
 - e. Leisure and nutrition needs;
 - f. Protection from exploitation and abuse;
 - g. Protection of constitutional and human rights; and
 - h. Medical and surgical needs.
- (8) The confirmation of appointment of the guardian on application made by (1) a registered organization; or (2) the parent or relative of a person with disability shall be made in Form B under the rules.

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

The Local Level Committee shall send to the Board once every quarter the particulars of the applications received by it, the orders passed thereon, and a report on the assessment of the functioning of the guardianship to be determined by it in consultation with the registered parent's association."

15. Miscellaneous:-

Any thing 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.

Form-B
[See regulation 7(2)]

FORM FOR GRANT OF REGISTRATION
(Under section 12(4) of the Act)

Registration No.

Date:.....

.....

(Name of Institution with full address)

.....

is registered by the National Trust. The registration no which shall remain valid up to unless suspended or cancelled by an appropriate order of the Trust.

Signature of the

Registration Authority
(Seal)

Form-C

[See regulation 7(3)]

FORM FOR RENEWAL OF REGISTRATION

.....
(Name of organization with full address)
.....

is registered with the National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities, (Ministry of Social Justice & Empowerment, Govt. of India) for participation in its programmes. Registration number allotted is which is valid fromto The number may please be quoted in all future correspondence with the National Trust.

Place:

Signature

Date:

(Seal)