

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; -
 1. Medical and fitness certificate from the Chief Medical Officer or District Medical Officer or any other Authorized Medical Officer;
 2. b.Original Degree or Diploma Certificate in support of the educational qualifications, date of birth and experience;
 3. Character, integrity and antecedents certificate from the Sub-Divisional Magistrate or any Gazetted Officer or other equivalent competent authority;
 4. Certificate of the Scheduled Caste or the Scheduled Tribe or other backward Classes or Ex-Servicemen or Disability, if applicable;
 5. 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-
 1. in the case of Chief Executive Officer and Group 'A' Officers, the Chairperson;
 2. 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-
 1. The Chairperson in the case of Chief Executive Officer and Group 'A' Officers,
 2. 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 ever 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:-
 1. Food, clothing and shelter needs;
 2. Health care needs;
 3. Religious needs;
 4. Education, training and employment needs;
 5. Leisure and nutrition needs;

- 6. Protection from exploitation and abuse;
 - 7. Protection of constitutional and human rights; and
 - 8. 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.

[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)

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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 from to The number may please be quoted in all future correspondence with the National Trust.

Place:
Signature
Date:
(Seal)