APPENDIX 4

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

No.44 of 1999 (30th December 199)

CHAPTER I
PRELIMINARY

In this Act, unless the context otherwise requires,-

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

(c) “cerebral palsy” means a group of non-progressive condition of a person characterized by abnormal motor control posture resulting from brain insult or injuries occurring in the pre-natal, perinatal or infant period of development;

(g) “Mental retardation” means a condition of arrested or incomplete development of mind of person, which is specially characterized by sub-normality of intelligence;

(h) “Multiple disabilities” means a combination of two or more disabilities as defined in clause (i) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995;

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

(l) “Professional” means a person who is having special expertise in a field, which would promote the welfare of persons with disabilities.

(m) “Registered organization” means an association of persons with disability or an association of parents of persons with disability or a voluntary, as the case may be, registered under section 12;

(o) “Severe disability” means disability with eighty percent or more of one or more of multiple disabilities;

With effect from such date as the Central Government may, by notification, appointment, there shall be constituted, for the purpose of this Act, a body by the name of the National Trust for Welfare of persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities which shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power, subject to the provision of this Act, to acquire, bold and dispose of property, both movable and immovable, and both movable and immovable, and contact, and shall, by the said name, sure or be sued.
CHAPTER III
OBJECTS OF THE TRUSTS

The objects of the trust shall be:

To enable and empower persons with disability to live as independently and as fully as possible within and as close to the community to which they belong.

(a) to strengthen facilities to provide support to persons with disability to live within their own families.

(b) to extend support to registered organization to provide need based services during the period of crises in the family of persons with disability.

(c) to deal with problems of persons with disability who do not have family support.

(d) to promote measures for the cure and protraction of persons with disability in the event of death of their parent or guardian;

(e) to evolve procedure for the appointment of guardians and trustees for persons with disability requiring such protection;

(f) to facilitate the realization of equal opportunities, protection of right and full participation of persons with disability; and

(g) to do any other act which is incidental to the aforesaid object.

CHAPTER IV
POWERS AND DUTIES OF THE BOARD

The Board shall:

(a) receive bequest of movable property any person for the benefit of the person with disability in general and for furtherance of the objectives of the Trust in particular.

Provide that it shall be obligatory on the part of the Board to make arrangement for adequate standard of living for the beneficiary named in the bequest, if any and to utilize the property bequeathed for any other purpose for which the bequest has been made: Provide further that the Board shall not be under any obligation to utilize the entire amount mentioned in the bequest for the exclusive benefit of the persons with disability named as beneficiary in the bequest:

(b) receive from the Central Government such sums as may be considered necessary in each financial year for providing financial assistance to registered organization for carrying out any approved Programme.

For the purpose of sub-section (1), the expression “approved Programme” means

(c) any Programme which promote independent living in the community for persons with disability by-

(i) creating a conducive environment in the community;

(ii) counselling and training of family members of persons with disability;

(iii) setting up of adult training units, individual and group homes;
(d) any programme which promotes respite care, foster family care or day care service for persons with disability;
(e) Setting up residential hostels and residential homes for persons with disability;
(f) Development of self-help group persons with disability to pursue the realization of their rights;
(g) Setting up of local committee to grant approval fit guardianship and
(h) such other programmes which promote the objective of the Trust.

- While earmarking funds for the purpose of clause (c) of sub-section (2), preference shall be given to woman with disability or to persons with severe disability and to senior citizen with disability.
- Explanation: - For the purpose of this sub-section, the expression;-
  “Persons with severe disability” shall have the same meaning as is assignd to it under sub-section (4) of section 56 of the persons with Disabilities (Equal Opportunities, Protection of Right and Full Participation) Act, 1995;

CHAPTER VI
LOCAL LEVEL COMMITTEES

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

(a) A local committee shall consist of:-

an officer of the civil service of the Union or of the State, not below the rank of a District Magistrate or a district Commissioner of a district;

(a) a representative of a registered organisation; and
(b) 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.
(c) A local level committee shall continue to work for a period of three years from the date of its constitution or till such time it is reconstituted by the Board.
(d) A local level committee shall meet at least once in every three months or at such interval as may be necessary.

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

(a) Any registered organization may make an application in the prescribed form to the local level committee for appointment of a guardian for a person with disability.

Provide that no such application shall be entertained by the local level committee, unless the consent of the guardian of the disabled person is also obtained.
While considering the application for appointment of a guardian, the local level committee shall consider:-

(a) The purpose for which the guardianship is required for person with disability.

(b) The local level committee shall receive, process and decide applications received under sub-section (1) and (2), in such manner as may be determined by regulation: Provide that while making recommendation for the appointment of a guardian, the local level committee shall provide for the obligation which are to be fulfilled by the guardian.

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

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

Every person appointed as a guardian under section 14 shall, within a period of six months from the date of his appointment, deliver to the authority which appointed him, an inventory of immovable property belonging to the person with disability and all assets and other movable property received on behalf of the person with disability, together with a statement of all claims due to and all debts and liabilities due by such person with disability.

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

- Whenever a parent or a relative of a person with disability or a registered organisation find that the guardian is:-

Abusing or neglecting a person with disability; or

(a) misappropriating or neglecting the property; it may in accordance with the prescribed procedure apply to the committee for the removal of such guardian.

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

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

Explanation.- For the Purpose of this chapter, the expression “relative” includes any person related to the person with disability by blood, marriage or adoption.
CHAPTER VII
ACCOUNTABILITY AND MONITORING

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

CHAPTER VIII
FINANCE, ACCOUNTS AND AUDIT

(a) all moneys received by the trust by way of grants, gifts, donation, beneficiation, bequests or transfers;

(b) all moneys received by the Trust in any other manner or from any other source.

(a) All moneys belonging to the fund shall be deposited in such banks or instead in such manner as the Board may, subjects to approval of the Central Government decide.

(b) The funds shall be applied towards meeting the administrative and other expenses of the Trust including expenses incurred in the exercise of its powers and performance of duties by the Board in relation to any of its activities under section 10 or for anything relatable thereto.