

MULTIPLE DISABILITIES ACT, 1999

POOJA MANNA
17113(a)

INTRODUCTION

- An Act to provide for the constitution of a body at the national level for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities and for matters connected therewith or incidental thereto.

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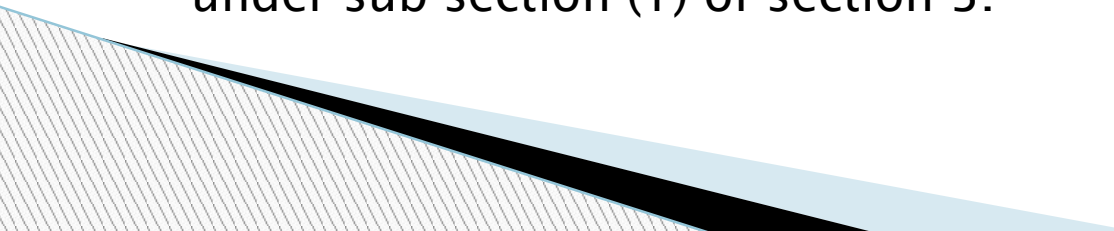


PRELIMINARY

□ Title

- This Act may be called the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999
- It extends to the whole of India except the State of Jammu and Kashmir.

- In this Act, unless the context otherwise requires,-
- “autism” means a condition of uneven skill development primarily affecting the communication and social abilities of a person, marked by repetitive and ritualistic behavior;
- “Board” means Board of trustees constituted under section 3;
- “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;
- “Chairperson” means the Chairperson of the Board appointed under clause (a) sub-section (4) of section 3;
- “Chief Executive” Officer” means the Chief Executive Officer appointed under sub-section (1) of section 8;
- “Member” means a Member of the Board and includes the Chairperson;
- “Mental retardation” means a condition of arrested or incomplete development of mind of person, which is specially characterized by sub-normality of intelligence;
- “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;

- “Notification” means notification published in the Official Gazette;
 - “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;
 - “Prescribed” means prescribed by rules made under this Act;
 - “Professional” means a person who is having special expertise in a field, which would promote the welfare of persons with disability;
 - “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;
 - “Regulation” means the regulations made by the Board under this Act;
 - “Severe disability” means disability with eighty percent or more of one or more of multiple disabilities;
 - “Trust” means the National Trust for Welfare of Persons with Autism, Cerebral Palsy Mental Retardation and Multiple Disability constituted under sub section (1) of section 3.
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The National Trust For Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disability

- 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, hold and dispose of property, both movable and immovable, and both movable and immovable, and contract, and shall, by the said name, sue or be sued.
- The general superintendence, direction and management of the affairs and business of the Trust shall vest in a Board which may exercise all powers and do all acts and things which may be exercised or done by the Trust.
- The head office of the Trust shall be at New Delhi and the Board may, with the previous approval of the Central Government, establish offices at other places in India.

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- The Board shall consist of –
 - a chairperson to be appointed by the Central Government from amongst, the persons having expertise and experience in the field of autism, cerebral palsy, mental retardation and multiple disability;
 - nine persons to be appointed in accordance with such procedure as may be prescribed from amongst the registered organization out of which three members each shall be from voluntary organization, association of persons with autism, cerebral palsy, mental retardation and multiple disability and from associations of persons with disability, members:*Provided that initial appointment under this clause shall be made by the Central Government by nomination;*
 - eight persons not be below the rank of joint Secretary to the Government of India nominated by the Govt. represent the Ministries or Departments of Social Justice and Empowerment, Women and Child Development, Health and Family Welfare, Finance, Labor, Education, Urban Affairs and Employment and Rural Employment and Poverty Alleviation, Members, ex-officio;
 - three persons to be nominated by the Board representing the associations of trade, commerce and industry engaged in philanthropic activities, members;
 - the Chief Executive Officer, who shall be of the rank of Joint Secretary to the Government of India, Member Secretary, ex-officio;

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- The Board may associate with itself, in such manner and for such purpose as may be determined by regulation, any person whose assistance or advice it may desire for carrying for any other out the objects of the Trust: Provided that such person shall have a right to take part in the discussion relevant to that purpose but shall not have right to vote at a meeting of the Board and shall not be a member for any other purpose: Provide further that the maximum number of persons so associated shall not exceed eight and so far as possible the person so associated shall belong to the registered organization or from the professional.

Objects of the Trusts

- 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;
- to strengthen facilities to provide support to persons with disability to live within their own families;
- to extend support to registered organization to provide need based services during the period of crises in the family of persons with disability ;
- to deal with problems of persons with disability who do not have family support;
- to promote measures for the care and protraction of persons with disability in the event of death of their parent or guardian;
- to evolve procedure for the appointment of guardians and trustees for persons with disability requiring such protection;
- to facilitate the realization of equal opportunities, protection of right and full participation of persons with disability; and
- to do any other act which is incidental to the aforesaid object.
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Powers and Duties of the Board

- The Board shall:
 - receive from the Central Government a one-time contribution of rupees one hundred crores for a corpus, the income where of shall be utilized to provide for adequate standard of living for persons with disability;
 - 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;
 - 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.
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