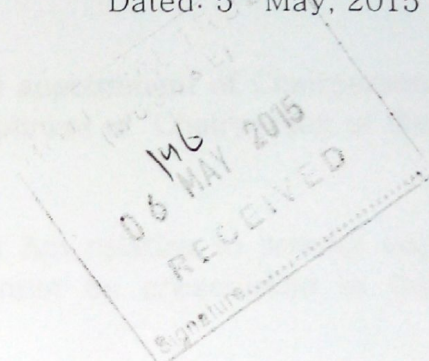


F.No. 26-25/2014 -DD-III (Part)  
Government of India  
Ministry of Social Justice and Empowerment  
Department of Empowerment of Persons with Disabilities  
(5<sup>th</sup> Floor, Paryavaran Bhawan, CGO Complex, New Delhi)

Dated: 5<sup>th</sup> May, 2015

To

Joint Secretary & CEO,  
National Trust,  
16 - B, Bara Bazar Road,  
Old Rajinder Nagar,  
New Delhi - 110060



Subject: Clarification on the phrase 'Chairperson of the Board' in the National Trust Act, 1999.

Sir,

I am directed to your note dated 16.02.2015 on the above subject and to say the Department has sought clarification/advice of Department of Legal Affairs on the issue. The advice given by the Department of Legal Affairs is as reproduced below:

*Prepare an agenda note for the Board*  
Section 3 (2) & (4) of the National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 (Act 1999) read as under:

- ALA* *25/5/15*
- (2) 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.
- (4) The Board shall consist of :
- (a) a Chairperson to be appointed by the Central Government from amongst the person having expertise and experience in the field of autism, cerebral palsy, mental retardation and multiple disability;
  - (b) to (d) .....
  - (e) The Chief Executive Officer, who, shall be of the rank of Joint Secretary to the Government of India, Member- Secretary, ex officio.



From the above, it is clear that Chairperson and Chief Executive Officer are Members of the Board. All powers vested in the Board. Powers of the Chairperson has not been prescribed in the Act. The Board can only issue directions, etc., to be exercised by the Trust.

In view of the above, we are of the view that-

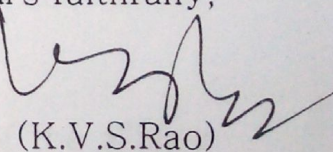
(i) Since there is no provision for the appointment of Chairperson of the Trust, in the appointment letter the phrase of 'Chairperson of the Board' may be used.

(ii) Since there is no provision in the Act relating to powers and duties of the Chairperson, the same cannot be prescribed in the Rules."

2. The Department would take into account the advice in para 3(i) above of the Department of Legal Affairs while issuing appointment letter to the new Chairperson, National Trust. The National Trust is requested to place advice in para 3(ii) above before the Committee constituted by the Department to review the Rules and Regulations framed under the National Trust Act, 1999. The advice of the Ministry of Law may also be placed before the Board in its next meeting.

3. This issues with the approval of Secretary (DEPwD).

Yours faithfully,



(K.V.S.Rao)

Director