

CONSTITUTION

(Rules & Regulations)

of



National Confederation of Parents' Organisations for
Persons with Mental Retardation, Autism,
Cerebral Palsy and Multiple Disabilities

(Reg. No. S-30635 of 1996)

Regd. Office:

C 4/5, S.D.A., First Floor, Opp. IIT Main Gate, New Delhi - 110016

Tel: 011-26964379

Constitution of "PARIVAAR"

(AS AMENDED AND APPROVED BY THE EXTENDED
GENERAL ASSEMBLY MEETING HELD ON
4TH FEB. 2006 AT BANGALORE)

MEMORANDUM OF ASSOCIATION

1. The name of the Society will be "PARIVAAR" (National Confederation of Parents' Organisations for Persons with mental retardation, autism, cerebral palsy and multiple disabilities (NCPO).
2. The Principal headquarters of "PARIVAAR" will be at **C 4/5, SDA, 1st Floor, Oppo. IIT Main Gate, NEW DELHI - 110 016 India**. However, it will be shifted to its permanent office building when acquired.
3. The Aims & Objectives of the Society will be as under:
 - a) To secure for persons with mental retardation, autism, cerebral palsy and multiple disabilities irrespective of caste, creed, race or religion, from all possible sources, provision of remedial, residential, educational, training, employment, welfare and social security services.
 - b) To create a common bond of understanding and action among professionals, parents, families and others affected by the problem of mental retardation, autism, cerebral palsy and multiple disabilities throughout the country and the world.
 - c) To promote the interest of persons with mental retardation, autism, cerebral palsy, multiple disabilities and their families by bringing about cooperation among organisations representing State / District levels and endeavor on their behalf.
 - d) Without prejudice to the generalities of a, b and c above.
 - i) To secure and ensure inclusive education with all kinds of support services with the help of comprehensive legislation and enactment towards that end.
 - ii) To secure legal rights for parents, families and PARIVAAR for providing legal protection to persons with mental retardation, autism, cerebral palsy and multiple disabilities against exploitation, abuse and discrimination.
 - iii) To explore the possibilities of identifying jobs and activities according to the skills and potential of persons with mental retardation, autism, cerebral palsy and multiple disabilities and ensuring job-quota and financial help for entrepreneurs.

- iv) To promote incentive schemes for employers in order to motivate them to employ persons with mental retardation, autism, cerebral palsy and multiple disabilities.
 - v) To secure for persons with mental retardation, autism, cerebral palsy and multiple disabilities all fundamental rights as enjoyed by the citizens under the Constitution of India.
 - vi) To promote establishment of caring services for persons with mental retardation, autism, cerebral palsy and multiple disabilities.
 - vii) To conduct seminars, publish newsletters and magazines, to disseminate and exchange information and views relating to persons with mental retardation, autism, cerebral palsy and multiple disabilities.
 - viii) To seek adequate representation for PARIVAAR in policy making and programme implementing bodies of Central and State Government and local level bodies.
 - ix) To create public awareness through media and other means.
 - e) To undertake research activities in all fields related to mental retardation, autism, cerebral palsy and multiple disabilities and to encourage establishment of Research Centres.
 - f) To do all things as may be necessary and conducive for attainment of the aims and objectives of PARIVAAR.
4. The income and property of the Society shall be applied solely towards promotion of the objectives of the Society and no part thereof shall be paid or transferred, except as specified in the Constitution, to the members of the Society; provided that nothing herein contained shall prevent the payment in good faith of remuneration to any employee of the Society, even when he is a member of the Society, in return for the services rendered to the Society or payment of interest at reasonable rate on money borrowed or for expenses incurred by the member so empowered, in connection with the work of the Society.

CONSTITUTION (RULES & REGULATIONS) OF PARIVAAR

ARTICLE - I

Name, Head Quarters and Duration:

SECTION - 1

NAME: The name of this organisation shall be PARIVAAR - National Confederation of Parents' Organisations for Persons with mental retardation, autism, cerebral palsy and multiple disabilities hereinafter referred to as "PARIVAAR". It is established as an Association governed by the Constitution hereinafter set forth and registered under Societies Registration Act., 1860.

SECTION - 2

- a) The Principal Headquarters of "PARIVAAR" will be C 4/5, SDA, 1st Floor, Oppo. IIT Main Gate, New Delhi - 110016 India. However, it will be shifted to its permanent office building when acquired and till that time, it will function from the said premises.
- b) The area of operation of PARIVAAR will be the entire Republic of India.

SECTION - 3

DURATION: The duration of PARIVAAR shall be until such time as it may be dissolved under the provision of Article IX.

SECTION - 4

INTERPRETATION: In these presents, the following expressions shall have the meanings set out hereunder, unless repugnant to the subject or inconsistent with the context. Words importing singular shall include plural and vice versa and words importing masculine gender shall include feminine gender and vice versa.

- i) **PARIVAAR:** The National Confederation of Parents' Organisations for persons with mental retardation, autism, cerebral palsy and multiple disabilities covered by this Constitution.
- ii) **MENTAL RETARDATION:** A person with a condition of arrested or incomplete development of brain, especially characterised by impairment of skills like cognitive, lingual, motor or social ability manifest during the developmental period. Such person may be a case of Mental Retardation, Cerebral palsy, Autism and Multiple Disabilities, but shall not be mentally ill.
- iii) **PARENTS' ASSOCIATION:** An organisation of parents' guardians of persons with mental retardation, autism, cerebral palsy and multiple disabilities, registered under the Societies' Registration Act, 1860 or under the Indian Trusts Act (as applicable to various states)
- iv) **REGISTERED SOCIETY:** Any parents' organisation as described in Section 4(iii) above.

- iv) **MEMBER:** Any Parent's Organisation as described in Section 4 (iii) above which has applied for and is admitted to the membership of PARIVAAR **through the State Federation or directly.**
- v) **AFFILIATE MEMBER :** Any registered organisation other than described in Section 4(iii) above such as associations of professionals etc., working in the field of or for the benefit of persons with mental retardation, cerebral palsy, autism and multiple disabilities, which has applied for and is admitted to the membership of PARIVAAR.
- vi) **GENERAL ASSEMBLY:** The body comprising all categories of members and representatives of member organisations as delegated by the State Federation.
- vii) **EXECUTIVE COUNCIL:** The body of members representing Member Associations **as represented by State Federations** (elected and co-opted) who shall administer the affairs of PARIVAAR and implement the policies and carry out the tasks laid down by the General Assembly.
- viii) **CONSTITUTION:** Constitution (Rules and Regulations) of PARIVAAR.
- ix) **OFFICE-BEARERS:** Office Bearers **as selected from** the Executive Council of PARIVAAR.
- x) **ZONES:** For organisational purposes, various states in the country shall be grouped in six zones. The zonal vice-presidents and zonal secretaries will be responsible for the organisational matters in the respective zones. **These zones, however, will not have jurisdiction over the states where state federations have come into existence. The zones will stand abolished as and when all the states and union territories of the Republic of India form their State Federations.**

These zones will be as follows:

North Zone : The States of Himachal Pradesh, Punjab, Haryana, Delhi, Uttar Pradesh, Uttarakhand, Jammu and Kashmir and Union Territory of Chandigarh.

Central Zone : The States of Rajasthan, Madhya Pradesh, and Chattisgarh.

West Zone : The States of Gujarat, Maharashtra, Goa and Union Territory of Diu and Daman, Dadara and Nagar Haveli.

South Zone: The States of Karnataka, Tamil Nadu, Andhra Pradesh, Kerala, Pondicherry and Union Territory of Lakshadweep.

East Zone : The States of Bihar, West Bengal, Sikkim, Orissa, Jharkhand and Union Territory of Andaman and Nicobar Islands.

North-Eastern Zone : Assam, Tripura, Manipur, Meghalaya, Mizoram, Arunachal Pradesh and Nagaland.

- xi) **MEMBER IN GOOD STANDING:** Any member of PARIVAAR who has paid the prescribed membership subscription for the current year and any other pending

- dues, and is not, in any manner, working to the detriment or contrary to the interests of PARIVAAR or any of its aims and objectives:
- xii) **INCLUSIVE EDUCATION:** An education system under which children with mental retardation, autism, cerebral palsy and multiple disabilities, attend the same schools as normal children, without any segregation. The emphasis should be on recognised functional academics and on the need of separate special schools or complementary education, so as to enhance their social acceptance.
 - xiii) **SELF-ADVOCATE:** A person with mental retardation, autism, cerebral palsy and multiple disabilities, who attempts to present, 'through' any forum, before the society in general or any specific private, public or Government body, the difficulties or problems faced by persons with mental retardation, autism, cerebral palsy and multiple disabilities and seeks remedial measures or legislation for their benefit.
 - xiv) **ACT:** The Societies' Registration Act, 1860 or the Trust Act applicable at the place where the member organisation is located.

ARTICLE - II AIMS AND OBJECTIVES

SECTION - 1 : The aims and objectives of PARIVAAR are:

- a) To secure for persons with mental retardation, cerebral palsy, autism and multiple disabilities irrespective of caste, creed, race or religion, from all possible sources, provision of remedial, residential, educational, training, employment, welfare and social security services.
- b) To create a common bond of understanding and action among parents, families and professionals and others affected by the problem of mental retardation, autism, cerebral palsy and multiple disabilities throughout the country and the world.
- c) To promote the interests of persons with mental retardation, autism, cerebral palsy and multiple disabilities and their families by bringing about cooperation among organisations representing State/District levels and endeavor on their behalf.
- d) Without prejudice to the generalities of sub sections **a**, **b** and **c** above.
 - i) To secure & ensure inclusive education with all kinds of support services with the help of comprehensive legislation and enactment towards that end.
 - ii) To secure legal rights for parents, families & PARIVAAR for providing legal protection to persons with mental retardation, autism, cerebral palsy and multiple disabilities against exploitation, abuse and discrimination.
 - iii) To explore the possibilities of identifying jobs and activities according to the skills and potential of persons with mental retardation, autism, cerebral palsy and multiple disabilities and ensuring job quotas and financial help for entrepreneurs.

- iv) To promote incentive schemes for employers to motivate them to employ persons with mental retardation, autism, cerebral palsy and multiple disabilities.
- v) To secure for persons with mental retardation, autism, cerebral palsy and multiple disabilities all fundamental rights as enjoyed by the citizens under the citizens under the Constitution of India.
- vi) To promote establishment of caring services for persons with mental retardation, autism, cerebral palsy and multiple disabilities.
- vii) To conduct seminars, publish newsletters and magazines, to disseminate and exchange information and views relating to persons with mental retardation, autism, cerebral palsy and multiple disabilities.
- viii) To seek adequate representation for PARIVAAR in policy making and implementing bodies of Central and State Governments and local level authorities.
- ix) To create public awareness through media and other means.
- e) To undertake research activities in all fields related to mental retardation, autism, cerebral palsy and multiple disabilities and to encourage establishment of Research Centres.
- f) To do all things as may be necessary and conducive for attainment of the aims and objectives of PARIVAAR.

SECTION - 2 : To carry out these aims and objectives, PARIVAAR shall:

- a) Promote exchange of experts and information on the development of services for persons with mental retardation, autism, cerebral palsy and multiple disabilities.
- b) Foster exchange of ideas, themes and personnel in the field of mental retardation, autism, cerebral palsy and multiple disabilities between one State and another in India and between one country and another.
- b) To take up trusteeship of persons with mental retardation, autism, cerebral palsy and multiple disabilities, to promote, encourage and assist member organisations and others to set up Residential / Day Care Homes for persons with mental retardation, autism, cerebral palsy and multiple disabilities at the discretion of the Executive Council and also to enter into arrangement with existing reputed homes for shelter and care of Persons for whom PARIVAAR has accepted trusteeship.
- c) Undertake the comparative study of legislation in various countries and India relating to persons with mental retardation, autism, cerebral palsy and multiple disabilities, and provision of services for their well-being and also strive for better legislation in India.

- d) Encourage the formation and development of District Level Parents' Associations in the interest of persons with mental retardation, autism, cerebral palsy and multiple disabilities, assist and stimulate them through exchange of information and experience of others to better cope up with the needs of persons with mental retardation, autism, cerebral palsy and multiple disabilities, engender in such organisations and in their members an awareness of the necessity and importance of their joining in national and international efforts to ensure the welfare of persons with mental retardation, autism, cerebral palsy and multiple disabilities.
- e) Cooperate with other international organisations, both governmental and non-governmental, in advancing the welfare of persons with mental retardation, autism, cerebral palsy and multiple disabilities, and in promoting scientific research and professional training necessary thereto.
- f) Solicit, receive, use, hold and utilise any contributions, bequests or endowments or proceeds thereof from sources in India and abroad, for advancing welfare of persons with mental retardation, autism, cerebral palsy and multiple disabilities.
- g) To encourage District level bodies for formation of Trusts to look after persons with mental retardation, autism, cerebral palsy and multiple disabilities.
- h) Employ such other means, as the General Assembly on the recommendation of the Executive Council, shall determine from time to time.

ARTICLE - III : MEMBERSHIP

SECTION - 1 : Classes : The membership of PARIVAAR shall consist of

- a) Honorary Patrons
- b) Honorary Members
- c) Patrons
- d) Members &
- e) Affiliate Members

SECTION - 2

- a) **HONORARY PATRONS:** Any person of national prominence may be made an Honorary Patron of PARIVAAR. Members in this category shall not be required to pay membership subscription and they shall not be voting members.
- b) **HONORARY MEMBERS:** Any person who is considered to have made an important contribution to the welfare of persons with mental retardation, autism, cerebral palsy and multiple disabilities, or research in related areas, or who is considered to be in a position to render valuable advice for advancing the

objects of PARIVAAR may be made an Honorary member of PARIVAAR at the discretion of the Executive Council. This shall not be a voting membership.

- c) **PATRONS:** Any person may be enrolled as a Patron, if he is willing to pay a lump sum corpus donation of not less than Rs. One lakh, and subscribe fully to the aims, and objectives of PARIVAAR. He shall, however, not have any voting rights.
- d) **MEMBER:** Any Parents' Organisation as defined in Article - I Section 4(iii) above, from any part of India may be admitted to the **State Federation of Parivaar as a member wherever the State Federation exists or may be directly admitted by National Confederation as a member till such time a State Body is formed in the State to which the Association belongs.**
 - i) It must be concerned with the welfare of persons with mental retardation, autism, cerebral palsy and multiple disabilities and promotion or provision of one or more services for their care and benefit.
 - ii) It must agree to meet all obligations of membership, including payments of such subscriptions as are determined by the General Assembly in conformity with all provisions of PARIVAAR's constitution, its duly established regulations, and participation in the affairs of PARIVAAR as a responsible voting member.
 - iii) Any member who has paid in full his membership subscription and all other dues, shall have the voting right.
- e) **AFFILIATE MEMBER:**
 - i) Any **Association / Institution**, not meeting the criteria of Membership.
 - ii) Any organisation as defined in Article-I Section 4 (vi) above shall be an affiliate member.

Affiliate members agree to abide by the constitution and pay applicable fees and levies but shall not have voting rights.

SECTION - 3: PROCEDURE FOR ADMISSION:

Admission of Members and Affiliate Members shall be by application to the **State Federation wherever it exists or to the Executive Council for direct membership of the National Confederation and the membership will be given according to procedure which the E.C. shall determine.**

SECTION - 4 : VOTING RIGHTS

All other categories of members, viz., Honorary Patrons, Honorary Members, Patrons and Affiliate Members may participate in discussions, but shall not have any voting rights.

SECTION - 5

- a) **TERMINATION OF MEMBERSHIP:** Any member or Affiliate Member shall be liable

for termination of its membership for non-payment of membership subscription and other levies within the relevant financial year. However, a member organisation unable to meet the obligation of payment of other levies, may appeal to the Executive Council for a review of the said obligation and for determination of all conditions under which the said organisation may remain a member in good standing.

- b) If any person representing a member organisation is considered to be working against the interests of PARIVAAR in any manner whatsoever, the Executive Council of the State Federation shall have the authority to terminate his representation in PARIVAAR by a 2/3 majority vote of the State Federation councillors present at the meeting, after considering his explanation, if any.

In the event of the Parents Association being directly affiliated to the National Confederation the Central Executive Council of Parivaar will take similar actions.

However, if any member is convicted by a competent Court of Law in any criminal matter or for an offence involving moral turpitude or is declared insolvent, his membership shall stand terminated IPSO FACTO and he shall not be eligible for readmission.

- c) **RESIGNATION:** A member may terminate its membership at any time by notice of resignation to the Executive Council. However, such member shall be obliged to clear the payment of subscriptions and other levies, including arrears if any, applicable till the date of resignation.

ARTICLE - IV: ORGANISATIONAL STRUCTURE

SECTION - 1

A. PARIVAAR – N.C.P.O

- a) The national organisation will be a Confederation of State Federations of Parents having All India jurisdiction registered under the Societies Registration Act 1860.
- b) The national organisation may get affiliated to International organizations.
- c) All member organisations will elect the office bearers, Executive Council members and State representatives of the National body as per provisions of Article IV, Section-5, Item B.
- d) Programmes and resolutions adopted by the **NCPO** will be implemented peripherally by the State/Territorial and Local Organisations

B. LOCAL ORGANISATION

- a) A group of parents shall, whenever possible form a Local Organisation.
- b) Each of the Parents' Organisations will be registered in the State in their

own name either as a Society under the Societies Registration Act / a Public Charitable Trust under Indian Trust Act or a non-profit making Company under the Companies Act.

- c) The local organisations will collect subscription from the parent members.
- d) The local organisations will send a part of the subscription collected, to the state organisation as State Fund Contribution (SFC) and to the national organization as National Fund Contribution (NFC).
- e) The local organisations will raise their own funds independently.
- f) The local organizations will receive benefits by participating in Schemes/ Projects of National Office and State Office.
- g) The local organisations will receive different publications of the National organisation against contributions.

C. STATE / TERRITORIAL ORGANISATION

- a) There shall be a State Federation or State Coordination Committee for each State / Union Territory in India which shall have jurisdiction over all local organisations within its area.
- b) The State Federation will be Registered in the state, under Societies Registration Act in the name of PARIVAAR — for instance Andhra Pradesh State Federation of Parivaar after getting approval from Parivaar - NCPO in its Executive Council Meeting.
- c) (i) The State/Territorial Organisation will be a State Federation consisting of the Local Member Organisations.
(ii) The State Federation will have a minimum of seven (7) local member organisations.
- d) The Office of the State / Territorial Organisation (Federation) will preferably be in the state capital.
- e) The State / Territorial Organisation will collect subscription from each member organisation and send a part of it to NCPO as may be determined by the Executive Council of Parivaar from time to time.
- f) The State / Territorial Organisation will raise their funds independently.
- g) The State/Territorial Organisation (Federation) will receive benefits by participating in Schemes/Projects of National Office.
- h) The Local Member organisations will elect the State Body by 1:1 voting.
- i) The State / Territorial Organisation (Federation) State Co-ordinating committee will send one or two or three elected state representative to the National body, depending on the number of member organisations in the state or the territory.

D. LOCAL ORGANISATION (Direct Member)

- (a) There will be direct local organisations membership to the National Organisation (NCPO) from State/Union Territory where State Federation has not yet been formed. In such an event the local organization will fulfil the provisions contained in article III Sec.2(d).
- (b) In order to run the State level activities where the state federation does not exist, the organisations may form the State Co-ordination Committee.
- (c) The Local Organisations will collect subscriptions from the member parents.
- (d) The Local Organisations shall raise their own funds.
- (e) Each local parents' organization as per Sec.10(D)(a) will directly contribute to the NCPO, the total contribution as determined by the Executive Council of PARIVAAR from time to time until state level federation is formed.
- (f) The local organizations will receive different publications of PARIVAAR-NCPO against contributions.
- (g) The local organization as per Sec.10(D)(a) will send elected representative from the said state to the national body.
- (h) The direct local member organisations will be guided by the respective Zonal Vice President in fulfilling the aims and objectives of Parivaar-NCPO.

SECTION- 2

A. Rules and Bye-Laws of Local and State/Territorial Organisations

1. There shall be a model set of Rules and Bye-Laws to act as a guideline for Local and State/Territorial Organisations. A Local and State organization shall, however be free to govern itself in such a manner as it may deem fit and to repeal or alter the same as and when it may consider it expedient. The Rules and Bye-Laws so made and for the time being in force, shall be binding on the members constituting the Organization in reference to which they are made, provided that such Rules and Bye-Laws are in general conformity with the Rules and Bye-Laws of the PARIVAAR's aims and objectives.
2. A Local Organisation after formation shall send its set of Rules and Bye-Laws to the National headquarters office with a copy to the State / territorial Organisation Office and will come into force after they are approved by the Executive Council of Parivaar.
3. **All Local Organisations within the jurisdiction of a State or Territorial Organisations shall be guided by the latter in all matters subject to the Rules and Bye-laws of the PARIVAAR – NCPO.**
4. Local Organisations within the jurisdiction of a State or territorial organisation shall refer all matters concerning the State and Central

Governments to the State or Territorial Organisations for final decision in such matters. State/Territorial Organisations shall likewise refer all matters concerning the Government of India or India as a whole or outside India to the National Headquarters for necessary action.

5. PARIVAAR - NCPO shall not be liable for any debts or liabilities of any local, State or Territorial Organisation nor shall any Local, State or Territorial Organisation be liable for any debts and liabilities of PARIVAAR – NCPO.
6. The President and all the members of the Executive Council and the Technical Advisors shall hold the office for a period of three (3) years subject to a maximum of two consecutive terms of three (3) years each term.
7. The Local member Organisations will elect the Executive body members of the State Organisation and the representative of the State to the National Executive Council of Parivaar- NCPO.
8. The State Organisations under each six Zones will elect their respective Vice-presidents of the National Executive Council of the Association.
9. Zonal and District units do not have any independent status but having a coordinating role for executive convenience for implementation of the programmes of Parivaar, at the grassroot level.

B. National Executive Council:

The maximum number of members of the Executive Council shall be 42 (forty-two). The Executive Council shall consist of the following members:-

1. National President – To be elected.
2. Immediate past President.
3. Posts nos. 3 to 42 are to be elected.

There shall be direct election for the post of President to be nominated by his/her Parents Association and proposed by the respective State Federation and seconded by another State Federation. The immediate past President will be Ex-officio Executive Council member with voting rights. Each State through its State Federation/Coordinating Committee shall nominate one representative each totaling to maximum of 40 (forty) members in the Executive Council. Should there be a shortfall in completing the number 40 (forty) the President is empowered to nominate/select such number of members as he deems fit (thus bringing the total number to the maximum of 40) from amongst the local organizations. All the office bearers viz. Vice Presidents – 6, General Secretary – 1, Joint Secretaries – 2, Treasurer – 1 will be chosen from amongst the Executive Council Members in the first Meeting of the Executive Council after the election every three (3) years.

Section III: Organisational set up:

The organisation shall consist of :

- a) The General Assembly
- b) The Executive Council
- c) The Office Bearers
- d) The Secretariate
- e) The Committees
- f) The Co-opted Members
- g) The Technical Advisors

SECTION - 2: THE GENERAL ASSEMBLY

- a) The General Assembly shall consist of representatives designated by Members and Affiliated Members. The Hon. Members and Patrons shall also be the constituents of the General Assembly, but without voting rights.
- b) **Each State Federation may designate not more than two members as representatives to the General Assembly but only the parents' association members will be eligible for voting.**
- c) A regular meeting of the General Assembly shall be held every year at which the General Assembly shall when due, elect the President of PARIVAAR and members of its Executive Council for a **three-year** term and transact such other business as may be necessary. The General Assembly may, at other times, meet in extraordinary session at the call of the president or on requisition by a majority of members of the Executive Council or on a requisition by not less than twenty five members of the General Assembly, in good standing.
- d) The General Assembly shall establish general policies and procedures of PARIVAAR, review all actions and decisions of the Executive Council, and serve as final forum on all matters pertaining to the rights of the members and interpretation of the Constitution.
- e) At each regular meeting of the General Assembly the conduct of business shall be in the following order:
 - i) To read and approve the minutes of the previous meeting.
 - ii) To receive consider and pass the report and accounts for the previous year.
 - iii) To appoint or re-appoint auditors and fix their remuneration.
 - iv) Election of the President and members of the Executive Council when due.
 - v) To consider and vote upon resolution notified in the Agenda.
 - vi) Any other business with the permission of the Chair.

- f) At any Extra-Ordinary session of the General Assembly the business to be transacted shall be restricted only to the agenda actually circulated.

SECTION - 3: THE EXECUTIVE COUNCIL

- a) The Executive Council shall consist of the President and not more than 40 Councillors elected by the General Assembly who shall serve as representatives of the General Assembly as a whole and not representatives of member organisations. The Executive Council shall be representative of the various **parents' associations/institutions** /States of the country. Not more than two Councillors, excluding the President and the General Secretary shall be from the same state. Upto five (5) co-opted members and upto five (5) Technical Advisors (who shall not have voting rights) shall also be members of the Executive Council, **but shall not be counted in the total strength of 42 members** of the Executive Council.
- b) The Executive Council shall meet atleast twice a year, if possible, at the call of the President or when a majority of the members of the Executive Council may determine. The time and place of meeting shall be determined by the President and General Secretary on the Advice of the Executive Council.
- c) The Councillors shall be elected for a term of three years and may be re-elected.
- d) A majority of members of the Executive Council shall always be Parents/Guardians/close family members of mentally retarded and of persons with autism, cerebral palsy, multiple disabilities, or self advocates, if nominated by Member Associations.
- e) The Executive Council will be the responsible organ of the General Assembly to manage the affairs of PARIVAAR during the interim period between meetings of the General Assembly. The Executive Council shall have and exercise all the authority and duties of the General Assembly except the authority specifically reserved for the General Assembly.

SECTION - 4:

FUNCTIONS AND POWERS OF THE EXECUTIVE COUNCIL shall be as under:

- a) To raise financial resources and manage all the assets and funds and to conduct and manage all the activities of PARIVAAR.
- b) To appoint employees and / or engage the services of contractors, to settle the terms of their employment or engagement, and lay down conditions for their termination.
- c) To file and/or defend suits on behalf of PARIVAAR, to compound suites or to refer any differences of disputes with third parties for arbitration.
- d) To seek advice and / or opinion from lawyers, chartered accountants, rehabilitation professionals and other specialists.
- e) To invest funds of PARIVAAR in approved securities or bank deposits.

- f) To acquire immovable (including agricultural land) and / or movable assets as may be required for fulfillment of the objectives of PARIVAAR.
- g) To alienate investments of consideration.
- h) To open bank account and operate the same jointly by Treasurer, President and Gen. Secretary authorised by the Executive Council.
- i) To issue receipts for any moneys, securities and the documents received on behalf of PARIVAAR.
- j) To accept and receive in any manner any cash or movable or immovable property either unconditionally or subject to conditions as may be approved by the Executive Council, as per the guidelines laid down by the General Assembly.
- k) To solicit, obtain or accept donations, grants, gifts, for persons with multiple disability, or self-advocates, if nominated by Member Associations, alter, expand, repair or modify any such existing assets.
- l) To acquire through gifts, purchase, exchange, lease or hire or otherwise howsoever any land, buildings, apartments or rights to any movable or immovable property.
- m) To sell, transfer, exchange, mortgage, demise, dispose off or otherwise deal with any property belonging to PARIVAAR.
- n) To draw, make, accept, endorse and discount cheques, notes or other negotiable instruments.
- o) To enter into any arrangement with any government, individual or corporate entity or local body, as may be conducive to the objectives of PARIVAAR.
- p) To keep proper account of all sums of money received and spent by PARIVAAR and to have the accounts audited every year as prescribed by law.
- q) To accept and manage any Trust Fund or Endowment which assists in furthering the aims and objectives of PARIVAAR accepted from anybody.
- r) To pay affiliation fees or membership fees to allied Organisations in India or abroad.
- s) To make available grant of money or other assistance to any member organisation / association engaged in promoting schools / vocational centres / homes / day care/ respite care centre / community living and institutions etc., working for the welfare of persons with mental retardation, autism, cerebral palsy and multiple disabilities.
- t) To appoint sub-committees for discharging jobs specified services in furthering the aims and objectives of Parivaar, as and when deemed necessary by the President / Secretary.
- u) To borrow money which may be required for PARIVAAR in such manner as may

- be deemed fit, including hypothecation, mortgage, etc., of the assets of PARIVAAR and settle the terms for such loans.
- v) To select persons, whether Executive Council members or not, for representing PARIVAAR on statutory and / or non-statutory bodies appointed by the Central or State Government and / or any local bodies like Zilla Parishads and/or Gram Panchayats, etc.
 - w) To formulate schemes for giving appropriate recognition to persons with mental retardation, autism, cerebral palsy and multiple disabilities, and others who have rendered meritorious service for the welfare and rehabilitation of persons with mental retardation, autism, cerebral palsy and multiple disabilities.
 - x) In general to manage the affairs and activities of PARIVAAR and generally to do all such things, take all such actions, incur all such expenses and execute all such documents, whether specifically enumerated in the foregoing or not, as may be proper, necessary or expedient for carrying out the aims and objectives of PARIVAAR and / or for compliance with statutory requirements.
 - y) To accept trusteeship of mentally retarded person or persons with cerebral palsy, autism, multiple disabilities, and arrange for their placement with suitable residential or Day Care homes.
 - z) To co-opt upto five (5) persons from the General Assembly as members of the Executive Council for a period of three (3) years and to appoint upto five (5) persons with knowledge and experience in any discipline as Technical Advisors for a period of **three (3) years** at a time.

SECTION - 5: OFFICE BEARERS:

- a) The Executive Council shall consist of the President, Six Vice-presidents and six Zonal Secretaries (representing the interests of North, East, North-East, West, South and Central States of country) the General Secretary, two Joint Secretaries and the Treasurer. One person may be temporarily charged with more than one of these duties but cannot hold two offices at the same time. Office Bearers other than the President (who is elected by the General Assembly) shall be elected by the Executive Council from amongst its members for a three-year term or when so warranted, until the next meeting of the Executive Council. All Office Bearers including the President on completion of their three year term, shall be eligible for reelection but shall not serve for more than **two terms** at a time without a break, on the same post.
- b) The President will be the **Chief Executive** of PARIVAAR. He shall preside over all the meetings of the General Assembly and Executive Council. The President shall function on the advice of the Executive Council and the General Assembly to whom, he shall be responsible ultimately. He shall not take major policy decisions without the prior approval of the Executive Council. He shall work with close cohesion and cooperation with the Executive Council including the General Secretary.

- c) The President and the General Secretary shall consult, wherever necessary, the Vice-Presidents, Joint Secretaries, Zonal Secretaries on important issues and shall keep them posted of the same by endorsing copies of relevant letters/ correspondence whenever necessary. All vital decisions term implications on the working and future of PARIVAAR, having long term implications on the working and future of PARIVAAR, should be taken by involving them in the process. In the absence of the President, the six Vice-Presidents shall, from amongst themselves select one of them to assume the duties of the President.
- d) The General Secretary who would preferably be from Delhi will be assisted in his/her work by two (2) Joint Secretaries, who will be selected by the Executive Council members from among themselves. The Joint Secretaries shall work under the directions of the President and the General Secretary. In the absence of the General Secretary, one of the Joint Secretaries shall officiate in his / her place, on the advice of the President. The General Secretary may delegate work to an employee staff but the final responsibility shall reside with him/her. However, in case of difference of opinion with the President, or with any other office-bearer, the matter shall be referred to the Executive Council, and the decision of the Executive Council shall prevail.
- e) Each Zone shall have a Zonal Secretary, appointed by Executive Council, from among the Councillors from the concerned zone. The Zonal Secretaries shall work under their respective Vice-Presidents and under their advice and guidance.
- f) The Treasurer shall perform under the direction of the President, General Secretary and the Executive Council, the duties usually pertaining to this office, including preparation of annual budget with the advice of the Financial Resources Committee, disbursement of all authorised expenditures, the keeping of proper financial records, and preparation of annual, and such other financial reports, as the Executive Council may require.
- g) In the event of any vacancies occurring in the Executive Council, the Council may appoint temporary Councillors to serve until the next meeting of the General Assembly.

SECTION - 6 : THE SECRETARIAT

- a) The Executive Council shall be empowered to employ such staff and to rent or acquire such premises as it deems necessary in order to carry out the work of PARIVAAR.
- b) No employees of PARIVAAR in any capacity is eligible to hold elective office or to serve as a member of the Executive Council.
- c) The paid staff if appointed, shall be directly responsible to the President / General Secretary for the conduct of PARIVAAR's affairs.

SECTION - 7 : THE COMMITTEES

- a) The following Committees shall be formed and their Chairpersons and constituent members may be appointed by the President in consultation with the Executive Council.
1. Financial Resource Committee.
 2. Annual Conference Committee.
 3. Publicity Committee.
 4. Rural Affairs Committee.
 5. Ethics Committee.
 6. Other Committees as required for the proper conduct of affairs. All these Committees shall stand dissolved at the expiry of the term of office of the incumbent President but may also be dissolved earlier by the President on the advice of the Executive Council.

b) **THE FINANCIAL RESOURCES COMMITTEE:** This Committee shall advise the Executive Council as to the subscription and dues to be paid by the various classes of the membership for the next year. The Committee shall also review and make recommendations concerning ways and means of increasing the financial resources of PARIVAAR.

c) **THE ANNUAL CONFERENCE COMMITTEE:** The President and the General Secretary shall be ex-officio member of this committee, together with the President of the Member Society which is to organise the next conference. This committee will keep PARIVAAR informed on all developments regarding the organisation of the conference. The duties and responsibilities of this Committee shall be to determine the programme, call for suggestions for speakers and devise all necessary ways and means for carrying out this programme, including raising necessary resources.

The State hosting the Annual Conference, shall form a Conference Organising Committee, to be chaired by the Chairman of the Annual Conference Committee, of PARIVAAR or his nominee. The President and General Secretary of PARIVAAR or their nominees will be ex-officio members of the Conference Organisation Committee.

d) **THE PUBLICITY COMMITTEE, THE RURAL AFFAIRS AND THE ETHICS COMMITTEE:** These Committees shall be charged with such tasks and responsibilities in pursuance of the aims and objectives of PARIVAAR in the areas for creating public awareness, spreading rural coverage and transparency in implementation of Government and other policies.

e) Other Committees may be established by the Executive Council and appointed by the President from time to time as the affairs of PARIVAAR may require. Each such Committee shall be charged with specific duties.

SECTION - 8

CO-OPTED MEMBERS: They shall be co-opted from amongst the members of the General Assembly for a period of **three years** or till the term of the then current Executive Council ends, whichever is earlier. They shall have voting rights in the Executive Council.

SECTION - 9

TECHNICAL ADVISORS : They shall be persons with knowledge and experience in the field of mental retardation or in any other discipline and whose association, counselling and guidance are considered useful in furtherance of the aims and objectives of Article IV Section - 10 PARIVAAR. Their appointment shall be for a period of **three years** or till the term of the then current Executive Council ends, whichever is earlier. They shall not have voting rights.

ARTICLE - V: MEETINGS

SECTION -1

QUORUM : The Quorum for meetings of the Executive Council shall be **one-half**, and for the General Assembly, it shall be **one-third** of the then current voting membership. In the absence of necessary quorum, the meeting will stand adjourned and will be reconvened after 1/2 hour on the same day at the same venue when the members present shall form the quorum and their decision shall stand valid and binding. Provided, however, that any meeting of the General Assembly requisitioned by members shall **stand abandoned** if the necessary quorum is not present at the first appointed time.

SECTION - 2

The President shall appoint a Returning Officer, in consultation with the Executive Council. The Returning Officer may or may not be a member of the Executive Council, but should be a member of the General Assembly, and should accept the assignment. The Returning Officer shall call for the nominations for the post of the President and that of Membership of the Executive Council, from the Member Associations in good standing, **not less than three months** before the date of the meeting of the General Assembly. The nominations will close **one month before** the said date. After scrutiny and assessing the validity of nominations, the Returning Officer shall declare the names of the candidates and the post they wish to contest for. Any candidate can contest for both the posts, if the Member Association nominates the person for both the posts by filling separate nominations for each post. The Returning Officer then, shall hold the election if required at the meeting of the General Assembly by Voice Vote or by secret ballot and the results, so declared by the Returning Officer shall be final and binding on all concerned.

SECTION - 3

The voting may be by viva voce, by show of hands or by ballot, which may be secret, as may be warranted at any meeting. During the interim period between meetings of the Executive Council or General Assembly, questions may be resolved by postal ballot.

SECTION - 4

NOTICE OF GENERAL ASSEMBLY AND EXECUTIVE COUNCIL MEETINGS: Notice of meetings, accompanied by the proposed agenda and minutes of the preceding meetings shall be sent to concerned members not less than forty-five (45) days before the date of the meeting.

ARTICLE - VI : FINANCE

SECTION - 1 : FISCAL POLICY:

- a. The fiscal year of PARIVAAR shall be from 1st April to 31st March.
- b. Proper accounts shall be kept of the moneys received and spent by PARIVAAR, and subject to reasonable restrictions as to time and place, such account shall be open for inspection by the members.
- c. Following the close of the fiscal year, the books of accounts of PARIVAAR shall be examined by properly qualified and independent auditors appointed by the General Assembly. An account of the financial affairs of PARIVAAR, certified by the auditors, shall be presented as a part of Annual Report of the Treasurer to the Executive Council and Annual General Assembly of PARIVAAR.
- d. PARIVAAR may accept and use all gifts, financial support, subsidies, bequests and endowments whether given for general or specific purposes. PARIVAAR may accept and conclude all contracts and acquire, alienate, rent or let any real property or personal property, and pay salaries of employees and other costs necessary to the conduct of its affairs.

SECTION - 2

EXECUTIVE COUNCIL RECOMMENDATIONS : The Executive Council shall report to the General Assembly the recommendations of the Financial Resources Committee alongwith its own recommendations thereon. The General Assembly may then adopt, reject or modify such recommendations as it may decide in regard to the financial policy of PARIVAAR.

SECTION - 3

ANNUAL SUBSCRIPTION FEES AND LEVIES : The General Assembly shall from time to time, decide the general policy to be followed in determining the amount of annual subscription and any other levies to be paid by each class of members. The annual subscription will become due and payable on the 1st day of April every

year. If the annual subscription is not paid by the 30th of June of that year, membership of the member in default shall be deemed to have been terminated unless the member concerned submits a written explanation before 30th June which is considered, accepted and approved by the Executive Council.

In the matter of levies, the members shall have the right to appeal to the Executive Council in the event of dissatisfaction with the amount or purpose of any levy prescribed.

ARTICLE - VII : AMENDMENTS

SECTION - 1

This Constitution can be amended at any regular meeting or at any special meeting of the General Assembly called for that purpose. It shall require the affirmative vote of **not less than two third (2/3) of the voting membership of the General Assembly present at the concerned regular/special meeting to approve and adopt any amendment/s.**

SECTION - 2

Any proposed amendment/s may be initiated by the Executive Council or may be presented to the Executive Council by members in good standing of the General Assembly. the text of any proposed amendment shall be circulated among members atleast three (3) months in advance to enable members to consider the same. If a postal ballot is solicited, the proposed amendment shall be circulated alongwith a ballot paper on which a vote or approval or disapproval may be recorded by the member and submitted to the office of PARIVAAR within 90 days.

ARTICLE - VIII: MISCELLANEOUS PROVISIONS

SECTION - 1: RESIDUAL PROVISIONS

- a. A register of members shall be maintained as required by the Act and rules made thereunder.
- b. The General Assembly may from time to time define membership rights as may not have been specifically laid down in the present covenanto.
- c. The allocation of the funds for the various objectives of PARIVAAR shall be made as per the priorities laid down by the General Assembly from time to time as per approved annual budgets.
- d. Every member of the Executive Council and every Office Bearer of Parivaar, present or past shall be indemnified out of the funds of PARIVAAR against all losses and expenses incurred in the discharge of his duties, except as shall have happened through his own willful neglect or dishonesty.

SECTION - 2

JUDICIAL AUTHORITY : In case of any dispute concerning the proper conduct of business, the legal authority shall be the Delhi High Court, when not in conflict with this Constitution.

ARTICLE - IX

SECTION - 1

DECISION TO DISSOLVE : Decision to dissolve PARIVAAR shall be in response to wishes of **not less than two-third (2/3)** of the voting members of the General Assembly.

SECTION - 2

If on dissolution of PARIVAAR, there shall remain, after satisfaction of all debts and liabilities, any property not impressed with any trust agreed between PARIVAAR and any donor/s, the same may be equitably allocated to the Members (i.e. Member Associations) in good standing for the benefit of their Constituents as may be approved by the Office of the Charity Commissioner having jurisdiction over PARIVAAR, failing which, among other Society/ies or institution/s having same or similar objectives as those of PARIVAAR or shall be otherwise disposed off as directed by the Competent Authority prescribed by the Societies Registration Act, 1860, or as directed by a court having competent jurisdiction.

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Certified that this is a True Copy of the Constitution (i.e. Rules & Regulations) of PARIVAAR.