

No.13018/6/2009-Estt.(L)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

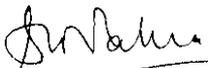
.....
New Delhi, dated the ^{3rd} March, 2010.

OFFICE MEMORANDUM

Subject: Implementation of Government's decision on the recommendations of the Sixth Central Pay Commission - Child Care Leave Waiving of age restriction of 18 years for Government servant having mentally challenged/disabled children --

The undersigned is directed to refer to DOP&T OM No.13018/2/2008-Estt.(L), dated 11.9.2008 on the subject mentioned above and to say that this Department has been receiving various references regarding waiving of the age restriction of 18 years in respect of disabled/mentally challenged children for grant of Child Care Leave to women employees. The matter has been considered in consultation with Ministry of Finance and it has been decided to permit Child Care Leave to women employees with disabled children upto the age of 22 years for a maximum period of 2 years (i.e 730 days) subject to the other conditions stipulated by the Government in this regard from time to time. However, it is stressed that CCL cannot be demanded as a matter of right and under no circumstances can any employee proceed on CCL without prior approval of the Leave sanctioning authority. Disabled Child having a minimum disability of 40% is elaborated in the Ministry of Social Justice and Empowerment Notification No.16-18/97-N.I.I, dated 1.6.2001 (copy enclosed). Documents relating to the handicap as specified in the Notification, as well as a certificate from the Government Servant regarding dependency of the child on the Govt. servant would have to be submitted by the employee. The Child Care Leave would be permitted only if the child is dependent on the Government servant.

2. Hindi version will follow.

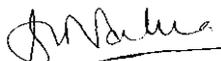

(Simmi R. Nakra)
Director (P&A)

To

All Ministries/Departments of Govt. of India etc.
(As per standard mailing list.)

13018/6/2009-Estt.(Leave) dated March, 2010

1. Office of the Comptroller & Auditor General of India/Controller General of Accounts, Ministry of Finance.
2. Secretaries to Union Public Service Commission/Supreme Court of India/Lok Sabha Sectt./Rajya Sabha Sectt./Cabinet Sectt./Central Vigilance Commission/President's Sectt./Vice-President's Sectt./Prime Minister's Office/Planning Commission/Central Information Commission.
3. All State Governments and Union Territories.
4. Governors of all States/ Lt. Governors of Union Territories.
5. Secretary, National Council (Staff Side), 13-C, Feroz Shah Road, New Delhi.
6. All Members of the Staff Side of the National Council of JCM/Departmental Council.
7. All Officers/Sections of the Department of Personnel & Training/Department of Pension & Pensioners Welfare.
8. Ministry of Finance, Deptt. of Expenditure, (E.IV) Branch)
9. Official Language Wing (Legislative Deptt.), Bhagwan Das Road, New Delhi.
10. Railway Board, New Delhi.
11. NIC, DOP&T to upload on the website www.persmin.nic.in<Leave.
12. 100 Spare copies.


(Simmi R. Nakra)
Director

Annexure-

EXTRACTS OF THE NOTIFICATION**MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT****NOTIFICATION**New Delhi, the 1st June 2001

Subject:- Guidelines for evaluation of various disabilities and procedure for certification.

No. 16-18/97-NI.I In order to review the guidelines for evaluation of various disabilities and procedure for certification as given in the Ministry of Welfare's O.M.No.4-2/83-HW.III, dated the 6th August, 1986 and to recommend appropriate modifications/alterations keeping in view the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, Government of India in Ministry of Social Justice and Empowerment, vide Order No. 16-18/97-NI.I, dated 28.8.98, set up four committees under the Chairmanship of Director General of Health Services-one each in the area of mental retardation, Locomotor/Orthopaedic disability, Visual disability and Speech & Hearing disability. Subsequently, another Committee was also constituted on 21.7.1999 for evaluation, assessment of multiple disabilities and categorization and extent of disability and procedure for certification.

2. After having considered the reports of these committees the undersigned is directed to convey the approval of the President to notify the guidelines for evaluation of following disabilities and procedure for certification:-

Visual impairment
Locomotor / Orthopaedic disability
Speech & hearing disability
Mental retardation

Copy of the Report is enclosed herewith as Annexure *.

3. The minimum degree of disability should be 40% in order to be eligible for any concessions/benefits.
4. According to the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Rules, 1996 notified by the Central Government in exercise of the powers conferred by sub-section (1) and (2) of section 73 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (1 of 1996), authorities to give disability Certificate will be a Medical Board duly constituted by the Central and the State Government. The State government may constitute a Medical Board consisting of at least three members out of which at least one shall be a specialist in the particular field for assessing locomotor/Visual including low vision/hearing and speech disability, mental retardation and leprosy cured, as the case may be.
5. Specified test as indicated in Annexure * should be conducted by the medical board and recorded before a certificate is given.
6. The certificate would be valid for a period of five years for those whose disability is temporary and are below the age 18 years. For those who acquire permanent disability, the validity can be shown as 'Permanent'.
7. The State Govts./UT Admn. may constitute the medical boards indicated in para 4 above immediately, if not done so far.
8. The Director General of Health Services, Ministry of Health and Family Welfare will be the final authority, should there arise any controversy/doubt regarding the interpretation of the definitions/classifications/evaluations tests etc.

(GAURI CHATTERJI)
Joint Secretary to the Government of India

NOTE

*The Annexure mentioned above may please be seen from the Ministry of Social Justice and Empowerment notification.