

Child Care Leave

Introduction of child care leave in respect of Central Government employees as per recommended in the sixth Central Pay Commission, women employees having minor children may be granted CCL by an authority competent to grant leave for a maximum period of 730 days during their entire service for taking care of up to two children, whether for rearing or to look after any of their needs like examination, sickness etc. Hence Earned Leave availed specifically for this purpose only should be converted. Child Care Leave shall not be admissible if the child is eighteen years of age or older. On recommendations of sixth pay commission, the CCL was announced to help women employees to take better care of their children and family.

Details regarding Child Care Leave

“Child” means

(a) a child below the age of eighteen years

or

(b) a child below the age of twenty-two years with a minimum disability of forty per cent as specified in the Government of India in Ministry of Social Justice and Empowerment's Notification No.16-18/97-NI.I. dated the 1st June. 2001.

- Child Care Leave can be granted to women employees having minor children below the age of 18 years, for a maximum period of 2 years (i.e. 730 days) during their entire service, for taking care of up to two children whether for rearing or to look after any of their needs like examination, sickness etc. Child Care Leave shall not be admissible if the child is eighteen years of age or older.
- The Conditions regarding spell of CCL, imposed upon by the Government are that it may not be granted in more than 3 spells in a calendar year and that CCL may not be granted for less than 15 days.
- As in the case of Earned Leave, we can prefix or suffix Saturdays, Sundays, and Gazetted holidays with the Child Care Leave. Under no circumstances can any employee proceed on CCL without prior approval of the Leave sanctioning authority.
- During the period of such leave, the women employees shall be paid leave salary equal to the pay drawn immediately before proceeding on leave.
- Child Care Leave shall not be debited against the leave account. There is also no condition that CCL can be availed only if the employee concerned has no Earned Leave at her credit, Child Care Leave may also be allowed for the third year as leave not due (without production of medical certificate).

- The intention of the Pay Commission in recommending Child Care Leave for women employees was to facilitate women employees to take care of their children at the time of need. However, this does not mean that CCL should disrupt the functioning of Central Government offices. The nature of this leave was envisaged to be the same as that of earned leave.
- LTC cannot be availed during Child Care Leave as Child Care Leave is granted for the specific purpose of taking care of a minor child for rearing or for looking after any other needs of the child during examination, sickness etc.

Clarification on the admissibility of House Rent Allowance (HRA) during the Child Care Leave (CCL) – Reg.

1. The undersigned is directed to refer to Para 6(a)(i) of this Ministry's O.M.No.2(37)-E.II(B)/64 dated 27.11.1965, as amended from time to time, on regulation of House Rent Allowance during Leave which stipulates that a Government servant is entitled to draw HRA.....during total leave of all kinds not exceeding 180 days and the first 180 days of the leave if the actual duration of leave exceeds that period, but does not include terminal leave, It has also been stipulated, thereunder, that drawal of the allowance (HRA) during the period of leave in excess of first 180 day availed of on grounds other than medical grounds mentioned in sub-para (ii), shall be subject to furnishing of the certificate prescribed in Para 8(d) of the O.M. *ibid*.
2. This Ministry has been receiving representations from the female employees that certain Central Government Ministries / Department / Establishments are not allowing HRA during the Child Care Leave (CCL), especially when taken in continuation of Maternity Leave of 180 days. The reason for their reluctance may be the fact that CCL has been first introduced on the recommendations of the 6th Central Pay Commission, though the Department of Personnel & Training (DoPT), vide their O.M .No 13018/1/2010-Estt.(Leave) dated 07.09.2010 *inter-alia*, reiterated that the leave (CCL) is to be treated like Earned Leave and sanctioned as such.
3. It is, therefore, clarified that the 'total leave of all kinds' as referred to in Para 6(a) of this Ministry's OM dated 27.1.65 *ibid*, will include Child Care Leave for regulating grant of HRA during leave, subject to fulfillment of all other conditions stipulated thereunder, from time to time. It is also clarified that drawal of HRA during leave (including CCL) in excess of first 180 days, if otherwise admissible, shall be subject to furnishing of the certificate prescribed in Para 8(d).
4. These orders take effect from 01.09.2008. HRA during CCL, if not paid to women employees who are entitled to it as per this clarification, may be reconsidered, if so requested by the concerned employee.

CCS (Leave) (Fourth Amendment) Rules, 2011.

1.
 - a) These rules may be called the Central Civil Services (Leave) (Fourth Amendment) Rules. 2011
 - b) They shall come into force on the date of their publication in the official Gazette.
2. For rule 43-Col the Central Civil Services (Leave) Rules, 1972. the following rule shall be substituted, namely:-

43-C(I). Subject to the provisions of this rule, a woman Government servant may be granted child care leave by an authority competent to grant leave for a maximum period of 730 days during her entire service for taking care of her two eldest surviving children. whether for rearing or for looking after any of their needs, such as education, sickness and the like.
3. For the purposes of sub-rule (I). "Child" means
 - a) a child below the age of eighteen years.or
 - b) a child below the age of twenty-two years with a minimum disability of forty per cent as specified in the Government of India in Ministry of Social Justice and Empowerment's Notification No.16-18/97-NI.I. dated the 1st June. 2001.
4. Grant of child care leave to a woman Government servant under sub-rule (I) shall be subject to the following conditions namely:
 - a) It shall not be granted for more than three spells in a calendar year:
 - b) It shall not be granted for a period less than fifteen days at a time: and
 - c) It shall not ordinarily be granted during the probation period except in case of certain extreme situations where the leave sanctioning authority is satisfied about the need of child care leave to the probationer. Provided that the period for which such leave is sanctioned is minimal.
5. During the period of child care leave, the woman Government servant shall be paid leave salary equal to the pay drawn immediately before proceeding on leave.
6. Child Care Leave may be combined with leave of any other kind.
7. Notwithstanding the requirement of production of medical certificate contained in sub-rule (I) of rule 30 or sub-rule (I) of rule 31, leave of the kind due and admissible (including commuted Leave not exceeding sixty days and Leave Not Due) upto a maximum of one year, if applied for, be granted in continuation with child care leave granted under sub-rule (1).
8. Child care leave shall not be debited against the leave account.