

**No.1/4/06-P&PW(E)**  
**Government of India**  
**Ministry of Personnel, Public Grievances & Pensions**  
**Department of Pension & Pensioners' Welfare**

Lok Nayak Bhavan,  
New Delhi, the 17<sup>th</sup> November, 2009

**OFFICE MEMORANDUM**

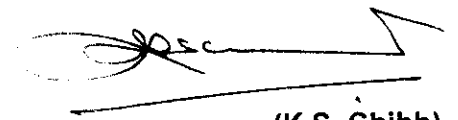
Sub: Grant of Family pension to persons with disabilities – acknowledgement of Legal Guardianship Certificate issued by the Local Level Committee constituted under the National Trust Act, 1999 (No.44 of 1999).

Attention of all Ministries/Departments is hereby invited to the Department of Pension & Pensioners' Welfare's O.M. No.1/4/06-P&PW(E) dt. 31<sup>st</sup> July, 2006 (Copy enclosed) whereby it was intimated that for the welfare of persons with Autism, Cerebral Palsy, Mental retardation and Multiple disabilities, the Parliament has passed the National Trust Act, 1999 (No.44 of 1999). The Act provides, inter-alia, for Constitution of Local Level Committees and Appointment of Guardian by the Local Level Committee in respect of persons suffering from the above said disabilities. It was clarified therein that since the Guardianship Certificate issued under the National Trust Act is based on the authority of Law passed by the Parliament, the same need to be accepted for the purpose of grant of family pension in respect of persons suffering from the disabilities as incorporated in the Act.

2. It has, however, been intimated by the National Trust for the welfare of persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities, New Delhi, that certain Ministries/Departments have not been accepting the Legal Guardianship Certificate issued by the Local Level Committee of the District, constituted under the provisions of the National Trust Act, 1999. It need to be emphasized here that such action on the part of Ministries/Departments not only results in inconvenience and harassment to the persons with disabilities but also leads to delay in the family pension sanction process. Besides, it has to be appreciated by one and all that persons with disabilities deserve special attention, support, protection and care of all concerned in order to enable them lead a dignified life in the society.

3. All the Ministries/Departments, etc. are, therefore, again requested to ensure that Guardianship Certificate issued by the Local Level Committee constituted under the provisions of the National Trust Act, 1999, for the purpose of grant of family pension in respect of persons suffering from the said disabilities, are invariably honoured/accepted. The Certificate issued by the Local Level Committee, has the same sanctity and force as the one issued by a Court of Law and cannot be summarily dismissed and ignored. The Ministries/Departments may also pass on these instructions for necessary action and compliance to the Establishments/Organisations in the field under their control.

4. Hindi version will follow.



(K.S. Chibb)

**Deputy Secretary to the Government of India**  
**Tele: 24635979**

1. All Ministries/Departments (as per the standard mailing list)

**No.1/4/06-P&PW(E)**  
**Government of India**  
**Ministry of Personnel Public Grievances and Pensions**  
**Department of Pension and Pensioners Welfare**  
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**Lok Nayak Bhavan, New Delhi**  
**Dated the 23 July, 2006**

**OFFICE MEMORANDUM**

**Subject: Family pension- Appointment/ Nomination of Guardians in respect of persons suffering with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities.**

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The undersigned is directed to invite your reference to Item No. (vi) below proviso to Sub Rule (6) of Rule 54 of the CCS (Pension) Rules, 1972 which provides that in the case of a mentally retarded son or daughter, the family pension shall be payable to a person nominated by the Government servant or the pensioner, as the case may be, and in case no such nomination has been furnished to the Head of Office by such Government servant or pensioner during his lifetime, to the person nominated by the spouse of such Government servant or family pensioner, as the case may be, later on. Government of India instructions contained in this Department's O.M. No. 1/47/87-P&PW(C) dated 6<sup>th</sup> March, 1989, extract of which has been reproduced at Government of India decision No.8 below Rule 54 of CCS (Pension) Rules, 1972, further provide that the existing stipulations in regard to grant of guardianship certificate/ appointment of guardians will continue to apply in respect of physically crippled/ disabled children who are minor and the children suffering from any disorder or disability of mind as they are covered by the existing law for the purpose of obtaining guardianship certificate/ appointment of guardian by the Court.

2. For the welfare of persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities, Parliament has passed National Trust Act, 1999 (No. 44 of 1999). Section 14 of the said Act provides for appointment of guardian in respect of persons suffering from the disabilities mentioned above by the local level committees. It has however, been brought to the notice of this Department that the certificate of guardianship issued under the said Act are often not accepted for grant of the family pension as provision for the same do not exist in the Pension Rules. It is accordingly, clarified that since the guardianship certificate under the Act is issued on the authority of the law passed by the Parliament, the same may be accepted for nomination/ appointment of guardian for grant of family pension in respect of persons suffering from the above disabilities included in the Act.



**(Geetha Nair)**

Under Secretary to the Government of India

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As per the standard mailing List.