

**GOVERNMENT OF ASSAM
FINANCE (ESTT-A) DEPARTMENT
DISPUR:::GUWAHATI-6**

ORDERS BY THE GOVERNOR

NOTIFICATION

Dated, Dispur the 9th August, 2024

No. FEG.480371/175 – In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Assam is hereby pleased to make the following rules for the employees of the State Government in respect of Child Adoption Leave in the manner hereinafter appearing, namely :-

Short title and commencement 1. (1) These rules may be called the Assam State Government Employees' Child Adoption Leave (CAL) Rules, 2024.

(2) They shall come into force on the date of their publication in the Official Gazette .

Definitions 2. In these rules, unless the context otherwise requires, -

(a) 'Female Government Employee' means a married or an unmarried or a widow or a divorcee female Government employee;

(b) 'Adoption' means the process through which the adopted child is permanently separated from his biological parents and becomes the lawful child of his adoptive parents with all the rights, privileges and responsibilities that are attached to a biological child or as per guidelines governing adoption of children under The Juvenile Justice (Care and Protection of Children) Act, 2015 (Act No. 2 of 2016);

(c) 'Child' for the purpose of this rule shall include a child taken as ward by the Government employee, under the Guardians and Wards Act, 1890 (Act No. 8 of 1890) or the personal law applicable to that Government employee, provided that such a ward lives with the Government employee and is treated as member of the family and that such Government employee has, through a special will, conferred upon that ward the same status as that of a natural born child.

Child Adoption Leave 3.

A female Government employee having less than two surviving children (inclusive of biological child, if any, and adoptive child, if any), on accepting a child in pre-adoption foster care or on valid adoption of a child below the age of one year, may be granted Child Adoption Leave (CAL) by an authority competent to grant leave for a maximum period of 180 (one hundred and eighty) days, immediately after accepting the child in pre-adoption foster care or on valid adoption, as the case may be, for fostering the adopted child subject to the following conditions :-

- (i) Child Adoption Leave (CAL) is admissible only on the production of documents regarding pre-adoption foster care or valid adoption on completion of all the legal processes and the adoption being recognized by the Central Adoption Resource Authority (CARA) or any such recognized agencies.
- (ii) In cases where the pre-adoption foster care was not followed by valid adoption of the child, the leave already availed shall be debited from any other kind of leave available to the credit of such female Government employee.
- (iii) Child Adoption Leave (CAL) shall not be admissible if a female Government employee already has two surviving children (biological or adopted as the case may be) at the time of adoption.
- (iv) During the period of such Child Adoption Leave (CAL), the female employee shall be paid leave salary equal to the pay drawn immediately before proceeding on leave.
- (v) If such leave is not availed within the period as specified in this rule, such leave shall be treated as lapsed.
- (vi) Child Adoption Leave (CAL) cannot be availed for more than one spell.
- (vii) Child Adoption Leave (CAL) shall not be debited against the leave account.
- (viii) Child Adoption Leave (CAL) may be combined with leave of any other kind.
- (ix) In continuation of the Child Adoption Leave (CAL) of 180 days granted under this rule by the Competent Authority, a female Government employee on valid adoption of a child may also be granted, if applied for, leave of the kind due and admissible (including leave not due and commuted leave not exceeding 60 days without production of medical certificate) for a period up to one year reduced by the age of the adopted child on the date of valid adoption, without taking into account Child Adoption Leave (CAL).

Provided that this facility shall not be admissible in case she already has two surviving children at the time of adoption.
- (x) No Child Adoption Leave (CAL) shall be admissible during the probation period.
- (xi) The nature of Child Adoption Leave (CAL) shall be like the Earned Leave and therefore all Gazetted Government holidays falling during the period of leave shall also be counted for Child Adoption Leave (CAL) like Earned Leave.
- (xii) Child Adoption Leave (CAL) shall not be demanded as a matter of right and under no circumstances any female employee can proceed on Child Adoption Leave (CAL) without prior sanction of leave by the Competent Authority.

- (xiii) The period of willful absence or unauthorised absence shall not be converted into Child Adoption Leave (CAL).
- (xiv) The period of Earned Leave or any other kind of leave already sanctioned or availed shall not be converted into Child Adoption Leave (CAL) with retrospective effect.
- (xv) An application submitted for grant of Child Adoption Leave (CAL) by a female Government employee already on leave (other than on Child Adoption Leave or Child Care Leave) within India or out of India, may be considered provided she submits the application one month prior to the expiry of the earlier leave. If Child Adoption Leave (CAL) is not sanctioned by the Competent Authority before the expiry of the earlier leave, she shall have to join her duty.
- (xvi) The Child Adoption Leave (CAL) is meant for the fostering of the adopted child, therefore, Leave Travel Concession (LTC) shall not be admissible while on Child Adoption Leave (CAL).

Sd/-

(MALAVIKA CHOUDHURY, IAS)

Secretary to the Govt. of Assam,
Finance (Estt.-A) Department.


Memo. No. FEG.480371/175-A

Dated Dispur, the 9th August, 2024.

Copy for information to:-

1. The Accountant General (A&E), Assam, Maidamgaon, Beltola, Guwahati-29.
2. All Addl. Chief Secretaries/ Principal Secretaries/ Commissioner & Secretaries/ Secretaries to the Govt. of Assam, Dispur.
3. The Commissioner & Secretary to the Governor of Assam, Kharghuli, Guwahati.
4. The Registrar General, Gauhati High Court, Guwahati-1.
5. The Secretary, Co-ordination, Office of the Chief Secretary, Assam, Dispur.
6. All District Commissioners/ Commissioner of Police, Guwahati City/ All Superintendents of Police.
7. All Administrative Departments/ Heads of Department, Assam.
8. The Finance (Estt.-B) Department with a request to circulate the same to all the Sr. Financial Advisers/ Financial Advisers/ Finance & Accounts Officers/ Treasury Officers, Assam.
9. The Judicial Department with a request to circulate the Notification to all District & Session Judges in Assam.
10. The PPS to the Hon'ble Chief Minister, Assam, Dispur.
11. The PSs to all Hon'ble Ministers, Assam, Dispur.
12. The Political (Cabinet Cell) Department, Dispur, Guwahati-06 for favour of kind information.
13. The Director, Printing & Stationery, Assam Government Press, Bamunimaidam, Guwahati-21 for publication in the next issue of Assam Gazette.
14. The Director, Information & Public Relation, Dispur, Guwahati-6. He is requested to give wide publicity through print and electronic media.

By order etc.,



09/08/2024

Deputy Secretary to the Govt. of Assam,
Finance (Estt.-A) Department

APPLICATION FORM FOR CHILD ADOPTION LEAVE

(FOR EMPLOYEES OF STATE GOVT.)

- 1) Name of the applicant :
- 2) Designation :
- 3) Department/Office/Section :
- 4) Whether the applicant :
already has any surviving
child.
- 5) Date of adoption of the child :
(Attested copy of valid
certificate to be enclosed)
- 6) Period of leave.....days : Fromto.....
Prefix/Suffix of holidays, if
any
- 7) Ground of leave required :
(Pre-adoption foster
care/valid adoption)
- 8) (a) Whether permission to : Yes / No
leave station is required.

(b) If yes, address during :
leave period

(c) Date of return from last :
leave & nature and period of
that leave

Date:

Signature of applicant

Remarks of Controlling Officer

Leave recommended/Leave not recommended

Date:

Signature.....

Designation.....

Office.....