

No, 1/4/06 IP&PW(E)

Government of India Ministry of Personnel, Public Grievances & Pensions
Department of Pension & Pensioners' Welfare

Lok Nayak Bhavan, New Delhi, the 17,h 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. 31st 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.

1. 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.

2. 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.

3. Hindi version will follow.

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