



**GOVERNMENT OF SIKKIM**  
**DEPARTMENT OF PERSONNEL, ADMINISTRATIVE REFORMS,**  
**TRAINING AND PUBLIC GRIEVANCES**  
**GANGTOK**

**No: 06/GEN/DOP**

**Dated: 09/04/2018**

**NOTIFICATION**

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Sikkim hereby makes the following rules further to amend the Sikkim Government Services (Leave) Rules, 1982, namely:-

- Short title and commencement** 1. (1) These rules may be called the Sikkim Government Services (Leave) Amendment, Rules, 2018.  
(2) They shall come into force at once.
- Amendment of rule 3** 2. In the Sikkim Government Services (Leave) Rules, 1982, (hereinafter referred to "as the said rule"), in rule 3, in sub-rule (1), after clause (a), the following clause shall be inserted, namely:-  
'(aa) "commissioning mother" means a biological mother who uses her egg to create an embryo implanted in other women";
- Amendment of rule 21** 3. In the said rule, in rule 21,-  
(i) for sub rule (1), the following entries shall be substituted, namely:-  
"(1) The authority competent to grant leave may grant to a female Government servant maternity leave on full pay for a period not exceeding 180 (one hundred and eighty) days of which not more than 60 (sixty) days can be applied or availed of before the date of expected delivery ;

Provided in the case of female Government servant having 02 (two) or more than 02 (two) surviving children, maternity leave shall be granted on full pay for a period not exceeding 90 (ninety) days of which not more than 45 (forty five) days can be applied or availed of before the date of expected delivery:

Provided further that those female Government servant who have already availed of 90 (ninety) days maternity leave prior to extension of 180 (one hundred eighty) days or those who are presently on maternity leave at the time of enforcement of these rules would also be entitled to avail of 180 (one hundred and eighty) days maternity leave subject to the condition the total number of leave to be avail of does not in any case exceed 180 days from the initial date of commencement of their leave.";

- (ii) in sub-rule (4) , in clause (a), for the figure "30", the figure "45" shall be substituted;

(iii) after sub-rule (4), the following sub-rule shall be inserted, namely;-

“(5) Maternity leave may also be granted for adoption and commissioning mother subject to the following conditions, namely,-

- (a) Leave shall not exceed 90 (ninety) days.
- (a) The leave shall commence from the date the child is handed over to the adopting mother or the commissioning mother as the case may be.
- (b) In case of adoption, child should be below the age of 03 (three) months and should have been legally adopted; certificate issued and certified by the competent authority for legally adopting the child should be produced at the time leave application is submitted.
- (c) The application for leave should be supported by a medical certificate certifying and indicating the actual date the child is handed over to the adopting mother or the commissioning mother.
- (iv) The existing sub-rule (5) shall be renumbered as Sub-rule (6).

Sd/-

(Surekha Pradhan) Mrs.

**ADDITIONAL SECRETARY TO THE GOVERNMENT**  
**DEPTT. OF PERSONNEL, ADM. REFORMS, TRAINING & PUBLIC GRIEVANCES**

Memo. No. 24-26 /GEN/DOP

Dated: 09/04/2018

1. All Secretaries/ Head of Departments
2. Additional Secretary, Home Deptt. for publication in the Gazette,
3. Director, AATI
4. File and
5. Guard file.

  
**UNDER SECRETARY TO THE GOVERNMENT**