

In pursuance of the provisions of clause (3) of Article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of notification no. 464/XXVI-2-2014-100(2)-2008, dated February 24, 2014:

No. 464/XXVI-2-2014-100(2)-2008

Dated Lucknow, February 24, 2014

In exercise of the power under section 32 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (Act no. 56 of 2007) the Governor is pleased to make following rules:-

THE UTTAR PRADESH MAINTENANCE AND WELFARE OF PARENTS AND SENIOR CITIZENS RULES, 2014

CHAPTER I

PRELIMINARY

Short title extent
and
commencement

1. (1) These rules may be called the Uttar Pradesh Maintenance and Welfare of Parents and Senior Citizens Rules, 2014.

(2) It shall extend to the whole of the State of Uttar Pradesh.

(3) It shall come into force with effect from date of their publication in the *Gazette*.

Definitions

2. (1) In these rules, unless the context otherwise requires.

(a) "**Act**" means the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (Act no. 56 of 2007);

(b) "**Application**" means an application made to a Tribunal under section 5 of the Act;

(c) "**Blood Relations**", in the context of a male and a female inmate, means father-daughter, mother-son and brother-sister other than cousins;

(d) "**Form**" means a Form appended to these rules;

(e) "**Government**" means the State Government of Uttar Pradesh;

(f) "**Inmate**", in relation to an old age home, means a senior citizen duly admitted to reside in such a home;

(g) "**Maintenance Officer**" means the officer designated under sub-section (1) of section 18;

(h) "**Opposite Party**" means the party against whom an application for maintenance has been filed under section 4;

(i) "**Presiding Officer**" means an officer appointed to preside over a Maintenance Tribunal referred to under sub-section (2) of section 7, or an Appellate Tribunal under sub-section (2) of section 15;

(j) "**Schedule**" means a Schedule appended to these rules;

(k) "**Section**" means a section of the Act;

(l) "**Tribunal**" means a maintenance tribunal constituted under section 7 of the Act;

(2) Words and expressions used and not defined in these rules but defined in the Act shall have the meanings respectively assigned to them in the Act.

CHAPTER II

MAINTENANCE TRIBUNAL AND CONCILIATION OFFICERS

Constitution of
Maintenance
Tribunal

3. The government shall, by notification in the official gazette, constitute Maintenance Tribunal in each sub division under sub section (1) of section 7.

4. (1) Every Tribunal shall prepare a panel of persons suitable for appointment as Conciliation Officer under sub-section (6) of section 6, which shall include the Maintenance Officers designated under section 18.

Panel for
Appointment as
Conciliation
Officer

(2) Persons referred to under sub-rule (1), other than Maintenance Officers designated under section 18, shall be chosen subject to fulfilling the following conditions, namely:

(a) he should be associated with an organization which is working for the welfare of senior citizens and/or weaker sections, or in the area of education, health, poverty-alleviations, women's social welfare, rural development or related fields, for at least two years with an unblemished record of service.

(b) he should be a senior office-bearer of the organization; and

(c) he should possess good knowledge of law.

Provided that a person who is not associated with an organization of the kind mentioned above, may also be included in the panel mentioned in sub-rule (1) if he fulfills the following conditions namely :

(i) he has a good and unblemished record of public service in one or more of the areas mentioned in clause (a); and

(ii) he has good knowledge of law.

(3) The Tribunal shall publish the panel mentioned in sub-rule (1) for general information at least twice every year, and every time any change is effected therein.

(4) Conciliation Officer may be appointed by the State Government.

(5) The tenure of Conciliation Officer will be three years from date of appointment.

5. (1) An application for maintenance under section 4 shall be made in Form 'A' in the manner laid down in clauses (a) and (b) of sub-section (1) of section 5 of the Act.

Procedure for
filing an
application for
maintenance,
and its
registration

(2) On receipt of an application under sub-rule (1), the Presiding Officer shall cause;

(a) Its essential details to be entered in a Register of Maintenance Claim Causes, to be maintained as in Annexure-I, and

(b) Its acknowledgement in Form 'B' to be given notwithstanding anything contained in rule 5, to the applicant or his authorized representative. In case of hand delivery, and its despatch by post in other cases, the acknowledgement shall specify, *inter-alia*, the registration number of the application.

(3) Where a Tribunal takes cognizance of a maintenance claim, *suo motu*, the Presiding Officer shall, after ascertaining facts, get Form 'A' completed as accurately as possible, through the staff of the Tribunal, and shall, as far as possible, get it authenticated by the concerned senior citizen or parent, or any person or organization authorized by him and shall cause the same to be registered in accordance with clause (a) of sub-rule (2).

6. (1) On receipt of an application under sub-section (1) of section 5, the Tribunal shall satisfy itself that:

Preliminary
Scrutiny of the
application

(a) the application is complete; and

(b) the opposite party has, *prima facie*, an obligation to maintain the applicant in terms of section 4.

(2) In case where the Tribunal finds any lacunae in the application, it may direct the applicant to rectify such lacunae within a reasonable time.

(3) Every application shall be heard and decided, within a reasonable time limit.

Notice to the
Opposite Party

7. (1) Once the Tribunal is satisfied on the points mentioned in sub-rule (1) of rule 5, it shall cause to be issued to each person against whom an application for maintenance has been filed, a notice in Form 'C' directing them to show cause why the application should not be granted, along with a copy of the application and its enclosures, in the following manner;

(a) By hand delivery (Dasti) through the applicant if he so desires, else through a process server; or

(b) By registered post with acknowledgement due.

(2) The notice shall require the opposite party to appear in person, on the date to be specified in the notice and to show cause, in writing, as to why the application should not be granted and shall also inform that, in case he fails to respond to it, the Tribunal shall proceed ex parte.

(3) Simultaneously with the issue of notice under sub-rules (1) and (2), the applicants(s) shall also be informed of the date mentioned in sub-rule (2), by a notice issued in Form 'D'.

(4) The provisions of Order V of the Code of Civil Procedure, 1908, shall apply, *mutatis mutandis*, for the purpose of service of notice under sub-rules (2) and (3).

(5) The Tribunal shall have all the powers of a Civil Court for the purpose of taking evidence on oath and of enforcing the attendance of witnesses, of compelling the discovery and production of documents and material objects and for such other purposes as may be prescribed; and the Tribunal shall be deemed to be a Civil Court for all the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.

Procedure in
case of the non-
appearance by
the Opposite
Party

8. In case, despite service of notice, the opposite party fails to show cause in response to a notice, the Tribunal shall proceed ex parte, the taking evidence of the applicant and making such other inquiry as it deems fit, and shall pass an order disposing of the application.

Procedure in
case of
admission of
claim

9. In case, on the date fixed in the notice issued under rule 6, the opposite party appears and accepts his liability to maintain the applicant, and the two parties arrive at a mutually agreed settlement, the Tribunal shall pass an Order accordingly.

Procedure for
impleading
children or
relatives

10. (1) An application by the opposite party, under the proviso to sub-section (5) of section 5, to implead any other child or relative of the applicant shall be filed on the first date of hearing as specified in the notice issued under sub-rule (2) of rule 6.

Provided that no such application shall be entertained after such first hearing, unless the opposite party shows sufficient cause for filling it at later stage.

(2) On receipt of an application under sub-rule (1), the Tribunal shall, if it is prima facie satisfied, after hearing the parties, about the reasonableness of such application, issue notice to such other child or relative to show cause why they should not be impleaded as a party, and shall after giving them an opportunity of being heard, pass an order regarding their impleadment or otherwise.

(3) In case the Tribunal passes an order of impleadment under sub-rule (2), it shall cause a notice to be issued to such impleadment party in Form 'C' in accordance with rule 6.

Reference to
Conciliation
Officer

11. (1) In case, on the date fixed in the notice issued under rule 6, the opposite party appears and shows cause against the maintenance claim, the Tribunal shall seek the opinion of both the parties as to whether Tribunal shall seek the opinion of both the parties to whether they like the matter to be referred to a conciliation Officer and if they express their willingness in this behalf, the Tribunal shall ask them whether they would like the matter to be referred to a person included in the panel prepared under rule 3, or to any other person acceptable to both parties.

(2) If both the parties agree on any person, whether included in the panel under rule 3 or otherwise, the Tribunal shall appoint such person as the Conciliation Officer in the case, and shall refer the matter to him, through a letter in Form 'E', requesting the Conciliation Officer to try and work out a settlement acceptable to both parties, within a period not exceeding one month from the date of receipt of the reference.

(3) The reference in Form 'E' shall be accompanied with copies of the application and replies of the opposite party thereto.

12. (1) Upon receipt of a reference under rule 10, the Conciliation Officer shall hold meetings with the two parties as necessary, and shall try to work out a settlement acceptable to both the parties, within a period of one month from the date of receipt of the reference.

Duties of
Conciliation
Officer

(2) If the Conciliation Officer succeeds in working out a settlement acceptable to both the parties, he shall draw up a memorandum of settlement in Form 'F', get it signed by both parties, and forward it, with a report in Form 'G', along with all records of the case received from the Tribunal, back to the Tribunal within a month from the receipt of the reference.

(3) If the Conciliation Officer is unable to arrive at a settlement within one month of receipt of a reference under sub rule(2) he shall return the papers received from the Tribunal along with a report in Form 'H', showing efforts made to bring about a settlement and the points of difference between the two parties which could not be reconciled

(4) Maintenance of Register - The Conciliation Officer shall maintain a detailed list of voluntary organizations as per Schedule II which will contain arrangements for security and services for older persons. The Conciliation Officer shall be responsible for inspection/ monitoring and data collection from old age homes operated by persons/ group of persons/ voluntary organizations/ institutions/ donor agencies/ others.

13. (1) In case, the Tribunal receives a report from the Conciliation Officer under sub-rule (2) of Rule 11, along with a memorandum of settlement, it shall give notice to both parties to appear before it on a date to be specified in the notice, and confirm the settlement.

Action by the
Tribunal in
case of
settlement
before a
Conciliation
Officer

(2) In case on the date specified in the notice as above, the parties appear before the Tribunal and confirm the settlement arrived at before the Conciliation Officer, the Tribunal shall pass a final order as agreed in such settlement.

14. (1) In case,

Action by the
Tribunal in
other cases

(i) the applicant (s) and the opposite parties do not agree for reference of their dispute to a Conciliation Officer as per rule 10, or

(ii) the Conciliation Officer appointed under rule 10 sends a report under sub- rule (3) of rule 11, conveying inability to work out a settlement acceptable to both the parties, or

(iii) no report is received from a Conciliation Officer within the stipulated time- limit of one month, or

(iv) in response to the notice issued under sub-rule (1) of rule 12, one or both the parties decline to confirm the settlement worked out by the Conciliation Officer, the Tribunal shall give to both the parties an opportunity of leading evidence in support of their respective claims, and shall, after a summary inquiry as provided in sub section (1) of section 8, pass such order as it deems fit.

(2) An order passed under rule 7, rule 8 or under sub-rule (1) above shall be a speaking one, spelling out the facts of the case as ascertained by the Tribunal, and the reasons for the order.

(3) While passing an order under sub-rule (1), directing the opposite party to pay maintenance to an applicant, Tribunal shall take the following into consideration:

(a) amount needed by the applicant to meet his basic needs, especially food, clothing, accommodation, and healthcare,

(b) income of the opposite party, and

(c) value of and actual and potential income from the property, if any, of the applicant which the opposite party would inherit and/ or is in possession of.

(4) A copy of every order passed, whether final or interim, on an application, shall be given to the applicant(s) and the opposite party of their representatives, in person, or shall be sent to them through a process server or by registered post.

(5) Where a maintenance order is made against the opposite party the death of any person does not affect the liability of others to continue paying maintenance fixed by the Tribunal.

(6) Any such allowance for the maintenance and expenses for proceeding shall be payable from the date of the order or, if so ordered, from the date of filing the application for maintenance or expenses of proceeding as the order passed by the Tribunal.

(7) If the opposite party so ordered fail, without sufficient cause, to comply with the order, of the Tribunal, the Tribunal shall for every breach of the order, issue a warrant for levying the amount due in the manner provided for levying fine and may sentence such persons for the whole, or any part of each months allowance for the maintenance and expenses of proceeding, as the case may be, remaining unpaid after the execution of warrant, to imprisonment for a term which may extend to one month or until payment is made, whichever is earlier:

Provided that no warrant shall be issued for the recovery of any amount due under section 5 of the Act, unless application is made to the Tribunal to levy such amount within a period of three months from the date on which it became due.

(8) The Tribunal may make an order to pay, on the due amount of maintenance simple interest at rates, not less than the rates prescribed by Nationalized Banks or State Bank of India on the fixed deposits by Senior citizens.

Maximum
maintenance
allowance

15. The maximum maintenance allowance which a Tribunal may order the opposite party to pay shall, subject to a maximum of rupees ten thousand per month, be fixed in such a manner that it does not exceed the monthly income from all sources of the opposite party, divided by the number of persons in his family, counting the applicant or applicants and also amount the opposite party's family members.

CHAPTER III

CONSTITUTION OF APPELLATE TRIBUNAL AND RELATED PROCEDURES

Establishment
and Procedure of
Appellate
Tribunal

16. The Government shall, by notifications in the official *Gazette*, constitute for each District one appellate Tribunal as may be specified in the notification to hear the appeal against the order of Tribunal under sub section (1) of section 15 of the Act.

Form of appeal

17. An appeal under sub-section (1) of section 16 shall be filed before the Appellate Tribunal in Form 'I', and shall be accompanied by a copy of the impugned order of the Tribunal.

Registration and
acknowledgement
of appeal

18. On receipt of an appeal, the Appellate Tribunal shall register it in a register to be maintained for the purpose in such Form as the State Government may direct, and shall, after registering such appeal, give an acknowledgement to the appellant, specifying the appeal number and the next date of hearing, in Form 'J'.

Notice of hearing
to the respondent

19. (1) On receipt of an appeal, the Appellate Tribunal shall, after registering the case and assigning an appeal number, cause notice to be served upon the respondent under its seal and signature in Form 'K'.

(2) The notice under sub-rule (1) shall be issued through registered post with acknowledgement due, or through a process server.

(3) The provisions of Order V of the Civil Procedure Code shall apply *mutatis mutandis* for the purposes of service of notice issued under sub-rule (1).

CHAPTER IV

Scheme for Management of Old Age Homes Established under section 19

20. (1) Old age homes established under section 19 of the Act shall be run in accordance with the following norms and standards:

Scheme for management of old age homes for indigent senior citizens

(A) The home shall have physical facilities and shall be run in accordance with the operational norms as laid down in **Schedule III**.

(B) Inmates of the home shall be selected in accordance with the following procedure:

(a) applications shall be invited at appropriate intervals, but at least once each year, from indigent senior citizens, as defined in section 19 of the Act, desirous of living in the home;

(b) in case the number of eligible applicants on any occasion is more than the number of places available in a home for admission, selection of inmates will be made in the following manner:

(i) the more indigent and needy will be given preference over the less indigent applicants,

(ii) other things being equal, older senior citizens will be given preference over the less old, and

(iii) other things being equal, female applicants will be given preference over male applicants.

Illiterate and/ or very senior citizens may also be admitted without any formal application if the competent authority, is satisfied that the senior citizen is not in a position to make a formal application, but is badly in need of shelter;

(c) While considering applications or cases for admission, no distinction shall be made on the basis of religion or caste;

(d) The home shall provide separate lodging for men and women inmates, unless a male and a female inmate are *either* blood relations or a married couple;

(e) Day-to-Day affairs of the old age home shall be managed by a Management Committee, such that inmates are also suitably represented on the Committee.

(2) State Government may issue detailed guidelines/orders from time to time for admission into and management of old age homes in accordance with the norms and standards laid down in sub-rule (1) and the Schedule.

(3) State Government may form implementation committee at district level for management of day to day affairs of Old Age Home.

(4) Visitors will be allowed in the old age homes upon prior permission of the home management within prescribed hours, keeping in mind the security and welfare of the inmates.

(5) Under sub section (2) of section 9 of the Act and other relevant sections the State Government/ department will start and publish integrated schemes and appropriate guide line for senior citizens.

CHAPTER V

Duties and Power of the District Magistrate

21. (1) The District Magistrate shall perform the duties and exercise the powers mentioned in sub-rule (2) and (3) so as to ensure that the provisions of the Act are properly carried out in his district.

Duties and Power of the District Magistrate

(2) It shall be the duty of the District Magistrate to;

(i) ensure that life and property of senior citizens of the district are protected and they are able to live with security and dignity;

(ii) oversee and monitor the work of Maintenance Tribunals and Maintenance Officers of the district with a view to ensuring timely and fair disposal of applications for maintenance, and execution of Tribunals' orders;

(iii) oversee and monitor the working of old age homes in the district so as to ensure that they conform to the standards laid down in these rules and any other guidelines and orders of the Government;

(iv) ensure regular and wide publicity of the provisions of the Act, and Central and State Governments, programmes for the welfare of senior citizens;

(v) encourage and co-ordinate with panchayats, municipalities, Nehru Yuva Kendras, educational institutions and especially their National Service Scheme Units, organizations, specialists, experts, activists, *etc.* working in the district so that their resources and efforts are effectively pooled for the welfare of senior citizens of the district;

(vi) ensure provision of timely assistance and relief to senior citizens in the event of natural calamities and other emergencies;

(vii) ensure periodic sensitization of officers of various Departments and Local Bodies concerned with welfare of senior citizens, towards the needs of such citizens, and the duty of the officers towards the latter;

(viii) review the progress of investigation and trial of cases relating to senior citizens in the district, except in cities having a Divisional Inspector General of police

(ix) ensure that adequate number of prescribed application Forms for maintenance are available in offices of common contact for citizens like Panchayats, Block Development Offices, Tahsildar offices, District Social Welfare Offices, Collectorate, Police Station *etc.*;

(x) promote establishment of dedicated Help lines for senior citizens at district headquarters, to begin with; and

(xi) perform such other function as the Government, may by order, assign to the District Magistrate in this behalf, from time to time.

(3) With a view to performing the duties mentioned in sub-rule (2), the District Magistrate shall be competent to issue such directions, not inconsistent with the Act; these rules, and general guidelines of the Government, as may be necessary, to any concerned Government or statutory agency or body working in the district, and especially to the following;

(a) Officers of the State Government in the Police, Health and Publicity Departments, and the Department dealing with welfare of senior citizens;

(b) Maintenance Tribunals and Conciliation Officers;

(c) Panchayats and Municipalities; and

(d) Educational Institution.

CHAPTER VI

PROTECTION OF LIFE AND PROPERTY OF SENIOR CITIZENS

Action plan for the protection of life and property of Senior Citizens

22. (1) The District Superintendent of Police and in the case of cities having Divisional Inspector General of Police, such Divisional Inspector General of Police shall take all necessary steps, subject to such guidelines as the Government may issue from time to time for the protection of life any property of senior citizens.

(2) Without prejudice to the generality of sub-rule (1)

(i) each police station shall maintain an up-to date list of senior citizens living within its jurisdiction, especially those who are living by themselves (*i.e.* without there being any member in their household who is not a senior citizen);

(ii) a representative of the police station together as far as possible, with a social worker or volunteer, shall visit such senior citizens at regular intervals of at least once a month, and shall, in addition, visit them as quickly as possible on receipt of a request of assistance from them;

(iii) complaints/ problems of senior citizens shall be promptly attended to, by the local police;

(iv) one or more Volunteer Committee (s) shall be formed for each Police Station which shall ensure regular contact between the senior citizens, especially those living by themselves, on the one hand, and the police and the district administration on the other;

(v) the District Superintendent of police or, the Divisional Inspector General of Police as the case may be, shall cause to be publicized widely in the media and through the Police Station, at regular intervals, the steps being taken for the protection of life and property of senior citizens;

(vi) each Police Station shall maintain a separate register containing all important particulars relating to offences committed against Senior Citizens as in Annexure IV

(vii) The Register referred to in clause (vi) shall be kept available for public inspection, and every officer inspecting a Police Station shall invariably review the status as entered in the register;

(viii) The Police Station shall send a monthly report of such crimes to the District Superintendent of police by the 10th of every month;

(ix) list of Do's and Don'ts to be followed by senior citizens, in the interest of their safety, will be widely publicized;

(x) antecedents of domestic servants and others working for senior citizens shall be promptly verified, on the request of such citizens;

(xi) community policing for the security of senior citizens will be undertaken in conjunction with citizens living in the neighbourhood, Residents' Welfare Association, Youth Volunteers, Non-Government Organizations, etc;

(xii) the District Superintendent of police shall submit to the Director General of Police and to the District Magistrate, a monthly report by the 20th of every month, about the status of crimes against senior citizens during the previous month, including progress of investigation and prosecution of registered offences, and preventive steps taken during the month, as in Annexure V;

(xiii) the District Magistrate shall cause the report to be placed before the District-level Committee constituted under rule 24;

(xiv) The Director General of police shall cause the reports submitted under clause (xii) to be compiled, once a quarter, and shall submit them to the Government every quarter as well as every year for, *inter-alia*, being placed before the State Council of Senior Citizens constituted under rule 23.

CHAPTER VII

STATE COUNCIL AND DISTRICT COMMITTEES OF SENIOR CITIZENS

23. (1) The State Government may, by order establish a State Council of Senior Citizens to advise the Government on effective implementation of the Act and to perform such other functions in relation to Senior Citizens as it deems fit.

State Council
of Senior
Citizens

(2) The State Council shall consist of the following members, namely:

1. Minister, Department of Social Welfare, Government of Uttar Pradesh *Chairperson*
2. Principal Secretary / Secretary, Department of Social Welfare *Member*
3. One Representative (not below the rank of Deputy Secretary) nominated by the Principal Secretary/Secretary, Department of Home Affairs *Member*

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|--|--------------------|
| 4. One Representative (not below the rank of Deputy secretary) nominated by the Principal Secretary/Secretary. Department of Health | Member |
| 5. One Representative (not below the rank of Deputy secretary) nominated by the Principal Secretary/Secretary. Department of Finance | Member |
| 6. One Representative (not below the rank of Deputy Secretary) nominated by the Principal Secretary/Secretary. Department of Rural Development | Member |
| 7. One Representative (not below the rank of Deputy Secretary) nominated by the Principal Secretary/Secretary. Department of Urban Development | Member |
| 8. One Representative (not below the rank of Deputy Secretary) nominated by the Principal Secretary/Secretary. Department of Transport | Member |
| 9. Director, Department of Information and Broadcasting | Member |
| 10. One Representative nominated by the Director General of Police | Member |
| 11. Three Social Workers (working for the welfare & rights of older persons) nominated by the State Government. | Member |
| 12. Two Representatives of Pensioners Associations nominated by the State Government. | Member |
| 13. Two Representatives of Non-Governments Organisation working in the field of welfare of Older Person nominated by the State Government. | Member |
| 14. Director, Department of Social Welfare U.P. | Member - Secretary |

(3) The State Council shall meet at least once in every six months.

(4) Tenure of the members of the State Council, other than *ex officio* members, rules of procedure of the Council and other ancillary matters shall be such as the State Government may by order specify.

(5) The State Government shall carry out external research and social investigation on the implementation of the Act; the programmes/ schemes relating to the older person.

District
Committee of
Senior Citizens

24. (1) The State Government may, by the order establish a District Committee of Senior Citizens for each District to advise on effective and coordinated implementation of the Act at the district level, and to perform such other functions in relation to senior Citizens at the district level.

(2) The District Committee for Senior Citizens shall consist of the following members, namely:

- | | |
|---|--------------------|
| 1. District Magistrate | Chairperson |
| 2. Police Superintendent | Member |
| 3. Civil Surgeon cum Chief Medical Officer | Member |
| 4. Two Social Workers (one from the Old Age Home) nominated by the District Magistrate. | Member |
| 5. One representative of Pensioners Association nominated by the District Magistrate. | Member |
| 6. Two Representative of Voluntary Organizations nominated by the District Magistrate. | Member |
| 7. The Assistant Director, Social Security | Member - Secretary |

(3) The District Committee shall meet at least once in every three months.

(4) Tenure of the members of the District Committee, other than *ex-officio* members, rules of procedure of the Committee and other ancillary matters shall be such as the State Government may by order, specify.

(5) The District Committee will review the following activities relating to the implementation of the Act including:

- (a) Review of administration and management of old age homes;
- (b) Quarterly supervision of institutions set up under the Act and send its report to the Director, Directorate of Social Welfare / Secretary, Department of Social Welfare;
- (c) Propose appropriate programme for promotion and development of old age homes;
- (d) Support programmes relating to rehabilitation of senior citizens;
- (e) Ensure linkages between different agencies working in the field of senior citizens welfare;
- (f) Review the functions of tribunals set up in the district under the Act.
- (g) Give necessary suggestions for improving quality of institutional and non-institutional services.

(6) After completing its supervision, the Committee will prepare a report on its findings and send the same to the Directorate of Social Security / Secretary, Department of Social Welfare for necessary action.

SCHEDULE

[See Rule (18)]

NORMS OF PHYSICAL FACILITIES AND OPERATIONAL STANDARDS FOR AN OLD AGE HOME FOR INDIGENT SENIOR CITIZEN ESTABLISHED UNDER SECTION 19 OF THE ACT.

(I) Physical Facilities (1)

Land: The land for the old age home should be adequate to compete with the Floor-Area Ratio (FAR) as prescribed by the relevant urban body/State Government. In the case of semi-urban / rural areas, the State Government shall provide adequate land for setting up of an old Age Home of requisite capacity that is adequate for living, medical, dining, toilet facilities, recreation, gardening, further expansion, etc.

(2)

Living Space: The Old age home shall, as far as possible, have minimum area per inmate as per the following norms:

- (i) area of bedroom/ dormitory per inmate ..7.5.Sq.metres
- (ii) Living area or carpet area per inmate i.e. including (i) above .. 12 Sq.metres

plus ancillary areas like kitchen, dining hall, recreation room, medical room, etc., but excluding verandah, corridor, etc.

3. Facilities:

(1)

The old age home shall have the following facilities:

- (i) residential area comprising rooms / dormitories- separately for men and women;
- (ii) adequate water for drinking and ancillary purposes;
- (iii) electricity, fans and heating arrangement for inmates (as necessary);

- (iv) kitchen-cum-store-and office;
 - (v) dining hall;
 - (vi) adequate number of toilets and baths, including toilets suitable for disabled persons;
 - (vii) recreation facilities, television, newspaper and an adequate collection of books: and
 - (viii) first aid, sick bay, and primary healthcare facilities.
 - (2) The old age home should be barrier-free with provision of ramps and handrails, and, wherever necessary, lifts, etc.
- Operational standards**
- (1) Supply of nutritious and wholesome diet as per scale to be fixed by the State Government.
 - (2) Adequate clothing and linen for the inmates, including for the winter season.
 - (3) Adequate arrangements for sanitation, hygiene, and watch and ward / security.
 - (4) Arrangements with the nearest Government hospital for emergency medical care, and with the nearest Police Station for security requirements

CHAPTER-VIII

MISCELLANEOUS

Officers to be
Public Servants.

25. Every officer or staff members appointed to exercise functions under these rules shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Jurisdiction of
Civil Courts
barred.

26. No civil court shall have jurisdiction in respect of any matter to which any provision of these rules applied and no injunction shall be granted by any civil court in respect of any thing which is done or intended to be done by or under these rules.

Protection of
Action taken in
good faith.

27. No suit, prosecution or other legal proceeding shall lie against State Government or the local authority or any officer of the Government in respect of anything which is done in good faith or intended to be done in pursuance of the Act and the rules or orders made there under.

Powers to remove
difficulties.

28. If any difficulty arise in giving effect to the provisions of these rules, the State Government may, by order published in the *Gazettee*, make such provision not inconsistent with the provisions of these rules, as appear to it to be necessary or expedient for removing the difficulty.

Form 'A'

[See rule 5(1)]

Application for Maintenance under the Maintenance and

Welfare of Parents and Senior Citizens Act, 2007

For use of the office of the Tribunal

Date of filing.....

OR

Date Receipt Post.....

Registration.....

Number.....

Signature

Presiding Officer

In The Tribunal for Maintenance and Welfare of Parents:

Branch:.....

State:.....

(a)

(b).....Applicant

and

(c)

(d).....Through the Respondent

Details of the Application:

1. Particulars of the Applicant:

(i) Name of the Applicant

(ii) Father / Husband's Name.....

(iii) Address.....

(iv) Address for all Information & Correspondence

2. Particulars of the Respondent:

(i) Name of the Respondent.....

(ii) Address of the Respondent.....

(iii) Address for all Information & Correspondence.....

3. Jurisdiction of the Tribunal: The applicant declares that the subject matter of the case against which intervention is sought is within the jurisdiction of the Tribunal.

4. Facts of the Matter: The facts of the matter are given below.

5. Requested relief (s): The applicant prays for relief as mentioned below, based on facts mentioned in para 4 above.

6. Transfer Orders, if request for the same has been made:

During pendency of the application, the applicant prays of the issuance of the below mentioned interim order:

(Give the reasons and the outline for the request for interim order)

7. Particulars of Alternatives: The applicant declares that she/he has utilised all available alternatives.

8. The matter is not pending before any other court. The applicant declares that the matter in which this application has been made is not pending before any court or any other Tribunal / authority or has not been dismissed by any court or any other officer.

9. Details of Index: Details of those documents on which the prayer for relief is based, second copy of the entry index is enclosed.

Verification

I..... (Name of the applicant), son / daughter / wife / husband

of.....

Age....., Resident of

hereby certify that issues mentioned in para 1 to 9 are true to my personnel knowledge and belief, and that no fact has been hidden.

Place.....

Date.....

Signature of Applicant

Copy to:

Presiding officer

Receipt

Receipt of application filed in the Parents and Senior Citizens Tribunal by Sri / Smt. _____ Address _____ is hereby accepted.

For Presiding Officer

Form 'B'

[See rule 5(2)(6)]

placed Before..... Tribunal.....

Indexation of the filed Application

Application has been received for maintenance.....

(Particulars) from..... The application has been registered as case

no..... dated..... The case hearing has been fixed for.....

Place:

Date:

Signature

Form 'C'

[See rule 7 (2)]

Form for Notice / Summon to respondent

[See Section 6(1)]

placed

Before..... Tribunal.....

Address:

Case No.....

Applicant

v/s

Respondent / Respondents

To,

.....
.....
.....

It is informed that the applicant under section 4 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 has filed a claim for payment of Rupees.....per month as maintenance from you. Hearing has been fixed on..... at.....a.m / p.m at the above mentioned office of the Tribunal. You are required to be present in person on the said date and time with all supporting documents and your objections and statements. If you fail to be present, the Tribunal will pass ex-parte order. Issued with my signature and seal dated.....

Registrar

(Seal of the Tribunal)

Form 'D'

[See rule 7(3)]

placed Before..... Tribunal.....

Endorsement of the Application

Application has been received for maintenance.....

(particulars) from..... The application has registered as case no.....dated.....The case hearing has been fixed for.....

place:

Date:

Signature

Form 'E'

[See rule 11 (2) and 11 (3)]

Form for Directions to Conciliation Officer

[Section 6 (2) See proviso]

placed Before..... Tribunal.....

District..... case No.....2009

Applicant:

Respondent:

आवेदक द्वारा प्रतिवादी के विरुद्ध भरण-पोषण हेतु उपरोक्त एतस्मिन् पश्चात् विनिर्दिष्ट सुलह अधिकारी को सुलह के लिए निर्दिष्ट किया जाता है।

Conciliation officer will on or before apprise the decision / settlement terms to the tribunal.

Issued with the signature and seal of the Tribunal on day.....
date.....

Signature
(Seal of the Tribunal)

To,
The Conciliation Officer-

Form 'F'

[See Rule 12 (2)]

District.....case No.....
Applicant.....
Statement of Applicant.....
Statement of Respondent.....
Details of Settlement.....
Both parties are present and have agreed for the above mentioned mutual settlement on this day.....
Signature of the Respondent

Signature
Conciliation Officer

From 'G'

[See Rule 12 (2) Settlement Report]

District..... Case No.....
Applicant.....
Respondent.....
Tribunal Order No.....
Date of Settlement
Terms of Settlement
Agreement of Applicant and Respondent
Date:
Place:

Signature
Conciliation Tribunal

From 'H'
[See Rule 12 (3)]

Applicant.....
Respondent.....
Settlement Order No.....
Proposal for Settlement.....
Arguments of the
Applicant.....
Arguments of the
Respondent.....
Efforts made by Conciliation Officer:-
1.....
2.....
Points of Disagreement of the Applicant
Points of Disagreement of the Respondent
Decision:
Date:

Signature
Conciliation Tribunal

From 'I'
[See Rule 17]
Appeal in the Appellate Tribunal

Placed Before..... Tribunal.....
District.....
Appeal Number.....
Applicant:
Name & Address
.....
.....
.....
Case Number.....and Date of Order.....
against which the appeal has been made. Copies of attached
documents.....

Adhar

Appellant

Verification

I,.....above mentioned appellant do solemnly declare that the above
statement and particulars are corrects as per my information, knowledge and belief.

Place:

Date:

Appellant

Form "J"

[See rule 18]

Form for Issuance of Notice of Appeal under Section 16

Tribunal.....placed
before.....

Appeal Number

Applicant:

Name and Address

.....
.....
.....

Defendant:

.....
.....
.....

It is informed that the above mentioned appeal by the appellant has been submitted is vide Case No.....against order dated.....

Appeal.....has been scheduled for.....A.M. / P.M. For final hearing your presence personally or through an authorised representative (advocate) is required on the said date and time. Failure to attend will lead to the appeal being heard and settled ex-parte.

Issued, through my signature and seal of the court onday

Signature
Competent officer.

Form 'K'

[Rule 19-(1)]

Placed before the Tribunal.....

Appeal Number.....

Applicant:

.....
.....
.....

Defendant:

.....
.....
.....

It is informed that the above mentioned appeal by the appellant has been submitted is vide Case No.....against order dated.....

Appeal..... has been scheduled forAM / PM for final hearing. your presence personally or through an authorised representative (advocate) is required on the said date and time. Failure to attend will lead to the appeal being heard and settled ex-parte.

Issued through my signature and seal of the court onday

Signature

Competent Officer

By order of Government

SUNIL KUMAR,
Principal Secretary.

पी०एस०यू०पी-ए०पी० 810 राजपत्र (हि०)-2014-(1822)-599 प्रतियां (कम्प्यूटर/ट्रे०/आफसेट)।

पी०एस०यू०पी-ए०पी० 1 सा० समाज कल्याण-2014-(1823)-2000 प्रतियां (कम्प्यूटर/ट्रे०/आफसेट)।