

माता-पिता और वरिष्ठ नागरिकों का भरणपोषण तथा कल्याण अधिनियम, 2007 की धारा 16(1) के अधीन एक अपील फाइल की गयी है जिसे आप प्रत्यर्थी के रूप में शामिल है और जिसकी प्रति संलग्न है, इस अधिकरण के समक्ष प्रस्तुत है।

अब आपको इसके द्वारा सूचित किया जाता है कि उक्त अपील पर सुनवाई दिनांक को प्रातः बजे नियत की गयी है और यदि आप अपील के उत्तर में कुछ कहना चाहते हैं तो उस तारीख को अपील अधिकरण के समक्ष व्यक्तिगत उपसंजात हों और उस तारीख से 3(तीन) दिवस पूर्व अपना जवाब दावा फाइल करें।

सूचना दी जाती है कि मामले में उपरिवर्णित तारीख पर आपकी उपसंजाति में चूक होने पर मामला आपकी अनुपस्थिति में सुना और विनिश्चित किया जायेगा।

मेरे हस्ताक्षर और अधिकरण की मुहर सहित दिनांक को दिया गया।
अपील अधिकरण (जिले का नाम).....के आदेश से

गुहर सहित हस्ताक्षर,

[संख्या एफ.13/55,एसएस/डब्ल्यू/एसजेइ/10/34062]

राज्यपाल के आदेश और नाम से,

आदिति मेहता,

प्रमुख शासन सचिव।

**Government of Rajasthan
Social Justice & Empowerment Department
NOTIFICATION**

Jaipur, June 18, 2010

G.S.R.33.-In exercise of the powers conferred by section 2 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (56 of 2007), the State Government here by makes the following rules, namely:-

Chapter I

Preliminary

1. Short title and commencement.- (1) These rules may be called the Government of Rajasthan Maintenance of Parents and Senior Citizens Rules, 2010.

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

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

- (a) "Act" means the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (56 of 2007);
- (b) "Application" means an application made to a tribunal under section 5;
- (c) "Blood relations" in the context of a male and a female inmate, mean father-daughter, mother-son, and brother-sister (not cousins);
- (d) "Conciliation Officer" means any person or representative of an organization referred to in explanation to sub-section (1) of section 5 or the Maintenance Officer designated by the State Government under sub-section (1) of section 18 or any other person whose name is included in the list of panel prepared by the Tribunal;
- (e) "District Magistrate and Collector" means the District Collector/Magistrate of the District;
- (f) "Form" means a form appended to these rules;
- (g) "inmate" in relation to an Old Age Home, means a senior citizen duly admitted to reside in such home;
- (h) "Maintenance Officer" means District Social Welfare Officer of the District or any other officer not below the rank of a District Social Welfare Officer designated by the State Government;
- (i) "opposite party" means the party against whom an application for maintenance has been filed under section 4;
- (j) "Organisation" means an association registered under the Rajasthan Societies Registration Act, 1958 (28 of 1958) or any other law for time being in force;
- (k) "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;
- (l) "Schedule" means a Schedule appended to these rules;
- (m) "Section" means a section of the Act; and
- (n) "State Government" means the Government of Rajasthan.

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

Chapter II

Procedure for Maintenance Tribunal and Conciliation Officers

3. Panel for appointment as Conciliation Officers.— (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.

(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-alleviation, women's empowerment, 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) subject to fulfilling the following conditions, namely:-

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

(ii) he should possess good knowledge of law.

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

(4) Panel will be valid for two years.

(5) Conciliation Officer will be paid an honorarium per case settled by him, as may be fixed by the State Government from time to time, but not less than Rs.1000/- per case.

4. Procedure for filing an application for maintenance, and its registration.- (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.

(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 Cases, to be maintained in such form as the State Government may direct, and
- (b) its acknowledgment 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 dispatch by post in other cases and 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) above.

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

- (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 limit.

6. Notice to the Opposite Party.— (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-rule (1) and (2), the applicant (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-rule (2) and (3).

7. Procedure in case of non-appearance by the Opposite Party.— In case, despite service of notice, the opposite party fails

to show cause in response to a notice, the Tribunal shall proceed *ex parte*, by taking evidence of the applicant and making such other inquiry as it deems fit, and shall pass an order disposing of the application.

8. **Procedure in case of admission of claim.**— 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.

9. **Procedure for impleading children or relatives.**— (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 filing it at a 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 impleaded party in Form "C" in accordance with rule 6.

10. **Reference to Conciliation Officer.**— (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 they would 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.

(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.

11. Proceedings by Conciliation Officer.—(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.

(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 rule (10), 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.

12. Action by the Tribunal in case of settlement before a Conciliation Officer.— (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.

(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

- 13. Action by the Tribunal in other cases.**—(1) In case, -
- (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, the 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 or their representatives, in person, or shall be sent to them through a process server or by registered post.

14. Maximum maintenance allowance.— 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 also among the opposite party's family members.

CHAPTER III

Procedure of Appellate Tribunal

15. Form of appeal.— 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 Maintenance Tribunal.

16. Registration and acknowledgement of appeal.— 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'.

17. Notice of hearing to the respondent.— (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

18. Old Age Home.- All old age homes in the State being run by the State Government or Non-Governmental Organisations with the help of any Government grant shall be liable to accommodate such senior citizens who seek help under the Act before the Tribunal if so ordered by the Tribunal. The facilities shall be provided to these senior citizens on the same terms and conditions as are applicable to the other inmates in these homes. All the Tribunals shall have the authority to refer the applicants to these homes keeping in view their economic status.

19. Scheme for management of Old Age Homes for indigent senior citizens.- (1) Old Age Homes established under section 19 shall be run in accordance with the following norms and standards:-

- (A) The home shall have physical facilities and shall be run in accordance with the operational norms as laid down in the Schedule.
- (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 infirm senior citizens may also be admitted without any formal application if the District Magistrate or other competent authority, designated by him for the purpose, 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 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 which shall be constituted in accordance with orders and guidelines issued by the State Government from time to time, 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.

CHAPTER V

Duties & Powers of the District Magistrate

20. Duties and Powers of the District Magistrate.— (1)

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

(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 the 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 State 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 coordinate with Panchayats, Municipalities, Nehru Yuwa Kendras, Educational Institutions and especially their National Service Scheme Units, organization, 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 Police Commissioner;
- (ix) ensure that adequate number of prescribed application forms for maintenance are available in offices of common contact for citizens like Panchayats, Post Offices, Block Development Offices, Tehsil Offices, Collectorate, Police Stations, etc;
- (x) promote establishment of dedicated Helplines for senior citizens at district headquarters, to begin with; and
- (xi) perform such other functions as the State 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 State 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 institutions.

(4) In order to implement the provisions of the Act, District Magistrate or an officer designated by the District Magistrate not below the rank of Sub-Divisional Magistrate, shall have the power to refer the case of a senior citizen who may be considered "indigent" under the provisions of section 19, to the Tribunal.

(5) In case of a danger to life or property of a senior citizen, it shall be the duty of the District Magistrate or an officer subordinate to him duly authorized to protect the life and property of such senior citizen.

(6) In case a senior citizen requires protection or is destitute it shall be the duty of the District Magistrate or the officer subordinate to him duly authorized to provide shelter in an Old Age Home being run by the State Government or Non Government Organisation.

(7) The District Magistrate or an officer subordinate to him shall also make suitable arrangements for medical care for abandoned and indigent senior citizen in case of emergency.

(8) A senior citizen shall be considered "indigent" under section 19 if his monthly income is less than Rs.1500/-.

CHAPTER VI

Protection of Life and Property of Senior Citizens

21. Action plan for the protection of life and property of senior citizens.— (1) The District Superintendent of Police, and in the case of cities having a Police Commissioner, such Police Commissioner shall take all necessary steps, subject to such guidelines issued by the State Government and/or directions issued by the District Magistrate for the protection of life and 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 Volunteers' 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, as the case may be, the Police Commissioner shall cause to be publicized widely in the media and through the Police Stations, 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, in such form as the State Government may, by order, specify.
- (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 reflected 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 Associations, Youth Volunteers, Non-Government Organisations, 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 crime against senior citizens during the previous month, including progress of investigation and prosecution of registered offences, and preventive steps taken during the month.
- (xiii) the District Magistrate shall cause the report to be placed before the District-level Coordination-cum-Monitoring Committee constituted under rule 22.
- (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 State Government every quarter as well as every year for, *inter alia*, being placed before the State Council of Senior Citizens constituted under rule 21.

CHAPTER VII**State and District Co-ordination Committees for Senior Citizens****22. State Co-ordination Committee for Senior Citizens.—**

(1) The State Government may, by order, establish a State Co-ordination Committee for Senior Citizens to advise the State Government on effective implementation of the Act and to perform such other functions in relation to senior citizens as the State Government may specify.

(2) The State Co-ordination Committee shall consist of the following members, namely:-

(i)	Additional Chief Secretary (In-charge of the department)/ Development Commissioner	Chairman
(ii)	Principal Secretary/ Secretary, Social Justice & Empowerment	Member
(iii)	Principal Secretary/ Secretary, Finance Department	Member
(iv)	Principal Secretary/ Secretary, Home Department	Member
(v)	Principal Secretary/ Secretary, Medical & Health Department	Member
(vi)	Principal Secretary/ Secretary, Medical Education Department	Member
(vii)	Principal Secretary/ Secretary, Law Department	Member
(viii)	Director General of Police	Member
(ix)	Director, Public Relation Department	Member
(x)	Commissioner/ Director, Social Justice & Empowerment Department	Member- Secretary

(3) The State Co-ordination Committee shall meet at least once in six months.

23. District Co-ordination Committee for Senior Citizens.—

(1) The State Government may, by order, establish a Co-ordination Committee 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, as the State Government may specify.

(2) The District Co-ordination Committee of senior citizen shall consist of the following members, namely: -

- | | | |
|-------|---|------------------------------------|
| (i) | District Magistrate | Chairman,
ex-officio |
| (ii) | Superintendent of Police, Chief Medical & Health Officer, Office Incharge of District Hospital or Medical College, District Public Relation Officer, Chief Executive Officer, Zila Parishad | Members,
ex-officio |
| (iii) | Three Specialists and activists in the field of welfare of senior citizens, to be nominated by the District Magistrate; | Members |
| (iv) | Three Eminent senior citizens, to be nominated by the District Magistrate; | Members |
| (v) | District Social Welfare Officer | Member
Secretary,
ex officio |

(3) The Co-ordination Committee shall meet once in every quarter.

(4) The tenure of the non-official members shall be for a period of two years.

(5) The non-official members may resign by writing to the District Magistrate and they may be removed by the District Magistrate at any time without notice.

SCHEDULE

(See Rule 19)

NORMS OF PHYSICAL FACILITIES AND OPERATIONAL STANDARDS FOR AN OLD AGE HOME FOR INDIGENT SENIOR CITIZENS ESTABLISHED U/S 19 OF THE ACT

I. Physical Facilities

1. Land:

The land for the Old Age Home should be adequate to comply 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 such that there is adequate land for 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 | of | 7.5 sq. metres |
| (ii) | living area or carpet area per inmate including (i) above plus ancillary areas like kitchen, dining hall, recreation room, medical room, etc. but excluding verandahs, corridors, etc. | or | 12 sq. metres |

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 where necessary, lifts, etc.

II. 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.

FORM A

[See rule 4 (1) and (3)]

Application for maintenance under section 5 (1)(a) and (b) of the Act

Sub-Division _____

District _____

1. Name of Application :
2. Name of Father/Husband:
3. Complete Postal address:

Village _____	Road _____
Ward No. _____	
Police Station _____	
Post Office _____	Pin Code _____
District _____	
4. Name of Children/ Relative From whom maintenance claimed:
5. Present Address of Children/ Relatives:

Village _____	Road _____
Ward No. _____	
Police Station _____	
Post Office _____	Pin Code _____
District _____	
6. Permanent Address of Children/Relatives:

Village _____	Road _____
Ward No. _____	

Police
Station
Post Office _____ Pin Code _____
District _____

7. Yearly income of the Children/ Relatives from all sources;
8. Grounds ;
9. Relief, Prayed for;
10. Interim prayer, if any:

Applicant

Verification

I do hereby verify that the statements made above by me are true to the best of my knowledge and belief and in verification there of I put my signature hereunder:

Signature of the applicant.

FORM B

[See rule 4(2)(b)]

Acknowledgment

Received from Smt/shri/Ms.....son/Daughter of Smt/Shri/Ms....., four copies of the application preferred under sub-section (1) of section 5 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 which has been registered and assigned the application No. of

Signature with Seal.

FORM C

[See rule 6(1)]

Before the Presiding Officer, maintenance Tribunal

Application No.....of.....

Sh/Smt.....

.....Applicant

Versus

Sh/Smt.....

.....Respondent

NOTICE

Where as an application for maintenance under section 5(1) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, has been filed wherein you have been joined as respondent

and of which a copy is enclosed, has been presented before this Tribunal.

You are hereby informed that the said application has been fixed for hearing at..... A.M on..... and that if you wish to state anything in reply to the application, you may appear before this Tribunal on that date, and file your written statement 3 (three) days before that day either in person.

Take notice that in default of your appearance on the date aforementioned, the case shall be heard and decided in your absence.

Given under my hand and the seal of the Tribunal this..... day of

BY ORDER OF THE MAINTENANCE TRIBUNAL.....

Signature with Seal.

FORM D

[see rule 6 (3)]

Before the Presiding Officer, Maintenance Tribunal

Application Noof.....

To

Smt/Shri/Ms.....

.....

.....

Smt/Shri/Ms..... Application

Versus

Smt/Shri/Ms.....

..... Respondent

NOTICE

Whereas an Application has been filed by you under section 5 (1) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, before this Tribunal;

And whereas now this Tribunal has fixed your application for hearing at A.M on

And whereas now if you wish to urge anything in support of your plea taken in your application, you may appear before this Tribunal on that date in person .

Now, take notice that in default of your appearance on the date aforementioned, the case shall be heard and decided in your absence. .

Given under my hand and the seal of the Tribunal this day of

BY ORDER OF THE MAINTENANCE TRIBUNAL,.....

Signature with Seal.

FORM E

[see rule 10(2), (3)]

Before the Presiding Officer, Maintenance Tribunal

Application Noof.....

To

.....

Subject: **Application No..... (..... Versus**)

Whereas an Application has been filed by the applicant under section 5(1) of the Maintenance and Welfare of Parents and Senior Citizen Act, 2007, before the Tribunal;

And whereas the subject cited Application was fixed for hearing on.....

And whereas in response to the notice given in Form C to the opposite party, the opposite party appeared and showed cause against the maintenance claim,

And whereas the Tribunal has sought the opinion of both the parties as to whether they would like the matter to be referred to Conciliation officer;

And whereas now both the parties have expressed their willingness in this behalf and upon the asking of the Tribunal whether the parties would like the matter to be referred to person included in the Panel prepared under rule 3, or to any other person acceptable to both the parties, now both the parties have agreed for your being appointed as the Conciliation Officer in the subject cited case;

Now, through this letter you are requested to try and work out a settlement acceptable to both the parties, within a period not

exceeding one month from the date of receipt of this reference. Copies of the application and replies of the opposite party thereto are enclosed herewith.

Presiding Officer.
Maintenance Tribunal.

FORM F

[See rule 11 (2)]

MEMORANDUM OF SETTLEMENT

This Memorandum of Settlement (MoS) is worked out on this day of Between(here-in-after referred to as the 'first party') and Sh./Smt..... (here-in-after referred to as the 'second party').

Whereas the learned Maintenance Tribunal has designated me as the Conciliation Officer and has directed to work out a settlement acceptable to both the parties and to draw up a Memorandum of Settlement vide orders dated.....

And whereas in pursuance to the orders of the learned Tribunal, the Conciliation Officer vide letter dated summoned both the parties to appear before him on at 10.00 A.M;

And whereas now with the best efforts of the Conciliation Officer, both the parties are now entering into this Memorandum of settlement to formalize various terms and conditions of this MoS reached between them.

Now, therefore, the parties hereto hereby agree and this Memorandum of Settlement witnesseth as follows:

1. That the second party has agreed to maintain the first party to provide such needs of the life like shelter, food, clothing, medical facilities etc. which shall made the second party to lead a normal life.

2. That the second party shall pay a sum of Rs.to the first party on account of pocket money as well as to meet the day to day petty expenses. This will be paid through mode of payment by date of every month.

3. That if at any stage, the second party fails to provide the facilities as mentioned in the clause (1) above, then the second party shall pay a sum of Rs..... per month as a

Maintenance Allowance to the first party. This amount shall be paid by date of every month through ... mode of payment.

4. That the second party undertakes that in case he/she fails to abide by the terms and condition of this MoS then, the second party shall be liable to be proceeded against under the provisions of the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 as well as the rules framed thereunder.

Note: - Also include any other terms and conditions of the settlement here.

Signed by the parties to this Memorandum of Settlement on the date mentioned by them and it shall come into force after all the parties have signed.

In witness whereof the parties hereto have set their hands, in token of acceptance .

First Party

Second Party

Conciliation Officer

Witness No. 1

Witness No. 2

FORM G

[see rule 11 (2)]

Before the Presiding Officer, Maintenance Tribunal

In Application Noof.....

Smt/Shri/ms.....

.....Application

Versus

Smt/Shri/ms.....

.....Respondent

SUBMISSION OF REPORT

Respectfully showeth :-

1. That this learned Tribunal was pleased to designate the undersigned as the Conciliation Officer under the provisions of the Maintenance and Welfare of Parents and Senior Citizen Act, 2007.

2. That vide order dated, This learned Tribunal directed to work out a settlement which is acceptable to both the parties and to draw up a Memorandum of Settlement.

3. That in pursuance to the orders of this Tribunal dated..... with the best efforts of the Conciliation Officer, a Memorandum of Settlement dated has been reached which is acceptable to both the parties. (Copies to be attached).

4. That the following is the detailed report which has led to the working out of the enclosed Memorandum of Settlement.

Report:-

Conciliation Officer

Place:

Dated:

FORM H

[see rule 11 (3)]

Before the Presiding Officer, Maintenance Tribunal

In Application Noof.....

Sh./Smt.....

.....Applicant

Versus

Sh./Smt.....

.....Respondent

Respectfully showeth :-

1. That this learned Tribunal was pleased to designate the undersigned as the Conciliation Officer under the provisions of the Maintenance and welfare of Parents and Senior Citizen Act, 2007.
2. That vide order dated this learned Tribunal directed to work out a settlement which is acceptable to both the parties and to draw up a Memorandum of Settlement.
3. That in pursuance to the orders of this Tribunal, the Conciliation Officer vide his letter dated summoned both parties to appear before him on at A.M.
4. That on the date fixed, both the parties appeared before the Conciliation Officer.
5. That on the date fixed, an acceptable settlement could not be reached. However the parties were again summoned for. And But even then no settlement could be reached.

6. That since no settlement could be worked out between the parties inspite of the best efforts of the Conciliation Officer, as per the details given below:-
- a)
- b)
7. That the points of different due to which the matter could not be reconciled are as under :-
- I.
- II.
- III.
8. That in view of the facts stated above, the circumstances demand that this learned Tribunal may proceed further in the matter as it deems fit and proper in the circumstances of this case and the papers received from this Tribunal are returned herewith.

Place :

Conciliation Officer

Dated :

FORM I

[See rule 15]

Appeal for maintenance under section 16 of the Act before Appellate Tribunal

[Form for filing an Appeal before the Appellate Tribunal under section 16 (1) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007]

1. Name of Appellant :
2. Name of Father/Husband:
3. Complete Postal address: Village_____Road_____
- Ward No. _____
- Police Station_____
- Post Office _____Pin Code_____
- District_____
4. Name of Respondents:
5. Present Address of Respondents:
- Village_____Road_____
- Ward No. _____
- _____
- Police Station_____
- Post Office _____Pin Code_____
- District_____

6. Permanent Address of Respondents:
 Village _____ Road _____
 Ward No. _____
 Police Station _____
 Post Office _____ Pin Code _____
 District _____
7. Details of order against which the present appeal is being filed;
8. Grounds of Appeal:
9. Relief, Prayed for:
10. Interim prayer, if any:

Applicant

Verification

I do hereby verify that the statements made above by me are true to the best of my knowledge and belief and in verification thereof I, put my signature hereunder:

Signature of the applicant

FORM J

[See rule 16]

Before the Appellate Tribunal

Received from Smt/Shri/Ms.....son/Daughter of Smt/Shri/Ms....., four copies of the appeal preferred under sub-section (1) of section 16 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 against the order dated passed by the Maintenance Tribunal, which has been registered and assigned the appeal No..... of The date of hearing of appeal is fixed for At..... A.M./P.M.

Signature with Seal.

FORM K

[See rule 17]

Before the Appellate Tribunal

Appeal No.....of.....

Sh/Smt.....

..... Applicant

Versus

Sh/Smt.....

..... Respondent

NOTICE

Whereas an appeal under section 16(1) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, against the order dated passed by the Maintenance Tribunal, has been filed, wherein you have been joined as respondent and of which a copy is enclosed, has been presented before this Tribunal.

Now, you are hereby informed that the said appeal has been fixed for hearing at..... A.M on..... and that if you wish to urge anything in reply to the appeal, you may appear before this Appellate Tribunal on that date, and file your written statement 3 (three) days before that day in person .

Take notice that in default of your appearance on the date aforementioned the case shall be heard and decided in your absence.

Given under my hand and the seal of the Tribunal this..... day of.....

BY ORDER OF THE APPELLETE TRIBUNAL.....
(Name of district)

Signature with Seal.

[No. : F.13(65)SS/W/SJE/10/34062]

By order and in the name of the Governor.

Aditi Mehta,

Principal Secretary to Governemnt.

Government Central Press, Jaipur.