Maintenance and Welfare of Parents and Senior Citizens Act, 2007

रजिस्ट्रेशन सं. डी. एल. - (एन) 04/0007/2003-07

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EXTRAORDINARY

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PART II - Section I

प्राधिकार से प्रकाशित

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MINISTRY OF LAW AND JUSTICE
(Legislative Department)
New Delhi, the 31st December, 2007/Pausa 10, 1929 (Saka)

The following Act of Parliament received the assent of the President on the 29th December, 2007 and is hereby published for general information:

THE MAINTENANCE AND WELFARE OF PARENTS AND SENIOR CITIZENS ACT, 2007

No. 56 OF 2007

[29th December, 2007]

An Act to provide for more effective provisions for the maintenance and welfare of parents and senior citizens guaranteed and recognised under the Constitution and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Fifty-eight Year of the Republic of India as follows:

CHAPTER I: Preliminary

1. Short title, extent and commencement

1. This Act may be called the Maintenance and Welfare of Parents and Senior Citizens Act, 2007
2. It extends to the whole of India except the State of Jammu and Kashmir and it applies also to citizens of India outside India
3. It shall come into force in a State on such date as the State Government may, by notification in the Official Gazette, appoint.

Definitions

In this Act, unless the context otherwise requires -

a. "children" includes son, daughter, grandson and grand-daughter but does not include a minor

b. "maintenance" includes provision for food, clothing, residence and medical attendance and treatment
c. "minor" means a person who, under the provisions of the Majority Act, 1875 is deemed not to have attained the age of majority
d. "parent" means father or mother whether biological, adoptive or step father or step mother, as the case may be, whether or not the father or the mother is a senior citizen
e. "prescribed" means prescribed by rules made by the State Government under this Act
f. "property" means property of any kind, whether movable or immovable, ancestral or self acquired, tangible or intangible and includes rights or interests in such property
g. "relative" means any legal heir of the childless senior citizen who is not a minor and is in possession of or would inherit his property after his death
h. "senior citizen" means any person being a citizen of India, who has attained the age of sixty years or above
i. "State Government";, in relation to a Union territory, means the administrator thereof appointed under article 239 of ihc Constitution
j. "Tribunal" means the Maintenance Tribunal constituted under section 7
k. "welfare" means provision for food, health care, recreation centres and other amenities necessary for the senior citizens

3. Act to have overiding effect

The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act, or in any instrument having effect by virtue of any enactment other than this Act.

CHAPTER II: MAINTENANCE OF PARENTS AND SENIOR CITIZENS

4. Maintenance of Parents and Senior Citizens

1. A senior citizen including parent who is unable to maintain himself from his own earning or property owned by him, shall be entitled to make an application under section 5 in case of -
   i. parent or grand-parent, against one or more of his children not being a minor
   ii. a childless senior citizen, against such of his relative referred to in clause (g) of section 2
2. The obligation of the children or relative, as the case may be, to maintain a senior citizen extends to the needs of such citizen so that senior citizen may lead a normal life.
3. The obligation of the children to maintain his or her parent extends to the needs of such parent either father or mother or both, as the case may be, so that such parent may lead a normal life.
4. Any person being a relative of a senior citizen and having sufficient means shall maintain such senior citizen provided he is in possession of the property of such senior citizen or he would inherit the property of such senior citizen:

   Provided that where more than one relatives are entitled to inherit the property of a senior citizen, the maintenance shall be payable by such relative in the proportion in which they would inherit his property.

5. Application for maintenance

1. An application for maintenance under section 4, may be made -
   a. by a senior citizen or a parent, as the case may be; or
   b. if he is incapable, by any other person or organisation authorised by him; or

   c. the Tribunal may take cognizance sua motu

   Explanation:For the purposes of this section "organisation" means any voluntary association registered under the Societies Registration Act, 1860, or any other law for the time being in force.
2. The Tribunal may, during the pendency of the proceeding regarding monthly allowance for the maintenance under this section, order such children or relative to make a monthly allowance for the interim maintenance of such senior citizen including parent and to pay the same to such senior citizen including parent as the Tribunal may from time to time direct.
3. On receipt of an application for maintenance under sub-section(I), after giving notice of the application to the children or relative and after giving the parties an opportunity of being heard, hold an inquiry for

determining the amount of maintenance

4. An application filed under sub-section (2) for the monthly allowance for the maintenance and expenses for proceeding shall be disposed of within ninety days from the date of the service of notice of the application to such person:

   Provided that the Tribunal may extend the said period, once for a maximum period of thirty days in exceptional circumstances for reasons to be recorded in writing.
5. An application for maintenance under sub-section (I) may be filed against one or more persons:

   Provided that such children or relative may implead the other person liable to maintain parent in the application for maintenance.
6. Where a maintenance order was made against more than one person, the death of one of them does not affect the liability of others to continue paying maintenance.
7. 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 the application for maintenance or expenses of proceeding, as the case may be.
8. If, children or relative so ordered fail, without sufficient cause to comply with the order, any such Tribunal may, for every breach of the order, issue a warrant for levying the amount due in the manner provided for levying fines, and may sentence such person for the whole, or any part of each month's allowance for the maintenance and expenses of proceeding, as the case may be, remaining unpaid after the execution of the warrant, to imprisonment for a term which may extend to one month or until payment if sooner made whichever is earlier:

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

6. Jurisdiction and Procedure

1. The proceedings under section 5 may be taken against any children or relative in any district -
   a. where he resides or last resided, or
   b. where children or relative resides.
2. On receipt of the application under section 5, the Tribunal shall issue a process for procuring the presence of children or relative against whom the application is filed.
3. For securing the attendance of children or relative the Tribunal shall have the power of a Judicial Magistrate of first class as provided under the Code of Criminal Procedure, 1973.
4. All evidence to such proceedings shall be taken in the presence of the children or relative against whom an order for payment of maintenance is proposed to be made, and shall be recorded in the manner prescribed for summons cases:

   Provided that if the Tribunal is satisfied that the children or relative against whom an order for payment of maintenance is proposed to be made is wilfully avoiding service, or wilfully neglecting to attend the Tribunal, the Tribunal may proceed to hear and determine the case ex parte
5. Where the children or relative is residing out of India, the summons shall be served by the Tribunal through such authority, as the Central Government may by notification in the official Gazette, specify in this behalf.
6. The Tribunal before hearing an application under section 5 may,. refer the same to a Conciliation Officer and such Conciliation Officer shall submit his findings within one month and if amicable settlement has been arrived at, the Tribunal shall pass an order to that effect.

Explanation - For the purposes of this sub-section "Conciliation Officer" means any person or representative of an organisation referred to in Explanation to sub-section(1) of section 5 or the Maintenance Officers designated by the State Government under subsection (1) of section 18 or any other person nominated by the Tribunal for this purpose.

7. Constitution of Maintenance Tribunal

1. The State Government shall within a period of six months from the date of the commencement of this Act, by notification in the Official Gazette, constitute for each Sub-division one or more Tribunals as may be specified in the notification for the purpose of adjudicating and deciding upon the order for maintenance under section 5.

2. The Tribunal shall be presided over by an officer noi below the rank of Sub-Divisional Officer of a State.
3. Where two or more Tribunals are constituted for any area, the State Government may, by general or special order, regulate the distribution of business among them.

8. Summary procedure in case of inquiry

1. In holding any inquiry under section 5, the Tribunal may, subject to any rules that may be prescribed by the State Government in this behalf, follow such summary procedure as it deems fit.
2. 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 and 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
3. Subject to any rule that may be made in this behalf, the Tribunal may, for the, purpose of adjudicating and deciding upon any claim for maintenance, choose one or more persons possessing special knowledge of any matter relevant to the inquiry to assist it in holding the inquiry.

9. Order for maintenance

1. If children or relatives, as the case may be, neglect or refuse to maintain a senior citizen being unable to maintain himself, the Tribunal may, on being satisfied of such neglect or refusal, order such children or relatives to make a monthly allowance at such monthly rate for the maintenance of such senior citizen, as the Tribunal may deem fit and to pay the same to such senior citizen as the Tribunal may, from time to time, direct.
2. The maximum maintenance allowance which may be ordered by such Tribunal shall be such as may be prescribed by the State Government which shall not exceed ten thousand rupees per month.

10. Alteration in allowance

1. On proof of misrepresentation or mistake of fact or a change in the circumstances of any person, receiving a monthly allowance under section 9, for the maintenanceordered under that section to pay a monthly allowance for the maintenance, the Tribunal may-make such alteration, as it thinks fit, in the allowance for the maintenance.
2. Where it appears to the Tribunal that, in consequence of any decision of a competent Civil Court, any order made under section 9 should be cancelled or varied, it shall cancel the order or, as the case may be, vary the same accordingly.

11. Enforcement of order of maintenance

1. A copy of the order of maintenance and including the order regarding expenses of proceedings, as the case may be, shall be given without payment of any fee to the senior citizen or to parent, as the case may be, in whose favour it is made and such order may be enforced by any Tribunal in any place where the person against whom it is made, such Tribunal on being satisfied as to the identity of the parties and the non-payment of the allowance, or as the case may be, expenses, due.
2. A maintenance order made under this Act shall have the same force and effect as an order passed under Chapter I Xofthc Code of Criminal Procedure, 1973 and shall beexecuted in the manner prescribed for the execution of such order by that Code.

12. Option regarding maintenance in certain cases

Notwithstanding anything contained in Chapter IX of the Code of Criminal Procedure, 1973, where a senior citizen or a parent is entitled for maintenance under the said Chapter and also entitled for maintenance under this Act may, without prejudice to the provisions of Chapter IX of the said Code, claim such maintenance under either of those Acts but not under both.

13. Deposit of maintenance amount

When an order is made under this Chapter, the children or relative who is required to pay any amount in terms of such order shall, within thirty days of the date of announcing the order by the Tribunal, deposit the entire amount ordered in such manner as the Tribunal may direct.

14. Award of interest where any claim is allowed

ere any Tribunal makes an order for maintenance made under this Act, such Tribunal may direct that in addition the amount of maintenance, simple interest shall also be paid at such rate and from such date not earlier than the date of making the application as may be determined by the Tribunal which shall not be less than five per cent, and not more than eighteen per cent:

Provided that where any application for maintenance under Chapter IX of the Code of Criminal Procedure, 1973 is pending before a Court at the commencement of this Act, then the Court shall allow the withdrawal of such application on the request of the parent and such parent shall be entitled to file an application for maintenance before the Tribunal.

15. Constitution of Appellate Tribunal

1. The State Government may, by notification in the Official Gazette, constitute one Appellate Tribunal for each district to hear the appeal against the order of the Tribunal.
2. The Appellate Tribunal shall be presided over by an officer not below the rank of District Magistrate.

16. Appeals

1. Any senior citizen or a parent, as the case may be, aggrieved by an order of a Any senior citizen or a parent, as the case may be, aggrieved by an order of a Tribunal may, within sixty days from the date of the order, prefer an appeal to the Appellate Tribunal:

   Provided that on appeal, the children or relative who is required to pay any amount in terms of such maintenance order shall continue to pay to such parent the amount so ordered, in the murmer directed by the Appellate Tribunal:

   Provided further that the Appellate Tribunal may, entertain the appeal alter the expiry of the said period of sixty days, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.
2. On receipt of an appeal, the Appellate Tribunal shall, cause a notice to be served upon the respondent.
3. The Appellate Tribunal may call for the record of proceedings from the Tribunal against whose order the appeal is preferred.
4. The Appellate Tribunal may, after examining the appeal and the records called for either allow or reject the appeal.
5. The Appellate Tribunal shall, adjudicate and decide upon the appeal Hied against the order of the Tribunal and the order of the Appellate Tribunal shall be final:

   Provided that no appeal shall be rejected unless an opportunity has been given to both the panics of being heard in person or through a duly authorised representative.

1. The Appellate Tribunal shall make an endeavour to pronounce its order in writing within one month of the receipt of an appeal.
2. A copy of every order made under sub-section (3) shall be sent to both the panics free of cost.

17. Right to legal representation

Notwithstanding anything contained in any law, no party to a proceeding before a Tribunal or Appellate Tribunal shall be represented by a legal practitioner.

18. Maintenance Officer

1. The State Government shall designate the District Social Welfare Officer or an officer not below the rank of a District Social Welfare Officer, by whatever name called as Maintenance Officer.
2. The Maintenance Officer referred to in sub-section (1), shall represent a parent if he so desires, during the proceedings of the Tribunal, or the Appellate Tribunal, as the case may be.

CHAPTER III: ESTABLISHMENT OF OLDAGE HOMES

19. Establishment of oldage homes

1. The State Government may establish and maintain such number of oldage homes at accessible places, as it

may deem necessary, in a phased manner, beginning with at least one in each district to accommodate in such homes a minimum of one hundred fifty senior citizens who are indigent.

2. The State Government may, prescribe a scheme for management of oldage homes, including the standards and various types of services to be provided by them which are necessary for medical care and means of entertainment to the inhabitants of such homes.

Explanation - for the purposes of this section, "indigent" means any senior citizen who is not having sufficient means, as determined by the State Government, from time to time, to maintain himself

CHAPTER IV: PROVISIONS FOR MEDICAL CARE OF SENIOR CITIZEN

20. Medical support for senior citizens

The State Government shall ensure that -

1. the Government hospitals or hospitals funded fully or partially by the Government shall provide beds for all senior citizens as far as possible;
2. separate queues be arranged for senior citizens;
3. facility for treatment of chronic, terminal and degenerative diseases is expanded for senior citizens;
4. research activities for chronic elderly diseases and ageing is expanded;
5. there are earmarked facilities for geriatric patients in every district hospital duly headed by a medical officer with experience in geriatric care.

CHAPTER V: PROTECTION OF LIFE AND PROPERTY OF SENIOR CITIZEN

21. Measures for publicity, awareness, etc. for welfare of senior citizens

The State Government shall, take all measures to ensure that -

i. the provisions of this Act are given wide publicity through public media including the television, radio and the print, at regular intervals;

ii. the Central Government and State Government Officers, including the police officers and the members of the judicial service, are given periodic sensitization and awareness training on the issues relating to this Act;

iii. effective co-ordination between the services provided by the concerned Ministries or Departments dealing with law, home affairs, health and welfare, to address the issues relating to the welfare ofthe senior citizens and periodical review of the same is conducted.

22. Authorities who may be specified for implementing the provisions of this Act

1. The State Government may, confer such powers and impose such duties on a District Magistrate as may be necessary, to ensure that the provisions of this Act are properly carried out and the District Magistrate may specify the officer, subordinate to him, who shall exercise all or any of the powers, and perform all or any of the duties, so conferred or imposed and the local limits within which such powers or duties shall be carried out by the officer as may be prescribed.
2. The State Government shall prescribe a comprehensive action plan for providing protection of life and property of senior citizens.

23. Transfer of property to be void in certain circumstances

1. Where any senior citizen who, after the commencement of this Act, has by way of gift or otherwise, his property, subject to the condition that the transferee shall provide the basic amenities and basic physical needs to the transferor and such transferee refuses or fails to provide such amenities and physical needs, the said transfer of property shall be deemed to have been made by fraud or coercion or under undue influence and shall at the option ofthe transferor be declared void by the Tribunal.
2. Where any senior citizen has a right to receive maintenance out of an estate and such estate or part , thereof is transferred, the right to receive maintenance may be enforced against the transferee if the transferee has notice of the right, or if the transfer is gratuitous; but not against the transferee for consideration and without notice of right.
3. If any senior citizen is incapable of enforcing the rights under sub-sections (1) and (2), action may be taken on his behalf by any of the organisation referred to in Explanation to sub-section (1) of section 5.

HAPTER VI: OFFENCES AND PROCEDURE FOR TRIAL

24. Exposure and abandonment of senior citizen

Whoever, having the care or protection of senior citizen leaves, such senior citizen in any place with the intention of wholly abandoning such senior citizen, shall be punishable with imprisonment of either description for a term which may extend to three months or fine which may extend to five thousand rupees or with both.

25. Cognizance of offences

1. Notwithstanding any thing contained in the Code of Criminal Procedure, 1973, every offence under this Act shall be cognizable and bailable.
2. An offence under this Act shall be tried summarily by a Magistrate.

CHAPTER VII: MISCELLANEOUS

26. Officers to be public servants

Every officer or staff appointed to exercise functions under this Act shall be deemed to be a public servant within the meaning of section 21 ofthe Indian Penal Code.

27. Jurisdiction of civil courts barred

No Civil Court shall have jurisdiction in respect of any matter to which any provision of this Act applies and no injunction shall be granted by any Civil Court in respect of anything which is done or intended to be done by or under this Act.

28. Protection of action taken in good faith

No suit, prosecution or other legal proceeding shall lie against the Central Government, the State Governments 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 this Act and any rules or orders made thereunder.

29. Power to remove difficulties

If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided thai no such order shall be made after the expiry of a period of two years from the dale of the commencement of this Act.

30. Power of Central Government to give directions

The Central Government may give directions to State Governments as to the carrying into execution of the provisions of this Act.

31. Power of Central Government to review

The Central Government may make periodic review and monitor the progress of the implementation of the provisions of this Act by the State Governments.

32. Power of State Government to make rules

1. The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.
2. Without prejudice to the generality of the foregoing power, such rules may provide for -
    a. *the manner of holding inquiry under section 5 subject to such rules as may be prescribed under sub-section (1) of section 8;*
    b. the power and procedure of the Tribunal for other purposes under subsection (2) of section 8.
    c. the maximum maintenance allowance which may be ordered by the Tribunal under sub-section (2) of

section 9;

d. the scheme for management of oldage homes, including the standards and various types of scrviccsto be provided by them which arc necessary for medical care and means of entertainment to the inhabitants of such homes under sub-section (2) of section 19;

e. the powers and duties of the authorities for implementing the provisions of this Act. under sub-section (1) of section 22;

f. a comprehensive action plan for providing protection of life and property of senior citizens under sub-section (2) of section 22;

g. any other matter which is to be, or may be, prescribed

3. Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of State Legislature, where it consists of two Houses or where such legislature consists of one House, before that House.

K.N.CHATURVEDI,
Secy. to the Govt. of India

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HARYANA GOVERNMENT
SOCIAL JUSTICE AND EMPOWERMENT DEPARTMENT

NOTIFICATION

The 22 October, 2008

No. 1976-SW (4)-2008. - In exercise of the powers conferred by sub-section (3) of section 1 of the Maintenance and Welfare of Parents and Senior Citizens Act,2007 (Central Act 56 of 2007), the Governor of Haryana hereby appoints 22nd October, 2008 to be the date on which the said Act shall come into force.

NAVRAJ SANDHU,
Commissioner and Secretary to Govt.,Haryana,
Social Justice and Empowerment Department.

Endst.No. 1976 -SW(4)-2008 Dated,Chandigarh the 22.10.2008

A copy is forwarded to Director, Social Justice and Empowerment Department,Haryana, Chandigarh for information and necessary action.

Joint Secretary,
for Commissioner and Secretary to Govt.,Haryana,
Social Justice and Empowerment Department.

Endst.No. 1976 -SW(4)-/2008 Dated,Chandigarh the 22.10.08

A copy is forwarded to Controller, Printing & Stationery Department Haryana, Chandigarh with the request to publish this notification in the official Gazette of the Government of Haryana. 100 spare copies of this notification may be sent to this Department.

Joint Secretary,
for Commissioner and Secretary to Govt.,Haryana,
Social Justice and Empowerment Department.

Endst.No. 1976 -SW(4)-/2008 Dated,Chandigarh the 22.10.08

A copy is forwarded to the following for information and necessary action:-

1. All the Financial Commissioner & Principal Secretaries/ Administrative Secretaries to the Government of Haryana.
2. All the Divisional Commissioners in Haryana.
3. All the Heads of the Departments, Haryana
4. All the Deputy Commissioners in the State.
5. All the Sub Divisional Officer (Civil) in Haryana State
6. Registrar, Punjab & Haryana High Court, Chandigarh

Joint Secretary,
for Commissioner and Secretary to Govt., Haryana,
Social Justice and Empowerment Department.

[Extract from Haryana Government Gazette, dated the 15th September, 2009]

HARYANA GOVERNMENT

SOCIAL JUSTICE AND EMPOWERMENT DEPARTMENT

Notification

The 28th August, 2009

No. 1801-SW(4)-2009.—District Social Welfare Officer of the District is declared as "Maintenance Officer" under Section 2 (1) (h) of Chapter I of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (Central Act 56 of 2007).

NAVRAJ SANDHU,
Financial Commissioner and Principal Secretary
to Government Haryana,
Social Justice and Empowerment Department.

Chandigarh :
The 28th August, 2009

46176—C.S.—H.G.P., Chd.

HARYANA
SOCIAL WELFARE DEPT.

Notification

Dated: 17-9-2003

No. 2280-S.W(4)-2003. The Governor of Haryana is pleased to constitute a Grievance Redressal Cell for the Welfare of senior citizens in every district of the State. This Cell will act as nodal agency at the district level for looking at various grievances/problems being faced by the elderly and also take the required steps in regard to the grievances/problems concerning old persons.

The composition of Cell in each district would be as under:-

1.	Additional Deputy Commissioner	Chairman
2.	Superintendent of Police	Member
3.	Chief Medical Officer	Member
4.	District Education Officer	Member
5.	District Food and Supply Officer	Member
6.	Four Senior Citizens(out of which two would be women) (To be nominated by the Deputy Commissioner)	Member
7.	Non Governmental Organisations working in the field of Senior Citizens(To be nominated by the Deputy Commissioner).	Member
8.	District Social Welfare Officer	Member Secretary

VEENU GAGLETON
Financial Commissioner & Principal Secy.
to Govt.Haryana,Social Welfare Department

Dated:21.8.2003

Endst.No. 2288-S.W(4)-2003 Dated,Chandigarh the 17-9-2003

A copy is forwarded to Director,Social Justice & Empowerment Department,Haryana for information and necessary action.

Joint Secretary.
for Financial Commissioner & Principal
to Govt.,Haryana,Social Welfare D

Contd....

[illegible] Dated Chandigarh the 17-9-2003

A copy is [illegible] to the following for information and necessary action:-

1. All Deputy Commissioners of the State.
2. All [illegible] Deputy Commissioners of the State.
3. All Members of the Grievances Redressal Cell.
4. All Distt. Social Welfare Officers of the State.

Joint Secretary,
for Financial Commissioner & Principal Secretary
to Govt., Haryana, Social Welfare Deptt.

Endst. No. 2288-SJ(4)-2003, Chandigarh, dated, the 17-9-2003

A copy is forwarded to the Controller, Printing and Stationary Department, Chandigarh Administration (U.T.) for publishing the notification in the Haryana Gazetted Part-I 100 spare copies of the Notification may please be supplied to the undersigned immediately.

Joint Secretary,
for Financial Commissioner & Principal Secretary to
Govt., Haryana, Social Welfare Department.

[Extract from Haryana Government Gazette, dated the 20th July, 2004]

HARYANA GOVERNMENT

SOCIAL WELFARE DEPARTMENT

Notification

The 30th June, 2004

No. 1603-SW (4) 2004.—The Governor of Haryana is pleased to constitute a State Level Advisory/Coordination Committee for the Welfare of Senior Citizens. The objectives of the Committee shall be to :—

1. Advise the Government on policies and programmes for older persons;
2. Provide feedback to the Government on the implementation of the National Policy for Older Persons as well as on specific programmes/initiatives to be taken for the Welfare of older persons;
3. Advocate the best interestes of older persons;
4. Provide a nodal point at the State Level for redressing the grievance of older persons which are of an individual nature;
5. Lobby for concessions, rebates and discounts for older persons both with the Government as well as the Corporate Sector;
6. Represent the collective opinion of older persons to the Government;
7. Suggest steps to make old age re-productive and interesting;
8. Suggest measures to enhance the quality of inter-generational relationships;
9. Undertake any other work or activity in the best interests of older persons.

The composition of the Advisory/Coordination Committee shall be as follows :

1.	Minister for Social Welfare, Haryana	Chairman
2.	Commissioner and Secretary to Government Haryana, Social Welfare Department	Vice-Chairman
3.	Special Secretary/Joint Secretary to Government Haryana, Home Department	Member
4.	Chief Administrator, Housing Board Haryana	Member
5.	Chief Administrator, Haryana Urban Development Authority	Member
6.	The State Transport Commissioner, Haryana	Member
7.	Director, Treasury and Accounts Department Haryana	Member
8.	Director, Panchayat Department, Haryana	Member
9.	Director, Food and Supply Department, Haryana	Member
10.	Director, Urban Development Department, Haryana	Member
11.	Director General, Health Services, Haryana	Member
12.	Director, Social Justice and Empowerment Department, Haryana	Member Secretary

Non-Official Members

1.	Representative of Amar Jyoti Foundation, Julana, Jind	Member
2.	Representative of Adarsh Sarasvati Shiksha Samiti, Sonepat	Member
3.	Representative of Lok Kalyan Foundation Samalkha, Panipat	Member

The non-official members of the Committee will draw travelling allowance/daily allowance as under :—

1. Non-official members of the Committee shall be entitled to the actual expenses and daily allowances as admissible to Haryana Government Servants grade-II (employees drawing Basic Pay of Rs. 10,500/- but below Rs. 16,000/- p. m.) in accordance with the instructions issued by the Haryana Government from time to time.

2. Travelling allowance/Daily allowance will be admissible on producing of a certificate to the effect that no Travelling allowance in respect of the journey or daily allowance for the period mentioned in the bill has been or will be claimed by them from any other sources.

3. The Travelling allowance for attending the meetings of the Committee will be allowed from their permanent address to the place of the meeting.

The entire expenditure involved on Travelling allowance/Daily allowance of the Non-Official members will be incurred under the Head : "2235 Social Security and Welfare-02-Social Welfare-104-Welfare of Aged, Infirm and Destitute (99) Home for Aged and Infirm (34) Other Charges Non-Plan".

D. S. DHESI,
Commissioner and Secretary to Government Haryana,
Social Welfare Department.

Regd. No. CHD/0093/2012–2014

Haryana Government Gazette

EXTRAORDINARY

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CHANDIGARH, MONDAY, DECEMBER 10, 2012 (AGRAHAYANA 19, 1934 SAKA)

HARYANA GOVERNMENT

SOCIAL JUSTICE & EMPOWERMENT DEPARTMENT

Notification

The 10 December, 2012

No. 887-SW(4)2012.—In partial modification of the Haryana Government Notification No. 526-SW(4)-2010, dated 23rd November, 2010,the Governor of Haryana is further pleased to constitute three members (one official member and two non-official members) Tribunal under the Chairmanship of each Sub-Divisional Magistrate and three members (one official member and two non-official members) Appellate Tribunal under the Chairmanship of each District Magistrate within their respective jurisdictions. The tenure/duties of non-official members of both the Tribunal and Appellate Tribunal will be as per conditions made in the Haryana Maintenance of Parents and Senior Citizens Rules, 2009, which are as under :—

Appellate Tribunal, Ambala

1. District Magistrate, Ambala — Chairman

Non-Official Members

2. Sh. S.K. Khanna Professor,
   # 173, Palika Vihar, Ambala City.
3. Sh. R.D. Veddi Advocate,
   # 490, Uarban Estate, Sec-7, Ambala City.

Maintenenace Tribunal, Barara.

1. Sub-Divisional Megistrate, Barara — Chairman

Non-Official Members

2. Sh. Bhim Singh Gupta, Retired Teacher, Barara.
3. Sh. Kanwar Pal Advocate, Vill. Hardi

Maintenenace Tribunal, Narayangarh.

1. Sub-Divisional Megistrate, Narayangarh. — Chairman

Non-Official Members

2. Sh. Subhash Chand Garg S/o Sh Prem Chand, Member Krishan Kripa Sewa Samiti and Mandir Kali Mata Maha Sabha, Narayangarh.
3. Sh. Teg Singh Guliyani Advocate, Narayangarh

Maintenenace Tribunal, Ambala.

1. Sub-Divisional Megistrate, Ambala. — Chairman

Non-Official Members

2. Sh. Kamlesh Gupta Advocate S/o Sh. Balmukand, # 45-C , Gobind Nagar Market, Ambala Cantt.
3. Sh. Ramesh Chand Manchanda, Retired Sub-Divisional Engineer(HVPN), S/o Sh. Hukum Chand, # 165, Ajit Nagar, Ambala Cantt.

Appellate Tribunal, Bhiwani.

1. District Magistrate, Bhiwani. — Chairman

Non-Official Members

2. Col. Bir Singh Raghav, Social Worker S/o Sh. Ram kumar Singh Raghav. # 110, M.C. Colony, Bhiwani.
3. Sh. Nirmal Parkash Advocate O/o District Attorney, Bhiwani.

Maintenenace Tribunal, Bhiwani.

1. Sub-Divisional Megistrate, Bhiwani. — Chairman

Non-Official Members

2. Smt. Renu Choudhary, Social Worker W/o Sh. Jagjit Singh, Akhil Bhartiya Nav Yuvak Kala Sangam, Bhiwani.
3. Sh. Satya Narayan S/o Sh. Harsavroop, Vidya Nagar, Bhiwani.

Maintenenace Tribunal, Dadri.

1. Sub-Divisional Megistrate, Dadri. — Chairman

Non-Official Members

2. Sh. Naresh Chander Kaushik, Social Worker S/o Sh. Jagdish Parshad, Baba Shyam Education and Social Welfare Society, Near Brahm Kumari Ashram, Ward No. 3, Charkhi Dadri.
3. Sh. Yogesh Pawar Advocate S/o Sh. Vijay Singh Pawar, Vill. Hindol, Tehsil Charkhi Dadri. — Advocate.

Maintenenace Tribunal, Loharu.

1. Sub-Divisional Megistrate, Loharu. — Chairman

Non-Official Members

2. Sh. Jagdish Jayalwal, Social Worker, Shahid Bhagat Singh Samaj Kalayan Samiti , Loharu.
3. Sh. Surinder Choudhary Advocate , Loharu Court, Loharu.

Maintenenace Tribunal, Tosham

1. Sub-Divisional Megistrate, Tosham — Chairman

Non-Official Members

2. Sh. Krishan Kumar, Social Worker S/o Sh. Nand Lal Goyal, Loines Club, Tosham, Tehsil Tosham.
3. Sh. Davinder Sharma Advocate S/o Sh. Mange Ram , Tosham.

Maintenenace Tribunal, Siwani.

1. Sub-Divisional Megistrate, Siwani. — Chairman

Non-Official Members

2. Sh. Raghu Nath Singal Social Worker S/o Sh. Chabil Dass, Maharaja Aggarsain Sewa Samiti, Anaj Mandi, Siwani.
3. Sh. Babu Lal Jindal Social worker S/o Sh. Megh Raj Jindal,Trusty Megh Raj Jindal Cheritable Trust, Ward No. 2, Railway Road, Siwani.

Appellate Tribunal, Faridabad.

1. District Magistrate, Faridabad. — Chairman

Non-Official Members

2. Sh. Ajay Sharma Advocate, # 624, Sec – 9 , Faridabad.
3. Sh. Anish Pal, # B-511, Nehru Ground, NIT, Faridabad.

Maintenenace Tribunal, Faridabad.

1. Sub-Divisional Magistrate, Faridabad. — Chairman

Non Official Members

2. Sh. Rajesh Aria, # 50, Sec-55, Faridabad.
3. Sh. Anish Pal, # B-511, Nehru Ground, NIT, Faridabad.

Maintenenace Tribunal, Ballabgarh.

1. Sub-Divisional Magistrate, Ballabgarh. — Chairman

Non-Official Members

2. Sh. Vinod Mittal, # D-700, Chawla Colony, Near Gurudwara, Ballabgarh.
3. Sh. Nirmal Kulshresth, Ward No. 1 , Sihi Gate, Ballabgarh.

Appellate Tribunal, Fatehabad.

1. District Magistrate, Fatehabad. — Chairman

Non-Official Members

2. Dr. Radhe Shyam Tatiya S/o Sh. Gajanand Tatiya,
President, Senior Citizen Council, Fatehabad.
Tehsil Chowk, Ratia Gate, Fatehabad.

3. Sh. Puran Chand Sharma Advocate S/o
Sh. Jaggan Nath Sharma ,Member
Senior Citizen Council, Ratia Chungi Road,
Near Vichar Ashram, Fatehabad.

Maintenenace Tribunal, Fatehabad

1. Sub-Divisional Magistrate, Fatehabad. Chairman

Non-Official Members

2. Sh. Om Parkash S/o Sh. Chabilla Ram,
Vill Chabla Mori.

3. Sh. Ram Murti Bagariya Advocate, Fatehabad.

Maintenenace Tribunal, Tohana

1. Sub-Divisional Magistrate, Tohana. Chairman

Non-Official Members

2. Sh. Brij Mohan Tehri Advocate, Tohana.

3. Sh. Dalbir Singh S/o Sh. Manfool Singh Dara,
Vill Pirthala, Tehsil Tohana.

Maintenenace Tribunal, Ratia

1. Sub-Divisional Magistrate, Ratia. Chairman

Non-Official Members

2. Dr. Yash Pal Garg, M.B.B.S
247, Model Town, Ratia.

3. Sh. Rajinder Parshad Mehra, Advocate,
Civil Hospital, Ratia

Appellate Tribunal, Gurgaon.

1. District Magistrate, Gurgaon. Chairman

Non-Official Members

2. Sh. Sultan Singh Jaimini, Advocate,
512/3, Opposite Raj Cinema,
Old Delhi Road, Gurgaon.

3. Sh. K.K Khillan,
G-67, 1st Floor, South City-II, Gurgaon.

Maintenenace Tribunal, North Gurgaon

1. Sub-Divisional Magistrate, North Gurgaon. Chairman

Non-Official Members

2. Sh. K. K. Sharma, Retd. D.R.O , Gurgaon.
5-A, Friends Colony, Near Jharsa Bandh, Gurgaon.

3. Sh. Shiv Shankar Advocate S/o Sh. Raghuvar Dayal.
602, Sec-4, Gurgaon.

Maintenenace Tribunal, South Gurgaon

1. Sub-Divisional Magistrate, South Gurgaon. — Chairman

Non-Official Members

2. Sh. Lokesh Raghav Advocate S/o Sh. Ram Kumar Raghav, Thakur Wada, Ward No. 11, Sohna, Distt Gurgaon.
3. Sh. Brij Bhushan Goyal S/o Sh. Mohan Goyal, Ward No. 12, Sohna, Distt. Gurgaon.

Maintenenace Tribunal, Pataudi

1. Sub-Divisional Magistrate, Pataudi. — Chairman

Non-Official Members

2. Sh. Surinder Singh Advocate S/o Sh Atar Singh Advocate, Vill. Mubarikpur, Tehsil Faruk Nagar, Distt. Gurgaon.
3. Smt. Sunita Devi W/o Sh. Vikram Singh, Vill Lobchab, Tehsil Pataudi, Distt. Gurgaon.

Appellate Tribunal, Hisar.

1. District Magistrate, Hisar. — Chairman

Non-Official Members

2. Sh. Sudama Aggarwal, Sec-14, Hisar.
3. Sh. Moti Lal Advocate S/o Sh. Jita Ram, Kothi no. 380, Diffence Colony, Hisar.

Maintenenace Tribunal, Hansi.

1. Sub-Divisional Magistrate, Hansi. — Chairman

Non-Official Members

2. Sh. Suraj Mal Jakkar Advocate, Hansi Court, Hansi.
3. Sh. Kapoor Singh Punia, # 7, Sec-6, Hansi.

Maintenenace Tribunal, Barwala.

1. Sub-Divisional Magistrate, Barwala. — Chairman

Non-Official Members

2. Sh. Prithi Singh, Retd. I.P.S, Barwala.
3. Sh. Samat Singh Saini, (Ex M.C. Barwala.)

Maintenenace Tribunal, Hisar.

1. Sub-Divisional Magistrate, Hisar. — Chairman

Non-Official Members

2. Sh. O.P Arya, Retd. D.E.O., PWD (B&R) Colony, Hisar.
3. Sh. Kishor Dahiya Advocate, Distt Court Hisar.

Appellate Tribunal, Jhajjar.

1. District Magistrate, Jhajjar. — Chairman

Non-Official Members

2. Sh. Dhirender Chahar Advocate, Vill. Silani, Distt. Jhajjar.
3. Smt. Subhadra Devi W/o Sh. Sat Parkash, Mandi Mohalla, Ward No. 6, Jhajjar.

Maintenenace Tribunal, Bahadurgarh.

1. Sub-Divisional Magistrate, Bahadurgarh. — Chairman

Non-Official Members

2. Sh. Ashok Kumar Gupta, Social Worker, Anaj Mandi, Bahadurgarh.
3. Sh. Rajesh Atri, General Secretary, Ashirwad Jan Kalyan Samiti, Bahadurgarh, # 22/26-B, Guru Nanak Colony, Bahadurgarh.

Maintenenace Tribunal, Beri.

1. Sub-Divisional Magistrate, Beri. — Chairman

Non-Official Members

2. Sh. Rajender Singh Kadian Advocate S/o Sh. Rishal Singh, Panna Chajyan, Ward No. 7, Near Old Police Station , Beri.
3. Sh. Sanjay Kadian S/o Sh. Azad Singh (N.G.O.), Ward No. 3, Panna Chajyan, Beri.

Maintenenace Tribunal, Jhajjar.

1. Sub-Divisional Magistrate, Jhajjar. — Chairman

Non-Official Members

2. Sh. Jitender Jangra S/o Sh. Balbir Singh Jangra, Ward No. 1, Jhajjar.
3. Master Risal Singh, V.P.O. Matanhail, Distt Jhajjar.

Appellate Tribunal, Jind.

1. District Magistrate, Jind. — Chairman

Non-Official Members

2. Sh. Sukhbir Singh(Retd. Distt. Attorney) Advocate, Distt. Court, Jind.
3. Smt. Gyan Wati (Retd. Principal Bhagat Phool Singh Mahila College), # 541, Housing Board, Jind.

Maintenenace Tribunal, Jind.

1. Sub-Divisional Magistrate, Jind. — Chairman

Non-Official Members

2. Sh. Karan Singh Khatkar(Retd. Manager), Urban Estate, Jind.
3. Smt. Satya Wati(S.S Mistress Retd.) W/o Dr. Ishwar Dass, # 1277, Urban Estate, Jind.

Maintenenace Tribunal, Safidon.

1. Sub-Divisional Magistrate, Safidon. — Chairman

Non-Official Members

2. Dr. Mangal Dev Lamba(Retd. Principal, C.R Kishan College, Jind) # 4541, Jind.
3. Smt. Sunita Deshwal W/o Sh. Tejvir Deshwal, Anta Colony, Safidon.

Maintenenace Tribunal, Narwana.

1. Sub-Divisional Magistrate, Narwana. — Chairman

Non-Official Members

2. Dr. Vasudev Bansal, Shanti Samirti Eye & General Hospital, Canal Road, Narwana.
3. Smt. Prafull Arya Professor, Narwana.

Appellate Tribunal, Kaithal.

1. District Magistrate, Kaithal. — Chairman

Non-Official Members

2. Sh. Brij Bihari Lal Advocate, Distt Court, Kaithal.
3. Sh. Ram Narayan, Vice President, Senior Citizen Council, Kaithal, # 534/11, Gandhi Nagar, Dhand Road, Kaithal.

Maintenenace Tribunal, Kaithal.

1. Sub-Divisional Magistrate, Kaithal. — Chairman

Non-Official Members

2. Sh. Ruldhu Ram President, Senior Citizen Council, Kaithal.
3. Sh. Satpal Gupta Chairman, Manav Seva Samiti, Kaithal.

Maintenenace Tribunal, Guhla.

1. Sub-Divisional Magistrate, Guhla. — Chairman

Non-Official Members

2. Sh. Jiwan Singh Nain, Advocate, Civil Court, Guhla.
3. Sh. Neelam Singla Chairman, Anti-Corruption, Anaj Mandi, Cheeka.

Appellate Tribunal, Karnal.

1. District Magistrate, Karnal. — Chairman

Non-Official Members

2. Smt. Neena Singh Ex. MC W/o Sh. Sham Pal, # 2222, Sec- 7, Urban Estate, karnal.
3. Sh. Suresh Kumar, Advocate, # 148, Sec-7, Urban Estate, Karnal.

Maintenenace Tribunal, Karnal.

1. Sub-Divisional Magistrate, Karnal. — Chairman

Non-Official Members

2. Dr. Chander Mani Narang S/o Sh. Heera Nand, # 21, Indra Nagar, Subhash Marg, Karnal.
3. Sh. Mahender Singh Maan, Advocate, # 87, Sec.-14, Urban Estate Karnal.

Maintenenace Tribunal, Assandh.

1. Sub-Divisional Magistrate, Assandh. — Chairman

Non-Official Members

2. Sh. Mahabir Parshad Kaushik Advocate S/o Sh. Abnashi Dutt, Ward No. 11, Dhannu Mohalla, Assandh, Distt. Karnal.
3. Sh. Shiv Kumar S/o Sh. Bholla Ram, Ward No. 15, Near Bus Stand, Assandh, Distt. Karnal.

Maintenenace Tribunal, Indri.

1. Sub-Divisional Magistrate, Indri. — Chairman

Non-Official Members

2. Sh. Mahender Jindal, Best Food, Vill. Norta, Tehsil Indri, Distt. Karnal.
3. Sh. Ashok Chauhan, Advocate, Teh. Indri, Distt. Karnal.

Appellate Tribunal, Kurukshetra.

1. District Magistrate, Kurukshetra. — Chairman

Non-Official Members

2. Smt. Shashi Sabarwal W/o Sh. Vijay Sabarwal, Railway Road, Kurukshetra.
3. Professeor Ishwar Singh Retd. Registrar, Kurukshetra University, Kurukshetra, Mirzapur Farm, Kurukshetra.

Maintenenace Tribunal, Pehowa.

1. Sub-Divisional Magistrate, Pehowa. — Chairman

Non-Official Members

2. Sh. Anil Bagri Advocate, Court Premises, Pehowa.
3. Sh. Bira Ram Sarpanch, Vill. Bathedi, Pehowa.

Maintenenace Tribunal, Thanesar.

1. Sub-Divisional Magistrate, Thanesar. — Chairman

Non-Official Members

2. Sh. Jagjeet Singh Virk Advocate, President, Senior Citizen Farm, Kurukshetra.
3. Sh. S.K Sahi, Retd. D.F.S.C, # 693/13, Urban Estate, Kurukshetra.

Maintenenace Tribunal, Shahabad.

1. Sub-Divisional Magistrate, Shahabad. Chairman

Non-Official Members

2. Sh. Rajbir Singh Toor S/o Sh. Darshan Singh, Kothi No. 1403, Sec.-1, Part-II, Shahabad.
3. Sh. Gotam Bathla Advocate, Kothi No. 1283, Sec.-1, Shahabad.

Appellate Tribunal, Mewat (Nuh).

1. District Magistrate, Mewat (Nuh). Chairman

Non-Official Members

2. Sh. Wajid Ali Khan, M. S.W. Secretary, Distt. Red Cross Society, Nuh.
3. Sh. Tahir Hussain Mewali Advocate, Distt. and Session Court, Mewat (Nuh).

Maintenenace Tribunal, Nuh.

1. Sub-Divisional Magistrate, Nuh. Chairman

Non-Official Members

2. Sh. Nur Deen Noor, Advocate, Nuh.
3. Sh. A.R Ashri, M.S.W. Mewat Mahila Vikas Samiti, Nuh.

Maintenenace Tribunal, Ferozepur Jhirka.

1. Sub-Divisional Magistrate, Ferozepur Jhirka. Chairman

Non-Official Members

2. Sh. Rajudeen Advocate, Ferozepur Jhirka.
3. Smt. Mohammadi Begam, M.A.M.Ed., Delhi Alwar Road, Near Sumer Petrol Pump, Ferozepur Jhirka.

Appellate Tribunal, Mahendragarh (Narnaul).

1. District Magistrate, Mahendragarh (Narnaul). Chairman

Non-Official Members

2. Sh. Rakesh Sanghi Advocate S/o Sh. Bhagwan Dass Sanghi, Chamber No. 9, Distt. Court, Narnaul.
3. Sh. P.K Choudhary S/o Sh. Mann Singh Choudhary, Mohalla Guru Nanak Pura, Narnaul.

Maintenenace Tribunal, Narnaul.

1. Sub-Divisional Magistrate, Narnaul. Chairman

Non-Official Members

2. Sh. Layak Ram Sharma Advocate S/o Sh. Dhanna Ram Sharma, Mohalla Chandu Wada, Narnaul.
3. Sh. Baldev Singh S/o Sh. Laxman Singh Chahal, Mohalla Missar Wada, Narnaul.

Maintenenace Tribunal, Mahendragarh.

1. Sub-Divisional Magistrate, Mahendragarh. Chairman

Non-Official Members

2. Sh. Bansi Lal Advocate S/o Sh. Ram Parshad, Vill. Majra Khurd, P.O. Mahendragarh.
3. Sh. Subhash Chander S/o Sh. Ghan Shyam, Ward No. 6, Mohalla Jawahar Nagar, Mahendragarh.

Appellate Tribunal, Palwal.

1. District Magistrate, Palwal. Chairman

Non-Official Members

2. Sh. Om Parkash Adhlakha, Advocate S/o Late. Chokha Ram Adhlakha, Main Bazar, Sabji Mandi, Hodal.
3. Sh. Likhi Ram Arya, Social Worker S/o Sh. Narayan Dass, # 318, Krishna Colony, Railway Raod, Palwal.

Maintenenace Tribunal, Hodal.

1. Sub-Divisional Magistrate, Hodal. Chairman

Non-Official Members

2. Dr. J.K. Mittal S/o Sh. Sri Chand Mittal, Resident Lions Club, Hodal, Old Sabji Mandi, Hodal.
3. Sh. Nawal Singh Sorot Advocate S/o Late. Sh. Chhajjan Singh, President Bar Associations, Hodal, Baksua Patti Hodal.

Maintenenace Tribunal, Hathin.

1. Sub-Divisional Magistrate, Hathin. Chairman

Non-Official Members

2. Sh. Mohd Ishmial Khan Advocate S/o Sh. Jumma Khan, Vill. Mallokharda, Tehsil Hathin.
3. Sh. Hamida, Social Worker S/o Sh. Roshan, Haryana Mewat, Vikas Sabha, Vill. Rupraka, Tehsil Hathin.

Maintenenace Tribunal, Palwal.

1. Sub-Divisional Magistrate, Palwal. Chairman

Non-Official Members

2. Sh. O.P. Sharma Social Worker S/o Sh. Het Ram Sharma, Brahman Sabha, Palwal, # 1271, Street Para (Neemtala Mohalla), Palwal.
3. Sh. Trilok Chand Gupta S/o Sh. Shadi Ram Gupta President, Senior Citizen Welfare Association, # 3391, Gupta Ganj, Palwal.

Appellate Tribunal, Panchkula.

1. District Magistrate, Panchkula. Chairman

Non-Official Members

2. Sh. Subhash Kapoor, Member Senior Citizen Club, Sec.-25, # 508, GH-3, Sec.-24, Panchkula.

3. Sh. Ashok Kumar Chandok Advocate, # 185, Kendriya Vihar-2, Sec-25, Panchkula.

Maintenenace Tribunal, Panchkula.

1. Sub-Divisional Magistrate, Panchkula. Chairman

Non-Official Members

2. Sh. V.P. Kumar Member, Senior Citizen Council, Panchkula,# 261, Sec.-12/A, Panchkula.

3. Sh. Jasbir Singh Advocate, # 177/B, Amrawati Enclave, Panchkula.

Maintenenace Tribunal, Kalka.

1. Sub-Divisional Magistrate, Kalka. Chairman

Non-Official Members

2. Sh. Achu Ram Sharma, Member Senior Citizen Association, Pinjore.

3. Sh. Sukhdev Singh Advocate, # 612, Patiala House, Main Bazar, Kalka

Appellate Tribunal, Panipat.

1. District Magistrate, Panipat. Chairman

Non-Official Members

2. Sh. Joginder Rathi Advocate, # 273-L, Model Town, Panipat.

3. Smt. Madhu Dikshit, # 622, Sec.-6, HUDA, Panipat.

Maintenenace Tribunal, Panipat.

1. Sub-Divisional Magistrate, Panipat. Chairman

Non-Official Members

2. Kumari Richa Gupta D/o Sh. R.K. Gupta, # 492-R, Model Town, Panipat.

3. Sh. Satish Guglani, # 576-R, Model Town, Near Shakuntala Mandir, Panipat.

Maintenenace Tribunal, Samalkha.

1. Sub-Divisional Magistrate, Samalkha. Chairman

Non-Official Members

2. Sh. Krishan Jain S/o Sh. Chattar Singh Jain, Railway Road, Near Mata Puli, Samalkha.

3. Master Shakti Singh Sharma S/o Sh. Pandit Tulsi Ram Shama, Krishna Colony, Samalkha.

Appellate Tribunal, Rewari.

1. District Magistrate, Rewari. Chairman

Non-Official Members

2. Smt. Sneh Gupta W/o Sh. Rajesh Kumar, Director, Akhil Bhartiya Mahila Parishad, Rewari, Shri Shyam Society, Sec.-3,Rewari.
3. Sh. Shyot Singh Rao Advocate, # C-7, Government Employees, Co-Operative, Group Housing Society, Sec.-3, Rewari.

Maintenenace Tribunal, Rewari.

1. Sub-Divisional Magistrate, Rewari. — Chairman

Non Official Members

2. Professor Anirudh Yadav, # 480, Sec.-3, Rewari.
3. Sh. Shankar Singh, Ex. Metropolitan Magistrate, Sec.-4, Rewari.

Maintenenace Tribunal, Kosli.

1. Sub-Divisional Magistrate, Kosli. — Chairman

Non-Official Members

2. Smt. Kailash Bai , Ex. Distt. Counselor, V.P.O. Kosli.
3. Sh. Rattan Singh, Advocate, Ex. President, Distt. Bar Association, Kosli.

Appellate Tribunal, Rohtak.

1. District Magistrate, Rohtak. — Chairman

Non-Official Members

2. Sh. Sat Narain Kaushik, Senior Advocate, Bharat Colony, Rohtak.
3. Swami Paramchaiyatana, President Jan Sewa Sangathan, Bhiwani Road, Rohtak.

Maintenenace Tribunal, Meham.

1. Sub-Divisional Magistrate, Meham. — Chairman

Non-Official Members

2. Sh. Ajmer Singhmar, Guardian Maa Bhawani Dharmik and Samajik Kalyan Samiti, Meham.
3. Sh. Om Parkash Tayal, Senior Citizen, Main Bazar, Meham.

Maintenenace Tribunal, Rohtak.

1. Sub-Divisional Magistrate, Rohtak. — Chairman

Non-Official Members

2. Sh. Ved Parkash Makkar, Secretary, Baba Banda Bahadur Society, Rohtak.
3. Sh. Ran Singh Rana, Senior Citizen and Social Worker, R/o Rana Furniture, Gohana Adda, Rohtak.

Appellate Tribunal, Sirsa.

1. District Magistrate, Sirsa. — Chairman

Non-Official Members

2. Sh. Sanjeev Jain Advocate, Gali Fashion Camp Wali, Sirsa.
3. Sh. Surinder Bhatia, # 416, Sec.-20, Part-I, HUDA , Sirsa.

Maintenenace Tribunal, Sirsa.

1. Sub-Divisional Magistrate, Sirsa. — Chairman

Non-Official Members

2. Sh. Tarsem Goyal (Retd. Patwari),
Dr. Inderjeet Wali Gali, Sirsa.

3. Sh. Vikram Jeet Singh Advocate , Vill. Kherpur, Distt. Sirsa.

Maintenenace Tribunal, Dabwali.

1. Sub-Divisional Magistrate, Dabwali. Chairman

Non-Official Members

2. Sh. Shashi Kant Sharma S/o Sh. Vivekanand,
Ward No. 12, # 197, Ramesh Bagri Parshad Wali Gali,
Mandi Dabwali, Distt Sirsa.

3. Sh. Jawahar Kamra S/o Sh. Om Parkash,
Shop No. 62 , New Anaj Mandi, Mandi Dabwali, Sirsa

Maintenenace Tribunal, Ellenabad.

1. Sub-Divisional Magistrate, Ellenabad. Chairman

Non-Official Members

2. Sh. Gurmeet Singh S/o Sh. Jagdish, Ward No. 12, Ellenabad,
Distt. Sirsa

3. Sh. Sukhdev Singh S/o Sh. Tirath Singh, Ward No.8,
Ellenabad, Distt Sirsa

Appellate Tribunal, Sonipat.

1. District Magistrate, Sonipat. Chairman

Non-Official Members

2. Sh. Dev Raj Malhotra S/o Sh. Sabu Ram President,
Punjabi Sabha, Ganaur, # 255/11, Krishan Pura,
Ganaur, Tehsil Ganaur,Distt. Sonipat.

3. Sh. Chalister Tyagi Advocate S/o Sh. Baljeet Tyagi,
39, Sec.-15, Sonipat.

Maintenenace Tribunal, Sonipat.

1. Sub-Divisional Magistrate, Sonipat. Chairman

Non-Official Members

2. Sh. Rajender S/o Sh. Aamir Singh President,
Welfare Association, Part-I, Sec.-12, Sonipat,
2155, Sec.-12 Sonipat.

3. Sh. Om Parkash Social Worker S/o Sh. Dai Ram, Patel Nagar,
Sonipat.

Maintenenace Tribunal, Ganaur.

1. Sub-Divisional Magistrate, Ganaur. Chairman

Non-Official Members

2. Bhoop Singh Rathi S/o Sh. Preet Singh Rathi,
Cashier Jat Dharamshala Ganaur, Vill. Rajlu Gadhi,
Tehsil Ganaur, Distt Sonipat.

3. Master Mukesh Singhwani Social Worker S/o Sh. Dhanpat Ram,
Ward No. 8, Basant Vihar, Ganaur, Distt. Sonipat.

भाग III

हरियाणा सरकार

सामाजिक न्याय तथा अधिकारिता विभाग

अधिसूचना

दिनांक 19 जून, 2009

संख्या का० आ० 54/के० अ० 56/2007/धा० 32/2009.—माता-पिता और वरिष्ठ नागरिकों का भरण-पोषण तथा कल्याण अधिनियम, 2007 (2007 का केन्द्रीय अधिनियम 56) की धारा 32 की उपधारा (2) के साथ पठित उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, हरियाणा के राज्यपाल, इसके द्वारा, माता-पिता और वरिष्ठ नागरिकों के भरण-पोषण तथा कल्याण को विनियमित करने के लिए निम्नलिखित नियम बनाते हैं,अर्थात् :—

अध्याय I

प्रारम्भिक

संक्षिप्त नाम तथा प्रारम्भ।

1. (1) ये नियम हरियाणा माता-पिता और वरिष्ठ नागरिकों के भरण-पोषण नियम, 2009, कहे जा सकते हैं।

(2) ये राजपत्र में, इनके प्रकाशन की तिथि से लागू होंगे।

परिभाषाएं।

2. (1) इन नियमों में, जब तक संदर्भ से अन्यथा अपेक्षित न हो,—

(क) ''अधिनियम'' से अभिप्राय है, माता-पिता और वरिष्ठ नागरिकों का भरण-पोषण तथा कल्याण अधिनियम, 2007 (2007 का 56) ;

(ख) ''आवेदन'' से अभिप्राय है, धारा 5 के अधीन अधिकरण को किया गया आवेदन ;

(ग) ''रक्त सम्बन्ध'' से अभिप्राय है, पुरुष तथा महिला संवासी के सन्दर्भ में पिता-पुत्री, माता-पुत्र तथा भाई-बहन (कजन नहीं);

(घ) ''सुलह अधिकारी'' से अभिप्राय है, धारा 5 की उपधारा (1) की व्याख्या में निर्दिष्ट संगठन का कोई व्यक्ति या प्रतिनिधि या धारा 18 की उपधारा (1) के अधीन राज्य सरकार द्वारा नामित भरण-पोषण अधिकारी या इस प्रयोजन के लिए अधिकरण द्वारा नाम निर्दिष्ट कोई अन्य व्यक्ति;

(ङ) ''जिला मजिस्ट्रेट तथा कलक्टर'' में शामिल है, जिले का अपर जिला मजिस्ट्रेट;

(च) ''प्ररूप'' से अभिप्राय है, इन नियमों से संलग्न प्ररूप ;

(छ) ''संवासी'' से अभिप्राय है, वृद्ध आश्रम के सम्बन्ध में ऐसे गृह में निवास करने के लिए सम्यक् रूप से प्रविष्ट वरिष्ठ नागरिक;

(ज) ''भरण-पोषण अधिकारी'' से अभिप्राय है, जिले का जिला समाज कल्याण अधिकारी या राज्य सरकार द्वारा पदाभिहित जिला समाज कल्याण अधिकारी के समकक्ष कोई अन्य अधिकारी ;

(झ) ''विपक्षी पक्षकार'' से अभिप्राय है, पक्षकार जिसके विरुद्ध भरण-पोषण के लिए धारा के अधीन आवेदन दायर किया गया है ;

(ञ) ''संगठन'' से अभिप्राय है, सोसाइटी रजिस्ट्रेशन अधिनियम, 1860 (1860 का 21) या तत्समय लागू किसी अन्य विधि के अधीन रजिस्ट्रीकृत संघ ;

(ट) ''पीठासीन अधिकारी'' से अभिप्राय है, धारा 7 की उपधारा (2) के अधीन निर्दिष्ट भरण-पोषण अधिकरण की अध्यक्षता करने के लिए या 15 की उपधारा (2) के अधीन अपील अधिकरण के रूप में नियुक्त अधिकारी ;

(ठ) ''अनुसूची'' से अभिप्राय है, इन नियमों से संलग्न अनुसूची;

(ड) ''धारा'' से अभिप्राय है, अधिनियम की धारा ;

(ढ) ''राज्य सरकार'' से अभिप्राय है, हरियाणा राज्य की सरकार ;

(ण) ''उप मण्डल मजिस्ट्रेट'' में शामिल है उप मण्डल का अपर उप मण्डल मजिस्ट्रेट ;

(2) इन नियमों में प्रयुक्त किन्तु अपरिभाषित शब्दों तथा अभिव्यक्तियों के क्रमशः वही अर्थ होंगे जो उन्हें अधिनियम में दिया गया है।

अध्याय II

भरण-पोषण अधिकरण तथा सुलह अधिकारियों के लिए प्रक्रिया

भरण-पोषण अधिकरण का गठन। धारा -7.

3. (1) प्रत्येक अधिकरण तीन (3) सदस्यों से मिलकर बनेगा, जिसमें से एक पदेन-सदस्य होगा जो उप मण्डल मजिस्ट्रेट से नीचे की पदवी का न हो जो अध्यक्ष होगा । दो गैर-सरकारी सदस्य उपायुक्त द्वारा नाम निर्दिष्ट किए जायेंगे तथा राज्य सरकार द्वारा निम्नलिखित में से अनुमोदित तथा अधिसूचित किये जायेंगे।

(i) वरिष्ठ नागरिकों के कल्याण के लिए कार्यरत जिले में सोसाइटी रजिस्ट्रीकरण अधिनियम, 1860 (1860 का 21) के अधीन रजिस्ट्रीकृत विख्यात गैर-सरकारी संगठन से एक सदस्य; तथा

(ii) एक व्यक्ति जो विख्यात सामाजिक कार्यकर्ता है, जो प्रत्यक्ष रूप से वरिष्ठ नागरिकों के कल्याण में लगा हो;

या

जिले से कोई विख्यात अधिवक्ता, जिसने सामाजिक कल्याण सेक्टर में कार्य किया हो।

(2) अधिकरण के गैर-सरकारी सदस्यों का कार्यकाल तीन वर्ष होगा।

(3) अधिकरण का गैर-सरकारी सदस्य अधिकतम दो अवधियों के लिए नियुक्ति हेतु पात्र होगा।

(4) गैर-सरकारी सदस्य किसी समय लिखित में एक मास का नोटिस देते हुए त्यागपत्र दे सकता है।

(5) अधिकरण के सदस्यों को ऐसा यात्रा भत्ता या बैठक भत्ता या मानदेय या पारिश्रमिक का भुगतान किया जायेगा जो राज्य सरकार समय-समय पर निर्णय करे, किन्तु यह परिश्रमिक प्रति बैठक 500/- रुपये से कम नहीं होगा।

अधिकरण के सम्बन्ध में प्रक्रिया इत्यादि। धारा 7.

4. (1) अधिकरण, अध्यक्ष द्वारा नियत स्थान/समय पर अपनी बैठक करेगा।

(2) अधिकरण का कार्यालय इसके अध्यक्ष का कार्यालय होगा।

(3) किसी आपातिक स्थिति में, अध्यक्ष द्वारा लिया गया कोई निर्णय, जब अधिकरण की बैठक नहीं हो रही हो, तो इसकी अगली बैठक में अधिकरण द्वारा इसका अनुसमर्थन अपेक्षित होगा।

(4) अधिकरण अधिनियम के अधीन आदेश करने से पूर्व प्रार्थी तथा बच्चों या रिश्तेदार जिससे सहायता मांगी गई है, की आयु, शारीरिक तथा मानसिक स्वास्थ्य पृष्ठभूमि, आर्थिक स्थिति को ध्यान में रखेगा।

(5) सदस्यों की राय की भिन्नता की दशा में, बहुमत का निर्णय अभिभावी होगा।

सुलह अधिकारी के रूप में नियुक्ति के लिए पैनल। धारा 5 (1), 6 (6) तथा 18 (1).

5. (1) प्रत्येक अधिकरण धारा 6 की उपधारा (6) के अधीन सुलह अधिकारी के रूप में नियुक्ति के लिए उपयुक्त व्यक्तियों का पैनल तैयार करेगा, जिसमें धारा 18 के अधीन नामित भरण-पोषण अधिकारी शामिल होंगे।

(2) धारा 18 के अधीन नामित भरण-पोषण अधिकारियों से भिन्न, उप नियम (1) के अधीन निर्दिष्ट व्यक्ति निम्नलिखित शर्तों को पूरा करने के अध्यधीन चुने जायेंगे, अर्थात्:—

(क) वह संगठन से सम्बद्ध होना चाहिए जो सेवा के बेदाग रिकार्ड सहित कम से कम दो वर्ष के लिए वरिष्ठ नागरिकों तथा/या कमजोर वर्ग के कल्याण के लिए, या शिक्षा, स्वास्थ्य, गरीबी उप-शामक, महिलाओं की अधिकारिता, समाज कल्याण,ग्रामीण विकास या सम्बन्धित क्षेत्रों के क्षेत्र में कार्य कर रहे हैं;

(ख) वह संगठन का वरिष्ठ कार्यालय पदधारी होना चाहिये;

(ग) उसे विधि का अच्छा ज्ञान होना चाहिए;

परन्तु व्यक्ति जो उपरोक्त वर्णित किस्म के संगठन से सम्बद्ध नहीं है, को भी उप नियम (1) में वर्णित पैनल में निम्नलिखित शर्तों को पूरा करने के अध्यधीन शामिल किया जा सकता है, अर्थात्:—

(i) उसका खण्ड (क) में वर्णित एक या अधिक क्षेत्रों में अच्छा तथा बेदाग लोक सेवा का रिकार्ड होना चाहिये; तथा

(ii) उसे विधि का अच्छा ज्ञान होना चाहिये।

(3) अधिकरण प्रत्येक वर्ष कम से कम दो बार क्रमशः प्रथम जनवरी तथा प्रथम जुलाई को सामान्य जानकारी के लिए उप-नियम (1) में वर्णित पैनल पर प्रकाशित करेगा तथा हर बार कोई परिवर्तन इसमें प्रभावित है।

(4) पैनल दो वर्ष के लिए वैध होगा।

(5) सुलह अधिकारी, इस द्वारा निर्धारित प्रत्येक मामले पर मानदेय का भुगतान करेगा, जो सरकार समय-समय पर नियत करे, किन्तु प्रत्येक मामले में 1000/-रुपए से कम न हो।

भरण-पोषण तथा इसके रजिस्ट्रेशन के लिए आवेदन दायर करने के लिए प्रक्रिया। धारा 4 तथा 5.

6. (1) धारा 4 के अधीन भरण-पोषण के लिए आवेदन प्ररूप 'क' में दिया जाए, जिसके साथ धारा 5 की उपधारा (1) के खण्ड (क) तथा (ख) में अधिकथित रीति से पांच रुपये की न्यायालय फीस स्टाम्प ली जाएगी।

(2) उप-नियम (1) के अधीन आवेदन की प्राप्ति पर, पीठासीन अधिकारी निम्नलिखित करेगा—

(क) भरण-पोषण दावा मामले के रजिस्टर में दर्ज करके इसके आवश्यक ब्यौरे, जो राज्य सरकार निदेश करे, ऐसे प्ररूप में रखेगा; तथा

(ख) प्ररूप 'ख' में इसकी पावती देगा, नियम 7 में अंतर्विष्ट किसी बात के होते हुए भी, आवेदक या दस्ती सुपुर्दगी के मामले में उसके प्राधिकृत प्रतिनिधि को, तथा अन्य मामलों में डाक द्वारा इसका प्रेषण तथा पावती के साथ-साथ आवेदन की पंजीकरण संख्या विनिर्दिष्ट करेगा।

(3) जहां अधिकरण भरण-पोषण दावे का संज्ञान लेता है, पीठासीन अधिकारी, स्वप्रेरणा से, अधिकरण के कर्मचारिवृंद के माध्यम से, यथा संभव, यथार्थता के रूप में पूर्ण प्ररूप 'क' में प्राप्त करेगा तथा यथा संभव, सम्बद्ध वरिष्ठ नागरिक या माता-पिता या कोई व्यक्ति या उस द्वारा प्राधिकृत संगठन द्वारा इसको अधिप्रमाणित करेगा तथा इसे उक्त उप-नियम (2) के खण्ड (क) के अनुसार पंजीकृत करेगा।

7. (1) धारा 5 की उपधारा (1) के अधीन आवेदन की प्राप्ति पर, अधिकरण निम्नलिखित से संतुष्ट करेगा— आवेदन की प्रारम्भिक संवीक्षा। धारा 4 तथा 5.

(क) आवेदन पूर्ण है ; तथा

(ख) विरोधी पक्षकार, प्रथम दृष्टया से, धारा 4 के निबन्धनों में आवेदक को रखने के लिए बाध्यता रखता है।

(2) यदि जहां अधिकरण आवेदन में कोई कमी पाता है, तो आवेदक को युक्तियुक्त नियत समय के भीतर ऐसी कमी को ठीक करने का निदेश देगा।

8. (1) किसी समय अधिकरण नियम 7 के उपनियम (1) में वर्णित बिन्दुओं पर संतुष्ट हो जाता है, प्रत्येक व्यक्ति जिसके विरुद्ध अनुरक्षण के लिए आवेदन दायर किया गया है, को जारी किये जाने वाले नोटिस प्ररूप 'ग' में नोटिस निर्दिष्ट करते हुए उसको कारण बताओ नोटिस क्यों न आवेदन पत्र की प्रति तथा इसके अनुलग्नकों सहित, निम्नलिखित रीति में प्रदान किया जाए :— विरोधी पक्षकार को नोटिस। धारा 4.

(क) आवेदक के माध्यम से दस्ती सुपुर्दगी (दस्ती) द्वारा यदि वह इस प्रकार आदेशिका तामीलकर्ता के माध्यम से इच्छुक हों ; या

(ख) रसीदी रजिस्ट्री डाक द्वारा।

(2) नोटिस में तथा कारण बता कर, लिखित में विनिर्दिष्ट की गई तिथि को, व्यक्ति को उपस्थित होने के लिए विरोधी पक्षकार की अपेक्षा करेगा, क्यों न आवेदन प्रदान किया जाए तथा इसको सूचित भी करेगा, यदि वह इसकी प्रतिक्रिया करने में असफल रहता है, तो अधिकरण एकपक्षीय प्रक्रिया करेगा।

(3) उप नियम (1) तथा (2) के अधीन नोटिस जारी करने के साथ-साथ, आवेदक (आवेदकों) (को) को प्ररूप 'घ' में जारी नोटिस द्वारा, उप-नियम (2) में वर्णित तिथि को भी सूचित करेगा।

(4) सिविल प्रक्रिया संहिता, 1908 के आदेश V के उपबन्ध उप-नियम (2) तथा (3) के अधीन नोटिस के तामील के प्रयोजन के लिए, यथावश्यक परिवर्तन सहित, आवेदन करेगा।

9. यदि, नोटिस की तामील के होते हुए भी, विरोधी पक्षकार नोटिस की प्रतिक्रिया में कारण बताने में असफल रहता है, तो अधिकरण, आवेदक को साक्ष्य द्वारा तथा ऐसी अन्य जांच द्वारा, जो वह ठीक समझे, एक पक्षीय प्रक्रिया करेगा, तथा आवेदन के निपटान के आदेश पारित करेगा। विरोधी पक्षकार द्वारा अनुपस्थिति के मामले में प्रक्रिया। धारा 4.

10. यदि, नियम 8 के अधीन जारी नोटिस में नियत तिथि को, विरोधी पक्षकार आवेदक के भरण-पोषण के अपने दायित्व के लिए उपस्थित होता है तथा स्वीकार करता है, तथा दो पक्षकार परस्पर करार समझौते पर पहुंचते हैं, तो अधिकरण तदनुसार आदेश पारित करेगा। जाने की स्वीकृति के मामले में प्रक्रिया। धारा 4 तथा 32 (2).

बच्चों या सम्बन्धियों को अभियोजित करने के लिए प्रक्रिया। धारा 5.

11. (1) विरोधी पक्षकार द्वारा आवेदन, धारा 5 की उपधारा (5) के परन्तुक के अधीन, आवेदक के किसी अन्य बच्चे या सम्बन्धी के अभियोजित करने के लिए नियम 8 के उप-नियम (2) के अधीन जारी नोटिस में यथा विनिर्दिष्ट सुनवाई की प्रथम तिथि को दायर किया जाएगा :

परन्तु जब कोई ऐसा आवेदन ऐसी प्रथम सुनवाई के बाद ग्रहण नहीं किया जाता, तब विरोधी पक्षकार को अन्तिम स्तर पर इसे दायर करने के लिए पर्याप्त कारण नहीं बताया जायेगा।

(2) उप-नियम (1) के अधीन आवेदन के प्राप्ति पर, अधिकरण की, यदि प्रथम दृष्टतया पर संतुष्टि हो जाती है कि पक्षकार की सुनवाई के बाद, ऐसे आवेदन की युक्तियुक्तता के बारे, कारण बता कर ऐसे अन्य बच्चे या सम्बन्धी को जारी नोटिस, पक्षकार के रूप में अभियोजित क्यों नहीं किया जाना चाहिए, तथा सुनवाई का उसको अवसर देने के बाद उनके अभियोजन या अन्यथा के सम्बंध में आदेश पारित करेगा।

(3) यदि अधिकरण उप-नियम (2) के अधीन अभियोजन के आदेश पारित करता है, तो नियम 8 के अनुसार प्ररूप 'ग' में ऐसे अभियोजित पक्षकार को नोटिस जारी करेगा।

सुलह अधिकारी को निदेश। धारा 5, 6 तथा 18.

12. (1) यदि, नियम 8 के अधीन जारी नोटिस में नियत तिथि को, विरोधी पक्षकार भरण-पोषण दावे के विरुद्ध उपस्थित होता है तथा कारण बताता है, अधिकरण से दोनों पक्षकारों की राय की मांग करेगा चाहे वे सुलह अधिकारी को मामले निर्दिष्ट करे तथा यदि वे उसकी ओर से अपनी इच्छा से अभिव्यक्त करता है, अधिकरण उससे पूछेगा चाहे वे नियम 5 के अधीन तैयार किए गए पैनल में या दोनों पक्षकारों को स्वीकार्य किसी अन्य व्यक्ति सहित मामले व्यक्ति को निर्दिष्ट करेगा।

(2) यदि दोनों पक्षकार किसी व्यक्ति पर सहमत होते हैं, चाहे नियम 5 के अधीन पैनल में शामिल है, या अन्यथा, अधिकरण इस मामले में सुलह अधिकारी के रूप में ऐसे व्यक्ति को नियुक्त करेगा तथा सन्दर्भ की प्राप्ति की तिथि से एक मास से अनधिक अवधि के भीतर दोनों पक्षकारों को स्वीकार्य निर्णय का प्रयास करने के लिए सुलह अधिकारी को प्ररूप 'ङ' में पत्र के माध्यम से अनुरोध करते हुए मामला उसे निर्दिष्ट करेगा।

(3) प्ररूप 'ङ' के सन्दर्भ में आवेदन तथा उसके विरोधी पक्षकार के उत्तर की प्रतियां संलग्न की जाएगी।

सुलह अधिकारी की कार्यवाहियां। धारा 5, 6 तथा 18.

13. (1) नियम 12 के अधीन सन्दर्भ की प्राप्ति पर, सुलह-अधिकारी यथा आवश्यक दोनों पक्षकारों के साथ बैठक करेगा तथा सन्दर्भ की प्राप्ति की तिथि से एक मास की अवधि के भीतर दोनों पक्षकारों को स्वीकार्य निर्णय करने का प्रयास करेगा।

(2) यदि सुलह अधिकारी दोनों पक्षकारों को स्वीकार्य निर्णय करने में सफल हो जाता है, तो वह दोनों पक्षकारों द्वारा हस्ताक्षरित प्ररूप 'घ' में निर्णय का ज्ञापन तैयार करेगा तथा अधिकरण से प्राप्त मामले के सभी अभिलेखों के साथ-साथ प्ररूप 'छ' में रिपोर्ट प्रेषित करेगा तथा सन्दर्भ की प्राप्ति की तिथि से एक मास की अवधि के भीतर अधिकरण को वापस भेजेगा।

(3) यदि सुलह अधिकारी नियम 12 के अधीन सन्दर्भ की प्राप्ति के एक मास की अवधि के भीतर निर्णय करने में असमर्थ हो गया है तो वह ऐसे प्रयास जो निर्णय तथा दो पक्षकारों के बीच मतभेद के बिन्दु जो सुलझाए गए प्रयासों को दर्शाते हुए प्ररूप 'ज' में रिपोर्ट के साथ अभिकरण से प्राप्त किए गए कागज वापस करेगा।

सुलह अधिकारी के समक्ष निर्णय के मामले में अभिकरण द्वारा कार्यवाही। धारा 5, 6 तथा 18.

14. (1) यदि अधिकरण, नियम 13 के उपनियम (2) के अधीन निर्णय के ज्ञापन के साथ-साथ सुलह अधिकारी से कोई रिपोर्ट प्राप्त करता है तो वह दोनों पक्षकारों को उसके सम्मुख ऐसी तिथि जो नोटिस में विनिर्दिष्ट की जाए, को पेश होने के लिए नोटिस देगा तथा निर्णय पुष्ट करेगा।

(2) यदि यथा उपरोक्त नोटिस में विनिर्दिष्ट तिथि को पक्षकार अधिकरण के सम्मुख पेश हो जाते हैं तथा सुलह अधिकारी के सम्मुख हुआ निर्णय पुष्ट हो जाता है, तो अधिकरण ऐसे निर्णय में यथा सहमत अंतिम आदेश पारित करेगा।

अ ड मामलों में अधिकरण द्वारा कार्यवाही। धारा 8.

15. (1) यदि-

(i) आवेदक तथा विरोधी पक्षकार नियम 12 के अनुसार सुलह अधिकारी को अपने विवाद के सन्दर्भ के लिए सहमत नहीं होता/होते हैं ; या

(ii) नियम 12 के अधीन नियुक्त सुलह अधिकारी नियम 13 के उपनियम (3) के अधीन दोनों पक्षकारों को स्वीकार्य निर्णय करने की असमर्थता संप्रेषित करते हुये रिपोर्ट भेजता है; या

(iii) सुलह अधिकारी से एक मास की नियत समयावधि के भीतर कोई रिपोर्ट प्राप्त नहीं की जाती है ; या

(iv) नियम 14 के उपनियम (1) के अधीन जारी किए गए नोटिस के उत्तर में सुलह अधिकारी द्वारा प्राप्त किए गए निर्णय को पुष्ट करने में एक या दोनों पक्षकार इंकार करते हैं,

तो अधिकरण दोनों पक्षकारों को अपने-अपने दावों के समर्थन में साक्ष्य देने के लिए अवसर प्रदान करेगा तथा धारा 8 की उपधारा (1) में यथा उपबन्धित संक्षिप्त जांच के बाद ऐसे आदेश पारित करेगा जो वह उचित समझे। अधिकरण साक्ष्य शपथ-पत्र के रूप में ले सकता है।

(2) यदि नियमित जांच अपेक्षित है तो अधिकरण दोनों पक्षकारों को अपने-अपने दावों के समर्थन में साक्ष्य देने के लिए बराबर अवसर दे सकता है। सभी कार्यवाहियों में सभी ऐसे साक्ष्य उन बच्चों या सम्बन्धी/सम्बन्धियों जिनके विरुद्ध भरण-पोषण के भुगतान के लिए आदेश करने का अनुरोध किया गया है कि उपस्थिति में लिए जाएंगे और कार्यवाहियां उसी रीति में अभिलिखित की जाएंगी जो सम्मन मामलों में विनिर्दिष्ट की जाए। अधिकरण साक्ष्य शपथ-पत्र के रूप में ले सकता है।

(3) नियम 9 तथा नियम 10 के अधीन या उपरोक्त उप-नियम (1) के अधीन पारित कोई आदेश अधिकरण द्वारा यथा विनिश्चित मामले के तथ्य तथा आदेश के लिए कारण देते हुये सहकारण आदेश करेगा।

(4) उपनियम (1) के अधीन आदेश पारित करते समय आवेदक को भरण-पोषण का भुगतान करने के लिए विरोधी पक्षकार को निर्देश देते हुये अधिकरण निम्नलिखित पर विचार करेगा :-

(क) आवेदक द्वारा उसकी मूल जरूरतों विशेष रूप से भोजन, कपड़े, आवास तथा स्वास्थ्य देख-भाल के लिए जरूरी राशि ;

(ख) विरोधी पक्षकार की आय;

(ग) आवेदक की सम्पत्ति यदि कोई है का मूल्य तथा से वास्तविक तथा संभावित आय जो विरोधी पक्षकार को विरासत में आएगी तथा/या के कब्जे में है ; तथा

(घ) अधिकरण यदि किसी स्तर पर अपेक्षित हो तो निरीक्षण सेत्र दौरे के समर्थन के रूप में आय का मूल्यांकन या सत्यापन करने के लिए भरण-पोषण अधिकारी या किसी कर्मचारी से पूछ सकता है।

(5) पारित प्रत्येक आदेश, चाहे अन्तिम या अन्तरिम हो की प्रति आवेदन पर आवेदक (आवेदकों) तथा विरोधी पक्षकार या उनके प्रतिनिधियों को व्यक्तिगत रूप में दी जायेगी या उनको आदेशिका तामीलकर्ता के माध्यम से या पंजीकृत डाक द्वारा भेजी जायेगी।

अधिकतम भरण-पोषण भत्ता। धारा 9.

16. अधिकतम भरण-पोषण भत्ता जो अधिकरण विरोधी पक्षकार को भुगतान करने के लिए आदेश कर सकता है। अधिकतम प्रतिमास 10,000/-रुपये के अधीन ऐसी रीति में नियत किया जायेगा कि विरोधी पक्षकार के सभी स्रोतों से आवेदक या आवेदकों में विरोधी पक्षकार परिवार के सदस्यों की गणना करते हुए उसके परिवार के व्यक्तियों की संख्या द्वारा विभक्त करते हुए मासिक आय से अधिक नहीं है।

अध्याय III

अपील अधिकरण की प्रक्रिया

अपील अधिकरण का गठन। धारा 15.

17. अपील अधिकरण में तीन सदस्य होंगे। अपील अधिकरण की अध्यक्षता जिले के जिला मजिस्ट्रेट या राज्य सरकार द्वारा यथा नामनिर्दिष्ट किसी अधिकारी जो जिला मजिस्ट्रेट की पदवी से नीचे का न हो, द्वारा की जाएगी। गैर-सरकारी सदस्य निम्नलिखित प्रवर्गों में से नाम-निर्दिष्ट किए जाएंगे।

(i) वरिष्ठ नागरिकों के कल्याण के लिए कार्यरत सामाजिक कार्यकर्ता या गैर-सरकारी संगठन से प्रतिनिधि; तथा

(ii) अधिवक्ता जिसने समाज कल्याण के क्षेत्र में कार्य किया है।

18. धारा 16 की उपधारा (1) के अधीन अपील, प्ररूप 'झ' में अपील अधिकरण के समक्ष दायर की जाएगी तथा भरण-पोषण अधिकरण के प्रतिवादी आदेश की प्रति के साथ होगी। अपील का प्ररूप। धारा 16.

19. अपील की प्राप्ति पर, अपील प्राधिकरण, प्रयोजन के लिए अनुरक्षित किए जाने वाले रजिस्टर में, ऐसे प्ररूप में जैसा राज्य सरकार निर्दिष्ट करे, इसे पंजीकृत करेगा तथा ऐसी अपील को पंजीकृत करने के बाद अपीलार्थी को अपील की संख्या तथा प्ररूप 'ञ' में सुनवाई की अगली तिथि विनिर्दिष्ट करते हुए पावती देगा। अपील का पंजीकरण तथा पावती। धारा 16.

20. (1) अपील की प्राप्ति पर, अपील अधिकरण मामले को पंजीकृत करने तथा अपील संख्या देने के बाद प्ररूप 'ट' में अपनी मुद्रा तथा हस्ताक्षराधीन प्रतिवादी पर कारण नोटिस तामील करेगा। प्रतिवादी को सुनवाई का नोटिस। धारा 16.

(2) उप-नियम (1) के अधीन नोटिस पावती देय के साथ पंजीकृत डाक द्वारा या आदेशिका तामीलकर्ता के माध्यम से जारी किया जाएगा।

(3) सिविल प्रक्रिया संहिता के आदेश V के उपबन्ध, उप-नियम (1) के अधीन जारी नोटिस की तामील के प्रयोजनों के लिए यथावश्यक परिवर्तन सहित लागू होंगे।

अध्याय IV

धारा 19 के अधीन स्थापित वृद्ध आश्रमों के प्रबन्धन के लिए स्कीम

21. राज्य सरकार द्वारा या किसी राज्य अनुदान की सहायता से गैर-सरकारी संगठनों द्वारा राज्य में चलाए जा रहे सभी वृद्ध आश्रम ऐसे वरिष्ठ नागरिकों को सहायता देने के लिए दायी होंगे जो अधिकरण के समक्ष इस अधिनियम के अधीन सहायता चाहते हैं, यदि अधिकरण द्वारा ऐसा आदेश दिया जाए। इन वरिष्ठ नागरिकों को सुविधाएं उसी प्रकार के निबन्धनों तथा शर्तों पर जो इन गृहों में अन्य संवासियों को लागू हैं, उपलब्ध करवाई जाएंगी। सभी अधिकरणों को इन गृहों में आवेदक की आर्थिक हैसियत को ध्यान में रखते हुए भेजने का प्राधिकार होगा। वृद्ध आश्रम। धारा 19.

22. (1) धारा 19 के अधीन स्थापित वृद्ध आश्रम निम्नलिखित संनियमों तथा मानकों अनुसार चलाए जाएंगे :- गरीब वरिष्ठ नागरिकों के लिए वृद्ध आश्रमों के प्रबन्धन के लिए स्कीम। धारा 19.

(क) गृह में भौतिक सुविधाएं होंगी तथा अनुसूची में अधिकथित कार्यचलन मानकों के अनुसार चलाए जाएंगे।

(ख) गृह के संवासी निम्नलिखित के अनुसार चयनित किए जाएंगे :—

(क) आवेदन समुचित अन्तरालों पर, किन्तु प्रत्येक वर्ष में कम से कम एक बार गृह में रखने के इच्छुक, अधिनियम की धारा 19 में यथा परिभाषित गरीब वरिष्ठ नागरिकों से मांगे जाएंगे।

(ख) यदि किसी अवसर पर पात्र आवेदकों की संख्या गृह में प्रवेश के लिए उपलब्ध स्थानों की संख्या से अधिक है तो संवासियों का चयन निम्नलिखित रीति में किया जाएगा :—

(i) अधिक गरीब तथा जरूरतमंद को कम गरीब से अधिमान दिया जाएगा;

(ii) अन्य बात बराबर होने पर, बड़े वरिष्ठ नागरिकों को कम बूढ़े से अधिमान दिया जाएगा;

(iii) अन्य बातें बराबर होने पर, महिला आवेदक को पुरुष आवेदक से अधिमान दिया जाएगा; तथा

(iv) अनपढ़ तथा/या बहुत अशक्त वरिष्ठ को किसी विधिवत आवेदन के बिना भी प्रवेश दिया जाएगा। यदि जिला मजिस्ट्रेट या प्रयोजन के लिए उस द्वारा पदाभिहित अन्य सक्षम प्राधिकारी की संतुष्टि हो जाती है कि वरिष्ठ नागरिक विधिवत आवेदन करने की स्थिति में नहीं है किन्तु आश्रय की बुरी तरह आवश्यकता में है ;

(ग) आवेदनों या प्रवेश के मामलों, पर विचार करते समय, धर्म या जाति के आधार पर कोई भेदभाव नहीं किया जाएगा ;

(घ) गृह, पुरुष तथा स्त्री को पृथक् आवास उपलब्ध करवाएगा जब तक कि पुरुष तथा स्त्री संवासी या तो रक्त संबंधी न हो या विवाहित दम्पति न हो ;

(ङ) वृद्ध आश्रम के दिन-प्रतिदिन के क्रिया-कलाप प्रबन्धन समिति द्वारा प्रबन्धित किए जाएंगे जो राज्य सरकार द्वारा समय-समय पर जारी आदेशों तथा मार्गदर्शकों के अनुसार गठित की जाएगी तथा संवासी समिति का उचित रूप से प्रतिनिधित्व करेंगे।

(2) राज्य सरकार, उप-नियम (1) में यथा अधिकथित सन्नियमों तथा मानकों के अनुसार वृद्ध आश्रमों में प्रवेश तथा प्रबन्धन के लिए समय-समय पर विस्तृत मार्गदर्शन आदेश जारी करेगी।

अध्याय V

जिला मजिस्ट्रेट के कर्तव्य तथा शक्तियां

जिला मजिस्ट्रेट के कर्तव्य तथा शक्तियां। धारा 19 तथा 22.

23. (1) जिला मजिस्ट्रेट उप-नियम (2) तथा (3) में वर्णित कर्तव्यों का पालन तथा शक्तियों का प्रयोग यह सुनिश्चित करने के लिये करेगा कि अधिनियम के उपबन्ध उस जिले में उचित रूप से कार्यान्वित किये जा रहे हैं।

(2) जिला मजिस्ट्रेट का—

(i) यह सुनिश्चित करने का कर्तव्य होगा कि जिले के वरिष्ठ नागरिकों का जीवन तथा सम्पत्ति सुरक्षित है तथा वे सुरक्षा तथा प्रतिष्ठा से रहने के योग्य हैं;

(ii) भरण-पोषण अधिकरणों तथा भरण-पोषण और अधिकरणों के आदेशों निष्पादन के लिये आवेदनों का समय पर तथा उचित निपटान को सुनिश्चित करने की दृष्टि से जिले के भरण-पोषण अधिकारियों के कार्यों का निरीक्षण करने तथा मॉनीटर करने का कर्तव्य होगा;

(iii) जिले में वृद्धाश्रम के कार्य का निरीक्षण करने तथा मॉनीटर करने का कर्तव्य होगा ताकि सुनिश्चित किया जा सके कि वे इन नियमों में अधिकथित मानकों तथा राज्य सरकार की किन्हीं अन्य निर्देशिकाओं तथा आदेशों के अनुरूप हैं;

(iv) अधिनियम के उपबन्धों तथा वरिष्ठ नागरिकों के कल्याण के लिये केन्द्रीय तथा राज्य सरकार के कार्यक्रमों की नियमित तथा विस्तृत प्रचार को सुनिश्चित करने का कर्तव्य होगा;

(v) जिले में कार्यरत पंचायतों, नगरपालिकाओं, नेहरू युवा केन्द्रों, शैक्षणिक संस्थाओं तथा विशेष रूप से उनकी राष्ट्रीय सेवा स्कीम यूनिटों, संगठनों, विशेषज्ञों, एक्सपर्टों, सक्रियतावादियों इत्यादि को प्रोत्साहित तथा समन्वित करने का कर्तव्य होगा ताकि उनके स्त्रोत तथा प्रयास जिले के वरिष्ठ नागरिकों के कल्याण के लिये प्रभावकारी हों;

(vi) प्राकृतिक आपदाओं तथा अन्य आपात घटनाओं में वरिष्ठ नागरिकों को समय पर सहायता तथा राहत उपलब्ध करवाने के लिये सुनिश्चित करने का कर्तव्य होगा;

(vii) विभिन्न विभागों तथा वरिष्ठ नागरिकों के कल्याण से सम्बद्ध, ऐसे नागरिकों की जरुरतों के प्रति स्थानीय निकायों के अधिकारियों के समय-समय पर सुग्राहीकरण को सुनिश्चित करने का कर्तव्य होगा तथा परवर्ती के प्रति अधिकारियों का कर्तव्य होगा;

(viii) उन शहरों में जहां पुलिस आयुक्त हैं, के सिवाए जिले में वरिष्ठ नागरिकों से संबंधित मामलों के अन्वेषण तथा विचारण की प्रगति की समीक्षा करने का कर्तव्य होगा;

(ix) वह सुनिश्चित करने का कर्तव्य होगा कि भरण-पोषण के लिये विहित आवेदन प्रारूपों की पर्याप्त संख्या नागरिकों के लिये सामान्य संविदा के कार्यालय जैसे पंचायत, डाकघर, खण्ड विकास कार्यालय, तहसील कार्यालय, कलक्टरेट, पुलिस थानों इत्यादि में उपलब्ध हैं;

(x) वरिष्ठ नागरिकों के लिये जिला मुख्यालयों पर हैल्पलाईन शुरू करने के लिये स्थापनाओं को उन्नत करने का कर्तव्य होगा;

(xi) ऐसे अन्य कृत्यों का पालन करने का कर्तव्य होगा जो राज्य सरकार, आदेश द्वारा, समय-समय पर, इस निमित्त जिला मजिस्ट्रेट को सौंपे जायें।

(3) उप-नियम (2) में वर्णित कर्तव्यों का पालन करने की दृष्टि से जिला मजिस्ट्रेट ऐसे निर्देश जारी करने के लिये सक्षम होगा, जो अधिनियम, इन नियमों तथा जिले में कार्यरत किसी संबंधित सरकार या संवैधानिक अभिकरण या निकाय के लिये यथा आवश्यक राज्य सरकार की सामान्य मार्गदर्शिका तथा विशेष रूप से निम्नलिखित के लिये :—

(क) पुलिस, स्वास्थ्य तथा प्रचार विभागों में राज्य सरकार के कार्यालय तथा वरिष्ठ नागरिकों के कल्याण से संबंधित विभाग;

(ख) भरण-पोषण अधिकरण तथा सुलह अधिकारी;

(ग) पंचायत तथा नगरपालिका; और

(घ) शैक्षणिक संस्था।

(4) अधिनियम के उपबन्धों कार्यान्वित करने के लिये, जिला मजिस्ट्रेट या जिला मजिस्ट्रेट द्वारा पदाभिहित किसी अधिकारी जो उप मण्डल मजिस्ट्रेट की पदवी से नीचे का न हो, को जो धारा 19 के उपबन्धों के अधीन कोई वरिष्ठ नागरिक जो गरीब समझा जाये का मामला अधिकरण को निर्दिष्ट करने के लिये शक्ति होगी।

(5) वरिष्ठ नागरिक के जीवन या सम्पत्ति के खतरे के मामले में जिला मजिस्ट्रेट या सम्यक् रूप से प्राधिकृत उसके अधीनस्थ किसी अधिकारी का ऐसे वरिष्ठ नागरिक के जीवन या सम्पत्ति को सुरक्षित करने का कर्तव्य होगा।

(6) यदि कोई वरिष्ठ नागरिक सुरक्षा की अपेक्षा करता है या निराश्रय है, तो जिला मजिस्ट्रेट या सम्यक् रूप से प्राधिकृत उसके अधीनस्थ अधिकारी का कर्तव्य होगा कि वह सरकार द्वारा या गैर-सरकारी संगठन द्वारा चलाये जा रहे वृद्ध-आश्रम में आश्रय उपलब्ध करवाये।

(7) जिला मजिस्ट्रेट या उसका कोई अधीनस्थ अधिकारी आपातकालीन स्थिति में परित्यक्त तथा दीनहीन वरिष्ठ नागरिकों की चिकित्सीय देखरेख के लिये उपयुक्त व्यवस्था करेगा।

(8) धारा 19 के अधीन, वरिष्ठ नागरिक, यदि उसकी वार्षिक आय 1500/-रुपये से कम है, को "दीनहीन" समझा जायेगा।

अध्याय VI

वरिष्ठ नागरिकों के जीवन तथा सम्पत्ति का संरक्षण

वरिष्ठ नागरिकों के जीवन तथा सम्पत्ति के संरक्षण के लिये कार्य योजना। धारा 22.

24. इन नियमों के राजपत्र में प्रकाशन की तिथि से छह मास की अवधि के भीतर राज्य सरकार द्वारा धारा 22(2) के अधीन कार्य योजना अधिसूचित की जायेगी तथा इसे समय-समय पर संशोधित किया जा सकता है।

अध्याय VII

वरिष्ठ नागरिकों की राज्य परिषद् तथा जिला समिति

वरिष्ठ नागरिकों की राज्य परिषद्। धारा 32(2).

25. (1) राज्य सरकार, आदेश द्वारा, राज्य सरकार को अधिनियम को प्रभावी ढंग से लागू करने के लिये सलाह देने के लिये तथा वरिष्ठ नागरिकों के सम्बन्ध में राज्य सरकार द्वारा यथा विनिर्दिष्ट ऐसे अन्य कृत्यों के निर्वहन के लिये वरिष्ठ नागरिकों की राज्य परिषद् स्थापित कर सकती है।

(2) राज्य परिषद् निम्नलिखित को मिलाकर बनाई जायेगी, अर्थात् :—

(i) समाज कल्याण मन्त्री :	पदेन, अध्यक्ष
(ii) सामाजिक न्याय तथा अधिकारिता विभाग के सचिव, सचिव स्वास्थ्य, गृह, विज्ञापन, जन सम्पर्क विभागों के सचिव, पुलिस महानिदेशक तथा विधि रामर्शी तथा वरिष्ठ नागरिकों के सम्बन्ध में अन्य विभाग :	पदेन, सदस्य
(iii) राज्य सरकार द्वारा नामनिर्दिष्ट तीन व्यक्ति जो वरिष्ठ नागरिकों के कल्याण क्षेत्र में विशेषज्ञ तथा सक्रिय तावादी हैं :	सदस्य
(iv) राज्य सरकार द्वारा नामनिर्दिष्ट प्रतिष्ठित वरिष्ठ नागरिक :	सदस्य
(v) राज्य में वरिष्ठ नागरिक कल्याण का कार्यकारी निदेशक :	पदेन, सदस्य-सचिव

(3) राज्य परिषद् छह मास में कम से कम एक बैठक करेगी।

(4) राज्य परिषद् के सदस्यों की पदावधि, पदेन सदस्यों, परिषद् की नियम प्रक्रिया तथा अन्य सहायक मामलों से भिन्न, दो वर्ष की अवधि के लिये होगी।

वरिष्ठ नागरिकों की जिला समिति। धारा 32 (2).

26. (1) राज्य सरकार, आदेश द्वारा, जिला स्तर पर अधिनियम के लागूकरण को प्रभावी बनाने तथा समन्वित करने के लिये सलाह देने के लिये तथा जिला स्तर पर वरिष्ठ नागरिकों के सम्बन्ध में राज्य सरकार द्वारा यथानिर्दिष्ट ऐसे अन्य कृत्यों के निर्वहन के लिये प्रत्येक जिले में वरिष्ठ नागरिकों की जिला समिति स्थापित कर सकती है।

(2) जिला समिति प्रत्येक तिमाही में एक बार बैठक करेगी।

(3) जिला समिति की संरचना, सदस्यों की पदावधि (पदेन-सदस्यों, नियम प्रक्रिया तथा अन्य सहायक मामलों से भिन्न) ऐसी होगी जो राज्य सरकार, आदेश द्वारा, विनिर्दिष्ट करे।

प्ररूप – क

[देखिये नियम 6(1) और (3)]

अधिनियम की धारा 5(1)(क) तथा (ख) के अधीन भरण-पोषण के लिये आवेदन

उप मण्डल.....

जिला.....

1. आवेदक का नाम :
2. पिता/पति का नाम :
3. पूर्ण डाक पता :

गांव.....सड़क.....

वार्ड संख्या.....

पुलिस स्टेशन.....

डाकखाना.....पिन कोड.....

जिला.....

4. बच्चों/रिश्तेदारों के नाम जिनसे भरण-पोषण हेतु दावा किया है :
5. बच्चों/रिश्तेदारों का वर्तमान पता :

गांव.....सड़क.....

वार्ड संख्या.....

पुलिस स्टेशन.....

डाकखाना.....पिन कोड.....

जिला.....

6. बच्चों/रिश्तेदारों का स्थाई पता :

गांव.....सड़क.....

वार्ड संख्या.....

पुलिस स्टेशन.....

डाकखाना.....पिन कोड.....

जिला.....

7. बच्चों/रिश्तेदारों की सभी स्त्रोतों से वार्षिक आय :
8. आदेश के विवरण जिनके विरुद्ध वर्तमान अपील दायर की जा रही है :
9. अपील के आधार :
10. सहायता जिसके लिये प्रार्थना की गई है :
11. अंतरिम प्रार्थना, यदि कोई है :

सत्यापन आवेदक

मैं अपने पूर्ण ज्ञान तथा विश्वास से सत्यापित करता हूं कि मेरे द्वारा कथित किये गये उपरोक्त कथन सत्य हैं और इनके सत्यापन हेतु मैं अपने हस्ताक्षर अंकित करता हूं।

आवेदक के हस्ताक्षर

प्ररूप – ख

[देखिये नियम 6(2)(ख)]

पावती

श्रीमती/श्री/कुमारी.....पुत्र/पुत्री/श्रीमती/श्री/कुमारी..... से माता-पिता और वरिष्ठ नागरिकों का भरण-पोषण कल्याण अधिनियम, 2007 की धारा 5 की उपधारा (1) के अधीन आवेदन-पत्र की चार प्रतियां प्राप्त की गई, जिन्हें पंजीकृत किया गया है तथा आवेदन संख्या.....दिया गया है।

मोहर सहित हस्ताक्षर

प्ररूप – ग

[देखिये नियम 8(1)]

पीठासीन अधिकारी, भरण-पोषण अधिकरण के समक्ष

आवेदन संख्या.....

श्री/श्रीमती..... वादी

बनाम

श्री/श्रीमती..... प्रतिवादी

कारण बताओ नोटिस

माता-पिता और वरिष्ठ नागरिकों का भरण-पोषण तथा कल्याण अधिनियम, 2007 की धारा 5(1) के अधीन भरण-पोषण के लिये आवेदन, जिसमें आपको प्रतिवादी के तौर पर शामिल किया गया है, की प्रति संलग्न है : अधिकरण के समक्ष प्रस्तुत की गई है।

इसके द्वारा आपको सूचित किया जाता है कि इस आवेदन पत्र की सुनवाई प्रातः.....बजे..... दिनांक को नियत हुई है और यदि आप इस आवेदन-पत्र के उत्तर में कुछ कहने के इच्छुक हों, तो उस तिथि को प्राधिकरण के समक्ष उपस्थित हों, और इस निमित्त सम्यक् रूप से अनुदिष्ट अपना लिखित कथन नियत तिथि से तीन दिन पूर्व स्वयं या किसी अधिवक्ता के माध्यम से दाखिल करें।

ध्यान रहे कि यदि आप उपर्युक्त वर्णित तिथि पर उपस्थित नहीं होते हैं, तो आवेदन-पत्र की सुनवाई और निर्णय आपकी अनुपस्थिति में कर लिया जायेगा।

मेरे हस्ताक्षर तथा अधिकरण की मोहर सहित वर्ष.....के.....दिन को दिया गया है।

भरण-पोषण अधिकरण के आदेश द्वारा.....

मोहर सहित हस्ताक्षर

प्ररूप – घ

[देखिये नियम 8(3)]

पीठासीन अधिकारी, भरण-पोषण अधिकरण के समक्ष

आवेदन संख्या.....

सेवा में

श्रीमती/श्री/कुमारी..... वादी

बनाम

श्रीमती/श्री/कुमारी..... प्रतिवादी

नोटिस

आप द्वारा माता-पिता और वरिष्ठ नागरिकों का भरण-पोषण तथा कल्याण अधिनियम, 2007 की धारा 5(1) के अधीन अधिकरण के समक्ष आवेदन-पत्र दायर किया है।

और चूंकि, अब, आवेदन-पत्र पर अधिकरण द्वारा प्रातः.....दिनांक.....को सुनवाई नियमित की गई है।

और चूंकि, अब, यदि अपने आवेदन-पत्र में अंकित तथ्यों के पक्ष में कुछ और कहना चाहते हैं, तो आप अधिकरण के समक्ष नियत तिथि को या तो स्वयं या सम्यक् रूप से अनुदिष्ट किसी अधिवक्ता के माध्यम से उपस्थित हों।

अब ध्यान रहे कि यदि आप उपर्युक्त वर्णित तिथि को उपस्थित नहीं होते तो मामले की सुनवाई आपकी अनुपस्थिति में रहते हुये निर्णय कर दिया जायेगा।

मेरे हस्ताक्षर तथा अधिकरण की मोहर सहित वर्ष.....के.....दिन को दिया गया।

भरण-पोषण अधिकरण के आदेश द्वारा.....

मोहर सहित हस्ताक्षर

प्ररूप – ङ

[देखिये नियम 12(3)]

पीठासीन अधिकारी, भरण-पोषण अधिकरण के समक्ष

आवेदन संख्या.....

सेवा में

.....

.....

विषय : आवेदन संख्या.....(.....बनाम.....)

चूंकि, आवेदन माता-पिता और वरिष्ठ नागरिकों के भरण-पोषण तथा कल्याण अधिनियम, 2007 की धारा 5 उपधारा (1) के अधीन अधिकरण के समक्ष आवेदन-पत्र दायर किया गया है;

और चूंकि, सन्दर्भित आवेदन पत्र पर सुनवाई तिथि.....को नियत की;

और चूंकि, विरोधी पक्षकार को प्ररूप ग में दिये नोटिस के पक्ष में, विरोधी पक्षकार उपस्थित हुये और भरण-पोषण दावे के विरुद्ध कारण बताये गये हैं;

और चूंकि, अब, अधिकरण द्वारा दोनों पक्षकारों की उस निमित्त राय मांगी गई कि क्या वह चाहेंगे कि मामले को सुलह अधिकारी को निर्दिष्ट किया जाये;

और चूंकि, दोनों पक्षकार नियम 5 के अधीन तैयार किये गये पैनल में शामिल किसी व्यक्ति को या दोनों पक्षों को स्वीकार्य मामला किसी अन्य व्यक्ति को निर्दिष्ट किया जाये अब दोनों पक्षकार आपको उपरोक्त मामले में सुलह अधिकारी के रूप में नियुक्त करने के लिये सहमत हो गये हैं;

अब इस पत्र के माध्यम से आपसे अनुरोध किया जाता है कि दोनों पक्षों को स्वीकार्य समझौते के लिए संदर्भ प्राप्ति के अनधिक एक मास के भीतर प्रयत्न तथा निपटान किया जाये। आवेदन पत्र तथा विरोधी पक्षकार के उत्तर की प्रतियां इसके साथ संलग्न हैं।

पीठासीन अधिकारी
भरण-पोषण अधिकरण

प्रपत्र – च

[देखिये नियम 13(2)]

समझौते का ज्ञापन

स्वीकार्य ज्ञापन पर आज वर्ष.....के.....दिन को दोनों पक्षों के मध्य श्री/श्रीमती.....(जिसे, इसमें, इसके बाद, प्रथम पक्षकार निर्दिष्ट किया गया है) तथा श्री/श्रीमती.....(जिसे, इसमें, इसके बाद, द्वितीय पक्षकार निर्दिष्ट किया गया है) पर निर्णय हुआ।

और चूंकि, माननीय भरण-पोषण अधिकरण द्वारा मुझे सुलह अधिकारी के रूप में पदाभिहित करते हुये दोनों पक्षों को स्वीकार्य ज्ञापन तैयार करने के लिये आदेश दिनांक.....द्वारा निर्देश दिये गये;

और चूंकि, माननीय भरण-पोषण अधिकरण के आदेशों की अनुपालना में, सुलह अधिकारी द्वारा दोनों पक्षों को पत्र दिनांक.....द्वारा 10.00 बजे उनके समक्ष उपस्थित होने के लिये सम्मन जारी किये गये;

और चूंकि, अब सुलह अधिकारी के भरसक प्रयत्न से दोनों पक्षकारों ने समझौते के ज्ञापन के विभिन्न निबन्धनों तथा शर्तों से निम्नानुसार सहमति व्यक्त की गई :—

अब, इसलिये, इन पक्षों द्वारा सहमति दी गई तथा समझौते का ज्ञापन निम्न प्रकार से है :—

1. यह कि द्वितीय पक्षकार, प्रथम पक्षकार को जीवन की ऐसी आवश्यक सुविधायें जैसे कि आवास, भोजन, वस्त्र, चिकित्सा सुविधायें आदि देने के लिये सहमत हो गये हैं, जो उसके सामान्य जीवन यापन के लिये द्वितीय पक्षकार को दी जायेगी।

2. यह कि द्वितीय पक्ष, प्रथम पक्षकार को जेब खर्च तथा दिन प्रतिदिन के खुदरा खर्च हेतु.....रुपये की राशि देगा। यह.....के माध्यम से प्रत्येक माह की.....तिथि को भुगतान की जावेगी।

3. यह कि यदि किसी स्तर पर, द्वितीय पक्षकार उपरोक्त खण्ड (1) में यथा वर्णित सुविधाओं को उपलब्ध कराने में असफल रहता है तब द्वितीय पक्षकार.....रुपये प्रतिमाह भरण-पोषण भत्ते के रूप में प्रथम पक्षकार को देगा। यह राशि.....के माध्यम से प्रत्येक माह की.....तिथि को भुगतान की जायेगी।

4. यह कि द्वितीय पक्षकार द्वारा यकीन दिलाया गया है कि यदि समझौते ज्ञापन के निबन्धन तथा शर्तों की पालना में असफल होता है तो द्वितीय पक्षकार के विरुद्ध माता-पिता और वरिष्ठ नागरिकों का भरण-पोषण तथा कल्याण अधिनियम, 2007 के अन्तर्गत बनाये गये नियमों के उपबन्धों के अधीन तथा समझौता ज्ञापन के अनुसार कार्रवाई की जायेगी।

टिप्पणी : समझौते के सभी अन्य निबन्धन तथा शर्तें भी शामिल करें।

पक्षकारों द्वारा समझौता ज्ञापन उन द्वारा वर्णित तिथि को हस्ताक्षरित किया गया और ये सभी पक्षकारों के हस्ताक्षरों की तिथि से प्रभावी होंगे।

दोनों पक्षों द्वारा गवाहों की उपस्थिति में समझौता किया गया।

प्रथम पक्षकार द्वितीय पक्षकार

सुलह अधिकारी

गवाह संख्या 1

गवाह संख्या 2

प्ररूप – छ

[देखिये नियम 13(2)]

पीठासीन अधिकारी, भरण-पोषण अधिकरण के समक्ष

आवेदन संख्या.....

श्री/श्रीमती..... वादी

बनाम

श्री/श्रीमती..... प्रतिवादी

रिपोर्ट का प्रस्तुतीकरण

आदर सहित शपथ :—

1. यह कि माननीय अधिकरण द्वारा अधोहस्ताक्षरी को माता-पिता और वरिष्ठ नागरिकों के भरण-पोषण तथा कल्याण अधिनियम, 2007, के उपबन्धों के अधीन सुलह अधिकारी द्वारा पदाभिहित किया गया था।

2. यह कि माननीय अधिकरण द्वारा आदेश दिनांक.....द्वारा निर्देश दिये गये कि समझौता करवाया जाये, जो दोनों पक्षकारों को स्वीकार्य हो तथा समझौता ज्ञापन तैयार करवाया जाये।

3. यह कि माननीय अधिकरण के आदेशों दिनांक.....की अनुसरण में सुलह अधिकारी द्वारा उचित प्रयत्न करते हुये समझौता ज्ञापन तैयार किया गया है, जो दोनों पक्षकारों को स्वीकार्य है (प्रतियां संलग्न)

4. यह कि समझौता ज्ञापन तैयार करने की दशा में असफल होने की विस्तृत रिपोर्ट निम्न प्रकार से है :—

रिपोर्ट :—

स्थान :

दिनांक :

सुलह अधिकारी

प्ररूप – ज

[देखिये नियम 13(3)]

पीठासीन अधिकारी, भरण-पोषण अधिकरण के समक्ष

आवेदन संख्या.....

श्री/श्रीमती..... वादी

बनाम

श्री/श्रीमती..... प्रतिवादी

आदर सहित घोषणा करता हूं :—

1. यह कि माननीय अधिकरण द्वारा पदाभिहित अधोहस्ताक्षरी को माता-पिता और वरिष्ठ नागरिकों का भरण-पोषण तथा कल्याण अधिनियम, 2007, के उपबन्धों के अधीन सुलह अधिकारी नियुक्त किया गया था।

2. यह कि माननीय अधिकरण द्वारा आदेश दिनांक.....द्वारा निर्देश दिये गये कि दोनों पक्षकारों को स्वीकार्य सहमति अनुरूप विचार करते हुये सहमति ज्ञापन तैयार किया जाये।

3. यह कि माननीय अधिकरण के आदेशों के अनुसरण में सुलह अधिकारी द्वारा दोनों पक्षकारों को दिनांक.....प्रातः 10.00 बजे उनके समक्ष उपस्थित होने के लिये सम्मन जारी किये गये।

4. यह कि नियत तिथि पर दोनों पक्षकार मेरे समक्ष उपस्थित हुये।

5. यह कि नियत तिथि पर दोनों पक्षकारों का स्वीकार्य समझौता नहीं हो सका। तथापि दोनों पक्षकारों को पुनः दिनांक.....तथा.....को उपस्थित होने के सम्मन जारी किये गये। किन्तु किसी समझौते पर नहीं पहुंचा जा सका।

6. यह कि मेरे द्वारा प्रयत्न उपरान्त भी दोनों पक्षकारों को स्वीकार्य समझौता नहीं हो सका, जिसके विस्तृत कारण नीचे दिये गये हैं :—

(क) .....

(ख) .....

7. यह कि निम्न बिन्दुओं में अन्तर के कारण मामले नीचे दिये गये में सुलह नहीं हो सकी :—

.....

.....

.....

8. यह कि उपरोक्त कथित तथ्यों के दृष्टिगत मामले की परिस्थितियां की अपेक्षा है कि माननीय अधिकरण इस मामले में उचित तथा आवश्यक कार्यवाही कर सकता है और माननीय अधिकरण से प्राप्त दस्तावेज उसको वापस लौटाये जाते हैं।

स्थान :

दिनांक :

सुलह अधिकारी

मोहर सहित हस्ताक्षर

प्ररूप – झ

[देखिये नियम 18]

भरण-पोषण अधिकरण के समक्ष अधिनियम की धारा 16 के अधीन भरण-पोषण के लिये अपील

1. आवेदक का नाम :

2. पिता/पति का नाम :

3. पूर्ण डाक पता :

गांव.....सड़क.....

वार्ड संख्या.....

पुलिस स्टेशन.....

डाकखाना.....पिन कोड.....

जिला.....

4. बच्चों/रिश्तेदारों के नाम जिनसे भरण-पोषण हेतु सहायता चाही गई है :

5. बच्चों/रिश्तेदारों का वर्तमान पता :

गांव.....सड़क.....

वार्ड संख्या.....

पुलिस स्टेशन.....

डाकखाना.....पिन कोड.....

जिला.....

6. बच्चों/रिश्तेदारों का स्थाई पता :

गांव.....सड़क.....

वार्ड संख्या.....

पुलिस स्टेशन.....

डाकखाना.....पिन कोड.....

जिला.....

7. बच्चों/रिश्तेदारों की सभी स्त्रोतों से वार्षिक आय :

8. आदेश के विवरण जिनके विरुद्ध वर्तमान अपील दायर की जा रही है :

9. अपील के आधार :

10. सहायता जिसके लिये प्रार्थना की गई है :

11. अंतरिम प्रार्थना, यदि कोई है :

सत्यापन अपीलकर्ता

मैं अपने पूर्ण ज्ञान तथा विश्वास से सत्यापित करता हूं कि मेरे द्वारा कथित किये गये उपरोक्त कथन सत्य हैं और इनके सत्यापन हेतु मैं अपने हस्ताक्षर अंकित करता हूं।

आवेदक के हस्ताक्षर

प्ररूप – अ

[देखिये नियम 19]

अपीली अधिकरण के समक्ष

श्री/श्रीमती/कुमारी.....पुत्र श्री/श्रीमती..... से माता-पिता और वरिष्ठ नागरिकों का भरण-पोषण तथा कल्याण अधिनियम, 2007 की धारा 16 की उपधारा (1) के अधीन माननीय अधिकरण द्वारा पारित आदेशों दिनांक.....के विरुद्ध प्राप्त अपील की चार प्रतियां प्राप्त की गई, जिसे पंजीकृत किया गया है तथा अपील संख्या.....दी गई है। सुनवाई की तिथि.....को.....बजे नियत की गई।

मोहर सहित हस्ताक्षर

प्ररूप – ट

[देखिये नियम 20]

अपीली अधिकरण के समक्ष

आवेदन संख्या.....

श्री/श्रीमती..... वादी

बनाम

श्री/श्रीमती..... प्रतिवादी

कारण बताओ नोटिस

चूंकि, माता-पिता और वरिष्ठ नागरिकों का भरण-पोषण तथा कल्याण अधिनियम, 2007 की धारा 16(1) के अधीन अपीली अधिकरण द्वारा पारित आदेशों दिनांक.....के विरुद्ध अपील दायर की गई है, जिसमें आप प्रतिवादी के रूप में शामिल हैं, जिसकी प्रति साथ संलग्न है तथा अपीलीय प्राधिकरण के समक्ष प्रस्तुत की गई है।

आपको इसके द्वारा सूचित किया जाता है कि वर्णित अपील पर सुनवाई.....बजे दिनांक..... को नियत की गई है तथा यदि आप अपील में अंकित तथ्यों के उत्तर में कुछ और कहना चाहते हैं, तो अपीली अधिकरण के समक्ष नियत तिथि को या तो स्वयं या किसी अधिवक्ता के माध्यम से उपस्थित हों और इस निमित्त सम्यक् रूप से अनुदिष्ट नियत तिथि से तीन दिन पूर्व लिखित स्टेटमेंट दायर करें।

ध्यान रहे यदि आप नियत तिथि को उपस्थित नहीं होते तो केस की सुनवाई आपकी अनुपस्थिति में करते हुये निर्णय कर दिया जायेगा।

उपरोक्त मेरे द्वारा अधिकरण की मोहर सहित के.....वर्ष के..... दिन को दिया गया।

अपीलीय अधिकरण के आदेशों से.....(जिला का नाम)

मोहर सहित हस्ताक्षर

नवराज सन्धू,
वित्तायुक्त एवं प्रधान सचिव, हरियाणा सरकार,
सामाजिक न्याय तथा अधिकारिता विभाग।

[*Authorised English Translation*]

HARYANA GOVERNMENT

SOCIAL JUSTICE AND EMPOWERMENT DEPARTMENT

Notification

The 19th June, 2009

No. S.O. 54/C.A. 56/2007/S.32/2009.—In exercise of the powers conferred by sub-section (1) read with sub-section (2) of section 32 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (Central Act 56 of 2007), the Governor of Haryana hereby makes the following rules, regulating the maintenance and welfare of parents and senior citizens namely :—

CHAPTER 1

Preliminary

1. (1) These rules may be called the Haryana, Maintenance of Parents and Senior Citizens Rules, 2009. Short title and commencement.

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

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

(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 nominated by the Tribunal for this purpose;

(e) "District Magistrate and Collector" includes Additional District 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 a home;

(h) "Maintenance Officer" means District Social Welfare Officer of the District or any other officer equivalent to 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) "Organization" means an association registered under the Societies Registration Act, 1860 (21 of 1860) 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;

(n) "State Government" means the Government of the State of Haryana.

(o) "Sub-Divisional Magistrate" includes Additional Sub-Divisional Magistrate of the Sub-Division;

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

CHAPTER II

Procedure for Maintenance Tribunal and Conciliation Officers

Constitution of Maintenance Tribunal. Section 7.

3. (1) Each Tribunal shall consist of three (3) members, one of them shall be official member not below the rank of Sub-Divisional Magistrate who shall be the Chairperson. The two non official members shall be nominated by the Deputy Commissioner and shall be approved and notified by the State Government from amongst the following :—

(i) one person from the reputed non governmental organization, registered under the Societies Registration Act, 1860 (21 of 1860) in the District working for the welfare of senior citizens; and

(ii) one person who is a social worker of repute, who has been directly engaged in welfare of senior citizens;

or

a reputed advocate from the district, who has worked in the social welfare sector.

(2) The tenure of non-official members of the Tribunal shall be three years.

(3) A non official member of the Tribunal shall be eligible for appointment for a maximum of two terms.

(4) A non-official member may resign at any time by giving one month's notice in writing.

(5) The members of the Tribunal shall be paid such travelling or meeting allowance or honorarium or remuneration as the State Government may decide from time to time, but this remuneration shall not be less than Rs. 500/- per sitting.

Procedure etc. in relation to Tribunal. Section 7.

4. (1) The Tribunal shall hold its meeting at the place/time fixed by the Chairperson.

(2) Office of the Tribunal shall be the office of its Cchairperson.

(3) Any decision taken by Chairperson, in an emergent situation, when the Tribunal is not sitting, shall require ratification by the Tribunal in its next sitting.

(4) The Tribunal shall take into account the age, physical and mental health background, economic status of the applicant and the children or relative from whom the relief is sought before making an order under the Act.

(5) In case of difference of opinion amongst the members, the majority decision shall prevail.

Panel for appointment as Coaciliation Officers. Section 5(1), 6(6) and 18(1).

5. (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 organisation 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 organisation; and

(c) he should possess good knowledge of law:

Provided that a person who is not associated with an organisation 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.

Procedure for filing an application for maintenance and its registration. Section 4 and 5.

6. (1) An application for maintenance under section 4 shall be made in Form A, to which a court fee stamp of rupees five shall be affixed 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 acknowledgement in **Form B** to be given, notwithstanding anything contained in rule 7 to the applicant or his authorised representative in case of hand delivery, and its despatch 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 organisation authorised by him and shall cause the same to be registered in accordance with clause (a) of sub-rule (2) above.

Preliminary scrutiny of application. Section 4 and 5.

7. (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.

Notice to the opposite party Section 4.

8. (1) Once the Tribunal is satisfied on the points mentioned in sub-rule(1) of rule 7, 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 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-rules (2) and (3).

Procedure in case of non-appearance by the opposite party. Section 4.

9. 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.

Procedure in case of admission of claim. Section 4 and 32(2).

10. In case, on the date fixed in the notice issued under rule 8, 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. Section 5.

11. (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 8:

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 8.

Reference to Conciliation Officer. section 5, 6 & 18.

12. (1) In case, on the date fixed in the notice issued under rule 8, 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 5 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 5 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.

Proceedings by Conciliation Officer Section 5, 6 & 18.

13. (1) Upon receipt of a reference under rule (12), 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 period of one 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 (12), he shall return the papers received from the Tribunal along with a report in the Form H, showing efforts made to bring about a settlement and the points of difference between the two parties which could not be reconciled.

Action by the Tribunal in case of settlement before a Conciliation Officer, Section 5, 6 and 18.

14. (1) In case, the Tribunal receives a report from the Conciliation Officer under sub-rule (2) of rule 13, 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.

Action by the Tribunal in other cases, Section 8.

15. (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 12 ; or

(ii) the Conciliatizon Officer appointed under rule 12 sends a report under sub-rule (3) of rule 13, 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 14, 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. The Tribunal may take evidence by way of an affidavit.

(2) In case a regular enquiry is required, the Tribunal may give equal opportunities to both the parties for leading evidence in support of their claims. All such evidence in such proceedings shall be taken in the presence of the children or relative/relatives against whom an order for payment of maintenance is requested for and the proceedings shall be recorded in the same manner as may be specified for summons cases. The Tribunal may take evidence by way of an affidavit.

(3) An order passed under rule 9, rule 10 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.

(4) 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;

(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; and

(d) Tribunal, if required, at any stage may ask the Maintenance Officer or any official to evaluate and verify the income by way of support inspection/visit.

(5) 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.

16. The maximum maintenance allowance which a Tribunal may order the opposite party to pay shall, subject to a maximum of ten thousand rupees 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. Maximum maintenance allowance. Section 9.

CHAPTER III

Procedure of Appellate Tribunal

Constitution of Appellate Tribunal. Section 15.

17. The Appellate Tribunal shall consist of three members. The Appellate Tribunal shall be presided over by the District Magistrate of the District or any officer as may be nominated by the State Government not below the rank of District Magistrate. The non -official members shall be nominated from the following category :—

(i) a social worker or representative from Non-Governmental Organization working for the welfare of senior citizens: and

(ii) an advocate who has worked in the field of social welfare.

Form of appeal. Section 16.

18. 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.

Registration and acknowledgement of appeal., Section 16.

19. 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 **From J**.

Notice of hearing to respondent. Section 16.

20. (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

Old age home. Section 19.

21. All old age homes in the State being run by the State Government or by Non-Governmental Organizations 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.

Scheme for management of old age homes for indigent senior citizens. Section 19

22. (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;

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

(iv) 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 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 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 as laid down in sub-rule (1).

CHAPTER V

Duties and powers of the District Magistrate

Duties and powers of the District Magistrate. Section 19 and 27

23. (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 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 Government's 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, 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 emergences;

(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, Tahsil 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 Governmental Organization.

(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

24. An action plan under section 22 (2) shall be notified by the State Government within a period of six months from the date of publication of these rules in the Official Gazette and may be revised from time to time.

Action plan for the protection of life and property of senior citizens. Section 22.

CHAPTER VII

STATE COUNCIL AND DISTRICT COMMITTEES OF SENIOR CITIZENS

25. (1) The State Government may, by order, establish a State Council of 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.

State Council of Senior Citizens Section 32(2).

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

(i)	Minister Social Welfare	: Chairman, ex-officio
(ii)	Secretaries of Departments of Social Justice and Empowerment, Secretaries, Health, Home, Publicity, Public Relations, Director General of Police and Legal Remembrancer and other subjects of concern to the senior citizens	: Members, ex-officio
(iii)	Three specialists and activists in the field of welfare of senior citizens, to be nominated by the State Government	: Members
(iv)	Three of eminent senior citizens to be nominated by the State Government	: Members
(v)	Director incharge of Senior Citizen's Welfare in the State	: Member-Secretary, ex-officio.

(3) The State Council shall meet at least once in 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 for a period of two years.

District Committee of Senior Citizens Section 32(2).

26. (1) The State Government may, by order, establish a District Committee of senior citizens for each district to advise in 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 Committee shall meet once every quarter.

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

FORM A

[See rule 6(1) and(3)]

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

Sub- Division .....

District .....

1. Name of the applicant :
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 / Relative:
   Village ..... Road .....
   Ward No. .....
   Police Station .....
   Post Office ..... Pin Code .....
   District .....
7. Yearly income of the Children/Relative from all sources:
8. Details of order against which the present appeal is being filed;
9. Grounds of Appeal :
10. Relief, prayed for :
11. 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 B

[*See rule* 6(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* 8(1)]

Before the Presiding Officer, Maintenance Tribunal

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

Sh./Smt. .....

.....*Applicant*

Versus

Sh./Smt. .....

....., *Respondent*

NOTICE OF CAUSE

Whereas 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 or through any Advocate duly instructed in this behalf.

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* 8(3)]

Before the Presiding Officer, Maintenance Tribunal

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

To

Smt./Shri/Ms. .....
.....
.....

Sh./Smt. .... *Applicant*

Versus

Sh./Smt. .....

..... *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 either in person or through any Advocate duly instructed;

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* 12(3)]

Before the Presiding Officer, Maintenance Tribunal

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

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 Citizens 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 a 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 a person included in the Panel prepared under rule 5, 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 13(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 conditions 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 Citizens 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 13(2)]

Before the Presiding Officer, Maintenance Tribunal

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

Sh./Smt. .....

..... *Applicant*

Versus

Sh./Smt. .....

..... *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 Citizens 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 II

[See rule 13(3)]

Before the Presiding Officer, Maintenance Tribunal

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

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 Citizens 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 the parties to appear before him on ..... at ..... AM.

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 difference due to which the matter could not be reconciled are as under :—

1. .....

2. .....

3. .....

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* 18]

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 the appellant :
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 / Relative:
   Village ..... Road .....
   Ward No. .....
   Police Station .....
   Post Office ..... Pin Code .....
   District .....
7. Yearly income of the Children/Relative from all sources:
8. Details of order against which the present appeal is being filed:
9. Grounds of Appeal:
10. Relief, prayed for:
11. 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 19]

Before the Appellate Tribunal

Received from Smt./Shri/Ms.....Son 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 20]

Before the Appellate Tribunal

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

Sh./Smt. .... *Applicant*

Versus

Sh./Smt. .... *Respondent*

NOTICE OF CAUSE

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 Appellate 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 AppellateTribunal on that date, and file your written statement 3 (Three) days before that day either in person or through any Advocate duly instructed in this behalf.

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 APPELLATE TRIBUNAL, ... (Name of district)

Signature with seal

NAVRAJ SANDHU,
Financial Commissioner and Principal
Secretary to Government Haryana,
Social Justice and Empowerment Department.

45945–L.R.–H.G.P., Chd.