

The Daman and Diu
Maintenance & Welfare
of
Parents & Senior Citizens
Rules, 2010.

In exercise of the powers conferred by section 32 of The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (56 of 2007), Administrator of U.T. of Daman & Diu makes the following rules, namely:-

Chapter I

Preliminary

1. Short title and commencement.-

- (1) These rules may be called the Daman & Diu Maintenance and Welfare of Parents and Senior Citizens Rules, 2010.
- (2) They shall come into force from the date of their notification in the Official Gazette.

2. Definitions.-

- (1) In these rules, unless the context otherwise required,-
 - (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) **“Form”** means a form appended to these rules;
 - (e) **“Inmate”** in relation to an old age home, means a senior-citizen duly admitted to reside in such a home;
 - (f) **“Opposite party”** means the party against whom an application for maintenance has been filed under section 4;
 - (g) **“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;
 - (h) **“Schedule”** means a schedule appended to these rules;
 - (i) **“Section”** means a section of the Act;
 - (j) **“State Government”** means the Administrator of U.T. Administration of Daman & Diu.

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

Chapter II

Procedure for Maintenance Tribunal and Conciliation Officers

3. Panel for appointment as Conciliation officers.-

- (1) Every Tribunal shall prepare a panel of persons suitable for appointment as Conciliation Officer under sub-section (6) of section 6, which shall include the Maintenance Officers designated under sub-section (1) of section 18.
- (2) Persons referred to under sub-rule (1), other than Maintenance Officers designated under section 18, shall be chosen subject to fulfilling the following conditions, namely:-
- (a) he should be associated with an organization registered under the Societies Registration Act, 1860 (21 of 1860) or any other law for the time being in force, 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 atleast two years with an unblemished record of service;
 - (b) he should be a senior office-bearer of the organization; and
 - (c) he should possess experience in conciliation.

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

- (i) he must have a good and unblemished record of public service in one or more of the areas mentioned in clause (a); and
- (ii) he should possess good knowledge and experience in conciliation.

- (3) The Tribunal shall publish the panel mentioned in sub-rule (1) for general information atleast twice every year, on 1st January and 1st July, respectively and every time any change is effected therein.
- (4) The following persons shall not be eligible to be appointed as Conciliation Officer in any proceeding namely,-
 - (i) Any person who is interested in or connected with or is related to any one of the parties or to those who represent them unless such objection is waived by the parties in writing.
 - (ii) Any legal practitioner who has appeared for either of the party in the case or any other suit or proceeding connected therewith.

4. Procedure for filling an application for maintenance and its registration.-

- (1) An application for maintenance under section 4 shall be made in **Form 'A'** by the persons mentioned 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 5, to the applicant or his authorized representative in case of hand delivery and its dispatch by post in other cases and the acknowledgement shall specify, inter alia, the registration number of the application.
- (3) Where a Tribunal takes cognizance of a maintenance claim, suo motu, the Presiding Officer shall, after ascertaining facts, get Form 'A' completed as accurately as possible, through the staff of the Tribunal, and shall, as far as possible, get it authenticated by the concerned senior citizen or parent, or any person or organization authorized by him and shall cause the same to be registered in accordance with clause (a) of sub-rule (2) above.

5. Preliminary Scrutiny of the application

- (1) On receipt of an application under sub-section (1) of section 5, the Tribunal shall satisfy itself that-
 - (a) the application is complete; and
 - (b) the opposite party has, prima facie, an obligation to maintain the applicant in terms of section 4.
- (2) In case where the Tribunal finds any lacunae in the application, it may direct the applicant to rectify such lacunae within a reasonable time limit.

6. Notice to the Opposite Party.-

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

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

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

8. Procedure in case of admission of claim.-

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

9. Procedure for impleading children or relatives.-

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

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

- (2) On receipt of an application under sub-rule (1), the Tribunal shall, if it is prima facie satisfied, after hearing the parties, about the reasonableness of such application, issue notice to such other child or relative to show cause why they should not be impleaded as a party, and shall after giving them an opportunity of being heard, pass an order regarding their impleadment or otherwise.
- (3) In case the Tribunal passes an order of impleadment under sub-rule (2), it shall cause a notice to be issued to such impleaded party in Form "C" in accordance with rule 6.

10. Reference to Conciliation Officer.-

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

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

11.Proceedings by Conciliation Officer.-

- (1) Upon receipt of a reference under rule 10, the Conciliation Officer shall hold meetings with both the parties at a place convenient to the applicant or both the parties, 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'**, alongwith all records of the case received from the Tribunal, back to the tribunal within a month from the receipt of the reference.
- (3) If the Conciliation Officer is unable to arrive at a settlement within one month of receipt of a reference under rule (10), he shall return the papers received from the Tribunal alongwith a report in Form 'H', showing efforts made to bring about a settlement and the points of difference between the two parties which could not be reconciled. The Tribunal shall proceed with the case in accordance with the provisions of the Act.

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

- (1) In case, the tribunal receives a report from the Conciliation Officer under sub-rule (2) of Rule 11, alongwith 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 recording the terms of settlement or an order modifying the terms of the settlement on being so requested by the applicant, with the consent of opposite party.

13.Action by the Tribunal in other cases.-

- (1) In case,-
 - (i) the applicant (s) and the opposite parties do not agree for reference of their dispute to a Conciliation Officer as per rule 10, or
 - (ii) the Conciliation Officer appointed under rule 10 sends a report under sub-rule (3) of rule 11, conveying inability to work out a settlement acceptable to both the parties, or
 - (iii) no report is received from a Conciliation Officer within the stipulated time-limit of one month, or
 - (iv) in response to the notice issued under sub-rule (1) of rule 12, one or both the parties decline to confirm the settlement worked out by the Conciliation Officer, the tribunal shall give to both the parties an opportunity of leading evidence in support of their respective claims, and shall, after a summary inquiry as provided in sub section (1) of section 8, pass such order as it deems fit.
- (2) An order passed under rule 7, rule 8 or under sub-rule (1) above shall be a speaking one, spelling out the facts of the case as ascertained by the Tribunal, and the reasons for the order.

- (3) While passing an order under sub-rule (1), directing the opposite party to pay maintenance to an applicant, the Tribunal shall take the following into consideration:-
- (a) amount needed by the applicant to meet his basic needs, especially food, clothing, accommodation, necessary transportation and healthcare,
 - (b) income of the opposite party, and
 - (c) value of, an 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) standard of living to which the applicant is accustomed.
- (4) A copy of every order passed, whether final or interim, on an application, shall be given to the applicant (s) and the opposite party or their representatives, in person, or shall be sent to them through a process server or by registered post.

14.Maximum maintenance allowance.-

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

CHAPTER III

Procedure of Appellate Tribunal

15.Form of appeal.-

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

16.Registration and acknowledgement of appeal.-

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

17. Notice of hearing to the respondents.-

- (1) On receipt of an appeal, the Appellate Tribunal shall, after registering the appeal, cause notice to be served upon the respondent under its seal and signature in **Form 'K'**.
- (2) The notice under sub-rule (1) shall be issued through registered post with acknowledgement due, or through a process server.
- (3) The provisions of Order V of the Civil Procedure Code shall apply mutatis mutandis for the purposes of service of notice issued under sub-rule (1).

CHAPTER IV

Scheme for Management of old age homes established under section 19

18. Scheme for management of old age homes for indigent senior citizens.-

- (1) Old age homes established under section 19 shall be run in accordance with the following norms and standards:-
 - (A) The home shall have physical facilities and shall be run in accordance with the operational norms as laid down in the Schedule.
 - (B) Inmates of the home shall be selected in accordance with the following procedure:-
 - (a) Needy Senior Citizens, as defined in section 19 of the Act, desirous of living in the old age home, shall be free to apply at any time.
 - (b) In case the number of eligible applicants on any occasion is more than the number of places available in a home for admission, selection of inmates will be made in the following manner:-
 - (i) the more indigent and needy will be given preference over the less indigent applicants,
 - (ii) other things being equal, older senior citizens will be given preference over the less old, and
 - (iii) other things being equal, female applicants will be given preference over male applicants.

Illiterate and/or very infirm Senior Citizens may also be admitted without any formal application if the District Magistrate or other competent authority, designated by him for the purpose, is satisfied that the Senior Citizen is not in a position to make a formal application, but is badly in need of shelter;

- (C) While considering applications or cases for admission, no distinction shall be made on the basis of religion or caste;
- (D) The home shall provide separate lodging for men and women inmates, unless a male and 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 laid down in sub-rule (1) and the Schedule.

CHAPTER V

Duties & Powers of the District Magistrate

19. Duties and powers of the District magistrate.-

- (1) The District magistrate shall perform the duties and exercise the powers mentioned in sub-rules (2) and (3) so as to ensure that the provisions of the Act are properly carried out in his district.
- (2) It shall be the **duty** of the District Magistrate to-
 - (i) ensure that life and property of senior citizens of the district are protected and they are able to live with security and dignity;

- (ii) oversee and monitor the work of 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 issued from time to time;
- (iv) ensure regular and wide publicity of the provisions of the Act, and Central and State Governments' programmes for the welfare of senior citizens ;
- (v) encourage and coordinate with panchayats, municipalities, Nehru Yuwa Kendras, educational institutions and especially their National Service Scheme Units, organizations, specialists, experts, activists, etc. working in the district so that their resources and efforts are effectively pooled for the welfare of senior citizens of the district;
- (vi) ensure provision of timely assistance and relief to senior citizens in the event of natural calamities and other emergencies;
- (vii) ensure periodic sensitization of officers of various departments and Local Bodies concerned with welfare of senior citizens, towards the needs of such citizens, and the duty of the officers towards the latter;
- (viii) review the progress of investigation and trial of cases relating to senior citizens in the district, except in cities having a 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 Officers, 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.

CHAPTER VI

Protection of Life and Property of Senior Citizens

20.Action plan for the protection of life and property of Senior Citizens.-

- (1) The District Superintendent of Police and in the case of cities having a Police Commissioner, such Police, Commissioner shall take all necessary steps, subject to such guidelines as the State Government may issue from time to time, for the protection of life and property of Senior Citizens.
- (2) Without prejudice to the generality of sub-rule (1),-
 - (i) each police station shall maintain an up-to-date list of Senior Citizens living within its jurisdiction, especially those who are living by themselves (i.e. without there being any member in their household who is not a Senior Citizen).

- (ii) a representative of the police station together, as far as possible, with a social worker or volunteer, shall visit such senior citizens at regular intervals of atleast once a month, and shall, in addition, visit them as quickly as possible on receipt of a request of assistance from them.
- (iii) complaints/problems of senior citizens shall be promptly attended to, by the local Police.
- (iv) one or more Volunteers' Committee(s) shall be formed for each Police station which shall ensure regular contact between the senior citizens, especially those living by themselves, on the one hand, and the police and the district administration on the other.
- (v) the District Superintendent of Police or, as the case may be, the Police Commissioner shall cause to be publicized widely in the media and through the Police Stations, at regular intervals, the steps being taken for the protection of life and property of senior citizens.
- (vi) each Police Station shall maintain a separate register containing all important particulars relating to offences committed against senior citizens, in such form as the State Government may, by order, specify.
- (vii) the register referred to in clause (vi) shall be kept available for public inspection, and every officer inspecting a Police Station shall invariably review the status as reflected in the register.
- (viii) the Police Station shall send a monthly report of such crimes to the District Superintendent of Police by the 10th of every month.
- (ix) list of Do's and Don'ts to be followed by senior citizens in the interest of their safety will be widely publicized.
- (x) antecedents of domestic servants and others working for senior citizens shall be promptly verified, on the request of such citizens.

- (xi) community policing for the security of senior citizens will be undertaken in conjunction with citizens living in the neighbourhood, Residents' Welfare Associations, Youth Volunteers, Non-Government Organizations, etc.
- (xii) The District Superintendent of Police shall submit to the Deputy Inspector General of Police and to the District Magistrate, a monthly report by the 20th of every month, about the status of crime against senior citizens during the previous month, including progress of investigation and prosecution of registered offences, and preventive steps taken during the month.
- (xiii) The District Magistrate shall cause the report to be placed before the District-level Coordination-Cum-Monitoring Committee constituted under rule 22.
- (xiv) The Deputy Inspector General of Police shall cause the report submitted under clause (xiii) to be compiled, once a quarter, and shall submit them to the State Government every quarter as well as every year for, inter alia, being placed before the State Council of Senior Citizens constituted under rule 21.

CHAPTER VII

State Council and District Committees of Senior Citizens

21.State Council of Senior Citizens

- (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.

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

1.	The Chief Secretary/Administrator of the UT	Chairperson
2.	Secretary (Revenue)	Member
3.	Secretary (Personnel & Administrative Reform)	Member
4.	Secretary (Finance)	Member
5.	Secretary (Social Welfare)	Member
6.	Secretary (Health & Family Welfare)	Member
7.	Secretary (Housing & Urban Development)	Member
8.	Secretary (Education)	Member
9.	Secretary (Transport)	Member
10.	Secretary (PWD)	Member
11.	Secretary (Home)	Member
12.	Deputy Inspector General of Police	Member
13.	Chief Executive Officer, District Panchayat, Daman and Diu.	Member
14.	Director (Information & Publicity)	Member
15.	Director Tourism	Member
16.	Director, (Social Welfare.)	Member Secretary.
17.	The Non- Official eminent Senior citizen (shall be nominated by the government)	7 Members

(3) The tenure of non-official members of the State Council shall
be three years.

(4) The Non-Official members shall be eligible for re-nomination.

(5) The State Council shall meet atleast once in every six months.

22. District Committee of Senior Citizens.-

(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 by order specify.

(2) The District Committee shall consist of the following members,
namely-

- | | | |
|----|--|------------------|
| 1. | District Collector | Chairperson |
| 2. | Superintendent of Police/Chief of Police | Member |
| 3. | Director / Deputy Director (Health) | Member |
| 4. | Social Welfare Officer | Member Secretary |
| 5. | Reputed NGO (Ageing Field) | Two Members |
| 6. | Prominent Sr. Citizens | Two Members |
| 7. | Non – Official Members | Four members |

(to be nominated by the District Collector).

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

(4) The non-official members shall be eligible for re-nomination.

(5) The District Committee shall meet atleast once in every three
months.

SCHEDULE

(See Rule 18)

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

I. Physical Facilities

- 1. Land** The land for the old age home should be adequate to comply with the Floor-Area Ratio (FAR) as prescribed by the relevant urban body/State Government. In the case of semi-urban/rural areas, the State Government shall provide adequate land for setting up of an old age home of requisite capacity such that there is adequate land for recreation, gardening, further expansion, etc.
- 2. Living Space** The old age home shall, as far as possible, have minimum area per inmate as per the following norms:-
 - (i) area of bedroom/dormitory per inmate 7.5 sq. metres
 - (ii) living area or carpet area 12 sq. metres per inmate i.e. including
 - (i) above plus ancillary areas like kitchen, dining hall, recreation room, medical room, etc. but excluding verandahs , corridors, etc.
- 3. Facilities**
 - (1) The old age home shall have the following facilities:-
 - (i) residential area comprising rooms/dormitories – separately for men and women;
 - (ii) adequate water for drinking and ancillary purposes;
 - (iii) electricity, fans and heating arrangement for inmates (as necessary);
 - (iv) kitchen-cum-store and office;
 - (v) dining hall;
 - (vi) adequate number of toilets and baths, including toilets suitable for disabled persons;
 - (vii) recreation facilities, television, newspaper and an adequate collection of books; and
 - (viii) first aid, sick bay and primary healthcare facilities.
 - (2) The old age home should be barrier-free with provision of ramps and handrails, and where necessary, lifts, etc.

II. Operational Standards

1. Supply of nutritious and wholesome diet as per scale to be fixed by the State Government.
2. Adequate clothing and linen for the inmates, including for the winter season.
3. Adequate arrangements for sanitation, hygiene and watch and ward/security.
4. Arrangements with the nearest Government hospital for emergency medical care, and with the nearest Police Station for security requirements.

FORM – A
(See Rule 4 (I)

APPLICATION UNDER RULE 3 OF THE DAMAN & DIU MAINTENANCE AND WELFARE OF PARENTS AND SENIOR CITIZENS RULES, 2010.

1. Details of the Applicant

i.	Name of the Applicant	:	
ii.	Name of the Father/Husband	:	
iii.	Age	:	
iv.	Sex	:	
v.	Permanent Address	:	
vi.	Present Address	:	
vii.	Phone Number if any	:	

2. Details of Respondents

S.No.	Name	Relationship with the Applicant	Address	Telephone No.if any

3. Assistance Needed

S.No.	Assistance		Nature of Assistance
1.	Counselling		
2.	Food		
3.	Medical facilities		
4.	Shelter		
5.	Legal Aid		
6.	Police Assistance		
7.	Maintenance		

4.	Assistance for initiating criminal Proceeding	:	
5.	Facts of the case	:	The facts of the case are given below:-

(Give here a concise statement of facts in a chronological order, each paragraph containing as neatly as possible a separate issue, fact or otherwise)

6.	Details of Index	:	An index in duplicate, containing the details of the documents to be relied upon, is enclosed.
7.	List of enclosures	:	1..... 2..... 3.....

DECLARATION

I.....(name of the applicant) S/o, D/o, W/o.....age.....resident ofdo hereby declare that the contents for paras 1 to 7 are true to the best of my personal knowledge and belief and that nothing material has been concealed there from and also declare that the subject matter of the order against which I seek redressal is within the jurisdiction of the tribunal. I further declare hereby that the matter regarding which, this application has been made is not pending before any court of law or any other authority or has not been rejected by any court of law or other authority.

Place.....

Date.....

Signature of the Applicant.

To,
The Presiding Officer (s),
.....
.....
.....

FORM – B

(See Rule 4 (2) (b)

ACKNOWLEDGEMENT

Receipt of the application filed under the Daman & Diu Maintenance and Welfare of Parents and Senior Citizens Rules, 2010 by
Shri /Smt.....
Address.....
is hereby acknowledged.

for Presiding Officer.

FORM – C

(See Rule 6 (1) & 9 (3)

NOTICE TO THE OPPOSITE PARTY

(Issued under rule-5 of the Maintenance and Welfare of Parents and Senior Citizens Rules, 2010)

To,

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

Sir/Madam,

An application has been filed by Mr/Mrs.....residing at against you for not paying maintenance and you are requested to appear before the Tribunal in person onday ofat 10.30 AM and render your reply why the application should not be ordered against you on the above failing which the matter will be decided ex-parte.

Seal with date and

Signature of the

Presiding Officer

FORM – D

(See Rule 6 (3)

NOTICE TO THE PETITIONER/APPLICANT

(Issued under rule-5 of the Maintenance and Welfare of Parents and Senior Citizens Rules, 2010)

To,

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

Sir/Madam,

On application filed by you seeking maintenance under Maintenance and Welfare of Parents and Senior Citizens Act, 2007 from Thiru/Tmt.....residing at, you are required to appear in person before the Tribunal onday offor hearing. Kindly attend on the above date at failing which the matter will be decided ex-parte.

Seal with date and

Signature of the

Presiding Officer

FORM – E
(See Rule 10) (2)

To,

The Conciliation Officer

.....

.....

Sir/Madam,

The Tribunal is herewith forwarding to your kindself the petition bearing No.....datedreceivedfrom Thiru/Tmt.....residing atStreet,Village.....block seeking maintenance under Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and you are requested to arrive a settlement which is acceptable to both parties and the findings may be informed to this Tribunal within a period not exceeding one month, from the date of receipt of the reference. If any amicable settlement is arrived that may also be informed to this Tribunal so as to enable this Tribunal to pass an order to that effect. If you are unable to arrive at a settlement within one month from the receipt of the reference, you shall return the papers alongwith a report showing efforts made by you to bring about settlement. Copies of application, replies of the opposite party alongwith relevant records are herewith enclosed for reference at your end.

Presiding Officer

FORM – F
(See Rule 11)

Before the Tribunal for Maintenance and Welfare of Parents and Senior Citizens

O.P. No. _____ of 20____

AB _____Petitioner

Vs.

CD _____Respondent

To,
The Presiding Officer,
Tribunal for Maintenance of Parents and Senior Citizens,
.....Division,
.....District.

Sir/Madam,

The Hon'ble Tribunal had referred me the petition of Thiru/Tmt.....residing at.....street,.....Block,District, bearing the No.....to arrive the settlement of maintenance acceptable to both parties. It is arrived at a sum of Rs...../- per month as maintenance payable to the Petitioner by the respondent. Both parties have accepted the above settlement arrived at by me.

Signature of the applicant.

Signature of the Opposite Party
Conciliation Officer.

FORM – G

(See Rule 11)

Before the Tribunal for Maintenance and Welfare of Parents and Senior Citizens

O.P. No. _____ of 20____

AB _____Petitioner

Vs.

CD _____Respondent

Report of the Conciliation Officer

I have carefully considered the application and the records filed by Senior Citizen, who is unable to maintain himself/herself from his own earning or out of the property owned by him/her. The record shows about the property of the legal heirs, income of the legal heirs, position of the property of the Senior Citizen and after his/her life time the legal heir would inherit the property.

On scrutinizing the available records, I have arrived at the amount of Maintenance as Rs.....payable to Shri/Smt.....the Senior Citizen by Thiru.....the legal heirs of the Senior Citizen.

Herewith, I return all records of the case received from the Tribunal.

Signature with seal of the Conciliation Officer

FORM – H

(See Rule 11)

Before the Tribunal for Maintenance and Welfare of Parents and Senior Citizens

O.P. No. _____ of 20____

AB _____Petitioner

Vs.

CD _____Respondent

To,

The Presiding Officer,

Tribunal for Maintenance of Parents and Senior Citizens,

.....

.....

Sir/Madam,

The Hon'ble Tribunal had referred the above matter to arrive a settlement and the period fixed for the same is one month. I am unable to arrive a settlement within the said period for the reasons stated in my report which shows the efforts taken by me to arrive a settlement alongwith the points of difference between the two parties which could not be reconciled. I hereby also return the papers referred to me alongwith my report.

Signature with seal of the Conciliation Officer.

FORM – I
(See Rule 15)

**Memorandum of Civil Miscellaneous Appeal under Section 16 of the Maintenance
and Welfare of Parents and Senior Citizens Act, 2007.**

Appellate Tribunal of Maintenance of parents and Senior Citizens

Appeal No.....of 20

Against

O.P.No.....of 20

(On the file of theTribunalDistrict)

ABAppellant/Petitioner

1. CD Vs.

2. EFRespondent/Respondents

I. APPELLANT: AB son/daughter of theaged about
.....years, residing at The address for service of
all Notices and Processes on the Appellant is at.....

II. RESPONDENT(S): (1) CD, at
(2) EF, at

The address for service of all notices and processes on the respondents
are.....

FORM – J
(See Rule 16)
Acknowledgement

Received an appeal of Parent / Senior Citizen Shri / Smt:_____

Resident of _____against the impugned order of Maintenance Tribunal.

Registration No. of the application is _____.

(Authorised signatory)
Appellate Tribunal

FORM – K
[(see Rule 17 (1))]
Notice to Respondent
Notice under Appeal No._____

(Issued under rule-17 (1) of the Maintenance and Welfare of Parents and Senior Citizens Rules, 2010)

To,

.....

.....

.....

Sir/Madam,

On application filed by you seeking maintenance under Maintenance and Welfare of Parents and Senior Citizens Act, 2007 from Shri /Smt.residing at, you are required to appear in person before the Appellate Tribunal onday offor hearing. Kindly attend on the above date at failing which the matter will be decided ex-parte.

Seal with date and
Signature of the Authorised Signatory
Appellate Tribunal

ANNEXURE –I

(See Rule 3 and 5)

Register of Maintenance of Claim cases by the Tribunal

S. No.	Name of the applicant with address and Phone No.	Age	Sex	Date of receipt of application	Nature of claim	Date of notice served		Date of the hearing	Details of order if any passed by the Tribunal	Remarks
						To the petitioner	To the responde nt			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)

ANNEXURE –II

(See Rule 12)

List of Voluntary Organizations Providing Age Care Services

S. No.	Name of the Institution	Address with Phone No.	Contact person and Phone No.	Service s provide d for aged persons	Other activitie s	No.of beneficiaries		Building facilities		Registered under which Act	Remarks
						Male	Female	Own	Rented		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)

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ANNEXURE –III

(See Rule 19)

Management Committee in Old Age Homes

S.No.	Name of the Officer	Designation
1.	District Social Welfare Officer	Chairman
2.	Extension Officer (SW)	Member
3.	Non Governmental Organization	Member
4.	Inmates (3 persons)	Member

ANNEXURE –IV

(See Rule 21)

Details of Offences Committed against Senior Citizens

S. No .	Name and address of Senior Citizen	Age	Sex	Nature of Offences committed against senior citizen	Date of incidence	Stage of investigation	Prosecution of registered offences	Steps taken by the police station	Remarks