

[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.

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

Procedure etc.
in relation to
Tribunal.
Section 7.

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

(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.

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.

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

(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.

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.

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.

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.

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

Preliminary
scrutiny of
application.
Section 4 and 5.

Notice to the
opposite party.
Section 4.

(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).

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 non-appearance by the opposite party. Section 4.

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

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:

Procedure for impleading children or relatives. Section 5.

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.

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.

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

(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 Conciliation 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 **Form 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

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.

Duties and power
of the District
Magistrate.
Section 19 and 2:

(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 emergencies;
- (vii) ensure periodic sensitization of officers of various departments and local bodies concerned with welfare of senior citizens, towards the needs of such citizens, and the duty of the officers towards the latter;
- (viii) review the progress of investigation and trial of cases relating to senior citizens in the district, except in cities having a police commissioner;
- (ix) ensure that adequate number of prescribed application forms for maintenance are available in offices of common contact for citizens like Panchayats, Post Offices, Block Development Offices, 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 (b) 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 sheweth :—

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 :—

Place:

Dated:

Conciliation Officer

FORM H

[See rule 13(3)]

Before the Presiding Officer, Maintenance Tribunal

In Application No. of

Sh./Smt.

..... Applicant

Versus

Sh./Smt.

..... Respondent

Respectfully sheweth:

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.

Conciliation Officer

Place :

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 Appellate 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 APPELLATE TRIBUNAL, (Name of district)

Signature with seal

NAVRAJ SANDHU,

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