

***The Haryana Maintenance of Parents and Senior Citizen Rules, 2009***  
***Published vide Notification No. S.O.54/2007/S.32/2009, dated***  
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***hl058***

**Haryana Government**

**Social Justice and Empowerment Department**

**No. S.O.54/2007/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 I**

***Preliminary***

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

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

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

(a) "*Act*" means the Maintenance and Welfare of Parents and Senior Citizen 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***

**3. Constitution of Maintenance Tribunal.** - (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 government organization, registered under the Societies Registration Act, 1860 (21 of 1860) in the District working for the welfare of senior citizen; and
  - (ii) one person who is a social worker of repute, who has been directly engaged in welfare of senior citizen;
- 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 times 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 by this remuneration shall not be less than Rs. 500/- per sitting.

**4. Procedure etc. in relation to Tribunal.** - (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 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. Panel for appointment as Conciliation Officers.** - (1) Every Tribunal shall prepare a panel of person suitable for appointment as Conciliation Officers under sub-section (6), which shall include the Maintenance Officer designed under section 18.

(2) Person referred to under sub-rule (1) other than Maintenance Officer 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 citizen and/or weaker section 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 in unblemished record of service;
- (b) he should be a senior bearer of the organisation; and
- (c) he should possess good knowledge of law :

Provided that a person who is not associated with in organisation of the kind mentioned above may also be included in the panel mentioned in sub-rule

(1) subject to fulfilling the following condition 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. Procedure for filing an application for maintenance and its registration.** - (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. Preliminary scrutiny of application.** - (1) On receipt of an application 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 its may direct the applicant to rectify such lacunae within a reasonable time limit.

**8. Notice to the opposite party.** - (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 acknowledgment due.

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

(3) Simultaneously with the issue of notice under sub-rule (1) and (2) the applicants 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. 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.

**10. Procedure in case of admission of claim.** - In case in 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.

**11. 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 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 issues notice to such other child or relative to show cause why they should not be impleaded as a , 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. Reference to Conciliation Officer.** - (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.

**13. Proceedings by Conciliation Officer.** - (1) Upon receipt of a reference under rule (12) the Conciliation Officer shall hold meeting 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.

**14. 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 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 in 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.

**15. Action by the Tribunal in other.** - In case-

- (i) the applicants 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 case. 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 fact of the case as ascertained by the Tribunal and the reason for the order.

(4) While passing an order under 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 and the opposite party or their representatives in person or shall be sent to them through a process server or by registered post.

**16. Maximum maintenance allowance.** - 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 source of the opposite party, divided by the number of person in his family counting the applicant or applicants also among the opposite party's family members.

### **CHAPTER III**

## **Procedure of Appellate Tribunal**

**17. Constitution of Appellate Tribunal.** - The Appellate Tribunal shall consist of three members. The members 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 the District Magistrate. The non-official member shall be nominated from the following category:-

- (i) a social worker or representative from Non-Governmental Organization working for the welfare of senior citizen; and
- (ii) an advocate who has worked in the filed of social welfare.

**18. 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.

**19. Registration and acknowledgment 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 acknowledgment to the appellant specifying the appeal number and the next date of hearing in Form J.

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

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

(3) The provision 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**

**21. Old age home.** - All old age homes in the State being run by the state government or by non-government organization with the help of any Government grant shall be liable to accommodate such senior citizen 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 Tribunal shall have the authority to refer the applicants to these homes keeping in view their economic status.

**22. 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 homes shall be selected in accordance with the following procedure:
- (a) application shall be invited at appropriate intervals but at least once each year, from indigent senior citizen 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 citizen 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 by is baldy in need of shelter.
- (C) While considering application 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 relation 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 order 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/order 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. Duties and Power of the District Magistrate.** - (1) The District Magistrate shall perform the duties and exercise the powers mentioned in sub-rule (2) and (3) so as to ensure that the provision 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 citizen of the district are protected and they are able to live with security and dignity.
- (ii) oversee and monitor the work of Maintenance Tribunal and Maintenance Officers of the district with a view to ensuring timely and fair disposal of application for maintenance and execution of Tribunal's order;
- (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 provision of the Act, and Central and State Government's programmes for the welfare of senior citizen;
- (v) encourage and coordinate with panchayats, municipalities , Nehru Yuwa Kendras, education 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 citizen of the district.
- (vi) ensure provision of timely assistance and relief to senior citizen 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 citizen, 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 citizen like Panchayats, Post Offices, Block Development Offices, Tahsil Offices, Collectorate, Police Station etc.;
- (x) promote establishment of dedicated Helplines for senior citizens at district headquarters to being with; and
- (xi) perform such other function 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 direction 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 Tribunal and Conciliation Officers;
- (c) panchayats and municipalities; and
- (d) educational institutions.

(4) In order to implement to provision of 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 provision of section 19, to the Tribunal.

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

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

**24. Action plan for the protection of life and property of senior citizen.** - 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 rule in the *Official Gazette* and may be revised from time to time.

## **CHAPTER VII**

### ***State Council and District Committees of Senior Citizens.***

**25. State Council of Senior Citizens.** - (1) The State Government may be order establish a State Council of Senior Citizens to advise the State

Government on effective implementation of the Act and to perform such other function in relation to senior citizen as the State Government may specify.

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

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

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

(4) Tenure of the member of the State Council and other ancillary matter shall be for a period of two years.

**26. District Committee of Senior Citizen.** - (1) The State Government may be order establish a District Committee of senior citizen for each district to advise in effective and coordinated implementation of the Act at the district level and to perform such other function in relation to senior citizen 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 member (other than ex-officio members), rules of procedure and other ancillary matter shall be such as the State Government may be order specify.

**From - 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 PostalVillage address: .....Road.....  
Ward No. ....  
Police Station .....  
Post Office .....  
Pin Code .....  
District .....
4. Name of Children/Relative from whom maintenance claimed:
5. Present Address of Children/Relative:  
Village .....  
.....Road.....  
Ward No. ....  
Police Station .....  
Post Office .....  
Pin Code .....  
District .....
6. Permanent Address of Children/Relatives:  
Village .....  
.....Road.....  
Ward No. ....  
Police Station .....  
Post Office .....  
Pin Code .....  
District .....
7. Yearly income of the Children/Relative from all source:
8. Detail of order against which the present appeal is

being filed:

9. Ground of Appeal:

10. Relief, prayed for:

11. Interim prayer, if any:

Applicant

**Verification**

I do hereby verify that the statement 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 Citizen Act, 2007 which has been register 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 Case**

Whereas an application for maintenance under section 5(1) of the Maintenance and Welfare of Parents and Senior Citizen 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 ..... 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 Citizen 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.....

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 Citizen Act, 2007, before the Tribunal;

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

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

And whereas the Tribunal has sought the opinion of both 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 references. 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 order dated .....

And whereas in pursuance to the order 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 effort of the Conciliation Officer both the parties are now entering into this Memorandum of Settlement to formalize various terms and condition of this MoS reached between them.

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



1. That the second party has agreed to maintain the first party to provide such need 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 provision of the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 as well as the rules framed thereunder.

*Note :-* Also include any other terms and condition 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 Report**

Respectfully showeth :-

1. That this learned Tribunal was pleased to designate the undersigned as the Conciliation Officer under the provision 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 order 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. (Copy 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 :

Date :

**Form - H**

[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 provision 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 against summoned for

..... and ..... But even the 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 reconcile are as under:-

1. ....

2. ....

3. ....

8. That in view of the facts stated above the circumstances demand that this learned Tribunal 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 :

Date :

**Form - I**

[See rule 18]

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

**[Form for filing an appeal before the Appellant Tribunal under section 16(1) of the Maintenance and Welfare of Parents and Senior Citizen Act, 2007]**

1. Name of the applicant:

2. Name of Father/Husband:

3. Complete PostalVillage address: .....Road.....  
Ward No. ....  
Police Station .....  
Post Office .....  
Pin Code .....  
District .....

4. Name of Children/Relative

from whom  
maintenance  
claimed:

5. Present Address of  
Children/Relative:

Village  
.....Road.....  
Ward No. ....  
Police Station .....  
Post Office .....  
Pin Code .....  
District .....

6. Permanent  
Address of  
Children/Relatives:

Village  
.....Road.....  
Ward No. ....  
Police Station .....  
Post Office .....  
Pin Code .....  
District .....

7. Yearly income of  
the  
Children/Relative  
from all source:

8. Detail of order  
against which the  
present appeal is  
being filed:

9. Ground of Appeal:

10. Relief, prayed for:

11. Interim prayer, if  
any:

Applicant

**Verification**

I do hereby verify that the statement 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 9]

**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 of 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 Citizen 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