



**Union Territory of Jammu and Kashmir
Social Welfare Department
Civil Secretariat, J&K**

NOTIFICATION

Jammu, 10th November, 2021

S.O. 383 .- In exercise of the powers conferred by section 32 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, the Government hereby the following rules; namely:-

Chapter I

Preliminary

1. **Short title and commencement.** – (1) These rules may be called the Jammu and Kashmir Maintenance and Welfare of Parents and Senior Citizens Rules, 2021.

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

2. **Definitions.**– In these rules, unless the context otherwise requires, -

- (a) **“Act”** means the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (56 of 2007);
- (b) **“Application”** means an application made to a tribunal under section 5 of the Act;
- (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) **“Government”** means the Government of Jammu and Kashmir;
- (f) **“Inmate”**, in relation to an old age home, means a senior citizen duly admitted to reside in such a home;
- (g) **“Opposite Party”** means the party against whom an application for maintenance has been filed under section 4 of the Act;
- (h) **“Presiding Officer”** means an officer appointed to

CA

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;

- (i) **“Schedule”** means a Schedule appended to these rules;
- (j) **“Section”** means a section of the Act;

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

Chapter II

Procedure for Maintenance Tribunal, Appellate Tribunal and Conciliation Officers

3. Constitution of Maintenance Tribunal.—(1) The Government shall, by notification in the official Gazette, constitute for each Sub Division, one or more Tribunals as may be specified in the notification for the purpose of adjudicating and deciding upon the order for maintenance under section 5 of the Act.

(2) The Additional District Magistrate/ Sub Divisional Magistrate concerned shall function as Presiding Officer of the Tribunal. The Presiding Officer may be assisted by such other officers as may be notified by the Government from the following categories:

- (a) Tehsildar within the jurisdiction;
- (b) Deputy Superintendent of Police within the jurisdiction;
- (c) two non - official members as prescribed under these rules; and
- (d) any officer from Social Welfare Department in the concerned District.

(3) The Government shall, by notification in the official Gazette, constitute for each District, one Appellate Tribunal under section 15 of the Act, as may be specified in the notification for the purpose of hearing appeals against the order of the Tribunal. The Appellate Tribunal shall be headed by District Magistrate, who may be assisted by such other members as may be notified by the Government from the following categories:



- (a) Sub- Divisional Magistrate /Additional District Magistrate;
- (b) Additional Superintendent of Police concerned district;
- (c) two non - official members as prescribed under these rules; and
- (d) any officer from the Social Welfare Department in the District.

(4) The non-official members, one of whom shall be a women, shall have the following qualifications, namely:-

- (a) he/she shall not be less than 35 years of age in case of Maintenance Tribunal and not less than 50 years of age in case of Appellate Tribunal;
- (b) he/she should possess a post graduate degree from a recognized university in case of Maintenance Tribunal and should possess a Post Graduate Degree in Social Work/Sociology/Anthropology/Gerontology in case of Appellate Tribunal;
- (c) he/she shall be a person of ability, integrity and standing and should have adequate knowledge and experience of at least 10 years of working for the welfare of senior citizens in the area of health, woman empowerment and social welfare in case of Maintenance Tribunal and 15 years of working in case of Appellate Tribunal;
- (d) he/she should be domicile of Union territory of Jammu and Kashmir:

Provided that a person shall be disqualified for appointment as a member if he/she:-

- (i) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the Government involves moral turpitude; or
- (ii) is an undischarged insolvent; or
- (iii) is of unsound mind and stands so declared by a competent court; or
- (iv) has been removed or dismissed from the service of the Government or a body corporate owned or controlled by the Government.

(5) Every appointment of non- official members under these rules shall be made by the Government on the recommendations of a Selection Committee consisting of the following, namely-

- | | |
|--|-------------------------|
| (i) Administrative Secretary,
Social Welfare Department | Chairperson |
| (ii) Director, Social Welfare,
Kashmir/ Jammu | Member(s) |
| (iii) One representative from the
State Council for Senior Citizens | Member |
| (iv) Deputy Commissioner of the
concerned District | Member |
| (v) One representative from academic
bodies concerned with social work,
psychology and sociology with experience
of working on the issues of aged persons | Member |
| (vi) Any officer, not below the rank of
Deputy Director, Social Welfare
to be nominated by Social Welfare
Department | Member Secretary |

(6) The Selection Committee at the time of recommending names for appointment of non- official members for assisting the Tribunal and Appellate Tribunal shall also prepare a panel of names for each Tribunal/Appellate Tribunal to fill the vacancies that may arise due to non joining, resignation or death of non official members.

(7) The non-official members shall hold office for a term of three years from the date on which they join the office or up to the age of 65, whichever is earlier:

Provided that a member shall be eligible for re-appointment for another term of three years or up to the age of 65, whichever is earlier, subject to the condition that he fulfills the qualification and other conditions for appointment as prescribed and such re-appointment is also made on the basis of the recommendation Selection Committee.

(8) A member can resign any time, by giving one month advance notice in writing under his hand, or he may be removed from his office, after holding enquiry by the Government, if he:-

- (i) has been found guilty of misuse of power vested under this Act; or

- (ii) has been convicted of an offence involving moral turpitude; or
 - (iii) fails to attend the proceeding of the tribunal for consecutive four weeks without any valid reasons.
- (9) Any vacancy in the Tribunal may be filled by appointment of another person from the panel of names prepared by the selection committee constituted under sub-rule (5).
- (10) The non-official members of the Tribunal shall be paid sitting allowance as the Government may determine, but it shall not be less than Rupees Five Hundred per sitting per member.
- (11) The Tribunal shall hold its sittings for a minimum of two days a week, which may be increased/ decreased by the Government depending on cases and pendency of work.
- (12) The Tribunal shall perform the function of adjudicating and disposing off cases of maintenance to achieve the objects of the Act and in this respect shall be guided by the provisions laid down under Chapter II of the Act.

4. 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 of the Act.

(2) The Tribunal shall publish the panel mentioned in sub-rule (1) for general information at least twice every year, on 1st of January and 1st of July, respectively, and incorporate changes, if any, affected therein.

(3) The Conciliation Officers (other than Government employees) may be paid such honorarium and allowances as may be prescribed by the Government.

5. Procedure for filing and application for maintenance, and its registration.—(1) An application for maintenance under section 4 of the Act shall be made in Form 'A', in the manner laid down in clauses (a) and (b) of sub- section (1) of section 5 of the Act.

(2) On receipt of an application under sub-rule (1), the Presiding Officer shall cause-its essential details to be entered in a Register of Maintenance Claim Cases, to be maintained by the Maintenance Tribunal, its acknowledgment in Form 'B' to be given, 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.

Q1

(3) Where a Tribunal takes cognizance of a maintenance claim, suo motu, the Presiding Officer shall, after ascertaining the facts, get Form 'A' completed as accurately 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 sub rule-(2) above.

6. 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 of the Act.

(2) In case, where the Tribunal finds any deficiency in the application, it may direct the applicant to rectify such deficiency within 15 days of filling the application.

(3) Every application shall be heard and decided, within 3 months of the date of its presentation.

7. Notice to the Opposite Party.—(1) Once the Tribunal is satisfied that application for maintenance is in accordance with the procedure prescribed under the Act and these rules, 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 as to why the maintenance should not be granted, along with a copy of the application and its enclosures, in the following manner: -

- (a) by hand delivery (Dasti) through the applicant, if he so desires, else through a process server; or
- (b) by registered post with acknowledgement due.

(2) The notice shall require the opposite party to appear in person, on the date to be specified in the notice and to show cause, in writing, as to why the maintenance 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 issuance of notice under sub-rule (1) the applicant(s) shall also be informed of the date mentioned in sub rule (2), by a notice to be 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).



(5) The Tribunal shall have all the powers of a Civil Court for the purpose of taking evidence on oath and of enforcing the attendance of witnesses and of compelling the discovery and production of documents and material objects and for such other purposes as may be prescribed and the Tribunal shall be deemed to be a Civil Court for all the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.

8. 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 thereon pass on order disposing of the application.

9. Procedure for impleading children or relatives. –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 7:

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 7.

10. Reference to Conciliation Officer. – (1) In case, on the date fixed in the notice issued under rule 7, 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 4, 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 4 or otherwise, the Tribunal shall appoint such person as the Conciliation Officer in the case, and shall refer the matter to him, through a letter in Form 'E', requesting the Conciliation Officer to try and work out a settlement acceptable to both parties, within a period not exceeding one month from the date of receipt of the reference.

(3) The reference in Form 'E' shall be accompanied with copies of the application and replies of the opposite party thereto.

11. Proceedings by Conciliation Officer. –(1) Upon receipt of a reference under rule 10, the Conciliation Officer shall hold meetings with the two parties as necessary, and shall try to work out a settlement acceptable to both the parties, within a period of one month from the date of receipt of the reference.

(2) If the Conciliation Officer succeeds in working out a settlement acceptable to both the parties, he shall draw up a memorandum of settlement in Form 'F', get it signed by both parties, and forward it, with a report in Form 'G', along with all records of the case received from the Tribunal, back to the Tribunal within a month from the receipt of the reference.

(3) If the Conciliation Officer is unable to arrive at a settlement within one month of receipt of a reference under rule 10, he shall return the papers received from the Tribunal along with a report in Form 'H', showing efforts made to bring about a settlement and the points of difference between the two parties which could not be reconciled.

12. Action by the Tribunal in case of settlement before a Conciliation Officer. –(1) In case, the Tribunal receives a report from the Conciliation Officer under sub-rule (2) of rule 10, along with a memorandum of settlement, it shall give notice to both parties to appear before it on a date to be specified in the notice, and confirm the settlement.

(2) In case on the date specified in the notice as above, the parties appear before the Tribunal and confirm the settlement arrived at before the Conciliation Officer, the Tribunal shall pass a final order as agreed in such settlement.

13. Action by the Tribunal in other cases. – (1) In case, -

- (a) the applicant(s) and the opposite parties do not agree for reference of their dispute to a Conciliation Officer under sub-rule 1 of rule (10) ; or
- (b) 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

- (c) no report is received from a Conciliation Officer within the stipulated time-limit of one month, or
- (d) in response to the notice issued 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, pass such order as it deems fit.

(2) An order passed under rule 8 or 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 such order.

(3) While passing an order under sub-rule (1), directing the opposite party to pay maintenance to an applicant, the Tribunal shall take the following into consideration:-

- (a) amount needed by the applicant to meet his basic needs, especially food, clothing, accommodation, and healthcare,
 - (b) income of the opposite party, and
 - (c) value of, and actual and potential income from the property, if any, of the applicant which the opposite party would inherit and/or is in possession of.
- (4) A copy of every order passed, whether final or interim, on an application, shall be given to the applicant(s) and the opposite party or their representatives, in person or shall be sent to them through a process server or by registered post.

14. Maximum maintenance allowance: – The maximum maintenance allowance which a Tribunal may by order direct the opposite party to pay shall not exceed Rs. 10000/- per month.

15. Establishment and Procedure of Appellate Tribunal:- The Government shall, by notification in the official Gazette, constitute for each District one Appellate Tribunal, as may be specified in the notification to hear appeal against the order of Tribunal.

16. 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.

17. **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 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”.

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

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

(3) The provisions of Order V of the Civil Procedure Code shall apply mutatis mutandis for the purposes of service of notice issued under sub-rule (1).

CHAPTER III

Scheme for Management of old age Homes

19. **Scheme for Management of old age homes established under section 19 of the Act.**—(1) Old age homes established under section 19 shall be run in accordance with the following norms and standards:-

- (A) The home shall have physical facilities and shall be run in accordance with the operational norms as laid down in the Schedule.
- (B) Inmates of the home shall be selected in accordance with the following procedure:-
 - (a) Applications shall be invited at appropriate intervals, but at least once each year, from indigent senior citizens, as defined in section 19 of the Act, desirous of living in the home;
 - (b) in case the number of eligible applicants on any occasion is more than the number of places available in a home for admission, selection of inmates will be made in the following manner:-
 - (i) the more indigent and needy will be given preference over the less indigent applicants,
 - (ii) other things being equal, older senior citizens will be given preference over the less old, and

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

Illiterate and/or very infirm senior citizens may also be admitted without any formal application if the competent authority, 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 and endeavour shall be made to accommodate the married couple as far as possible; and
- (e) Day-to-day affairs of the old age home shall be managed by a Management Committee, which shall include inmates also, so as to suitably represent on the Committee.

(2) The 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 constitute and operate a Fund for the welfare of Senior Citizens as may be prescribed.

CHAPTER-IV Duties and Powers

20. Duties and powers of the Deputy Commissioner.- (1) The Deputy Commissioner shall perform the duties and exercise such powers as mentioned in sub-rules (2) and (3) so as to ensure that the provisions of the Act are properly carried out in the district.

- (2) It shall be duty of the Deputy Commissioner 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 Government;
 - (iv) ensure regular and wide publicity of the provisions of the Act, and Central and Government(s) programmes for the welfare of senior citizens;
 - (v) encourage and co-ordinate with municipalities, 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 district;
 - (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 duties of the officers towards the latter;
 - (viii) ensure that adequate number of prescribed applications forms for maintenance are available in offices of common contact or citizens like Post Offices, SDMs offices, District Offices, PDS Outlets, Police Stations, etc;
 - (ix) perform such other functions as the Government may, by order, assign to the Deputy Commissioners in this behalf, from time to time.
- (3) With a view to performing the duties mentioned in sub-rule (2), the Deputy Commissioners shall be competent to issue such directions, not inconsistent with the Act, these rules, and general guidelines of the Government, as may be necessary, to any concerned Government or statutory agency or body working in the district, and especially to the following :-
- (i) Officers of the Government in the Police, Health and publicity Department, and Department dealing with welfare of senior citizens;
 - (ii) Maintenance Tribunals and Conciliation Officers;
 - (iii) Urban Local bodies and Panchayats of Jammu and

- Kashmir; and
(iv) Educational institutions.

CHAPTER-V
Protection of Life and Property

21. Action plan for the protection of life and property of Senior Citizens.-(1) The Director General, Police shall take all necessary steps, subject to such guidelines as the 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 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 district administration on the other.
- (v) Inspector General of Police concerned shall cause to be published 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 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 other 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 neighborhood Residents' Welfare Association. Youth Volunteers, Non-Government Organizations, etc.
 - (xii) District Superintendent of Police shall submit to the Inspector General of Police, 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. The Inspector General of Police shall cause the reports to be compiled, once a quarter, and shall submit them to the Government every quarter as well as every year for, inter alia being placed before the Union territory Council of Senior Citizens constituted under rule 22.

CHAPTER-VI UNION TERRITORY COUNCIL AND DISTRICT COMMITTEES OF SENIOR CITIZENS

22. Union Territory Council of Senior Citizens.- (1) The Government may, by order, establish a Union territory Council of Senior Citizens to advise the Government on effective implementation of the Act and to perform such other functions in relation to senior citizens as the Government may specify.

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

- (i) Minister of the Government in charge of welfare of senior citizens/ Social Welfare Department;
- (ii) Administrative Secretaries of Department of the Government dealing with Social Welfare, Health, Finance, Home, GAD and other subject of concern to the senior citizens;
- (iii) Director General of Police, Divisional Commissioner Jammu/ Kashmir, Inspector General of Police Jammu/ Kashmir;



- (iv) such members of specialists and activists in the field of welfare of senior citizens, as the Government may determine, to be nominated by the Government;
- (v) such number of eminent senior citizens, as the Government may determine, but not less in number than the ex-officio members in the Council, to be nominated by the Government and
- (vi) Director Social Welfare Jammu/ Kashmir.

(3) The Union territory council shall meet at least once in every six months.

(4) The tenure of the members of the Union territory Council, other than ex-officio members, will be three years, which will be co-terminus with the term of the Council.

23. District Committee.-(1) The Government may, by order, establish a District Committee of Senior Citizens for each District to advise in effective and co-ordinated implementation of the Act at district level, and to perform such other functions in relation to senior citizens at the district level, as the Government may, specify.

(2) The District Committee shall meet at least once in every four months.

(3) The 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 Government may, by order, specify.

By Order of Government of Jammu and Kashmir.

Sd/-
(Sheetal Nanda) IAS
Secretary to the Government

No: SWD-Sz/04/2021

Dated: 10.11. 2021

Copy to:

1. Ld. Advocate General, J&K.
2. Financial Commissioner (Additional Chief Secretary), Finance Department.
3. Financial Commissioner (Additional Chief Secretary), Health & Medical Education Department.
4. Director General of Police, J&K.
5. All Principal Secretaries to the Government.
6. Principal Secretary to the Hon'ble Lieutenant Governor, J&K.

7. Principal Resident Commissioner, J&K Government, New Delhi.
8. Chief Electoral Officer, J&K.
9. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.
10. All Commissioner/Secretaries to the Government.
11. Divisional Commissioners, Jammu/Kashmir.
12. Chairperson, J&K Special Tribunal.
13. All Deputy Commissioners.
14. Director General, IMPARD, J&K.
15. Director Information, J&K.
16. All Heads of Departments/Managing Directors/Secretary, Advisory Boards.
17. Secretary, J&K PSC/Backward Classes Commission/SSB/BoPEE.
18. Director, Estates, J&K.
19. Director, Archives, Archaeology & Museums, J&K, Jammu.
20. Secretary, J&K Legislative Assembly.
21. General Manager, Government Press, Jammu/Srinagar.
22. Private Secretary to the Chief Secretary, J&K.
23. Private Secretary to Advisor (F)/(BK) to the Hon'ble Lieutenant Governor.
24. Private Secretary to Secretary to the Government, Social Welfare Department.
25. In-charge, Social Welfare Department Website.
26. Government Order file/Stock file.


(Virender Kumar Manyal)JKAS
Deputy Secretary to the Government,
Social Welfare Department

SCHEDULE
(See Rule 19)

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

I. Physical Facilities

1. Land: The land for the old age home should be adequate to comply with the Floor-Area Ratio (FAR) as prescribed by the relevant urban body/ Government. In the case of semi-urban/rural areas, the 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. meters
 - (ii) living area or carpet area per inmate i.e. including (i) above plus ancillary areas like kitchen, dining hall, recreation room, medical room, etc. but excluding verandahs, corridors, etc. 12 sq. meters
3. Facilities: (1) The old age home shall have the following facilities:-
 - a. residential area comprising rooms/dormitories - separately for men and women;
 - b. adequate water for drinking and ancillary purposes;
 - c. electricity, fans and heating arrangement for inmates (as necessary);
 - d. kitchen-cum-store and office;
 - e. dining hall;
 - f. adequate number of toilets and baths, including toilets suitable for disabled persons;
 - g. Recreation facilities, television, newspaper and an adequate collection of books; and (VIII) first aid sick bay, and primary healthcare facilities
 - h. 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 UT 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-5(1)]

Application under section 4 of the Maintenance and Welfare of Parents and Senior Citizen Act 2007.

Before the Presiding Officer,
District _____
J&K _____

I, _____ a parent/Senior Citizen (strike out whichever is not applicable) aged _____ presently residing at _____ have children/relatives (specify nature of relationship) (strikeout whichever is not applicable) named as _____ a) _____ aged _____ b) _____ aged _____ c) _____ aged _____ respectively. My children/relatives mentioned above at a), b), c) (strikeout whichever is not applicable) are in possession of my property are entitled to inherit my property in the event of my death. I am not in a position to maintain myself from my earnings or out of the property owned by me.

Hence I am applying before this tribunal to pass suitable orders directing the above named person (s) to maintain me by giving me maintenance allowance to the tune of Rs. _____ or any amount deemed fit by the Tribunal. The above mentioned person (s) be also directed to provide me interim maintenance to the tune of Rs. _____ to meet my needs and expenditure of proceedings during the pendency of the matter before the Tribunal.

Signature:
Name of the Applicant:
Date:

Verification

I _____ Father/Mother/ Relative of Sh. _____ Aged _____ Resident of _____ do hereby verify that the contents of paras _____ to _____ are true to my personal knowledge.

I hereby authorize Sh. /Smt. _____ of Organization _____ to represent this matter on my behalf before the Tribunal.

Signature:
Name of the Applicant:
Date:

Form 'B'
[See Rule- 5 (2)]

Receipt of Application

Received application of Parent/Senior Citizen Sh. _____
R/o _____ for grant of Maintenance Allowance. Registration
No. of the Application is _____.

(Authorized Signatory)
Maintenance Tribunal

Form 'C'
[See Rule 7(1) and Rule 9(3)]
Show Cause Notice

To
(Name)
(Description)
(Place of residence)

Whereas an application has been filed before me by
Sh./Smt. _____ aged _____ R/o _____
_____ on (date) _____ bearing
registration No. _____ claiming Maintenance
Allowance to be paid to him/her by his/her child/children/relative(s) namely a)
_____ b) _____ c) _____
_____ R/o _____, therein are hereby
directed to appear before me in person or through your authorized
representative on the _____ day of _____ 20 _____ at _____ O'
clock in the forenoon/afternoon and show cause in writing as to why the
application should not be granted.

Take notice that, any default of your appearance on the day before
mentioned, the case will be heard in your absence.

Signature of Presiding officer of Tribunal
Date:
Stamp & seal:

Form 'D'

[(See Rule 7(3))]

(Issued under Rules 7(3) of Jammu and Kashmir Maintenance and Welfare of Parents and Senior Citizens Rules 2021)

Notice to Applicant

Whereas the applicant Sh./Smt _____ R/o _____ has applied to this Tribunal for grant of Maintenance allowance. The registration No. of his/ her application is _____. He/She is directed to appear before the Tribunal on the date of hearing in this case fixed on the _____ day of _____ 20 _____ at _____ O' clock in the forenoon /afternoon.

Signature of Presiding officer

Date:

Stamp/Seal:

Form 'E'
(See Rule 10 (2))

*(Issued under Rule 10(2) of Jammu and Kashmir Maintenance and Welfare of
Parents and Senior Citizens Rules 2021)*

To

(Name)

(Description)

(Place of residence)

Whereas an application has been filed before me by Sh./Smt.
_____ aged _____ R/o _____

_____ on (date) _____

bearing Registration No. _____ claiming Maintenance

Allowance to be paid to him/her by his/her child/children/relative(s) namely a)

_____ b) _____ c) _____

R/o _____, _____,

respectively. You have been agreed upon as the conciliation officer by both the parties. You are requested 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.

The documents concerning the matter are being forwarded herby for further action.

Signature of Presiding Officer of Tribunal

Date:

Stamp & seal:

Form 'F'
[See Rule 11 (2)]
(Memorandum of Settlement)

(Issued under Rule 11(2) of Jammu and Kashmir Maintenance and Welfare of Parents and Senior Citizens Rules, 2021)

Whereas an agreement has been arrived in r/o _____
(applicant) and _____ (respondent) and the respondent have agreed to pay
a monthly allowance to the applicant Sh./Smt. _____
(Specify relationship) _____ amounting to Rs _____.

The matter is referred back to the Tribunal for final orders.

Signature of applicant

Signature of respondents 1. _____ 2. _____ 3. _____

Signature of the Conciliation Officer

Date:

Stamp/ Seal: -

Form 'G'
[See Rule 11 (2)]

The Presiding Officer,
Maintenance Tribunal,
District _____ J&K

REPORT

Whereas an agreement dated of Sh./Smt. _____ R/o _____
the Registration No. _____ of which is _____ was
referred for conciliation now the report regarding the action taken in the matter
is hereby submitted along with the records received.

Signature of Conciliation Officer
Date
Stamp/Seal:

Form 'H'
[See Rule 11 (3)]

The Presiding Officer,
Maintenance Tribunal,
Districts _____ J&K

Returning of reference

Whereas no agreement has been arrived on the application of Sh./Smt. _____ (applicant) and _____ the respondent(s) (specify the relationship) due to reasons given in the report enclosed herewith the matter is referred back to the Tribunal for further orders.

Signature of the Applicant

Signature of the Respondent

Signature of Conciliation Officer

Date

Stamp/Seal:

Form -I
(See Rule 16)

Before the Appellate Tribunal, Division _____,

Sub: Application for grant of Maintenance allowance u/s 16(1) of the Maintenance and Welfare of Parents and Senior Citizen Act, 2007.

I, _____ a parent/Senior Citizen (strike out whichever is not applicable) aged _____ presently residing at _____ have

children/relatives (specify nature of relationship) (strikeout whichever is not applicable) named _____ as _____ namely

a) _____ aged _____

b) _____ aged _____

c) _____ aged _____

respectively. My children relatives mentioned above at a), b),c) (strikeout whichever is not applicable) are in possession of my property are entitled to inherit my property in the event of my death. I am not in a position to maintain myself from my earning or out of the property owned by me.

Hence I applied before the maintenance tribunal _____
To pass suitable orders directly the above named person(s) to maintain me by giving me maintenance allowance, which was granted only for Rs. _____

Being aggrieved by the order of the maintenance tribunal, I am preferring this appeal on the following grounds:

- 1.
- 2.
- 3.

Certified that, the above stated facts are true and correct to the best of my knowledge and belief. (Strikeout if not applicable) I hereby authorized Sh. _____ of organization _____ to represent this matter on my behalf before the Appellate Tribunal.

Signature

Name of the Applicant:

Date:

Verification

I _____ Father/Mother/Relative of
Sh. _____ Aged _____ resident
of _____ do hereby verify that the
contents of paras _____ to _____ are true to my personnel
knowledge. I hereby authorized Sh./Smt _____ of organization

_____ to represent this matter on my behalf before the Tribunal.

Signature

Name of the Applicant:

Date:

Form 'J'
(See Rule (17))

Received the appeal of Parent/Senior Citizen Sh. _____
R/o _____
against the impugned order of the maintenance Tribunal. Registration No. of the
Application is _____.

(Authorized Signatory)
Appellate Tribunal

Form 'K'

[(See Rule 11(1))]

(Issued under Rule 18(1) of Jammu and Kashmir Maintenance and Welfare of Parents and Senior Citizens Rules, 2021)

Whereas an appeal, the registration No. of which is _____ has been filed before me by Sh./ Smt. _____ Aged _____ R/o _____ on (date) _____ claiming Maintenance Allowance to be paid to him/her by his/her children/relative(s) named as
a) _____ b) _____
c) _____

_____ respectively, you having been named there in are hereby directed to appear before me in person or through your authorized representative on the _____ day of _____ 20_____ at _____ O'clock in the forenoon/afternoon, and show cause in writing as to why this appeal should be granted. Take notice that, any default of your appearance on the day before mentioned, the case will be heard in your absence.

**Signature of Presiding Officer
Appellate Tribunal**

Date:

Annexure - I

Register of Maintenance claim Cases to be maintained by the Maintenance Tribunal

The Register shall have the following columns:-

S.No. (1) Registration No of Application

(2) Name of the Applicant

(3) Age

(4) Resident of

(5) Application filed against (name of the Party)

(6) Relationship to Applicant

(7) Resident of

(8) Amount of Maintenance allowance claimed

(9) Date of Referral of case to conciliation Officer

(10) Date Receipt of Report from conciliation Officer

(11) Date of granting of interim maintenance allowance and the amount granted

(12) Date of granting the final maintenance Order

Annexure - II

Register of Maintenance claim Cases to be maintained by the Appellate Tribunal

The Register shall have the following columns:-

- S. No (1) Registration No. of Application
- (2) Name of the Applicant
- (3) Age
- (4) Resident of
- (5) Application filed against (name of the Party)
- (6) Relationship to Applicant
- (7) Resident of
- (8) Amount of Maintenance allowance claimed
- (9) Date of passing of interim maintenance allowance and amount granted
- (10) Date of Passing of final Maintenance Order
- (11) Date of Appeal
- (12) Date of Final Order