

PART - III

GOVERNMENT OF PUNJAB
DEPARTMENT OF SOCIAL SECURITY
(DIBALITES BRANCH)

NOTIFICATION

The 17th October, 2012

No. G.S.R. 58/C.A. 56/2007/S. 32/2012.—In exercise of the powers conferred by Sub-section (1) sub-section (2) of section 32 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (Central Act 56 of 2007), and all other powers enabling him in this behalf, to carry out the purposes of the said Act, the Governor of Punjab is pleased to make the following rules, namely:-

RULES

- 1. Short title and commencement.**—(1) These rules may be called “The Punjab Maintenance and Welfare of Parents and Senior Citizens Rules, 2012”.
(2) They shall come into force on and with effect from the date of their publication 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 Citizens Act, 2007;
 - (b) “Application” means an application made to the tribunal under section 5 of the Act;
 - (c) “Blood Relations”, In the Context of a male and a female inmate, means father-daughter, mother-son, and brother-sister but 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) "Form" means a form appended to these rules;
- (f) "Indigent Senior Citizen" means a person whose monthly income is less than rupees one thousand and five hundred;
- (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 the District Social Security Officer of the District or any other officer not below the rank of a District Social Security Officer so designated by the State Government;
- (i) "opposite party" means the party against whom an application for maintenance has been filed under section 4 of the Act;
- (j) "Organization" means an association registered under the Societies Registration Act, 1860 or any other law for time being in force;
- (k) "Presiding Officer" means an officer appointed to preside over a Tribunal envisaged in sub-section (2) of section 7 or sub-section (2) of section 15;
- (l) "Section" Means a section of the Act; and
- (m) "State Government" means the Government of the State of Punjab in Department of Social Security;

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

The A.D to decide if the words in () Can be Omitted.

3. Procedure for filing an application for maintenance and its registration:-(1) An application for maintenance shall be made in Form 'A' (to which a court fee stamp of rupees five shall be affixed).

(2) On receipt of an application made 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 a manner as the State Government may specify by an executive order; and
- (b) Notwithstanding any thing contained in rule 4, its acknowledgement in Form 'B' to be given to the applicant or his authorized representative in case of delivery by hand, but if sent

by post, the acknowledgement shall also specify the registration number of the application.

(3) Where a Tribunal *suo moto* takes cognizance of a maintenance claim, the Presiding officer shall, after ascertaining fact, get Form 'A' completed as accurately as possible, through the Staff of the Tribunal, and shall, as far as possible, get it authenticated from the senior citizen, or the parent concerned, or any person or organization authorized by him as the case may be, and shall cause the same to be registered in accordance with clause (a) of sub-rule (2).

4. Preliminary scrutiny of application.-(1) On receipt of an application, the Tribunal shall satisfy itself that,-

- (a) The application is complete in all respects, and
- (b) Opposite party has, prima facie, an obligation to maintain the applicant in terms of section 4.

(2) In case the Tribunal finds any lacunae in the application, it may direct the application to rectify the same within a reasonable time.

5. Notice to the opposite party.-(1) Once the Tribunal is satisfied on the points mentioned in sub-rule (1) of rule 4, it shall cause to be issued to the opposite party a notice in Form 'C' along with a copy of the application and its enclosures, in the following manner, directing him to show cause as to why the application should not be granted,-

- (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, or through E-mail, authorized Courier, S.M.S. or telephone.

(2) The notice shall require the opposite party to appear in person, on the date to be specified in the notice and show cause, in writing, as to why the application should not be accepted and shall also inform him that in case he fails to respond to it, he shall be heard *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-rule (1) (a) and (1) (b).

6. Procedure in case of non-appearance of the opposite party.-In case, despite due service of notice, the opposite party fails to appear, the Tribunal may make an order that the matter be heard *Ex parte*.

The Tribunal then, by taking evidence of the applicant and making such other inquiry as it deem fit, shall pass an order disposing of the application.

7. Procedure where only opposite party appears.-Where the opposite party appears and the applicant does not appear, the Tribunal shall adjourn the case and shall cause a notice upon the applicant served for appearing on the next date. If after being duly served, on the next date also, the applicant does not appear, the Tribunal shall dismiss the application unless the opposite party admits the claim made in the application, in which case, the Tribunal shall grant the application accordance with the admission.

8. Procedure where the applicant appears subsequently and assigns good cause for previous non-appearance.-Where the applicant appears after dismissal of his application as per rule 7, and shows good cause for his non-appearance on the earlier two dates, the Tribunal shall restore the application.

9. Procedure where opposite party appears and assigns good cause for previous non-appearance.-Where the Tribunal has disposed of the application under rule 6 or is in the process of disposing of the application in accordance with rule 6 and the opposite party appears and assigns good cause for his previous non-appearance, he may, upon such term as the Tribunal directs as to costs or other wise, be heard in answer to the application as if he had in the appeared on the day fixed for his appearance.

10. Procedure in case admission of claim.-In case, on the date fixed in the notice issued under rule 5, the opposite party appears and accepts his liability to maintain the applicant, or 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 and notice there of shall issued to such a child or relative in accordance with rule 5.

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

2) On receipt of an application made 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 the child or relative to show cause why he/they should not be impleaded as a party, and shall, after giving him/them an opportunity of being heard, pass an order regarding their impleadment or otherwise.

3) In case the Tribunal passes an other 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 5.

12. Reference to Conciliation Officer.-(1) In case, on the date fixed in the notice, 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 as provided in sub-section (6) of section 6 of the Act or to any other person acceptable to both the parties.

2) if both the parties agree on any person as provided in sub-rule (1), the Tribunal shall appoint such person as the Conciliation Officer in the case and shall refer ther matter to him, through a letter in Form 'E' , requesting the Conciliaion Officer 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 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 the Conciliation Officer.-(1) Upon receipt of reference under rule 12, the Conciliation Officer shall hold meeting with both the parties as may be necessary, and shall try to work out a settlement acceptable to both the parties, with in 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 the parties, and forward it, with a report in Form 'G', along with the entire record 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 a period of one month of the receipt of the reference under rule 2, he shall return the paper received from the Tribunal along with a report in Form 'H', showing efforts made to being about a settlement and the point of difference between the parties which could no be reconciled.

14. Action by the Tribunal in case of settlement before a Conciliation Officer.-(1) In case, 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 the parties to appear before it on a date to be specified in the notice calling upon them to confirm the settlement.

2) In case, on the date specified in the notice referred to 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 cases.-(1) In case,-

- (i) the applicant (s) and the opposite parties do not agree for reference of their dispute to a Conciliation Officer as per rule 12 ; or
- (ii) the Conciliation Officer appointed under rule 9 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 reference made under sub-rule (2) of rule 13 and 14 and referred to the Tribunal by the Conciliation Officer, 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 affidavits.

2) In case a regular enquiry is required, the Tribunal may grant equal opportunity to both the parties for leading evidence in support of their claims. Such evidence in such proceedings shall be taken in the presence of the children or relative or relatives against whom an order for payment of maintenance is sought and the proceedings shall be recorded in the manner specified for summons cases. The Tribunal may take evidence by way of affidavits.

3) An order passed under sub-rule (1) or under rules 6, 7 or 14 (2) as the case may be shall be a speaking order, spelling out the facts of the case as ascertained by the Tribunal along with 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 in to 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 or already in his possession; and
- (d) The Tribunal may, at any stage, ask the Maintenance Officer or any official to inspect the property of the applicant, evaluate it and verify income derived there from.

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, as the case may be.

16. **Maximum Maintenance allowance.**-The Maximum Maintenance allowance, which a Tribunal may order 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 applicant also among the opposite party's family members.

17. **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.

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

19. **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' in the following manner:-

(a) by hand delivery (dasti) through the applicant, if he so desire, else through a process server ; Or

(b) by registered post with acknowledgement due, or through E-mail, authorized Courier, S.M.S or telephone.

(2) The provisions of order V of the Code of Civil Procedure, 1908 shall apply mutatis mutandis for the purposes of service of notice issued under sub-rule (1).

20. **Scheme of old-age home.**-All old-age home in the State being run by the State Government or Non Government Organisation with the help of any Government Grant, shall be liable to accommodate such senior citizens who are indigent or are referred for such accommodation.

21. **Management of old-age homes for Indigent senior citizens.**- Old-age homes established under section 19, shall be run in accordance with the following norms and standards:-

- (A) The old-age homes shall provide to the senior citizens all the basic amenities including food, clothing, accommodation and healthcare;
- (B) Inmates of old-age homes shall be selected in accordance with following procedure:-
 - (a) application shall be invited at appropriate intervals, but at least once in each year, from indigent senior citizens, desirous of living in the old-age home;
 - (b) in case the number of eligible applicants on any occasion is more than the number of vacancies available in a home for admission, selection of inmates shall be made in the following manner:-
 - (i) the more needy shall be given preference over the less needy applicants;
 - (ii) other things being equal, older senior citizens shall be given preference;
 - (iii) other things being equal female applicants shall be given preference; and
 - (iv) Illiterate or infirm senior citizens may be admitted without any formal application, if the District Magistrate or any other officer authorized by him this purpose, is satisfied that the senior citizens is not in a position to make a formal application, but is really in need of shelter.
- (C) while considering applications or cases for admission to the old-age homes, no distinction shall be made on the basis of religion or caste;
- (D) The old-age homes shall provide separate lodging for men and women inmates, unless a male and a female inmate are either blood relation or a married couple; and

(E) Day to day affairs of the old-age homes shall be managed by a Management Committee, which shall be constituted by the District Magistrate in accordance with the orders and the guidelines issued by the State Government from time to time and the inmates of the old-age homes shall also be suitably represented in the said Committee

22. Duties and power of the District Magistrate.-(1) The District Magistrate or any other officer authorized by him in this behalf within the local limits of his jurisdiction shall perform the duties and exercise the powers mentioned in sub rules (2) and (3), so as to ensure that the provisions of the Act are properly carried out in his district.

(2) It shall be the duty of the District Magistrate to,-

- (i) ensure that life and property of senior citizens of the district are protected and they are able to live with a sense of security and dignity;
- (ii) over see and monitor the work of the maintenance Tribunal and the Maintenance officer 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 by the guidelines issued in this respect by the Government from time to time;
- (iv) ensure regular and wide publicity of the provisions of the Act and the central and the State Government's programmes for the welfare of senior citizens;
- (v) Encourage and co-ordinate with panchayats, municipalities, Nehru Yuwa Kendras, educational institutions and especially National Service Units, organizations, specialists, experts, activities etc. Working in the district so that their resources and efforts are effectively utilized for the welfare of senior citizens of the district;
- (vi) ensure provisions 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 Department and Local Bodies associated with the welfare of senior citizens, towards the needs of such citizens, and the duties of the officers towards such senior citizens;
- (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 with Panchayats, Post Offices, Block Development Officer, Tehsil Offices, Collectorate and Police Stations etc;
- (x) promote establishment of dedicated helplines for senior citizens at the district headquarters; 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 these rules, the Act and general guidelines of the State Government, as may be necessary, to any Government and statutory agency or body working in the district and especially to the following:-

- (a) Officers of the State Government in the Police Department, Health and Family Welfare Department, Information and public Relations Department and the departments dealing with the welfare of senior citizens;
- (b) Maintenance Tribunal and the conciliation officers;
- (c) Panchayats and Municipalities; and
- (d) Educational Institutions.

(4) In order to implement the provisions of the Act, the District Magistrate or an officers authorized by him in this behalf 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" to the Tribunal.

(5) In case of any danger to the life or the property of a senior citizens, it shall be the duty of the District Magistrate or the officer authorized by him to protect the senior citizen from the said danger .

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

(7) In case of emergency, the District Magistrate or the officer duly authorized by him, shall also make suitable arrangements for medical care of the abandoned and indigent senior citizen.

23. Action plan for the protection of life and property of senior citizens.-An action plan , for protection of life and property of senior citizens shall be notified by the State Government with in a period of six months from the date of publication of these rules in the Official Gazette and it may be revised from time to time.

24. State Council of senior citizens.-(1) The State Government may, by order, establish a State Council for the Senior Citizens to advise the State Government for effective implementation of the Act and to perform such other function in relation to senior citizens as the State Government may specify.

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

- | | |
|--|------------------------|
| a) the Minister,
Social Security and Women
And Child Development, Punjab | Chairman
Ex-officio |
| b) the Principal Secretary to the
Government of Punjab, Department of
Social Security and Women
And Child Development, Punjab | Member
Ex-officio |
| c) the Principal Secretary to the
Government of Punjab, Department of
Helth and Family Welfare; | Member
Ex-officio |
| d) the Principal Secretary to the
Government of Punjab, Department of
Home Affairs and justice; | Member
Ex-officio |

e) the Principal Secretary to the Government of Punjab, Department of Public Relation;	Member Ex-officio
f) the Director General of Police Punjab;	Member Ex-officio
g) the Legal Remembrencer and Secretary to Government Punjab Department of Legal and Legislative Affairs;	Member Ex-officio
h) The Director, Social Security;	Member Secretary Ex-officio
i) three specialists and activists in the field of welfare of senior Citizens, to be nominated by the State Government; and	Members
j) three eminent Senior Citizens to be nominated by the State Government;	Members

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

(4) Tenure of the nominated members of the State Council other than ex-officio member, shall be for a period of two years.

25. District Committee for Senior Citizens.-(1) The State Government may, by order, establish a District Committee for Senior Citizens for each district to advise for 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 in every Quarter of the years.

3) The composition of the District Committee, tenure of the members, shall be such as the State Government may, by order specify in this behalf from time to time.

FORM - A

{{(see rule 3(1) and (3))}}

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

Sub-Division.....

District:.....

1. Name of the appellant :

2. Name of father/Husband :

3. Complete Postal Address :

Village _____ Road _____

Ward No. _____

Police Station _____

Post Officer _____ 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 Officer _____ Pin Code _____

District _____

6. Parmanent Address of Children/Relative:

Village _____ Road _____

Ward No. _____

Police Station _____

Post Officer _____ Pin Code _____

District _____

- Act.
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 applicant.

FORM 'B'

{(See rule 3(2) (b))

Acknowledgment

Received from Smt Shri/Ms _____ son of Smt./Shri/
Ms _____, four copies of the application preferred under sub section
(1) of Section 4 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 5(1) and 11(3))

Before the Presiding Officer, Maintenance Tribunal

Application No. _____ of

Sh./Smt _____

.....Applicant

Versus

Sh./Smt _____

.....Respondent

NOTICE OF CAUSE

Whereas an appeal under Section 5(1) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, wherein you have been joined as respondent and of which a copy is enclosed, has been presented to 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 in 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.

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

ri/
on
ens
No.

FORM 'D'

{ (see rule 5(3)) }

Before the Presiding Officer, Maintenance Tribunal

(Exercising the powers of Appellate Tribunal under Section 5(1) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007).

Application No. _____ of _____

To

Smt./Shri Ms _____

Smt./Sh. Ms _____

.....Applicant

Versus

Smt./Sh. Ms _____

.....Respondent

NOTICE

Where as an Application has been filed by you under Section 4(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 in 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(2)and(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 this 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 mater 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 your are requested to try and work out a settlement acceptable to both the parties, within period not exceeding one month from the date of receipt of the reference. Copies of the application and replies of the opposite party thereto are enclosed herewith.

Presiding Officer
Maintenance Tribunal

the

sent

(1) off
before

hearing

of your
at date

the date

_____ day

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 id. Tribunal, the Conciliation Officer *vide* letter dated _____ summoned both the parties to appear before him on _____ at 10.A.M.

And whereas now with the best forts of the Conciliation Officer, both the parties are now entering into this Memorandum of Settlement to formalize various terms and conditions of this MoS reach between them.

Now, therefore, the parties 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 sub stage, the sub clause (1), 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. The second party undertake that in case he/she fails to abide by the

(KRTK 4, 1934 SAKA)

terms and conditions of this Mos then, the Second Party shall be liable to be proceeded against under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 as well as the rules framed thereunder.

Note: Also include any other terms and conditions of the settlement here.

Signed by the parties to this Memorandum of Settlement on the date mentioned by them and it shall come into force after all the parties have signed.

In witness whereof the parties hereto have set their hands, in token of acceptance.

First Party

Second Party

Conciliation Officer

Witness No. 1

Witness No. 2

FORM - G

{see rule 13(2)}

Before the Presiding Officer, Maintenance Tribunal

In Application No. _____ of

Sh./Smt. _____ -- Applicant

Versus

Sh./Smt. _____ -- Respondent

Submission of Report

Respectfully showeth:-

1. That this learned Tribunal was pleased to designate the undersigned as the Conciliation Officer under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007
2. The *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 to 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 :

Conciliation Officer

Dated :

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 provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007
2. The *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 A.M.
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

ersigned
d Welfare

l directed
d to draw

_____ with
settlement
the parties.

ie working

er

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 Id. Tribunal may proceed further in the matter as deems fit and proper in the circumstances of this case and the papers received from this Tribunal are returned herewith.

Place :

Conciliation Officer

Dated :

FORM - I

{see rule 17)}

**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 _____ Read _____

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 _____ Read _____

Ward No. _____

Police Station _____

Post Officer _____ Pin Code _____

District _____

6. Parmanent Address of Children/Relative:

Village _____ Read _____

Ward No. _____

Police Station _____

Post Officer _____ 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:

Appellant

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 applicant.

Form 'J'

{ see rule 18 }

Before the Appellate Tribunal

Received from Smt/Shri/Ms _____ son/husband/wife of Shri _____
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. _____
ofthe date of hearing of appeal is fixed for.....
at.....AM.PM

Signature

Signature with Seal

FORM- K

{see rule 19(1)}

Before the Appellate Tribunal

In Application No. _____ of ...

Sh./Smt. _____ -- Appellant

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 atAM 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 representative 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 thisday of.....

By ORDER OF THE APPELLATE TRIBUNAL,(Name of district)

Signature with seal

Tilak R. Sarangel, I.A.S
Principal Secretary to Government of Punjab,
and Department of Social Security and
Women and Child Development.