



**THE  
JAMMU & KASHMIR GOVERNMENT GAZETTE**

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Separate paging is given to this part in order that it may be filed as a  
separate compilation.

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**PART III**

**Laws, Regulations and Rules passed therfeunder.**

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GOVERNMENT OF JAMMU AND KASHMIR  
CIVIL SECRETARIAT—SOCIAL WELFARE DEPARTMENT

Notification

Srinagar, the 31st May, 2017.

SRO-226.—In exercise of the powers conferred by proviso to section 30 of the Jammu and Kashmir Maintenance and Welfare of Parents and Senior Citizens Act, 2014, the Governor hereby make the following rules, namely :—

**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, 2017.

(2) They shall come into force 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 Jammu and Kashmir Maintenance and Welfare of Parents and Senior Citizens Act, 2014 ;
- (b) “application” means an application made to a Tribunal under section 5 ;
- (c) “blood relations” in the context of a male and a female inmate, mean father-daughter, mother-son, and brother-sister (not cousins) ;
- (d) “Form” means a Form appended to these rules ;
- (e) “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 ;
- (h) “Presiding Officer” means an officer appointed to preside over a Maintenance Tribunal referred to under section 7 or an Appellate Tribunal under section 15 ;
- (i) “Schedule” means a Schedule appended to these rules ;
- (j) “section” means a section of the Act ;

(k) “senior citizen” means any person being permanent resident of Jammu and Kashmir State who has attained the age of 60 years or above ;

(l) “Welfare Fund” means Fund for the Welfare and Rehabilitation of Senior Citizens.

(2) 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 Tribunal/Appellate Tribunal.*—(1) The Tribunal/Appellate Tribunal shall in addition to the Presiding Officer consist of two non-official members, of whom one shall be a woman.

(2) The non-official member shall have the following qualifications, namely :—

- (a) The non-official member should be permanent resident of the State and should not be less than 40 years of age in case of Maintenance Tribunal and not less than 50 years of age in case of Appellate Tribunal ;
- (b) The non-official member should possess preferably a graduate degree from a recognized university in case of Maintenance Tribunal and should possess a Post-graduate Degree in social works/sociology/anthropology/gerontology or similar affairs of public life in case of Appellate Tribunal ;
- (c) The non-official member should 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 or public affairs :

Provided that a person shall be disqualified for appointment as a member if he—

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

(3) Every appointment in sub-rule (2) shall be made by the State Government on the recommendation of a selection committee consisting of the following, namely :—

- (a) Secretary to the Government, Social Welfare Department – Chairman ;
- (b) Director, Social Welfare, Kashmir/Jammu ;
- (c) One representative from the State Advisory Council for the Senior Citizens - Member ;
- (d) Any officer, not below the rank of Additional Secretary to Government, Social Welfare Department - Member-Secretary.

(4) The selection committee at the time of recommending names for appointment as Members of the Tribunal and Appellate Tribunal shall also

prepare a panel of names for each Tribunal to fill in vacancies which may arise during the tenure.

(5) The two 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 fulfils the qualification and other conditions for appointment as prescribed and such re-appointment shall also be made on the basis of the recommendation of Selection Committee.

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

- (a) he has been found guilty of misuse of power vested under the Act ;
- (b) he has been convicted of an offence involving moral turpitude/ in criminal case ;
- (c) he fails to attend the four consecutive proceeding of the Tribunal without any valid reasons.

(7) 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 (3).

(8) The non-official members of the Tribunal shall be paid sitting allowance as the State Government may determine, but it shall not be less than rupees five hundred per sitting per member.

(9) The meetings of the Tribunal shall depend upon the expediency and requirement.

(10) The Tribunal shall perform the functions of adjudicating and disposing of 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 as defined in explanation to sub-section (6) of section 6 of the Act.

(2) Every Conciliation Officer shall have the following qualifications, namely :—

- (a) he should be associated with an organization which is working for the welfare of senior citizens and/or weaker sections, or in the area of education, health, poverty alleviation, women's empowerment, social welfare, or related fields, for at least two years with an unblemished record of service ;
- (b) he should be a senior office bearer of the organization ; and
- (c) he should possess good knowledge of law :

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

- (a) he has a good and unblemished record of public service in one or more of the areas mentioned in clause (a) of sub-rule (2) ; and
- (b) he has 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) Conciliation Officer shall be paid such honorarium and allowances as may be prescribed by the State Government.

5. *Procedure for filing an application for maintenance and its registration.*—(1) An application for maintenance under section 5 shall be made under a prescribed format as in Form “A”.

(2) On receipt of an application, the Presiding Officer shall cause—

- (a) its essential details to be entered in a Register of Maintenance Claim Cases, to be maintained by the Maintenance Tribunal ; and
- (b) its acknowledgment in Form ‘B’ to be given, notwithstanding anything contained in rule 6, to the applicant or his authorized representative in case of hand delivery, and its dispatch by post in other cases and the acknowledgement shall specify, *inter alia*, the registration number of the application.

(3) Where a Tribunal takes cognizance of a maintenance claim, *suo motu*, the Presiding Officer shall, after ascertaining the facts, get Form ‘A’ completed as accurately as possible, and shall get it authenticated by the concerned senior citizen or parent, or any person or organization authorized by him and shall cause the same to be registered in accordance with clause (a) of sub-rule (2) above.

6. *Preliminary scrutiny of the application.*—(1) On receipt of an application under section 5, the Tribunal shall satisfy itself that—

- (a) the application is complete ; and
- (b) the opposite party has *prima facie* an obligation to maintain the applicant in terms of section 4.

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

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

7. *Notice to the opposite party.*—(1) Once the Tribunal records its satisfaction under sub-rule (1) of rule 6, 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 application should not be allowed, 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 due acknowledgement.

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

(3) The applicant(s) shall also be informed of the date mentioned in sub-rule (2), through a notice issued in Form ‘D’.

(4) The provisions of Order V of the Code of Civil Procedure, Samvat 1977 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 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 XXXV of the Code of Criminal Procedure, Samvat 1989.



8. *Procedure in case of non-appearance of 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.

9. *Procedure in case of admission of claim.*—(1) An application by the opposite party, under the proviso to section 5 of the Act, 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 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 4, or to any other person acceptable to both the 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 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.

11. *Proceedings by Conciliation Officer.*—(1) Upon receipt of a reference under rule 10, the Conciliation Officer shall hold meetings with the 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 the 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 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 11, 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, 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 as per 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 under sub-rule (1) of rule 12, one or both the parties decline to confirm the settlement worked out by the Conciliation Officer. The Tribunal shall give to both the parties an opportunity of leading evidence in support of their respective claims, and shall, after a summary inquiry as provided in sub-section (1) of section 8, pass such order as it deems fit.

(2) An order passed under rule 8, or under sub-rule (1) above shall be a speaking one, spelling out the facts of the case as ascertained by the Tribunal, and the reasons for the order.

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

- (a) amount needed by the applicant to meet his basic needs, especially food, clothing, accommodation, 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. *Form of appeal.*—An appeal under sub-section (1) of section 16 of the Act 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.

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

16. *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).

17. *Scheme for management of old-age homes established under section 19.*—Scheme for management of old-age homes for indigent senior citizens,—

(1) Old-age homes established under section 19 shall be run in accordance with the following norms and standards :—

(A) The home shall have physical facilities and shall be run in accordance with the operational norms as laid down in the Schedule.

- (B) Inmates of the home shall be selected in accordance with the following procedure :—
- (a) applications shall be invited at appropriate intervals, but at least once each year, from indigent senior citizens, as defined in explanation to sub-section (2) of 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 capacity 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 ;
    - (iv) Illiterate and/or very infirm senior citizens may also be admitted without any form or 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 endeavour shall be made to accommodate the married couple as far as possible ;

(E) Day-to-day affairs of the old-age home shall be managed by a Management Committee, such that inmates are also suitably represented on the committee.

(2) State Government may issue detailed guidelines/orders from time to time for admission into and management of old-age homes in accordance with the norms and standards laid down in sub-rule (1) and the Schedule.

18. *Welfare Fund*.—(1) The State will strive to constitute “Welfare Fund” to meet the obligation for the welfare and rehabilitation of senior citizens that may arise out of the Act/Rules.

(2) The fund shall be applied—

- (a) to implement programmes for welfare and rehabilitation of senior citizens ;
- (b) to meet medical exigencies of the senior citizens ;
- (c) to do all other things that are incidental and necessary in pursuance of the provisions of this Act/Rules.

(3) The assets of the fund shall include all such grants and contributions, recurring, non-recurring, from Government or any other statutory body, as well as voluntary donations from individuals or organizations.

(4) The management and administration of the fund shall be such, as the State Government may, by order, specify.

### CHAPTER III

19. *Duties and powers of the Deputy Commissioner.*—(1) The Deputy Commissioner shall perform the duties and exercise of 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 duty of the Deputy Commissioner to—

- (a) ensure that life and property of senior citizens of the district are protected and they are able to live with security and dignity ;
- (b) 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 ;
- (c) oversee and monitor the working of old-age homes in the district so as to ensure that they confirm to the standards laid down in these rules, and any other guidelines and orders of the State Government ;
- (d) ensure regular and wide publicity of the provisions of the Act, Central and State Government's programmes for the welfare of senior citizens ;
- (e) 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 ;
- (f) ensure provision of timely assistance and relief to senior citizens in the event of natural calamities and other district ;

- (g) 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 later ;
- (h) ensure that adequate number of prescribed application forms for maintenance are available in offices of common contact or citizens like Post Offices, SDMs Offices, District Offices, PDS Outlets, Police Stations, etc. ;
- (i) 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 :—

- (a) Officers of the Government in the Police, Health and Publicity Department and department dealing with welfare of senior citizens ;
- (b) Maintenance Tribunals and Conciliation Officers ;
- (c) Municipal Corporation of Jammu and Kashmir ;
- (d) Educational institutions.

#### CHAPTER IV

20. *Action plan for the protection of life and property of senior citizens.*— (1) The District Superintendent of Police shall take all necessary steps, subjects, 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)—

- (a) 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) ;
- (b) a representative of the police station together, as far as possible, with a social worker as 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 ;
- (c) complaints/problems of senior citizens shall be promptly attended to, by the local police ;
- (d) 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 ;
- (e) the District Superintendent of Police 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 ;
- (f) 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 ;
- (g) the register referred to in clause (f) shall be kept available for public inspection, and every officer inspecting a police station shall invariably review the status as reflected in the register ;

- (h) the police station shall send a monthly report of such crimes to the DIG, Police, by the 10th of every month ;
- (i) list of Do's and Don'ts to be followed by senior citizens in the interest of their safety will be widely publicized ;
- (j) antecedents of domestic servants and other working for senior citizens shall be promptly verified on the request of such citizens ;
- (k) community policing for the security of senior citizens will be undertaken in conjunction with citizens living in the neighbourhood Residents' Welfare Association, Youth Volunteers, Non-Government Organizations, etc. ;
- (l) the District Superintendent of Police shall submit to the Deputy Commissioner concerned, 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 DIG, Police shall cause the reports to be compiled, once a quarter, and shall submit them to the Government every quarter.

#### CHAPTER V

21. State Social Welfare Board shall function as the Secretariat for the purpose of effective implementation of the Act/Rules.

22. *State Advisory Council and District Committees of Senior Citizens.*—

**State Advisory Council.**—(1) The State Government may, by order, establish a State Council of Senior Citizens to advise the State Government on effective implementation of the Act

and to perform such other functions in relation to senior citizens as the Government may specify.

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

- (a) Minister Incharge Social Welfare ;
- (b) Administrative Secretaries of Social Welfare, General Administration, Finance, Health, Planning, Home, Law, Department and other departments dealing with the subject of concern regarding senior citizens ;
- (c) 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 ;
- (d) 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 ;
- (e) Director, Social Welfare, Jammu/Kashmir ;
- (f) Secretary, Social Welfare Board ;
- (g) Representative from J&K Pensioners/Senior Citizens Welfare Federation.

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

(4) Tenure of the members of the State Council, other than *ex official* 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-ordinate 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 once in every quarter.

(3) Composition of the District Committee, tenure of members (other than *ex officio* Members), rules of procedure and other ancillary matters shall be such as the State Government may, by order, specify. The composition of the District Committee shall be as under :—

- I. Deputy Commissioner concerned ;
- II. District Programme Officer, ICDS concerned ;
- III. Representative from State Social Welfare Board, J&K ;
- IV. District Social Welfare Officer concerned ;
- V. Representatives from J&K Pensioner/Senior Citizens Welfare Federation.

(4) The tenure of the District Committee (other than *Ex Officio* Members) will be of three years.

(5) The committee shall meet one in every quarter.

(6) Rules of procedure and other ancillary matters of District Committee shall be such as the State Government may, by order, specify.

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*Schedule-I*

NORMS OF PHYSICAL FACILITIES AND OPERATIONAL  
STANDARDS FOR AN OLD-AGE HOME FOR INDIGENT  
SENIOR CITIZENS ESTABLISHED UNDER SECTION 19  
OF THE ACT

**Physical Facilities**

1. **Land.**—The State Government shall provide adequate land located at calm, pollution free environment area for setting up of an old-age home of requisite capacity to be used for recreation, gardening and further extension.

2. **Living Space.**—The old-age home shall, be the dormitory type or independent rooms,—

- (i) area of bedroom/dormitory per inmate 10 Sq. Meters ;
- (ii) living area or carpet area per inmate i. e. including (i) above plus ancillary areas like kitchen, dinning hall, recreation room, medical room, etc. excluding verandahs, corridors, etc. 12 Sq. Meters ;
- (iii) any other facility.

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, coolers and heating arrangement for inmates (as necessary) ;
- d. kitchen-cum-store and office ;

- e. dinning 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 first aid sick bay, and primary healthcare facilities ;
- h. any other facility that may enhance the quality of life of senior citizens ;
- i. the building shall have all the features that may be characterized as disabled friendly.

(3) The old-age home should be barrier free with provision of ramps and handrails, and where necessary, lifts, etc.

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*Schedule-II*

**Operational Standards**

1. Supply of nutritious and wholesome diet as per scale to be fixed by the State Government.
2. Adequate clothing for the inmates (Summer and Winter).
3. Adequate arrangements for sanitation, hygiene and watch, ward/security.

Arrangements with the nearest Government hospital for emergency medical care, and with the nearest Police Station for security requirements.

By order of the Governor of Jammu and Kashmir.

(Sd.) SAJAD AHMAD KHAN, IAS,

Secretary to Government.

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**Form-A**

**Application under Rule 4 (1) of the Jammu and Kashmir  
Maintenance and Welfare of Parents and Senior Citizens Act, 2014.**

1. Details of Parent/Senior Citizens :

- i. Name of the parent/Senior Citizen : \_\_\_\_\_
- ii. Name of the Father : \_\_\_\_\_
- iii. Name of the Mother : \_\_\_\_\_
- iv. Age as on 1st January of the year : \_\_\_\_\_
- v. Sex : \_\_\_\_\_
- vi. Permanent Address : \_\_\_\_\_
- vii. Present Address : \_\_\_\_\_
- viii. Phone Number : \_\_\_\_\_

2. Details of authorized person/organization (in case applicant is incapacitated) :

- i. Name : \_\_\_\_\_
- ii. Address : \_\_\_\_\_
- iii. Phone Number : \_\_\_\_\_

3. Details of Respondents :

S. No.	Respondent Name	Relationship with applicant	Address/ Phone No.
1	2	3	4



4. Date of application : \_\_\_\_\_
5. Relief/Assistance sought : \_\_\_\_\_
6. Interim Order, if prayed for : \_\_\_\_\_
7. Facts of the case : \_\_\_\_\_
8. List of enclosures : \_\_\_\_\_
9. Any other information : \_\_\_\_\_

Signature

\_\_\_\_\_

**FORM-B**

*(See Rule 5(b))*

**ACKNOWLEDGEMENT**

Receipt of the application filed under the Jammu and Kashmir Maintenance and Welfare of Parents and Senior Citizens Rules, 2016, by Shri/Smt. \_\_\_\_\_  
R/o \_\_\_\_\_ is hereby acknowledged. The registration number of the application is \_\_\_\_\_.

Authorized Signatory

(Maintenance Tribunal)

\_\_\_\_\_

**FORM-C**

[See rule 7(1)]

**Notice to the Opposite Party**

**Before the Maintenance Tribunal**

To the,

\_\_\_\_\_

\_\_\_\_\_

Sir/Madam,

An application has been filed by Shri/Smt. \_\_\_\_\_  
S/o/D/o/W/o \_\_\_\_\_ R/o \_\_\_\_\_  
against you for not maintaining her/him/them and you are requested to  
appear before the Tribunal in person on \_\_\_\_\_ day of \_\_\_\_\_  
at \_\_\_\_\_ and reply why the application should not be ordered  
against you on the above, failing which the matter will be decided *ex parte*.

Seal with date and

Signature

Presiding Officer.

\_\_\_\_\_

**FORM-D**

[See rule 7(3)]

**Notice to the Opposite Party**

**Before the Maintenance Tribunal**

To,

\_\_\_\_\_

\_\_\_\_\_

Sir/Madam,

On application filed by you seeking maintenance under Jammu and Kashmir Maintenance and Welfare of Parents and Senior Citizens Rules, 2016, from Mr./Mrs. \_\_\_\_\_

R/o \_\_\_\_\_, you are required to appear in person before the Tribunal on \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ for hearing, failing which the matter will be decided *ex parte*.

Seal with date and

Signature

Presiding Officer.

\_\_\_\_\_

**FORM-E**

*[See rule 10 (3)]*

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

To,

The Conciliation Officer,

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Sir/Madam,

The Tribunal is herewith forwarding to your kind self the petition bearing No. \_\_\_\_\_ dated \_\_\_\_\_ received from Shri/Smt. \_\_\_\_\_ residing at \_\_\_\_\_ seeking maintenance under Maintenance and Welfare of Parents and Senior Citizens Act, 2014 and you are requested to arrive at a settlement which is acceptable to both the parties and the findings may be informed to this Tribunal within a period not exceeding one month, from the date of receipt of the reference. If any amicable settlement is arrived that may also be informed to this Tribunal so as to enable this Tribunal to pass an order to that effect. If you are unable to arrive at a settlement within one month from the receipt of the reference, you shall return the papers along with a report showing efforts made by you to bring about settlement. Copies of application, replies of the opposite party along with relevant records are herewith enclosed for reference at your end.

Seal with date and  
Signature of the  
Presiding Officer.

\_\_\_\_\_

**Report of the Conciliation Officer**

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

\_\_\_\_\_Petitioner

Vs.

\_\_\_\_\_Respondent/Respondents

**To,**

**The Presiding Officer,**

**Tribunal for Maintenance and Welfare of Parents and Senior Citizens,  
J&K, Jammu.**

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

On scrutinizing the available records, I have arrived at the reasonable amount of Maintenance as being Rs. \_\_\_\_\_/- per month payable to Shri/Smt. \_\_\_\_\_ the Parent/Parents/Senior Citizen by Shri/Smt. \_\_\_\_\_ the legal heir/s of the Senior Citizen. I return herewith all records of the case received from the Tribunal.

Signature with seal  
of the Conciliation  
Officer.

\_\_\_\_\_

**Form-H**

[See Rule 11 (3)]

**Report of the Conciliation Officer**

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

Petitioner\_\_\_\_\_

Vs.

Respondent/Respondents\_\_\_\_\_

Sir/Madam,

The Hon'ble Tribunal had referred the above matter to arrive a settlement and the period fixed for the same is one month. I am unable to arrive at a settlement within the said period for the reasons in brief as stated below :—

- (i) \_\_\_\_\_
- (ii) \_\_\_\_\_
- (iii) \_\_\_\_\_

I enclose herewith a detailed report which shows the efforts taken by me to arrive a settlement along with the points of difference between the two parties which could not be reconciled. I hereby also return the papers referred to me along with my report.

Signature with seal  
of the Conciliation  
Officer.

\_\_\_\_\_

**FORM-I**

*(See Rule 14)*

**Report of the Conciliation Officer  
Before the Tribunal for Maintenance and Welfare of Parents and  
Senior Citizens**

Petitioner \_\_\_\_\_

Vs.

Respondent/Respondents \_\_\_\_\_

- I. APPELLANT : Shri/Smt./Mr./Miss/Son/Daughter of \_\_\_\_\_.  
aged \_\_\_\_\_ years, residing at \_\_\_\_\_.  
The address for service of all notices and processes on the Appellant  
is at \_\_\_\_\_. The address for service of all notices and  
processes on the respondents are.
- II. RESPONDENT(S) : (1) Residing at \_\_\_\_\_.  
(2) residing at \_\_\_\_\_. The address for service  
of all notices and processes on the respondents are.
- III. The Appellant above named begs to prefer the above appeal against  
the order dated \_\_\_\_\_ made in order No. \_\_\_\_\_  
of \_\_\_\_\_ by the Hon'ble Tribunal on the following among  
others :

**GROUND S :**

Here mention the points for appeal :

Therefore, it is prayed that this Hon'ble Tribunal may be pleased to  
call for the records of the Tribunal and pass appropriate order/set aside  
the order passed on \_\_\_\_\_ in O. No. of 20\_\_\_\_ by  
the \_\_\_\_\_ Tribunal and thus render justice.

Station : Signature of Petitioner

Date : (Appellant)

\_\_\_\_\_



**FORM-J**

(See rule 15)

**NOTICE TO THE APPELLANT**

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

Appeal No. \_\_\_\_\_ of 20 \_\_\_\_\_

To,

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Sir/Madam,

On Appeal filed by you against the Orders passed vide Order No. \_\_\_\_\_ of 20 \_\_\_\_\_ on the file of the \_\_\_\_\_ Tribunal \_\_\_\_\_ under Jammu and Kashmir Maintenance and Welfare of Parents and Senior Citizens Act, 2014 by Shri/Smt. \_\_\_\_\_ residing at \_\_\_\_\_ . you are required to appear in person or through a duly authorized representative before the Appellate Tribunal on day of \_\_\_\_\_ at \_\_\_\_\_ A. M./P. M. at (venue) \_\_\_\_\_ for hearing. Kindly attend on the above date failing which the matter will be decided *ex parte*.

Seal with date and  
Signature of the  
Presiding Officer.

\_\_\_\_\_

**FORM-K**

[(See rule 16 (1 )]

**Notice to Respondent**

**Before Appellate Tribunal for Maintenance and Welfare of Parents  
and Senior Citizens**

Appeal No. \_\_\_\_\_ of 20 \_\_\_\_\_

To,

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Sir/Madam,

An appeal is preferred against the Orders passed in Order No. \_\_\_\_\_ of 20 \_\_\_\_\_ on the file of the \_\_\_\_\_ Tribunal, \_\_\_\_\_ under Maintenance and Welfare of Parents and Senior Citizens Act, 2014 by Shri/Smt. \_\_\_\_\_ residing at \_\_\_\_\_. You are required to appear in person or through a duly authorized representative before the Appellate Tribunal on \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ (venue) \_\_\_\_\_ for hearing. Kindly attend on the above date failing which the matter will be decided *ex parte*.

Seal with date and  
Signature of the Authorized Signatory  
Appellate Tribunal.